

ISSUE BRIEF 

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Collective Bargaining:
A Dangerous Threat to Public School Reform

The East Baton Rouge (EBR) Parish School Board may soon consider whether to recognize collective bargaining. The passage of this proposal would allow for a process by which union representatives of teachers and other school employees would be granted *exclusive, private* rights to negotiate with the EBR Parish School Board on issues of salary, benefits, job security, teacher placement, and assorted working conditions: nearly every factor affecting school organization.

In public school districts across the nation, collective bargaining agreements frequently run in excess of 100 pages, creating a web of bureaucracy that can be restrictive and onerous for school boards, administrators, and teachers. Such documents tend to include rules that:

- require teacher pay be based on years of experience and level of education, not on performance
- make it virtually impossible to dismiss teachers for poor performance and/or misconduct
- require principals to give advance notice to teachers before visiting classrooms to evaluate performance
- limit the number of conferences and other forums in which teachers meet with parents
- give unions access to school mailboxes, bulletin boards, classrooms, and other facilities to use for their own purposes

Proponents of collective bargaining argue that agreements are necessary to increase teacher compensation and facilitate better communication among stakeholders. While collective bargaining tends to increase teacher compensation, it does so without regard to student achievement gains or market demand in hard-to-fill disciplines and school environments. Furthermore, to the extent that collective bargaining enhances communication among *some* stakeholders, it also shuts many others out of the process. In short, collective bargaining agreements serve the membership interests of unions—and are not in the best interest of students; parents; hard-working, high-quality teachers; or the community at large. In order to ensure that the focus of the public education system remains on students and their academic achievement, the EBR Parish School Board should vote against any proposal to recognize collective bargaining.

The arguments against collective bargaining

With the recent settlement of the long-standing EBR public school desegregation case, the school system and community have been released from court-ordered restrictions that prevented many key education reforms from being implemented during the past several decades (e.g., strategic expansion of magnet schools, expanded school choice for families). As the EBR Parish School Board contemplates pushing forward with new measures to improve student

achievement, a policy to recognize collective bargaining would represent a major step backwards that could cripple burgeoning reform efforts and harm EBR Parish public schools in several other significant ways:

1. Collective bargaining puts union interests ahead of students

Student achievement should be the top priority in public education. Teachers and school workers unions are interested parties which, according to a prominent Stanford University professor, want “to promote the material well being and the job security of their members...and they want to maintain and increase their own membership as unions, their resources, and their power.” While such organizations may publicly profess that their top priority is student achievement, in practice *unions will support measures to advance student achievement only if those measures are not in conflict with their fundamental interests as an organization.*

2. Collective bargaining offers no clear link to increased student achievement

The balance of evidence suggests that collective bargaining does not drive gains in student achievement. Studies on the correlation, or lack thereof, between collective bargaining and student achievement have reached many different conclusions, often based on poorly designed benchmarking studies that (1) focus on the state level, involving a gross level of data aggregation that renders them meaningless to individual districts; (2) poorly measure teacher unionism by neglecting to consider significant differences in the authority leveraged by unions from one district to the next; (3) fail to account for differences—cultural, ethnic, political, economic—between states or districts; (4) measure performance by means of SAT or ACT scores, which are generally taken by select, college-bound students; and/or (5) fail to look at districts before *and* after the introduction of collective bargaining agreements.

While studies on both sides of the argument often suffer from these weaknesses, one carefully designed longitudinal study does not. In one of the most well-recognized, frequently cited studies on the relationship between collective bargaining and student achievement, Harvard University professor Caroline Minter Hoxby found that collective bargaining raised school budgets and other school inputs *but lowered student achievement by decreasing the productivity of those inputs.*

3. Collective bargaining presents obstacles to key reforms

Collective bargaining often impedes reform initiatives by protecting the status quo. An independent survey of urban public school superintendents found that “more than two-thirds of the administrators in states with collective bargaining said union contracts impede reform.” Inflexible staffing rules, including a nearly impossible process for dismissing incompetent teachers, are difficulties most often cited by superintendents. Additionally, a 2005 report released by the New

Teacher Project—a non-profit organization dedicated to the recruitment, preparation, and certification of new teachers—concluded that such rules “undermine the ability of urban schools to hire and keep the best possible teachers.”

Several key reform initiatives necessary for preparing our public school students to meet the challenges of the 21st century would be severely restricted, if not made impossible, by collective bargaining. In particular, collective bargaining tends to undermine the ability of principals to create individual school environments where high expectations and accountability drive increases in student achievement. While unions strive for uniformity and job security through a complex web of rules and procedures, proven reform initiatives align incentives with high performance standards and typically stress flexibility, accountability, and autonomy (e.g., principal autonomy, alternative certification).

4. Collective bargaining minimizes important stakeholder input on policy decisions

Collective bargaining reduces the public’s say in public school policy and severely weakens the transparency of the decision-making process. School board elections are designed to provide a democratic means by which the community governs its schools. The board is charged with representing all members of its constituency—teachers and administrators (both union and non-union), as well as parents and the community at large. The recognition of collective bargaining compromises public accountability by frequently granting exclusive bargaining rights to union representatives, thereby shutting all others out of the process. Furthermore, if collective bargaining arrangements are introduced, Louisiana’s open meetings law would allow teachers and school workers unions—and those unions alone—to negotiate with the school board *behind closed doors*.

In addition to limiting public input on many key decisions, collective bargaining would also limit the involvement of many hard-working teachers. A collective bargaining agreement would force teachers who are currently not union members (the majority in EBR Parish) to join a collective bargaining-authorized union (and pay dues) or have little or even no voice in the policy-making process. Additionally, recognition could force unionized teachers personally opposed to certain policies to either support the union’s position or face a penalty. In sum, while unions claim that collective bargaining is necessary to give teachers a voice in decision-making, granting exclusive power to union officials actually silences the voices of important stakeholders, including many teachers.

5. Collective bargaining poses other major risks despite safe alternatives

School districts with collective bargaining are more likely to strike than those without such arrangements, even when a “no strike” clause is included in the contract (unions can violate the provisions and then bargain to secure amnesty

for strikers). Furthermore, “no strike” provisions often replace the right to strike with the right to demand binding arbitration, a process that puts a third party (often out-of-state) in charge of determining key education policy without public input.

Proponents of collective bargaining argue that the process is necessary to facilitate better communication and cooperation among key stakeholders. While the specialized knowledge and interests of teachers and other employees are, and should continue to be, considered in school board decisions, there are numerous ways to accomplish this objective in a more structured way—without collective bargaining, and without the increased risk of strike.

One option might be the creation of a quasi-independent liaison or ombudsman program serving teachers, administrators, staff, parents, students, and the EBR community—providing a safer, more inclusive alternative to collective bargaining. Any individual or employee could call the program office with concerns, questions, comments, or suggestions regarding public education—without fear of retribution. In addition to fielding questions and addressing particular concerns, broader issues could be regularly compiled and reported to the superintendent and/or the EBR Parish School Board so that they might better understand important concerns and have an opportunity to respond appropriately.

Conclusion

The School Board, School System, parents, and EBR Parish community need to support a public education system in which students and their academic achievement are *always* the bottom line. Collective bargaining cannot accomplish these ends, but rather puts union interests ahead of students, provides no clear link to increased student achievement, presents obstacles to reform, minimizes stakeholder input, and poses other significant risks to the community despite safe alternatives.

Throughout EBR, there are thousands of people—parents, teachers, school workers, administrators, volunteers, and school board members—dedicated to improving student achievement and the overall quality of public schools. Our region’s future economic prosperity will depend on how successful we are in continuing and accelerating our efforts to improve student achievement throughout EBR Parish and the rest of the Baton Rouge area. A policy to recognize collective bargaining could permanently cripple budding reform efforts, representing a step in the wrong direction not only for public school students but for our entire community.