

A N E W D I A L O G U E

# Collective

A Presentation by Andrew J. Rotherham

# Bargaining

Interviews with Alan Bersin and Randi Weingarten  
Prepared by Collaborative Communications Group

# in Public

A National Invitational Conference  
Newport, Rhode Island, December 10–11, 2006

# Education

Convened by  
The National Governors Association Center for Best Practices  
and  
Rhode Island Governor Donald L. Carcieri  
The Rhode Island Foundation

in partnership with  
The Education Partnership  
and the  
Annenberg Institute for School Reform and the  
Urban Education Policy Program at Brown University

# A New Dialogue on Collective Bargaining in Public Education and State-Level Policy

A National Invitation Conference  
Newport, Rhode Island, December 10-11, 2006

Increased expectations for student outcomes – and higher standards of accountability – challenge policy-makers to examine how collective bargaining impacts education. It is time for a new dialogue between state policy-makers and teacher organizations. This conference is designed to engage key state policy-makers, national experts, union leaders, and educators to identify how state policy and the collective bargaining process may support the goal of improving student achievement.

Collective bargaining shapes much of education policy in school districts: for example, how resources are allocated, how teachers are assigned to schools and classes, the content of professional development, and the nature of teacher evaluation. Although bargaining is a district-level activity, it occurs within the scope of the state collective bargaining laws.

A contract provision negotiated in one district may have a ripple effect in other districts throughout a state. Alternatively, a state collective bargaining policy or education regulation may encourage (or discourage) local districts and unions to adopt (or refrain from) a bargaining outcome that the state desires.

Shaping local bargaining through state policy represents a central opportunity for state policy-makers to influence local negotiated outcomes. Collective bargaining should not only be the concern of superintendents and local union leaders, it must be on the policy radar screen of governors, state legislators, and state education commissioners.

*A New Dialogue: Collective Bargaining in Public Education* offers a first step toward examining the role of state policy-makers, teacher unions, and local school districts in creating the conditions and supports essential to promoting student success. As co-sponsors of this conference, we invite you to share your experiences and insights to enrich and deepen this critical dialogue.

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# Contents

A Presentation by Andrew J. Rotherham ..... 1

An Interview with Alan Bersin .....13

An Interview with Randi Weingarten .....29

Appendices .....45

47 Conference Agenda

50 Conference Participants



# A Presentation by Andrew J. Rotherham

**Andrew J. Rotherham** was invited to give the Opening Presentation at the conference on Collective Bargaining in Public Education in December 2006. In his remarks, he describes the changing policy landscape in education as well as in labor and politics and how those changes can – and must – affect contract negotiations. Emphasizing that the current misalignment between educational goals and the systems embodied in contracts is not *caused* by those contracts but simply *reflected* in them, he offers three recommendations – more transparency, more research, more participation – for developing contracts that best position educators and schools to meet the common goal of how best to serve the nation's public school students.

*Andrew J. Rotherham is co-founder and co-director of Education Sector, a national education policy think tank, and a senior fellow at the Progressive Policy Institute. He has also served on the Virginia Board of Education since his appointment by Governor Mark Warner to that position in 2005. Previously, Rotherham served at the White House as special assistant to the President for domestic policy during the Clinton administration. He is the author of numerous articles and papers about education and co-editor of three books on educational policy, most recently Collective Bargaining in Education: Negotiating Change in Today's Schools with Jane Hannaway (Harvard Education Press). He serves on the board of directors of the National Council on Teacher Quality and on advisory boards and committees for a variety of organizations, including the Bill & Melinda Gates Foundation, the Broad Foundation, the National Governors Association, the National Charter School Research Project, and New Visions for Public Schools.*

Before I begin my prepared remarks, I want to say a word about the late Tom Mooney, former head of the Ohio Federation of Teachers, who would have been here with us. Tom was at a conference I co-produced on teacher collective bargaining in Washington, D.C., in May 2005; he was a terrific speaker – one of our best panelists. He made an important contribution at the conference and continued to make vital contributions to that debate until his death earlier this month. These contributions reflected two valuable traits of his that will be sorely missed. First, Tom was able to disagree without being disagreeable. That's an increasingly lost art in politics and other public discourse overall, and on this issue in particular. Second, and the reason behind the first, is that Tom understood that there are no absolute truths in this business. He understood that the debate is very subjective – he never forgot that we're moving around a pole and that this is very contested terrain.

That doesn't mean he didn't have strongly held views and values – it means that he respected the views of others and understood that, collectively, we're lumbering toward something, not seeking or debating revealed truth. He was tireless in his work and was truly in his prime when he was taken from us, much too soon. Tom will be missed by many – personally and professionally – and he leaves a void. The world is better off for his having been here.

## Detoxifying Collective Bargaining

I'd like to start my remarks on a personal note. I'm always asked why I turned my attention to teacher quality and, in particular, to doing a book on teacher collective bargaining [see sidebar]. The queries tend to run in two veins. One is genuinely friendly and curious: "Why did you go down this road?" and the other is of the "Nice career you've got there; it would be a shame if something were to happen to it" variety.

The answer isn't that exciting. In late 2001, not too long after I left the White House, Chester Finn [of the Thomas B. Fordham Institute] and I did a bipartisan project on IDEA. We figured that if we could come to some agreement there, we might be able to detoxify some of the politics. If you remember the 1997 reauthorization of IDEA, it was terribly contentious, and partisan, and really ugly. We thought maybe we could lay the groundwork to head that off. The project actually turned out pretty well. We put out a volume, and a lot of the ideas we came up with ended up in the law – and it did take some of the partisan sting out. But it was an exhausting project. When that was done, I decided to turn to something less controversial. Jane Hannaway [currently at the Urban Institute] and I had wanted

to collaborate on a project, and we decided, Why not teacher collective bargaining? A quiet, non-contentious, non-controversial, non-political issue!

### A New Look at Collective Bargaining

*Collective Bargaining in Education: Negotiating Change in Today's Schools*, edited by Jane Hannaway and Andrew J. Rotherham (Harvard Education Press, 2006), grew out of a conference on teacher collective bargaining co-produced by Andrew Rotherham in Washington, D.C. The idea for the conference came from realizing that there was a scarcity of school-reform research on collective bargaining across the country and that maybe it was time to bring together a group of people who had systematically studied the area, those with well-articulated views about collective bargaining, and several well-respected education researchers and analysts to begin a conversation about collective bargaining.

The work from that conference was presented in *Collective Bargaining in Education*. In their introduction to the book, Hannaway and Rotherham clarify their role as neither advocate nor antagonist of teachers unions and summarize seven conclusions about teacher collective bargaining:

- Collective bargaining was the right intervention at the right time, but the environment has changed, as have the public demands on public schools.
- The lack of empirical evidence on the effects of collective bargaining by teachers on education practice, finance, and operations is striking.
- A vitally important distinction exists between collective bargaining in the private sector and collective bargaining by teachers.
- Many collective bargaining agreements have serious problems: what is good for teachers is *not* automatically good for students.
- It is unfair to lay the blame for the current state of affairs at the feet of the teachers unions.
- Asking teachers unions to look after the interests of their members *and* the children they serve is asking them to shoulder a responsibility exceptional to organized labor.
- Too often, political concerns cloud analysis of the issues and decisions.

*Adapted from the introduction to Andrew Rotherham's presentation by Valerie Forti, president of The Education Partnership*

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Teacher contracts, or teachers unions for that matter, are not the root problem in American education.

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It's because this issue is contentious that I want to applaud the NGA Center for Best Practices for taking it on and hosting this forum. There are real questions here that demand attention. There are complicated policy and political questions, and there are no cut-and-dried answers. But it's an issue that policy-makers must look at, and the line-up at this conference today shows the dynamic people who are turning their attention to this issue from all sides.

Let's be honest – this is pretty contested terrain. There are two strident talks I could give today to set the stage for the conference. First, I could give a bombastic one, blaming the teachers unions for all the various problems that face public education – for refusal to change, inflexible defense of an unworkable status quo, and so forth. That one would make the critics swoon, but it wouldn't be honest, because the teachers unions are not the root cause of our educational challenges. In fact, many aspects of teacher contracts that we'll discuss at this conference are really *symptoms* of the larger problems we're facing in public education today.

Conversely, I could talk about how the teachers unions are being singled out, unfairly blamed, targeted by forces opposed to their very existence. I could say that there is really no issue here at all and that around the country there are plenty of examples of why these contracts present no problems, and why this is all a witch hunt. That one would make some of my union friends cheer, because I hear that a lot, but it wouldn't be honest, either. Because, in some ways, the teachers unions – or more specifically, the contracts we're discussing – *are* part of the problem facing American public education.

You can find both those viewpoints in our book. But the truth, as it often does, lies in between these extremes. This morning, I will lay out the landscape as I see it and the challenges that we, collectively, have to tackle together on this issue. You'll hear the key findings from the book woven throughout, but the idea that changing times demand changing practices animates the book and, I hope, will animate our discussion.

## Changing Times Demand Changing Practices

I submit to you that teacher contracts, or teachers unions for that matter, are not the root problem in American education. And if you think we've got problems now, it's worth reflecting on where American



education would be in their absence. Some of the things that contracts are criticized for are merely symptoms of larger problems in public education today – namely, a system that is misaligned with the goals it’s expected to meet. And, if you look historically at collective bargaining and the rise of teachers unions, I think a convincing case can be made that it was the right intervention at the right time.

The thing is, times have changed since then. A lot. And the practices and norms that are embodied in many of these contracts just haven’t kept up. And education is changing fast. It’s worth stepping back and reflecting on just how much, because what we’re asking our schools to do – the norms, the external culture, and so forth – has changed a great deal in just a few decades. If you think back to *A Nation at Risk* in 1983, to the Education Summit in 1989, to the ESEA Reauthorization in 1994 codifying the standards movement, to No Child Left Behind in 2001 – each period marked a pivot toward a system focused on not just universal *access*, but also universal *attainment*.

I don’t need to recount the significance of each of those events for the people in this room. We’re shifting from a society focused on “strong backs” to one focused on “strong minds.” And our schools – particularly, what we’re asking them to do – reflect that: improving performance and closing achievement gaps are today’s

charge, and it is a vital one for our domestic social cohesion and our international competitiveness. Consequently, educators who joined the ranks of teachers in 1983 are being asked – less than a quarter-century later – to perform a mission very different from the one they signed up for.

Not long ago, compliance was the ethic; today, it’s performance. Not long ago, stability was cherished; now it’s agility. We used to build policies around uniformity; now we worry increasingly about customization.

At the same time, our labor market has changed. One of the reasons I come to work each day is that I believe positive social change is possible. And the opening of various professional doors to women and minorities over the past forty years validates that. But that particular success has also dramatically changed education’s labor market – and we haven’t kept step. We’re not an attractive field for many of the very people we need today – and the cold, hard truth is that in some ways, we’re probably *too* attractive for the kind we don’t.

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## The Role of Contracts in a Changing Landscape

And contracts matter to all of this, since they govern the norms by which schools operate day to day. So, while you'll hear from some circles that the increased attention to teacher contracts is merely part and parcel of a right-wing assault on unions or an anti-public education theme that's loose in the land, that caricature misses the mark. True, a few years ago, hardly anyone was paying much attention to this issue except a few conservatives. But in the time since Jane and I published our book, groups like the Citizens Commission on Civil Rights, The Education Trust, the New Teacher Project, and the National Council on Teacher Quality were all undertaking substantial projects to examine the impact of various provisions in teacher contracts. Major foundations are also interested in and supporting this work. This conversation is broad, and it isn't going away.

The attention to contracts today is symptomatic of two broader changes in the education-policy debate. First, the low-hanging education reform fruit is gone.

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How to define, measure, and reward performance in a field like ours is a difficult and complicated question.

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We've already solved the easy challenges and problems. The issues we're tackling today are *by definition* the harder ones – politically, substantively, or both. And there is evidence – compelling evidence – that some practices codified in these contracts are misaligned with the goals of today's school systems.

Second, the political landscape has changed. The old left-right delineations don't apply to this debate anymore; that's why unions understandably feel under siege from all sides. But there is also a pretty clear signal in the alignment today. It's not just the conservatives expressing an interest in these issues; there is a growing, strong, and irresistible demand for reform from many on the left, too, and it's forcing people to turn their attention to these more fine-grained, subsurface issues in education.

So what does all this mean in terms of how we organize our industry?

First, our industry is pretty hierarchical. We treat all our workers alike – as Julia Koppich [of J. Koppich & Associates] and Chuck Kerchner [of the Claremont Graduate University] have said, we treat them like “*mine* workers, not *mind* workers”; we emphasize uniformity, compliance, and regulation. And we do this at a time when the most successful American enterprises – both in the for-profit and

non-profit sectors – generally reject these characteristics and, instead, are seeking to be more horizontal, embrace dynamism and agility, and offer customization to their customers. Teacher contracts do not yet reflect a lot of those characteristics.

Second, our industry is struggling with how to incorporate performance into our operations. How to define, measure, and reward performance in a field like ours is a difficult and complicated question. But as we try to figure it out, innovate, fail, and make progress, contracts will have to reform to incorporate these ideas.

Third, our industry is facing increased pressure between consumers and producers. This is an old story in other fields, from ice and railroads to modern businesses like airlines and telecommunications, but it's relatively new in our field. Narrowly, it plays out as an increasing demand for quality and mass customization – in other words, changing appetites on the part of parents. More generally, it plays out as increased demand for performance from policy-makers and stakeholders such as business groups. But in terms of that narrow demand, Americans, increasingly, want choice and customization in *all* areas of their lives – and education is no exception. Around the country, in fits and starts, we're becoming more pluralistic in how we deliver public education. Contracts will have to undergo substantial changes for this new environment, too.

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Contracts *reflect* the misalignment between goals and systems – they don't *cause* it.

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## Contracts: A Two-Sided Coin

You'll notice that I've said so far that the contracts *reflect* this misalignment between goals and systems. That was deliberate – because I don't think they *cause* it. The reality is that *two* sides sign every contract and, as Rick Hess pointed out in one of the chapters of our book, management doesn't fully exploit the contractual language that exists today and often does not seek out such language. That's important to remember, because often more of this is laid at the feet of the teachers unions than they deserve.

And we can't forget that this issue is a two-sided coin. More dynamism also means sharper edges for workers, and more customization and choice means less stability for workers – more agility can lead to unfairness. I think these trends are positive ones, but we must acknowledge that they are complicated changes and we must not dismiss out of hand the legitimate concerns that teachers and union leaders raise about them.

Workers – in this case, teachers – do deserve protections and rights. In this environment, we obviously have to protect workers’ rights as contracts evolve.

But, that said, the unions are not doing all they could to help tackle the problems we face and, I’d argue, not living up to their promise as the powerful, tectonic institutions they are in our society. There are some exceptions, to be sure – some examples of inspired thinking, brilliant, cutting-edge leadership, and leading-edge ideas. Randi Weingarten opening a pair of charter schools in New York City and

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Brad Jupp championing new models for teacher pay in Denver were as seismic in the union community as Dylan going electric here in Newport in 1965 was in the music world. There are other examples of inspired leadership, but too often our teachers unions are behind the pace of where and how change *has* to happen today and where it *is* happening. And too often, despite unions’ avowed progressive

rhetoric, they are actually conservative, even in the face of the radically new environment public schools operate in. It’s hard to look at the body of contracts – not the exceptions that get highlighted as the rule, but the body across the country – and not conclude that they’re very conservative in how they approach schooling today.

Of course, some of this is simply the result of how large, complicated membership organizations have to operate; they’re not designed to be leading edge. And we can never forget that the first charge of the teachers unions is, and should be, to look after the welfare of their members, many of whom find themselves whipsawed in a rapidly changing industry where the rules of the road are much different than when they entered the profession. It’s easier to come to someplace like Newport and talk about change than bring it about inside large, complicated organizations, and the critics of teachers unions have to respect that.

But in the end, in today’s fast-changing educational debate, it can put them out of step; and the discussion we’re having about contracts is merely the flashpoint for that tension.

## The Real Issue: How Best to Serve Students

Unfortunately, the debate too often devolves into a back and forth about unions good, or unions bad, or who is more for the kids. And that obscures the issues. Excuse the double negative, but no one in this debate is not for the kids. What's at issue is competing views about what the best ways to serve kids are. And that's a healthy debate for us to be having.

Too often, of course, the debate gets framed in zero-sum terms. And there is plenty of blame to go around for that on all sides. Whether or not to have contracts is an impoverished question and isn't a very productive discussion. First of all, as a practical matter, teachers unions aren't going anywhere – nor, in my view, should they. For a variety of reasons, I'd argue that an atomized teaching force isn't desirable and that collective representation, if understood in context, is positive. Second, we can never forget that since education is a public-sector enterprise, some codification of expected practices, rules, benchmarks, and so forth is necessary as we conduct our business.

And so these contracts, as much of a flashpoint as they often are, also offer us a place to think about how we can change some of our basic practices to better reflect the charge being put upon our schools today. So, while I'd argue that we can't expect to address the maldistribution

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of teachers that exists today within the constraints of most current contracts, we also can't expect to turn around low-performing schools without much more sustained support – things that can be codified in these contracts – for instance, shielding teachers from the constant churn of reforms that Rick Hess dubbed “spinning wheels.” This is the direction we need to be looking at today.

In other words, the discussion we should have today – and the conversation policy-makers and policy leaders should have – is around what contracts should look like in today's environment in order to *best* position educators and schools to meet the goals they're now challenged with. That's the foundation for a rich discussion, and nothing should be off the table. We often talk of this in the language of “thin” contracts, and I'm a fan of some of the innovations that are going on under thin contracts. But that terminology may be too limited – and, rather than “thick” or “thin,” the conversation really needs to be about *different*.

## What's Needed Now

For our part, Jane and I made three core recommendations, which bear on this discussion.

First, we called for more transparency. That's a no-brainer. It's striking just how little hard data there are about some aspects of this issue, where the questions are empirical. While some unions – for instance, the one that Randi Weingarten heads in New York City – make it possible to view their contract and associated documents with the click of a mouse, others make it a deterring challenge. That's starting to change. With the support of the Bill & Melinda Gates and Joyce foundations, the National Council on Teacher Quality and Citizens Commission on Civil Rights are about to unveil a database that examines the contracts in the fifty largest districts in the U.S. across a range of dimensions. Hopefully, it will trigger greater attention to what is in these documents. I'm always

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The problem is not that teachers unions enjoy too *much* power in the process, but rather that other groups exercise too *little*.

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struck that newspapers dutifully reprint the texts of presidential news conferences, even where nothing of any consequence is said, but don't print the texts of these contracts, which are of enormous consequence in their communities.

Second, we called for more research and analysis. That's a no-brainer, too, since we make our living doing that. But actually, it is much needed – again, it's striking how thin the evidence base is. Much more research is needed.

Third, we called for greater participation in the *political* process. There have been calls to simply ban collective bargaining by public sector employees like teachers. We think that's a cure far worse than the problem. Rather, we argued that the problem is not that teachers unions enjoy too *much* power in the process, but rather that other groups exercise too *little*. There are a variety of political and non-political activities to help change that mix, but more voices are needed.

And, very much related, we called for greater participation in the *bargaining* process. This is a public process, and these are, ultimately, public documents codifying public practices. Only two sides, ultimately, will actually *sign* a contract, but there is no reason more stakeholders cannot be actively *involved* in the framing, creation, and process of these agreements. This recommendation is often perceived as anti-union but, under the right circumstances, it's actually a

powerful lever for the teachers unions. Union leaders like to quip that management gets the union it deserves, and there is a lot of truth in that. But I think that among many stakeholders, there is no understanding of the often arbitrary, capricious, and unfair treatment teachers receive, especially in our larger school systems.

That's not to say the problems do not run the other way, too, but merely to point out that it's a two-way street, and that the desire of teachers, particularly in larger school systems, to want protection is completely understandable. More-involved stakeholders would increase awareness of issues like that. These contracts are long and cover a lot of ground for good reasons, and public awareness of that is not inherently bad for the unions.

## In Conclusion

We face a challenge that boils down to operating norms and procedures that are mismatched to goals. That's a challenge that reasonable people should be able to solve. And, while I don't minimize the political and substantive complexity, I also do not think that it's Pollyanna to think that there are a number of grand bargains out there to be struck, from benefits and pay to professional autonomy and advancement for teachers. Getting this right is not only good for kids, it's good for teachers and good for public education.

And that's why this conversation, if we have it in the right way, is a win-win. I can't imagine that my friends in the union movement don't look to places like Detroit – and I'm talking about the automakers, not the schools – with some trepidation. Industries, even ones as seemingly durable as public schools, can slide toward irrelevance if they do not change with the times. That's the challenge we face, and this discussion of contracts is one part of meeting it.

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# An Interview with Alan Bersin

**Alan Bersin** met with Kris Kurtenbach and Gloria Frazier of Collaborative Communications Group on October 10, 2006. In that interview, Bersin analyzed the historical sources of the widespread gridlock in collective bargaining today and outlined some possible solutions. He described the new provisions of the recently passed California Senate Bill 1133, supported by the California Teachers Association, which allows a separate negotiating zone for low-performing schools, and summarized his vision of transforming teaching from an occupation into a profession, including new compensation structures for teachers.

**Collaborative Communications Group:** *Describe briefly for us the current state of collective bargaining and whether you see it as a help or a hindrance in getting all students to achieve at high levels.*

**Alan Bersin:** We are clearly and classically in a state of fixing blame rather than fixing the problem. Unions have evolved – unquestionably, in my mind – into the most powerful institutions in the education sector. Yet many of them perceive themselves as constantly under siege. These organizations then hunker down fiercely in blind defense of the status quo. School district management, itself often arthritically bureaucratic, has generally been unable to improve student achievement across the nation; it tends to point fingers at unions and at the intractability of labor contracts as the primary causes of trouble. This is wrong on both ends. The blame game leads to paralysis and gridlock.

The first bread crumb that could lead us out of this forest would be the recognition that neither unions nor management alone can lead to a new, more productive set of circumstances and results; that result can only be achieved by successful collective bargaining by both parties over time. Collective bargaining right now is a joint labor-management process that usually produces conflict and mostly what are, at best, watered-down solutions to pressing problems of teaching and learning. That change will

*Alan Bersin was appointed California's Secretary of Education in July 2005. In an unprecedented move, Republican governor Arnold Schwarzenegger simultaneously appointed Mr. Bersin to the state Board of Education, giving him a unique opportunity to put his stamp on education policy in California. In December 2006, Mr. Bersin left Sacramento for a seat on the San Diego airport authority board. Prior to becoming the state's Secretary of Education, Mr. Bersin was Superintendent of Public Education in the San Diego City Schools, the nation's eighth-largest urban school district, where he oversaw an ambitious districtwide effort to strengthen instruction that produced gains in student achievement. He is a former U.S. Attorney.*

occur only if both sides come to believe that it is in their individual, as well as mutual, interests.

## The Gridlock in Collective Bargaining Today

The current gridlock we have in collective bargaining results from the disproportionate influence of the short term on the actions and perceptions of the actors – both on the union side and on the district side. The tension we feel comes from the fact that the long-term interests of our public education franchise, understood in terms of what would strengthen children’s learning and achievement, is given short shrift in the current political calculus.

Al Shanker understood that the long-term health of public education after *Brown v. Board of Education* required standards-based reform. He was among its most ardent champions. He understood the need for standardized assessments. He understood the need for accountability systems. For Shanker, standards-based reform was squarely in the interest of the union members he represented, as well as the interests of the community he was a part of and the democracy he was interested in protecting. Andrew Rotherham used a powerful Shanker quote:

Collective bargaining has been a good mechanism, and we should

continue to use it. But now we must ask whether collective bargaining will get us where we want to go. . . . I am convinced that unless we go beyond collective bargaining to the achievement of true teacher professionalism we will fail in our major [imperative] to preserve public education in the United States and to improve the status of teachers economically and socially.

**CCG:** *What’s the shift we need to make, and how do we make it?*

**AB:** Seniority makes eminent sense in the context of individual lives. A teacher can quite rationally conclude: “I’ve been teaching for three years in a hard-to-staff school. I work my heart out, and I don’t get the support that I need. I have just had a baby to start our own family. I will use my seniority to bid out to a much less challenging school; this decision benefits my personal and professional life.”

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Factory-age unionism is not going to function well as teaching becomes a profession, and teaching needs to become a profession for the benefit of both students and teachers.

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For an individual, that's an entirely sensible chain of reasoning. But practiced systemically, it ends up producing an educational catastrophe for poor kids. Teachers come and teachers go and the children remain untaught year after year. We know how we got there. It was not by evil design, but rather by the operation of a system that has placed adult employment interests above the educational needs of children. This leads to consequences that were not initially contemplated. But the result reflects real interests and existing power relations. Unions from an industrial age are built on the notion that the longer you are employed, the more experienced you are, the more value you bring to the job, and the more rights you accrue in the job. Only the latter observation is necessarily true, and that's only because collective bargaining has arranged it that way.

### ***The outmoded factory model***

The model for public-sector unions when they were organizing in the 1960s was private-sector unions. Precisely when private-sector unions were on their way out as a major force in the industrial and commercial arenas, they shaped the collective bargaining process for public employees. Teachers were reacting to the same kinds of problems – inadequate pay and benefits and the lack of democracy and fairness in the workplace – that had driven labor organizing and resulted in the Wagner Act a generation before in the 1930s.

Collective bargaining in the public education sector was borrowed from the earlier private-sector model of labor relations and practiced without much change. Industrial unionism was overlaid onto the teaching occupation. The would-be profession of teaching that many seek today is far different from the circumstances and paradigms that drove corporate America and organized labor in the first half of the twentieth century. The notion that all teachers are interchangeable and, therefore, should be paid the same and the notion that seniority trumps all other considerations come straight from the factory floor – not a professional classroom.

But there was no other model. What Shanker is telling us in his quote is that factory-age unionism is not going to serve or function well as teaching

becomes a profession and that teaching needs to become a profession for the benefit of both students and teachers.

This historical contradiction accounts for the labor-management tension we experience in public education. Neither management nor labor is equipped to treat teachers as true professionals – and teachers, accordingly, are not acting as such across the board. The hallmarks of a true profession are group problem solving, operational autonomy coupled with accountability for outcomes, and peer review and evaluation. These, in turn, are rooted in and emerge from an established framework of skill and knowledge governing practice.

Our tension results from the disparity between the theory of teacher professionalism and the practical reality for most teachers in districts as they are conventionally arranged today. I believe we are beginning to understand that the status quo is not a sustainable situation from the standpoint of either labor or management, let alone in terms of the continued political survival of public education as we know it today. At the same time, we proceed in a state of disequilibrium because we are not able to resolve the matter one way or the other. It's nobody's fault. But it's everyone's responsibility – and, I submit, in the long-term interests of all of us – to grasp our mutual dilemma and work out of it if we can.

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Districts and unions are partners in a tango that hasn't led to great results, but the dancers have grown accustomed to one another and to the dance.

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**CCG:** *What are the key sources of the gridlock?*

**AB:** The sources of the current gridlock are to be found in the sector's historical development. If we don't know where our existing practices, processes, and perceptions come from – in other words, how we got here – then we can't and won't find our way out. We have to move from the rhetoric of blame and anger, but also from the reality of mutual comfort of both parties with the status quo on the ground. It's clear that districts and unions are two partners dancing a tango in history. The modern dance hasn't led to great results, but the dancers have grown accustomed to one another and to the dance.

***Short vs. long view***

It's a short-term versus a long-term perspective. It's the tension between teaching as an occupation and teaching as a profession. The challenge of today's present is that we really are caught between the past that shaped us and a future that will be unforgiving if we do not change.

To take the San Diego situation – with which I am familiar – as an example: Our 100-page collective bargaining agreement grew, for the most part, out of individual grievances. Individual cases of injustice, real or perceived, became a source of work rules that applied across 9,000 teachers. This happened in San Diego and many other districts. You could look at the different sections of the contract and see them as a zone in a geological dig. Different periods brought different negotiating aims, often driven by specific conflicts at particular schools. Rule after rule was grafted on top of the

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Rule after rule was grafted on top of the existing framework. Always the approach was incremental, never comprehensive.

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existing framework. Always the approach was incremental, never comprehensive. And, over time, the district lost what in any rationally negotiated contract would be considered essential management prerogatives necessary to proper functioning of the organization.

Union leaders and site representatives would acknowledge this situation privately but disclaim any ability or desire

to alter the contract. There was a rigid allegiance to the contract, in an almost religious sense: “This is what we negotiated in the past and we cannot and will not give any of it back.” It is very understandable why a labor leader adopts this position, but it is reflexive and non-reflective. It is also completely dysfunctional from the standpoint of developing new ways of seeing and new ways of perceiving as a prelude to new ways of acting.

## The Difficulty of Achieving a Paradigm Change

Paradigm changes cannot be negotiated on an incremental basis in collective bargaining. At the same time, we lack an intellectual framework to create common ground, a shared conception about how we might move from where we are to where we ought to be in order to strengthen public education.

On the one hand, proponents of so-called “new unionism” call for broadening the scope of collective bargaining. The new unionism would embrace the profession and tenets of professionalism in the context of the teaching occupation. This would include being accountable for results of practice, providing teachers with much more control over the tools of the profession and the application of those tools, and a significant influence on curriculum in terms of professional development and instructional materials. It would embrace peer

review as a mechanism of evaluation, and it would place student achievement at the center of the enterprise and at the heart of the labor-management discussion.

From the right are heard views skeptical both of the theory and practice of the new unionism. For those critics, unions are organizations with political interests based on concrete political constituencies. It is not in the nature of the public-sector union organization to act in ways that fail to benefit short-term member interests. To expect the union to take on educational needs of children as a first priority is, from this perspective, to misconstrue the situational possibilities entirely.

Moreover, there are compelling challenges to the new unionism based on results. Observers question whether districts where it has ostensibly been practiced, particularly Rochester and Minneapolis, have actually experienced significant gains in student achievement.

The answer appears to be negative. That's where the current debate is, and it's not a terribly productive one. From within the union movement, enormous pressure is placed on new union leaders. They are attacked by old unionists as being soft and divorced from the primary purposes of unions. This accounts for the periodic unseating of new union leaders by the old guard who rely on unions to maintain the status quo rather than risk past gains on the basis of an

untested theory. The arguments of the traditional unionist and the critique from the right turn out the same: One should not expect the union as an organization to act in unpredictable ways contrary to its nature.

## Levers for Change

**CCG:** *What are the key levers for change?*

**AB:** I have always identified community dissatisfaction and loss of legitimacy as embodying the greatest threat to public education and, therefore, also potentially the most significant lever for change. Public education traditionally

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has been a matter of local control; it has always relied for vitality on its link to acceptability by the public. This acceptance has been the key to public finance and public support for public education. It is the foundation for its legitimacy.

If we don't improve public education sufficiently so that it retains this support broadly and deeply in the country, we will lose the institution. The central

issue right now is the academic achievement gap. If we don't narrow and then close the academic achievement gap over time – and it will take time – eventually we will lose the “mandate of heaven,” in the Chinese sense. The loss would occur first in the large urban centers, but would follow in short order elsewhere.

The following are some of the other potential levers for change.

### ***State and federal accountability systems***

State and federal accountability systems are major levers. No Child Left Behind [NCLB] and parallel state systems have done more than just raise the stakes. Their focus on disaggregated student-achievement results and on teacher quality has increased the demand for transparency with respect to many arrangements that had been shrouded in secrecy. The pending reauthorization of NCLB will facilitate necessary mid-course corrections that will enhance transparency and accountability and take the initial steps toward promulgating national standards. That's going to accelerate change. Opinion leaders are beginning to acknowledge the dynamic toward national standards as inevitable. I'm old-fashioned enough to prefer local differences, but not when they hurt students.

### ***Data transparency***

A remarkable transformation has taken place in the sector regarding data and the need for data-driven decisions. While this is, in many places, still more rhetoric than reality, a decisive ideological shift has taken place. The appetite for “useable information” will grow, generating public demand for more and more data to be made available, clearly and coherently, on the Internet. This is bound to have reciprocal effects on responsiveness and accountability. Letting people argue about what the data mean is better in a democracy than restricting access.

### ***The Democratic Party***

History has done to the Democratic Party what it has done to unions. It's taken progressive purpose and turned it into conservative instinct. The inability of Democrats to win the electorate creates a potential lever for change in terms of power relationships within the party. The November 2006 election results are not to the contrary. Democrats misconstrue these results at their peril; they communicate a sharp rebuke to the GOP rather than even a slight endorsement of any Democratic direction.

### ***The fiscal situation facing public education***

Andrew Rotherham writes about “doing more with less.” As the population ages, there likely will be less money available for public education in the classroom.



The introduction of accounting standards that require disclosure of unfunded retirement medical benefits (and unfunded pensions) will create a sea change but might also serve as a potential fulcrum for significant change that embraces notions of productivity now foreign to the sector.

## A Possible Solution: Negotiated Options for Low-Performing Schools

**CCG:** *California recently passed SB 1133, which outlines a new relationship with unions and new options for schools. Explain its significance.*

**AB:** Rather than rely on the new unionism to create a new paradigm in one fell swoop, what we might consider doing is to have fully negotiated collective bargaining options that would apply to low-performing and low-achieving schools. What a union and a district might do is to offer a separate zone that would attach to the lowest-performing schools as a matter of site choice. It would facilitate conditions calculated to create what we know is essential for a turnaround – a superior principal, committed teacher leaders, a stable faculty, a coherent curriculum, and outreach to parents, who are welcomed to engage in the education of their children. The option could be selected by a group of teachers and a principal and a group of parents at a school primed for change.

This option would be the so-called “thin contract” that could, for example, provide for differentiated pay, if necessary, to attract math and science teachers in inner-city schools. It might provide for differential teaching loads, in lieu of differential pay, with professional time set aside for conferring with students or colleagues. It could provide for site-based options that would permit a faculty to reject a candidate for a teaching vacancy, seniority notwithstanding.

These examples are illustrative only. There are numerous provisions that could be brought to bear in this separate negotiating zone. Those would be available for individual schools or clusters of schools to opt into, in whole or in part, in an agreement that would be parallel to but different from the conventional collective bargaining agreement.

### ***The “grand bargain” in California***

On behalf of Governor Schwarzenegger, we recently negotiated this kind of “grand bargain” with the California Teachers Association (CTA) at the state level regarding \$2.9 billion over seven

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The so-called “thin contract” could provide for differentiated pay or differential teaching loads.

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Agreements like SB 1133 create the foundation for building the culture that is necessary to turn around a school and produce sustained student achievement.

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years to be allocated to low-achieving schools.

In a breakthrough that is a tribute to its leadership and executive board, the CTA agreed to permit departures from provisions such as seniority rules and the single-salary schedule, if school sites elect to do so. Senate Bill 1133, agreed to by the Governor and the CTA and approved by the Legislature, provides an incentive for schools that might opt into this separate set of provisions. The funding will go to 500 of the 1,400 lowest-achieving schools in California. In exchange for \$800 per student over seven years, the schools chosen to participate must develop a plan to meet certain benchmarks.

For the first time to my knowledge, what we have done in California is to say: “Here are the accountability benchmarks you must reach academically, as well as in terms of instructional operations. But we’re going to leave it to you to figure out how you are going to get there.” For example, the schools that will be allocated this money will have to meet an accountability benchmark:

After three years, the school will have a faculty whose experience index is no less than the average experience level in the district as a whole. You will have fully credentialed teachers in every subject area. You will have counselor ratios that are 1-to-300 at the secondary/high school level and 1-to-500 at the middle school level. You can reduce class size to 25-to-1 in grades 4 through 12, but only as you meet the other benchmarks.

### ***Choice – with accountability***

The possibility to choose a “thin contract” as part of a “separate negotiating zone” could create and offer the same options in a broader context, applicable to all schools in a district. Proceeding this way would solve one of labor leaders’ major problems: getting too far out in front of their membership. By leaving choice to teachers at individual school sites, labor leadership can best serve the new unionism. This choice carries with it no guarantee of success – but it is calculated to multiply the chances for it.

Agreements like SB 1133 set benchmarks in terms of operations and create the foundation for building the kind of culture that is necessary to turn around a school and produce sustained student achievement. It focuses on inputs and doesn’t tell the schools how to do it. At the same time, it has a series of output

performance requirements that must be met; if they are not, the school loses the incentive funding. There are annual milestones in the first three years on the way to each of the benchmarks.

**CCG:** *Play this out. What's the potential for California, and what are the implications for other states?*

**AB:** The potential here is to help labor leaders and district leaders overcome the usual causes for paralysis. Truth be told, neither party wants to negotiate a wholesale series of changes in the contract that will affect everything at once. Because schools are at different places in a multitude of ways, the safe course is to settle on the lowest common denominator: maintaining the existing contract with little change. Risk avoidance means staying close to home. This prescription is the “comfort zone” to which district and union leaders regularly resort.

What we do instead is to start customizing collective bargaining agreements away from the old industrial model. This model posits the same provisions applying to everyone, at once, all the time. Politically, by providing choice and options to schools and their faculties, labor and management permit a school's political dynamic to develop on its own. When a talented principal and group of teacher leaders emerge to build their school and use a “thin contract” as a vehicle for doing that, a necessary condition for change is satisfied from inside

out. The prospects that “outside in” professional development, in Rick Hess's formulation, can have a positive impact are improved significantly.

One of the lessons from San Diego, where we spent a half a billion dollars on professional development, was that absent changes in “human resource” procedures, we could not get the bang from the professional development dollar that we should have been getting. We typically focused mostly on the professional development side. The separate negotiating zone would permit a school to address both professional development and instructional operations by leaving key operational decisions in the hands of the principal and teacher leaders.

Our sector is desperately in search of evidence about how to improve student achievement in an accelerated way for low-achieving schools. In San Diego, we accomplished that with respect to a certain number of schools that I know well. We did not do it at scale or in a way that leaves no doubt about how this could be replicated.

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By providing choice and options to schools and their faculties, labor and management permit a school's political dynamic to develop on its own.

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### *The separate negotiating zone*

I believe the separate negotiating zone, which would not impose a solution on a school or a district or a union, but rather create the conditions and furnish incentives for schools, faculties, and communities to build a great school, is politically vibrant and feasible in ways that another approach might not be.

**CCG:** *You've talked a lot about charters as an end run around the inflexibility or inability of unions and districts. Do you think this law now provides another point of leverage?*

**AB:** No question about it – that dialectic is operating here. The CTA understands that the dagger pointed at the heart of public education is the academic achievement gap. We have to accelerate the narrowing of that gap. We must do so to preserve the franchise as well as to meet a moral – and now legal – obligation in American history. To do that, we must permit those local principals and teachers who have the necessary skills and knowledge to have more say over

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The separate zone proposal is a rational political response to charter schools by district and union officials alike.

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who teaches at their schools. The lower the performance of students, the more this flexibility and control is required. Charter schools are able to gauge the suitability of teachers against performance metrics in very direct ways. The separate zone is an option for accomplishing the same thing without resort to the charter law.

I've always thought – and I think some of my colleagues at the CTA in Sacramento agree – that it is peculiar, even foolish, for us to grant charter schools all this flexibility while remaining so loathe to provide waivers, either of the contract or of education code provisions, to schools in the regular district that want to do something differently. What's wrong with that picture?

Charter schools, for me, are worthwhile only if they serve children more effectively. And if they serve children more effectively, they become a legitimate competitive pressure on the regular system. That's my brief for charter schools. I view the separate zone proposal as a rational political response to charter schools by district and union officials alike. For me, only the result counts: Are the children learning? Is student achievement improving? Are teachers professionally engaged with students and with one another?

**CCG:** *What would you say to the governor of another state – with a high-accountability system like Florida or Texas – about what*

*they should be paying attention to in what happens in California?*

**AB:** At the end of the day, in a world of professionalized teaching, instructional decisions about how to solve individual cases presented by students have to be made at the local level, by professionals on the scene, confronted with the facts of the case.

If teachers have the skill and knowledge they need to confront instructional problems, they need to be given decision-making power and the discretion to apply that skill and knowledge. What I would expect this model to provide is the evidence that sufficiently skilled professionals, principals, teachers, and teacher leaders, in fact, can turn schools around and can do it relatively quickly. They can do so if given the framework of flexibility within which to apply the same kinds of incentives and inducements that have been used to increase productivity in virtually every other sector in American society.

What we cannot continue to do is operate within a framework that will not harness the enlightened self-interest of teachers to improving student achievement. The separate negotiating zone would create that potential. People would have to choose to walk through the door but they would not be running into a brick wall on the other side.

What's attractive here is that it does not impose; it creates potential. That's the

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distinguishing characteristic of SB 1133 and of the thin-contract option. The proposal accepts many points of the new unionism but doesn't attempt to transform the collective bargaining sector by fiat; it does so by choice.

### ***The trade-off***

**CCG:** *How do you manage the district-state financial drivers?*

**AB:** The first thing the separate negotiating zone does is that it removes the collective bargaining agreement as a mechanism by which the central office imposes on a particular school site a whole set of work rules and financial constraints. It creates a shield against the power that the collective bargaining agreement has conferred on the central bureaucracy. There's nothing that would prevent the local school, negotiating with the district, to be able to cut strings from the funding that is furnished. For example, in SB 1133, one of

its provisions, in addition to the \$800 provided for each student, is that categorical funding received by the school can be streamed together and spent in a different way, independent of any particular categorical direction.

**CCG:** *That's a major shift in state policy. Streaming is something that schools have asked about for a long time. This would be a way for states to say that the accountability is on the achievement side.*

**AB:** We would provide fiscal and operational flexibility in exchange for accountability. The trade-off here is very straightforward; it is precisely the bargain we make with charter schools – and need to enforce with much more integrity. It is one we talk about but never seem to be able to get to in the “regular” district setting: set the accountability benchmarks, provide the resources, and hold people accountable. But when adequate leadership, skill, and knowledge are in place, let them get to the issue and determine the resource applications their students need. If you

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The trade-off here is very straightforward; set the accountability benchmarks, provide the resources, and hold people accountable.

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have a principal and teacher leaders who can build the capacity for quality instruction, then progress results in a school or in a cluster of schools.

## Steps toward a New Dialogue

**CCG:** *What are some of the obvious things we ought to do at a state level? What are the steps to get a new dialogue or a new relationship started?*

**AB:** Here are some additional possibilities I would suggest thinking about.

### ***Create a separate due-process mechanism***

This goes to one of the central areas of gridlock: the union's legal obligation to defend the jobs of teachers who are obviously incompetent. This obligation precludes unions from “actualizing” their understanding of teacher quality and working on the issue without reservation. To accomplish this aim would require that unions create a legally sanctioned due-process mechanism for protecting teachers that is separate and distinct from unions as local collective bargaining agents.

This change would alter the adverse circle in place – that each grievance leads to a contract provision. Each protection of an incompetent teacher weakens the local union's credibility in the district and in the community. Local political leaders are aware of it and so are parents and the public.

What might be considered is the creation of a defense “office” that would be countywide, statewide, or districtwide, in which collective bargaining agreements would allocate funds to support a group of professionals – like a medical review board – who would be responsible for protecting teachers charged with incompetence or conduct violations.

This would lift the individual dispute to an administrative setting removed from the local political and professional situation. It would provide continuous due process for teachers without distorting the union’s involvement in improving teacher quality and student achievement.

### ***Build bridges with newer union members***

Internal polls of NEA and AFT show that both younger and newer teachers are not where diehard industrial unionists were and remain. There is emerging a whole different set of attitudes and professional aspirations. The mismatch between traditional unionism and Gen Xers is significant and offers an opportunity to support innovative union policies.

### ***Rethink compensation***

One other suggestion pertains to compensation. How do we increase teacher pay and at the same time increase teacher accountability? These are critical issues on which labor and management have much to say, but neither typically says anything at all. The labor market

in teaching has shifted because of the removal of the glass ceiling and the mitigation of racism. Talented people of color and women are no longer confined to the teaching, nursing, or secretarial arenas. We are no longer in a situation where women and people of color are paid differently and dramatically so. The top two-thirds of college classes are no longer entering teaching.

We need to increase the compensation level – at the beginning, middle, and end of the spectrum. We need a pay system that would pay \$150,000 to our teachers who succeed in teaching our most at-risk students. Teachers have not broken through because of lockstep industrial salary arrangements. There is no profession that pays significant compensation to its practitioners that does not at some point link compensation to performance.

### ***Create career ladders***

The way in which we ought to approach pay for performance, however, is to start from another end of the problem. Changes in compensation should be tied to changes in duties and responsibilities in the context of professional teams. The creation of new career ladders, geared to improve productivity and facilitate professional mentoring, is needed. This is so not only because of the potential of new career ladders to change models of

compensation, but also because educational delivery systems associated with teaching and learning are in significant need of overhaul, renovation, and modernization.

There is no need to insist on maintaining one teacher for one class with one set of students during the entire school day, except because of force of habit. A better way of structuring instruction might be a team of teachers, led by a master teacher, that has responsibility for 150 children. This team would shape the instructional day to the needs of children and allocate teaching talent based on the needs of the instructional program. That would permit us not only to begin to modernize the educational delivery system, but would also start to generate concepts of suitable career ladders for educators. This development, in turn, would open up possibilities for differential pay on a glide path to merit pay. This scenario compares well with the rocky road we're currently on regarding "pay for performance" that seems destined not to produce any positive result in the foreseeable future.

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Professions are based on accountability and high standards. With that comes status and compensation.

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## Toward Teacher Professionalism

If we're serious about teacher professionalism, we must sooner or later attach to the occupation some of these features and dimensions. We need to pay high levels of compensation in return for the successful resolution of instructional problems by a professional teacher.

Why should we not compensate teachers who significantly raise academic achievement for students who are far below basic – who bring them up to proficient and can do so, year in and year out? If we don't acknowledge that value and compensate that value added, we'll continue to wait for progress in the sector.

Legislatures can provide resourced incentives to proceed down these paths – and can do so on a large-enough scale so that we're not talking about pilots. We can start to encourage the seismic changes that many union and district leaders recognize need to happen – Albert Shanker, for example, would have stated the case more precisely and much more eloquently than I can. Professions are based on accountability and high standards. With that comes status and compensation – not by reason of power and process, but because of the results our society seeks and secures.



# An Interview with Randi Weingarten

**Randi Weingarten** met with Kris Kurtenbach and Gloria Frazier of Collaborative Communications Group on November 7, 2006, the day after agreement was reached on a two-year contract that would boost the most experienced New York City teachers' salaries to more than \$100,000 and would mean that between 2002 and 2009, teacher salaries will have risen by at least 40 percent. Weingarten said that the current conversation on merit pay presupposes a condition that is not valid for teachers, whom she says work in a framework of social justice, not capitalism. Weingarten also said she wants to put an end to the debate of whether unions will or should exist and focus, instead, on creating a climate of collaboration. And she outlined what it would take to develop an environment in which collective bargaining could be used to move toward a commitment to collective responsibility.

**Collaborative Communications Group:** *Describe where you think collective bargaining is today and how you see it as a help or a hindrance to getting all students to achieve at high levels.*

**Randi Weingarten:** There has been a shift of responsibility – without the wherewithal – onto individual schools and individual schoolteachers. It’s been both good and bad.

The good news is that society has said, through the President and many other elected leaders, that schooling is important for all kids. There is universal acknowledgment of that now. It used to be just us progressives who said that! But all of a sudden, now the capitalists think that too because given how information and goods and services and commerce can be transmitted so quickly, you do have a global economy. And you no longer can have, in the United States of America, good working- and middle-class jobs without having at least a decent high school education. Consequently, the economic transition has now pushed a political transition: regardless of where you are on the political spectrum, you realize that kids have to have good, decent educations. So that’s the good news.

The bad news is: There is an ideological template in terms of how to get all kids educated. And so you see a whole bunch of people say, “If those teachers just worked harder, all kids would learn.” It

*Randi Weingarten is president of the United Federation of Teachers, representing more than 140,000 active and retired educators in the New York City public school system since 1998. She is also a vice president of the 1.2 million-member American Federation of Teachers and a board member of New York State United Teachers. She served on Mayor Michael Bloomberg’s transition committee following his election in 2001. Previously, Weingarten was a high school history teacher in Brooklyn, where she helped her students win several state and national awards. Before becoming a teacher, she practiced law in New York.*

just shows an absence of understanding and knowledge about the education of children. So that's one line of argument.

The second line of argument is: "And if we didn't have collective bargaining contracts, we wouldn't have impediments." For people in the trenches – rank-and-file educators, people who woke up one day and said, "I want to be a school-teacher" – both arguments are wrong. Teachers work plenty hard, and contracts help create fairness that enables teachers to work effectively. How can you say that somebody who came into education to make a difference in the lives of kids is not working hard enough?

## The Right Incentives

What's pay-for-performance about? "We give you this incentive to work harder." It's totally antithetical to who school-teachers are. People make a decision to become schoolteachers not because they are entrepreneurs; they make a decision to become schoolteachers because they want to make a difference in the lives of children.

The whole notion of merit pay – I'm not talking skill and knowledge differentials, I'm talking about paying people for the test scores of their students – presupposes a condition that just is not valid for teachers. By and large, teachers go into teaching to make a difference in the lives of kids. There is a social justice

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Teachers work plenty hard, and contracts help create fairness that enables teachers to work effectively.

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piece there. They may not talk about it that way. They may talk about it in terms of "I care about kids."

So when you start compensating them based on a capitalist or entrepreneurial model, that's not the incentive base that they work on. They work on an incentive base that says, "This is my social contract: I will work really hard because I love this work. Give me the conditions that I need to do my job well. And give me a middle-class salary so that my family does better than my parents did." It doesn't matter if you talk to new teachers, teachers of the X generation, the Y generation, the baby boomers. If you persist with them, you'll hear that same message repeated over and over again.

What's the root of this big push on these kinds of incentives? It's rooted in two things. One, there's not enough to pay everybody, so let's pay just a few. And second, it's rooted in: If management does this sorting process, it will motivate people to work harder. Both of those notions are problematic for us.

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Contracts are annoying for the same reasons democracy is annoying: It's annoying to engage and give everyone a voice.

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It's so easy for conservatives to say – just like they do in the corporate sector – just get rid of the union and get rid of the contract. It's no different than somebody wanting not to be bothered or hampered by workers having a voice anywhere. I am sure that contracts are annoying. And that union presidents like me, or union officers and chapter leaders, are annoying to managers because they have to engage. They have to engage in a conversation; they can't just unilaterally implement ideas. I'm sure it is annoying for the same reasons democracy is annoying: It's annoying to engage and give everyone a voice.

But the payoff is huge – because educators are physicians of the mind. In any classroom you're in, a classroom teacher is managing somewhere between fifteen and thirty, or thirty-five, or forty young minds. You are trying to pull out information from them. You are trying to engage them. So you are a physician of the mind. And you are making and dealing with probably hundreds, if not

thousands of different decisions (if you're really good at it) in a differentiated manner over the course of a day.

And the person who has a real stake in it – the person who feels on top of her game, who feels like she has the confidence to teach, the knowledge to teach, is willing to take risks and be totally in it – that person is going to be a far better teacher than someone who is always looking over her shoulder and thinking, "Oh my goodness, what will the supervisor say? Am I doing my ten minutes of guided reading or direct instruction the right way? Am I doing my whole-language script or direct-instruction script?" They script the teacher's behavior, not the content. But scripts are scripts.

So, who do you think is the better teacher? The person who says, "I got my content down; I have a toolkit of how I transmit this information so I can differentiate based on the kids in my classroom; and I have the latitude to do things in the way I see fit" – is that the better teacher, or is the better teacher the one who is scared silly that she is going to be rated unsatisfactory because her classroom is not arranged in groups, because the bulletin boards aren't done as prescribed, or because the mandated number of minutes in a particular lesson has not been followed?

What I would say is that collective bargaining can create a huge opportunity

here, where the focus is on quality and giving qualified teachers the professional latitude they need. The collective bargaining process can actually be used in a hugely positive way to try and focus on what needs to be focused on. And in this environment, what needs to be focused on is teacher quality.

## Sharing Responsibility and Accountability

**CCG:** *So you would move collective bargaining in a direction similar to what you did in this most recent contract?*

**RW:** The new contract is about respect and stability. The teachers do not trust management because they have been treated in such an arbitrary and unfair manner. Some of that's because of No Child Left Behind and the focus on test scores to the exclusion of all else. Some of it is because of the climate created by the city's chancellor, in which teachers don't feel respected for their work. Our members like this contract; but with the exception of the salaries and new peer intervention program proposals, it is not innovative. Innovation requires trust, and right now that is in short supply.

So the big difference is not in where the responsibility lies but in how. Because if you're willing, we can use the collective bargaining process to share responsibility and share accountability. And I would argue that if we could create a more

trusting, less "gotcha" environment, teachers would not be fearful of the word *accountability*.

**CCG:** *What would it take to create that environment?*

**RW:** Last year, we did a lot of so-called contract reforms. Joel Klein's responsibility was to implement them fairly and creatively, not as a way to do "gotcha." You have to be very careful when you are seen as having more authority. You can't be abusive. This is why the pendulum is now swinging back the other way.

I saw it in terms of other things, too. We created a swap of time in 1995, so that teachers were no longer monitoring the cafeteria or halls, but doing professional things instead. It's a huge, very positive change. But principals didn't know how to use the time. So they advocated for teachers going back to the cafeteria. It's ridiculous.

I'll give you another example – professional development. We had professional development in the 2002 contract: fifty

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If we could create a more trusting, less "gotcha" environment, teachers would not be fearful of the word *accountability*.

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minutes a week of professional development and fifty minutes a week of small-group tutoring. That's what we agreed to. On the tutoring, the mayor got criticized, because not every single student was going to get small-group tutoring. And so, instead of fighting it out and saying, "it's important that kids who are falling behind get small-group tutoring," the city immediately said we should make it full-class instruction. And we said, "That's not what the deal was; we're not going to do that."

And the so-called professional development – instead of looking at this as fifty minutes that could be used for common

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You could use a chartering process to experiment with how to cope with these new paradigms, focusing on teacher quality and professionalism and on the union's role in those things.

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planning time, or as a time to do things teachers really needed and time to allow teachers to engage with one another – instead of doing it that way, it was top-down, patronizing, condescending. So if you talk about professional development in my membership these days, you get a collective "yuck," except in some places

where it worked. And in those places, they are angry that they lost it.

Unfortunately, the conversations at the bargaining table and in implementation are always about the abusers, not about figuring out how to enhance learning and teaching conditions for the vast majority of people who do a good job. The union wants to curb abusive supervisors, and management says it wants to stop what it perceives as people taking advantage.

## Union-Designed Charter Schools

*CCG: How do you change that paradigm?*

**RW:** First, there has to be trust and respect.

One reason I like the public charter schools (when there is not the issue of union versus non-union) is that I think you could use a chartering process to experiment with how to cope with these new paradigms, focusing on teacher quality and professionalism and on the union's role in those things.

We have two charter schools. It's not perfect. The philosophy behind our charter schools is that the union contract is an aid, not an obstacle. It's the same contract as for all schools. The contract itself has a school-based option waiver process. So it can be implemented differently, based on the site.

*CCG: What's different about how the union or management are working in those*

*charters? And what you are learning that can go forward?*

**RW:** It was a democratic process. We started with a rank-and-file committee, plus some staff people, many of whom were the nay-sayers: “We hate charter schools!” Frankly, there are some charter schools that I really disliked, too. But some people said, “Let’s put our money where our mouth is. We have this teacher center. We know what we’re doing.” They came up with a design of an elementary and a secondary school, and we went to the delegate assembly, two meetings of this 3,000-member body. The first meeting (January) was to put it out there and the second meeting (February) was to take a vote. Because we thought this was such a significant change in policy, we wanted to make sure the delegates had the information ahead of time.

And it was an amazing process. The vote was 95 percent to 5 percent. The committee did a presentation, not me; I just presided over the debate. The UFT Delegate Assembly voted to give us the authority to submit a charter school proposal. By doing it in this manner, it was clear that the members, through the delegate body (there’s one delegate for every sixty members), gave us the authority to proceed.

We wanted to prove that the contract is not an obstacle. The responsibility became that of the leadership to make it

real. The State University of New York forced me to be the chair of the board of the charter schools. They said, “You have to have direct accountability, not indirect.” So, I am the chair of the board.

So, the responsibility here is that it’s very important to me to have an arms-length relationship with the staff, so that they know the collective bargaining contract prevails. In some ways, it’s a safeguard for us. We believed that collective bargaining was a positive, not a negative – that you could use the contract and the flexibility that the contract provides as an opportunity to take risks. Because when you have a contract that’s fair and

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When you have a contract that’s fair and people have trust in it, then you create conditions for teachers to take risks.

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people have trust in it, then you create conditions for teachers to take risks.

Remember what I said about “physicians of the mind.” You want a teacher walking in who has the confidence to take a risk, the confidence to say: “Let me try this. Let me see if it works. Oh, shoot, it doesn’t work; let me try something else.” You want people who spend their nights thinking, “This didn’t work, but if I try

this, maybe it will.” Somebody who will go into a common planning time and say to other teachers, “You know, this thing didn’t work, but this really worked, and somebody else should try it.” So it’s the confidence to take a risk and to share. Part of the charter is creating that climate; the collective bargaining agreement doesn’t create it on its own, but it’s a huge plus.

**CCG:** *Do you see it happening?*

**RW:** Yes. I see it happening more this year than last year in the elementary school. The secondary school is quite different and had a smoother opening than the elementary. We actually learned a lot from our mistakes last year. You have to work the climate all the time. You have lots of people – and people together in any organization can become a dysfunctional family. But you want them to be a family. You hope that you are creating enough of a positive climate and that they feel that way. Part of this was the collective bargaining agreement. Part of

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it was creating a climate of teacher professionalism and teacher voice. And part of it is creating a climate of parental responsibility and input – then finding the resources so that the teachers not only feel confident to take a risk, but also have the resources to do their jobs.

The two charter schools are in East New York (Brooklyn). I’m a secondary school educator and a lawyer. So I’m not going to pretend or profess to understand how to do this for elementary school children. The staff spent a lot of time creating and then perfecting that positive climate model. And what has happened is that this year, when you walk into the elementary school, the teachers feel that they “got it.” Even the new teachers. We have the more experienced teachers paired up with new teachers. There’s a mentoring process and things like that. They spent a lot of time on that. And they also lowered class size in the lower grades.

We also spent a lot of time focusing on the culture of the school – especially in terms of behavioral methodologies. We have a very positive behavioral reinforcement process called CREST and paid a lot of attention to promoting positive behaviors.



## Taking Innovation to Scale

**CCG:** *How might you take it to scale?*

**RW:** You cannot take any of this to scale unless there is trust. I'm sorry to dampen people's views on this. There is no way to take things to scale unless management is willing to walk in the shoes of labor and unless unions and members feel the same responsibility as public management does. You need to have that trust on both sides.

We don't have it on either side. There are individual schools that have it. But when you bring something to scale, both sides have to take responsibility. And what tends to happen these days is that the more a union leader takes it, if the management side does not, then the union leader is in peril. You can't do it on your own.

The easiest role for a union leader is to say no; the easiest role for management is to blame the union.

**CCG:** *The relational issues between union leader and superintendent are key.*

**RW:** Relationships are key. There's always a power relationship that exists, but there has to be a trusting relationship, where you trust and respect the other side's role and responsibility and display a willingness to compromise as a way to further the work – in this instance, helping children learn. For a long time in New York City, I think that Joel and a lot of conservatives and foundations and

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Both sides have to agree on a goal you both want. Both sides have to walk in each other's shoes.

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others thought: We're going to get the union out of there. Now whenever you attack the viability of somebody's existence, of course they're going to fight back. When someone says, "I want to destroy you. Will you cooperate with us in trying to destroy you?" – who would answer that question by saying, "Fine, roll right over me"?

**CCG:** *How can both sides get together on creating a collective bargaining agreement that is not negative?*

**RW:** Both sides have to agree on a goal you both want. Say that goal is teacher quality. Then figure out how to get there, and what your needs and limitations are. And then figure out what the other side's needs and limitations are. Both sides have to walk in each other's shoes. You might not be able to live with each other's needs; you may be frustrated by the other side's limitations; but you have to put all of that on the table. And I have to articulate management's needs as well as I can articulate my own. And vice versa. It's the only way to get to an implementable result. And then you can say, "This is what we do, this is what we need – where's the common ground?"

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If teacher quality is important, then what are all the things that help promote teacher quality – pay, safe schools, lower class size? You put all of that stuff on the table and try to figure out how to address each issue.

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Because if you actually want to get something that works, then it's less about what's written in the paper. It's not about what happens the day the contract is announced. It's about what happens in the schools and how it gets implemented and whether people have a stake and buy into it.

**CCG:** *So the work really starts after the contract is negotiated.*

**RW:** That's how get to scale. Take our peer intervention program [PIP]. If you read my Association for a Better New York [ABNY] speech, you'll see that in 1987, we embraced a peer intervention process. This was a way to help floundering tenured teachers. We would mentor them, and if we couldn't help, we would counsel them out of the profession. And some of my members were scared. They'd say things like, "People are going to see us make mistakes," or, "This will erode due process." Sandy [Feldman]

started this. We said to uncertified teachers, "We'll help you get your certification, but it's not acceptable to have uncertified teachers."

Then, in 2004, in that ABNY speech, I proposed another iteration of this PIP program. I said, "Look, let's have interveners work with people who are struggling in the classroom. And if they can't help them, let the fact that they tried and failed be admissible in a disciplinary hearing." Because if teacher quality really is important, then it's important in both ways: it's important in the positive way, and it's important in the negative way.

So that's the kind of thing you could actually get to in an exercise. If teacher quality is important, then what are all the things that help promote teacher quality – pay, safe schools, lower class size? You put all of that stuff out on the table and you try to figure out how we address each of these issues. Indeed, our new contract has adopted a form of this PIP proposal at the same time as it raises salaries to \$100,000 for experienced teachers.

## A Commitment to Collective Responsibility

A union might say to you, "We need to address all these issues." You might think the union would say, "Just raise salaries." Management would say, "Just

get rid of bad teachers.” But the best deal would be one where you have the trust to address both.

**CCG:** *That’s a shift of paradigm in this country.*

**RW:** Right. The shift is superintendents acting “tough” with teachers. Superintendents get up and say, “You know, I’m not like those old superintendents. I know that we have to fire bad teachers. And I will fire bad teachers. And I will go against the union to fire bad teachers!”

So what if management says that? Management saying that is just like my saying, “Management is terrible. They are the ones who are incompetent, not the teachers. What really matters here is that teachers need a raise. They work hard, so they need more money.”

That’s not crossing the Rubicon. It’s not crossing the Rubicon when a CEO or an entrepreneur says, “Let me start a charter school.” It’s crossing the Rubicon when a *union* leader says, “I will be an entrepreneur and take responsibility for what this charter school looks like.” And I said, “Tell me, *New York Post* (for example), who has taken as much risk on *your* side of the debate as I have taken to do this?”

The paradigm right now is: Education is important and we need to help all kids. So today some people are saying, “Let those teachers do their job. And we’ll

put pressure on them, and if they do well, we’ll reward them.” It’s clever. It’s not terribly dissimilar to the Bush administration saying, “We’ll get rid of Social Security and you can do your own investing.”

It’s this whole notion of individual versus collective responsibility. I’m a big believer in collective responsibility. There are some people – and God bless them – who become rich and have all the individual responsibility and authority they want. But for most of society, American democracy is based on collective responsibility. We cede some of our individual rights to have collective responsibility and representative democracy. That’s not socialism; that’s not communism. That’s ceding certain things to have a democratic structure. That’s like Hillary Clinton and others saying, “It takes a village.”

**CCG:** *Focus on the implementation phase versus the collective bargaining contract-signing phase. Legislative types*

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American democracy is based on collective responsibility. We cede some of our individual rights to have representative democracy.

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*tend to think that once the contract's signed, that's the incentive to make change. But the contract is only a limited numbers piece; it doesn't drive trust.*

**RW:** Look at the difference between Tony Alvarado's lack of success in San Diego versus his success in New York. Why was Tony so successful in New York? Tony had a partner in the UFT – first Sandy Feldman and then me – who said that failure was not an option. And when all the pushback happened, as it always does when there is change – even with positive change, you are going to get pushback and you try to work through it – when the pushback happened, we engaged. Tony didn't have that in San Diego. The blaming and finger pointing happened instead.

The only way to effect change systematically is when people see that it really can work. So you start with models that people can touch, can feel, and can put their arms around. Instead, schoolteachers have seen the “fad of the year” for,

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The term accountability has been manipulated and has a negative cast to it. Public accountability is a good thing, except when it's used as a weapon.

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how many years? Each year, a new panacea gets implemented top-down; and then when it “fails,” it's replaced by a new fad.

**CCG:** *Just to close on the charter piece, you had said you hoped to have indirect, not direct, authority. At the end of the day, do you still think one is better than the other?*

**RW:** It could have gone either way. I frankly would argue that given my time constraints (since the accountability would have been there anyway), it would have been better if it had been delegated authority. The chair would have been someone who could devote more time to it. I would argue that delegated authority can be just as effective as direct authority. The governor is not the chair of every single task force or agency. The governor appoints people who have delegated authority.

**CCG:** *So there's the importance of making it public.*

**RW:** What you want is transparency. The term *accountability* has been manipulated and, like *professional development*, though it is good, it has a negative cast to it. Public accountability is a good thing, except when it's used as a weapon – when it's used as a sword against people – instead of as a way to create a collective responsibility. That's why people fear it rather than embrace it.

**CCG:** *What do you see as the state role here?*

**RW:** Whether or not there should be unions should not be a debate. We are here to stay. In terms of the state role, if you want to create incentives, I would create incentives that promote collaboration. The state can't implement, but it can create a climate and an environment.

**CCG:** *What would be an example of an incentive for collaboration?*

**RW:** The school district would get a significant infusion of funds, a grant, if they worked together with the collective bargaining agent about how that money would be spent. That would be a pretty big incentive to work together. Of course, the state would earmark it for an education reform area, such as teacher *quality*. The union might want it earmarked for teaching and learning *conditions*; namely, what it is that teachers need to do their jobs or what schools need to do their jobs. But the money's not available unless there is a plan for how they work together and do the follow-up steps, the implementation. Consequently, it puts the pressure on both sides to talk about how to use resources effectively.

## The Tasks Ahead

**CCG:** *What next steps would you suggest in regard to NCLB and state accountability?*

**RW:** There is a two-step answer. First, we need to get the balance right. Right now, the balance is too skewed toward testing in math and English. I'm not sure how much teaching is going on in the schools in the United States of America, even in English and math, because the consequences for not doing well on standardized tests are so great that in many schools and classrooms, education has been transformed into simply test prep, test prep, and more test prep.

The second step is the balance of accountability as a process for continuous improvement versus accountability as such a punitive measure that we are incentivizing really bad behavior, such as test prepping and cheating.

**CCG:** *What could happen in NCLB or at the state level to shift that balance?*

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Implementation of NCLB on the federal, state, and local levels has not worked as envisioned. Part of that is money, part is implementation issues, and part is how the law was initially launched.

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We want virtually *all* kids to succeed. Nobody is going to accept a 50 percent, 60 percent, 70 percent graduation rate.

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**RW:** We need to come up with a different measure of what constitutes success and failure. That's why AYP needs to be reevaluated. The notion of transparency, the notion of looking at kids individually, the notion of focusing on achievement gaps – all those notions, in the abstract, work. What happens is that implementation on the federal, state, and local levels has not worked as envisioned. Part of that is money, part is implementation issues, and part is how the law was initially launched.

**CCG:** *So dialogue at the state level could help to start to address that.*

**RW:** All states have to have accountability systems. Look at the dialogue that started on standards. It started with the state governors. It started with Bill Clinton and Al Shanker and others. It started with the governors saying, "How can we do this? What's the midcourse correction?" And they see it in their states that way.

Now here's a really controversial subject, and one I'm not sure how I feel about. Why not look at the NAEP tests and make them a single, national academic testing standard? There are negatives and positives to that – lots of them. But having the conversation is important. As I said before, I believe we're *assessing* more than we're *teaching*. And tests are a key to that measurement. Yet if you want standards, you need to have measures so you know what kids can do.

When I talk about the balance between testing and teaching, I mean that we've seen far too much narrowing of the curriculum – in terms of both a content-rich curriculum and variety (social studies, science, and art).

### ***Incremental, sustainable change***

**CCG:** *Those issues come up all the time in national hearings and community forums. But you don't hear a lot of discussion about what to do about it. People are happy that test scores go up but, more and more, the public and educators are very critical of the over-reliance on testing. What do we do instead?*

**RW:** You have to figure out how to change the conversation. The best long-term success in education is incremental and sustainable. The same is true with most public issues. Take crime. When crime goes down incrementally, the governor stands up and says, "Great! That's success." Nobody expects there is going to

be a murder rate of zero. In the city of New York, when there are fewer than 700 murders in a year, that's success.

But in education, we want virtually *all* kids to succeed. So nobody is going to accept a 50 percent, 60 percent, 70 percent graduation rate. We say and believe that virtually every child must succeed. Our obligation is to help *all* kids. So this is where the rubber hits the road. Nobody is going to be able to say: "Sixty, seventy percent graduation, that's great." No governor can get up and say that. But what I'm saying is, each year you want to see incremental, sustainable progress, however you define that.

If the incentive is in the public praise when you get galloping scores, well, that's what makes testing, testing, testing the dominant dynamic. I don't know about the rest of the country, but look at the scores in New York City. In the third, fourth, and fifth grades, they go steadily up. Then, after that, they go down. Some would argue you can test prep to get to better results in the lower grades, but you cannot test prep to get to better results in the mid-level to upper-level grades where kids need higher-order thinking skills.

We did a survey and found there was more test prep per week in New York City elementary schools than there was social studies and science teaching combined. So, the accountability system has

to incentivize improvement that is incremental and sustainable. Right now, the climate is: "If you don't make AYP, horrible things will happen."

### ***Beyond literacy and numeracy***

**CCG:** *Teachers in the field are starting to make the point that measuring growth is important. We often hear it more in teachers' language than in leaders' language.*

**RW:** Teachers get it. But what teachers also get is that education has to be more than literacy and numeracy. We have a job in public education to help kids develop social and life skills. Kids need a sense of right and wrong and to know that there are consequences for bad behavior. We need to help them learn how to be on time and how to dress and how to take responsibility. Whatever you call that, that's taken a back seat to the focus on math and English test scores.

You start it when kids are in kindergarten. How do kids play? Playtime was about social development. It was about getting along with others. Playtime has been squeezed out of kindergarten. You see it in boys. Many are bored to death

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The best long-term success in education is incremental and sustainable.

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The teacher union leaders I know talk about how to help all kids learn. We look at collaborative collective bargaining as the vehicle to do that – and we talk about how the union can facilitate this process.

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in junior high school with double periods of English and math. We've been saying, "Why don't we engage them in music and art and other things that kids care about?"

What we do in our secondary charter school is that we have an internship each week: teachers during that time can do professional development; the students tutor younger kids in reading.

Here's an idea: maybe there should be a requirement that all kids have an internship – maybe do it in junior high school, to help build a sense of citizenship.

### ***Promoting teacher professionalism***

**CCG:** *What is the one thing you want others to get from this conversation?*

**RW:** I want to change people's opinions. Unions are not the enemy. If that doesn't happen, positive educational change won't happen. The teacher unions are not going away. We have to debunk the

myth perpetuated in the last few years that if we put enough pressure on, the unions will be gone. That's not going to happen. But those who believe that will never engage with a union in constructive dialogue on how to promote student achievement.

**CCG:** *You hope to bring focus to a shift in thinking about professionalism.*

**RW:** Really think about who teachers are. The focus must be on how to promote and honor professionalism. Educators are not entrepreneurs; they are people who believe in helping children learn. They want to be treated fairly and given the wherewithal to do their jobs well.

Your question about scalability pushed me to think about implementation and trust. So the third thing I want to leave people with is this: there are many of us who would be quite willing, in a trustful environment, to take collective responsibility. The teacher union leaders I know talk about how to help all kids learn. We look at collaborative collective bargaining as the vehicle to do that – and we talk about how the union can facilitate this process. We talk about how you treat teachers as professionals, because they are the opportunity agents.



# Appendices

Conference Agenda

Conference Participants



# A New Dialogue: Collective Bargaining in Public Education

Hyatt Regency on Goat Island | Newport, Rhode Island | December 10-11, 2006

## SUNDAY, DECEMBER 10

At the INTERNATIONAL TENNIS HALL OF FAME (trolley service provided from and to the Hyatt)

7:00 p.m.	<p><b>DINNER</b></p> <p>Welcome by Dane Linn, Director, Education Division, NGA Center for Best Practices Welcome by the Honorable Donald L. Carcieri, Governor of Rhode Island</p> <p><b>KEYNOTE ADDRESS</b></p> <p>"What Next? Collective Bargaining and the Evolution of the Teaching Profession"</p> <p>SPEAKER: Marc Tucker, <i>President, National Center on Education and the Economy</i></p>
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## MONDAY, DECEMBER 11

At the HYATT REGENCY ON GOAT ISLAND

7:00 a.m.	<p><b>CONTINENTAL BREAKFAST</b></p>	FOYER
8:00 a.m.	<p><b>OPENING PRESENTATION</b></p> <p>Welcome by Dane Linn, Director, Education Division, NGA Center for Best Practices Welcome by Valerie Forti, President, The Education Partnership</p> <p><b>Collective Bargaining in Education: Negotiating Change in Today's Schools</b></p> <p>SPEAKER: Andrew J. Rotherham, <i>Co-Director, Education Sector</i></p> <p>This session will provide an overview of the role that collective bargaining has played and the influence it has had on education. Mr. Rotherham will provide an overview of the findings and issues presented in a book that carries the same title as this session and presents a variety of viewpoints on the issues at hand. The presentation will provide a foundation of information for the day's discussions.</p>	BALLROOM A-B
9:00 a.m.	<p><b>PANEL DISCUSSION I</b></p> <p><b>State Law: The Context for Bargaining</b></p> <p>State laws dealing with collective bargaining vary considerably, and these laws shape the role that teachers' unions play in each state and determine what gets negotiated in collective bargaining agreements. In turn, these agreements have an impact on how education is delivered and, ultimately, on teaching and learning. The panelists will provide their perspectives on a range of issues including the effect of state laws on the scope of negotiations in their states.</p> <p>PANELISTS: Alan Bersin, <i>California Secretary of Education</i> Randi Weingarten, <i>President, United Federation of Teachers, New York City</i></p>	BALLROOM A-B
10:30 a.m.	<p>MODERATOR: Warren Simmons, <i>Executive Director, Annenberg Institute for School Reform</i></p>	



**MONDAY, DECEMBER 11** *continued*

10:30 a.m.	<b>BREAK</b>	FOYER
10:45 a.m.	<p><b>PANEL DISCUSSION II</b>  <b>Challenges and Opportunities</b></p> <p>Traditionally, discussions about collective bargaining were approached from either a pro-labor or anti-labor position. In recent years, research has confirmed the impact of teachers on student learning and has highlighted the inequitable distribution of experienced and more effective teachers among schools. Whatever the initial good intentions, collective bargaining in education is increasingly seen as posing barriers to education reform and improved student achievement. What is the role of collective bargaining in education today? What are the implications for state efforts to improve teaching and learning? Panelists will discuss the scope of collective bargaining in the context of their states' policies and negotiated outcomes in areas such as teacher working conditions, evaluation, assignment and dismissal, principal management of schools, and improved student achievement.</p> <p>PANELISTS: Marcia Reback, <i>President, Rhode Island Federation of Teachers and Health Professionals</i>  Richard Stutman, <i>President, Boston Teachers Union</i>  Gene Wilhoit, <i>Executive Director, Council of Chief State School Officers</i></p> <p>MODERATOR: Peter McWalters, <i>Rhode Island Commissioner of Elementary and Secondary Education</i></p>	BALLROOM A—B
12:15 p.m.	<p><b>LUNCHEON PRESENTATION</b></p> <p><b>A New Compensation Model in Denver, Colorado</b></p> <p>INTRODUCTION: Kenneth K. Wong, <i>Director, Urban Education Policy Program, Brown University</i></p> <p>SPEAKER: Brad Jupp, <i>Senior Academic Policy Advisor, Denver Public Schools, former member of the Denver Classroom Teachers Association and member of the Denver ProComp Design Team</i></p> <p>Mr. Jupp is a former classroom teacher and union leader actively involved in the design and pilot of the ProComp teacher pay system in Denver. ProComp is a collaborative project of the Denver Classroom Teachers Association and the Denver Public Schools and provides an interesting example of innovative practices for supporting teachers and promoting student learning. Mr. Jupp will discuss his experience with ProComp, explain the challenges of implementing this program in the context of Colorado's collective bargaining policy, and share the lessons policy-makers in other states can learn from this local experiment.</p> <p>DISCUSSANT: Louise A. Sundin, <i>Past-President, Minneapolis Federation of Teachers and Co-Director, Teacher Union Reform Network</i></p>	BALLROOM C—D
1:30 p.m.		

**MONDAY, DECEMBER 11** *continued*

<p>1:30 p.m.</p>	<p><b>PANEL DISCUSSION III</b> <b>National and Research Perspectives</b></p> <p>Panelists will discuss what their research and experiences tell us about the impact of the collective bargaining process on teaching and learning.</p> <p>PANELISTS: Julia Koppich, <i>Education Consultant</i> Michael Podgursky, <i>University of Missouri</i> Michelle Rhee, <i>President, The New Teacher Project</i> Adam Urbanski, <i>Director, Teacher Union Reform Network, and President, Rochester Teachers Association</i></p> <p>MODERATOR: Bridget Curran, <i>Program Director, NGA Center for Best Practices</i></p>	<p>BALLROOM A—B</p>
<p>3:00 p.m.</p>	<p><b>STATE TEAM AND SMALL GROUP DISCUSSIONS</b></p> <p>INTRODUCTION: Valerie Forti, <i>President, The Education Partnership</i></p> <p>Participants will divide up according to state teams or in small groups of individuals to reflect on the day's presentations and on collective bargaining in their own states. Facilitators will help guide the discussions and will ask participants to consider such questions as: What are the key issues or concerns in our/my state? What impact do collective bargaining laws have on negotiations and, ultimately, teaching and learning? What changes might we consider?</p>	<p>BALLROOM C—D</p>
<p>4:45 p.m. 5:00 p.m.</p>	<p><b>WRAP-UP AND NEXT STEPS</b></p> <p>Dane Linn will summarize key lessons and next steps from the conference and offer information about assistance and information available to help state leaders with their next steps.</p>	<p>BALLROOM C—D</p>

# A New Dialogue: Collective Bargaining in Public Education

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**SPEAKERS/MODERATORS/PANELISTS**

Alan Bersin

Secretary of Education  
California State Government

Bridget Curran

Program Director, Education Division  
NGA Center for Best Practices

Valerie Forti

President  
The Education Partnership

Brad Jupp

Senior Academic Policy Advisor  
Denver Public Schools

Julia Koppich

Education Consultant

Dane Linn

Director, Education Division  
NGA Center for Best Practices

Peter McWalters

Commissioner  
Rhode Island Department of Elementary and  
Secondary Education

Michael Podgursky

Professor, Department of Economics  
University of Missouri–Columbia

Marcia Reback

President  
RI Federation of Teachers and Health Professionals

Michelle Rhee

CEO & President  
The New Teacher Project

Andrew J. Rotherham

Co-Director  
Education Sector

Warren Simmons

Executive Director  
Annenberg Institute for School Reform

Richard Stutman

President  
Boston (MA) Teachers Union

Louise Sundin

Co-Director  
Teacher Union Reform Network

Marc Tucker

President  
National Center on Education and the Economy

Adam Urbanski

President, Rochester (NY) Teachers Association  
Director, Teacher Union Reform Network

Randi Weingarten

President  
United Federation of Teachers, New York City

Gene Wilhoit

Executive Director  
Council of Chief State School Officers

Kenneth K. Wong

Director, Urban Education Policy Program  
Brown University

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**NATIONAL PARTICIPANTS**

Judith Berg

Education Program Officer  
Wallace Foundation

Leo Casey

United Federation of Teachers

Lori Crouch

Assistant Director  
Education Writers Association



Dana Egreczky  
Vice President, Workforce Development  
New Jersey Chamber of Commerce

Kris Kurtenbach  
Partner and Founder  
Collaborative Communications Group\_

Sandra Licon  
Policy Officer for Education  
Bill & Melinda Gates Foundation

John Luczak  
Program Officer, Education  
Joyce Foundation

Ray McInerney  
State Policy Analyst  
National Education Association

Dennis Slaughter  
Organizational Specialist  
National Education Association

Kate Walsh  
President  
National Council on Teacher Quality

Constancia Warren  
Director, Urban School Reform Initiative  
Carnegie Corporation of New York

Ruth Wattenberg  
Editor, American Educator  
American Federation of Teachers

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## **PARTICIPANTS BY STATE**

### **CONNECTICUT**

Kevin Hennessey  
Staff Attorney  
Connecticut Business and Industry Association

Lauren Weisberg Kaufman  
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