

1999 HOUSE EDUCATION

HB 1210

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1210

House Education Committee

Conference Committee

Hearing Date 2-2-99

Tape Number	Side A	Side B	Meter #
Tape #1		x	39.0 to end
Tape # 2	x		0.1 to 41.3
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R. Kelsch , Vice-Chair Drovdal, Rep Brandenburg , Rep Brusegaard , Rep. Haas ,
Rep. Johnson , Rep. Nelson , Rep. Nottestad , Rep. L. Thoreson , Rep. Grumbo , Rep. Hanson ,
Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Vice-Chair Drovdal : (The chairman was detained so vice-chair opened the meeting) We will
open the hearing on HB 1210 and ask the clerk to read the title.

Rep Grosz: District 8, sponsor of the bill, introduced it. Bill allows school districts to give merit
and incentive pay.

Rep. Nottestad : Do you think there should be a correlation between base pay and incentive pay?

Grosz: The base wage is a local option.

Rep. Nottestad : Do you think that is the problem some districts are having in not securing
teachers.

Grosz: I don't know.

Rep. Solberg : The determination as to whom would be eligible would be the school board and superintendent.

Grosz: That would be left up to local school district.

Rep Carlson: sponsor of HB 1210. Spoke in favor of the bill. WE need to adjust and the flexibility to regard excellent teachers. This is just another tool to work with.

Rep. Lundgren : Most schools are struggling now, where would the money come from?

Rep Carlson: The schools are able to pay the budget that they have set up. but if we have a decision to make, lets have the flexibility to do so.

End of tape I side B.

Begin tape 2 side A.

Carlson continues- the school board have one tool and that is not enough. If they can't find the money, they don't have to get into the program. This would be a second tool for the school board.

Chairman R. Kelsch : Anyone who wishes to speak in opposition of HB 1210?

Max Laird: President of NDEA (see written attached).

Rep Brusegaard : Can a parallel be drawn between the National Certification Process and the good old boy system of picking teacher they like?

Laird: The National Board of Certification involves two parts , it would be very difficult for there to be old boys network, because it is done at a national level not in North Dakota.

Rep Brusegaard : Is the National Certification process a form of merit pay?

Laird: Many states it is perceived as that.

Rep Brusegaard : So you are in favor of some forms of merit pay?

Laird: What we are in favor of is the opportunity for people to show that they are doing a good job.

Rep Brandenburg : On line eleven, additional compensation in the form of merit pay, the school board still has negotiation with teachers, they are still going to be paid but give the opportunity for the school board to give additional compensation.

Laird: Our interruption of this would be, a school could take the gross dollars and use any or all of it for a merit pay system. Removing the money from the bargaining table.

Vice-Chair Drovdal : The merit pay reminds me of the law of supply and demand, wouldn't that help the teacher raise their salaries.

Laird: A business model does not work with teachers and teacher salaries.

You can't raise the prices as in business to help the system grow.

Vice-Chair Drovdal : The dollars available, caused by demand for them, so if we have to pay higher salaries we will have to come up with it.

Laird: I won't disagree, except for the fact that we are capped everywhere we go.

Rep. L. Thoreson : Is this a recruitment tool?

Laird: I don't believe that this bill can provide recruitment?

Rep. L. Thoreson : How would you see this process being set up in a school?

Laird: I don't have a model to show you.

Rep. L. Thoreson : This would be a difficult process to have in a school?

Laird: It is talked about as a solution for a variety of problems.

Rep. Grumbo : Do you have instances happening in regard to the salary schedule and not being able to hire someone?

Laird: I do not.

Rep. Grumbo : If the school board choose off the schedule, the facility chooses to allow that not to happen, is the result a court action.

Laird: Yes

Rep. Mueller : Can you speculate as to why no merit pay system?

Laird: The issue is two fold, one if the fiscal note and the other is the ability to evaluate.

Rep. Nelson : By your endorsement of the National Certification system within your organization, you would be able to make a better decision than a local one. This morning you used local decision concept as being needed. Looks to me that there are two perimeters here.

Laird: Yes, I did. But the problem is that we have not been able to establish a system with local control that works.

Rep. Nelson : Merit pay plan would be experiment and may be successful.

Laird: There is no reason, there could not be experimentation to see if it will work.

Rep. Nowatzki : If the school district and teachers and administration would agree to set aside dollars for the purposed of merit pay, based on teacher evaluation what would be your position?

Laird: We would have to look at all the options, I can't answer yes or no.

Rep. Lundgren : Is the national certification open to all.

Laird: About 97 per cent of all teachers are eligible to apply, by the year 2000 100 per cent of all teachers will be eligible.

Rep. Lundgren : Teachers going into this, know what is required to receive certification?

Laird: No, they didn't know, but they do now.

Rep. Lundgren : DO you see any thing in this bill that would allow a teacher to know when they have reached standards that would then allow them to earn merit pay?

Laird: That is one of the problems with this type of legislation.

Vice-Chair Drovdal : National Teacher Certification, soon all will be able to go for that, the bill that we will have before us only allows ten or twenty per year, who is going to choose them?

Laird: I have not received any testimony, I don't know who will choose.

Chairman R. Kelsch : This bill giving permission to allow for merit pay. In order for merit pay to work, the school would have to develop criteria for each grade level.

Laird: Correct.

Chairman R. Kelsch : If you set up criteria for each grade, do we break it down for each profession that is taught in the high school level.

Laird:Correct.

Chairman R. Kelsch : To set up criteria would be the best way to evaluate teachers.

Laird: No one has found a way that has a workable solution.

Dave Kemnitz: President of the NDAFL-CIO spoke in opposition of HB 1210.

Rep. Nelson : Could the argument be made, that the only way a teacher can enhance their salary options, is to get into administrative positions. What this does is gets them out of class room, taking some of our better teachers.

Kemnitz: The recognized mode of promotion would take them out of the class room. Another way is the teacher of year award, per recognition.

Rep. Nelson : We're talking merit pay.

Kemnitz: How pay is derived is not clear, but I haven't seen a ground swell support from the teachers.

Chris Runge: Executive Director of the North Dakota Public Employees Association, AFT 4660 appeared in opposition to HB 1210. (see written attached).

Rep Brusegaard : Do they have merit pay in Workmans Comp system.

Runge: I do believe they do have merit pay.

Chairman R. Kelsch : Anyone else wishing to appear in opposition to HB 1210. Seeing none we will close the hearing on HB 1210.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1210-2-9-99

House Education Committee

Conference Committee

Hearing Date 2-9-99

Tape Number	Side A	Side B	Meter #
1		x	8.8--27.9
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman R. Kelsch : Let's take up HB 1210.

Rep Brandenburg made a motion to DO PASS and Rep. Haas seconded the motion.

Committee discussion took place; (10.0--18.2) after which Rep Brandenburg moved to withdraw his DO PASS, seconded by Rep. Haas.

Rep. L. Thoreson made a motion to DO NOT PASS and Rep. Lundgren seconded the motion.

Chairman R. Kelsch : gave committee information on Douglas County plan, which uses skill based bonuses. 19.4

Committee continued to discuss the bill. (21.6--27.4)

ACTION on DO NOT PASS: 11 YES and 4 NO with 0 ABSENT. Passed. Vice-Chair

Drovdal will carry the bill.

Date: 2-9-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1210

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Thoreson Seconded By Sundgren

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg		✓			
Rep. Thomas T. Brusegaard		✓			
Rep. C. B. Haas		✓			
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson		✓			
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 11 No 4

Absent 0

Floor Assignment Drovdal

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

REPORT OF STANDING COMMITTEE (410)
February 9, 1999 2:15 p.m.

Module No: HR-26-2357
Carrier: Drovdal
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1210: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the
Eleventh order on the calendar.

1999 TESTIMONY

HB 1210

Testimony on HB 1210 by Max Laird/NDEA

Members of the committee I would urge a do not pass resolution on this legislation. This bill is identical to the one introduced in the last session, and we oppose it for many of the same reasons we opposed it last time.

We are interested in teachers being respected for what they do in the classroom. We have asked you with the Governor's approval to consider developing a program using the National Board of Teacher certification as a model. This is a nationally recognized method for us to assess ourselves. We reflect on what we do in a number of ways and then we are assessed by our peers. The Governor's program would result in a \$5000 incentive to those who achieve this certification. There would be no chance for the vagaries of a local school community impacting this concept.

Teachers and school boards have been negotiating fairly successfully under the provisions 15-38.1 of the North Dakota Century since the law was first enacted in 1969. Yes, there have been impasses, fact-finding hearings and court cases during that time period to resolve disagreements that have arisen in the bargaining process. But, that is to be expected. In recent years, however, the number of disputes in the bargaining process has diminished greatly, largely due to the advent of collaborative bargaining that has gained a real foothold in North Dakota school districts in about the last seven or eight years. The School Boards Association, NDEA and the Council of Educational Leaders participated in a joint program to train teams of bargainers from school districts in the collaborative process. We are quite proud of the success of the program. No, it does not work for everyone, nor will it. The traditional bargaining process still is an option and likely always will be, but collaboration can be a much less confrontational option for many.

Lines 16 and 17 remove the words "but not limited to". The removal of this language has the effect of narrowing the scope of bargaining and limiting it to "salary, hours, and other terms and conditions of employment." The very next sentence states "the scope of representation does not include matters relating to merit pay or incentive pay for teachers employed by the board." What is to prevent a board from spending all funds available for salary increases

on a unilaterally determined merit pay scheme? Is there anything left for which to bargain? We are not interested in increasing the adversarial tensions around bargaining

If teachers in ND were paid anywhere close to regional averages this program might generate some discussion in schools but we believe that 97-99% of all ND teachers' are meritorious and should receive a raise. That fact alone will cost a lot more than this program will ever provide. Robbing from the poor to pay the poor is not the way to a solution. There is no where near enough money in the system to improve the average salaries of all teachers in ND. Frankly, this proposal will exacerbate our recruitment and retention problem.

If this action is designed to identify those who do well and isolate those who do poorly there are many other ways of addressing this issue. We have many ways of dealing with those who do poorly without this program.

Merit pay schemes have been tried in some North Dakota school districts, but have been abandoned when it was found to have a negative effect on the quality of education because the cooperative collaborative relationship so necessary for succeeding with kids was damaged. It pits teacher against teacher instilling competition and suspicion rather than a sharing of ideas around new and better instructional techniques.

While we are advocating for higher standards for the profession, others are trying to open the doors to anyone who wants to teach which is also unacceptable.

This is a profession under the microscope today and there are those who, because of one reason or another, dislike one of their children's teachers. We have all encountered that response. That in no way makes us bad teachers or indicates that we are less than meritorious. But in the wrong hands this process can be very easily misused. Evidence shows that in small communities in ND this kind of process could be very divisive.

At the very least, this action should be amended to include the process whereby the distribution of merit dollars be agreed to at the bargaining table. To suggest that there be no participation by the

representative organization in this process is contrary to the bargaining law we have in place. The fact that school boards haven't placed this issue on the bargaining table suggests that they have not determined a fair process for this either. The confusion between what is art and what is science is imbedded in the difficult solutions here.

I would again urge that you resolve to place a do not pass on this proposed legislation.



North Dakota Public Employees Association

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FEDERATION
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LOCAL 4660
AFL-CIO
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NDPEA TESTIMONY IN OPPOSITION TO HB 1210
Before the House Education Committee
North Dakota Public Employees Association, AFT LOCAL 4660 AFL-CIO

February, 2 1999

Chair Kelsch, members of the House Education Committee, for the record my name is Chris Runge and I am the Executive Director of the North Dakota Public Employees Association, AFT 4660. NDPEA is opposed to HB12¹⁰~~10~~. The collective bargaining process currently in use in our school systems works very well and should not be tinkered with. This bill is a solution in search of a problem. It's hard to imagine what possible purpose this bill has other than to attempt to thwart the collective bargaining process between teachers and school administrators, a system that has been working since 1969.

Teachers and school administrators are more than competent to determine the issues for collective bargaining without state involvement. In a time where there is much talk about local control, it is hard to believe that the state needs to step in and tell teachers and administrators what the parties can consider as a part of the negotiation process. The teachers and administrators have shown that collective bargaining is more than just negotiating for wages and working conditions. It has become a model of labor-management relations, leading the way in solving education problems through collaborative bargaining. While there will always be some disagreements between labor and management, the process currently in place is a good one and should not be changed.

Testimony

The law is fine the way it is. Teachers and administrators have determined the conditions of employment among themselves without the Legislature telling them what can be considered as a condition of employment or terms to be determined through the collective bargaining process.

NDPEA is opposed to HB12¹⁰~~5~~ and urges a **DO NOT PASS**.

If you have any questions I would be happy to answer them.