

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2183

2001 SENATE EDUCATION

SB 2183

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2183

Senate Education Committee

Conference Committee

Hearing Date 001-22-01

Tape Number	Side A	Side B	Meter #
1	x		0 - 30.3
		x	53.05 - end
2	x		0 - 13.4

Committee Clerk Signature *Andrew Johnson*

Minutes: CHAIRMAN FREBORG called the committee to order.

Roll call was taken with 6 members present and 1 absent. SENATOR WANZEK had asked to be excused due to a death in the family.

CHJAIRMAN FREBORG called the hearing on SB 2183 which relates to the payment of teacher signing bonuses by school boards.

**Testimony in support of SB 2183:**

CHAIRMAN FREBORG testified the bill was introduced due to problems involved with the hiring of new teachers. This will help eliminate the problem. This is signing bonuses between 1st year teachers and the local school board. There are certain stipulations the teacher must meet.

The money may be paid in one lump sum or it may be spread over a period of years, not to exceed 5 years. SENATOR CHRISTENSON asked if there was a dollar amount considered. SENATOR FREBORG stated it would be at the discretion of the local board. This probably would benefit smaller schools more than large schools. SENATOR KELSH asked if this may

cause some concern from the teachers that are already in the school system. Would this affect the morale of those who did not receive a bonus. SENATOR FREBORG would hope the teachers in the system would rather see a new teacher receive a signing bonus than go without a teacher at all in a particular classroom. This would only be done out of total necessity. This bill is only for new first year teachers and relates only to signing bonuses. SENATOR FREBORG understands how teachers may feel it is unfair, and he supports, in theory, that teachers all should be given raises. However, that is not what this bill is for.

RICHARD OTT, ND Council of Educational Leaders (NDCEL), feels this bill fits into the program of

upgrading teacher's salaries. He feels the legislature this session is trying to address several issues:

1. Trying to encourage people to go into the educational field.
2. Trying improve their conditions while they are teaching.
3. Looking at tending to their needs after they retire.

The NDCEL supports this legislation because it is addressing one of the problems being faced in the educational community.

SENATOR COOK asked Mr. Ott if he felt that if a school offered a signing bonus to a new teacher, would that bring pressure in the next negotiating session to raise all teacher's salaries.

MR. OTT stated that the signing bonus would have a positive effect on the negotiations and that the shortage of teachers in certain areas will probably move negotiations in that direction.

SENATOR O'CONNELL wondered if this could set up a "bidding war". MR. OTT doesn't feel it would be a major problem.

BEV NIELSON, ND School Boards Assn., supports this bill because it allows flexibility to the Board. She stated that sometimes it is hard to get the beginning teacher base salary up to an attractive amount. Also, some districts already have this in their negotiated agreement that under some circumstances teachers can be paid bonuses. However, some Boards can not get the bonus system in their schedule, for one reason or another. This is only for new teachers and is a one time bonus for them. This is outside the salary schedule. SENATOR FLAKOLL wondered if the bonus could be used to pay off a student loan. She stated the person could pay off their loan, but she wasn't sure if the school board could actually dedicate the bonus to pay down a student loan. CHAIRMAN FREBORG clarified that it would be discriminatory to only buy down loan, but this bill was drafted so the payment would be similar to a bonus, and the teacher could use the money to pay down loan or for other uses.

DEAN BARD, ND Small Organized Schools (NDSOS), favors this legislation. He represents 102 ND school districts. He would like to see subsection C broadened to include those who aren't first year graduates, especially in specialty areas where its hard to find teachers.

**Those testifying Neutral on SB 2183:**

JOE WESTBY, Executive Director of NDEA, supports recruiting and retaining teachers. (see attached testimony). The NDEA also represents about 800 students who are in college to become teachers. His concern is if this bill is enacted, it allows bonuses to be paid without using the bargaining process. It also could put a first year teacher above the salary of a person who has been in the district for a number of years. SENATOR COOK asked if the issue of not using the bargaining process has been challenged in court. MR. WESTBY replied twice in the past two years the local association has challenged and the court has ruled against the payment over the schedule in those districts that had no provision for bonuses. SENATOR FREBORG asked Mr.

Westby if NDEA felt it would be in the best interest of the students to not pay the bonuses and be without a teacher in some classrooms. He feels the governor's proposal of increasing the overall teacher pay by \$3500 is probably the best way to deal with the teacher shortage.

**There was no opposition to the SB 2183.**

**The hearing on SB 2183 was closed.**

**Tape 2, Side A, 0 - 13.4**

Discussion continued.

SENATOR CHRISTENSON stated her position on this ambiguous. She feels the bottom line is the students and what they deserve. We need full-time teachers in each classroom and for each subject in a school. She has a fear that this may be used as the beginning open-door which will do the opposite of schedule negotiations. In the end that will hurt the quality of teaching far more than the difficulty in finding a particular teacher. SENATOR FREBORG wondered if the local board wouldn't use this tool on the very rare occasions when they can not find a teacher in a particular field. It would cost a lot of money to spread this payment over every teacher they are going to hire. SENATOR CHRISTENSON feels this is one more blow to negotiations and talks which led to a salary scale. SENATOR FREBORG feels this is a needed tool to give schools the ability to make a better effort at getting full time teacher for a difficult area. He wants the restrictions left in the bill re Subsection C. SENATOR COOK stated there is a teacher shortage nationwide so ND is competing with other states. He feels there are certain areas that have more shortages. He further stated that every year, according to DPI, the state has fewer students in college, but we have more teachers. Sometimes the numbers don't add up. SENATOR FREBORG stated that we should all be concerned about what we can do for the children.

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Senate Education Committee  
Bill/Resolution Number SB 2183  
Hearing Date 01-22-01

SENATOR KELSH still has some reservations about how other teachers will feel and worries about the morale of those who don't get a bonus.

**SENATOR COOK moved a DO PASS. Seconded by SENATOR FLAKOLL.**

**6 YES. 0 NO. 1 Absent. Motion Carried.**

**Carrier: SENATOR FREBORG**

**SENATOR FREBORG adjourned the committee.**



**REPORT OF STANDING COMMITTEE (410)**  
January 22, 2001 1:15 p.m.

**Module No: SR-10-1374**  
**Carrier: Freborg**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**  
**SB 2183: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2183 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE EDUCATION  
SB 2183

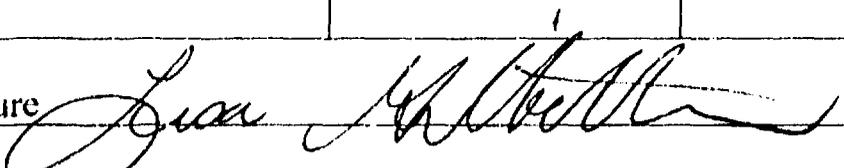
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2183

House Education Committee

Conference Committee

Hearing Date 03/07/01

Tape Number	Side A	Side B	Meter #
#1	X		2808 to 6200
#1		X	1 to 309
Committee Clerk Signature 			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on SB2183.

Sen. Freborg: Introduced the bill.

Rep. Hawken: I believe that the Senate did pass a bonus for state employees?

Sen. Freborg: They did.

Rep. Hawken: So, this would be along those same lines.

Sen. Freborg: Yes.

Dean Bard: (ND Small Organized Schools) We believe this is good legislation, we see a difficulty in being able to obtain teachers in selected areas and in selected places. This would

assist school districts in permitted them to pay off the salary schedule for certain individuals with certain talents in certain places.

Rep. Hunsakor: Do you see any problem with teachers who have been there for a year or two and this new person comes in and gets the signing bonus and possibly gets more than the teachers who have been there a year or two?

Bard: I think the possibility exists. I guess it depends on the situation within the school district. In other words, how much need is there. How much money it's going to take. All that aside, we still think that this is good legislation.

Rep. Hanson: Do you think this will end up a bidding war between school districts?

Bard: I think it's always been a bidding war, and I think that it will always be a bidding area, but I think this will help in certain areas where there are shortages.

Rep. Hanson: It seems like the schools that you're representing are not going to be able to compete with the bigger school districts that have more dollars.

Bard: That's possible. We don't know how these things will play out.

Chairman Kelsch: Is there anyone who wishes to appear in opposition to SB2183?

Joe Westby: (NDEA) \*Please refer to written testimony\*

Rep. Hawken: One of the major concerns is the morale situation. In my opinion, this is permissive legislation. They *can*, but they don't *have* to.

Westby: I can't really say that much about what exists among state employees. Teachers, though, have to work together to find ways to better improve the instruction for the students in the classroom. I think it's important for them to enter into collaborative situations.

Rep. Nelson: In your proposed amendments to Section 2, \$5,000, is that new money?

Westby: I would assume that the appropriations committee will have to make that determination as to whether that's going to be new dollars or if that's going to be money left over.

Rep. Nelson: I would say that there's some problems with that, because I think every school district is going to find a way to apply for this type of money if it's a new source of revenue. Wouldn't you feel that the local school board would certainly understand the importance of teacher morale and understand that this could have some consequences, and they would use this money judiciously?

Westby: I think you're right.

Chairman Kelsch: How many school districts currently have language that allows that they can give signing bonuses outside of the negotiated contract within their school board perimeters right now?

Westby: I don't have that data with me, but there are some that allows them to deal with shortage situations.

Chairman Kelsch: These are bonuses, they're not tagging on top of the salary, so after the bonus is paid out, the salary is back to exactly where it was before they got the bonus. In the real world, signing bonuses are a very real part of it. If teachers are going to let their morale get in the way of teaching our children and giving them quality of education, then I have a real problem with that.

Westby: I couldn't agree with you more that we want the best for the kids.

Chairman Kelsch: We will close the hearing on SB2183.

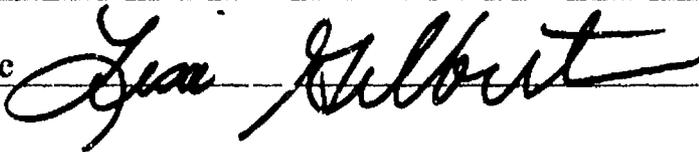
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2183 A

House Education Committee

Conference Committee

Hearing Date 03/21/01

Tape Number	Side A	Side B	Meter #
#1	X		5600 to 6200
#1		X	1 to 1600
Committee Clerk Signature 			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up SB2183.

Rep. Brusegaard: I move the amendments.

Rep. Nelson: Second.

Chairman Kelsch: What are the wishes of the committee?

Rep. Nelson: I move a DO PASS AS AMENDED.

Rep. Brusegaard: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS AS AMENDED passes with 11 YAY 4 NAY 0 ABSENT

Floor assignment: Rep. Nelson

Date: 3/21/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2183

House House Education Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Rep. Nelson Seconded By Rep. Brusegaard

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		✓
Rep. Larry Bellew	✓		Rep. Bob Hunsakor		✓
Rep. C.B. Haas	✓		Rep. Phillip Mueller		✓
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg		✓
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 11 No 4

Absent 0

Floor Assignment Rep. Nelson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2183: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School board authority - Payment of signing bonuses.**

1. To fill a teaching position for which the school district received no more than two applications or resumes, the board of a school district may offer and, upon the signing of the contract by both parties, pay a signing bonus in an amount up to ten thousand dollars to an individual:
  - a. Who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Who has signed a contract of employment to serve as a full-time classroom teacher in the district; and
  - c. Who has not previously been employed by the board of the district as a classroom teacher or as an administrator.
2. The board may pay to the individual the signing bonus authorized by subsection 1:
  - a. In one lump sum at the time the individual signs a contract of employment; or
  - b. In two or three installments over a period of time not exceeding three years from the date the individual signs a contract of employment.
3. A signing bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers of a school district and the board of the school district."

Renumber accordingly

2001 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2183

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2183

Senate Education Committee

Conference Committee

Hearing Date 04-09-01

Tape Number	Side A	Side B	Meter #
1	X		25.0 - END
1		X	0 - 0.4
1 (04-10-01)	X		21.6 - END
1 (04-10-01)		X	0 - 2.7
1 (04-13-01)	x		30.3 - 52.9
1 (04-17-01)	x		0 - 17.9
1 (04-19-01)	x		48.2 - end
1 (04-19-01)		x	0 - 18.1
1 (04-20-01)	x		0 - 28.7
Committee Clerk Signature <i>Anderson Johnson</i>			

Minutes: CONFERENCE COMMITTEE on SB 2183.

MEMBERS: SENATOR FREBORG

REPRESENTATIVE J. NELSON

SENATOR WANZEK

REPRESENTATIVE D. JOHNSON

SENATOR CHRISTENSON

REPRESENTATIVE MUELLER

SENATOR FREBORG called the conference committee to order. Roll Call was taken with all (6) members present.

REPRESENTATIVE NELSON stated the House addressed the issue of a signing bonus and that it should be used in a responsible way. The amendments allow for no more than two (2) applicants to justify the bonus. This expands the identification of those who can teach. They put a \$10,000 cap on the bonus. SENATOR WANZEK stated the Senate attempted to target a

more specific group (first time teachers) and not be so broad based. This legislation was put in to help the first time teacher and retain them for a number of years. REPRESENTATIVE JOHNSON stated that the boards or administration that hires the teachers feel that only being able to hire "new" teachers ties their hands. SENATOR CHRISTENSON feels \$10,000 is too much especially since the talk is for a \$3500 raise for teachers who have been in service for years. She is especially against putting this in code. REPRESENTATIVE NELSON feels the view is different for the House and Senate. The House viewed this as a way to offer an incentive especially in critical needs areas. They do not see this as a recruiting tool. He asked what dollar figure would be agreeable to the committee. SENATOR CHRISTENSON stated no dollar figure is okay with her. She would like it to say "pay a bonus." She feels the money is too open-ended. She does not want this in code. The perception is that \$10,000 is the bonus, not up to or anything less. More discussion on the limit of two (2) applicants. Maybe the critical needs area or a certain geographic area could be added to the amendment. SENATOR CHRISTENSON stated the focus of the committee is to keep young people here in ND. This addresses recruitment also, along with retention of the young people. REPRESENTATIVE MUELLER understands the first year restriction but feels that should be opened up a little. He also does not want to see this opening up a bidding war for a teachers. SENATOR CHRISTENSON asked if language could be developed so it still would address young people. REPRESENTATIVE JOHNSON asked if the Senate would be agreeable to including an experienced teacher. SENATOR FREBORG feels the original bill is just what the sponsors wanted. He feels most of the school boards will probably give \$2000 - \$3000 to new teachers as a bonus. REPRESENTATIVE MUELLER asked if the amount of money in this amendment could prove detrimental in negotiations where a bonus situation is in effect.

REPRESENTATIVE NELSON stated the House was looking at a larger pool of people than the original bill had looked at.

The committee was adjourned to think on the different issues in the bill.

04-10-01, Tape 1, Side A, 21.6 - end

SENATOR FREBORG called the committee to order. Roll Call was taken with all (6) members present. He stated this bill is a rewrite of the Nottestad bill that was killed.

REPRESENTATIVE NELSON stated that after looking at some reports, he feels the House's position is justified especially in critical shortage areas. They agree the \$10,000 could be taken out of the bill. He feels the House version gives more tools in the "tool box". Some schools have implemented the policy of bonuses through payment of a bonus, paying moving expenses, or picking up insurance costs. Some of the ways of implementing are pretty innovative, and he feels the local districts should be using the policy judiciously.

SENATOR FREBORG stated the bill was to keep new graduates in the state. With the House amendments, the new graduates are in competition with tenured teachers. He also feels this is not an incentive for the new graduates and this amended version will not keep them in the state.

REPRESENTATIVE JOHNSON feels there is a need for the intent of the House amendments also. Maybe there should have been two separate bills.

SENATOR FREBORG feels the pool of 500 new graduates warrants this bill as it was originally written. He doesn't feel we need to include those who left teaching or who are now teaching in another district or state. SENATOR WANZEK feels we need to address the original intent of the bill--new graduates. The hope of the Senate was that the new graduates would stay in the state for 3 - 4 years and would continue to stay here and teach.

REPRESENTATIVE NELSON does not see anyone jumping from district to district just to collect a bonus. SENATOR FREBORG feels this will put beginning teachers on an even footing as to neighboring states and salaries they can offer.

SENATOR CHRISTENSON said the difference in recruit and retain is evident in the two versions of the bill. The original bill is looking to retain young new graduates in our state. The amended version from the House would be used to recruit.

SENATOR FREBORG stated if the new graduates can be kept in the state for 3 - 4 years, they probably will stay for a long time.

REPRESENTATIVE NELSON stated the issue of retaining new graduates would probably be better served by a loan forgiveness program or some other method.

The basis of disagreement for the Senate and House is the original bill was for new, first-year graduates from a state college being offered a bonus to teach in ND. The House amendments opened it up to anyone who is licensed to teach and has not been teaching for the past three years. They further put a limit of \$10,000 on the bonus.

The committee was adjourned to work on a compromise.

**04-13-01, Tape 1, Side A, 30.3 - 52.9**

**SENATOR FREBORG** called the conference committee to order. Roll Call was taken with all (6 ) members present.

REPRESENTATIVE NELSON presented an amendment (10274.0103) for the committee to consider. He noted there is no reference to the \$10,000 any more. Also, they added a subsection which allows a tenured teacher not currently practicing within the past three years in this state to be considered in this pool. This would allow someone from out of state to be considered and

puts them in the pool with the new graduates. The House feels some others need to be targeted besides new grads. The House would not be opposed to changing the payment of a bonus over a five year period rather than three years.

SENATOR CHRISTENSON stated there are provision to use existing or past teachers in other bills being considered by the assembly. She feels this bill should be just for new graduates.

REPRESENTATIVE MUELLER stated he doesn't think the other bills speak of a bonus. He further feels we should not exclude all others from this pool as he thinks we need the pool broadened and feels this is a compromise that all can live with.

SENATOR FREBORG wondered if we could take "in this state" out of subsection c. (2).

SENATOR WANZEK feels the amendments make the bill multifaceted. It takes away from the intent of the sponsors which was for new graduates.

More discussion on who should be included in the pool.

CHAIRMAN FREBORG adjourned the committee.

**4/17/01, Tape 1, Side A, 0 - 17.9**

SENATOR FREBORG called the conference committee to order. Roll Call was taken with all members present.

REPRESENTATIVE NELSON asked if the Senate members had studied the proposed House amendments (0103). He feels more than first year teachers should be included in the pool.

REPRESENTATIVE JOHNSON feels strongly about the amendment and would like them on the bill.

SENATOR FREBORG stated the most contentious issue is c. (2).

REPRESENTATIVE NELSON feels this is important to expand the pool of those to hire.

SENATOR FREBORG asked about the people living along the borders of ND, those who live in ND and teach in bordering states.

REP. NELSON feels the bonus dollars can and should be used for tenured teachers also. He doesn't feel this should be just for new graduates.

SENATOR FREBORG stated this bill was just for new graduates who graduate from state institutions.

REP. MUELLER asked if we could add at the end of c. (2) "and is not a resident of ND"? The intent would be that a teacher who lives in ND and teachers in a bordering state could not come back and teach her in ND and receive a bonus to do so. He feels with the offered amendments we accomplish both ends, 1. Giving new graduates an incentive to work and stay in the state. 2. It targets critical areas where there may be tenured teachers who want to come back to the profession.

SENATOR CHRISTENSON stated it is a matter of intent. The House proposed amendments change the original intent which she feels is important.

REP. JOHNSON feels the amendment tries to bring the original two bills together (this bill and the Nottestad bill).

SENATOR FREBORG stated the Senate will look at ways to make this more palatable and have their thoughts ready for the next meeting.

**Committee adjourned.**

**4-19-01, Tape 1, Side A, 48.2 - end, Side B, 0 - 18.1**

**SENATOR FREBORG** called the conference committee to order. Roll Call was taken with all (6) members present.

REPRESENTATIVE J. NELSON stated that one sensitive issue was a teacher going district to district collecting the signing bonus. He feels the 3-year provision in their version would have some protection for this happening.

SENATOR FREBORG stated the basic difference is the Senate feels the new graduate should be given the bonus. The House feels a larger pool should be available. He stated the committee had agreed that a district could take up to 5 years to pay the bonus.

SENATOR WANZEK stated he would prepare amendments if asked. He feels the first time teachers should be the priority.

REPRESENTATIVE NELSON stated by enlarging the pool, the House got the bill passed. He feels this is a tool districts can use and he does not want to end up with nothing. He feels some of the issues can be remedied in HB 1344.

SENATOR CHRISTENSON feels this should just be for new graduates. She wants this to use to build a pool of teachers. By giving the new graduates an incentive, she feels they would come to the community to teach and would perhaps stay. This would increase the pool of existing teachers.

REPRESENTATIVE MUELLER feels the issue is to get a teacher in the classroom. He feels we need to broaden the pool to accomplish this.

SENATOR FREBORG does not want first time teachers in competition with other experienced teachers.

REPRESENTATIVE NELSON asked if we could add in c. (1). That the intent is to give first time graduates priority.

**The committee was adjourned.**

**04-20-01, Tape 1, Side A. 0 - 28.7**

SENATOR FREBORG called the conference committee to order. Roll Call was taken with all (6) members present.

SENATOR WANZEK presented an amendment (10274.0104) for the committee to consider.

This amendment is to the original bill. The amendment prioritizes the hiring of a first time teacher over a teacher who has previously taught. There is also additional language that will include a tenured teacher, but one who has not taught within the past three years. He asked that the words "in this state" be removed from "c.". More discussion.

REPRESENTATIVE NELSON asked what standards are to be used in the decision by a school board as who to hire. SENATOR WANZEK stated this is just addressing the signing bonuses.

SENATOR FREBORG has the same concern as REPRESENTATIVE NELSON. If a first time teacher is unacceptable for one reason or another, but does meet the requirements, could the local school board then offer the bonus to another applicant who is a tenured teacher? It was decided that under this amendment, the tenured teacher probably could not be offered a signing bonus.

REPRESENTATIVE NELSON presented an amendment (10274.0105) for the committee's consideration which adds 4. This amendment states the local board shall give "utmost" consideration to the first time teacher/new graduate.

SENATOR CHRISTENSON stated that all any of the amendments do is muddy the waters. She feels they just open the doors to more legal problems.

SENATOR FREBORG likes the original bill. More discussion.

The committee went back to the original bill with some added language which includes the tenured teachers who have not taught for the past three years.

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Senate Education Committee  
Bill/Resolution Number SB 2183  
Hearing Date 04-09-01

**REPRESENTATIVE NELSON** moved the **HOUSE RECEDE** from the House

**Amendments and amend line 15 of the original bill with "has not been employed as a classroom teacher or as an administrator during the preceding three years". Seconded by SENATOR WANZEK. Roll Call Vote: 5 YES. 1 NO. 0 Absent. Motion Carried.**

**Carriers: SENATOR FREBORG/REPRESENTATIVE NELSON**

Conference Committee dissolved.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2183

That the House recede from its amendments as printed on pages 966 and 967 of the Senate Journal and pages 1052 and 1053 of the House Journal and that Senate Bill No. 2183 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School board authority - Payment of signing bonuses.**

1. To fill a teaching position for which the school district received no more than two applications or resumes, the board of a school district may offer and, upon the signing of the contract by both parties, pay a signing bonus to an individual who:
  - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Has signed a contract of employment to serve as a full-time classroom teacher in the district; and
  - c.
    - (1) Will serve as a classroom teacher for the first time since graduating from an institution of higher education; or
    - (2) Has not been employed as a teacher or as an administrator by the board of a school district in this state for at least three years.
2. The board may pay to the individual the signing bonus authorized by subsection 1:
  - a. In one lump sum at the time the individual signs a contract of employment; or
  - b. In two or three installments over a period of time not exceeding three years from the date the individual signs a contract of employment.
3. A signing bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers of a school district and the board of the school district."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2183

That the House recede from its amendments as printed on pages 966 and 967 of the Senate Journal and pages 1052 and 1053 of the House Journal and that Senate Bill No. 2183 be amended as follows:

Page 1, line 16, after the period insert:

"If in response to an opening for a teaching position, a board is unable to hire a qualified applicant who meets the requirements of subsection 1, the board may offer and pay a signing bonus as provided for in this section to an individual who:

- a. Holds a baccalaureate degree or a graduate degree from an institution of higher education;
- b. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and
- c. Has not been employed as a classroom teacher or as an administrator ~~in this state~~ during the preceding three years.

3."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2183

That the House recede from its amendments as printed on pages 966 and 967 of the Senate Journal and pages 1052 and 1053 of the House Journal and that Senate Bill No. 2183 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School board authority - Payment of signing bonuses.**

1. To fill a teaching position for which the school district received no more than two applications or resumes, the board of a school district may offer and, upon the signing of the contract by both parties, pay a signing bonus to an individual who:
  - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Has signed a contract of employment to serve as a full-time classroom teacher in the district; and
  - c. (1) Will serve as a classroom teacher for the first time since graduating from an institution of higher education; or  
(2) Has not been employed as a teacher or as an administrator by the board of a school district in this state for at least three years.
2. The board may pay to the individual the signing bonus authorized by subsection 1:
  - a. In one lump sum at the time the individual signs a contract of employment; or
  - b. *In up to 5* ~~in two or three~~ installments over a period of time not exceeding *five* ~~three~~ years from the date the individual signs a contract of employment.
3. A signing bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers of a school district and the board of the school district.
4. For purposes related to the payment of a signing bonus under this section, a board shall give the utmost consideration to employing an individual who will serve as a full-time classroom teacher for the first time since graduating from an institution of higher education.

Renumber accordingly



**REPORT OF CONFERENCE COMMITTEE**

**SB 2183:** Your conference committee (Sens. Freborg, Wanzek, Christenson and Reps. Nelson, D. Johnson, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 966-967, adopt amendments as follows, and place SB 2183 on the Seventh order:

That the House recede from its amendments as printed on pages 966 and 967 of the Senate Journal and pages 1052 and 1053 of the House Journal and that Senate Bill No. 2183 be amended as follows:

Page 1, line 15, after "education" insert "or has not been employed as a classroom teacher or as an administrator during the preceding three years"

Renumber accordingly

SB 2183 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2183 ~~was (re)engrossed~~.

Your Conference Committee

For the Senate:

Sen. Freberg  
Sen. Wanzick  
Sen. Christenson

For the House:

Rep. J. Nelson  
Rep. D. Johnson  
Rep. Mueller

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
723/724 725/726 8724/H726 8727/H725  
the (Senate/House) amendments on (SJ/HJ) page(s) 266 - 267

and place \_\_\_\_\_ on the Seventh order.  
727

, adopt (~~further~~) amendments as follows, and place  
\_\_\_\_\_ on the Seventh order:

having been unable to agree, recommends that the committee be discharged  
and a new committee be appointed. 690/515

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the  
calendar.

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

1) LC (2) LC (3) DESK (4) COMM.

2001 TESTIMONY

SB 2183

SB 2183

To: Max Laird  
From: Michael Thomas  
Date: January 17, 2001

Max,

Since I won't be at the board meeting this weekend (due to my trip to Charlotte for the Student Leadership Conference), I wanted to send you the results of the survey I sent out to students graduating from ND universities. So far, 4 campuses have reported in, but I believe that Amy Simmons has some surveys to give me this weekend. Anyway, here's what I have.

### Results of Survey (4 Campuses) 312 Total Responses

1. Stay in ND after graduation:

Yes: 84 - 27%  
No: 228 - 73%

5. Originally from ND:

Yes: 100 - 44%  
No: 128 - 56%

2. Reason:

Salary: 159 - 70%  
Moving: 38 - 17%  
ND: 18 - 8%  
Other: 7 - 3%  
No Reason 6 - 2%

6. Member of SNDEA:

Yes: 142 - 45%  
No: 170 - 55%

Not a question on the survey, but 21 students (7%) said they would like to see loan forgiveness - either full or partial.

3. Would stay in ND with a \$1500 raise:

Yes: 41 - 17%  
No: 190 - 83%

I also had about 50 students who said they would consider coming to Bismarck to lobby with NDEA.

4. Would stay in ND with a \$3000 raise:

Yes: 140 - 61%  
No: 88 - 39%

As for other things happening in the student program, we're promoting membership hard, with the beginning of the new semester. We're also promoting campuses to get involved with Read Across America Day in March. UND will be asking athletes to participate once again. Instead of going to the school's, I'm trying to organize a CLASS grant project in Grand Forks on March 3rd, the day following Read Across America, where we would read to kids in the community at the public library, and then give the books to them following this. With this, we could ask members of GFEA to join us, as well as the UND athletes. I haven't heard yet from other campuses what they are planning. And finally, we are planning our Spring Conference, which will be held in Grand Forks on March 24th. It looks to be another busy, yet enjoyable semester for the student program. I'll see you in Bismarck on Feb 3rd for Bargaining Conference.

SB 2183

Senate Education Committee

January 22, 2001

Joe Westby, NDEA

Mr. Chairman and members of the Senate Education Committee, my name is Joe Westby, Executive Director of the NDEA.

SB 2183 proposes that school districts may use signing bonuses for first year teachers as an incentive to attract them to the school district. Recruiting and retaining teachers in North Dakota's classrooms is a topic we have been talking about for some time, but there is a delicate balance and a sensitivity about how it should be done. We don't want to provide a mechanism that will further demoralize current teachers and cause a greater exodus from North Dakota.

It has been our experience when school districts have paid certain teachers additional salary over and above the negotiated salary schedule, it has caused great discomfort among the rest of the teaching staff in that school district. In effect, dollars that could have gone to increase the salaries for all have been used to increase the pay of a few, or only one. With salary money in such short supply and pay increases for teachers as small as they have been in recent years, folks get upset when that happens.

If you look at the green sheet, you will notice a very small range between current beginning salaries and average salaries or even the highest salary, particularly in the smaller districts. Adding a signing bonus of \$5,000 or \$10,000 to the pay of a beginning teacher could put beginning salaries much higher than many of the teachers who have been in the district for a number of years. That would likely lead to serious morale problems.

School districts differ from business in that they cannot build the cost of signing bonuses into the price that is charged for goods or services, but must take the additional money from current sources of dollars for employee salaries. Will the use of signing bonuses or other means of escalating salaries for a few people in areas of short supply cause current experienced teachers to seek employment in other states? I think there is a potential for that to happen.

In an informal poll of 312 students preparing to become teachers, when asked if they would stay in North Dakota for a \$1,500 pay increase, <sup>(41)</sup> 17 percent said yes and <sup>(190)</sup> 83 percent said no. But, when asked if they would stay for a \$3,000 pay increase, <sup>(140)</sup> 61 percent said yes. <sup>(88 no)</sup>

Perhaps some of the concern could be lessened if the use of signing bonuses was included in the bargaining process rather than being imposed on teachers outside of the process as is proposed in this bill.

With North Dakota teachers' salaries ranking 50<sup>th</sup> in the nation and recruitment by other states intensifying, we believe the best attempt at solving the problem is to enact a proposal much like that proposed by Governor Hoeven.

**2000-01 SALARY AND FRINGE BENEFITS  
COMPARISON BY SIZE DISTRICT**

Joe Westby  
SB2183

1/19/01

	State Average	Enrollments 1000+	Enrollments 400 - 999	Enrollments 200 - 399	Enrollments 1 - 199
BA Base	\$19,186	\$20,582	\$19,945	\$19,252	\$18,722
BA Lane Maximum	\$24,926	\$30,090	\$26,827	\$24,456	\$23,920
MA Base	\$21,723	\$23,828	\$22,539	\$21,775	\$20,977
MA Lane Maximum	\$32,413	\$38,643	\$35,243	\$32,678	\$29,900
Salary Schedule Maximum	\$32,848	\$42,327	\$36,441	\$33,835	\$29,613
Career Earnings	\$658,292	\$806,054	\$726,727	\$670,879	\$606,121
Average Salary	\$30,893	\$32,632	\$29,039	\$26,911	\$23,983
Average Fringe	\$3,931	\$6,077	\$4,576	\$4,070	\$3,067
Total Compensation	\$34,824	\$38,709	\$33,615	\$30,981	\$27,050

Note: State average salary is weighted FTE average from DPI.

Note: Average salary data per enrollment is an average of averages—not a weighted average.

SB 2183  
House Education Committee  
March 7, 2001  
Joe Westby, NDEA

Mr. Chairman and members of the Senate Education Committee, my name is Joe Westby, Executive Director of the NDEA.

SB 2183 proposes that school districts may use signing bonuses for first year teachers as an incentive to attract them to the school district. The bonuses are to be paid without regard for the negotiated agreement, which has been developed over a number of years by the parties working to build a good contract.

Recruiting and retaining teachers in North Dakota's classrooms is a topic we have been talking about for some time, but there is a delicate balance and a sensitivity about how it should be done. We don't want to provide a mechanism that will further demoralize current teachers and cause a greater exodus from North Dakota.

It has been our experience when school districts have paid certain teachers additional salary over and above the negotiated salary schedule, it has caused great discomfort among the rest of the teaching staff in that school district. In effect, dollars that could have gone to increase the salaries for all have been used to increase the pay of a few, or only one. With salary money in such short supply and pay increases for teachers as small as they have been in recent years, folks get upset when that happens. In at least two districts in the past two years, lawsuits have ensued as a result of the district paying one teacher over and above the negotiated salary schedule.

If you look at the green sheet, you will notice a very small range between current beginning salaries and average salaries or even the highest salary, particularly in the smaller districts. Adding a signing bonus of \$5,000 or \$10,000 to the pay of a beginning teacher could put beginning salaries much higher than many of the teachers who have been in the district for a number of years. That would likely lead to serious morale problems.

School districts differ from business in that they cannot build the cost of signing bonuses into the price that is charged for goods or services, but must take the additional money from current

sources of dollars for employee salaries. Will the use of signing bonuses or other means of escalating salaries for a few people in areas of short supply cause current experienced teachers to seek employment in other states? I think there is a potential for that to happen.

In an informal poll of 312 students preparing to become teachers, when asked if they would stay in North Dakota for a \$1,500 pay increase, 17 percent said yes and 83 percent said no. But, when asked if they would stay for a \$3,000 pay increase, 61 percent said yes.

Perhaps some of the concern could be lessened if the use of signing bonuses was included in the bargaining process rather than being imposed on teachers outside of the process as is proposed in this bill.

With North Dakota teachers' salaries ranking 50<sup>th</sup> in the nation and recruitment by other states intensifying, we believe the best attempt at solving the problem is to enact a proposal much like that proposed by Governor Hoeven.

If you are going to pass this bill, we believe the amendments I have distributed should be attached.

Joe Westby  
SB 2183

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2183**

Remove line 7.

Page 1, line 8, remove "school district and a teachers' organization,"

Page 1, line 8 replace "the" with "The"

Page 1, line 8, replace "may offer" with "and its teachers may negotiate pursuant to 15-38.1 the payment of signing bonuses which may be paid to a teacher"

Page 1, remove line 9

Page 1, line 13, remove "and"

Page 1, after line 15, insert "d. applied for a teaching position for which the school district received no more than four applications or resumes."

Page 1, after line 15, insert "3. Upon the signing of any contract with a teacher which includes a signing bonus, the board of the school district may file a claim with the superintendent of public instruction for reimbursement of signing bonus monies expended by the district pursuant to this section."

Page 1, after section 3., insert

"SECTION 2. There is appropriated out of any monies in the general fund in the state treasury, not otherwise appropriated, the sum of five hundred thousand dollars, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing funding for teachers signing bonuses, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly.