

# *The Consequences of* **NCLB:**

## **The Demise of Labor-Management Partnerships for Reform and Hopes for Renewal**

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**I**n the history of labor relations in the public sector, American teacher unions have taken their constituency on a wild ride. We will skip the early history of teachers being respected as professionals who renounced most worldly goods to teach and fast forward to the 1960s when unions, primarily the American Federation of Teachers (AFT), took a sharp turn towards blue collar industrial unionism in order to gain influence over the conditions under which they worked. We will briefly touch on milestones in education reform leading us to No Child Left Behind (NCLB) and its disastrous consequences for labor-management partnerships.

The 1960s ushered in the first teachers strike, first collective bargaining law, and the first teacher contract all as a prelude to the decade of the 1970s when teach-

ers and other public employees enjoyed reasonable salary increases and competitive benefits, including pension security. Teachers experienced the results of the power of collective action.

The 1980s saw the beginning of the downward slide in the eyes of the public and ramped up rhetoric of the right. “Govmnt schools” and “Govmnt employees,” as Reagan often called them—public workers and their unions were excoriated as leeches on the taxpayers’ pocketbooks. We now have a whole generation or two who have heard only disparaging words about public service and public servants.

### **The Education Reform Swell**

In 1983, the educational system, teachers, and their unions arrived at a new crux. *A Nation at Risk*, the report of the National Commission on Excellence in Education, proclaimed that American public education was not adequate to keep children competitive in the global marketplace. Albert Shanker, President of the AFT, responded in an unexpected way. He was not defensive, did not make excuses, and did not attack. Instead, in 1985 Shanker made an industry-changing speech saying that American education needed to get better and he had a plan to improve it by professionalizing teaching.

For the next fifteen years, large urban teacher locals, represented primarily by



the AFT, worked to understand and create the vision of a true profession that Shanker had outlined. The number, breadth, and depth of the reforms changed public education for both students and professionals through programs such as peer review in Toledo, teacher induction residencies, the Achievement of Tenure Program in Minneapolis, shared leadership in Montgomery County, MD, curriculum committee leadership in Cincinnati, Teacher Centers in NYC and Rochester, alternative compensation (pay-for-performance) plans in Denver and Douglas County, CO, and National Board Certification across the country.

These reforms were components of the “making of a profession” as Shanker had envisioned and articulated it. The programs were created at the bargaining table in win-win negotiations and then implemented in joint labor-management committees where union leaders and district administrators worked as teams, focused on student learning. Union leaders brought their members into a future characterized by the new three Rs: respect, responsibility, and results.

At the height of the education reform swell, the United Auto Workers and the Saturn Corporation presented awards for successful labor-management cooperative ventures in education. The Teacher Union Reform Network (TURN) was born in 1995 through the efforts of a group of progressive AFT and NEA teacher union leaders. The United Federation of Teachers in NYC offered training for labor-management teams from schools on how to do joint work. The AFT professional issues (QuEST) conferences provided a forum for union locals and their leaders to showcase their latest reform successes.

### **A Century Change and a Sea Change in Labor-Management Partnerships**

The change in labor-management relationships from the 1990s into the next decade was both a century change and a sea change. As Paul Reville, president

of the Rennie Center for Education Research and Policy wrote, “Education reform introduced a radical new idea into the education sector in the 1990s: accountability. In this accountability era, it [was] no longer accurate to assume that the interests of teachers and administrators [were] in opposition.”<sup>1</sup> Collaborative labor-management relations should have fit right in. But, then came NCLB.

What was previously called the Elementary and Secondary Education Act (ESEA) was transformed in form and substance to the No Child Left Behind Act (NCLB). As Harvard researcher, Richard Elmore wrote, “Isn’t it ironic that Republicans sponsored the single largest expansion of federal power of the nation’s education system in history?”<sup>2</sup> NCLB initiated the era of testing. As with most complicated and sweeping policy legislation, NCLB brought with it unintended consequences. Curriculum was narrowed to what was tested. Teachers were targeted and blamed. And, many cooperative labor-management efforts were cast aside.

Whatever its original intent, the punitive nature of the ambitious requirement that schools make “Adequate Yearly Progress” was coupled with a serious lack of federal funding to support the sweeping changes in educational expectations required by the law. Under the weight of competing pressures, what used to be respectful, productive labor-management relationships began to deteriorate and crumble. Instead of increasing the support for schools identified as “in need of improvement” under NCLB, remedies have focused on management prerogatives and power, top-down curricular and instructional edicts, external “turnaround” companies, and privatization. Caught in the headlights and headlines of increasing numbers of failing schools, district administrators and boards abandoned the relationships that had provided the fertile ground on which the reforms of the 1990s flourished. The voices of teacher

representatives were largely ignored and silenced. If, as charged by the critics, ill-prepared teachers were the problem, reasserted control by administrators was the assumed solution.

Add to this scenario, the influence of “choice” including open enrollment, charter schools, post secondary options, and home-schooling giving students multiple ways to opt out. Many districts respond by reducing the number of internal choices resulting in teachers having less control of the product they deliver while children (and parents) have more control by choosing from among additional external options. With the loss of students to choice as well as demographic and economic changes in many cities, the resulting declining enrollments give labor and management added challenges.

NCLB has had a profoundly negative effect on labor-management relationships in other ways. The shared decision-making that was practiced in the 1970s and 1980s has disappeared. No more flattened structures, no more shared leadership, no more site-based management. Teachers once again have little influence over school wide or classroom decisions that shape the instructional program and little input into behavioral and disciplinary policies, hiring, firing, and budgetary decisions or the content of their own on-the-job development and training. The grand irony of removing teachers’ professional autonomy is that teachers are treated in the opposite way that they are expected to treat their students.

According to researcher Richard Ingersoll, who analyzed data on outcomes connected to the distribution of power and control in schools. The data show that the high degree of centralization in schools and lack of teacher control of their work often adversely affect how well schools function. Top-down accountability reforms may divert attention from the organizational sources of school problems. Policymakers and reformers often question the caliber and quality of

teachers, telling us time and again that teachers lack sufficient engagement, commitment, and accountability. However, the data suggest just the opposite—that teachers have an unusual degree of public service orientation and commitment and a relatively high “giving-to-getting” ratio compared with those in other careers. The critics fail to appreciate the extent to which the teaching workforce is a source of human, social, and financial capital in schools.<sup>3</sup> Ingersoll continues with his findings, saying that stripping teachers of nearly all decision-making authority results in them questioning the efficacy of their work and may contribute to the high turnover rates, making matters worse rather than better.

It is, of course, not NCLB alone that has caused changes for unions. Union leaders are finding that the issues of power and control reflect important generational differences. New teachers want better, more satisfying, more professionally supportive and rewarding jobs than teaching now provides. Gen Xers and Millennials expect a real profession that holds respect, career opportunities, flexibility, and fairness. They resist one-size-fits-all contracts that treat all teachers as cookie cutter cutouts. Some unions are adjusting with, for example, more flexible salary structures and assignment procedures. In the end, though, what teachers want most is a respectful, supportive, collaborative worksite. And they are finding that hard to come by.

On the management side, districts have not been able to find, train, support, or sustain superintendents and school administrators who are long-term leaders able to work in trusting, collaborative partnerships with teacher unions. Urban superintendents, in particular, often have a frighteningly short tenure as district leaders, leaving the long-term union leaders in the district to articulate and sustain the professional reform agenda.

## A Way Back to Productive Labor-Management Relations

In the new century, teachers unions have been challenged to their very core on beliefs about tenure, seniority, leadership, and the like. They are searching for a way back to productive labor-management relationships in an atmosphere that allows them to offer their members reasonable financial benefits, a satisfying career, and a restoration of respect of the public. Will relationship dysfunction make it very difficult to recruit and retain the best and the brightest into teaching?

What might the future hold? The economic downturn has state funding in serious jeopardy in 48 of the 50 states. Will this severe financial shortage make it impossible to consider anything other than money at the negotiations table? Or will the strongest long-term labor-management relationships weather the pressures, use the challenges to innovate? One such innovation is the creation of in-districts charter schools, union schools, and self-governed schools. Randi Weingarten, President of the UFT in NYC has led with models for others to emulate.

Perhaps the brightest ray of hope comes in the form of a new day in Washington with new, more progressive, leadership at the top of the national AFT and NEA and a new administration in Washington committed to support for public schools, teachers, public service and the institutions that provide it. Only time will tell.

### NOTES

1. S. P. Reville, “Bring Teachers to the Table,” *Boston Globe*, January 3, 2006 and “Forging a New Labor-Management Partnership in Education,” *Education Week*, February 22, 2006.
2. R.F. Elmore, “Unwarranted Intrusion,” *Education Next*, Spring 2002.
3. R.M. Ingersoll, “Teachers as Leaders: Short on Power, Long on Responsibility,” *Teachers as Leaders*, ASCD Volume 65, Number 1, September 2007.



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