

Let the Public In

How Closed Negotiations with Unions Are Hurting Our Schools

The federal No Child Left Behind law has helped open school performance to unprecedented public scrutiny. Now it is time to bring equal transparency to the collective bargaining process.

In one of several essays in this issue addressing relations between unions and school boards, George Mitchell and Howard Fuller (“A Culture of Complaint,” page 18) propose that bargaining be subject to the same sunshine laws that apply to other public business. And, in fact, in Salem, Oregon, to prevent a renewal of charges of bargaining in bad faith that both sides leveled at each other the previous year, that idea is now being tried.

But most everywhere else, the public is shut out of the conversation. Only when strikes occur do people glimpse what is going on. And strikes occur less often now than ever before. In 1975, when teacher unions were just getting themselves into the collective bargaining game, teacher labor disputes nationwide numbered 241. In 2004 that number was no more than 15.

Don’t be misled. Strikes have not decreased in number because the unions are now docile, but because, apart from excessive salary demands, they have grown accustomed to getting nearly everything they want at the bargaining table. And school boards are accustomed to giving it to them.

Even after the negotiations are done, the agreement, supposedly a public document, can be tough to get a look at. Our office thrice asked New York City’s Department of Education for a copy of the current contract, only to be directed each time to the union, which eventually mailed one to us. As a public service, we direct readers to the contract posted on the union’s website (http://www.uft.org/member/rights/contracts/current_teachers_contract/), buried far from both Google’s and the union’s own search reaches.

New York City is one of the more accessible education redoubts. In more typical cases, school boards and local school administrators simply refuse to make the contract available. Even then, however, making sense of these mammoth documents is

almost impossible for citizens who are not trained labor lawyers, which is why hearings on the New York City contract held by New York City councilwoman Eva Moskowitz were so important.

In politics, the insiders usually win the battles, and so it is with collective bargaining. Nationwide, weekly pay for teachers exceeds that of computer programmers, registered nurses, social workers, and lab technicians. Teachers’ health-care and pension benefits are well above average.

If these provisions are beneficial to union members, other contract terms have clear, adverse consequences for the education of students. Agreements typically require that the worst teachers be paid the same as the best (since pay differentials are based on credentials and experience, not merit). They usually prevent

principals from removing ineffective teachers without working through prolonged, tedious, arcane procedures. And the featherbedding that has been all but abolished from private industry continues within big-city school systems.

Unions make no apology for this unhappy state of affairs. “The fundamental and legitimate purposes of unions [are] to protect the employment interests of their members,” says one former Ohio union official.

His point is well taken. It’s the school board’s responsibility to bargain with at least as much firmness as those across the table. Unfortunately, most boards are negotiating wimps, too influenced by their need to win their own reelection and keep peace in the community.

Most of all, boards hate the publicity that comes with a strike, for then they must explain to irked parents why their children are not in school. It’s easier to take the broad, easy road than the narrow, conflict-ridden one.

Some say open negotiations will make it harder for union leaders to make concessions. Perhaps. But at least they would give the public a chance to know what’s going on.

— Paul E. Peterson

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MISSION STATEMENT In the stormy seas of school reform, this journal will steer a steady course, presenting the facts as best they can be determined, giving voice (without fear or favor) to worthy research, sound ideas, and responsible arguments. Bold change is needed in American K-12 education, but *Education Next* partakes of no program, campaign, or ideology. It goes where the evidence points.
