



Board of Education Column

By David Paulson, Board of Education

School Board-Teacher Negotiations

The North Dakota legislature established the continuing contract law for teachers prior to 1947. Sometime around 1969, teachers were granted the right to bargain contract language regarding working conditions. Since that time, teams representing the teachers and school boards have met to develop and revise contracts in all public schools across North Dakota. This generally occurs biennially due to the fact that the North Dakota legislature meets every two years and is responsible for the majority of funding for North Dakota's public schools. Most of the other dollars available for education come from the local level in the form of property taxes.

Local teacher associations must petition their school boards at least 60 days before the anniversary date for the right to negotiate. Their petition is then reviewed by the board and accepted.

Negotiation Forms

There are two different forms of negotiations. The most common form of negotiations has each side coming to the table armed with proposals, which are essentially "solutions" to perceived problems. Salary and fringe benefits are usually the main points of contention. This is sometimes called *adversarial bargaining* or *collective bargaining*. Negotiations often become very contentious and heated, primarily because each side comes to the table with such different ideas. Sometimes negotiations reach a level where the two sides cannot agree, and impasse is declared. In Fargo, this results in each team picking a representative and those two picking a third member who become a mediation panel that attempts to resolve the differences. If this is not successful, the North Dakota legislature established a Fact Finding Commission that meets with each side in a public meeting and issues a recommendation to both parties. If this is not acceptable to the school board, they may choose not to accept it and decide to issue contracts unilaterally. This has happened in Fargo in the recent past.

A different approach to coming to agreement is commonly referred to as *collaborative bargaining* or *interest-based bargaining*. In this approach to reaching a contract agreement, both sides sit down at the table and discuss problems they see in the current contract. By brainstorming, the teams attempt to come to an agreement in a less pugilistic manner by first agreeing together that there is a problem and then working together to find an acceptable solution. The end result may still be the same, however, some local districts have found this system to work better than the traditional approach.

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2021-23 Contract Negotiations

Both styles of negotiating have been used in Fargo. The Fargo School Board is open to any style of negotiations if it achieves an effective result. Negotiations will start in the next few months on the 2021-23 contract. The Fargo School Board looks forward to meeting with our teachers to determine a new two-year contract.

