

REGIONAL EDUCATION ASSOCIATIONS - BACKGROUND MEMORANDUM

Section 16 of 2007 Senate Bill No. 2030 (attached as an [appendix](#)) directs the Legislative Council to study the short-term and long-term evolution of regional education associations. The study is to address the feasibility and desirability of regional education associations becoming political subdivisions; whether teachers should be employed directly by regional education associations, and whether that employment should include bargaining rights, contract renewal and nonrenewal provisions, participation in the Teachers' Fund for Retirement, and participation in the state's uniform group insurance program; the impact that allowing regional education associations to hire teachers directly would have on the recruitment and retention of teachers currently employed by school districts and on teacher salary levels; whether teacher employment contracts, if offered by regional education associations, would have to parallel those of participating school districts with respect to common school calendars, annual or personal leave provisions, and other contractual benefits; the conduct of evaluations if teachers are employed directly by regional education associations, including who will conduct the evaluations, their frequency, and the criteria upon which the evaluations are based; the organizational structure of regional education associations, including the qualifications of administrative or supervisory personnel; the governance structure of regional education associations; and state level oversight. The Legislative Council has assigned this study to the interim Education Committee.

CONSTITUTIONAL REQUIREMENTS GOVERNING THE PROVISION OF EDUCATION

Article VIII, Section 1, of the North Dakota Constitution directs the Legislative Assembly to provide for the "establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control." The constitutional rationale behind this directive was that a "high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people" is "necessary in order to insure the continuance of that government and the prosperity and happiness of the people"

The constitution goes on to direct that the system be "uniform throughout the state" and requires that in "all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind." The Legislative Assembly is also directed to take "such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of

study, and to promote industrial, scientific, and agricultural improvements."

Over the years, the constitutional directives spawned legislative directives, and the school districts have responded--sometimes singly and sometimes in concert. Challenges have been a part of this state's educational landscape since statehood and they show no sign of depletion. In fact, with each successive school year, the decline in the number of students, coupled with this state's vast geography, has made it more and more difficult for school districts to effectively and efficiently provide educational services.

REGIONAL EDUCATION ASSOCIATIONS - STATUTORY REQUIREMENTS

Faced with the unpopularity of wholesale school district consolidation, the Legislative Assembly in 2003 enacted legislation that formally recognized educational associations governed by joint powers agreements and directed that the first \$250,000 of any payments remaining in the state school aid line item after completion of all statutory obligations be set aside as reimbursement for those associations.

Further changes occurred in the 2005 legislative session and in 2007, the Legislative Assembly deemed the associations worthy of both a new and separate chapter in the North Dakota Century Code and a new name. Joint powers agreements became regional education associations.

Under North Dakota Century Code Chapter 15.1-09.1, a regional education association must meet one of the following criteria:

1. A land mass of at least 5,800 square miles;
2. A land mass of at least 4,500 square miles and consist of at least 12 school districts;
3. A land mass of at least 4,000 square miles with its member districts serving at least 3,000 students; or
4. A land mass of at least 1,500 square miles with its member districts serving at least 7,500 students.

A regional education association must maintain a joint operating fund and provide various administrative functions and student services in which the participating districts can share. During the first two school years in which a regional education association is operational, each participating school district must share in at least two administrative functions and two student services selected by the district. During the third and fourth school years in which a regional education association is operational, each participating school district must share in at least three administrative functions and three student services selected by the district, and during the fifth school year in which a regional education association is operational, and each year thereafter, each participating school district must share in at least five

administrative functions and five student services selected by the district.

"Administrative functions" are statutorily defined to include:

1. Business management;
2. Career and technical education services management;
3. Curriculum mapping or development;
4. Data analysis;
5. Federal program support;
6. Federal title program management;
7. Grant writing;
8. School improvement;
9. School safety and environment management;
10. Special education services management;
11. Staff development;
12. Staff retention and recruitment;
13. Staff sharing;
14. Technology support; and
15. Any other functions approved by the Superintendent of Public Instruction.

"Student services" are statutorily defined to include:

1. Advanced placement classes;
2. Alternative high schools or alternative high school programs;
3. Career and technical education classes;
4. Counseling services;
5. Common elementary curricula;
6. Distance-learning classes;
7. Dual-credit classes;
8. Foreign language classes;
9. Library and media services;
10. Summer programs;
11. Supplemental instruction programs; and
12. Any other services approved by the Superintendent of Public Instruction.

Through its joint powers agreement, each regional education association has the ability to establish the number of members on its governing board and the manner in which those members are determined. By statute, each governing board member must be currently serving on the board of a participating school district and if a designee is required, that same criteria applies to the designee.

EXISTING REGIONAL EDUCATION ASSOCIATIONS

There are currently nine regional education associations in the state:

- Great North West Education Cooperative.
- Mid Dakota Education Cooperative.
- Missouri River Education Cooperative.
- North Central Education Cooperative.
- Northeast Education Services Cooperative.
- Roughrider Education Service Program.
- Red River Valley Education Cooperative.
- South Central Education Cooperative.
- South East Education Cooperative.

Each is served by a lead administrator who is a superintendent or an assistant superintendent and by a coordinator.

One hundred seventy-three of the state's 192 school districts (90 percent) are members of a regional education association and in that capacity provide services to 97 percent of the state's public school students. The following are the districts that have elected not to participate in a regional education association:

School District	Enrollment
Baldwin Public School District	21
Bakker Public School District	7
Bowman County Public School District	442
Carrington Public School District	670
Earl Public School District	5
Fort Yates Public School District	212
Gackle-Streeter Public School District	116
Horse Creek Public School District	5
Kulm Public School District	121
Linton Public School District	343
New Rockford/Sheyenne Public School District	421
Oberon Public School District	39
Pettibone-Tuttle Public School District	10
Robinson Public School District	9
Scranton Public School District	163
Strasburg Public School District	184
White Shield Public School District	123
Wing Public School District	81
Yellowstone Public School District	48

FUNDING FOR REGIONAL EDUCATION ASSOCIATIONS

During the 2007 legislative session, funding for regional education associations was increased to \$3 million. Of that amount, \$1 million is to be distributed during the 2007-09 biennium on a per student basis at the same time and in the same manner as other state aid payments. The remaining \$2 million is to be provided as a contingent distribution, calculated on a per student basis, at the conclusion of the 2007-09 biennium.

CONCLUSION

The directive to study regional education associations, as provided in Section 16 of 2007 Senate Bill No. 2030, is both lengthy and detailed. The section provides the committee with the opportunity to carefully consider the role of regional education associations in the short-term and long-term delivery of education services in this state and to ensure that regardless of what that role is, there be a clearly delineated and workable organizational structure within the regional education associations and that the interplay between the regional education associations and existing school districts be based on clearly delineated statutory authority.

ATTACH:1