

Introduced by

1 A BILL for an Act to create and enact five new sections to chapter 15.1-09.1 of the North  
2 Dakota Century Code, relating to the governing boards and executive directors of regional  
3 education associations; to amend and reenact sections 15.1-09.1-01 and 15.1-09.1-02 of the  
4 North Dakota Century Code, relating to regional education associations; and to repeal section  
5 15.1-09.1-09 of the North Dakota Century Code, relating to compensation of board members for  
6 extraordinary service.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 15.1-09.1-01 of the North Dakota Century Code  
9 is amended and reenacted as follows:

10 **15.1-09.1-01. Definition.** For purposes of this chapter, "regional education  
11 association" means a group of school districts that ~~have~~ entered a joint powers agreement ~~that~~  
12 ~~has been~~ which was reviewed by the superintendent of public instruction and verified as  
13 meeting the requirements of section 15.1-09.1-02.

14 **SECTION 2. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code  
15 is amended and reenacted as follows:

16 **15.1-09.1-02. Regional education association - Joint powers agreement - Review**  
17 **by superintendent of public instruction - Criteria.** Before a group of school districts may be  
18 designated as a regional education association, the superintendent of public instruction shall  
19 review the joint powers agreement that the districts have entered and verify that: the  
20 requirements of this section have been met.

21 1. The school districts:

22 a. ~~Have~~ must have a combined total land mass of at least ~~five~~ six thousand ~~eight~~  
23 ~~hundred~~ square miles ~~[1502193 hectares];~~



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- 1           b. ~~During the third and fourth school years in which a regional education~~  
2           ~~association is operational, each participating school district shall share in at~~  
3           ~~least three administrative functions and three student services, selected by~~  
4           ~~the district.~~
- 5           e. ~~During the fifth school year in which a regional education association is~~  
6           ~~operational, and each year thereafter, The joint powers agreement must~~  
7           ~~require that each participating school district shall share at least five~~  
8           ~~administrative functions and five student services, selected by the district.~~
- 9           e. For purposes of this subsection:
- 10        (1) a. "Administrative functions" means:
- 11           ~~(a)~~ (1) Business management;
- 12           ~~(b)~~ (2) Career and technical education services management;
- 13           ~~(c)~~ (3) Curriculum mapping or development;
- 14           ~~(d)~~ (4) Data analysis;
- 15           ~~(e)~~ (5) Federal program support;
- 16           ~~(f)~~ (6) Federal title program management;
- 17           ~~(g)~~ (7) Grant writing;
- 18           ~~(h)~~ (8) School improvement;
- 19           ~~(i)~~ (9) School safety and environment management;
- 20           ~~(j)~~ (10) Special education services management;
- 21           ~~(k)~~ (11) Staff development;
- 22           ~~(l)~~ (12) Staff retention and recruitment;
- 23           ~~(m)~~ (13) Staff sharing;
- 24           ~~(n)~~ (14) Technology support; and
- 25           ~~(o)~~ (15) Any other functions approved by the superintendent of public  
26           instruction.
- 27        (2) b. "Student services" means:
- 28           ~~(a)~~ (1) Advanced placement classes;
- 29           ~~(b)~~ (2) Alternative high schools or alternative high school programs;
- 30           ~~(c)~~ (3) Career and technical education classes;
- 31           ~~(d)~~ (4) Counseling services;

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- 1           (e) (5) Common elementary curricula;
- 2           (f) (6) Distance learning classes;
- 3           (g) (7) Dual credit classes;
- 4           (h) (8) Foreign language classes;
- 5           (i) (9) Library and media services;
- 6           (j) (10) Summer programs;
- 7           (k) (11) Supplemental instruction programs; and
- 8           (l) (12) Any other services approved by the superintendent of public instruction.
- 9           e. ~~For purposes of this subsection, if a regional education association became~~  
10           ~~operational before July 1, 2005, the 2005-06 school year must be considered~~  
11           ~~the provider's first year of operation.~~
- 12           5. The joint powers agreement ~~provides~~ must establish:
- 13           a. Criteria for the future participation of school districts that were not parties to
- 14           the original joint powers agreement;
- 15           b. An application process by which school districts that were not parties to the
- 16           original joint powers agreement can become participating districts; and
- 17           c. A process by which school districts that were not parties to the original joint
- 18           powers agreement and whose application to participate in the agreement was
- 19           denied can appeal the decision to the superintendent of public instruction.
- 20           6. The joint powers agreement ~~provides~~ must provide for the employment and
- 21           compensation of an executive director and other necessary staff.
- 22           7. The joint powers agreement:
- 23           a. ~~Establishes the number of members on the governing board;~~
- 24           b. ~~Establishes the manner in which members of the governing board are~~  
25           ~~determined;~~
- 26           c. ~~Requires all members of the governing board or their designees to be~~  
27           ~~individuals currently serving on the board of a participating school district; and~~
- 28           d. ~~Allows for the inclusion of ex officio nonvoting members on the governing~~  
29           ~~board.~~
- 30           8. ~~The joint powers agreement provides that the board of the regional education~~  
31           ~~association shall meet at least quarterly.~~

1           9- ~~The joint powers agreement does not permit the regional education association to~~  
2           ~~compensate members of the regional education association board for attending~~  
3           ~~meetings of the board and does not permit the regional education association to~~  
4           ~~reimburse members of the board for any expenses incurred in attending meetings~~  
5           ~~of the board~~ must provide for a governing board that meets the criteria set forth in  
6           section 3 of this Act.

7           **SECTION 3.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
8 created and enacted as follows:

9           **Regional education association - Governing board.**

- 10          1. The governing board of each regional education association must consist of five,  
11          seven, or nine members.
- 12          2. The board must consist of:
- 13           a. An equal number of:
- 14               (1) Superintendents employed by the participating school districts; and
- 15               (2) Individuals serving as board members from the participating districts;
- 16               and
- 17           b. The president of a public college or public university, located within the  
18           boundaries of the regional education association, or the president's designee.
- 19          3. a. The superintendent positions must be filled by a vote conducted among the  
20          superintendents of the participating school districts.
- 21           b. The school board member positions must be filled through an appointment  
22          process by the board of the North Dakota school boards association.
- 23           c. If more than one public college or public university is located within the  
24          boundaries of the regional education association, the position must be filled  
25          through an appointment process by the governor.

**NOTE:** Working under the directive to limit the size of regional education association boards, this bill draft eliminates ex officio nonvoting members. It also eliminates designees, except in the case of college or university presidents.

26          **SECTION 4.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
27 created and enacted as follows:

28          **Chairman - Meetings.**

- 1           1. Annually, the board of a regional education association shall elect one member to  
2           serve as the chairman.
- 3           2. The chairman shall call meetings of the board and shall call a special meeting of  
4           the board within seven days, when petitioned to do so by two members in the case  
5           of a five-member board, three members in the case of a seven-member board, or  
6           four members in the case of a nine-member board.
- 7           3. The board shall meet at least quarterly.

8           **SECTION 5.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
9 created and enacted as follows:

10           **Board member - Terms - Vacancy.**

- 11           1. The term of office for board members of a regional education association is three  
12           years, except that the terms of initial board members must be staggered by lot so  
13           that for a five-member board, no more than two terms expire each year, and for a  
14           seven-member or nine-member board, no more than three terms expire each year.
- 15           2. If a vacancy occurs, the position must be filled in the same manner that the  
16           position was filled initially.
- 17           3. An individual may not serve more than two consecutive terms. If an individual is  
18           appointed or elected to complete a vacancy, that service is not counted for  
19           purposes of this section unless the duration of that service exceeds one year.

20           **SECTION 6.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
21 created and enacted as follows:

22           **Board member - Compensation.** Each member of the board is entitled to receive  
23 reimbursement for expenses, as provided by law for state officers, if the member is attending  
24 meetings or performing duties directed by the board.

**NOTE:** Because they are public employees, superintendents should not receive a per diem in addition to their regular salary. Current law does not allow school board members to be compensated by a regional education association. However, if a superintendent or a school board member is incurring expenses to travel to regional education association board meetings, especially since the individual would be representing more than just his or her respective district or board, it seems appropriate to have the regional education association cover travel expenses. This also addresses the reimbursement of expenses incurred for services above and beyond the norm. (see Section 15.1-09.1-09)

25           **SECTION 7.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
26 created and enacted as follows:

1           **Executive director - Qualifications - Compensation.**

- 2           1.    a.   Beginning no later than January 1, 2010, the board of a regional education  
3                   association shall employ a full-time executive director. The executive  
4                   director's qualifications must include a graduate degree from an accredited  
5                   university, demonstrated competence in an administrative or managerial  
6                   capacity, and at least five years' experience in education, business,  
7                   accounting, law, or other profession.
- 8            b.    The executive director serves at the pleasure of the board.
- 9            c.    The board shall set the compensation of the executive director. The  
10                   executive director's compensation for each year of the 2009-11 biennium may  
11                   be no lower than eighty-seven thousand three hundred dollars nor higher than  
12                   one hundred nineteen thousand three hundred dollars.
- 13          2.    The board may employ an individual to serve as an acting director between July 1,  
14                   2009, and the date on which the executive director commences employment.
- 15                   Notwithstanding subsection 1, the board may determine the qualifications, duties,  
16                   and compensation of an acting director.

**NOTE:** The compensation is based on the 2006-07 range of average total compensation for administrators (assistant directors, directors, assistant principals, principals, assistant superintendents, and superintendents) among the following school districts: Bismarck, Dickinson, Fargo, Grand Forks, Jamestown, Minot, West Fargo, and Williston.

17          **SECTION 8. REPEAL.** Section 15.1-09.1-09 of the North Dakota Century Code is  
18 repealed.

**NOTE:** Section 15.1-09.1-09 provides that:

The board of a regional education association may provide compensation and reimbursement to any board member who, at the direction of the board, performs extraordinary service on behalf of the board. For purposes of this section, "extraordinary service" means duties beyond those reasonably expected of members of the board and includes travel to and attendance at national meetings or conventions.

This concept was addressed in Section 6 above. However, Section 15.1-09.1-09 (current law) allows for compensation and reimbursement of expenses. The proposed language in Section 6 allows just reimbursements of expenses and not compensation.