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10/3/03
Date

2003 HOUSE EDUCATION

HB 1273

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1273

House Education Committee

☐ Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
1	x		800-end
		X	00-565
Committee Clerk Signature <i>Linda Fuchner</i>			

Minutes: **Chairman Kelsch** opened hearing on HB 1273

(810) Rep. Lisa Meier, District 32

School districts across the state are facing a shortage of qualified school teachers, so we as state policy makers need to look at different ways to address this problem. HB 1273 is a incentive piece of Legislation that I feel will help.

(1000-1464) Bev Nielson, ND School Boards Association, See Attached Testimony

Rep. Hanson What is the definition of a highly qualified staff?

Nielson: We are trying to determine that, but we are assuming that we are talking about teachers teaching in their major.

Rep. Hanson I taught ND history for 32 years and about 132 kids a day, if this goes through, and you hire someone who teaches physics who probably has 30-40 kids a day, what's more important?

Nelson: We are talking about a market driven system, some that are scarce, harder to come by and districts are going to need some tools to in order to retain those teachers.

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Rep. Hanson You didn't answer my question, what is more important?

Nielson: Neither is more important, one may be harder to get.

Rep. Mueller Do you have a concern that in solving a problem, in the case of teachers signing on with another district, you are creating a problem for the district that they left?

Nielson: It is very specific, our delegation was sensitive to that and that is why the signing bonus is only good for new graduates and people coming from out-of-state. You will not be able to recruit teachers away from each other with signing bonus.

Rep. Herbel Is there any protection for this or does this have to be under the discretion of the board. For example a graduate coming from NDSU, and they pay a \$5K bonus, the teacher only stayed one year and then are gone, would they have to return any of that bonus?

Nielson: At the discretion of the board, the bonuses will be offered in any way they like. It could be in one lump sum or up to three years to pay it out. In my estimation, if the board were smart, they would probably pay it over three years, unless it is a minimal bonus like moving expenses.

Rep. Sitte GVA on HB1093, there are no caps put on the state employee bonus. We were told that it would not exceed 5K. So I am wondering about a cap on this bill, should we add a cap?

Nielson: We didn't put a cap because we know, depending upon the district, what might seem a lot to one district wouldn't be to another district. Certainly, in this committee's wisdom, you may choose to amend, and add a cap. There is a wide variety of budgets across the state.

Rep. Norland What you are saying is that this bonus will only pertain to graduates, people that are coming from our of state?

Nielson: Yes the signing bonus is only for someone new to the state or someone new to the teaching profession. There is another bill in the Senate, that is for retention bonuses, it is geared

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to keep people. But neither of those bills are to set up so that one school district is recruiting teachers away from another in the state.

Rep. Norland If the new graduate takes the bonus and teaches the one year, then decides to leave and go to another school. They would not then be able to take another bonus?

Nielson: That is correct.

Rep. Hunsakor Signing bonuses present some problems within the staff, which we all know.

There is a possibility of a bidding war, if a teacher comes in from out of state or a graduate, that person can go between school districts to up the ante, is that correct?

Nielson: That is possible right now with salaries.

Rep. Hunsakor Then staff may also say, you've got money for a signing bonus, therefore, what about this and this, but you don't have money for that. That is one part of the coin. It is very possible that to get around this staff morale thing, the school district would give a new teacher 2K-3K and say we want you take tickets at 5 basketball games or check the locker rooms after school, very minimal task. Bend the rules a little and still be legal and give this 2K and not call it a signing bonus. That is a way to get around this situation. I know the other side of the coin and what you do if you absolutely can't get a teacher, and there is a Science teacher available for 1K. There is good points on both sides.

(1990) Nielson: I will take the one about if we have 2K to give a signing bonus, why isn't that on the table for negotiations, and my response to that is; That any thing that goes into the master agreement is continued and sustain ability gets to be an issue. You might have some one time funds, grant money or title money, that could be just for bonus and not attached to the continuing contract. That is one question. As far as, I'm not sure I followed on the abuses of additional

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duties, if you consider that abuse. I know that right now without the ability to pay signing bonuses or retention bonuses, the boards sometimes do add additional duties in order to up a teachers salary. And I guess is that a bad thing. I don't know. I know that happens now because they can't pay them off the schedule for their teaching duties.

Rep. Hunsaker Is it not possible to say to a teacher, this is how much you will be paid, we will give 2K, we won't call it a signing bonus, but you will perform some small tasks. It amounts to the same thing, but it doesn't have to be made known to the staff.

Nielson: I don't think anything is not known to the staff. I think they would find out. Actually the signing bonus could be in the form of other duties, if that is what is offered to the new teacher coming in. It also could be for a new teacher, that has one major in difficult to fill position, that they can teach and they are a couple of credits short of a second major, that would allow them to teach something else, it may come in the form of money to go back to school and upgrade their certification. It could be moving expenses, rent for a month, or any number of things. The point is that there is flexibility for the employer to retain the services of the teacher.

Rep. Herbel Section 1, 1C - person that is teaching school in North Dakota - because of declining enrollment, loses their teaching position, goes back to school, gets a degree in a different area. Would they be eligible for this bonus then?

Nielson: I think that the incident that you described. If the teachers been non-renewed, they are no longer teaching in the state, they go back and upgrade their certificate, then I imagine they would be treated as a new teacher. The reason we put the previous year in, was a concern that we sure that would be raised, because it was raised in our membership, that there not be this recruiting back and forth between districts.

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Rep. Haas This doesn't apply only to new teachers coming in from out of state, it is any qualified teacher who was not employed the previous year, either in state or out of state?

Nielson: Yes.

(2350) Dean Bard: North Dakota Small Organized Schools

It looks like it is something that is good for school districts. It is an authority which I think we welcome. It gives us flexibility to pay teachers off the schedule, it is optional so schools districts can take advantage of it if they want to, if they don't have the extra money obviously they won't be able to. But it would give some districts the ability to be a little more successful in getting teachers in some of the areas that were hard to fill. Some of the physics, math, music, these areas seem to have few teachers. We have a set of Legislative goals, #2 fits into this area. We respectfully ask that you give it your favorable consideration.

Rep. Williams Let me put it this way, a teacher right out of college, lets assume that you have a salary schedule of 22K as the starting amount, you give them 5K as a signing bonus. Now you have 27K. Second year they come back, you can't give them the bonus, consequently their salary is going to drop from 27 to 22K. Teachers are funny beings. They are going to have a cut?

Bard: That is a situation that can take place. I would like to think that the fact that the teacher is getting the 5K the first year. They would have to know and plan for the fact that their salaries going to go down the second year if the money is paid out in the first year. Again, like Bev mentioned, it makes more sense to pay the salary out over more time to keep the person there.

Rep. Solberg A number of teachers in school district for years they are highly qualified and highly regarded. A young teacher comes in and get a 5K bonus. We all know that created dissension among the staff. How do you address that?

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Bard: I don't know if there is a way to address that. I understand that teachers have some real concerns about this type of Legislation, because it happened to single out certain teachers. They deserve to be singled out, because they are in a particular discipline that is hard to find.

Especially some of our more rural schools, are having a tougher time than the larger districts are in obtaining teachers from these select areas. I think anything that we can do, and tools that you give us will help them.

Rep. Jon Nelson Is it a concern of yours, as small schools compete for a teacher with larger unorganized schools?

Bard: It is hard to say, we can't compete without the ability to have something like this. It is quit possible that because teachers like to drift to the urban areas, more things to do, the larger are more able to get teachers without paying a signing bonus. It puts us on a more equal footing.

Rep. Herbel Small schools are going to be forced to pay larger bonuses than urban schools are?

Bard: That is possible.

Rep. Mueller Are you aware of any groups that have attempted themselves to negotiate with the local organizations about signing bonus? This is about the good of the school, we need this teacher. It does seem to me that a pretty good argument would be made to that local education organization that we need to do this for this position. They know where the shortages are they are the staff.

Bard: There have been some instances where districts have negotiated with the teachers to be able to fill positions that are scarce of the schedule. But it is by no means prevalent. There is a certain resistance on the part of teacher unions, understandably I think, that they don not like to see the pool of moneys available diminished and paid out to select few. They would rather see it

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spread over the whole organization. But it does pose some problems when you have difficulty filling these jobs.

(3450) Michael Axt, McClusky, School Board Member

I feel it is a good tool for us to be able to use. I come from a small, rural school. I have been a board member for 12 years, previously taught in that district for three years and I have a son at NDSU and his interest is teaching as well. I was fortunate to teach something that is close to my heart and that is vocational agriculture and FFA. And that is one of the areas where we found shortages. When I graduated from NDSU, 26 of us took teaching positions, there are probably 5 left teaching today. What this bill would do, would give us an option to give a bonus to a teacher. The 12 years that I have been a member, our district has been fortunate, and we have a clause in our contract, that says: "The articles listed in provisions pertaining there to shall be considered binding upon an individual or individuals who may knowingly or unknowingly take a position that may be in conflict with a negotiated article." The only exception would be in the case of salary offers to prospective teachers in critically short teaching fields, or where teaching contract would exceed the regular 9 months standard contract. We have used this several times in bringing in staff members. Once you go a year without a teacher, it is very easy to come up with ways in which to define and bring a teacher into your district. A question was brought up earlier, if the small schools would have a problem competing with the larger schools on signing bonuses. I don't think so, I think what we have a problem with is competing with the salary schedules. We don't have problems offering bonuses. What we have had to do in the past is bring in teachers and give them extra years and pay them high step on the scale. I will refer to our music teacher. We were fortunate to find one from Montana, and we had been without a

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teacher for a year. We put him on step 20, because that is where he was at in Montana. With NCLB, meeting the standard, we can use title money or grant moneys like that, which are one time deals. A signing bonus would allow us to give that teacher a bonus without attaching it to the salary, and being tied to it the following year. What kind of a signing bonus would you give, I have heard several different number. We need tools to work with.

Rep. Williams You mentioned you have a waiver clause, which I know some small schools have, that is used in negotiating contracts. How often have you had to use this clause?

Axt: Approx. 4 times maybe 5.

Rep. Williams Your an organized district, how many high school teachers do you have.

Axt We have 13 total teachers, 9 high school.

Rep. Herbel You mentioned that you have written in to your agreement, those that are considered critical, that you can negotiate the signing bonus, is that correct.

Axt: Yes it is, we have had that for about 10 years.

Rep. Herbel Does your school district define critical or if you can't get it is critical?

Axt: In my feeling, when you can't get it, it is critical. When you start school in the fall and you don't have a teacher in the classroom, it is very critical.

Rep. Herbel What is the teacher reaction?

Axt: They understood. We have one teacher that lived in our district and she taught in the neighboring district for several years, then came back, and was not in a critical area at that time, and there were several applications for that position. She in at step seven, which we normally do if they have experience. Everything was fine until recently, during negotiations she made a

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comment that it was hard for her to sit back and watch when we brought in a Music teacher at step 20 when she had to take a cut in pay.

Rep. Jon Nelson We have had this bill before. One of the concerns is defining the critical shortage. I would agree, that if school start and you don't have a teacher that is critical. From a school board perspective it also can be defined as critical if you have an opening and there is two applicants for one position. From an educators stand point that is not critical. Where is the balance between critical and emerging those two diverse philosophies. Or do you think you should have a latitude to use the will of the school board?

Axt: I think with the signing bonus it would be advantageous to us to be able to use it whether we are in a critical area or not. You mentioned you may have two applications for a position, just because you have two doesn't always mean that they may be the type of person or instructor that you want to bring into the district. We don't just hire them because they are the only ones there. We may interview them and not feel comfortable with them and continue to look. Sometimes instructors are looking because of a reason. We are aware of that, people move around for different reasons. If teachers knew that they could come back to our state, move back closer to home. Then they may receive a bonus to do that it may help to bring some of them back.

(4750) Gary Gronberg, Department of Public Instruction

I do feel information is necessary on this. The expenditure of money under NCLB. Saying this bill ties in very critically in helping us to find teachers. When I shared with you last week, the number of teachers that we have in our state, who are teaching in areas where they are not highly qualified, or retiring. The dollars available under NCLB can be used for three things. Prepare,

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Recruit, Retain. These are legitimate uses of dollars under NCLB by school boards. This bill allows them to use dollars in one of those three areas.

Rep. Herbel A district must use 5% of title one funds for professional development and in hitting these goals. What if a district does not use the full 5%?

Gronberg: A professional set aside under title I needs to be used in some area of professional development, but that can be a broad array of things so it could be used for equipment, instructional materials as long as the focus is tied back to achievement of students. It is a broad area under title I.

Rep. Herbel School district have a great deal of latitude on this?

Gronberg: Yes, latitude, I don't know about the word great.

Rep. Haas Prior to NCLB act, there were title I funds allocated for professional development, did that proportion change.

Gronberg: The percentage has remained the same in Title I. Specifically, the recruitment, retention and preparation comes under title IIA of the act.

OPPOSITION

(5350-5760) Gloria Lokken, President, ND Education Association, See Attached Testimony

Rep. Herbel In the second to last paragraph. If a school district is willing to negotiate a teachers salary bonus at that time is acceptable?

Lokken: We believe it should be in the negotiated salary schedule, it is already being done. The need is understood by our teachers, we want a well qualified staff in our schools. And we understand there are some areas that we may have to look at to have a bonus in that area.

Rep. Herbel Do you know of any schools that have done that now?

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Lokken Yes. We know that we have several that have some kind of adjustment in their schedule that will recognize paying above or flexibility in the schedule.

Rep. Mueller Do you know how many?

Lokken: We do the ND Council of Education Leaders survey in the fall, out of the respondents we had 54 out of 148. The year before we had 71.

Rep. Hawken: You talked about these being on the salary schedule. Do you know of any straight out bonuses that are paid, that are not on the salary schedule.

Lokken: I don't know that as a pure signing bonus. A lot of the adjustments are made coming in with getting more years of experience and compensation or tuition for moving.

Rep. Jon Nelson NCLB using the tool to attract, retain the teachers that they have, it seems like a benefit for the school district and the children that are being served. I guess without this tool, and the situation that Mr. Axt talked about, when school starts in the fall and there is no teacher in the classroom, to have a tool to be used by districts and not be able to use it because of the morale problem of the staff. Would that not be the worst case scenario?

Lokken: There is a vehicle to fund this now that has not been there before. No school system wants to be caught short handed. It is in all our best interests to provide the best education to those children. But we want to make sure that the vehicle that allows us to get there is one that brings everyone up. And so if there is a new situation that need to be brought to the table and dealt with, without jeopardizing future general funds.

Rep. Jon Nelson the problem is that until the situation occurs there is not the willingness for the teachers association to bargain and come to the table, by that time it is to late.

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Lokken: As we go into bargaining NCLB impact to our schools, we will look at all the areas that it impacts and this is one of them.

Rep. Mueller Explain what your understanding is about this business about bringing folks in at a higher level of the salary schedule, is there any negotiations in response to the school boards with the local education organization.

Lokken: In some districts that has been negotiated, they have the flexibility to do that for a hard to find position and we would hope that it could be arrived at in filling the position. They will vary greatly between districts and our concern is how do we keep those people once we get them. If all we have is a bonus to give them.

Rep. Mueller Are school boards required to do that?

Lokken: They would have to use contract language at this time, if they don't have flexibility.

Rep. Hunsakor Lets take the situation where a school has a highly qualified teacher who has been teaching for 20 years, excellent teacher, a new teacher is going to come in who has no experience possibly from another state, and be given a significant signing bonus. The board talked to the staff and says this is the situation, can you as a staff understand why we have to pay this bonus for the good of the students in this school. How would the staff react to that?

Lokken: We are all concerned that students get well rounded education, from quality teachers in the classroom. But the problem comes with our salaries. Like you said you have a 20 year teacher who has worked and devoted their career to ND schools. and looking at retirement and those salaries impact their retirement. So when the question comes Why is their a morale problem, that is reality. I do think that if their is a vehicle in the contract that allows some

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flexibility, they will accept it. We teach side by side with people making many different salaries.

But we understand the criteria that it was developed under, and that is what we are looking for.

Rep. Hunsaker I understand all of that, But don't you think that most teachers would agree that for the sake of children and the situation we will accept it. Even if they don't like it.

Lokken: They want that for their school, they want that flexibility and want it in their contract.

Rep. Haas Has your organization ever come up with recommended language that could be introduced into a master contract that would address this issue and acceptable to all parties?

Lokken: I can't answer that for certain.

Nielsen: Corrected line 1 of her testimony, crossed out on her testimony.

(575) Closed hearing on HB 1273.

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1273
House Education Committee

☐ Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
2		x	850-2558
Committee Clerk Signature <i>Linda Liechtnner</i>			

Minutes: Chairman Kelsch opened committee work on HB 1273.

Chairman Kelsch we have a DO PASS motion by Rep. Haas , Rep. Meier seconded.

discussion: Rep. Herbel I this enabling legislation that will help a lot of the school districts to recruit people to the state. I believe that if you are going to compete with outside state, if we were able to offer them a bonus, their is a fairly good chance that they will stay. I think without that opportunity this is a tool for school districts to have the option to use. It offers an opportunity for retired teachers in critical areas to come back and teach. But I wasn't going to go back and teach on a sub pay on a full time basis. If they would have had a bonus, I perhaps may have come back. That might be important to help out a school district in a tight year.

Rep. Hunsakor You can make some good points on both sides here, a 50/50 deal. I can see a teacher coming to a school one year and getting the bonus and gone the next.

Rep. Herbel Any thing that we can do to help teachers to get better pay is good and it is up to the school board to adjust that so they stay longer.

(1146) Rep. Jon Nelson I remember from a conference committee from last year on a bill like

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this, the discussion was the first three years are a critical time in the educators career, and if we can keep them, and started, they are more likely to stay. I would hope that the bonuses are paid over time to help that instead of a lump sum.

Rep. Hawken: Give duties in bargaining, I don't think you can do that, most things are scheduled.

Rep. Haas Policy for this for our state agencies and we have heard that in the GVA that it has been very successful and we are expanding it.. Private industry uses it. School boards are not going to abuse this, they have to have the resources and they have to deal with the morale .If this puts a teacher in the classroom that will help our kids, that is good.

Rep. Sitte Other states are doing it. The resources of a small district compared to large districts in a concern to me and will hurt the small towns.

Rep. Hanson NDEA had surveyed schools. We don't need this bill they are already doing it.

Rep. Williams We have scales unlike Industry. I would like to see it in regular schools agreements It is going to affect small schools, because large schools are not going to use this. But they can negotiate that into their master contracts to give them a blank check on it I don't agree with that. I talked with one school that was here this morning, they elevated the number of years on the scale and gave him some personal days and etc. They can be more creative in the negotiations.

Rep. Mueller the Council of Education Leaders are not there, Klundt is in the middle, reason being, we have to work with the problem of a classroom teacher shortage and with the people that are at that school, and that is difficult. I'm concerned we are setting up a problem for the school districts, then a help situation.

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Rep. Norland Concur with some of the last comments. Like to see them work with the staff on the solution. let them make the decision and struggle through it rather than us doing it for them.

Rep. Herbel They can't agree on it, extremely difficult process, passing then, if they can, we don't need this law, they are going through the steps, mandate from the state makes it easier.

Rep. Hawken: I don't think they can do it right now, and if they can we don't need this law. They can do the salary schedule steps, but I don't think they can do the bonus.

Rep. Williams They can not pay a bonus as it is. They are limited to 6 steps or the discretion of the board. Where there is a will there is a way. In the schools that really mater, they can come up with ways in the negotiating. You wouldn't be able to do merit pay in the Fargo, Wahpetons, probably because they don't need it. They have enough applications. In the smaller schools who are dealing with accreditation, they can find the way to get it done.

Rep. Haas The exception to that is the McClusky, they have a clause in their master contract that permits them to make exceptions to some of these positions. I agree with you, if that clause is not in there they can't negotiate it. Gloria said 54 schools now have some ability to modify contracts based on what is in the negotiated agreement. 54/148.

Chairman Kelsch That is something that they put in.

Rep. Haas I don't think there will be competition for teacher between large schools and small schools, The reason is that the teachers already are attracted to the larger who have the amenities.

Chairman Kelsch Called for a roll on a DO PASS, failed 5-9-0

Rep. Williams moves a DO NOT PASS, Rep. Norland seconds the motion.

Roll vote: 9-4-1 Carrier: Rep. Williams.

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1273
House Education Committee

☐ Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
2	x		895-1212
Committee Clerk Signature <i>Linda Zuechner</i>			

Minutes: Chairman Kelsch opened HB 1273.

Rep. Sitte moved for reconsideration on HB 1273, I was on the prevailing side of the vote.

Rep. Hawken second the motion.

Voice vote: failed

Roll call vote: 7-7-0 Fails for lack of majority.

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1273
House Education Committee

☐ Conference Committee

Hearing Date February 12, 2003

Tape Number	Side A	Side B	Meter #
1	x		00-650
Committee Clerk Signature <i>Linda Juchnick</i>			

Minutes: Chairman Kelsch opened HB 1273

Vice Chair Johnson moved to reconsider HB 1273, I was on the prevailing side. Rep.

Herbel second the motion. Voice vote to close. Roll vote: 9-5-0, passed.

Rep. Sitte moved a DO PASS, Rep. Haas seconds the motion.

Discussion:

Rep. Williams We are really opening up a can of worms, because since 1969 we have had a negotiations agreement, I realize they can take 5% money out of the Title I moneys, general fund, and what you are doing is circumventing negotiations. Inspite of the fact that a number of schools have a rule or something in their agreement for critical teachers. they have had that for some time, many of them. There was a time we had a shortage in math & science teachers, now we have a shortage in math, science, vocational education, English, many schools want foreign language, music, there is a host of different areas. You are opening this up and not allowing the local level to take care of this. I don't know why we are legislating again, when we should put this back to the local level.

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Rep. Meier : Rep. Williams I think that is exactly why we need this bill. I think we need to enable the school boards to have local control to do this.

Rep. Williams we have set up a negotiations agreement where local schools, through the process of either community form, or the negotiated agreement which we have had since 1959, where they can come to a compromise on this very issue. I spoke to a superintendent, they hired someone who had one year of experience, they gave him a bonus. The next year, he wanted another bonus, and he left. Superintendents from my area do not want this bill.

Vice Chair Johnson moved for a question, **Rep. Hanson** seconded, roll vote called, 7-7-0 sent to the floor without recommendation, carried by **Chairman Kelsch**.

P

FISCAL NOTE
Requested by Legislative Council
01/14/2003

Bill/Resolution No.: HB 1273

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

☐ No identifiable fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

It will not affect any state appropriation.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Tom Decker	Agency:	Public Instruction
Phone Number:	328-2267	Date Prepared:	01/16/2003

Y. Costa Rickford
Operator's Signature

10/3/03
Date

Date: 2/3/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1873

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Haas Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch		✓			
Rep. Johnson		✓			
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland		✓			
Rep. Sitte		✓			
Rep. Hanson		✓			
Rep. Hunsakor		✓			
Rep. Mueller		✓			
Rep. Solberg		✓			
Rep. Williams		✓			

Total (Yes) 5 No 9

Absent 0

Floor Assignment _____

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

Date: 2/3/03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House HOUSE EDUCATION 1273 Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Williams Seconded By Norland

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson	✓				
Rep. Nelson		✓			
Rep. Haas		✓			
Rep. Hawken		A			
Rep. Herbel		✓			
Rep. Meier		✓			
Rep. Norland	✓	✓			
Rep. Sitte	✓				
Rep. Hanson	✓				
Rep. Hunsakor	✓				
Rep. Mueller	✓				
Rep. Solberg	✓				
Rep. Williams	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Williams

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

Date: 2/11/03
Roll Call Vote #: 3

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Reconsider to Bring back

Motion Made By

Sette

Seconded By

Hawken

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson		✓			
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland		✓			
Rep. Sette	✓				
Rep. Hanson		✓			
Rep. Hunsakor		✓			
Rep. Mueller		✓			
Rep. Solberg		✓			
Rep. Williams		✓			

Total (Yes) 7 No 7

Absent

Floor Assignment

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

fails for lack of majority

La Costa Rickford
Operator's Signature

10/3/03
Date

Date: 8/12/03
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House HOUSE EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Reconsider to Bring Back

Motion Made By

Johnson

Seconded By

Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson	✓				
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Hanson		✓			
Rep. Hunsakor		✓			
Rep. Mueller		✓			
Rep. Solberg		✓			
Rep. Williams		✓			

Total (Yes) 9 No 5

Absent 0

Floor Assignment

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

Ja Costa Rickford
Operator's Signature

10/13/03
Date

Date: 2/12/03
Roll Call Vote #: 5

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Sitte Seconded By Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson		✓			
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland		✓			
Rep. Sitte	✓				
Rep. Hanson		✓			
Rep. Hunsakor		✓			
Rep. Mueller		✓			
Rep. Solberg		✓			
Rep. Williams		✓			

Total (Yes) 7 No 7

Absent (without recommendation)

Floor Assignment Kelsch

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

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La Costa Rickford
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 10:39 a.m.

Module No: HR-27-2380
Carrier: R. Kelsch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1273: Education Committee (Rep. R. Kelsch, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (7 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING)**. HB 1273 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-27-2380

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Ja Costa Rickford
Operator's Signature

10/3/03
Date

2003 SENATE EDUCATION

HB 1273

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Y. Costa Rickford
Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1273

Senate Education Committee

☐ Conference Committee

Hearing Date 3-05-03

Tape Number	Side A	Side B	Meter #
1		x	20.7 - end
2	x		0 - 8.8
Committee Clerk Signature <i>Linda Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

CHAIRMAN FREBORG opened the hearing on HB 1273 which relates to the payment of signing bonuses by school boards.

Testimony in support of HB 1273:

REPRESENTATIVE LISA MEIER, Dist. 32, stated her support for the bill.

BEV NIELSON, ND School Boards Assn., presented testimony. (see attached)

SENATOR COOK asked if a signing bonus can be offered to retired teachers. MS. NIELSON stated yes if they haven't taught within the past year in ND. The bonuses were defined as such: "signing bonus" is for new teachers or new to the state, "retention bonus" is for one who is already teaching in a shortage (difficult to fill) area.

DEAN BARD, ND Small Organized Schools, stated small districts seem to have more trouble in keeping or attracting teachers, especially in hard to fill areas. He would bring up one point for

Page 2
Senate Education Committee
Bill/Resolution Number HB 1273
Hearing Date 3-05-03

the committee to consider adding: if a teacher is in a consolidated district and is not hired, but did teach the previous year, should that teacher be considered for a signing bonus in another district.

SENATOR TAYLOR asked how Mr. Bard sees this as helping small schools who are having a tough time in hiring. MR. BARD does agree that there may be some conflict between large districts and small districts in the long run. However, maybe if a smaller district had the authority and money to offer signing bonuses, it may level the playing field a little.

KEN ASTRUP, President Jamestown School Board, presented testimony. (see attached).

Testimony in opposition to HB 1273:

GLORIA LOKKEN, President NDEA, presented testimony. (see attached).

FERN POKORNY, NDEA Field Rep., explained how she has advised and helped teachers and schools boards collaboratively bargain in local districts dealing with their individual problems. She feels this is the way things should be done, through collaborative bargaining.

SENATOR COOK asked her if she encourages her people to look at signing bonuses. MS.

POKORNY stated she encourages people to look at all thins and pick what is best for them.

SHERIE HEINE, elementary educator with Glenburn Public School, presented testimony. (see attached).

There was no further testimony.

SENATOR FREBORG asked KEN ASTRUP about the signing bonuses they wanted to give the teachers, and them being told they would violate century code. MR. ASTRUP stated they were told by their bargaining unit and NDEA they were violating century code. The situation arose

Page 3

Senate Education Committee

Bill/Resolution Number HB 1273

Hearing Date 3-05-03

during the summer, after negotiations were done, and they were trying to fill positions in their school.

The hearing on HB 1273 was closed.

SENATOR COOK moved a DO PASS. Seconded by SENATOR FLAKOLL.

Discussion:

SENATOR CHRISTENSON feels a salary schedule gives a sense of pride to teachers and feels that should be honored. She feels a bonus would disenchant some teachers. SENATOR

FREBORG asked if she felt this would be used a lot or only as a last resort in recruiting.

SENATOR CHRISTENSON feels the impact would be the same, even if it was used very little.

SENATOR FREBORG feels a salary schedule can cause a very good teacher to lose money in the end.

ROLL CALL VOTE: 4 YES. 2 NO. 1 ABSENT. MOTION CARRIED.

Carrier: SENATOR LEE

Roll Call Vote #: /

Senate **EDUCATION** **Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By Sen. Cook Seconded By Sen. Flakoll

[illegible]

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Lee

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

La Costa Rickford
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 1:43 p.m.

Module No: SR-39-3979
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1273: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS**
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-39-3979

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10/3/03
Date

2003 TESTIMONY

HB 1273

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Operator's Signature

10/3/03
Date



**NORTH DAKOTA
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Excellence in North Dakota public education through local school board governance

**HOUSE EDUCATION COMMITTEE
HB1273**

Monday, February 3, 2003

Bev Nielson, North Dakota School Boards Association

The North Dakota School Boards Association 2003 Delegate Assembly passed a resolution requesting legislative authority for boards to offer incentive signing bonuses to new teachers in difficult to fill positions. The bill before you:

- Is permissive and would not require any school board to take advantage of this staff management tool.
- ~~Would apply only to individuals licensed or approved to teach by ESPB in difficult to fill positions and new to teaching in the state.~~ These teachers could be new graduates or teachers coming in from another state.
- Would allow, at the board's discretion, the offering and paying of a signing bonus in one lump sum or over a period of up to three years.
- Stipulates that the bonus be offered and paid outside the negotiated agreement, off the salary schedule and not considered compensation for continuing contract purposes. This means a school board would not require the teachers union's approval and once the bonus is fully paid, is not a continuing obligation of the district.
- Does not have a fiscal note and would not involve FTE monies.

For several Sessions, this Committee has heard testimony regarding current and impending teacher shortages. It is our belief that the "highly qualified" standards mandated in No Child Left Behind will greatly exacerbate this problem in North Dakota.

Unfortunately, the option of raising all teacher salaries in North Dakota enough to mitigate this problem is fiscally improbable for both the state and local school districts.

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La Costa Rickford
Operator's Signature

10/3/03
Date

School Boards will require some management tools and flexibility in order to adequately staff their schools.

Teachers with majors and double majors will be in great demand. It is simply a fact that some degrees will be more marketable than others.

This legislation is necessary because:

- The continuing contract law and supporting case law stipulates that, unless a teacher is non-renewed, they are guaranteed a job at no less compensation for teaching than they received the year before. One-time bonuses are not a management option under current law.
- School districts, not the teachers' unions, are responsible and held accountable for ensuring their schools are fully staffed with qualified teachers. School districts need to be pro-active in instruction staff planning to meet impending NCLB requirements. Signing bonus authority could be helpful to that end.
- It is unrealistic to assume teacher unions' would grant districts this authority at the bargaining table. Providing bonuses to select individuals, at the board's discretion, is counter to the most basic union tenets.
- Often, school districts have funds available that are exhaustible or not necessarily dependable and can be used for non-recurring costs such as bonuses but not for continuing salaries. The NCLB Act specifically refers to signing and retention bonuses as uses of Title I and Title II funds to meet the "highly qualified" requirements. (See attachments)

The concept of market driven employment is a fundamental principle of business, widely understood in a right-to-work state. The North Dakota Legislature has already recognized the usefulness of this management tool in state employee recruitment and retention. Two weeks ago, HB1093, which extended authority for state employee signing and retention bonuses, passed the House 92-0. School districts are merely asking for the same authority.

Last Session, you heard testimony regarding how bonuses lower staff morale and about staff harassment of teachers who receive bonuses. If you hear those assertions here today, we would ask you to consider whether those occurrences are the fault of a bonus

system that already operates widely and successfully in the private sector and state government or more a reflection of the individuals involved.

You may also hear that bonuses are already being negotiated in some districts; however, we believe you will find these agreements relate to offering additional salary. This salary, of course, attaches to a continuing contract and must be sustained. This is not the same concept as board initiated bonuses outside the continuing contract.

In conclusion, NDSBA supports HB1273 as a voluntary management tool that will assist school districts to meet current teacher shortages and to be pro-active in meeting the "highly qualified" staffing requirements of No Child Left Behind.

Teacher Quality

As part of the State plan under Title I, Part A, each SEA shall ensure that all teachers teaching within the state are highly qualified not later than the end of the 2005-2006 school year. To accomplish this goal, each state will establish annual measurable objectives for each LEA and school, including an annual increase in the percentage of highly qualified teachers at each LEA and school and an annual increase in the percentage of teachers who are receiving high-quality professional development.

- **Definition:** The law defines a "highly qualified" teacher as
 - One who is fully certified or licensed under state law (an emergency, temporary or provisional certificate is not acceptable), AND
 - One who is competent in the subjects he or she is teaching as demonstrated by passing the State teacher-licensing exam.
- **Who it applies to:**
 - The law says that starting in the 2002-2003 school year, new teachers hired for Title I must meet this requirement.
 - New elementary Title I teachers must have a bachelors degree and have passed the Pre-Professional Skills Test (see the definitions page, under "High Quality Teachers", for a definition of "new")
 - New secondary school teachers must have a degree in the field they are teaching or pass a similar test in the subject(s), or hold an appropriate credential.
 - All existing teachers in the state must meet the highly qualified provision by July 1, 2005-2006. The law allows states to substitute a uniform state-aligned evaluation in place of the rigorous test.
- **Accountability:**
 - States and districts must have plans to ensure that all teachers are "highly qualified" by 2005-2006. Districts must use 5% of Title I funds for professional development aimed at meeting these goals.
 - Districts may use Title II funds and up to 5% of the Title I funds for financial incentives to attract highly qualified staff.

Title I Personnel Credentials

- **Title I Reading Credential K-12:** This credential is issued to the Title I teachers who have a major, minor or endorsement in elementary or middle school education; a valid North Dakota educator's license; and the required coursework. These Title I teachers will work directly or indirectly with those students, grades kindergarten through twelve, who have failed to benefit from regular classroom instruction in reading.
- **Title I Math Credential K-6.** This credential is issued to the Title I teachers who have a major, minor or endorsement in elementary education; a valid North Dakota educator's license; and have completed six semester hours in mathematics. These Title I teachers will work directly or indirectly with those students, grades kindergarten through six, who have failed to benefit from regular classroom instruction in math.

- To reach this goal, a series of meetings are held throughout the academic year, and a clearinghouse of information is being established. For more information, please contact:

Justin J. Wageman, Ph.D.
Director
155C EML Hall
Fargo, ND 58105
Justin.Wageman@ndsu.nodak.edu
701.231.7108 (office)
701.231.9685 (fax)

LuAnn Dolan
Administrative Assistant
155 EML Hall
Fargo, ND 58105
LuAnn.Dolan@ndsu.nodak.edu
701.231.7436

TITLE II PART A. TEACHER AND PRINCIPAL TRAINING AND RECRUITMENT

(Formerly known as Title II Eisenhower Professional Development and Title VI Class-Size Reduction)

Purposes: Increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools.

Hold local educational agencies and schools accountable for improvements in student academic achievement.

Program Requirements

Every school district must have a professional development plan that includes the following six components: Overview, Needs Assessment, Goals, Activities, Performance Indicators, and Evaluation.

Authorized Activities to Increase Student Achievement

The following activities (with corresponding Title Identification Codes) may be conducted with Title II Part A funds. These Title Identification Codes are needed for the "Title ID Code" column on page 5 of the Consolidated Application.

- II-1. Develop and implement mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers; including specialists in core academic subjects, principals, and pupil services personnel, except that funds may be used for pupil services personnel only (1) if the school district is making progress toward meeting the annual measurable objectives described in Title I Part A section 1119(a)(2); and (2) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.
- II-2. Develop and implement initiatives to assist in recruiting and hiring highly qualified teachers who will be assigned teaching positions within their fields, including
 - providing scholarships, signing bonuses, or other financial incentives (such as differential pay) for teachers to teach in academic subjects in which there exists a shortage of highly qualified teachers within a school;
 - recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades, including teachers who become highly qualified through State and local alternative routes to certification and special education teachers;



North Dakota Education Association • Box 5005 • Bismarck 58502-5005 • Phone 701-223-0450 • Fax 701-224-8535

February 4, 2003

Chairperson Kelsch and Members of the Committee:

My name is Gloria Lokken, and I am President of the North Dakota Education Association.

I am testifying in opposition to HB1273.

Please understand that the North Dakota Education Association (NDEA) knows there is a teacher shortage in this state. That's why our Association is working with Governor Hoeven and the 2003 Legislature to sustain and increase the Teacher Compensation package. We also realize the difficulties that "No Child Left Behind" will inflict on our state. However, we cannot agree that HB1273---that allows school boards to offer signing bonuses to teachers---should be passed by the 2003 Legislature.

This bill allows a school board to offer a signing bonus to anyone who did not teach in this state the previous year. In other words, this would apply to first-year teachers, teachers coming into North Dakota from another state, and retirees or anyone returning to teach after a one-year absence.

In this bill, there is no requirement to limit the bonus to difficult to fill positions. There is no requirement to negotiate this with teachers. There is no limit on the amount that can be offered in salary. There is no requirement for the board to demonstrate inability to hire or that there is an emergency. NDEA believes this issue should be bargained with teachers.

Currently, teachers and school boards jointly negotiate what they believe is affordable and appropriate compensation for teachers. If a board could now offer any amount (\$1,000, \$5,000, or \$10,000) above the salary schedule, it would be understandable that other teachers would wonder why there is no money for them.

North Dakota Century Code says salary is a topic for negotiations. This bill sounds a lot like individual bargaining, and the Supreme Court recently ruled against individual bargaining.

Teachers and school boards have been negotiating for years. They have worked together to develop their negotiated agreements and salary schedules. The outcome of this bill could destroy those relationships, upset salary schedules and affect teacher morale.

Also, for several years, NDEA, the North Dakota School Boards Association and the North Dakota Council of Educational Leaders have conducted collaborative bargaining training across the state. Board members and teachers bring issues to the table. In the bargaining training, participants learn how to discuss concerns so that everyone can understand why the issue is a problem for all. Then, they brainstorm possible solutions, test solutions against a set of criteria, and select the solution that will work the best to solve the problem. When a problem is solved jointly with all the stakeholders participating, the solution is more likely to be acceptable to all.

NDEA believes if a school board truly has a problem in hiring a specific teacher, they should bring this problem to the table and work together with their teachers to develop a solution.

For these reasons we ask that you place a "Do Not Pass" on HB1273, which allows boards to offer signing bonuses to teachers.



**NORTH DAKOTA
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SENATE EDUCATION COMMITTEE HB1273

Wednesday, March 5, 2003

Bev Nielson, North Dakota School Boards Association

The North Dakota School Boards Association 2003 Delegate Assembly passed a resolution requesting legislative authority for boards to offer incentive signing bonuses to new teachers in difficult to fill positions. The bill before you:

- Is permissive and would not require any school board to take advantage of this staff management tool.
- Would apply only to individuals licensed or approved to teach by ESPB and new to teaching in the state. These teachers could be new graduates or teachers who did not teach in North Dakota the previous year.
- Would allow, at the board's discretion, the offering and paying of a signing bonus in one lump sum or over a period of up to three years.
- Stipulates that the bonus be offered and paid outside the negotiated agreement, off the salary schedule and not considered compensation for continuing contract purposes. This means a school board would not require the teachers union's approval and once the bonus is fully paid, is not a continuing obligation of the district.
- Does not have a fiscal note and would not involve FTE monies.

For several Sessions, this Committee has heard testimony regarding current and impending teacher shortages. It is our belief that the "highly qualified" standards mandated in No Child Left Behind will greatly exacerbate this problem in North Dakota.

Unfortunately, the option of raising all teacher salaries in North Dakota enough to mitigate this problem is fiscally improbable for both the state and local school districts.

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La Costa Rickford
Operator's Signature

10/3/03
Date

BW Nullem
HB 1273

School Boards will require some management tools and flexibility in order to adequately staff their schools.

Teachers with majors and double majors will be in great demand. It is simply a fact that some degrees will be more marketable than others.

This legislation is necessary because:

- The continuing contract law and supporting case law stipulates that, unless a teacher is non-renewed, they are guaranteed a job at no less compensation for teaching than they received the year before. One-time bonuses are not a management option under current law.
- School districts, not the teachers' unions, are responsible and held accountable for ensuring their schools are fully staffed with qualified teachers. School districts need to be pro-active in instruction staff planning to meet impending NCLB requirements. Signing bonus authority could be helpful to that end.
- These bonus offers could take the form of; moving expenses, housing assistance, professional development stipends, cash, and so forth.
- It is unrealistic to assume teacher unions' would grant districts this authority at the bargaining table. Providing bonuses to select individuals, at the board's discretion, is counter to the most basic union tenets.
- Often, school districts have funds available that are exhaustible or not necessarily dependable and can be used for non-recurring costs such as bonuses but not for continuing salaries. The NCLB Act specifically refers to signing and retention bonuses as uses of Title I and Title II funds to meet the "highly qualified" requirements. (See attachments)

The concept of market driven employment is a fundamental principle of business, widely understood in a right-to-work state. The North Dakota Legislature has already recognized the usefulness of this management tool in state employee recruitment and retention. Earlier this Session, HB1093, which extended authority for state employee signing and retention bonuses, passed the House 92-0. School districts are asking for the same authority.

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Lu Costa Rickford
Operator's Signature

10/2/03
Date

Bo Nilson
HB 1273

Last Session, you heard testimony regarding how bonuses lower staff morale and about staff harassment of teachers who receive bonuses. If you hear those assertions here today, we would ask you to consider whether those occurrences are the fault of a bonus system that already operates widely and successfully in the private sector and state government or more a reflection of the individuals involved.

You may also hear that bonuses are already being negotiated in some districts; however, we believe you will find these agreements relate to offering additional salary. This salary, of course, attaches to a continuing contract and must be sustained. This is not the same concept as board initiated bonuses outside the continuing contract.

In conclusion, NDSBA supports HB1273 as a voluntary management tool that will assist school districts to meet current teacher shortages and to be pro-active in meeting the "highly qualified" staffing requirements of No Child Left Behind.

Senate Education Committee

HB 1273

Testimony of Ken Astrup

President - Jamestown Public School Board

Good Morning. Thank You Mr. Chairman and Members of the Senate Education Committee for allowing me to testify this morning. My name is Ken Astrup. I currently serve as President of the School Board for Jamestown Public Schools.

I am here this morning to ask you to support HB 1273. This bill, if enacted, will provide school boards with another tool in their quest to provide the best quality education possible for young people in North Dakota.

Finding teachers to fill some positions is getting increasingly difficult. School Boards are looking at many new avenues to accomplish the task. The opportunity to pay a bonus to new teachers would greatly assist school boards.

I would like to share with you one of the reasons I would like to see this bill passed.

Jamestown Public School is part of a special education consortium, called Buffalo Valley Special Education Unit. Over the years we have had a difficult time finding enough special education teachers. As a result, many of our special education teachers have case loads that are larger than state averages.

Two years ago, we had the opportunity to hire two special education teachers, one licensed in South Dakota and one in Minnesota. Neither had a North Dakota license. Both wanted to move to North Dakota, but could not afford to pay the additional costs required to obtain the additional hours of education required, for them to receive North Dakota licenses.

Our negotiated agreement did not prohibit us from paying for this. But we were informed by the Jamestown Education Association and the North Dakota Education Association, that if we paid the fees necessary, we would be violating North Dakota Century Code. As a result, we lost two very qualified teachers.

We have heard the argument, that if you only raised your base, you would have no problem attracting the teachers you need. Our entire board agrees that beginning teachers should be paid more, but due to a salary and index schedule adopted years ago, we can not afford to raise the base up to the level we feel we would need to be at. Each \$100 added to our base salary equates to about a \$36,000 expense to the district.

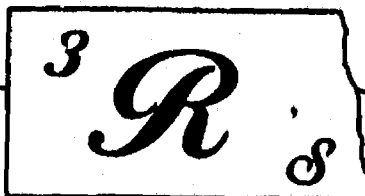
To raise beginning teachers pay, we tried something different this year. We proposed starting beginning teachers at an index of 1.15 or the equivalent of teacher with four years experience. Our teachers union refused to even consider it.

The idea of paying a government employee a signing bonus is not unique to school districts. I noticed that HB1093, which allows the state of North Dakota to pay signing and retention bonuses, passed the House without a dissenting vote.

Please allow school districts this same authority and flexibility.

I thank you for your time and would appreciate your support and passage of HB 1273.

March 5, 2003
HB1273
Gloria Lokken, NDEA



Chairman Freborg and Members of the Senate Education Committee:

For the record, my name is Gloria Lokken, and I am President of the North Dakota Education Association.

I am testifying in opposition to HB1273.

Please understand that the North Dakota Education Association (NDEA) knows there is a teacher shortage in this state. That's why our Association is working with Governor Hoeven and the 2003 Legislature to sustain and increase the Teacher Compensation package. We also realize the difficulties that "No Child Left Behind" will inflict on our state. However, we cannot agree that HB1273—that allows school boards to offer signing bonuses to teachers—should be passed by the 2003 Legislature.

This bill allows a school board to offer a signing bonus to anyone who did not teach in this state the previous year. In other words, this would apply to first-year teachers, teachers coming into North Dakota from another state, and retirees or anyone returning to teach after a one-year absence.

In this bill, there is no requirement to limit the bonus to difficult to fill positions. There is no requirement to negotiate this with teachers. There is no limit on the amount that can be offered in salary. There is no requirement for the board to demonstrate inability to hire or that there is an emergency. NDEA believes this issue should be bargained with teachers.

Currently, teachers and school boards jointly negotiate what they believe is affordable and appropriate compensation for teachers. If a board could now offer any amount (\$1,000, \$5,000, or \$10,000) above the salary schedule, it would be understandable that other teachers would wonder why there is no money for them.

North Dakota Century Code says salary is a topic for negotiations. This bill sounds a lot like individual bargaining, and the Supreme Court recently ruled against individual bargaining.



Teachers and school boards have been negotiating for years. They have worked together to develop their negotiated agreements and salary schedules. The outcome of this bill could destroy those relationships, upset salary schedules and affect teacher morale.

Also, for several years, NDEA, the North Dakota School Boards Association and the North Dakota Council of Educational Leaders have conducted collaborative bargaining training across the state. Board members and teachers bring issues to the table. In the bargaining training, participants learn how to discuss concerns so that everyone can understand why the issue is a problem for all. Then, they brainstorm possible solutions, test solutions against a set of criteria, and select the solution that will work the best to solve the problem. When a problem is solved jointly with all the stakeholders participating, the solution is more likely to be acceptable to all.

NDEA believes if a school board truly has a problem in hiring a specific teacher, they should bring this problem to the table and work together with their teachers to develop a solution. As of September 2002, we know that out of 148 districts, 54 districts had either negotiated agreements or board policy, which specified circumstances allowing the district to offer additional compensation above the salary schedule.

For these reasons we ask that you place a "Do Not Pass" on HB1273, which allows boards to offer signing bonuses to teachers.

Thank you Chairman Freborg and members of the Committee. If there are any questions I would be happy to answer them.

HB 1273
March 5, 2003
Sherie Heine

Good Morning, Chairman Freborg and Senators. For the record, my name is Sherie Heine; I am an elementary educator employed by Glenburn Public School District. I am here to testify in opposition to HB 1273.

As a nineteen year veteran of the teaching profession, all of them spent in the Glenburn School District, I feel very strongly that the proposed signing bonus legislation would have several adverse effects on school districts Glenburn's size, the teaching profession, and ultimately the education of North Dakota's youth. As you are well aware, rural school districts have a limited amount of funding available to be used for compensation of educators. These school districts work to establish and maintain a healthy compensation schedule that will serve a dual purpose of attracting new teachers to the district while at the same time recognizing the value of veteran teachers. It is those veteran teachers that will sustain the quality of education in the district by providing stability for students, continuity in curriculum, and mentoring for new educators in the district. If HB 1273 were to become law, educators will have the opportunity to enter a district for a short period of time, collect a signing bonus, and then leave the district for another with higher career earnings.

In a district of Glenburn's size and proximity to a larger urban district, the signing bonus will in fact have a negative impact. In recent conversations with our district's superintendent, Robert Thom, the discussion focused on maintaining a competitive salary schedule that can be used to attract qualified teachers and encourage longevity in our district. If the signing bonus is available, districts our size will be forced to stretch limited financial resources across a compensation schedule that is competitive with the larger district, and it will place us in the formidable position of offering competitive signing bonuses as well. While the signing bonus is designed to assist smaller districts in attracting educators to "difficult to fill" positions, those same smaller districts, in most cases, do not have the additional funds available to offer the signing bonus.

In addition to the financial ramifications for Glenburn's district, our curriculum continuity and, eventually, student achievement will be adversely affected as results of high educator turnover. Our staff morale will decline, collegiality will be strained, and a once successful team of educators will no longer share common goals and objectives. The effectiveness of Glenburn's school improvement process, one dependent on shared responsibilities, will erode. Schools our size depend on their staff to fill many roles and perform many duties. We do this because we understand their importance in providing students with both quality and diverse opportunities in their education. We further understand that all of us are being fairly compensated with regard to these duties, our experience, and our education.

A signing bonus will not perpetuate our district's current ability to hire and maintain a quality staff. Rather, it will deter from those efforts. The dollars that will potentially be utilized to fund a signing bonus will be better spent on improving an existing compensation schedule. One that can be used to encourage current educators to stay in the district while at the same time attracting new educators with potentially healthy career earnings.

In conclusion, I urge you to recommend a do not pass on HB 1273. North Dakota's youth benefit from educators that willingly commit themselves to their students, their school districts, and their communities.

Thank you for your time. At this time, I am willing to answer any questions you may have regarding my testimony.