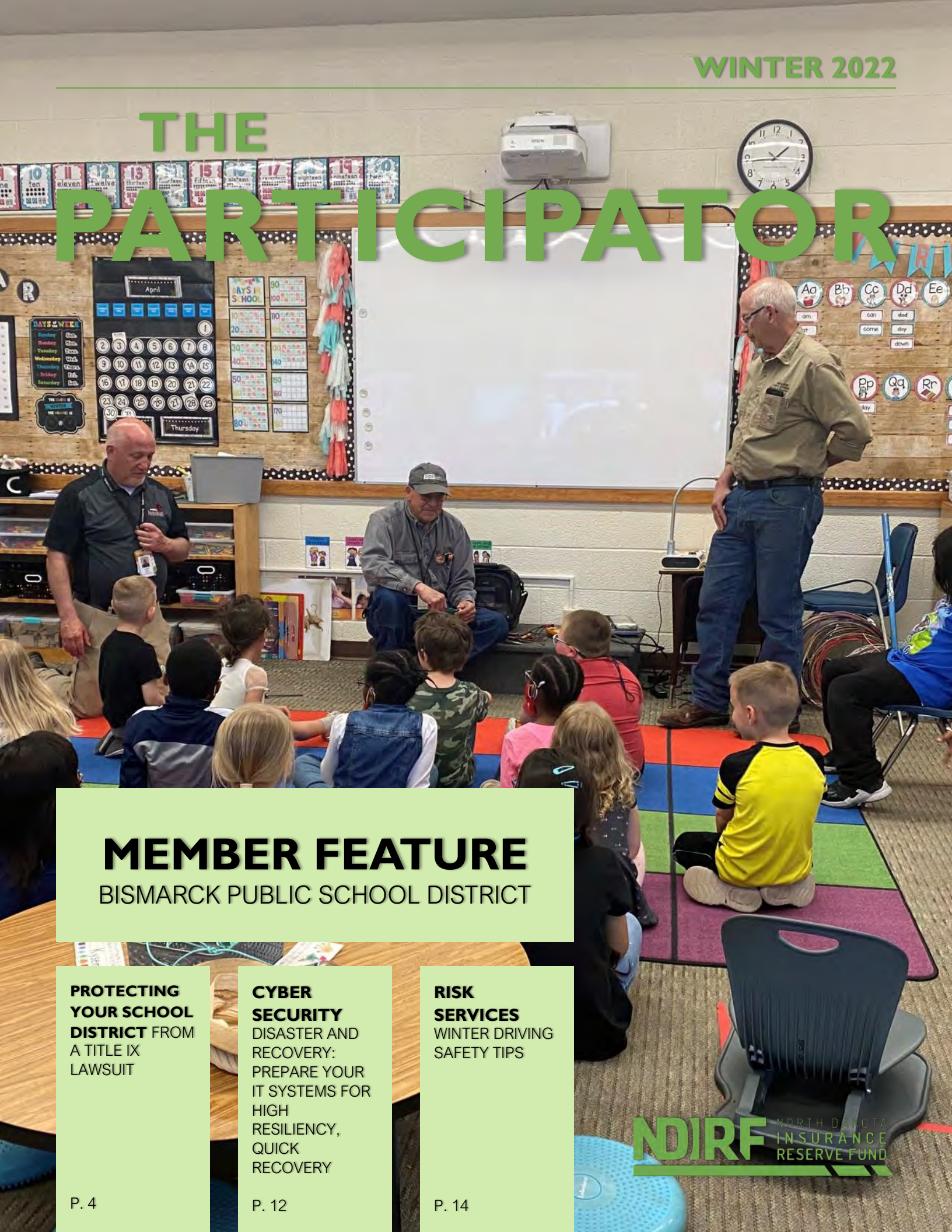


THE PARTICIPATOR



MEMBER FEATURE

BISMARCK PUBLIC SCHOOL DISTRICT

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FROM THE CEO

Dear NDIRF Member:

In our Fall Participant, I announced my resignation, effective Jan. 2, 2022. I am happy to announce that I have rescinded my resignation and will continue to serve the NDIRF and its board as CEO.

The NDIRF is a special organization. Whether it's the relationships we have with our members and agents, the coverages and services we continue to develop and enhance, the outstanding board of directors and employees who serve our members, or likely all three of these reasons, there is something about serving North Dakota, Local Government, and You that I could not walk away from.



I can wholeheartedly say, I am extremely excited to continue to serve you at the NDIRF.

As we turn the page on 2021, I would like to also recognize the outstanding work you continue to do in your communities. Our state is an amazing place to live, work, and raise a family, which is due in large part to your efforts to enhance our cities, counties, schools, park districts, and other local government entities. Thank you for all you do, and I look forward to working with you in 2022!

Sincerely,

A handwritten signature in black ink, appearing to read "Brennan Quintus". The signature is stylized and cursive.

Brennan Quintus
Chief Executive Officer

WHAT'S INSIDE

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Cover: Bismarck Public School District Electricians (L-R) Mike Finneman and Ken Preskey make a visit to Pioneer Elementary School to discuss electrical safety with kindergarten students.



PROTECTING YOUR SCHOOL DISTRICT FROM A TITLE IX LAWSUIT

Provided by Brian D. Schmidt, Attorney at Law and partner at Smith Porsburg Schweigert, Armstrong, Moldenhauer & Smith

Many people know of Title IX as the federal law that requires males and females to have equal opportunities in educational programs and sports. It is a law that has driven many policy decisions of school boards and universities across the country. However, while this statute is generally considered in the context of ensuring males and females have equal opportunities, it is also implicated when teachers engage in sexual misconduct with students.

Title IX provides that no “person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681 (“Title IX”). It is well-settled that sexual harassment can be a form of sexual discrimination. Franklin v. Gwinnett County Pub. Sch., 503 U.S. 60, 76 (1992). However, when a Title IX claim is based on harassment, a school is only liable when it is deliberately indifferent to known acts of discrimination which occurred under its control. K.T. v. Culver-Stockton College, 865 F.3d 1054, 1057 (8th Cir. 2017). In other words, a school district cannot be liable “under Title IX unless an official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient’s behalf has actual knowledge of discrimination in the recipient’s program and fails to adequately respond.” Gebser v. Lago Vista Independent School Dist., 524 U.S. 274, 290 (1998).

Put simply, under Title IX a school district cannot be liable for inappropriate sexual conduct between a teacher and a student until the school has actual knowledge of it. This begs the question, “What do I do once I have actual knowledge of inappropriate behavior?” The answer will depend upon the facts and circumstances. Allegations of inappropriate conduct between teachers and students can take many forms (i.e. a single inappropriate comment from a teacher vs. explicit sexual contact between a teacher and student). Doing nothing in response to any allegations falling within this spectrum will likely be a mistake; however, there may be a wide range of actions you can take to establish the school district was not “deliberately indifferent” to a known discriminatory act. Those actions may range from reprimand to termination and many things in between.

From a school district liability standpoint, your reaction to the news will likely dictate the result under Title IX. You will

want to act promptly and effectively to remediate the discrimination, but not in an uninformed or illegal manner. If you do nothing in response to a report of this conduct - or worse yet, attempt to sweep it under the rug - your district may be liable for damages, attorney's fees, enhanced federal agency oversight, and negative publicity. These are all things you clearly want to avoid.

Receiving reports of inappropriate student/teacher conduct can be devastating; however, failing to provide an adequate response will likely compound the issues. You will want to ensure your response is adequate, but does not create additional problems. Title IX has been the subject of numerous lawsuits and reported judicial decisions across the country. There is likely judicial guidance as to how your situation should be handled. Contacting legal counsel immediately upon learning of teacher/student misconduct can save you years of litigation and exposure to damages.

COVERAGE TERMS DEFINED

REPLACEMENT COST AND ACTUAL CASH VALUE

Provided by NDIRF Director of Member Services Corey Olson, CIC

As your political subdivision's coverage provider, you'll often catch us using common insurance industry terms; however, we understand these terms may be unfamiliar to you. Our Coverage Terms Defined section is designed to help you gain a better understanding of these terms within the context of NDIRF coverage.

This issue's terms are commonly referred to when discussing ND State Fire and Tornado Fund (NDFT) coverage, which provides property coverage for North Dakota state agencies and political subdivisions. The NDIRF has administered the NDFT since June 2019.

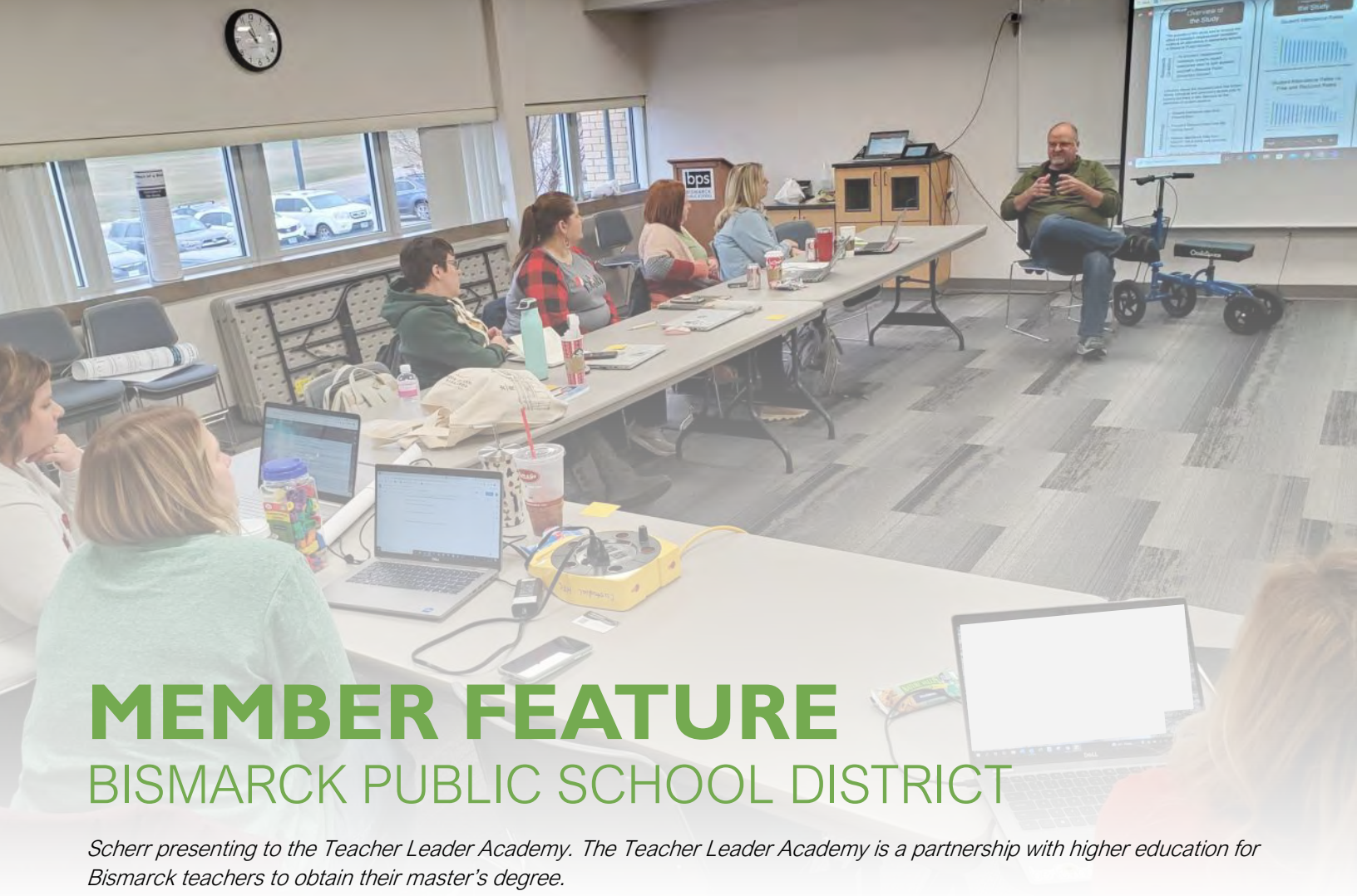
Replacement Cost (RC) is "the cost to replace the damaged property with materials of like kind and quality, without any deduction for depreciation" (International Risk Management Institute, 2022). It is important to review your NDFT coverage to ensure the items you would like replaced without deduction for depreciation after a loss are covered for replacement cost rather than actual cash value. Replacement cost coverage is subject to underwriting approval and is generally provided for well-maintained property.

Actual Cash Value (ACV) "is typically calculated one of three ways: (1) the cost to repair or replace the damaged property, minus depreciation; (2) the damaged property's "fair market value"; or (3) using the 'broad evidence rule,' which calls for considering all relevant evidence of the value of the damaged property" (IRMI, 2022).

If you have questions about your political subdivision's NDFT property coverage, please contact our Underwriting Department at NDFT@ndirf.com.



Dunn County Courthouse



MEMBER FEATURE

BISMARCK PUBLIC SCHOOL DISTRICT

Scherr presenting to the Teacher Leader Academy. The Teacher Leader Academy is a partnership with higher education for Bismarck teachers to obtain their master's degree.

Bismarck Public School District (BPS) is the largest school district in North Dakota, serving approximately 13,500 students at 26 different schools and employing 2,250 full-time and 750 part-time staff which includes substitute teachers and coaches.

Serving a population of this size is a big job, and it's a job that affects more than those directly served by the district. It's a job that affects nearly everyone in the community, and Business Manager Darin Scherr shares it's a job the district's staff and community partners are proud to support.

ABOUT DARIN SCHERR, P.E.

After graduating from college with a degree in mechanical engineering, Scherr spent a few years working in the private industry before his passion for servant leadership led him to pursue a career in the public sector.

He joined the Bismarck Public School District's facilities and transportation department in 2004 as Director of Facilities and Transportation. The department is responsible for the operation, maintenance, and safety of the district's buildings and vehicles used to transport students and staff. This opportunity helped him discover how he could use his engineering background, a discipline rooted in planning and problem solving, to further benefit the district in service to its students, staff, and community.



Darin Scherr

“I love solving problems with people,” shared Scherr. “I don’t say that I ever solve problems by myself, but I’m smart enough to know who to bring together to solve them.”

Scherr has served the district for the past 18 years, including stretches of time as the Director of Facilities and Transportation (2004-2014) and Business Manager (2014), which is the role he currently holds today. As the district’s Business Manager, Scherr oversees accounting, payroll, human resources, safety, child nutrition, print shop, and facilities and transportation.

Though his roles within the district have changed over the years, his commitment to servant leadership has remained the same which allows him to reflect on the positive takeaways – the positive impact made – from each day and recharge.

“I enjoy getting out of bed and going to work a full day,” he said. “It’s very fulfilling.”

MISSION AND STRATEGY

The mission of the Bismarck Public School District (BPS) is *Empower every learner to thrive*. Scherr points out every learner within the district extends beyond its students.

“Not only are our students learners, but we’re all learners,” he explained. “I’m a learner. Our superintendent is a learner. We empower everybody to learn.”

The district’s five-year strategic plan demonstrates how it operationalizes its mission, ensuring all existing initiatives and new pursuits support the achievement of its mission as well as milestones along the way.

“We have broken down our strategic plan into chunks so we can tackle it piece by piece, using the lens of ‘We are going to do everything possible for every learner’,” Scherr said.

Scherr has long-range plans for each of the seven departments he oversees. The plans are reviewed on an annual basis to evaluate program effectiveness and, based on evaluation results, determine where resources would be best used.

MEASURING SUCCESS

The Bismarck Public School District (BPS) operates under board governance which means the school board, comprised of elected officials, determines performance expectations for the district and presents them to the superintendent. These expectations inform strategic plan goals and provide district staff with clear measurements for success.

Specifically for the departments Scherr oversees, these expectations include maintaining a financial plan, distributing on-time payroll, and performing asset control (i.e. inventory). Scherr compiles and presents annual reports to the board, providing an overview of how goals were achieved and recommendations for the future.

“Our administration and school board work closely together, reviewing data to ensure we make data-driven decisions,” Scherr said. “If something is working, you’ll see it in the data. If something isn’t working, you’ll also see it in the data.”

Data-driven decision making ensures the district makes the best use of its resources for its students and staff.

Ctd. on p. 8

SAFETY FIRST COMMUNICATION

The Bismarck Public School District's (BPS) leadership team meets every month to review strategic plan progress and specific safety policies and procedures (ex. bus driver safety). The leadership team is comprised of building principals and other key support managers.

Members of the leadership team are responsible for communicating pertinent information to their staff, including the reviewed safety policies and procedures. Leaders communicate the information at in-person staff meetings as well as via email and intranet.

The district has also invested time into developing routine maintenance schedules and step-by-step policies and procedures so staff know how to properly navigate incidents should they arise. Within the departments Scherr oversees, indoor and outdoor property maintenance schedules for facilities, vehicles (cars, busses, heavy equipment, etc.), and playground equipment ensure these assets are properly cared for so they can be safely used today and into the future.

For example, Scherr shares playgrounds are routinely inspected. If an issue that can be immediately fixed is identified, staff know to address the issue; however, if the issue can't be immediately fixed, staff know to clearly mark the equipment as out of order.

"As it relates to risk management, I use the lens of 'Safety First,'" Scherr said. "We've prepared a lot of documentation and developed robust policies and procedures with the goal to mitigate and reduce risks, so students and staff are safe while in our care."

"We want our students to do well in school, but we also want them to get home safely each day," Scherr continued.

The district's commitment to risk management is reflected in its low loss ratio with the NDIRF.

"The Bismarck Public School District is an impressive organization for the way it provides education to so many students in the Bismarck community, but also in its meticulous approach to risk management," NDIRF CEO Brennan Quintus said. "They have extensive documentation of policies and procedures, they prioritize safety in their communications, and they support their staff with safety-specific education."

Quintus shared 15 of the district's employees completed defensive driving courses in 2021, and 32 completed defensive driving courses in the past three years. *The NDIRF offers free defensive driving courses to our members.*

The district also recently worked with the NDIRF to update its property values covered by the North Dakota State Fire and



Bus Driver and Summer Painter Joseph Laurore pours paint at the Bismarck Early Childhood Center. The paint was used to create designated bus loading zones.

Tornado Fund (NDFT), ensuring its property is adequately covered in the event a partial or total loss occurs.

BUILDING A CULTURE

Having a staff who believe in an organization's mission and prioritize the safety of those in their care as well as each other doesn't occur after just one conversation or email. This type of environment is affirmed each day by leadership and staff.

As Bismarck Public School District (BPS) has invested time into developing step-by-step policies and procedures, it has also taken great care to ensure its leadership team and staff have strong working relationships.

"We always say a good building leader should rarely be in their office," Scherr said. "They should be out and about."

Scherr acknowledges he's a people person who enjoys having conversations with people in the departments he oversees. He'll even call them on the phone or stop by their offices to wish them happy birthday or to ask them about their hobbies, interests, or family – little gestures that make a big difference.

"Sometimes a quick conversation leads to a brainstorm with employees about how to resolve an issue," Scherr said. "These conversations have been great in helping our department work together to efficiently solve problems."

Scherr added listening to staff is also key, noting he takes time to reflect on conversations and respond.

The district also makes training and educational opportunities readily available to their staff, reiterating its mission to empower every learner. Specifically for teachers, it offers the Teacher Leader Academy which provides assistance to those who want to pursue a graduate degree.

"For a student to be successful, a teacher must be successful," Scherr said. "By offering this program, we're supporting our teachers while also further fulfilling our mission."

SCHOOL-BASED MENTAL HEALTH

One area the Bismarck Public School District (BPS) has invested more resources into over the past five years is school-based mental health and social/emotional learning.

The district provides teachers with a series of Interconnected Systems Framework (ISF) training so they can identify students who may need social/emotional support and determine which accommodations to make to ensure a student's success. If students require support beyond that which can be provided in a classroom setting, teachers can refer them to additional in-school resources, including therapy provided by Sanford Health, West Central Human Service Center, and other community partners. These in-school resources enable students to receive the support they need without missing school, further removing barriers to care.

Scherr shares the district has experienced far fewer behavioral incidents since it has prioritized school-based mental health.

"The students are still there, but we now have systems of supports in place," he said. "Behavioral incidents have decreased significantly."

Ctd. on p. 10

COMMUNITY PARTNERSHIPS

Scherr credits the Bismarck Public School District's (BPS) community partners for helping it create an effective school-based mental health program, and for helping it achieve strategic plan initiatives and adapt during uncertain times, most recently the COVID-19 pandemic.

"Our community partners are so awesome," Scherr said, sharing local fire departments and restoration companies have reported almost instantly to water disasters at schools, ensuring students can safely return as scheduled.

"Our community partners rally together because they may have kids in the district, or had kids in the district, or they just want to support the service our district provides to kids in the community," he added.

When schools made the transition to remote learning early in the COVID-19 pandemic, Midco provided free internet to the homes of students who didn't have an existing internet connection, ensuring all students were able to access their classes and assignments.

COVID-19 PANDEMIC

The COVID-19 pandemic forced organizations and businesses to change their operations at a moment's notice, and schools were among the most affected organizations.

The Bismarck Public School District (BPS) staff and students endured full-time remote learning, hybrid learning, and the return to in-person learning, but with many modifications (ex. masking, social distancing, etc.). Currently, the district's staff and students have returned to in-person learning with few modifications, but its leadership team is now better prepared to change courses, if needed.

"How we were able to react and weather the storm was pretty remarkable," Scherr reflected, noting groups within the leadership team were responsible for developing plans to maintain the school's operations and continue to provide its services, including meals for students.

The pandemic ushered in a lot of changes – some temporary, and some permanent. As Scherr shares, some of the permanent changes within the departments he oversees include installing air purification systems in all schools, sanitizing busses after every use, and additional cleaning tasks.

"We truly believe the best place for a kid to learn is in school," he said, adding the district is better prepared to help keep students safe in school this year after navigating the pandemic last year.

BISMARCK PUBLIC SCHOOL DISTRICT + NDIRF

The Bismarck Public School District (BPS) is a member of the NDIRF and receives its general liability, business auto, and inland marine coverages through us, and also has property coverage through the North Dakota State Fire and Tornado Fund (NDFT), which we've administered since June 2019.

Scherr shared he believes we've been proactive, citing our attention to data breach coverage over the past few years.

"I also believe in the pool concept," he said. "I think it makes a lot of sense that we combine our communities, the resources of our political subdivisions, to provide group coverage."



The district's Bus Drivers are responsible for busing early childhood, special needs, and other district routes such as physical education, career academy, and life ed. These employees are members of the Facilities and Transportation Department.

In addition to using our coverages, the district also provides its employees with defensive driving courses – which are certified through the national safety council – to help them stay safe on the road.

“We are proud of our partnership with the Bismarck Public Schools,” said NDIRF CEO Brennan Quintus. “As Darin mentioned, the NDIRF is a risk pool, and a strong risk pool needs members like the Bismarck Public Schools who take a proactive approach to risk management to ensure that their students and staff are safe while also reducing the likelihood of claims. NDIRF members like Bismarck Public Schools help to ensure that the NDIRF is able to provide the best coverage solution for North Dakota local government at the lowest cost possible.”

Through our administration of the NDFT, we’ve had the opportunity to work further with the district, helping it update property values to ensure it has adequate insurance as well as responding to claims.

“We know we can rely on the NDIRF,” he said, sharing he’s developed relationships with our staff over the years and appreciates their prompt responses to questions or claims resolution.



DISASTER AND RECOVERY:

PREPARE YOUR IT SYSTEMS FOR HIGH RESILIENCY, QUICK RECOVERY

Provided by NDIRF CIO Vance Krebs

Your political subdivision's Disaster and Recovery Plan outlines your strategy for preventing and recovering from a disaster, should one occur.

As it relates to your information technology (IT) department, a disaster is an event that limits or completely disrupts your political subdivision's ability to access its data and continue operations. Examples of disasters include severe weather events such as floods or tornadoes that cause temporary or permanent damage to technology equipment, and cyber attacks such as data breaches, which compromise (views, copies, shares, etc.) sensitive organizational data, and ransomware, which encrypts or seizes organizational data until a ransom is paid.

PREVENTING A DISASTER

While you may not be able to prevent severe weather, there are a few ways you can prepare for it:

Keep your political subdivision's hardware (servers, network equipment, etc.) in a hardened, temperature-controlled environment. Hardened environments are built to withstand severe weather events and provide redundant network and power connections to ensure uninterrupted operations.

Leverage geographical diversity for data backup. This solution requires your political subdivision to perform backups locally and in one or more distant locations (ex. across the state). Geographical diversity helps to ensure if a disaster strikes in one location and takes equipment offline, you can access equipment in a different location to maintain operations.

Back up data to the cloud. Cloud environments are accessible via the internet, allowing you to back up your data to a remote cloud server as long as you have an internet connection. Based on your political subdivision's needs, you can choose from a public, hybrid, and private cloud environment.

EMPLOYEE EDUCATION

Preventing a cyber attack disaster starts by educating your political subdivision's employees who are your first line of defense. Depending on your political subdivision's size and cybersecurity needs, employee education can be delivered in many forms:

Communication to employees regarding recent spam and/or phishing attempts made within your office. Each time a communication is sent, it gives your political subdivision the opportunity to educate your employees about the importance of good cybersecurity hygiene and remind them to remain vigilant while they are checking their emails, opening attachments, clicking on links, and visiting unfamiliar websites.

Routine communication about the current cybersecurity climate, an overview of different cyber attacks (phishing, spam, malware, ransomware, etc.), and tips to help keep their personal and professional information safe. For example, NDIRF employees are regularly reminded to take a few seconds to verify emails before responding to or engaging with them (opening attachments, clicking on links, etc.). The things they look for are a sender's correct email address, consistency in language and grammar used, and by simply asking themselves if they expected to receive the email.

In-house or third-party employee training. There are many resources available across the state as well as online that enable your political subdivision to help your employees improve their cyber hygiene. These training resources can be integrated into your existing training programs or serve as your program in their entirety.

Many political subdivisions have a safety committee or group in which cybersecurity is one of its areas of focus in addition to physical and emotional workplace safety. This is a great solution to incorporate cyber safety into your political subdivision's culture.

WHAT ABOUT RECOVERY?

Recovery is what happens after a disaster occurs. The fastest way to recover is having a clear roadmap with where to start. Cue your backed up data.

Backed up data can be recovered, allowing you to reconfigure systems, access files, and restore your political subdivision's network to full operation.

As I mentioned previously, data can be backed up to local and geographically diverse servers or in the cloud. Further options include external hard drives and cards, tapes, disks, etc. Regardless of which backup solution you use, the most important thing is your political subdivision is regularly backing up its data.

Regularly backing up your data can be as frequent as 1-2 times per day, or more, once per week, or once per month. My recommendation is that you choose to back up your data as frequently as possible because you're likely making daily changes to applications or documents that contain important information, including payroll, benefits, contracts, policies and procedures, and other critical data.

In addition to having your data backed up, it's important your political subdivision has an IT disaster recovery plan,

Ctd. on p. 14

Ctd. from p. 13

which is a multi-step plan to minimize further disaster, determine the extent of the disaster, communicate the extent of the disaster, and safely return to pre-disaster operations. The last critical piece of the IT disaster recovery plan to update it after a disaster occurs, citing your learnings and making adjustments to prevent future disasters.

I encourage you to take the plan update piece one step further by monitoring the cyber landscape and watching for cyber attack trends to ensure your plan accounts for the latest threats and resolution to threats.

If you have any questions about the information shared in this article, please reach out to me at (701) 224-1988 or Vance.Krebs@ndirf.com.

WINTER DRIVING SAFETY TIPS

Provided by NDIRF Director of Member Services Corey Olson, CIC

Driving conditions seem to vary every day during North Dakota winters, including snow, ice, or freezing temperatures. Here are simple tips to stay safe when you're out on the road:

Check Road Conditions

Use the ND Department of Transportation's ND Roads application to review travel conditions and advisories before your departure. This application is available at <https://travel.dot.nd.gov>.

See and Be Seen

Be sure your vehicle is visibility ready by removing snow and ice from its exterior, including headlights and taillights, and checking wiper blade conditions. It's recommended wiper blades be replaced every six months, depending on weather conditions and use.

Check it Out, Top it Off

Winter driving often means low temperatures, and sometimes even dangerously low temperatures. Be sure your vehicle is prepared to endure freezing conditions by keeping your fuel tank at least half full, verifying battery health and engine oil conditions, and topping off antifreeze and windshield washer fluids. Be sure to use washer fluid rated for -30 degree weather.

Keep Emergency Preparedness Kit Fully Stocked

You never know when an unexpected emergency could occur while you're driving, so be sure your vehicle's emergency preparedness kit includes a properly inflated spare tire, wheel wrench, and tripod jack; jumper cables; tool kit and/or multipurpose utility kit; flashlight and extra batteries; reflective triangles and bright colored cloth to make your vehicle more visible; compass, first aid kit (gauze, tape, bandages, antibiotic ointment, aspirin, blanket, nonlatex gloves, scissors, hydrocortisone, thermometer, tweezers, and instant cold compress); nonperishable high-energy foods (unsalted nuts, dried fruits, and hard candy); drinking water; reflective vest; cell phone car charger; fire extinguisher; duct tape; rain pancho; and cold weather items (snow brush, shovel, washer fluid, warm clothing, blankets, and cat litter for traction).

Adjust to Conditions

When you're out on the road, be mindful of the conditions and make responsible driving decisions, including reducing speed, increasing following distance, turning off cruise control, accelerating and decelerating slowly, and keeping your eyes on the road to spot black ice or other obstructions.

CONGRATULATIONS, MICHELLE!

Assistant Director of Claims Michelle Lang earns SCLA designation

We are proud to announce Assistant Director of Claims Michelle Lang recently received her Senior Claims Law Associate (SCLA) designation.

To earn an SCLA designation, professionals must complete 28 self-study courses and tests. The courses Lang completed were focused on legal principles, liability, property, and fraud.

“We are so proud of Michelle’s commitment to continuing education and professional development,” shared Director of Claims Keith Pic. “She already has a strong background in the course areas she completed, and her completion of this designation will only further enhance her ability to assist our members in navigating these complex claim types.”



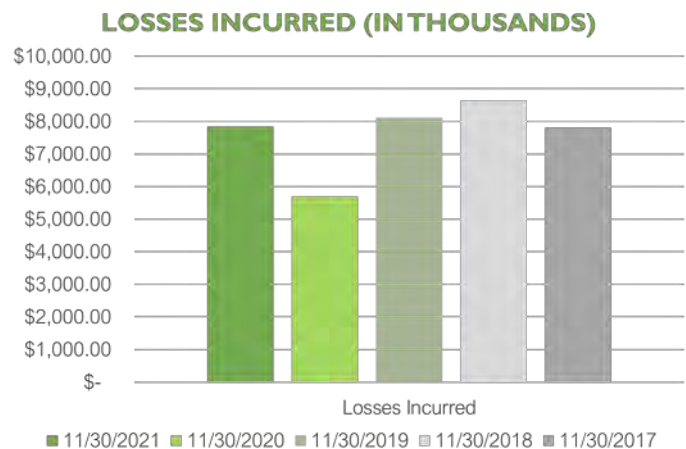
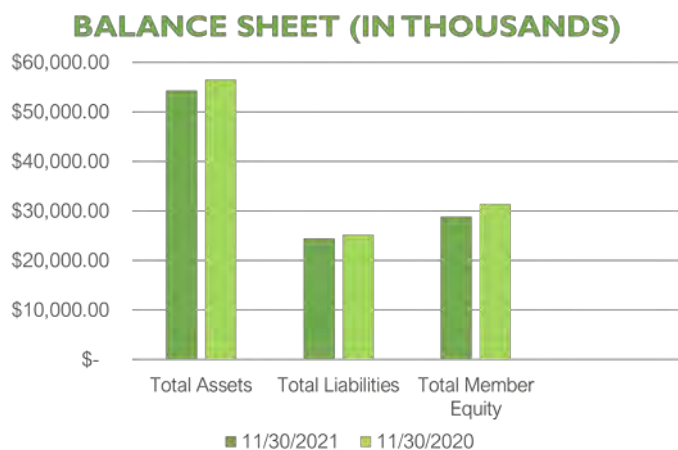
Michelle Lang

FINANCIAL INSIGHTS

As of Nov. 30 2021, the NDIRF remains in a strong financial position with assets over \$54 million and member equity at \$29.9 million. Total liabilities are just over \$24 million, which slightly less compared November 2020.

Our losses incurred as of Nov. 30, 2021, were \$7.8 million which is higher than losses incurred in November 2020; however, last year’s loss levels were the among the lowest ever experienced due to the pandemic.

2021 year-end financials will be shared in our 2021 Annual Report, which will be distributed in May. Preliminary numbers indicate 2021 was another strong financial year for the NDIRF.





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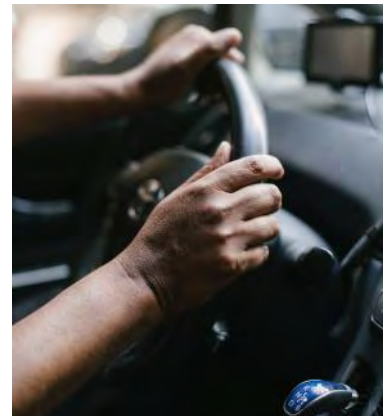
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DDC NOW OFFERED ONLINE

Defensive Driving Courses (DDC) are now available online through our partnership with the National Safety Council. Similar to our in-person course, these online courses meet the requirements of various regulatory agencies; assist with personal insurance rate reductions, where available; meet the requirements to reduce driver's license points; and help reduce auto collision/crash frequency and/or severity.

Contact NDIRF Director of Member Services Corey Olson at (701) 751-9107 or Corey.Olson@ndirf.com for details.



UPCOMING EVENTS

Board Meeting
Feb. 10, 2022
Bismarck, ND
NDIRF.com

NDLC Spring Workshop
March 29-30, 2022
Mandan, ND
NDLC.com

NDIRF Annual Meeting
May 19, 2022
Bismarck, ND
NDIRF.com