

Testimony in favor of SB2215
John Rodenbiker
2 February 2021

- Introduction
 - Welcome chair, vice chair, members of committee
 - Support SB2215
 - Background as school board, VP, chair of negotiations in three of four years lead in two
- Review of 2019-2020 negotiations between Fargo Board and Association
- Importance of limiting duration of negotiations
 - Both board and associations can abuse calculated delays
 - No value demonstrated by extending negotiations beyond a reasonable period
- Importance of clarifying who can declare impasse and when
 - Both sides should be able to stop after a reasonable good faith period when they've reached the limits of their positions
- Thank you
 - Support SB2215

Good morning Chair Schaible and members of the Senate Education Committee.

I am John Rodenbiker. I was a member of the Fargo Board of Education from 2016 to 2020. I was a member of the Board's negotiating team from 2017-2020 and lead the negotiations for the board in 2018 and 2019. I live in Fargo and my wife and I are proud of our daughter and son who attend school in the district.

I am here to support SB2215 and ask you to give it a Do Pass recommendation. I believe this is a good bill that is fair, reasonable, and the right thing to do.

As others here today have noted, education associations in the state and in my experience in Fargo, have decided it is in their interest to extend the negotiation process. In 2018 and 2019, the Fargo Board and the Fargo Education Association started meeting in early January. In both years the Association would not meet to negotiate from June to August. In 2018 we came to an agreement shortly after the beginning of the classroom year. In 2019 it wasn't until more than halfway through the school year that a contract was agreed to. This was after the Association filed an injunction in district court to stop the impasse process, after our attempt at mediation, and after the Fact Finding Commission process. It appears the Association has not asked to be recognized for negotiation yet in 2021, though the current agreement's term ends this June.

There's no good reason for negotiations to extend beyond the July 1st beginning of the school fiscal year. Very little additional progress is made in discussions beyond a reasonable period. The experiences in Fargo in 2018 and 2019 and the actions of the Association were not reasonable. While it has been the Fargo Association of teachers that has decided to abuse calculated delays to affect the negotiations process, this could go the other way. Right now there is nothing to stop school boards across the state from also adopting these tactics. This bill will wisely limit the abuse of this technique by both sides. Importantly, it will allow both sides to continue negotiating beyond the deadline if both sides agree that progress could be made by continuing to meet, unlikely as that may be.

Another important component of this bill is adding clarity about when impasse can be declared and by who. This was the heart of the question the Fargo Education association asked the Cass County District Court to rule on. Judge Marquardt ruled in favor of the board. The State Fact Finding Commission also agreed that the board and association were at impasse when they question was brought to them. The clarity from this bill should prevent any future negotiations in Fargo and other districts across the state from a similar five month delay in concluding their contract ratification.

Indefinite periods of negotiation are not to the benefit of schools boards or teachers associations. They do not benefit our public school districts. They certainly don't benefit the achievement of our students, which should be the primary focus whenever we're talking about our great state's great public schools. Being forced to negotiate past the point of an unacceptable position, on one side or the other, is no longer negotiating. It turns the event into a battle of wills with increasingly extreme tactics used to bend the one side to the other's position. Attempts to find mutual benefit and solutions to shared interests are abandoned.

It's unfortunate that the teacher unions in our state have decided that they don't have a shared interest with local school boards in preserving and enhancing their relationship and interests with their locally elected school boards. I believe this bill can bring the focus back to finding opportunities for cooperation and mutual benefit.

Thank you for your time today. For the future of the public school districts, their staff, and most importantly the students and families of North Dakota I again ask you to support SB2215 with a DO PASS recommendation.

I'd be happy to answer any questions.