

NORTH DAKOTA

OVERALL RANK: 24TH¹
TIER 3 (AVERAGE)

STRONGER
←
→
 WEAKER

OVERALL			24		
1. RESOURCES AND MEMBERSHIP				28	
2. INVOLVEMENT IN POLITICS			23		
3. SCOPE OF BARGAINING				33	
4. STATE POLICIES	2				
5. PERCEIVED INFLUENCE		14			

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 28TH

North Dakota's teacher unions are near the middle of the pack when it comes to both internal resources and spending on public education in the state. Nearly three-quarters (74.7 percent) of the Peace Garden State's teachers belong to unions, the 27th-highest unionization rate across 51 jurisdictions. The state NEA and AFT affiliates also post the 27th-largest annual revenue, at \$472 per teacher in the state. While North Dakota itself directs a comparatively small portion of its expenditures to K-12 education (15.4 percent; 42nd), overall spending on K-12 education is higher. North Dakota spends \$12,225 per student annually (a combination of local, state, and federal

funds), and 53.8 percent of total education dollars go to teacher salaries and benefits (27th).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 23RD

Teacher union involvement in politics ranks the state in the middle of the national pack.³ Their contributions comprised 0.64 percent of total donations received by candidates for state office (23rd) and 4.0 percent of donations to candidates from the ten highest-giving sectors in the state (32nd). Further, 0.59 percent of donations received by state political parties came directly from teacher unions (34th). (These small percentages are not surprising given the overall lack of activity in Bismarck—see sidebar.) The unions had another source of

influence besides their dollars, however: A whopping 26.7 percent of all North Dakota delegates to the Democratic and Republican national conventions were teacher union members (3rd).⁴

AREA 3: SCOPE OF BARGAINING TIED FOR 33RD

North Dakota is one of eleven states that require collective bargaining in education but do not allow its teacher unions to automatically collect agency fees from non-member teachers (a key source of union revenue). It also prohibits teachers from striking. Still, the state has a relatively permissive scope of bargaining: Of twenty-one items examined in this analysis, the Peace Garden State requires bargaining over the terms and conditions of employment, and explicitly permits negotiations over transfers/reassignments, layoffs, evaluation procedures, leave, curriculum, and class size. State law is silent on the remaining fourteen items, implicitly permitting bargaining over all of them—and prohibiting none.

AREA 4: STATE POLICIES TIED FOR 2ND

North Dakota's teacher employment policies are closely aligned with traditional teacher union interests, and the state has no charter law, neither of which is likely to change in the near future (see sidebar).⁵ North Dakota grants teachers tenure after only two years (the national norm is three) and does not require that student learning factor into tenure decisions or teacher evaluations. Nor need districts consider teacher performance in layoffs.

AREA 5: PERCEIVED INFLUENCE 14TH

Stakeholders in North Dakota report that teacher unions play a prominent role in education politics, especially when compared with responses from other states. While unions may not be the dominant political force—survey respondents rank their influence as equivalent to that of the state association of school administrators and the state school boards association—they do carry clout: Respondents note that Democrats *always* need union support to be elected and that Republicans *often* do. Further, they report that state education leaders are often aligned with teacher union positions. Stakeholders agree that the unions are effective in protecting dollars for education even in times of budgetary constraint, and that both the proposals *and* the outcomes of the latest legislative session were in line with teacher union priorities.⁶ Still, like stakeholders in most other states, they note that the teacher unions often compromise to ensure enactment of favored policies.

OVERALL 24TH

North Dakota's teacher unions are neither the strongest nor the weakest political force in the nation. They enjoy a favorable policy environment, however, and stakeholders report that they are influential at the state level, even without major internal resources or donations to state politics.

"PEACE GARDEN STATE" SOUNDS ABOUT RIGHT

These days, the North Dakota Education Association (NDEA) doesn't have much on its plate, as it benefits from the fact that state finances have been largely unaffected by the recent economic downturn: North Dakota is one of only two states that have not reported a budget shortfall these past several years. Nor is there much need for activity when no legislative session is planned for 2012, and lawmakers were in session for just four months in 2011.^{7,8} Further, state leaders don't seem particularly interested in changing the status quo of education policy. They did not apply for Race to the Top funds and voted repeatedly to postpone submitting an application for an NCLB waiver, both of which would require the state to rethink its current employment and evaluation policies and enact charter legislation (which the state does not have, and which State Superintendent Wayne Stanstead doesn't imagine his rural state will adopt any time soon).^{9,10}

With little trouble being made for it or its members in the state capital, the NDEA focused its attention on maintaining funding for education and improving working conditions for its members. In June 2012, it helped defeat a ballot initiative that would have eliminated local property taxes (and the resulting dollars for education); the initiative was proposed by a conservative group that deemed such taxes unnecessary given the state's budget surpluses. With over 70 percent of voters siding with the coalition of unions and local interests that opposed the measure, it was easily voted down.¹¹ The following month, the NDEA lent its support to one of its local affiliates fighting for higher salaries and better housing opportunities for teachers in a district where an oil boom pushed average wages to \$80,000 per year, but a starting teacher's salary can be as low as \$31,000.¹² NDEA President Dakota Draper used the opportunity to call out lawmakers who have yet to decide "how much [money to give education], where it will come from and who will pay for it."¹³ But with no pressure from leaders to change the state's education policies, and no impending fights over state dollars, for the moment all is peaceful in the Peace Garden State.

NORTH DAKOTA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 24TH			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 28*	Membership	By rank, what percentage of public-school teachers in the state are union members?	27th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	27th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	42nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	19th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	27th
AREA 2: INVOLVEMENT IN POLITICS 23*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	23rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	34th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	32nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	3rd
AREA 3: SCOPE OF BARGAINING 33*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 2*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	37th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	5th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 2* (cont.)	Charter school structural limitations ^c	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions ^c	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

AREA 5: PERCEIVED INFLUENCE^d 14	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	**
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly/Totally in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

* Tied with another state

** Insufficient number of responses to this particular question

^a Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, North Dakota has the 27th-highest percentage of teachers who are union members. Otherwise, we report a status: North Dakota has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

^c North Dakota does not have a charter school law.

^d For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for North Dakota are shown in the table, *North Dakota Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, North Dakota is ranked 28th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

² Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

³ North Dakota is one of just five states where local teacher associations did not contribute to candidates and political parties. In North Dakota, the North Dakota Education Association (NDEA) was the lone union donor to candidates, while the NEA and AFT were the primary donors to parties (and the NDEA giving relatively little in comparison).

⁴ At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

⁵ We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none.

⁶ We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

⁷ "North Dakota Legislative Assembly," Ballotpedia, last modified May 17, 2012, http://ballotpedia.org/wiki/index.php/North_Dakota_Legislative_Assembly.

⁸ Phil Oliff, Chris Mai, and Vincent Palacios, "States Continue To Feel Recession's Impact," Center on Budget and Policy Priorities, June 27, 2012, <http://www.cbpp.org/cms/index.cfm?fa=view&id=711>.

⁹ Alyson Klein, "Is Race To The Top An Urban Game?" *Education Week*, December 15, 2009, http://blogs.edweek.org/edweek/campaign-k-12/2009/12/some_state_officials_have_a.html; Mara van Ells, "N.D. education committee recommends NCLB waiver," *Bismark Tribune*, August 28, 2012, http://bismarcktribune.com/news/state-and-regional/n-d-education-committee-recommends-nclb-waiver/article_0d6e50c0-f18f-11e1-b2aa-0019bb2963f4.html.

¹⁰ After a year of delays, education leaders voted in September 2012 to apply for an NCLB waiver; the NDEA formally supported the state's application. Sanstead, an incumbent not seeking re-election, stated that he believes the state should take advantage of the opportunity presented by the waiver. However, neither of the two candidates for his position as state superintendent are in favor of North Dakota submitting an application. In addition, the state did not enact any new reform policies to bolster its chances. See Mara van Ells, "North Dakota applies for waiver from No Child Left Behind," *Bismark Tribune*, September 10, 2012, accessed September 14, 2012, http://bismarcktribune.com/news/state-and-regional/north-dakota-applies-for-waiver-from-no-child-left-behind/article_b5bbbc38-fb74-11e1-a6a4-0019bb2963f4.html.

¹¹ Associated Press, "ND Voters Reject Ending Local Property Taxes," *Daily News*, June 13, 2012, http://www.wahpetondailynews.com/article_824dc114-b553-11e1-87d0-001a4bcf887a.html.

¹² Associated Press, "ND Oil Town's Prosperity Doesn't Reach Teachers," July 6, 2012, <http://www.foxnews.com/us/2012/07/06/nd-oil-town-prosperity-doesnt-reach-teachers/>.

¹³ *Ibid.*