



1224 WEST OWENS AVENUE – PO BOX 7128
PHONE: 701.255.4127 – FAX: 701.258.7992
E-MAIL: REBECCA.DUBEN@NDSBA.ORG – WEB: NDSBMCP.ORG

Introduction to School Law Final Examination

1. Which chapter of the North Dakota Century Code is titled school boards? (2 points)
2. Which section of the North Dakota Century Code sets forth the duties of a business manager of a public school? (2 points)
3. Who has the authority to hire, supervise, and terminate the employment of a public school business manager? (2 points)
4. Which section of the North Dakota Century Code contains the requirements and limitations for tax levies? (2 points)
5. What is the criminal penalty for knowingly disclosing confidential information learned of in your role as business manager? (2 points)
6. Are school districts subject to the minimum wage and overtime requirements of the Fair Labor Standards & Act (FLSA) and N.D.C.C Title 34? (2 points)
7. Are school districts required to pay overtime to all of their employees who work more than 40 hours in a week? Why or why not? (5 points)
8. What is the required overtime rate? (2 points)



9. Are teachers, superintendents, and principals exempt employees under the FLSA? (2 points)

10. Are business managers typically exempt or non-exempt employees under the FLSA? Why or why not? (5 points)

11. If a non-certified, classified employee has “paid time off” available to use at the time of their termination, must the school district pay them for this time upon separation from employment? Why or why not? If so, at what rate must they be paid? (5 points)

12. Assume your teachers’ negotiated agreement provides that the school district will pay out teachers at the end of each school year \$50 per unused personal leave day. Your school board accepts a teacher’s resignation before the end of the term of his/her current teaching contract and at that time, the teacher has 2 days of unused personal leave remaining. What do you pay the teacher, if anything, for his/her unused personal leave days? Why? (5 points)

13. Assume the same facts in Question 12, but instead of resigning, the teacher is discharged for cause by the school board before the end of his/her contract. What do you pay the teacher, if anything, for his/her unused personal leave days? Why? (5 points)

14. Does the Family and Medical Leave Act (FMLA) apply to your school district? Why or why not? (5 points)



15. What requirements must an employee meet in order to be considered an “eligible employee” under the FMLA? (3 points)

16. Assume the FMLA applies to your school district. A male employee who is an “eligible employee” for purposes of FMLA has exhausted all available personal, sick and any other paid leave, and requests time off after his spouse has a child next week. Is the employee entitled to job protected leave under the FMLA? Why or why not? (3 points)
 - a. If so, how much time can he take assuming he has not taken any FMLA leave previously? (2 points)

 - b. If the employee is eligible for time off under FMLA, must he be paid? (2 points)

17. Assume your school district is looking to hire a paraprofessional and it is considering two candidates, one of which is currently pregnant. Can the school district consider how much leave the pregnant applicant may request after she has her child when deciding which candidate to offer the job? Why or why not? (5 points)

18. Assume the school district hires the pregnant applicant to fill the paraprofessional position. If this employee has her child after the start of employment, would the school district be required to provide the employee with job-protected leave if she requests it? Why or why not? (7 points)

19. What chapter of the North Dakota Century Code contains the open records and open meetings requirements? (2 points)



20. What constitutes a “meeting” of a public entity under Chapter 44-04 of the North Dakota Century Code? (5 points)

21. Are your emails to school board members open records under North Dakota law? Why or why not? (3 points)

22. Are your emails to the Superintendent open records under North Dakota law? Why or why not? (3 points)

23. Would your answers to Questions 21 and 22 change if instead of emails, you sent text messages? Why or why not? (3 points)

24. If someone submits an open records request to your school district, can the school district ask the requester the reason why the request wants the records? (2 points)

25. Can a school district charge the requester for an open records request? If so, what section of the North Dakota Century Code authorizes the school district to do so? (3 points)

26. List five (5) exemptions to the open records law? (3 points)



1224 WEST OWENS AVENUE – PO BOX 7128
PHONE: 701.255.4127 – FAX: 701.258.7992
E-MAIL: REBECCA.DUBEN@NDSBA.ORG – WEB: NDSBMCP.ORG

27. What are the notice requirements for special or emergency meeting of the school board and what section of the North Dakota Century Code contains these requirements? (3 points)

28. Is a school district required to take minutes at a special or emergency meeting of its school board? If so, what information must the minutes include? (5 points)

29. Can a school district use school district letterhead to send out a letter to all residents of the school district providing information on an upcoming bond measure to build a new school facility? Why or why not? (5 points)

