



## Collective Bargaining: An Obsolete Model for 21st Century Education

By Jonathan J. Miltimore

In a recent Harvard University study, Frederick M. Hess of the American Enterprise Institute and Martin R. West of the Brookings Institution examine the impact of collective bargaining in public education. In their study, *A Better Bargain: Overhauling Teacher Collective Bargaining for the 21<sup>st</sup> Century*<sup>1</sup>, Hess and West contend that collective bargaining is an outdated labor model for education and is responsible for sapping much of the professionalism from the vocation by binding educators and administrators with myriads of restrictions and regulations.

Hess and West do not have a vendetta against unions. They acknowledge that unionization in the 1960s made sense, admitting that the educational system at the time often failed to provide legally enforceable contracts and educators were prone to administrator abuse and toadyism. The authors manage to avoid arbitrary judgments and refuse to delve into divisive questions that ask, for example, whether teachers are overpaid or underpaid. Throughout the study the authors also point out that collective bargaining agreements are not uniform and remind readers that even the most egregious and ludicrous agreements were contracts that districts willingly signed and freely entered.

According to Hess and West, the main problem with collective bargaining agreements is that they do not allow schools to change. Often massive in length (105 pages on average) and packed with legal jargon, these contracts consist of much more than descriptions of salaries and benefits. It is not uncommon for bargaining agreements to painstakingly plot a teacher's entire workday minute-by-minute, allocating exact times for classroom instruction, preparation time, announcements, roll call, recess, and lunch.

We also learn collective bargaining agreements routinely outline "procedures for evaluating teachers, allowances for preparation time, regulations on the use of substitute teachers, stipends for overseeing extracurricular activities, protocol for disciplining students, extent and nature of professional development, and strictures on class size." The end result, the authors maintain, is a cumbersome, one-size-fits-all system that regulates nearly every aspect of school operations and impedes innovative administrators and educators attempting to improve or reform underperforming schools.

Collective bargaining agreements also inhibit schools from using compensation to recruit the best and brightest college graduates. It would seem reasonable to pay a Harvard graduate who was top in his class (and likely saddled with \$100,000 in debt) a greater salary than a graduate from the local city college who received a "C" average. However, collective bargaining agreements ignore such distinctions. Though they have fought bitter battles over wages, unions have remained staunchly opposed to any merit-based pay models.

Evidence shows that teachers today tend to have lower standardized test scores and GPAs and hold degrees from less selective universities than graduates entering other professions. Hess and West contend that this decline in aptitude is primarily correlated to the "compression of pay with respect to ability." It has also resulted in a dearth of educators in such fields as math, science, computer science, and special education. Though administrators have expressed frustration in their inability to fill such positions, "collectively bargained salaries leave [them] unable to take these imbalances in supply and demand into account when making salary offers."

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Perhaps the greatest problem with collective bargaining agreements is the obstacles they create in removing incompetent or apathetic teachers. The authors note, “Teachers have been caught sticking children’s heads in toilets, reading the newspaper while children gambled in the back of the room, and missing months of school at a stretch, and yet kept their jobs.” The authors cite another case which took 13 years and cost \$350,000; this to discharge a teacher who was in jail for *murder*.

Though these cases are admittedly exceptional, the authors contend they are symptomatic of a larger problem: the inability of administrators to replace inept teachers who are tenured for life. It is simply too arduous and expensive for districts to fire teachers. Instead, Hess and West observe, administrators have realized it much easier to move them: “In what has been termed ‘the dance of lemons,’ principals agree not to give a teacher negative evaluations so long as the teacher agrees to transfer to a new school the following year — simply shifting the problem onto another principal and another class of students.”

Why do we continue to bind public education with such stifling constraints? Simple: the strength of teachers unions and the influence they exercise in national and local politics. As Hess and West observe, “school board elections offer teachers unions the unusual opportunity to influence the makeup of the management team they will face at the bargaining table.” It’s sort of like having the board of directors of General Motors selected by residents of Detroit instead of shareholders. Unions, of course, are not above political intrigue, and Hess and West provide copious evidence illustrating the proactive role teachers unions play in school board elections.

Yet there are reasons to be hopeful. No matter how one feels about No Child Left Behind, the authors correctly point out it has increased accountability and transparency in our nation’s schools. This, they argue — transparency and accountability — should be the primary focus of education reform at the federal level. States, while also encouraging such measures, should promote district competition through charter schools, vouchers, and funding structures based on per-pupil enrollment.

As far as collective bargaining agreements themselves, Hess and West offer a series of lucid and prudent steps. These steps include the following: linking teacher pay with merit and demand, modernizing pension plans and making “gold-plated” healthcare plans more cost efficient, empowering administrators to fire ineffective educators, scaling back contract directives regarding rules and governance, and providing contract language specifying managerial prerogatives which will allow administrators to lead more effectively. The authors acknowledge such reforms must balance understandable teacher preferences — compensation, work environment, job security — with those intended to improve our classrooms.

Collective bargaining agreements are the vestiges of an economic model that prevailed in the 1950s, when employees were valued not for their knowledge or skills, but their willingness to serve as interchangeable cogs in a massive industrial apparatus. Such obstinate adherence to an outdated paradigm, the authors maintain, will leave us unequipped to deal with the challenges of a new century. For decades, teachers unions have insisted, “what’s good for America’s teachers is good for America’s children.”

Elected officials, reluctant to raise the ire of unions (and with little incentive to do so), have long blithely accepted such logic. This will no longer do. As Hess and West point out, “If labor peace can only be purchased by consigning 21st century students to schools that are run like mid-20th century factories, the price is much too high.”

#### **(Endnotes)**

<sup>1</sup> Frederick M. Hess and Martin R. West, *A Better Bargain: Overhauling Teacher Collective Bargaining for the 21<sup>st</sup> Century*, Harvard University Press, 2006, <<http://www.ksg.harvard.edu/pepg/PDF/Papers/BetterBargain.pdf>>.

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