

HAS TEACHER COLLECTIVE BARGAINING

REVOLUTIONIZED AMERICAN PUBLIC SCHOOL GOVERNANCE?

A CRITICAL REVIEW¹

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I . INTRODUCTION

The historic collective bargaining agreement was reached between the New York City Board of Education and the United Federation of Teachers in 1962. By 1985 thirty-three states and the District of Columbia had granted teachers bargaining rights by law.² Contracts are being negotiated in states that have passed mandatory bargaining laws as well as in others that have not. By the mid 1960's, some two hundred thousand public school teachers were covered by formal collective bargaining agreements. Currently, more than 1.7 million teachers, well over 60% of the nation's teachers are working under contracts negotiated between teacher union representatives and representatives of school district management.³

Over the years a good deal of speculation has been expressed regarding the impact teacher collective bargaining has had or will have upon the governance of public schools at the local school district level. In its early days, teacher collective bargaining was viewed as a "coming revolution" in educational policy making that would enable teachers to become involved directly in the management of public elementary and secondary school systems.⁴ It has been recently argued that collective bargaining by teachers has substantially altered the pattern of governance in school districts⁵ and that only desegregation and governmental aid programs to education have had a "comparable impact on the nature of schooling in America."⁶

This paper examines the impact of teacher collective bargaining on the governance of public school systems, particularly at the local level. Before the impact can be discussed, however, it is first important to review the ideology and structure of governance in American schools in which teacher collective bargaining has been emerging.

II. THE OLD IDEOLOGY AND STRUCTURE OF LOCAL SCHOOL GOVERNANCE

The tradition of lay control of local educational governance is a unique feature of American public school systems. This tradition of school governance is based on the democratic ideology which holds that the determination of public policy should reflect the desires and interests of the general public and that therefore the power for governing public institutions should be as close to the lay public served as possible.⁷ We can find this traditional pattern of governance of public services embedded in locally controlled boards of education.

While public education is fundamentally a function of the state, the state has delegated much of the power of governing public schools to local boards of education. Consequently, the people of the local community generally elect members of the boards, which then manage the affairs of school districts as the "legal focal center"⁸ of power in the structure of the local community. The school board assumes the power to formulate major school policy, develop programs, hire and fire school personnel, decide the school budget, manage the physical facilities of the districts, and so on.⁹ Thus, the board takes its responsibility with the ideology that "the final authority must rest with the lay board" and that "the schools belong to the people."¹⁰

Yet, in spite of a fundamental ideology of lay control of local school governance, the reality is different. The current form of public school governance is a product of a reform movement. At the turn of the century, when efficiency and scientific management were being stressed, a municipal reform movement emerged in urban centers around country. The reformers sought alternatives to ward-based machine politics and the patronage system in order to manage city government scientifically, efficiently, systematically, and rationally.¹¹

Education was no exception because the school system was part of the municipal system that needed cleaning up and because the reformers sought to change the nature and source of educational control as part of their effort to improve municipal government.¹² Lawrence Cremin vividly characterizes the era of political corruption pervasive in urban school systems:

As school budgets mounted, politicians were quick to recognize one more lucrative source of extra income. . . . Teaching and administra-

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tive posts were bought and sold; school buildings— like city halls and public bathhouses— suddenly became incredibly expensive to build; and politics pervaded everything from the assignment of textbook contracts to the appointment of school superintendents. In short, the school system, like every other organ of the urban body politic, was having its growing pains.¹³

Urban school systems, according to the reformers, were not only contaminated with political corruption but also suffered from inefficient management. As Sol Cohen puts it:

*The reformers denounced the school system as archaic and unscientific in the extreme... authority was divided, responsibility diffused, negligence hidden, and the whole system shot through with incompetency.*¹⁴

In an effort to revise the governance of urban school systems, the reformers pushed for reorganization of the board of education. Major structural reforms included 1) the centralization of school administration; 2) the substitution of a smaller central board, elected at large, for the large, ward-based central board; 3) the selection of school board members in nonpartisan elections; 4) the separation of local school district elections from other local elections; and 5) the professionalization of the school administrator.¹⁵

The reformers contended that the ward-based decentralized system enabled board members to have connections with political machines and use their influence for parochial and special ends at the expense of the needs of the school district as a whole.¹⁶ The reformers also assumed that only professional administrators could deal with the complexity of school administration, being independent of the particular values of particular groups. In short, the outcome of reorganization of the school board tended to depoliticize, centralize, and professionalize school administration.

Laurence Iannaccone points out three major doctrines underlying the reform movement of school governance: 1) the separation of politics and education; 2) the unitary community; and 3) the neutral competency of professionals.¹⁷ According to Iannaccone, the “no-politics” doctrine of public education is most important to the ideology of the reformers. Since the primary concern of the reformers was to eliminate ward politics in education, the “no-politics” doctrine was used to keep politicians

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out of public education and to "create a public perception that politics was dirty and should not be permitted to soil little children and the decisions about their education."¹⁸ The "no-politics" doctrine has been successful; the belief in the apolitical nature of education is strongly shared to date among educators as well as other citizens.¹⁹

The second important doctrine underlying the educational reform movement was that of the unitary community. It assumed that there existed a single unitary community and a single community interest. It paid little attention to different interests of ward based neighborhoods because such interests were viewed as special group interests and therefore they should be subordinated to the single community interest. This doctrine provided ideological support for an at-large school board and centralization of ward-based decentralized school administration. Robert Salisbury states that "If the community is an organic whole with a single public interest in education, the board member should be protected against local, 'selfish,' interests by giving him a citywide constituency. Moreover, since there are no legitimate 'special' group interests in education, any responsible citizen can serve on the board, and there is no reason to give particular groups in the community a seat."²⁰

The doctrine of the neutral competency of professionals argued that educational administration should be operated by professional experts in order to be independent of the particular interests and values of particular groups. As "scientific management" argued that there was always one best method for doing any particular job, this doctrine also assumed that valid ways and means to run the schools existed and that only professional experts were qualified to operate the schools scientifically and efficiently.

The doctrine of the neutral competence of the professional was of great use in developing the professionalization of school administration. The professional expert, the superintendent, has become a key person in decision-making in the public school system. Iannaccone states :

The reform doctrine is a thoroughgoing apologia for power of the strong administrative state, especially in its belief in the neutral competency of the professional. Given the doctrine of neutral competency and the increased training of educators, it was inevitable that school administrators would acquire greater control over the policy system.²¹

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At this point we can see a fundamental ideology which is common to all the three reform doctrines. That is, the ideology that denies the existence of conflicts in the world of education. It argues that the world of education does not or should not have any relationship with politics which is characterized as the world of conflicts or confrontations among special interest groups. This "non-conflict" ideology also does not recognize any group conflict based on ethnic, racial, religious, or economic differences. It assumes that "community is an organic whole" where only a single public interest in education exists.

Here professional experts emerge to play important roles to operate school administration peacefully. To this end, unity is emphasized among all those engaged in education. The ideology does not recognize conflicts but consensus among actors in education. It argues that teachers, for instance, have the same interests as administrators in terms of achieving educational goals and that there should not be conflicts among them.

We now shift our attention to teachers: How have teachers been seen within the structure of the American public school system? Teachers were viewed as servants of the community and the public at large within the traditional school governance structure which emphasized lay control of schools. Teachers are hired by a public organization, the school board which is responsible to the community. Teachers, therefore, have been "expected to tailor their expectations and behavior to fit the limits tolerable to the community in which they are employed... to organized groups which have political leverage within that community."²²

The reform movement provided teachers with another facet of their role— loyal workers to their employers. As has been noted, the movement stripped the ward school boards of power and placed control of the schools in the hand of stronger central school boards, of which decisions would be heavily relied upon professional experts, the superintendents selected for their skills and knowledge. While administrators were expected to manage the school systems efficiently, teachers were expected to perform faithfully what they were told. The school system consisted of a hierarchy of authority and responsibility which made the school board a board of directors, the superintendent a general manager, the assistant superintendents so many foremen, and the principals equivalent to bosses, while the teachers... have the status of hands or routine workers.²³ Thus, it is no surprising fact that "the teacher had had little share and that in fact, her influence on the shaping of policies

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and aims as well as practical methods has been almost nil.”²⁴

Teachers also have been labeled as professionals. However, for one who is seeking a real understanding of what teachers do, the term “professionals” is grossly misleading. Teachers frequently lack a meaningful voice in determining the content of the courses, in selecting textbooks, in recruiting new colleagues, or in promotion and tenure decisions. Quite the contrary to the term of “professionals,” obligations or responsibilities have been emphasized. They were, for instance, expected to stay late and work with students with no extra payment. Teachers were, as Donald Wollett states, “the victims of a kind of one-dimensional professionalism: professional responsibility without professional authority.”²⁵

Thus, it is quite clear that whatever teachers might be expected to do, the structure of the school system had assigned teachers to “a subservient role in school policy formation.”²⁶

III. TEACHER COLLECTIVE BARGAINING AND SCHOOL GOVERNANCE

Collective bargaining is a recent development in the history of labor relations in the United States. While it originated in the late nineteenth century, its use spread slowly.²⁷ It was not until 1935 that Congress passed the National Labor Relations Act whereby private employees obtained a legitimate right to bargain collectively. Collective bargaining is defined by Section 8 (d) of the Act in this way:

To bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment... but such obligation does not compel either party to agree to a proposal or require the making of a concession...

The main principle underlying the concept of collective bargaining is that workers should have a voice in decisions concerning them. In the absence of bargaining, workers bargain with their employer individually. But workers do not have enough power to be strong bargainers due to the lack of the knowledge or resources. To bolster the position of workers, collective bargaining provides them with a propor-

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tionate amount of power to their employer so that both sides can be relatively equal in strength. This may be called the "principle of bilaterality" in labor relations. It is a correlation of political democracy; as Louis Brandeis puts it, "collective bargaining is today the means of establishing industrial democracy—the means of providing for workers in industry the sense of work, of freedom, and of participation that democratic government promises them as citizens."²⁸

Collective bargaining in education is a much more recent phenomenon and has been influenced by the "principle of bilaterality" and industrial democracy in private employee bargaining. There is no reason to believe that democratic practices are less important in schools than elsewhere. However, the full extension of private sector concepts of industrial democracy into education is not without problems. In the private sector, collective bargaining is the primary method for solving problems related fundamentally to employer-employee relationships. Although the bargaining process sometimes entails bilateral decision-making regarding matters traditionally considered as "management prerogatives," it seldom raises questions about management itself. Few observers would regard the changes in the mode of decision-making affected by collective bargaining as a "managerial revolution."²⁹

Teacher collective bargaining, on the other hand, has been regarded not only as a matter of employer-employee relationships but also as a matter of management or control of the public school system. Many people have claimed that teacher collective bargaining is closely related to fundamental questions about the structure of school systems and who control them. School board members and school administrator, for example, have been concerned about the erosion of their authority by teacher bargaining and have tried to keep teacher unions from gaining control of schools.³⁰ Some observers, as noted earlier, characterize teacher collective bargaining as a revolution which has been altering the pattern of governance in schools. Others even believe it will destroy the current public school system.³¹ Thus, teacher bargaining has been viewed as a governance issue as well as an issue of labor-management relations. Why, then, should one suppose that teacher collective bargaining would have a different and profound impact on control of the public school system? Why has collective bargaining, a system primarily designed to determine the terms and conditions of employment, raised a question of governance in the public educational enterprise?

The answer lies in the special nature of teacher collective bargaining in education that is not found in collective bargaining for private employees, even for many other

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public employees. The distinguishing feature of collective bargaining in the field of public education is that bargaining is intended for professional employees. A number of sociologists tend to conclude that teaching is not a full-profession, but a semi-profession. They also point out the limitations of professionalization of teaching.³² What is more important here, however, is to notice the aspirations and self-conceptions of teachers. As Ronald G. Corwin states, "a vocation's activities often can be explained better by its aspirations than by its actual achievements."³³ Teachers have identified themselves more and more with the "professionals" like lawyers, doctors, and professors in higher education. The element of professionalism, not found at many other levels or types of employment, is a crucial factor influencing teacher collective bargaining.

According to Archie Kleingartner, the goals that salaried professionals like teachers seek to achieve in their jobs and careers are placed under two categories. The first goals are defined as those relating to fairly short-run job and work rewards such as wages or salaries, working conditions, fringe benefits, and job security. These goals are common to all categories of workers, irrespective of their employees, professional and nonprofessional alike. At the bargaining table, these "bread and butter" issues are less contested as inappropriate subjects for bargaining. The second goals, on the other hand, are defined as the longer-run professional goals. In practice, these goals rarely become concrete objectives at the level of professional ideology until the first goals are adequately met.³⁴

Teachers certainly have basic "bread and butter" goals. Since one of the most important factors which contributed to the drive of teacher collective bargaining was dissatisfaction over relatively low salaries, from the beginning the teacher unions were mainly concerned with short-run goals at the bargaining table. The president of the Chicago Teachers Unions voiced the prevalent view held by teachers:

Salaries are the first thing. I want to get the highest salaries in the country. Then we can work on class size.³⁵

There is no doubt that improved salaries have been the primary concern of teachers at the bargaining table, especially in the early days of bargaining. Still, their interests go far beyond salary and working conditions in their negotiations. The leaders of teacher unions, both the NEA and the AFT, repeatedly insist on the broad scope of

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bargaining based on the idea of professionalism. The former Executive Secretary of the NEA, Allen M. West, argued that:

One of the earmarks of a professional group is the recognition of its responsibilities beyond the limits of self-interest. This includes the responsibility to general welfare of the school systems. A professional group should be permitted to negotiate with the board of education on matters which affect the quality of education other than those covered by the narrow definitions in labor law... (Teachers) are concerned with in-service training programs, class size, selection of textbooks, the kinds of programs available for emotionally disturbed, physically handicapped children, and other matters which go beyond the limited industrial definition.³⁶

Charles Cogen, the former president of the AFT, also expressed his concern with the broad scope of bargaining:

Teachers, as professionals, have an obligation to exercise their professional judgement, to share the educational policy-making function... I look for a great expansion in the effective scope of negotiations between teachers and school management. Obviously class size, number of classes taught, curriculum, hiring standards, textbooks and supplies, extra curricular activities— in fact, anything having to do with the operation of the school— is a matter for professional concern and should thus be subject to collective bargaining.³⁷

Teachers base this view of a broad scope in bargaining on the belief that they are professionals whose views of educational problems differ from those of school boards and administrators. They believe that it is necessary to involve teachers because they have special knowledge and skills which enable them to make a valuable contribution to the quality of educational programs. Through collective bargaining teachers seek an opportunity not only to express their preferences concerning wages and working conditions but also to put forward or into practice their ideas about how children should learn, how schools should be operated, and how educational problems can be solved.

Thus, both the special status of teachers as professionals and the basic character, quality, and amount of services provided to the recipients of their professional services

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require that the scope of bargaining be broader than the scope of bargaining in the private sector or in other parts of the public sector. This idea of professionalism is somewhat embodied in several state laws which permit teachers as professional employees to meet and confer on educational policy matters with school boards. Indiana state statute, for example, permits teachers and school boards to discuss working conditions, curriculum development and revision, textbook selection, personnel assignment or promotion, student discipline, expulsion or supervision of students, pupil-teacher ratio, and class size or budget appropriations.³⁸

The teachers' demand for a broader scope of bargaining turns teacher collective bargaining into a governance issue when it is linked to the fact that education is public in character. The uniqueness of public-sector bargaining in general and teacher collective bargaining, in particular is that the employer is government. This means that decisions made at the bargaining table become governmental policies. Public service management, however, is influenced by "a whole structure of constitutional and statutory principles, and a whole culture of political practices and attitudes as to how government is to be conducted, what powers public officials are to exercise, and how they are to be made answerable for their actions."³⁹

Collective bargaining, as a decision-making process, must fit within government structures and processes. In these contexts, one of the issues collective bargaining in the public sector faces is the traditional link to the concept of sovereignty. The concept is based upon the belief that government service is public in character, belonging to and responsible to the people.⁴⁰ If the sovereignty doctrine is applied theoretically and strictly to the employer-employee relationship, only the government employer can establish the term and conditions of employment, and make other governmental decisions. In other words, decisions affecting the public may not be made through negotiations with unions, but must be made solely by the public's representatives—the school board, in the case of education. Therefore, the teachers' demand for the broad scope of bargaining is clearly incompatible with this doctrine.

The issue of the expansion of bargaining scope has often been taken up in the courts. Recently, a group of parents in Philadelphia, for instance, filed suit against the Board of Education, charging that the Board has illegally delegated its exclusive and discretionary power and authority to the teacher union as a nonpublic body. The suit claims that "decisions affecting pay for extracurricular activities, procedures for transferring teachers to effect racial balance, goals for the standards and performance

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of teachers, programs for retarded educables, accountability, and the progress and educational skills of pupils have been delegated to groups that are not elected by or responsible to the public."⁴¹ These legal arguments indicate that in teacher collective bargaining the matters debated at the bargaining table and decided by the contract are not simply questions of labor-management relations but questions of governmental decision-making. Thus, in a legal sense teacher collective bargaining brings about the significant question: By what process should important decisions affecting the public be made and by whom?

Just as the legal arguments over the divisibility of sovereign powers turn teacher collective bargaining into a governance issue so does the absence of a market choice mechanism in public education. In the private sector, collective bargaining is based on several important assumptions about the relationship between the parties at the bargaining table and the consumers of the goods and services. The private-sector bargaining model assumes that the market—the behavior of consumers in the market place—imposes restraints on the bargaining behavior of both employers and employees and therefore on collective bargaining settlements.⁴² As long as the employer wants to maximize profits and the employee is concerned about his/her continued employment, both sides must negotiate taking account of consumers' values, concerns, and responses. Suppose that the price of goods goes up due to collective bargaining. The consumer could pay a higher price. But he/she could postpone buying the product. Or he/she could buy a cheaper substitute. The consumer has the choice of buying or not buying. Thus, the consumer has power to affect decisions indirectly at the bargaining table. To put it another way, the consumer in the private sector has an important role in collective bargaining by imposing a constraint on the demands of both parties by their decisions to purchase or not to purchase goods or services of the organization.⁴³

In contrast to the private sector, the market restraints imposed by consumers described above are no longer powerful in public education. This is because consumers in public education have few market choices. Parents and students have few choices in responding to the performance of schools. For one thing, there is a very limited competitive market available in public education. Suppose that parents are dissatisfied with the quality of educational services offered by their schools and that they want to change the schools. Alternative choices for parents are to move their children to private schools or other districts. But parents cannot do that without

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substantial costs. For another thing, parents are compelled by the state law to send their children to schools. They have to “utilize educational services whether or not they value or desire them.”⁴⁴ In the private sector, if consumers do not like the product, they can quit buying it. In public education parents and students do not have that option. This compulsory nature of public education means that parents and students have no individual choice of buying or not buying the value of education.

Because of the absence of competitive markets and its compulsory nature, market choice mechanisms do not function in public education. Parents and students cannot utilize market-place choices to express their interests. This lack of consumers choice makes the market constraint ineffective in public education. Since parents and students must live with the results of a teacher collective bargaining agreement without any control over decisions at the bargaining table via the marketplace, they view teacher collective bargaining as a matter of school governance rather than labor-management relations; teacher collective bargaining provides “a vital mechanism for controlling the delivery of educational services.”⁴⁵

To sum up, teachers’ demand for broad scope of bargaining based upon their belief of professionalism makes collective bargaining in education a matter of school governance rather than employer-employee relationships, when their demand for the broad scope of bargaining is linked to the legal concept of sovereignty and the fact of the absence of market choice mechanisms in public education. The broad scope of bargaining means that more and more decisions about public schools are made outside the formal channels of political responsibility and that therefore those decisions become less accountable.⁴⁶ This contradicts the concept of government sovereignty, which argues that only elected representatives of the people can have the final say on decisions affecting the provision of public service. Moreover, parents and the public see teacher collective bargaining as a vital mechanism for making important decisions about education because of the lack of their control over decisions at the bargaining table through market choice mechanism. What all this means is that a question of teacher collective bargaining comes down to a question of control: who controls public education?

IV. THE IMPACT OF TEACHER COLLECTIVE BARGAINING UPON LOCAL SCHOOL GOVERNANCE

One of the most important questions of teacher collective bargaining is the range of subjects which the parties negotiate at the bargaining table, that is, the scope of bargaining. As noted earlier, teachers seek to expand the scope of bargaining, including educational policies, based on the belief that teachers are professionals as well as employees; teachers as salaried professionals are concerned not only with decisions on their wages, hours, and working conditions, but also with "every decision that affects their pupil clientele and the effectiveness of their work."⁴⁷ The school board and administrators, on the other hand, seek arguments against expansion of this scope and seek to narrow it based on the belief that the decision-making processes lay with them and that the broad scope of bargaining threatens to diminish their power and status.

It is important to note that scope of bargaining is a significant indicator of the influence of teacher collective bargaining on school management and operations, and on the governmental structure in the local school district. This is because it determines what voice teachers have in the school system. It also indicates on what kinds of subjects teachers have an impact through collective bargaining.⁴⁸

Since federal legislation does not govern scope in the public schools, the state legislatures have struggled to define the scope of teacher collective bargaining which may reflect specific states' circumstances.⁴⁹ The vast majority of the state legislatures have not specified the scope of bargaining but defined it vaguely as "wages, hours, and other terms and conditions of employment." For the most part, the state legislatures leave the final settlement of the scope of bargaining to the parties at the bargaining table; the school boards and representatives of teacher unions come up with contract agreements as a final answer for the question of scope of bargaining.

There is much evidence that the scope of teacher bargaining has been expanding beyond the traditional items such as wages and fringe benefits to include broader educational policy issues. A brief review of literature and research on teacher collective bargaining agreements may help to illustrate what kinds of subjects have been decided at the bargaining table and to what extent teachers have influenced decision-making through negotiations.

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Ida Klaus traced the evolution of the bargaining relationship between the Board of Education and the United Federation of Teachers in New York City between 1962 and 1969.⁵⁰ She viewed the relationship as having moved through four stages during that period and described how the collective agreement had grown from a document covering "wages, hours, and general terms of employment" in the early stages, to one that dealt with issues involving the practice of teaching. In the first stage, the bargaining agreement covered various aspects of wages, hours, and working conditions as well as a grievance procedure. These were significant aspects of the new relationship.

The second stage of the relationship contained considerable debate between the Union and the Board about the proper scope and boundaries of collective bargaining. As she put it:

The Union sought to extend collective bargaining to new aspects of educational administration, and the Board rejoined that such matters were reserved exclusively to the discretionary professional judgement and policy-making authority of the Board and of the Superintendent.⁵¹

The second agreement included the statement that the parties would meet and consult once a month during the school year on matters of educational policy and development. One of the specific subjects for joint consultation was the development of a program for the improvement of "difficult schools."

By the third stage of negotiations, collective bargaining was firmly established as a technique for determining salaries and working conditions. In addition, "the process of regular joint consultation on a year-round basis added a new and broader dimension to the Teacher-Board relationship. Through this process the Union became a truly powerful force in school administration."⁵²

Negotiations in 1967 for the fourth agreement entered into another stage of the relationship. In this stage, the critical public-interest issues were in dispute: teaching time, preparation time and its use, teaching training, absence allowances, the disruptive pupil, and so forth. After protracted negotiations, the Union achieved most of its demands directly affecting teacher working conditions.

It appears that over the period of time covered in Klaus' analysis there occurred a steady expansion in the depth and variety of topics that became subject to bargaining. Many topics originally viewed by management as completely within its discretion

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gave way to joint determination. From Klaus' analysis, it can be seen that the initial major thrust of the Union was on economic and job items. Over the years there has not been a lessening of the Union's concern with these matters. However, it also seems clear that there has been a substantial measure of union penetration into the educational and professional policy issues.

Williams R. Hazard, using the data from a 1971 NEA study of 1,529 teacher bargaining agreements, reported that a substantial number of contracts included not only the economic and material gain provisions, but also policy provisions.⁵³

Provisions, which would indicate that bargaining scope often goes beyond the traditional "bread and butter" issues, included:

- vacancies (893 contracts of 1,529 ; 58%)
- selection and distribution of textbooks (888 ; 58%)
- transfers (886 ; 58%)
- Teaching hours (819 ; 54%)
- promotions (703 ; 46%)
- teaching assignment in subject areas (695 ; 45%)
- teaching load or schedule of class periods (654 ; 43%)
- pupil discipline (519 ; 34%)
- teacher qualifications (470 ; 31%)
- qualifications for professional growth (400 ; 26%)
- curriculum review (395 ; 26%)
- general or professional study committee (366 ; 24%)
- teaching assignment for special education programs (354 ; 23%)
- academic freedom (320 ; 21%)
- instructional aids for classroom use (306 ; 20%)⁵⁴

Charles W. Cheng also found the scope of bargaining to be expanding.⁵⁵ He documented that teacher unions are rapidly gaining access to the educational policy-making process through collective bargaining. Following a review of contract provisions in Washington, D. C., Newark, Detroit, and New York City, he concludes that a wide number of policy issues are included in the final negotiated agreements and that teacher unions have managed to become involved in the formulation of a variety of significant educational policy questions such as class size, curriculum and staff development,

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pupil discipline, textbook selection, problem of disruptive children.⁵⁶

Another example of the broadening scope of bargaining is represented by Steven Goldschmidt's study.⁵⁷ According to Goldschmidt, in the early stages, teachers' first priorities were higher salaries and smaller class size. Since 1975, however, teachers have sought a greater voice in certain policy decisions. The results of this involvement include contract provisions governing staff selection, assignment, reduction in force, grievance arbitration, voluntary and involuntary transfer, inservice training, curriculum decisions, and teacher evaluation.

What can be said after reviewing these contract analyses? Clearly, teachers have been increasingly involved in the processes in which the significant decisions about schools are made. Before the advent of collective bargaining, the school system was, as Alan Fox labels, a "traditional" organization.⁵⁸ The main characteristics of this kind of organization, according to Fox, were unified authority and loyalty structures with managerial prerogatives being legitimized by all members of the organization. It was assumed that both employees and employers accepted the same values and the same objectives which united and bound them together. Accordingly, there supposedly existed no conflict within the organization. Management's right to give directions and to determine reward structures went without challenge. It was possible, however, that employees would begin to question this "unitary frame of reference."⁵⁹

Prior to collective bargaining, if a teacher was dissatisfied with the salary and/or working conditions being offered by a school district, he or she would only accept the offering or quit teaching. Collective bargaining provides teachers with an alternative to these options. That is to say, it provides them with a place to express their dissatisfactions and a channel to change the existing conditions. With the advent of collective bargaining, the critical decisions about schools and schooling are no longer made without consideration of teachers' preferences. Teachers' preferences on such matters as salaries, fringe benefits, working conditions, and educational policy are now considered.

Thus, teacher collective bargaining has been challenging the unitary authority structure concept and has been trying to build a bilateral decision-making pattern between management and labor in public education.

While teacher bargaining has introduced a bilateral decision-making procedure into the public school system, it also has caused the school decision-making structure to become centralized and formalized.

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It is not unusual that a contract agreement contains the following provisions:

- Length and frequency of faculty meetings
- The number of students that can be placed in a class
- The number of classes and periods a teacher may be assigned
- The number of consecutive periods a teacher may be assigned
- The number of different classrooms a teacher may be assigned
- The teachers' non-teaching duties
- Provision of clerical assistance for teachers
- Teacher control of evaluation processes and criteria
- Teacher participation guaranteed in decision making on school schedules, textbook selection, school policies
- Provision of telephone service, offices, lunch rooms, teaching equipment, and clean parking lots.⁶⁰

These items are closely related to the principal's discretion in selection, assignment, and evaluation of teachers. More and more decisions regarding teachers and their working conditions formerly made by the principal are now made at the bargaining table. Thus, under collective bargaining centralized decision-making on work rules at the district level has substituted for decentralized decision-making at the building level.

Similarly, decision-making has been formalized. This is because one of the stated purposes of labor agreement is to set common rules for the treatment, payment, and discipline of employees in order to avoid capriciousness in the treatment of employees. Charles T. Kerchner found that teacher collective bargaining has emphasized the labor aspects of teaching by focusing on provisions that specify working hours and duties, and procedural rules. The result has been to render the work of teachers more subject to preplanning, regulation, and inspection.

The contract leads management to closer inspection of teacher work. The grievance process immediately engages management's attention to teaching activities. A grievance, or even a threat of one, requires management's instant attention and response. Managers are also motivated to inspect teacher's work because the contract administration requires standardization of practice in all buildings or class-

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rooms.⁶¹

Kerchner's findings imply that teacher's work becomes not only more rationalized, but also becomes more homogeneous in contracts that have very little to say about the differences among individual teachers.

The implications of these bargaining outcomes and findings are clear. School principals have less latitude in managing their own building because of contract provisions regulating teacher working conditions.⁶² Douglas E. Mitchell and others come to the conclusion that principals are no longer able to use the free-wheeling, personality-based style so long associated with educational leadership because teacher collective bargaining has produced more homogeneous and consistent interpretation and application of work rules among all the schools within any given district.⁶³ In the context of the centralization of decision-making and uniformization of rules and procedures produced by teacher collective bargaining, school principals are less able to exert discretionary power in the daily operations which many of them have traditionally enjoyed.

There is no doubt that bargaining has made the principal's job more difficult. So some principals may view the contract as an obstacle to a well-run school. However, the principal could play an important role in determining whether collective bargaining works in the school building. Truly, recent studies show that even under bargaining pressure the majority of principals are trying to run their schools effectively and that effective principals usually accept teacher collective bargaining and use the contract both to manage their building more systematically and to increase teacher participation in school decision-making.⁶⁴

Yet, for some principals, the effects of teacher collective bargaining are serious. Principals who are sensitive to the drain on their decision-making authority are increasingly reacting to the teacher-board bargaining process in a manner that indicates they no longer expect that the superintendent and the school board "care a darn about them and they perceive top management is selling out the administrators in order to buy off the teachers."⁶⁵ Actually, principals are forming self-help organizations to protect their interests. Bruce Cooper reports that currently 2,200 school systems have recognized unions or groups of principals. Twenty-one states have laws permitting unions for school administrators and most big cities have a large number of locals. Over all, about 21 percent of the middle management, including the prin-

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cipals, assistant principals, directors, and coordinators, are getting involved in collective bargaining activities independently.⁶⁶ Although a number of variables for this trend could be identified, it appears that through such organizations principals are trying to muster the power to gain a meaningful voice in the decision-making structure brought by teacher collective bargaining.

V. SOME CONCLUDING THOUGHTS

Teacher collective bargaining has had some significant effects on the traditional system of governance in education.

First, the emergence of collective bargaining has changed the policy-making structure of the American educational system. Before the advent of collective bargaining, teachers had been viewed merely as employees who were expected to execute what they were told to do. They had been placed in the lowest level of authority in school systems. All that has changed. Collective bargaining grants teachers a vehicle to participate in the centers of decision-making power within a school system. Teachers are no longer powerless. They are now one, if not the most, of the important actors in decision making not only on their own economic affairs but also on educational affairs. As teachers increasingly play a significant role in the policy-making structure, it becomes clear that the traditional monopolistic control of schools exercised by the board and/or the superintendent has been broken.

While on the one hand, teacher collective bargaining has increased the voice of teachers in the decision-making process; on the other hand, it has eroded the discretion of school principals to control schools. Because of the centralization and formalization of decision making brought by bargaining, principals now have less control over school policy. It may safely be said that teacher collective bargaining has increased the voice of teachers at the expense of the authority of school principals.

Second, the establishment of a formal collective bargaining relationship in education has challenged the basic doctrine of school governance. The traditional dominant ideology of school governance was that the existence of conflict among people involved in the school system is not appropriate and that therefore education has nothing to do with politics. Collective bargaining clearly contradicts this ideology. The theory and practice of bargaining are based on the assumption of an inevitable conflict of interests between management and labor and on the assumption that there is a strong

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community of interest within employee groups regarding certain numbers of items and areas of judgment on which there is conflict with the authority of management.⁶⁷

Teachers see a different community of interest from that of the board and administrators primarily on such matters as wages, hours, and working conditions, and even in some educational policy areas.

Since the essence of bargaining is compromise on matters over which there is conflict between the parties involved in the bargaining, decisions at the bargaining table are often made politically.

School administrators, for example, do not seek optional solutions to the problems they face, but seek solutions that will satisfy a variety of demands. Thus, not the best reading program for children, but the one which is easier for teachers to implement and which costs less, is selected.⁶⁸

Thus, the development of teacher collective bargaining has broken down the myth of the "no-conflict" and the "no-politics" doctrine in public education.

Teacher collective bargaining has had significant effects on the traditional structure of the decision-making process in local school districts, but, on the other hand, it has also functioned to reinforce the traditional school system based on the old ideologies of school governance.

Since collective bargaining intends to provide equal and uniform treatment for all employees, school system decision making is centralized under collective bargaining. Teacher unions usually oppose decentralization of the school decision-making process. This is because the power of the teacher union lies in its own centralization with authority concentrated at the higher levels. The Ocean Hill-Brownsville (New York City) incident in 1968 is an excellent example. The teacher union (UFT) blocked the community efforts to decentralize the structure of the school system. Opposing community control of school decision making, Alber Shanker, then president of the UFT, states:

We have shown that a strong, united organization is best for everybody but this is a battle which must be fought over and over again. In every set of negotiations, with every disappointment, there is a constant tendency to split back into... parts. It is a tendency we

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must continue to resist.⁶⁹

Similarly, pressure has been brought to bear against advocates of the decentralization attempt in union locals throughout the country.⁷⁰

Along with the centralization of school systems, professionalism was one of the important ideologies underlying the old governmental structure in public education. The important point here is that teacher collective bargaining is also based on strong professionalism among teachers:

Teacher unions have made accommodations with the educational power structure because they share the same fundamental ideology as that of professional educators who previously monopolized the educational policy-making process.⁷¹

Although teachers lay emphasis on instructional expertise rather than on the technical expertise of administrators, they share with administrators the same idea of the superiority of professional control to claim control over the running of schools.

As we have seen, we can recognize two different facets of the outcomes of teacher collective bargaining. For one thing, bargaining has been altering the "unilateral" decision-making structure of school systems based on the "conflict" or "compromise" doctrine. For another thing, bargaining has strengthened the traditional structure of centralization in school systems based on the old ideology of professionalism.

Given these outcomes, what do we assess the impact of teacher collective bargaining on school governance to be? We need more systematic research to draw final conclusions; however, in my opinion, teacher collective bargaining has not revolutionized or destroyed the public school system entirely; nor has the teacher union become the dominant force in controlling school policy. From the public's point of view, it is clear that teacher collective bargaining has changed little of the educational policy-making structure. It is still a closed political system to the public. The centralized professional school bureaucracy is still maintained and even strengthened with the emergence of the new professional out of collective bargaining.

It appears that teacher collective bargaining is not intended to allow teachers to take over the school system, but only allow them to participate in the educational decision-making process. As president of a local teacher union puts it:

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I should also say that teachers want to have principals, they want to have leaders, they want to have leadership, and they want to have a superintendent who exhibits quality educational leadership. At no time has collective bargaining in education ever intended to take over the entire school system.⁷²

His opinion expresses exactly what American labor unions have been about. Labor history in the United States tends to indicate that unions have not bargain for control over a given corporation. Rather, the American labor movement has bargained for participation in decision making. And that participation seems to have increased the size of institutional bureaucracy, not diminished it. In short, the American labor unions have bargained for union recognition, wages, and fringe benefits as well as working conditions, not control.⁷³

Similarly, teacher collective bargaining does not make the teacher union a radical or revolutionary force, but rather makes it a conservative reforming force that seeks to preserve and strengthen the old bureaucratic-professional governance of schools.

FOOTNOTES

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