Though the advent of collective bargaining represents a significant development in the history of American education, most research and commentary about our schools focuses on other matters. It’s a curious omission, especially after nearly five decades of extraordinary union growth.

As we assessed its impact for this essay, we concluded that collective bargaining is taking public education in an unsustainable direction. But rather than watching it fall on its own, bringing our education system tumbling down with it, we propose fixing it. The bargaining process needs to be more open, so the public can see how it affects our schools. And the public needs more alternatives to the methods currently used.

Let’s begin by turning back the clock. What would Americans in the 1960s reasonably have expected from their public schools if they had been told that the future promised a tripling in real spending for education; a major reduction in class size; and increased job security, higher pay, and sizable new fringe benefits for teachers?

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Indeed, here is a widely discussed 1967 prediction from former teacher Robert Doherty and labor leader Walter Oberer (from their book *Teachers, Schools Boards, and Collective Bargaining: A Changing of the Guard*): If the “movement to improve the status of teachers by collective action is successful, if … teachers … come close to realizing what they seem to be striving toward, the concern over purely employment matters will decline. Then, perhaps, we can get on with worrying about how best to educate children…. If teacher leaders and school officials learn to use this development wisely, it may prove to be the most therapeutic educational development of this century.”

Developments in American education since then have been the direct result of collective bargaining in our public school systems. Through their unions, at every turn, teachers have insisted that changes such as more money, smaller classes, and better pay for teachers were necessary if our children's academic achievement were to improve.

But better education outcomes have been elusive, at best. How long do we wait? How much more money do we spend?

Even the American Federation of Teachers (AFT) recently reported that a “sizable and growing proportion of the American public—especially in urban areas, where many failing schools are located—has lost faith in public schools and in the government bureaucracies that control them.” Similarly, the National Education Association (NEA) reports, “General achievement [on the National Assessment of Educational Progress (NAEP)] has increased little over the past three decades, particularly in the upper grades.”

Many independent researchers, nonpartisan groups, and blue-ribbon panels, of course, have documented the prolonged stasis in the achievement data.

While teacher unions acknowledge this situation, they accept no responsibility for the loss of faith in our schools. Nor do they accept the idea that their collective bargaining might have contributed to our students' lackluster academic gains.

Yet no serious assessment can dismiss collective bargaining from the school performance equation. And it is increasingly understood that teacher unions play a major role in electing the citizens who govern school districts (see Terry Moe, “The Union Label on the Ballot Box,” page 58), thus allowing them to wield power both inside and outside the classroom.

Serious discussion of policies or programs rarely occurs without taking into account the local union contract and the position of union officers and member teachers.

Salaries and benefits, the largest share of school spending, are now negotiated. So, too, are teacher qualifications, the basis for teacher assignments, and other fundamental terms of teachers' employment. Just 50 years ago, such decisions were dictated largely by district superintendents and elected school boards.

**More Achievement? Or Less?**

Some would argue that our children's academic achievement would be worse without collective bargaining. Their hypothesis: districts with collective bargaining foster good salary and benefit structures, enabling more qualified teachers to be hired.

Union leaders also would likely conclude that their substantial political influence has blocked measures that would harm schools. The AFT, for example, says many politicians offer “quick-fix reforms” that would “hurt teachers.” It asserts, “Conservative ideologues have [offered] proposals to privatize or dismantle the entire system.”

Our research leaves us highly skeptical that collective bargaining has improved academic achievement. Indeed, the Milwaukee experience suggests the opposite conclusion. From observing conditions there and in other cities, we believe that bargaining and related union activity have not only hampered urban public schools with such things as cumbersome contracts, but have introduced practices into the education system that are counterproductive, fomenting a demoralizing pattern of acrimony between teachers and administrators that is fundamentally at odds with effective education.

**Collective Bargaining in Milwaukee**

The Milwaukee Public Schools (MPS) entered the collective bargaining era in 1964. Five years earlier, Wisconsin had become the second state, following Connecticut, to establish collective bargaining rights for teachers and other public employees.

An 18-page school-board resolution defined the initial relationship between the MPS and the Milwaukee Teachers Education Association (MTEA). And following a pattern seen in
Most urban districts, this has evolved during subsequent decades into a 232-page contract with more than 2,000 additional supporting documents, including grievance-arbitration rulings, memoranda of understanding, and state declaratory rulings (see Figure 1).

The result? An endless debate about what is and is not allowed in the daily governance of the school system and the creation of an environment where the interests of students are routinely subordinated to those of adult teachers. Several examples from Milwaukee illustrate the problem.

• Following a successful union grievance, the MTEA advised members that a principal “cannot require a faculty to submit lesson plans weekly nor on any other periodic basis.” A principal “may occasionally check the lesson plans of all teachers.” (Emphasis in original.)

• The MTEA once alerted members that “some principals have attempted to require teachers to attend additional meetings before and after school to write goals and objectives…. [A contract amendment] should be negotiated if MPS wishes to ask teachers to perform these services.”

• Another MTEA advisory warned: “Some administrators need to be reminded of the two-and-one-half-hour monthly limit of faculty meetings/in-service. Furthermore, if a … meeting will last longer than one hour, the administration is required by contract to notify teachers of the date and expected duration at least one calendar week in advance.”

These examples reflect a system where sound education planning is secondary to the maze of rules and time limitations established for the convenience of teachers. But even more egregious was the union’s effort, in 1988, to thwart legislation adding 20 minutes to the instructional day. “With an increase of 20 minutes, it [will] be necessary to work the emergency makeup day if there is a snow day closing,” read the MTEA’s report on the negotiations. “In order to avoid this impact on a separate provision of the contract the MTEA and the school board agree to add another 5 minutes of student instruction time without further lengthening the teacher day.” (Emphasis added.)

With similarly impenetrable and convoluted prose, the union’s report clearly showed how collective bargaining trumped the simple goal of providing a meaningful increase in instructional time. And we see again how “bargaining” can undermine the most basic of education objectives.

Milwaukee, unfortunately, is not an exception to the rule. A 2003 survey of urban public-school superintendents that one of us (Fuller) conducted for the University of Washington found that more than two-thirds of the...
administrators in states with collective bargaining said union contracts impede reform. One superintendent cited a “150-page contract [with] over a thousand rules,” adding, “You have Gulliver and the Lilliputians. You’ve got a thousand of these little ropes. None of them in and of [itself] can hold the system down, but you get enough of them in place … and the giant is immobilized.”

Inflexible staffing rules are among the “ropes” cited most often by superintendents. A 2005 New Teacher Project report concluded, “These rules undermine the ability of urban schools to hire and keep the best possible teachers.”

NEA president Reg Weaver called the Teacher Project report “just another smoke-screen to blame so-called ‘union rules’ for our society’s lack of commitment to all children.” His rhetoric underscores the gulf between the outlook of unions and that of superintendents.

**Acrimony**

Former NEA president Robert Chase once worried that “industrial-style, adversarial tactics” conflicted with education reform. But he wasn’t speaking of the heated, intemperate comments and stern rhetoric that occasionally can be part of the process. He was referring to an almost relentlessly negative aura in discussions between management and union.

Again, Milwaukee’s experience provides apt examples of the unproductive rancor. A 1970 union memo suggested: “The Board and the administration intend to force an all-out confrontation with the teachers in an attempt to nullify the teachers’ bargaining power.” A union newsletter in the 1980s described a negotiating session thus: “The board’s team members … sat in comfortable swivel chairs. The chief negotiator looked ‘managerial’ in his new suit and tie… On the other side of the large room at the MPS administration building, the MTEA’s team seems to overcrowd its side of the table. Smaller chairs; no coffee; no water; no amenities.” In 1986, a former MTEA president made a presentation to the school board that included such lines as, “I tell you, you are destroying us,” and “I’ll tell you, you are beating your teachers down and we are getting discouraged.”

Such commentary has epitomized the MPS-MTEA relationship for four decades. Though the MTEA and its members have achieved many of their stated goals, the union mainly fosters a posture of discontent. We are unaware of any organization that can continue to achieve its goals in such an environment.

**The Outlook**

The educational and fiscal consequences of bargaining as practiced in the past four decades appear unsustainable. Citizens have tripled their investment and yet, as the AFT concludes, many have “lost faith in public schools.”

In Milwaukee, by the time students enter their sophomore year, taxpayers have invested about $100,000 per pupil in their education. Real per-pupil costs have quadrupled since collective bargaining began. The student-teacher ratio has declined from 26:1 to 16:1. Yet only one in five black MPS sophomores is proficient in math or science. Fewer than

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**Hard Labor (Figure 1)**

Since the 1960s, the size of the contract between the Milwaukee Teachers Union and Milwaukee Public Schools has grown dramatically.

![Number of Pages in the Milwaukee Teachers Union Contract, by Section](chart)

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**Source:** Howard Fuller, George Mitchell, and Michael Hartmann, “Collective Bargaining in Milwaukee Public Schools,” in Conflicting Missions: Teachers Unions and Educational Reform, Tom Loveless, ed. (Brookings, 2000)
four in ten are proficient in reading. The Schott Foundation for Public Education has issued the numbing finding that “nearly three-quarters of the black male students (in the MPS) fail to graduate with their (9th-grade) cohort.”

Fiscally, even an increase of 20 percent in real per-pupil spending in the past decade has not forestalled program cuts and the elimination of many teaching positions. An examination by the Milwaukee Journal Sentinel links these cuts directly to collective bargaining. The costs of fringe benefits, the newspaper reported, “have spiraled out of control.” The paper cited the “decision to sweeten an already lucrative pension program in 1998 [as] a classic example of how public employee benefits are enhanced, often with privileged insiders pushing for the deal, and little study in advance.” The paper further observed that the union had “successfully pushed for benefits increases” and had “lobbied and made campaign donations to School Board members who have ultimately approved higher benefits.”

The monopoly status of public education has insulated it from the difficult adjustments occurring in most other sectors of the economy, including many sectors that rely on unionized labor.

Will there be a similar day of reckoning in public education? We believe the question is when, not if. Eventually, in our view, there will be insufficient public support and capacity for continuing a system that uses more and more resources without commensurate results.

This outlook is not shared by teacher unions. An Associated Press report quotes the NEA’s Weaver: “Issues such as classroom size and adequate funding come before improving test scores.”

Bargaining sessions should be public. The specifics of union contracts are one of the least reported ... aspects of American education.

If a tripling of expenditures and a significant reduction in the student-teacher ratio is not enough, what “input” would be sufficient for Weaver? Or is the answer always to be “more”?

Recommendations
What can we do? Two things, we believe, will start to bring the system back into a sustainable orbit: a dramatic expansion in the range of education options available to parents and a fundamental change in public access to the collective bargaining process.

The first part of our proposal is patterned on America’s system of higher education, where colleges and universities provide a wide array of choices that help students determine which college or university they may attend. While access to higher education is still far from ideal, the range of options is substantially greater than in K–12 grades. If barriers to parent choice at K–12 schools can be reduced, all sectors of the education market may become more responsive, as Milwaukee shows.

Second, we do not propose the end of bargaining, but we do argue for greatly increasing the public’s awareness of it. Mike Antonucci, a prominent analyst of teacher union activity, explains how the current system puts the general public at a disadvantage: “The ‘closed door’ nature of contract negotiations applies equally to both sides, [so] it seems like an equitable (if less than sensible) restriction. But it isn’t, because the school board is representing the general public. The union is not…. Teachers are kept well-informed of the status of negotiations while the public—supposedly represented at the table by the board’s negotiators—is not. And, unlike teachers, citizens don’t get a contract ratification vote.”

We believe bargaining sessions should be public. The specifics of union contracts are one of the least reported, yet most important, aspects of American education. With the general public largely shut out, the result is the uneven playing field Antonucci described. In Wisconsin, legislation would be required to achieve transparency; currently, if one party requests that the negotiations be private, that prevails. We propose altering those terms so that either party can stipulate that the negotiations be public.

Increased public awareness could change the situation dramatically. The news media need to push aggressively for greater public access to the bargaining process. This would go hand-in-hand with expanding education options for parents. In the final analysis, more parental freedom to choose and a more open collective bargaining process surely would produce better results. Without such change, the unacceptable education outcomes that characterize the era of collective bargaining will continue, especially in urban districts.

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