Collective Bargaining in Education Negotiating Change in Today's Schools

Edited by

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and

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Introduction

JANE HANNAWAY ANDREW J. ROTHERHAM

his volume had its beginnings in a casual sidebar conversation at a conference on what seemed to be an unrelated topic. Our discussion was wide ranging, but it ended up on teacher collective bargaining and the promise and perils it holds for advancing education in the United States. We came to realize that much about school reform is directly or indirectly related to teacher collective bargaining. We then compared notes about what we knew from research about collective bargaining and who was pursuing the topic in an analytic way. Despite the work of a few well-known figures, the landscape was sparsely populated. We could think of many critics and many apologists, but few objective analysts. We could also come up with the standard rhetorical arguments, claims, and counterclaims, but little in the way of reasoned arguments or solid empirical evidence. So we decided to bring together the people who had systematically studied the area, others who had well-articulated views about collective bargaining, and several more respected education researchers and analysts to produce this volume. We added to this mix some of the most well-respected thinkers in the American Federation of Teachers (AFT) and the National Education Association (NEA) as well as leading analysts, researchers, and practitioners, all of whom we convened in Washington, D.C., for a dayand-a-half discussion centered on the papers our experts produced.

This volume and the conference that preceded it show the disappointing polarization that characterizes discussion of these vital issues as well as the profound lack of relevant data, research, and analysis. However, this effort also serves as an important first step in greater examination of these issues and dialogue about them. The conference brought together scholars, partisans, and educators for discussion. Many of the participants had never been in the same

room together, despite being longtime antagonists. There was much important and honest exchange of reasoned argument and a clear delineation of the important issues that give rise to debate.

The topic of this volume is timely. The labor movement in the United States is at a critical juncture because of dramatic changes in the U.S. economy—especially the move to a service economy, increased globalization, and increased household income. To be sure, organized labor will likely always be an important player in economic and social decisionmaking in this country, but its role will evolve to fit today's environment, just as the role of other societal institutions evolves over time. But what about public-sector unions, in particular the most powerful among them, the teachers unions? Are they subject to the same pressures? How are they similar to and different from private-sector unions? And how are professional unions and professional bargaining similar to and different from bargaining by other groups? These are some of the questions our contributors address.

Most importantly and most centrally, we are concerned here with describing the role that collective bargaining has played over the years for teachers and the influence it has had on education more generally. Like the economy, education is at a critical juncture. State and national accountability requirements, the poor performance of many U.S. students relative to students in other industrialized countries, and great academic achievement gaps among different student groups within the United States have combined to exert performance pressure on schools like never before. These are conditions far different from those 40 years ago, when teacher collective bargaining developed. It is vital that policy-makers understand what role collective bargaining currently plays to advance or constrain reforms intended to promote student achievement, and what role it might play in the future.

We should be clear that our intent is not to play the role of advocate or antagonist. We do not know all the answers; indeed, we are first trying to sort out the relevant questions. What is apparent is that collective bargaining by teachers is a key part of the scaffolding of education in the United States. We attempt to lay out systematically what we know and what we do not know about its role and its effects on student performance and school reform efforts.

The first three chapters lay the groundwork for those that follow. In chapter 1, Richard D. Kahlenberg describes how the adoption of collective bargaining in the 1960s changed the AFT and the NEA from "sleepy organizations" to "the most powerful forces in education" as well as potent actors in the national political arena. He also discusses attempts, especially those of the AFT president Albert Shanker, to direct union and collective bargaining efforts beyond the stan-

dard working-condition issues that concern all unions to professional issues of practice and policy. In much of the volume, the teachers unions are referred to generically—and they do indeed have a great deal in common—but in fact the AFT and the NEA are different organizations that at times pursue different objectives or employ different strategies, as Kahlenberg demonstrates.

In chapter 2, Henry S. Farber shows the sharp divergence in the fortunes of private- and public-sector unions in recent decades. In the early 1970s about 1 in 4 public- and private-sector employees was a member of a union; today more than 1 in 3 employees in the public sector belongs to a union, but only about 1 in 12 employees in the private sector. A big part of the public-sector increase is among local government employees, especially teachers. Farber suggests this public/private divergence is likely due to the greater advantages that publicsector unions, representing services typically unconstrained by market pressure and more open to political activity, can offer their members. Farber also discusses essential differences between public- and private-sector unions that are key to making sense of the issues this volume addresses.

Chapter 3, by Frederick M. Hess and Andrew P. Kelly, provides an inside look into collective bargaining by analyzing the legal framework and dynamics of the bargaining process as well as the agreements themselves. The evidence the authors present suggests that claims that unions completely restrict district management may be overstated. Hess and Kelly point out that district management is also party to contract terms, and they further suggest that administrators and school board members may sometimes use the collective bargaining agreement "as an excuse for inaction" beyond constraints in the agreements themselves.

We commissioned the next four chapters to review research on the effects of collective bargaining, Chapter 4, by Paul T. Hill, looks at the cost implications of collective bargaining and who bears those costs. His conclusions do not paint a pretty picture, and, like Hess and Kelly, he suggests that school boards and district administrators are part of the problem, as well as the bargaining agreements themselves. Common terms of collective bargaining agreements—overall increases in teacher pay scale, raises linked to seniority, salary credit for continuing education, and limits on class size and student contact minutes—create natural cost escalators. Over time these built-in escalators have had dramatic effects on school district costs that become serious problems, especially when districts run into financial difficulties. But more worrisome is Hill's discussion of how collective bargaining agreements tend to short shrift struggling schools serving disadvantaged children in the most important in-school resource, highquality teachers.

Chapter 5, by Susan Moore Johnson and Morgaen L. Donaldson, attempts to address the relationship between teacher quality and collective bargaining. The authors explain why it is difficult to sort out the connection, partly because of the tremendous variation in labor policies and practices from state to state and district to district, but they bring to bear the available research to shape and inform the important questions. Do pay policies, including the single-salary schedule, attract or drive out effective teachers? Do agreements include provisions that might support effective teaching, for example, class size and time for preparation? Do teacher assignment terms ensure "fair and wise assignment, or . . . give undue weight to teachers' preferences and seniority, thus limiting some students' access to experienced teachers?" Do contracts establish reasonable means for professional evaluation, or do they protect poor teachers? Do agreements limit the professional influence of teachers or promote it?

The ultimate question of interest, of course, is the effect of collective bargaining on student achievement. Dan Goldhaber reviews the available research literature in chapter 6. In short, the research is sparse at best, and firm conclusions are not warranted one way or the other. Chapters 5 and 6 make all too clear that collective bargaining has unfortunately not been the focus of much systematic inquiry by scholars and policy analysts, despite its centrality to education.

We noted earlier that the education policy context today is different from what it was when collective bargaining first took root. One major difference is the teacher labor market. When teacher collective bargaining was established, schools still had a largely captive labor market because few other careers were open to women. Today, by contrast, competition for high-quality teachers is strong. A second important difference is the emphasis today on holding schools accountable for student outcomes. Chapter 7, by Paul Manna, examines the relationship between teachers union interests and the federal No Child Left Behind Act (NCLB), which requires states to conduct annual testing of students and to hold schools accountable for results. It also requires that schools hire highly qualified teachers in core subjects. Manna's analysis of the union-NCLB relationship provides an early glimpse into the possible fault lines and points of convergence between teachers unions and the new policy environment.

To help readers understand the major contours of the debate about these issues, the authors of the last three essays were invited to argue particular points. In chapter 8 Leo Casey of the United Federation of Teachers in New York was asked to make the case for why collective bargaining by teachers is beneficial in American education. He argues that what is in the common interest of teachers as educators is also in the best interest of students; the working

environment of teachers is the learning environment of students. Julia E. Koppich, one of the few scholars who has studied teachers unions systematically, takes a "mend it don't end it" position and focuses chapter 9 on the promise and pitfalls of what has become known as "reform unionism," in which unions are involved in negotiating professional issues and not just issues associated with traditional industrial unionism. Koppich argues that changes may be needed in collective bargaining laws to ensure effective reform unionism and to bring about labor-management relations better suited to the current demands of education. In chapter 10 Terry M. Moe, also a scholar of unions, argues that it is unreasonable to expect unions to reform themselves in ways that make education for children their priority. Unions should be expected to behave in the same way that other organizations behave—that is, to promote their own interests. If the education system is to evolve in ways that truly promote the education of children, union power over schools should be weakened or eliminated, Moe argues.

A significant part of our discussion in the concluding chapter focuses on the need for not only more analysis and research but also—perhaps even more importantly—the need for greater transparency and broader involvement in the negotiating process itself and the political process that surrounds it. The consequences of collective bargaining are important both in terms of the allocation of significant public dollars and in the effective operation of the public school system for children. The stakes are simply too high to continue to ignore this integral part of the daily operations of many public schools and school districts.

We have many people to thank for helping us put this volume together. The first thanks should go to the authors for their work, which forms the backbone of this undertaking. A major thanks is also due the discussants who participated in the conferences and critiqued the papers that were delivered. Their comments led to revisions of papers in ways that made them fuller, more nuanced, and more accurate. Their feedback and expertise also helped to guide the discussion and debate at the conference in fruitful ways. The discussants included Joan Baratz Snowden, AFT; Kate Walsh, National Council on Teacher Quality; Harry Holzer, Georgetown University; Michelle Rhee, the New Teacher Project; Janet Hansen, RAND; Martin West, Harvard University; Russlyn Ali, The Education Trust; William Raabe, NEA; Jennifer King Rice, University of Maryland; Chester Finn, Fordham Foundation; and Thomas Mooney, Ohio Federation of Teachers. We are also grateful to Alan Bersin, former superintendent of San Diego schools, for his forthright discussion of his frontline experiences with unions as he headed one of the most ambitious school reform efforts in the country. Bersin is now California's secretary of education. Charles Kerchner, a noted scholar of teachers unions, commented on Bersin's discussion and provided additional insights into collective bargaining laws and their reform. Many other attendees were active in discussions, providing views and information to us and to authors both during and after the conference, and we are grateful to them as well.

Much behind-the-scenes support was necessary to produce this volume. Will Marshall, Sara Mead, and Renee Rybak of the Progressive Policy Institute provided valuable advice and support. At the Urban Institute, Irene Steward organized the logistics of the conference and kept all the trains running on time, and Danny Loss tied up all the loose ends for final production of this volume. Stu Kantor of UI's Communication Division provided helpful advice and support for the conference.

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