



## **Fargo Education Association**

**3310 Fiechtner Dr. S, Suite 110 Fargo, ND 58103 701-281-7235**

SB2215 Testimony in Opposition

Fargo Education Association – Mrs. Jenifer R. Mastrud, President

March 17, 2021

Good Morning Chair Owens and members of the House Education Committee.

For the record, my name is Jenifer Mastrud and I serve as the President of Fargo Education Association and I was the lead negotiator for Fargo EA during 2019. I am here today as a representative of over 900 educators asking for your rejection of an Act to amend and reenact sections of the North Dakota Century Code relating to start times and deadlines for teacher negotiations between school districts and representative organizations.

Mr. Chairman, the professional work of an educator is one that should be valued and respected. Educators work with our most precious resource, the youth of the state. One can argue that the educator has the most profound effect on learning. The North Dakota Teacher of the Year award states, “The classroom teacher is the backbone of the American educational system. No one person has a greater impact on the education of the child than does the teacher who creates the primary learning and instructional environment.” Yet, we hear countless stories of the extreme burnout and lack of respect for these public servants. This bill will only add to that lack of respect for the profession and continue to exacerbate the retention problem we have in public education.

The work of an educator is demanding but rewarding. Every day and every month bring with it new and exciting challenges. Every month is a whirlwind of excitement, hitting a crescendo in the months of April and May, as educators and students are focusing on the culmination of the school year. Think with me of the fast-paced days: the planning for assessments, celebrations, spring events

showcasing the talents of students, preparations to go onto new grade levels or graduation, planning summer enrichment opportunities for students, and many other special activities. These months might just be some of the busiest days, nights, and weekends of the entire school year. Many educators are involved in planning these events and many also have their own children participating in these events. This leads to very little time to focus on aspects outside of that hustle and bustle. Educators care about contract issues; but the priority is always the students in their charge. This leaves very little time to contemplate contract talks or follow legislation regarding K12 bills that will ultimately lead to changes and funding for the delivery of K12 Public Education. This session alone, there have been dozens of bills introduced that would affect the working and learning conditions of K12 staff and the students. This one reason alone shows how SB 2215 is against the hardworking educators in our state. It sets a time to start and end the collective bargaining process when the educators are at their busiest peak and the most changes and impact from the state are being crafted. This would add another layer of burnout to the dedicated educators in our Districts.

This is where I can share firsthand accounts on the timeline and process between the FEA and FPS for the negotiation's cycle of 2019, which was called into question during testimony heard in the Senate Education Committee on Feb 02nd 2021. The negotiations cycle was one that was not uncommon, but unique all at the same time. A one-time occurrence and not a systemic issue that needs to be addressed after a single event.

- On January 3, 2019, FEA and FPS sat down at the table to start the negotiations process for the 2019-2021 Teacher Contract. This was not an unusual time frame to start, as the contract in Fargo was unique in that it dictated a starting date for the first meeting to be held. Fargo School Board member Johnson highlighted these start dates from the last three negotiation cycles to the Senate Education Committee but did not share with the committee that meeting dates were part of the contract language. This initial meeting is set to have full teams present, set upcoming meetings dates, and to set the ground rules for the negotiations cycle. At that meeting, FEA presented a cross walked calendar of the Board and the Association availability. Dates were selected by the Board through the middle of May 2019. This was done due to both sides being extremely busy and wanting to make sure dates were set before the calendars filled.
- February 11, 2019 the second meeting took place. There is certainly a noticeable delay between the first and second meeting. This was also not



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uncommon, as both sides started to work with their groups and gather information on how to proceed into negotiations on the general topics. This is when the presentation of topics and explanations were to be shared per the contact language. At this meeting, both sides worked on editorial changes and reached consensus on several items as we communicated on the proposals. One of the many topics presented on February 11, from FEA, was about the Negotiation Procedures Articles; but this topic was not discussed.

- March 18, 2019 the third meeting took place. Knowing the impact of the legislative body on both sides and how the starting date was unique only to Fargo, we asked for the first meeting date unique to our contract to be removed in the best interest of both sides. North Dakota Century Code already sets a timeline to start the negotiations process, if petitioned. The board tabled the topic and discussion.
- April 15, 2019 marked the fourth meeting held. FPS Negotiations team led by Mr. John Rodenbiker accepted the proposal with no counter language or opposition. The start date of the negotiations process was of no concern to the Board of Education until the conclusion of the 2019-2021 Teacher Contract when they decided to seek more control through this legislative cycle. The start date of negotiations is not a systematic state issue, but a local issue and should be left to both parties to plan based on their District needs.

Let's fast forward to after the end of the school year and to the months of June, July, and August. These months are very important for our educators and Districts. This is a time to focus on growth of content, pedagogy of best practices, planning and reinventing curriculum, taking students on new learning adventures that could not happen during the year, and summer school for remediation and advancement. These months are so vital to the success of the new school year to come. This is where I would like to speak to you about the

unique situation that FEA and FPS had for the Contract Negotiations from 2019. The negotiations team for the Fargo educators was comprised of driven and dedicated educators who participated in trainings for national professional development to teach Advanced Placement classes to students, leading and hosting national events for students to showcase their learning, participating in cultural travels where students and staff practiced the learning that took place in the classrooms, second jobs to supplement the income they needed to make it through a summer, scheduling of delayed surgeries so one would not be taken out of the classroom, and to take and teach college classes.

What members connected to Fargo Public Schools who testified in support of this bill did not share with the House Education Committee, was the timeline and transparency of the summer of 2019 regarding the teachers' negotiations team in Fargo.

- At the fourth meeting that took place on April 15, the process of negotiations started to slow for the cycle. Proposals were presented at a meeting, but the Board was not prepared to discuss the proposal for acceptance or revisions until subsequent meetings. This delay was seen repeatedly within that contract cycle. Many meetings were spent in consecutive hours of caucus by the Board's team, only to emerge with no conversation on topics and to be tabled to future meetings.
- On April 29, 2019, meeting number five, the Association brought forward new dates for the Board to select, knowing we needed more time to get to a ratifiable contract and knowing that the commitments of our negotiators would result in the inability to meet during the summer this year.
- Meeting number six, on May 13th, 2019, the legislative body had adjourned for the session and the board brought their first salary proposal forward, as they were waiting for the final bill and budget to take effect.
- The seventh meeting on May 22nd FEA presented several counter proposals, with the board spending much of that meeting in caucus and no ability to discuss proposals, the Board tabled the items to the following meeting.
- The eighth meeting on June 3, the Association asked the Board to stay longer into the evening and not call the meeting to be adjourned, yet the Board adjourned. Which forced us into the fall for an August meeting that was not ideal, but we understood this was a unique and one-time event.



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- On August 26th 2019, the Board called impasse. No discussion was held on topics and the meeting was used by the Board as a formality to declaring impasse.

This bill in front of you to set an end date for the contract negotiations process and forcing it to go to nonbinding arbitration will just allow even more of an unequal balance of power. A school board could choose to continue to stall the process until the set date to force an imposed impasse without ever discussing the issues facing the teachers and students of a district. In the state of North Dakota, there has not been a systemic issue or concern in the last 60 years of collective bargaining rights. This is a local Fargo issue and should be solved between the parties and not at the state level. This is a dynamic of not working together to solve the complex issues of public education that our state takes great pride in.

All contract negotiations end with a contract. The process of that unique year, in over 60 years of collective bargaining, did not lead to learning being affected by students. The year went on and educators worked without a contract in place. There was not a tone of contentious relations between the Board and the Educators, as alluded to by Superintendent Gandhi at the February 2, 2021 Senate Education Committee hearing. In fact, what we know is that educators asked for communication and collaboration after the Board refused to talk about the topics and proposals. Educators just asked to take a seat at the table and to be shown respect and value for the issues facing our students and teachers.

This bill is inherently part of a bigger issue of culture and tone toward our professional educators in this great state. We should be encouraging both sides to collaborate and problem solve. To set a tone that is the desired goal in our communities, with our youth watching. This bill is being used as a punitive measure because of the FEA and FPS negotiations of 2019. This is about one

School Board being upset about a very transparent process and now they want the state to step in. This is not a state issue, but a local issue.

Therefore, I urge you to recommend a **DO NOT PASS for SB 2215**. Do not let a local issue be solved by a state level decision and affect all the collaborative units across our state because one local district and the educators are working out their differences.

Thank you again for allowing me this opportunity to share testimony and I will now take any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenifer R. Mastrud". The signature is fluid and cursive, with a prominent initial "J" and "M".

Mrs. Jenifer R. Mastrud

Fargo Education Association President