

*Collective Bargaining in Public Schools:*

***Turning the Focus to Students***



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Freedom  
Foundation*



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Invaluable review was also provided by Dr. David Steele, who has navigated both sides of the collective bargaining process, first as a teacher, and then as the superintendent of a large Washington state school district. He is now an Associate Professor of Education Leadership and the Director of Doctoral Programs at Seattle Pacific University.

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*This report is available at EFF's website, [www.effwa.org](http://www.effwa.org). For more information, contact EFF at [effwa@effwa.org](mailto:effwa@effwa.org).*

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# EXECUTIVE SUMMARY

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“NEA will become a political power second to no other special interest group....” — *Sam Lambert, 1967, NEA Executive Secretary*

“What I am talking about is the control of admission to the profession, the control of standards of practice.” — *Lambert, 1971*

What happens when one entity becomes the sole determiner of quality, distribution, price, *and* buyer options for an important commodity? What happens when this important commodity is public education and the controlling entity is a union?

In the great debate about how to reform education in Washington state, the overarching influence of the teacher union and the collective bargaining process has been conveniently ignored. Yet, collective bargaining affects every teacher, administrator, parent, student, legislator and taxpayer in our state. The impact of collective bargaining extends from the obvious to the indirect, including issues such as:

- teacher evaluation;
- class size;
- sick leave, work rules, promotion, retirement and grievance procedures;
- the number of hours and minutes worked;
- how many days children will be in the classroom;
- the make-up of local curriculum planning teams and site-based councils;
- the use of volunteers on school campuses;
- how much funding is available to hire teachers within the district.

The majority of education funds in the average school district in Washington state is spent to meet the demands of collectively bargained contracts. Large districts negotiate a dozen or more contracts with employee groups. What is in these contracts and do they facilitate or frustrate the ability to offer each student in our public school system the best possible educational opportunity? Do these contracts enhance or erode the professional preparation and satisfaction of teachers?

This study attempts to answer those questions. We begin by outlining the impact of collective bargaining on various education stakeholders: school board members, administrators, teachers, parents, students, lawmakers, and taxpayers. The fundamental concepts of collective bargaining are discussed. We explain how the nationwide struggle for unionization and collective bargaining gained acceptance in our state’s public schools. Brief sketches of common contractual provisions are provided as well.

The greater portion of the study analyzes a number of contractual provisions that impact the ability of teachers, administrators and school boards to make the best possible choices for students. We make specific recommendations, including:

***Do these contracts  
enhance or erode the  
professional preparation  
and satisfaction of  
teachers?***

- The adoption of strong management rights clauses that explicitly list the rights reserved to the district.
- Protecting the right of qualified individuals to teach in the state of Washington without being forced to support a union and its policies.
- Providing clear protection for teachers' rights against compulsory support of union politics.
- Limiting the use of *just cause* exclusively to discharge or nonrenewal of tenured teachers.
- Limiting the procedural barriers to effective teacher evaluation.
- Allowing teachers to be considered for retention or transfer based on their skill, experience, and education, rather than simply on seniority.
- Ensuring teachers and other employees have maximum flexibility and cost-effectiveness in their insurance carrier and plan.
- Instituting no-strike clauses with penalties for failure to comply.
- Making class-size decisions based on individual classroom needs, not on a one-size-fits-all plan.
- Eliminating contract provisions that relinquish school board authority over curriculum, education policy, and student discipline.

The current collective bargaining process in our public schools has helped create a hostile environment among parents, teachers, administrators and lawmakers. In addition, the uniform treatment of all personnel required by the collective bargaining process too often saps teachers' creativity and productivity. It unnecessarily hamstrings administrators.

The collective bargaining process must change if it is to remain relevant for public education. And school board members must become as highly skilled in the *key* elements of negotiations as the union officials they face across the bargaining table. When school board members are well informed and properly prepared, collective bargaining has a better chance of being used as a tool to improve employee benefits and working conditions without sacrificing the educational progress of students. To truly reform education, we must insist on a process that will

- untie the hands of teachers, administrators, and school boards to allow the development of quality, innovative educational programs;
- re-establish the right of administrators and school boards to make critical policy decisions;
- restore district accountability and the trust of parents and taxpayers in local communities by providing excellent academic results and making better use of scarce resources;
- provide teachers with a less regulated work environment where innovation and excellence can be rewarded.

The recommendations contained in this publication should be considered as part of the reform efforts that must be implemented in order to deliver quality education opportunities to every student in our public schools.

— *Lynn Harsh*



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### ***About the Evergreen Freedom Foundation***

*The Evergreen Freedom Foundation (EFF) is a non-profit, educational research organization based in Washington state. The Foundation's mission is to advance individual liberty, free enterprise and limited and responsible government. EFF staff conduct research and publish analysis and policy alternatives in the areas of state budgets; governance and citizenship; and health, education and welfare reform.*

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