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DECEMBER 2010

Excellence in North Dakota public education through local school board governance ■ VOL XXXV ISSUE 12

Governor Dalrymple Sworn In-- Outlines Executive Budget

On December 7, 2010, Lieutenant Governor Jack Dalrymple was sworn in as Governor. The following day, he outlined his executive budget for state legislators who were convened at the Capitol for organizational meetings.

In his opening remarks, Dalrymple said, "I believe we have produced a budget for the people of North Dakota that is farsighted and pragmatic; a budget that will continue to lead our state forward."

The Governor's budget proposes K-12 state school aid funding increases of \$94.3 million and \$9 million of carryover authority from the current biennium.



Photo by Mike McCleary, Bismarck Tribune

Dalrymple, accompanied by wife Betsy, is sworn in as Governor

Included in that amount is \$54.3 million necessary to continue payment levels and formula changes enacted by the 2009 legislature and \$7.5 million for schools that voluntarily establish an alternative compensation system for teachers. Funding recommendations include foundation aid payment increases of \$100 in 2011-12 and \$100 in 2012-13. In addition to base state aid increases, the budget includes funding for other recommendations proposed by the Commission on Education Improvement.

While North Dakota is enjoying a sound economy and healthy reserves, Dalrymple's budget shows signs of restraint. Overall, budget recommendations reflect an increase of 5.6%--excluding property tax relief funding that was secured through the 2011-13 biennium by the 2009 session.

Dalrymple concluded, "We have made progress even as other states have struggled just to hold their ground. Today, I ask you to work with me to build on that progress."

The executive budget is considered a recommendation to the legislature. Even though the Governor and majority of both chambers are Republican, there are widely divergent views on spending levels and funding priorities. As always, final budget details will be worked out during the Session.



NDSBA Office Has Moved!

NDSBA moved to its new building on December 6, 2010. In schoolhouse red with a beautiful school bell hanging in the lighted bell tower, it sends a clear message that NDSBA is an organization devoted to the education of North Dakota students. Thank you to Don Schaible who donated the authentic school bell. Don is a former Mott school board member and was recently elected to the North Dakota Senate.

Please change your records to reflect our new street and mailing address.

MAILING ADDRESS:
PO Box 7128
Bismarck ND 58507-7128

STREET ADDRESS:
1224 West Owens Avenue
Bismarck ND 58501

Stop in and see us!

2012 CONVENTION DATES

The 2012 NDSBA Annual Convention will be held October 26-27, 2012, at the Ramkota Hotel in Bismarck. The School Law Seminar and New Member Seminar will be held on October 25, also at the Ramkota.

After January 1, 2011, the Ramkota will begin taking

reservations for those dates. This gives all school districts an equal opportunity to get rooms at that facility. The hotel will not accept reservations until January 1, so please don't call prior to that time.



from the director's chair

■ by Jon Martinson, NDSBA Executive Director

School Districts Consider Alternative Teacher Compensation

The Jamestown School Board took a step in the right direction recently by passing a motion (unanimously) to move forward on working with teachers to create a plan for alternative teacher compensation. A committee comprised of teachers, administrators, and school board members will hold its first meeting in January. The committee will study alternative compensation programs including recommendations by the North Dakota Commission on Education Improvement whose subcommittee on Quality Instruction has researched the topic over the past year.

Donette Rasmussen, a school counselor at Jamestown Middle School and the teacher union's chief negotiator, said a committee of ten teachers volunteered to study this initiative. She

said the idea is appealing because "no one is forcing teachers to do this and if people can't agree, the effort can be dropped ... or we can try it for a year and if it doesn't work, the district can go back to the traditional salary schedule."

Jamestown Superintendent Bob Toso is interested in developing a process whereby teachers are given more responsibility and can remain in the classroom rather than leaving the teaching profession for higher pay in administrative positions. He thinks there are at least two reasons to seriously study the idea. "First, I am not convinced the traditional salary schedule is the best way to compensate teachers for their work. There is more to it than offering compensation based solely on education and experience. Second, the salary schedule has not worked for teachers in North Dakota since we still rank 49 or 50 in the nation." Having said that, Superintendent Toso's position is "if we can find something that works, we will implement it; if not, we won't."

The Fargo School Board and Fargo Education Association have been talking about alternative teacher pay for the past year or more. Fargo Board President Jim Johnson thinks both groups would like to develop a plan for a pilot program in Fargo. Mr. Johnson's goal is "that we try our darnedest to get a plan in place. It could be building-wide or district-wide, but I would like to have this finally occur in our district."

In my conversations with educators, it has become apparent that there is an element in the teaching community that opposes this initiative. While it helps tremendously to have the NDEA involved and promoting merits of a new pay plan, teachers with the most experience appear more comfortable with security offered by the traditional

salary schedule than they are in looking at a new pay plan, which is understandable given their position on the salary schedule.

Frank Schill, superintendent in Cavalier, sees the potential for this initiative to "take teachers to the next level in terms of accountability, professional growth, and enhanced compensation" and he expressed interest in learning more about how the plan would work. "We will be cautious in our approach. My board will do their homework and be deliberate in their study of this idea."

In his budget address to state legislators, Governor Dalrymple mentioned an Alternative Teacher Compensation System "that will provide for supplemental teacher pay based on multiple components including, for example: hard-to-staff positions; added knowledge, skills or professional development; student educational growth; and added responsibilities such as mentoring, coaching or instructional leadership." The ND Commission on Education Improvement is recommending \$7.5 million be allocated by the legislature to implement the new pay plan beginning the second year of the 2011-2013 biennium. The Governor also said the Commission believes that "we can no longer compensate teachers solely on the basis of years of service. We must take a first step in beginning to reward teachers for good performance in the classroom."

Mindful of the resolution passed by our Delegate Assembly to support an alternative compensation plan, NDSBA will work hard during the upcoming legislative session to get this initiative passed.

Nonrenewal Field Reps

Board members and superintendents interested in serving as a nonrenewal field representative to assist schools with nonrenewal of teachers, please, call NDSBA by January 6, 2011.

bulletin

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■By Gary R. Thune, NDSBA Legal Counsel



THE 2011 NEGOTIATIONS SEMINAR

INTRODUCTORY REMARKS

From recognition to contract issuance, with a stop at impasse, the unique process of North Dakota's negotiation law merits your attendance at NDSBA's annual seminar from **February 4-5** at Bismarck's Ramkota Hotel. In addition to presentations by NDSBA staff and legal counsel, board members, administrators, chairman of the Fact Finding Commission, and executive director of the NDEA will share their experiences and views. As we've done in past years, two "early bird" sessions will be offered on **Thursday, February 3, 2011**.

EARLY BIRD SESSIONS

A. NONRENEWAL TRAINING

Commencing at 1:00 p.m. on Thursday, I will provide a review of the nonrenewal process, starting with the importance of complying with statutory deadlines and the significance of timely evaluations. Reduction-in-force and performance-based (cause) nonrenewals will be discussed and appropriate forms will be provided and discussed. Exceptions to the "general rules" for nonrenewals will also be covered in this two-hour early bird session.

B. TRAINING FOR NDSBA FIELD REPRESENTATIVES

Following the nonrenewal session for administrators and board members, I will provide an overview and Q & A session for nonrenewal field representatives who annually volunteer to assist school boards across the state with the procedural aspects of nonrenewal hearings.

C. DEALING WITH A SHORTAGE OF BOARD CANDIDATES IN REORGANIZED DISTRICTS

Is your district having difficulties finding candidates who are willing to run

for the board or to accept the office when elected by write-in ballot? A new addition to this year's seminar will be a Thursday evening early bird workshop for board members and administrators. Discussions will include the use of at-large voting and the election process required to actually change geographic areas of residency created by reorganization plans approved decades ago. A practical, hands-on approach to preparing for and conducting an election, together with a timeline that complies with state laws, will be presented and questions will be answered.

NEGOTIATIONS 2011

A. JEOPARDY AND THE BASICS

Once again, the Friday morning session will begin with Alyssa Martin leading a game of "Negotiations 101 Jeopardy," introducing unique words and phrases that are a part of the negotiations process.

B. THE LAW

I will briefly summarize the law, both statutory and court decisions, that has evolved since 1969. One focus will be on the erosion of board powers during negotiations—both intentional and gratuitous. A review of the recognition process will illustrate how that erosion can begin early and continue throughout negotiations.

C. ALTERNATIVE TEACHER COMPENSATION

Executive Directors Jon Martinson (NDSBA), Greg Burns (NDEA), and Doug Johnson (NDCEL) will present their views on an alternative to the traditional, lock-step salary schedule that has been an integral part of the vast majority of our negotiated agreements for the last 40 years. I can

assure you that this unique session will merit your attendance! It will be followed by a short break and then a Question and Answer session with the directors.

D. PREPARATION AND STRATEGY

From ground rules and board proposals to the ongoing use of executive sessions to formulate and provide strategy to the board's negotiation team, this session will provide practical suggestions followed by a timely adjournment for lunch, which is included in your registration fee.

E. LUNCH AND LEGISLATION

During the lunch hour, NDSBA's chief lobbyist, Bev Nielson, will provide an overview of pending legislation on topics of interest, including bills affecting negotiations and the volatile subject of the cost of TFFR.

F. THE 70% RULE

Following lunch, West Fargo Business Manager Mark Lemer will walk us through the definition of "compensation" and the challenging computations necessary to determine whether the board's proposals are in compliance with the "70% Rule."

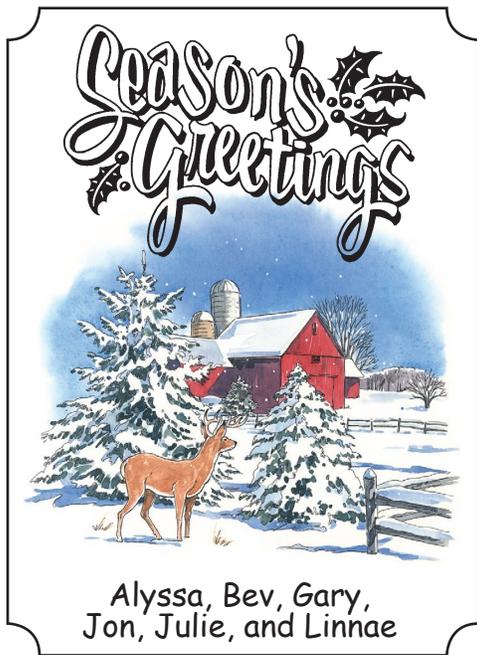
G. AT-THE-TABLE TIPS: Do's and Don'ts, etc.

Over the past 30 years of negotiating teachers' contracts, I have accumulated numerous principles and techniques which have proven to be useful to me. I have also observed recent NDEA strategies that merit exposure so that you will recognize them when you see or hear them.

H. THE GARRISON EXPERIENCE: Was It Worth It?

Following a short break, some of Garrison's board members and Superintendent Steve Brannan will share their opinions and views as to whether it was "worth it" to spend more than a year in negotiations, impasse, fact finding, more negotiations, unilateral issuance of contracts, and a lawsuit in which they ultimately prevailed. The lessons they learned

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Minot Public School District

Contact: Scott Moum, BsMgr.
215 2nd Street SE
Minot, ND 58701
(701)857-4428
scott.moum@sendit.nodak.edu
Deadline: January 21, 2011

Richland School District

Contact: Kendra Dockter, BsMgr.
110 Main
Colfax, ND 58018
(701)372-3713
kendra.dockter@sendit.nodak.edu
Deadline: Open

comments
of counsel

Continued from page 3

and the challenges they faced will make this a presentation you don't want to miss.

I. CONTRACT LANGUAGE – FIND THE PROBLEM

The final session of the first day will employ an interactive format to assist participants in identifying contract language that should be revised or removed from your negotiated agreement. Jon Martinson will serve as facilitator for this session. Alyssa and I will provide comments on the audience responses.

THE IMPASSE PROCESS

After a buffet breakfast, Saturday morning will begin with a review of NDSBA's *Negotiations Handbook* flow chart entitled "Getting To and Through Impasse." Dean Rummel, Chairman of the North Dakota Education Fact Finding Commission, has once again agreed to share his unique perspective, followed by Larimore's Jennifer Johnson who will share her lessons learned during impasse from a board member's perspective. I will then present the Supreme Court's prescribed procedures for bringing negotiations to a conclusion once the Fact Finding Report has been received.

The final session before noon

adjournment will be a Question and Answer session. Oral and written questions will be welcomed.

SEE YOU IN BISMARCK!

Please mark your calendars to reserve **February 4 and 5, 2011**, and preregister to ensure that you receive all materials to be presented at this year's Negotiations Seminar.

Better yet, plan to arrive on Thursday, **February 3**, to attend the early bird sessions:

- 1:00 p.m. Nonrenewals
- 7:00 p.m. Shortage of Board Candidates in Reorganized Districts

Call the Ramkota Hotel at (701)258-7700 for sleeping room reservations.

NOTICE

NDSBA Vice President Dave King and his wife Stephanie lost their home and possessions in a fire on December 6, 2010. Contributions can be sent to:

**Dave and Stephanie King Fund
State Bank of Kenmare
P.O. Box 727
Kenmare, ND 58746**