

Chairman Owens, members of the committee:

Thank you for your diligence regarding the contentious negotiations experienced by a few North Dakota Districts. My name is Joseph Kennedy, a resident of Fargo and the Fargo Public School District, at 501 30<sup>th</sup> Ave. North. I speak in opposition to Senate Bill 2215 in its current form. I am a former teacher and negotiator from the district, a parent of children who have been through the district, and a member of the most recent mediation team between the Board and the FEA.

I started teaching in a rural Illinois district with incredibly contentious negotiations. A school board member was famous for standing on a table and proclaiming “teachers will get a raise over my dead body,” the teachers had engaged in strikes, and before I met my first student, I was part of an informational picket line. Six years later, the Board and the teachers were able to successfully complete negotiations quickly and amicably – but only because the two sides worked together to problem-solve. I tell you this because I know it is possible to shift from adversarial, contentious negotiations into productive, problem-solving discussions. But, it is hard. And while rancor and hostility can be addressed by external groups, only local leaders can effectively create change and engage in collaboration. This legislation does not provide proper incentive, nor guidance, for local leaders; instead, it creates a one-size-fits-all rule that does not address the underlying cause of the problems stated by its proponents.

Those who argued in favor of this legislation before the Senate Education Committee see artificial deadlines, imposed by the state, as the only solution, which they feel will solve the following problems:

1. School districts face financial uncertainty in multiple ways, noted by Board member Johnson (Fargo) and others.
2. It creates “poor relations and bitter feelings,” in the words of Dr. Gandhi (Fargo), summing up many others.
3. Negotiations drag on – Dr. Gandhi, President Haut (Jamestown), Superintendent Bitz, (Mandan), and Counselor De Kok (NDSBA) agree.
4. Employees are dissatisfied and hiring is impacted, notes Mr. Johnson
5. Good faith negotiations are hard to achieve, states Dr. Lech (Jamestown)

This legislation addresses some of those problems, but does not address the underlying cause: some Boards and teacher associations are not working together to problem-solve issues unique to their district. By imposing a one-size fits all solution, the North Dakota Legislature would fail to address the underlying cause of problems, while simultaneously taking away local control. This is both unproductive

and counter to the fundamental North Dakota ideal of local control, especially because many districts, including at least one whose Superintendent spoke in favor of this legislation, have not even encountered the problems this bill attempts to solve.

This legislation imposes a start and end time, but does not require any intermediate timetable. But that is one of the chief complaints of those who support the legislation; in Counselor De Kok's words, "there are no other timeframes or deadlines in place to encourage the parties to pursue negotiations in a timely manner." In Fargo, each side accused the other of stonewalling by refusing to meet during certain times. This legislation does not create a timetable nor do anything to help the two sides determine what "a timely manner" looks like, beyond a deadline. No timetable is required, and thus, almost of the problems pointed to by proponents can continue. In particular, the delays between meetings noted by almost every person who spoke in favor of the bill can continue – an end date alone does not solve intermediate timing problems.

The legislation DOES ensure that school district budgets are finalized by the date the Legislature requires. But that is only one problem solved. The legislation does not adequately define "good faith negotiations," and thus does not solve one of Counselor De Kok's stated problems (lawsuits alleging bad faith) nor address Dr. Lech's concern. It does not solve the problem Mr. Johnson noted regarding employee morale; in fact, it further entrenches a Board's power to impose a contract – which is far more injurious to employee morale than a protracted negotiations cycle.

Instead, the Legislature could address the immediate problem by amending this bill, striking the start and end dates and instead requiring binding arbitration should a fact-finding committee be required over two consecutive negotiation cycles (and, since this is emergency legislation, the Legislature could include prior cycles). Long-term, the Legislature could require districts whose Boards and teacher associations needed binding arbitration to engage in FCMS interest-based bargaining training that fosters trust and presents the tools both sides need to focus on problem-solving. Such training is free, and more often than not, leads to long-term collaboration. These amendments would encourage and allow local Boards and teacher representatives to solve their own problems, providing incentive and tools. An arbitrary, universal deadline which does not address the root cause of contentious negotiations provides little incentive, and no tools. For that reason, I encourage effective and substantial revision of this legislation, and failing that, I encourage you to recommend this bill not be passed.