

2019 HOUSE EDUCATION COMMITTEE

HB 1414

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1414
1/29/2019
31619

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

Relating to amount of time for a teacher to accept or reject a contract

Minutes:

Attachment 1, 2, 3, 4

Chairman Owens: Opened the hearing on HB 1414.

Rep. Karen Karls: (See Attachment 1)

Chairman Owens: Any questions from the committee? One comment from a teacher in your testimony regarding going from 2 weeks/ 3 weeks or even 4 weeks would help. If everybody has 2 weeks/3 weeks/4 weeks and you are waiting to find out if the other teacher in the other district accepts it and they don't accept or deny it till the end you still have to wait all that time. Unless there is a difference in the different districts, extending it really doesn't solve that problem. I do understand about being able to have the time to think about it.

Rep. Karls: Mr. Chairman, I'm assuming in a bigger system like Bismarck a lot of it is done online. In the smaller towns it is not a magic number. They seem to think that 2 weeks is not a long enough time to do all of this.

Chairman Owens: Any others in support of HB 1414?

Nick Archuleta, ND United: (See Attachment 2)

Chairman Owens: Any questions?

Rep. Brandy Pyle: Why did the legislature change it back in 2013?

Nick Archuleta: At that time there was a great deal of demand for teachers. The School Boards Association and their executive director at the time (John Martinson) felt that this was a way that the school districts, particularly the smaller school districts could retain their teachers if they weren't given an opportunity to leave soon enough. One thing that's clear here is often times negotiations aren't concluded. We do wait to find out what the legislature is going to allocate in terms of funds. Our teachers see that they don't have an opportunity to fully avail themselves to the openings that there are across the state. Many jobs aren't

even posted. If you conclude your contract early (by May 1) you might have to sign that contract before school is out and before schools even know what faculty they need. They don't have that opportunity to the job market which is problematic for them.

Rep. Pat D. Heinert: Is there a certain time frame every school follows in reference to contracting?

Nick Archuleta: They vary. In 2013, another change made was that negotiations had to start within 30 days of when the petitions to negotiate were accepted. That pushed the negotiations up sooner and made it more difficult as well. The time frame keeps getting sooner and sooner. What many school districts have done is that they will have a meeting and say that they will get together after the legislature is done. They will meet that part of the law. Every negotiation is different and they don't always start or end at the same time.

Chairman Owens: Any others in support of HB 1414? Any in opposition?

Alexis Baxley, ND School Boards Association: (See Attachment 3) Additionally, regarding posting of jobs, it is my understanding that most jobs that teachers, administrators, are being posted on edjobs.com. It is a website that NDCEL provides and most any opening is posted there. Some smaller schools may still use newspaper postings, but that is the education job hub within the state. Districts are required, if they are issuing a contract to a teacher for a chance to renew that contract, to do that no earlier than March 1 and no later than May 1. Some may differ, but there is a time frame.

Chairman Owens: Any questions? Any others in opposition?

Lisa Feldner, NDCEL: (See Attachment 4)

Chairman Owens: Any further questions in opposition?

Elroy Burkle, ND Small Organized Schools: I wanted to get on the record as a no vote.

Chairman Owens: Any further questions? As a former superintendent, I have a question regarding offering those contracts from March 1 to May 1 and then having 2 weeks to respond. This is doing a time they're doing presentations, end of year classroom scheduling, etc. I see two weeks as a being a bit restrictive during a very busy time for these teachers?

Elroy Burkle: If there is a two year negotiated agreement, then the March 1 deadline may not enter in. You may not offer it out by the time most of the contracts are done. It could pose a problem for the teacher, but the website for job openings are accessible and being used to apply.

Chairman Owens: Further opposition? Neutral testimony? Hearing on HB 1414 closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HB 1414
2/12/2019
32557

- Subcommittee
 Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:

Relating to the amount of time for a teacher to accept or reject a contract

Chairman Owens: Committee work on HB 1414.

Rep. Longmuir: I move a **Do Not Pass**.

Rep. Pat D. Heinert: **Seconded**.

Rep. Longmuir: With my experience as a school board member you are always struggling because teachers who want to be mobile are jumping ship. It is difficult with some of the more challenging subjects like English and mathematics. It puts the school at a disadvantage and hurts the students. Some may feel fourteen days is too long, but thirty days is too much.

Rep. Mary Johnson: Rep. Longmuir, in your experience, are the contracts typically the same and they have been negotiated by the union?

Rep. Longmuir: It's part of the contract package. There is a master contract and everyone has the same master contract to return.

Rep. Mary Johnson: That requires the signature of each and every teacher?

Rep. Longmuir: For their contract.

Rep. LaurieBeth Hager: In your career, approximately how many times has a teacher who has broken the contract been fined or had to pay off. Does this happen every year?

Rep. Longmuir: We didn't pursue the fine. We have had teachers where that happened to us not every year but it was usually in the tougher subjects like sciences and maths. Rather than hold a teacher to their contract who doesn't want to be there and collect a fine from them, that did not seem the best for either party. We struggled.

Rep. Andrew Marschall: Rep. Longmuir, when contracts were negotiated and agreed upon, when do the teachers have access to this and how long do they have before they want notice.

Rep. Longmuir: When we finish negotiations and everything is done, the teachers know what is going to be in the contract. It takes the Business Manager three or four days to get all the contracts done and then they are mailed out. The fourteen days doesn't start until they are mailed out. They are aware of the terms of the contract prior to receiving it in the mail, because of the negotiation process. They come to a final agreement. They then go back to the teachers to vote on the final agreement. Then it comes back to the negotiating team and the team takes it to the board and the board acts on it. They have two weeks of holding the actual physical contract in their hand, but their knowledge is much longer.

Vice Chairman Cynthia Schreiber-Beck: Rep. Longmuir, would it be hurtful to have twenty-one days for an educator versus the thirty that was suggested?

Rep. Longmuir: Having more days to it makes it more difficult. Two weeks is ample time.

Vice Chairman Cynthia Schreiber-Beck: In your particular situation, the 'no earlier than March 1, no later than May 1' they should provide the individuals with, are they doing that in March or are they doing it at the end of the cycle in May?

Rep. Longmuir: It depends how negotiations went. It's hard to say. We are probably more towards the back end of it than the front end.

Chairman Owens: Any other questions? If everyone on both sides are working off the same time schedule, isn't the other job being applied for waiting to find out how many teachers are accepting their position before they know if that position is open. Or the fact that they interview suggests that it is open. It seems like a Catch-22.

Rep. Longmuir: Yes. Coming from a smaller school they are looking at the bigger schools. They are going to go to the limit each way. Fourteen days seems reasonable.

Chairman Owens: Any further discussion?

A **Roll Call Vote** was taken: **Yes 10, No 4, Absent 0.** **Rep. Longmuir** carries HB 1414.

Date: 2-12-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1414**

House Education Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Longmuir Seconded By Rep. Heinert

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg		✓
V. Chair. Schreiber-Beck		✓	Rep. Hager		✓
Rep. Heinert	✓				
Rep. Hoverson		✓			
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Longmuir

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

REPORT OF STANDING COMMITTEE

HB 1414: Education Committee (Rep. Owens, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the Eleventh order on the calendar.

2019 TESTIMONY

HB 1414

HB 1414
1-29-19
#1

Rep. Karen Karls, District 35, Bismarck
House Education Committee
Testimony on HB 1414
January 29, 2019

Mr. Chairman and members of the committee:

For the record, I am Rep. Karen Karls, District 35 in Bismarck. In visiting with several relatives who are teachers, they expressed a frustration with the short amount of time allowed to receive, sign and submit their contracts each spring. Here is a portion of an email on this:

...we only get 14 days from the time we get our contracts, which is way too short. When we get our contract and want to look around or think it over, we don't have much time to interview for other jobs or anything of the sort. It would be nice to have at least 21 days to accept a contract. There are times when we can interview for a job, and we won't hear back for a week or two and we have a contract from our current job that we either have to sign or give up our position. I know that it helps the schools because they know right away if they need to start looking for someone else but it really puts us in a bind as teachers.

Two weeks is not enough time to apply, interview and get a job offer. For example, if I am looking to move to another job/school, I have to wait for someone to accept a job and for the school to list the opening that I am interested in so I can apply, interview and be offered that job, all in a two week time frame. Most school will release a teacher from a signed contract with a monetary payment. Each school district is different. Many school districts have a set pay for a set time.

If you ask to leave within the month of signing it is \$200, 6 weeks- \$1500, etc. Each school is different as this is a negotiated item. Most school district will release a teacher, but I did know of one teacher that was not. Our English teacher moved from Small Town A to Small Town B in June/July and she paid \$5000 to be released. There is no set dollar amount and no guarantee that a teacher will be released from their contract.

I get it, superintendents want to get their staff as soon as possible and not have to worry about spending the summer looking, interviewing, and signing a teacher. School boards won't negotiate earlier on the legislative years because they don't know the funding that they will receive. I have signed my contract in the summer many times.

Maybe the legislature needs to decide on foundation payment earlier, teachers get their contracts earlier, and superintendents can have no worries for the summer!

I visited with other teachers about this and heard similar sentiments. Thank you.

HB 1414
1-29-19
#2



Great Public Schools

Great Public Service

**Testimony Before the House Education Committee
HB 1414
Tuesday, January 29, 2019**

Chairman Owens and members of the Committee, my name is Nick Archuleta and I am the president of North Dakota United. On behalf of our members across the state, I rise in enthusiastic support of HB 1414 and urge a DO PASS recommendation.

Mr. Chairman, HB 1414 is one of those small pieces of legislation that will have a tremendous impact. What this bill does is that it allows a teacher thirty days to decide whether to accept or refuse a contract renewal offer from their school district. This change from fourteen days is most welcome as teachers in North Dakota need time to analyze the job scene across the state and determine if there is a school district that might be a better fit for themselves and their families.

Chairman Owens and members of the Committee, HB 1414 will return the length of time a teacher has to accept or reject a contract renewal offer to what it was prior to the 2013 legislative session. In these intervening years, our members have expressed their frustration that fourteen days just was not enough time to consider contract renewals because it did not give them an opportunity to see other job postings from communities that they may be interested in.

I would like to publicly acknowledge Representative Karls and her cosponsors for bringing this much needed legislation forward for your consideration.

With that, Mr. Chairman and members of the Committee, I'll conclude my testimony and stand for any questions.

HB 1414
1-29-19
#3



NDSBA

**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

**HB 1414
Testimony of Alexis Baxley
House Education
January 29, 2019**

Chairman Owens and members of the House Education, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1414.

HB 1414 would increase the number of days a school district employee has to accept or reject a contract from 14 days to 30. We believe this to be unwise. In fact, just four years ago in 2015 the number of days was set at 30 – until this body decided it was not unreasonable to expect a teacher to decide within two weeks if they intended to return to their jobs or not. Two weeks is not an unreasonable amount of time by any stretch. I do not know of any employer that would allow an offer to go unanswered for two weeks, let alone 30 days.

We all know that the state of North Dakota has been battling a teacher shortage for some time now. Contract issuance is suspended during negotiations. During that time and until contracts are signed, administrators have no idea how many teachers will return to the district. During the time teachers are not under contract, they are free to look elsewhere with no obligation to show up for work. With many negotiations lasting longer and longer, districts are left in limbo. If a teacher opts not to sign their contract, administrators are often forced to scramble to fill positions – not an easy task when trying to fill positions in shortage areas. Leaving a classroom empty is obviously not an option.

The longer teachers are allowed to consider whether or not they will return to the district, the less time administrators have to plan. Fourteen days is not an unreasonable amount of time, and we believe anything longer would not be in the best interest of those we serve – the students.

For these reasons, NDSBA stands in opposition to HB 1414 and encourages this committee to give it a do not pass recommendation. I would be happy to answer any questions the committee may have.

Lisa Feldner

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1-29-19
#4



HB 1414 – Testimony in Opposition

NDCEL – Bill to change teacher contract due date from 14 days back to 30

Good morning – Chairman Owens and members of the House Education Committee, I am here today representing NDCEL which is the organization which encompasses our K12 school superintendents, principals, county superintendents, CTE Directors, Technology Leaders, REA Directors, Business officials, Special Education Directors, Athletic Directors, Instructional Coaches, among others.

In 2015, HB 1215 was introduced by Representatives Monson, D. Johnson and Senators Rust and Luick. The purpose of that bill was to change the time frame for teachers to return their contract to the responsible party from 30 days to 14 days. The rationale for that was a good, the law passed and has been a positive thing for school districts. Rather than waiting 30 days to have a good understanding of the positions they need to fill for the upcoming year, they are able to begin the much-needed recruiting process after 14 days. This puts North Dakota schools a step ahead of surrounding states in the recruitment of teachers – a much needed advantage in light of the teacher shortage we experience. This amendment has worked well for schools.

The legislature of 4 years ago decided and passed 58-34 in the House, and passed 28-17 in the senate. We respectfully ask that you keep the law enacted 4 years ago as it is serving the leadership in ND schools appropriately and still gives teachers ample time to return their contract or to negotiate more time with their administration and/or school board if extra time is needed (on an individual basis).

We recommend a DO NOT PASS on HB 1414. Thank you.