



Nine Key Changes at the Bargaining Table: A Policy Handbook for Colorado School Board Reform Leaders

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Executive Summary

Of Colorado's 178 school districts, 41 have a formal bargaining relationship with one or more employee unions. Because Colorado has no defined public-sector labor law, the greatest opportunity to reform restrictive policies and interest group privileges comes at the local school board level. Recent bargaining reforms in other states show the fiscal benefits that may be realized from adopting this approach. The few high-quality academic studies of the question all show that restrictive bargaining policies have a negative impact on student learning.

The dynamics of union negotiations make it more difficult for school board directors to effect positive change. For instance, certain elements of a negotiated agreement may be off-limits to discuss or change except in years when the contract's terms are set to expire. Persistence and public support are important to achieving reforms through collective bargaining. Board directors are far more likely to succeed in ensuring concessions if they take direct involvement in the process. Nine key opportunities for school district bargaining reform are as follows:

1. *Open union negotiations to public observation.* Transparent policy-making affords an opportunity to enlist broad support for reform and reminds organized employee interests whose interests they are negotiating against: taxpaying citizens.
2. *End union payroll dues deduction services.* Collecting funds for groups that finance local board candidates creates real and potential conflicts of interests. Suspending the privilege still allows educators the option to support a union through private transactions.
3. *Allow union members to opt out at any time.* Employees could be set free from tight timelines and onerous procedures to opt out of union membership.
4. *Eliminate "dues equivalency" fee burdens.* Non-union members in six districts must submit a written request each year to prevent a union payroll deduction equivalent to paying dues.
5. *Stop using seniority to place teachers.* Senate Bill 10-191 helps empower school boards to get rid of provisions that favor less effective senior teachers in deciding transfers and avoiding layoffs. Procedures like coin flips may be used to break ties for teachers with equal seniority.
6. *Bring accountability to union release days.* Many agreements allow educators tax-funded release time from classroom responsibilities to perform union business – including lobbying – a practice that should end.
7. *Make unions pay for their officers' services.* No local teachers union should be subsidized for the extended leave time their presidents and other officers receive to perform union service.

8. *Provide equal access to district systems.* Honor teachers' right to know by repealing measures that give union bargaining agents free and privileged use of school district property and communication systems, as well as exclusive access to events and information.
9. *Explore alternatives to bargaining model.* The example of some Colorado school districts can be followed by entirely terminating exclusive bargaining or other negotiation privileges, while rewarding teacher professionalism and welcoming teacher input.

Every one of the 41 bargaining districts can find multiple opportunities for reforms that promote good government, individual employee rights, and a greater focus on student welfare. Challenging economic times and heightened calls for accountable government make the case for prompt action. Opportunity awaits local education leaders to enhance flexibility, fairness and fiscal responsibility at the bargaining table.

Introduction

Colorado is one of nine states in which the law neither forbids, nor requires public education employees to be represented by labor unions as exclusive bargaining agents.¹ A local chapter of teachers or other employees that belong to the National Education Association or American Federation of Teachers is known as an *association*. A *union* is an association organized to act as exclusive representative through bargaining. Forty-one of Colorado's 178 school districts, representing more than 75 percent of the state's traditional public school student enrollment, are known to have operative collective bargaining relationships with unions representing teachers and other certified employees.² Twenty of the 41 districts also bargain collectively with unions representing some or all classified employees (see Appendix A).

Outside Colorado, several states faced with mounting budget challenges rolled back public-sector labor union prerogatives in 2011. Led by Republican governors and legislative majorities, both Wisconsin and Ohio greatly limited the scope of collective bargaining negotiations for most government employees, lowered the bar needed to revoke a union's exclusive bargaining status, and ended unions' direct access to government payroll systems for dues collection. Other states where similar, if less expansive, reform efforts succeeded in 2011 include Indiana and Tennessee.

Efforts to limit public-sector collective bargaining privileges primarily have been promoted as means to help achieve government cost savings while minimizing employee layoffs and preventing cutbacks in services. Some evidence of the approach's success has emerged already in Wisconsin. A July 2011 analysis estimated that the bargaining reform enabled Wisconsin school districts to save \$450 million, or more than \$500 per student, primarily through reduced contributions to employee health and pension plans.³

Yet fiscal savings is not the sole compelling reason to thin out the layers of negotiated rules in school district bargaining agreements. Only two studies have been published in top-level academic journals to examine the results of restrictive collective bargaining rules on student achievement. Both studies find a negative impact.⁴ More critical research remains to be done. Yet in the new book *Special Interest*, Stanford University's Dr. Terry Moe sums up the available evidence and the extent of the challenge facing reformers:

These rules...are not something separate from the organization of schooling. They *are* the organization of schooling. And to the extent that unions are successful in collective bargaining, the public schools have organizations imposed on them that are simply *not designed* to promote the academic achievement of students and that make it *more difficult* for the schools to be effective.⁵

Governors and legislators in states like Wisconsin were able to pursue changes to collective bargaining because their state laws already recognized practices and procedures for ensuring public education employee unions have protected bargaining privileges. Because Colorado statutes are silent on the issue, local school boards are already free to make bargaining changes that benefit students and taxpayers. At least nine leading areas are ripe for reform.

Nine Issues, Nine Opportunities

The Colorado constitution states that local school boards “shall have control of instruction in the public schools of their respective districts.”⁶ The state’s highest law empowers board directors to undertake numerous policy changes that honor the taxpayer and focus resources on student learning. Many of the following reform options only apply to districts that practice bargaining and may have to be changed through formal negotiations, but a few also represent opportunities for non-bargaining districts to enact amendments to board policy.

Amending policy through bargaining negotiations typically is difficult to accomplish, as it requires give and take with an interest group focused on protecting its prerogatives. Most agreements outline procedures for resolving disputes in future negotiations through formal mediation. To win on crucial points, a board well may need to take its case to the public while showing persistent and determined leadership. Some agreements can be revisited in full on an annual basis. Other agreements limit which topics can be negotiated in certain years, until the term of the agreement ends. Appendix A includes the year the current bargaining agreement is set for renewal, though in some cases the agreement may be revisited fully before that time.

It is important to note that boards of education wishing to adopt one or more of these reforms at the union negotiating table must take ownership of the process, as they are most closely accountable to the citizens who elected them. To ensure successful strategic changes through collective bargaining, boards may need to insist that one or more directors have a direct and active role in the negotiation process. Taking ownership in this way is easier to do in the handful of small, rural districts where bargaining tends to be much less formal. The larger the district, the more challenging the task tends to be.

1. Open Union Negotiations to Public Observation

School board directors are not the only non-district employees who should be entitled to observe collective bargaining sessions. So should the people who elect them. Winning public support is more likely when the public can observe the process. As of 2010, eight of the state’s 41 certified master agreements stipulate that contract negotiations should be public, but only one (Poudre R-1) “thoroughly ensures the public’s right to observe bargaining negotiations.”⁷

In recent years other districts that nominally allow for open negotiations, such as Jefferson County and Weld County Re-6 (Greeley), have stated their sessions have been closed as a

requested condition by federal mediators.⁸ A 2011 citizen lawsuit compelled public observation of one bargaining session in Colorado Springs 11. In renewing the contract, union representatives agreed to open up only sessions pertaining to the discussion of employee compensation.⁹

Open union negotiations represent a basic principle of good government. No elected government body should compromise its sovereign authority over the use of tax dollars and the enactment of tax-funded policies to a private organization behind closed doors. As the General Assembly has done in requiring completed school district collective bargaining agreements to be made publicly accessible¹⁰, open negotiations likewise can be mandated through state statute.

With community support, elected school boards in bargaining districts also can use the leverage of “local control” to win concessions allowing for greater transparency through public observation. Enabling citizen observation does not entail allowing participation or disruption. Yet for the sake of fiscal responsibility and sound governance, union employee representatives need to be reminded whose interests they are negotiating against: not those of paid administrators or outside contractors, but those of parents and other taxpaying citizens.

2. End Union Payroll Dues Deduction Services

The privilege of government payroll deduction of association member dues is not limited to districts with exclusive union relationships. School boards without bargaining agreements could terminate the practice of dues collection through a standard policy change. Such a move would follow the lead of former Governor Bill Owens’ 2001 executive order, which proscribed state employee payroll deductions to include “items required or authorized by federal or state law, reimbursements, and the charitable Colorado Combined Campaign.”¹¹ From 2007 to 2008, 16 different local Colorado governments (including 12 counties) adopted similar payroll restrictions that became a model for Amendment 49, the 2008 statewide Ethical Standards ballot initiative campaign.¹² Appendix B contains an example of model board policy.

Whether achieved through a change in board policy or master agreement, the rationale for the move is that it levels the playing field. Interest groups that support school board and other candidates should not have the privilege of having their campaign, lobbying and negotiating funds collected by the government whose officials they influence. The primary benefactor of the convenience offered by the current practice is the private organization. Members are free and able to pay dues directly to the association through a variety of means, including electronic transfers set up through a private bank or credit union. The rights of individual teachers who desire to support the union are not harmed, while the rights of individual teachers who wish to withhold support from the union may in fact be strengthened.

3. Allow Union Members to Opt Out at Any Time

If a school board decides to continue the practice of union payroll deductions, there are lesser measures that can afford employees some additional power over their earnings. Thirty of the 41 bargaining districts place direct limitations on when certified teachers can effectively request to cancel their automatic monthly dues deductions. Roughly half of these revocation periods are 30 days or less, and most fall at the beginning of the busy school year. In most cases, master agreements specify that the employee must notify the association directly, even though the

deduction is transacted through a school district office. Similar requirements are included in many of the collective bargaining agreements for classified employees.¹³

Reforming union revocation periods to benefit individual rights has legislative precedent. Utah lawmakers in 2011 adopted Senate Bill 206, requiring school districts to honor revocation requests immediately and forbidding employees from having to present their opt-out request at the union office.¹⁴ For Colorado's bargaining school boards, removal of the offending language would place a school district on par with other Colorado districts that already allow teachers and other employees to cancel dues deductions effective with the next payroll process.

4. Eliminate "Dues Equivalency" Fee Burdens

A handful of Colorado school districts actually have agreed to impose obligations on non-union members in order to avoid paying unwanted dues. The practice of "dues equivalency" currently affects at least some employees in seven districts. Non-union member teachers in Alamosa, Antonito and the two Pueblo school districts are required to give formal notice early each school year that they don't want to pay union fees equivalent to the full amount of dues. The same is true for all classified employees in Pueblo 60, Pueblo 70 and Brighton, and for bus drivers and mechanics in Denver Public Schools.

Non-union member teachers in Colorado Springs 11 once had to file an opt-out notice each year by a September deadline, but the master agreement now enshrines recognition that: 1) A dues equivalency opt-out is only required one time during the course of employment; and 2) First-year teachers may opt out at any point during the school year (but won't be refunded prior deductions if they opt out after the September pay period).¹⁵

The Independence Institute has documented several cases of teachers and other education employees facing hardships who have been victims of "dues equivalency" provisions.¹⁶ The clearly indefensible and unjust policy benefits only the union bargaining agent and fails to respect the individual rights of employees. As in the above section, the remedy is simply to remove the offending language from the negotiated agreement. If a school board has ended the practice of automatic union dues payroll collection, the need to expand membership revocation windows or to abolish "dues equivalency" opt-out procedures becomes essentially moot.

5. Stop Using Seniority to Place Teachers

Many Colorado school district collective bargaining agreements embed seniority protections that override other considerations in determining teacher assignments and employment status during times of reduction in force. At least one school district (Jefferson County R-1) goes as far as flipping a coin and drawing lots to break ties in these important personnel decisions.¹⁷ Research shows that the first three to five years of teacher experience typically correlate with significant gains in teacher effectiveness, yet seniority-based assignments often leave the neediest students with novice, unaccomplished instructors.¹⁸ On the other hand, laying off a highly-skilled teacher with five years experience to protect a sub-par 20-year veteran should be an indefensible policy.¹⁹

In its initial release, Colorado's Senate Bill 191 included a provision to end the practice of "Last In, First Out" (LIFO) as the determining factor for teacher retention and placement. A compromise in the educator effectiveness legislation, however, allowed seniority to remain in

the equation after performance evaluations are considered “and only if the contract or policy is in the best interest of the students enrolled in the school district.”²⁰ Effective February 15, 2012, this improvement strengthens the hands of school boards to remove negotiated seniority-based provisions that threaten instructional quality and student performance.

6. Bring Accountability to Union Release Days

In 2010, 39 bargaining districts were identified as granting unions annual allotments of leave days to conduct union business. In all cases tax funds continue to pay the released teacher’s salary without any reduction to his allotment of personal leave days. About half of the agreements require the union to reimburse the district for the significantly smaller substitute cost, but the rest leave the entire transaction on the taxpayers’ dime. The number of days allotted ranges from six in some smaller districts to 275 in Jefferson County.²¹

Release time often is used for professional development, grievance, negotiations, internal membership drives, or political activities. In 2010, teachers from Jefferson County and Denver used tax-subsidized release days to leave the classroom and lobby state legislators against Senate Bill 191, which reformed educator evaluations and tenure privileges.²²

School boards may seek to reduce or eliminate the number of release days or require reimbursement for substitute costs, if not already mandated in practice. Other provisions that could mitigate the possible misuse of taxpayer funds may include a policy or provision defining acceptable uses of release time, greater empowerment of school officials to approve or deny release time requests, and/or a requirement that the union document and report how release time was used.²³ Leave time granted outside the health and personal issues of individual employees should be provided only for purposes that fulfill the educational mission of the school district and are accountable to the taxpayers who finance it.

Effective statewide policy change is possible but not absolutely necessary for reform-minded boards to restore accountability. Again, Utah this year enacted legislation (Senate Bill 183) placing strictly-defined limits on acceptable uses of paid union release time.²⁴

7. Make Unions Pay for Their Officers’ Services

As a related issue, 19 bargaining districts grant full or extended release to the local union president. Only five of the 19 districts require the union to cover the full cost of salary and benefits of their employee.²⁵ In the other 14 districts, unions are responsible to repay the district a significantly smaller sum than the actual cost of employment for the local president. One egregious case is in Poudre R-1 (Fort Collins), where the net taxpayer subsidy to the Poudre Education Association (PEA) in 2010-11 totaled \$67,763.73.²⁶ Two other districts – Adams 12 and Boulder Valley Re-2J – additionally provide tax-subsidized leave to other local union officers. In 2009-10, Adams 12’s unreimbursed expense for union officer leave was greater than \$187,000.²⁷

Both the Boulder Valley and Poudre master agreements contain provisions that would indicate some measure of accountability for how union presidents use their tax-subsidized leave time. Boulder’s agreement requires the local union president to submit a report concerning “his/her activities relative to the improvement of the District instructional program and/or his/her contributions toward the solution of employee personnel problems.”²⁸ As of January 2010, no such report had been requested or submitted since at least 1999.²⁹ The last report from the

Poudre teachers union president to the district superintendent, to be submitted “biannually” (twice a year), came in February 2010.³⁰

To help protect the bottom line and to gain greater confidence from taxpayers, board members in the 14 school districts either should expressly demand that the union pays the full cost for officer leave time or revoke the privilege altogether. Utah’s SB 183 mandates this arrangement for its school districts, but Colorado boards of education can address the change on a piecemeal basis.³¹

8. Provide Equal Access to District Systems

An underlying principle of Colorado education law states: “No contract or other employment arrangement executed or made by and between any school district and teacher shall require...that said teacher become a member of or belong to any group or organization.”³² Though a handful of districts legally have conceded to undermine this protection by agreeing to annual “dues equivalency” opt-out procedures for non-union members, Colorado K-12 certified instructors own right-to-work status. Teachers certainly should be entitled to join and support a labor union if they so choose. However, no one should be able to coerce a teacher to affiliate with, nor disaffiliate from, any membership organization. Board of education members can work to create a true open-door policy and to honor the right of teachers to know their options.

Nearly all of Colorado’s existing certified education employee bargaining agreements grant union agents exclusive access to school district property, events or information that is denied to other union or non-union membership groups. Common provisions include specified union authorization to contact teachers through workplace mailboxes, bulletin boards and district email systems; or special privileges to use district facilities for meetings at no cost. Some agreements restrict the use of communication systems to “non-political” or “non-partisan” purposes, or require principals and building leaders to approve bulletin board material first.

In 2007 Utah adopted state legislation requiring equal treatment among education associations in such policies, including the opportunity to solicit membership at district employee orientations.³³ To create a local remedy, board members in Colorado districts with operative bargaining agreements once again can focus on removing the offending provisions. Non-union districts can make an affirmative statement for equal access among membership organizations through board policy.

9. Explore Alternatives to Bargaining Model

At the onset of 2011 there were 42 bargaining Colorado school districts. Today there are 41. On May 12, 2011, the rural Park County Re-2 board of education voted 4-2 (with one member abstaining) not to renew the “Professional Agreement” granting exclusive representative status to the South Park Education Association (SPEA). Supporters of the motion argued that the “Policy Governance” model – which requires the board to act through its

Top Collective Bargaining Reforms For Local Colorado School Boards

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6. Bring accountability to union release days
7. Make unions pay for their officers’ services
8. Provide equal access to district systems
9. Explore alternatives to bargaining model

employee, the superintendent – was incompatible with having a direct bargaining relationship with a union.³⁴ A former teachers union president cast the deciding vote to cancel the exclusive representative status SPEA had enjoyed for nearly a decade. As of the agreement's expiration on June 30, 2011, Park County Re-2 once again became a non-bargaining school district.³⁵

The majority of Colorado school boards exercise their latitude not to participate in formal bargaining relations with an exclusive union representative. A number of the remaining districts participate in semi-formal, non-binding "meet and confer" negotiations with association representatives. These negotiations result in memoranda of understanding or similar documents that lack the force of law. In July 2011, Weld County Re-1 (Gilcrest) settled a lawsuit brought by the local Valley Education Association (VEA) claiming that the board's termination of a negotiation policy represented the breach of a collective bargaining contract. VEA lost its claim and conceded to forfeiting any official recognition of its negotiating privileges in board policy, a 2010 move made to help staunch a \$1.5 million budget deficit.³⁶

A board of education retains the greatest authority by refraining from collective bargaining, or even by going further and ending any recognition of negotiation privileges. But by no means must this approach diminish opportunities for professional educator employees to have their voices heard. Wise district leadership will incorporate the input of classroom instructors in formulating policies and programs that can better serve families and improve academic results. VEA representatives still will have the ear of the superintendent during several meetings throughout the year. Combined with a focus on effective school leadership and public accountability and transparency, the end to collective bargaining or other formal negotiation arrangements in a school district can greatly promote teacher professionalism, student-centered innovation, and productivity.

Other Issues

The nine issues presented above do not represent an exhaustive list. Additional problematic restrictions in Colorado school district bargaining agreements that may need to be addressed include the following:

- The single salary schedule that determines teachers must be paid based on seniority and academic credentials rather than proven performance;³⁷
- Extra grievance procedures and conditions added to the state statutory requirements for removing a teacher for ineffectiveness or inappropriate behavior;
- Effective union control of committees with oversight of district funds or policies;³⁸
- Limits on the amount of time teachers may have contact with students, attend faculty meetings or participate in parent-teacher conferences; and
- Guaranteed daily minimum teacher preparation time.

Conclusion

No single bargaining Colorado school district is free of all of the issues identified in this report. Each of the 41 districts, along with many of their non-bargaining counterparts, have extended some array of concessions and special privileges to employee interest groups at the expense of taxpayer funds, teacher professionalism, and basic fairness. Past board members have undervalued the importance of key management prerogatives or simply owe their political allegiances to employee groups.

Citizens continue to expect the delivery of high-quality learning through accountable public school systems. After decades of mostly rising per-pupil revenues, recent revenue challenges have renewed interest in public education productivity. And more taxpaying citizens are actively engaged with concerns about high levels of government spending and debt.

All these factors combine to provide local school boards with opportunities to find more productive educational approaches and to fulfill their responsibilities to promote effective classroom instruction, to serve as stewards of taxpayer dollars, and to treat employees fairly. The restrictive rules, unaccountable privileges and other unjust provisions in union bargaining agreements provide numerous open doors for board directors to make valuable changes. Emboldened local Colorado education leaders face a window of opportunity to challenge entrenched interests and deliver needed reforms at the bargaining table.

APPENDIX A: COLORADO COLLECTIVE BARGAINING SCHOOL DISTRICTS

(Districts that bargain with both certified and classified employees **in bold**)

School District	Fall 2010 Enrollment	Certified Agreement Renewal Year
Adams 12 (Northglenn-Thornton)	41,957	2015
Adams 14 (Commerce City)	7,549	2012
Adams-Arapahoe 28J (Aurora Public Schools)	38,605	2014
Alamosa RE-11J	2,081	2013
Boulder Valley Re-2J	29,526	2012
Brighton 27J	15,063	2013
Canon City Re-1	3,702	Annual
Centennial R-1 (San Luis)	248	*2010
Center 20JT	580	2013
Cherry Creek Schools	52,166	Annual
Colorado Springs 11	29,459	2013
Denver Public Schools	78,317	2011
Douglas County School District	61,465	2012
Durango 9-R	4,675	2012
East Otero R-1 (La Junta)	1,309	2013
Englewood 1	2,992	Annual
Florence Re-2	1,600	*2010
Fort Morgan Re-3	3,204	2012
Gunnison Watershed Re1J	1,864	Annual
Huerfano County Re-1	575	Annual
Jefferson County Public Schools	85,938	2015
Lake County R-1	1,188	Annual
Las Animas Re-1	547	Annual
Littleton Public Schools	15,733	2012
Mapleton Public Schools	7,634	2012
Mesa County Valley 51	22,091	2013
Montrose County Re-1J	6,415	2014
Poudre R-1	26,923	2012
Pueblo City 60	18,420	Annual
Pueblo Rural 70	8,836	*2011
St. Vrain Valley Re-1J	27,379	2012
Salida R-32(J)	1,071	Annual
Sheridan 2	1,653	Annual
South Conejos Re-10 (Antonito)	237	2012
Summit County Re-1	3,124	2011
Telluride R-1	697	Annual
Thompson R-2J	15,310	Annual
Trinidad 1	1,352	Annual
Weld County Re-5J (Johnstown-Milliken)	3,138	Annual
Weld County Re-6 (Greeley)	19,623	2012
Westminster 50	10,049	2013

* Information on updated bargaining agreements not available at publication time

APPENDIX B: Model Board Policy on Payroll Deduction

“No payroll deduction shall be taken from the payroll compensation of any employee except for deductions required by federal law; tax withholdings; judicial liens and garnishments, including court-ordered child support, domestic support and maintenance obligations and payments; deductions for employee benefits and pensions as established by law for such employee; and deductions for contributions to charities and organizations exempt from federal income tax under sec. 501(c)(3) of the Internal Revenue Code of 1986. Provided that, any such employee authorizing a charitable deduction shall provide written authorization consenting to such charitable deduction, at least annually. A charge may be assessed to a charitable organization that receives the benefit from the payroll deduction to offset the cost for this service.”

Notes

¹ National Right to Work Foundation data, cited in Terry M. Moe, *Special Interest: Teachers Unions and America's Public Schools* (Washington, DC: Brookings Institution, 2011), Table 2-2, pgs 54-55.

² The Colorado Education Association lists 41 districts that have current collective bargaining arrangements with certified employees in its “Master Agreement History” document: http://coloradoea.org/Libraries/General_Documents/Master_Agreement_History_in_Colorado.sflb.ashx. One of the 41 agreements—belonging to Woodland Park Education Association—should not belong as it is a meet and confer policy without exclusive representation, http://www.wpsdk12.org/images/stories/district/documents/certified_conditions_of_employment_2010-2011.pdf. CEA also omits the certified master agreement from Lake County R-1: <http://lakecounty-sd.schoolfusion.us/modules/groups/homepagefiles/cms/118304/File/Agreements/Teacher%20Contract%202011-2012.pdf?sessionid=77b178b81cfeafd3d52268e85db5e992>.

³ Christian D'Andrea, “Wisconsin Schools Already In Line to Save \$155 Million Through New Contracts,” MacIver Institute report (July 13, 2011), <http://maciverinstitute.com/2011/07/wisconsin-schools-already-in-line-to-save-155-million-through-new-contracts/>.

⁴ Moe, *Special Interest*, pgs. 211-13.

⁵ *Ibid.*, pg. 214. Emphases in original.

⁶ Colo. Const., Article IX, § 15.

⁷ Ben DeGrow, *Colorado Education and Open Negotiations: Increasing Public Access to School District Bargaining*, Independence Institute Issue Backgrounder no. 2010-B (April 2010), pg. 1, <http://education.i2i.org/wp-content/uploads/2011/04/IB-2010B-Web.pdf>.

⁸ *Ibid.*, pg. 2; Ben DeGrow, “Open negotiations should be consistent practice,” Jefferson County Mile High Newspapers, April 27, 2011, <http://www.great8newspapers.com/Articles-c-2011-04-27-219895.114125-sub-Open-negotiations-should-be-consistent-practice.html>.

⁹ Kristina Iodice, “D-11, union to open door to day-long negotiating session,” *Colorado Springs Gazette*, April 13, 2011, <http://www.gazette.com/articles/colorado-116193-springs-door.html>; Iodice, “D-11 board OK's contract, most negotiations to be open,” *Gazette*, May 18, 2011, <http://www.gazette.com/articles/future-118343-springs-negotiations.html>.

¹⁰ Colo. Rev. Statutes § 22-32-109.4, also known as the “Colorado School Collective Bargaining Agreement Sunshine Act.”

¹¹ Ben DeGrow, *Amendment 49 and Government Payroll Reform*, Independence Institute Issue Backgrounder no. 2008-D (October 2008), pg. 2, http://education.i2i.org/wp-content/uploads/2011/01/IB_2008_D.pdf.

¹² *Ibid.*

¹³ A complete listing of membership revocation information for Colorado certified employees is available at <http://www.independentteachers.org/revoking-membership/>. A similar list for classified employees is available at <http://www.independentteachers.org/revoking-membership/membership-revocation-for-classified-employees/>.

¹⁴ <http://le.utah.gov/~2011/bills/sbillenr/sb0206.pdf>.

¹⁵ CSEA Master Agreement, III-D-1, http://www.d11.org/hr/LaborRelations/Master_Agreement.pdf.

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- ¹⁶ Two examples are Colorado Springs District 11 math teacher Larry Law and Pueblo Rural 70 librarian Becky Robertson, who missed their respective opt-out windows due to serious and untimely family hardships. Both attempted to appeal the dues equivalency obligation, but were denied by local union committees. See Shari Chaney, “Nonmember teacher pays union,” *Colorado Springs Gazette*, August 31, 2004; and “Teachers Unions Abuse Non-Union Teacher Paychecks,” online video, <http://www.youtube.com/watch?v=TR9LLjL3M>.
- ¹⁷ JCEA Master Agreement, § 34-6-5 and § 39-6-1, <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=254626&fileitem=256289&catfilter=43817>.
- ¹⁸ Steven G. Rivkin, Eric A. Hanushek, and John F. Kain, “Teachers, Schools, and Academic Achievement,” *Econometrica* vol. 73, no. 2 (2005): 417–458, <http://edpro.stanford.edu/Hanushek/admin/pages/files/uploads/teachers.econometrica.pdf>; Donald J. Boyd, Pamela L. Grossman, Hamilton Lankford, Susanna Loeb, and James H. Wyckoff, “How Changes in Entry Requirements Alter the Teacher Workforce and Affect Student Achievement,” *Education Finance and Policy* vol. 1, no. 2 (2006): 176-216, <http://www.teacherpolicyresearch.org/portals/1/pdfs/Reducing%20Entry%20Requirements%20EPF%202006.pdf>; Dan Goldhaber, “Everyone’s Doing It, but What Does Teacher Testing Tell Us about Teacher Effectiveness?” CALDER Working Paper No. 9 (Washington, D.C.: National Center for Analysis of Longitudinal Data in Education Research, 2007), http://www.caldercenter.org/PDF/1001072_everyones_doing.PDF.
- ¹⁹ For a more detailed explanation of the problem, see Moe, *Special Interest*, pgs 188-92 (“Seniority Rules and the Misallocation of Teachers”).
- ²⁰ Colo. Rev. Statutes § 22-63-202(3).
- ²¹ Ben DeGrow, *Colorado Schools and Association Release Time: Making the Privilege Accountable and Transparent to Citizens*, Independence Institute Issue Paper no. 1-2010 (February 2010), pgs 2-3, http://education.i2i.org/wp-content/uploads/2011/01/IP_1_2010_Web.pdf.
- ²² Ben DeGrow, “Teachers Lobbying on Taxpayer Dime Needs to be Addressed,” *Denver Daily News*, April 30, 2010. Re-posted at <http://education.i2i.org/2010/04/teachers-lobbying-on-taxpayer-time-needs-to-be-addressed/>.
- ²³ Recommendations are outlined in full in DeGrow, *Colorado Schools and Association Release Time*, pg 8.
- ²⁴ <http://le.utah.gov/~2011/bills/hbillenr/hb0183.pdf>.
- ²⁵ Those school districts are as follows: Jefferson County Public Schools, Mapleton Public Schools, Pueblo City 60, Pueblo County 70, and Westminster 50.
- ²⁶ Kristin Bennett, Risk Manager, Poudre School District R-1, letter in response to Colorado Open Records Act request, August 25, 2011, http://education.i2i.org/wp-content/uploads/2011/08/2011_08_25_Bennett_Response_to_Indep_Inst.pdf. PEA president Greg Grote earned \$84,256.23 in combined salary and employer-provided benefits. The taxpayer subsidy was determined by subtracting PEA’s \$16,492.50 reimbursement to the district from his total earnings.
- ²⁷ DeGrow, *Colorado Schools and Association Release Time*, pg 2.
- ²⁸ Boulder Valley Education Association (BVEA) Agreement, 2010-2012, § F-1.1, <http://bvsvd.org/HR/Documents/Negotiated%20Agreements%20and%20Salary%20Schedules/BVEA%20Agreement%202010-2012.pdf>.
- ²⁹ Briggs Gamblin, Director of Communications, Boulder Valley School District, electronic mail to the author, January 11, 2010.
- ³⁰ A copy of the one-page report is included in Poudre’s August 25 CORA response, http://education.i2i.org/wp-content/uploads/2011/08/2011_08_25_Bennett_Response_to_Indep_Inst.pdf.
- ³¹ <http://le.utah.gov/~2011/bills/hbillenr/hb0183.pdf>.
- ³² Colo. Rev. Statutes § 22-61-102.
- ³³ Utah Code § 53A-3-426. Senate Bill 07-56, <http://le.utah.gov/~2007/bills/sbillenr/sb0056.pdf>.
- ³⁴ Park County School District Re-2, Board of Education meeting minutes, <http://www.parkcountyre2.org/SitePages/Board%20of%20Education.aspx?RootFolder=%2FBoard%20Minutes%2F2011&FolderCTID=0x012000CBAAD1C6AC944045BC1A95027EE8A5CF&View={2237EA91-C888-416C-B0F0-AD463C466A5F}>.
- ³⁵ Larry Falk, Park County Re-2 Board of Education director, telephone conversation with the author, August 23, 2011.
- ³⁶ Jo Barbie, Weld County Re-1 superintendent, telephone conversation with the author, August 3, 2011.
- ³⁷ For more detail on the problem with the single salary schedule, see Ben DeGrow, *Pioneering Teacher Compensation Reform: K-12 Educator Pay Innovation in Colorado*, Independence Institute Issue Paper no. 2-2011 (March 2011), pgs 2-3, http://education.i2i.org/wp-content/uploads/2011/04/IP_2_11_Web.pdf.

³⁸ The most prominent example is the 2007 PROGRAD committee scandal in Colorado Springs District 11, which led to the provision being removed from the master agreement. See Ben DeGrow, “Public Shouldn’t Fund Teachers’ Union Activities,” *Colorado Springs Gazette*, May 30, 2007, reposted at <http://education.i2i.org/2007/05/public-shouldnt-fund-teachers-union-activities/>.

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