

2023 HOUSE EDUCATION

HB 1259

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

HB 1259
1/23/2023

Relating to individuals under short-term contracts with a school district

3:47 PM

Chairman Heinert opened the hearing.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Absent: Representative Hoverson

Discussion Topics:

- Short term contract
- Teacher tenure
- Covid funding
- Limited school position
- Continuing contract rights

Rep Anna Novak, Dist. 33, Testimony #15104

Dr. Amiee Copas, Executive Director, NDCEL, Testimony #15400

Alexis Baxley, Executive Director of NDSBA, Testimony #15152

3:59 PM hearing closed.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1259
1/24/2023

Relating to individuals under short-term contracts with a school district

4:40 PM

Chairman Heinert opened the meeting.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee Action

Rep Conmy moved Do Pass on HB 1259, seconded by Rep Heilman.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	Y
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

Yes 14 – No 0 – Absent – 0 Motion carried. Rep Novak is carrier.

4:42 PM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1259: Education Committee (Rep. Heinert, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

2023 SENATE EDUCATION

HB 1259

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1259
3/13/23

Relating to individuals under short term contracts with a school district.

10:00 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Contract law
- Tenure
- School flexibility

Rep Anna Novak, Dist 33, bill sponsor, testified in support #24311.

Kevin Hoherz, ND Council Educational Leaders, testified in support #22129.

Mike Heilman, ND Small Organized Schools, testified in support with no written testimony.

Alexis Baxley, Director ND School Boards, testified in support #24105.

Bob Marthaller, ND United, testified neutral with no written testimony.

Sen Wobbema moved a DO PASS. Sen Axtman seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Elkin will carry the bill.

10:20 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1259: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1259



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna S. Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources

January 23, 2023

Mr. Chairman, members of the committee - sFor the record, my name is Anna Novak, Representative from District 33. I sponsored HB1259, which came from a field-based recommendation as a result of it not being clear in law.

Schools have always dealt with issues where they've had short-term positions. Whether these positions are for a short period or are funded by grants, these positions are needed for varying reasons, such as short-term grants awarded or Covid funding. There are many rational reasons why offering a regular contract for a limited scope position isn't in the best interest of the school or for the individual agreeing to do the work.

Currently, districts run into issues with these positions with continuing contract law, which is also known as teacher tenure, and that can make it difficult to end those positions in a graceful fashion. During COVID, this put even more stress on schools that wanted to hire additional staff to support their students but were challenged with ongoing continuing contract costs. In the end, many could not make that choice fiscally.

This bill very easily and clearly creates a way for schools to be able to hire individuals for short-term positions. If the contract clearly indicates that the employment is limited in nature and includes with it no continuing contract rights – because both parties very clearly understand the language in the contract – offering such a contract would be permissible. And truly, this has been in practice for quite some time. This adjustment will simply clear up any grey area in the law.

With that, I will stand for questions.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1259
House Education
January 23, 2023
Testimony of Alexis Baxley

Good afternoon, Chairman Heinert, and members of the House Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

NDSBA stands in support of HB 1259. The ability to staff temporary grant positions without worrying about continue contract rights will allow my school districts to better serve their students and ensure temporary funds are used as effectively as possible. My office fielded many questions from districts looking to use their ESSER dollars to hire additional staff in an attempt to address COVID-related learning loss. Many were nervous to do so, afraid that continuing contract requirements would end up effecting their current staff when ESSER funds ran out. It was a valid concern. HB 1259 would help address these concerns.

Additionally, we have had districts who have hired teachers to specific, short-term contracts for temporary programs in the past. When it came time to terminate the program and the contract, districts ended up being forced to do a RIF, and potentially had to let staff go that they would have preferred to stay rather than the individual who knowingly accepted a short-term position.

I encourage you to give this bill a do-pass recommendation, and I will stand for any questions.



1 **Testimony In Support**

2 **HB 1259 – Short Term/Grant Funded positions**

3 Chairman Heinert and members of the House Education committee, my name is Dr.
4 Aimee Copas, and I am the Executive Director for the North Dakota Council of
5 Educational Leaders representing school leaders across North Dakota.

6 Schools in North Dakota have always dealt with issues where they have had short term
7 positions. Whether these positions are short in tenure or are grant funded positions
8 created and needed for varying instances (short term grants awarded, COVID Funding)
9 there is a myriad of rational reasons why offering a regular contract for a limited scope
10 position isn't in the best interest of the school district or for the individual agreeing to
11 do that work. In the past, schools have often written short term contracts and ensured
12 that both parties were aware – it worked well. However recently this practice was
13 challenged, so it was recommended to get rid of any grey area and make it clear in law.

14
15 Currently districts run into issues with these positions with continuing contract law
16 (familiarily understood as teacher tenure) and have limited ways to end those positions
17 in a graceful fashion. During COVID this put even more duress on schools who
18 wanted to hire additional staff to support students but were challenged with ongoing
19 continuing contract costs and ultimately could not make that choice fiscally. Districts
20 often write for limited duration grants and the ability to hire staff for those grants and
21 to be fiscally responsible is appropriate. It is an employer right that exists in most all
22 other industries in North Dakota.

23 This bill very easily and cleanly creates a pathway for schools to be able to hire
24 individuals for short term positions and it bears tremendous logic. If the contract

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education
for all students in North Dakota.*

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoherz



- 1 clearly indicates that the employment is limited in nature and includes with it no
- 2 continuing contract rights (both the parties very clearly understand that language in
- 3 the contract) offering such a contract would be permissible.
- 4 We ask that you consider this testimony as you discuss the bill.

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HB 1259
Senate Education
March 13, 2023
Testimony of Alexis Baxley

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I respectfully encourage you to give this bill a do-pass recommendation, and I will stand for any questions.



North Dakota House of Representatives

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Representative Anna S. Novak

District 33
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March 13, 2023

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Currently, districts run into issues with these positions with continuing contract law, which is also known as teacher tenure, and that can make it difficult to end those positions in a graceful fashion. During COVID, this put even more stress on schools that wanted to hire additional staff to support their students but were challenged with ongoing continuing contract costs. In the end, many could not make that choice fiscally.

There was recently a situation here in North Dakota where someone was hired for a short-term education position, but they worked at the school for more than three years. Even though the person had been hired for a short-term position, the person felt they deserved tenure and the case was brought to court but was eventually settled, which is why HB1259 came to fruition.

This bill very easily and clearly creates a way for schools to be able to hire individuals for short-term positions so a situation like the one I described doesn't happen again. If the contract clearly indicates that the employment is limited in nature and includes with it no continuing contract rights – because both parties very clearly understand the language in the contract – offering such a contract would be permissible. And truly, this has been in practice for quite some time. This adjustment will simply clear up any grey area in the law.

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