

Northern Cass School District Policies

Description Code: BAA

Employing Board Members

This policy ensures that the District complies with North Dakota law governing the employment of board members, including incompatibility of positions and conflicts of interest while maintaining staffing flexibility in narrowly defined circumstances. Under North Dakota law, a board member may not be employed in a position incompatible with board service. Incompatibility is determined by the functions and duties of the roles.

General Prohibition

A current board member may not be employed in any position that is incompatible with board service. The following are categorically prohibited while serving on the Board:

1. Employment as a teacher, administrator, or other licensed/certified/contracted professional position.
2. Employment as the school district business manager.
3. Any position in which the board member may be evaluated by, supervised by, or negotiating with the Board regarding the member's own compensation, duties, discipline, and/or contract.

Limited Exception for Non-Incompatible Classified Positions

The District may employ a sitting board member in a non-incompatible classified (non-licensed, non-certified, non-contract) role only if the Superintendent determines and documents that all of the following criteria are satisfied:

1. The Board does not make or approve any decisions regarding the position, including hiring, assignment, duties, evaluation, discipline, or termination.
2. The duties of the position do not require the board member to evaluate, advise, audit, monitor, or otherwise oversee their own work or the department that employs them.
3. The role keeps the board member wholly separate from any negotiations, recommendations, deliberations, or decisions about the board member's own compensation, schedule, assignment, evaluation, or discipline.
4. After good-faith recruitment, qualified non-board candidates are not reasonably available on equal terms.
5. The hours, duties, and access to confidential information are narrowly tailored to avoid conflicts and protect public confidence.
6. The arrangement serves the public interest and preserves the integrity of board decision-making.

7. If, at any time, qualified non-board candidates become reasonably available on substantially equal terms (including qualifications, availability, cost, and ability to start), the District will no longer rely on this exception.

Procedures

Before hiring under the limited exception above, the Superintendent shall:

1. Prepare a written incompatibility analysis applying the criteria above.
2. Complete a conflict-of-interest screening, including any statutory contracting requirements.
3. Document the determination and safeguards, consistent with employee privacy.

Delegation of individual employment decisions

The Superintendent is responsible for making individual determinations about whether a specific classified position is non-incompatible with board service, and whether to hire a board member into that position if the criteria provided herein are satisfied. The Board's role is policy-level only, which includes adopting this policy and any future amendments. The Board will not vote on any individual board-member employment decision.

Conflict of Interest Requirements and Other Safeguards

Any board member employed by the District must:

1. Comply with all conflict-of-interest laws and disclosure requirements;
2. Not access or influence their own personnel matters;
3. Report to the Superintendent any changes in job duties that could create incompatibility; and,
4. Acknowledge in writing that if the position becomes incompatible, the member must promptly choose between employment and Board service.

Chain of command and evaluation

Employed board members report through ordinary administrative channels. Evaluation and discipline decisions are handled by administration, not the Board. Any Board member employed under this exception will follow required chain of command reporting procedures; will report to his or her designated supervisor when acting as an employee; will not exercise undue influence or abuse of power as a Board member when acting as an employee; and will follow applicable District employment policies and procedures.

Duration, Renewal, and Annual Verification

Any employment approved under this policy is for no longer than one year at a time and requires re-verification of criteria before renewal or rehire.

Conversion or replacement when candidates becomes available

When qualified non-board candidates become reasonably available on substantially equal terms, the Superintendent shall begin a transition to fill the position with a non-board employee. The Superintendent will promptly notify the employed board member and provide a reasonable transition period to allow handoff and continuity of operations. During this period, the employed board member shall confer with the Superintendent and consider resigning from District employment so the position can be filled by a non-board candidate. If the board member does not resign within the transition period and no documented operational need justifies a brief extension, the District will discontinue reliance on this exception and proceed to fill the role with a non-board employee.

End of Northern Cass School District Policy BAA.....Adopted:
XX/XX/XXXX