

## COMMENTARY

# Conversations We Aren't Having

## Linking Collective Bargaining and Student Achievement

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*Can we talk?* As it turns out, we can't. We can yell, finger point, and mutually disparage, but we are incapable of talking about what matters most in public education: how the resources we have are best allocated to produce the student achievement results we need.

A case in point: [Jacob Adams](#), a Claremont Graduate University colleague, has edited a new book, *Smart Money*, which shows that effective school districts spend their money differently than those with lower student achievement gains. In the book, and in an [Education Week commentary](#), he argues for a "simple, powerful principle," linking collective bargaining and other forms of resource allocation to student achievement. The smart-money approach is to adopt cycles of continuous improvement—goal setting, resource allocation, instruction, assessment and analysis—to tailor resource allocation to classroom needs. But where, in a school system filled with large and small interests—from psychological comfort zones, to pocketbooks and pensions—are these conversations to be held?

School districts spend their money when they negotiate their labor contracts: sometimes over 80 percent of the current operating budget goes to pay employees' wages and benefits. Negotiators for management and the unions spend months in sometimes tense conversations over how and what people are to be paid, and under what rules they will work. Except in a small number of "reform union" districts, student achievement is hardly mentioned during these negotiations, and this is not an accident.

[When California teachers gained the right to bargain collectively in 1976](#) the framers of the statute followed the [National Labor Relations Act](#)'s industrial assumptions about how authority and responsibility are to be divided. School managers determine the outcomes they want to see, and they create work processes and technologies in the form of a required curriculum and instructional practices. They assess the results through inspection of teaching and by testing students. Teachers are expected to faithfully carry out the prescribed routines and be obedient to orders. Insubordination is dealt with more harshly than incompetence.

Even under the narrowest possible construction of the scope of bargaining, "wages, hours, and conditions of employment," have a huge patterning effect on how schools use their resources. Union leaders frequently assert that they know what resources count. Small class sizes are frequently mentioned. Yet, nowhere in collective bargaining are union and management required to talk about how all the money they are allocating will change student achievement.

I believe they should be. In an [American Journal of Education article](#), [Julia Koppich](#) and I argued in favor of a small, but radical change in labor law. Make student achievement goals a mandatory subject of agreement. Without student achievement goals that both labor and management sign on to, no one gets a raise, no one gets a contract at all.

This modest idea modifies the function of collective bargaining. Labor-management negotiations have been legally structured to accommodate what unions (mostly) wanted to talk about. Some topics are mandatory in the sense that if one side raises them, they must be bargained in good faith, and whatever dispute resolution mechanisms the law provides must be used. Some topics are permissive, allowable if both labor and management want to discuss them. (Some topics are also forbidden.) Long treatises and much case law have been devoted to sorting out what has to be negotiated from what may be. But nowhere does the law specify that the parties have to come to agreement on a particular topic. For example, if the union neglected to raise the issue, school districts would not be required to discuss the length of the school day or year.

It may be that neither labor nor management wants to discuss student achievement goals, but I believe it is in the public interest to require them to do so. No one would think of negotiating a contract with a building contractor without specifying the outcomes and the processes to be used. For teachers and school managers, specifying goals strengthens accountability to them. Specifying goals requires talking through which objectives are more important than others. Putting achievement goals on the same table as wages, hours, and working conditions requires that labor and management face the reality that how money is spent has a relationship to achievement, and that personal preference and private interest may have to bend in the achievement of the school's core purpose,

It is reasonable to raise the objection that schools and teachers have lost the ability to set their own goals. Particularly since the passage of the [California and federal accountability statutes and the implementing of statewide testing](#) explicit goals are being externally imposed on school districts. But even if the collective bargaining agreement simply incorporated these externally generated goals, it would have the advantage of aligning them with the budget. There are virtually no other arenas in the school budgeting process that bring money and intent together with such force.

If teachers and school managers were able to bargain goals, they would probably reach for things other than test scores. Externally set goals often reflect easy-to-measure aspects of student achievement. More authentic assessments that teachers value, such as portfolios of student work, are often pushed aside. Negotiated goals might include changes in graduation rates, numbers of students taking a college or career-ready curriculum, increased numbers of second language learners becoming classified as fluent in English.

At the end of negotiations, the contract would be required to contain student achievement goals. These could be ambitious or ridiculously low. Since the contract is a public document, teachers and management would take the heat for setting the bar below where the public thinks it should be. Without a student goals clause, there would be no labor contract. If a contract were to be signed without student achievement goals, it could be challenged in court or before the public employment relations board. Any citizen could bring such a challenge.

Negotiating student achievement goals would gradually change labor doctrine and practice while leaving all the familiar structures in place. The negotiated contract would continue to be the centerpiece of the labor relations. Unions would continue to talk about economic issues and worker protections. The grievance procedure would continue in force. The one change is that the parties would be required to talk about student achievement and to bring to those discussions their often unvoiced ideas about what causes learning in schools.

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