



## THE STATE OF K-12 UNION CONTRACT TRANSPARENCY

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### INTRODUCTION: K-12 COLLECTIVE BARGAINING OVERVIEW

Thirty-nine out of 178 Colorado school districts are known to engage in collective bargaining, or a formal contractual relationship with a union designated as the exclusive representative. The 39 districts have a total of 69 active union contracts.<sup>1</sup>

Thirty-five of the union contracts (also known as master agreements) cover only teachers and other certified staff. Of the remaining agreements, 31 cover various groups of classified employees, and three cover both certified and classified employees. The 69 agreements are negotiated by employee groups with state and national union affiliations, as follows:<sup>2</sup>

- Colorado Education Association (CEA) / National Education Association (NEA): 50
- American Federation of Teachers (AFT): 9
- American Federation of State, County and Municipal Employees (AFSCME): 3
- Amalgamated Transit Union (ATU): 2
- CEA/NEA and AFT cooperative: 1
- Other unions: 4

Some master agreements are renegotiated and reauthorized annually, but most have durations of three years or more. Multi-year agreements typically are revisited and modified each year to reflect updates to salary schedules and employee benefits, as well as a limited number of other topics. To take effect for the following school year, bargaining sessions typically are conducted sometime between February and May, though impasses have been known to stretch into the summer months and beyond.

### PROPOSITION 104 AND BARGAINING SUNSHINE

In November 2014, 70 percent of Colorado voters approved the passage of Proposition 104. The change in statute applies the transparency of the state's Open Meetings law to the collective bargaining process between school officials and employee groups. These negotiations are of critical public interest, since they determine a majority of tax-funded school district budgets, as well as other school and classroom policies. Starting in 2015, union negotiations no longer can be held behind closed doors.<sup>3</sup>

Proposition 104 puts Colorado in a similar camp with 11 other states that require public access to key aspects of the school employee union negotiation process. Yet long before this important change was adopted, the state's General Assembly enacted the Colorado School Collective Bargaining Agreement Sunshine Act.<sup>4</sup> The bipartisan 2001 law requires public access to final union agreement documents, both online and through in-person inspections at the district office. The Sunshine Act requires new contracts, as well as "any amendments, addendums, memorandums, or any other documents modifying the master agreement" to be posted online within 30 days of ratification.

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Enforcement of the Sunshine Act has been largely lax. The original version of the law required the Colorado Department of Education to maintain links to all active agreements, or to host agreements from districts that lack a website. CDE had very little incentive to ensure links were active, and that updated agreements were posted in a timely manner. Since a 2012 amendment to the Act relieved the Department of oversight, the Independence Institute has sought to maintain a central online file for interested parties to consult.

## **THE STATE OF K-12 UNION CONTRACT TRANSPARENCY**

The author commenced a search of known bargaining school district websites on October 29, 2014. Follow-up visits were made to districts with incomplete or outdated information on December 19, 2014. A third set of checks was made on January 16, 2015, with selected follow-up visits made thereafter. In addition, the author initiated electronic mail and phone communication with districts that appeared to be out of compliance.

By February 16 three of the 39 bargaining Colorado school districts still had 2014-15 agreements unavailable online:

1. Since at least late October, the **Florence School District Re-2** website has contained a notice that the district is “in the process of transitioning to a new hosting service.” Officials attributed the failure to post the master agreement online to this transition. In a January 16 email response to an official request, the superintendent said IT staff had been working on the website: “Hopefully it’s complete very soon,” she wrote.<sup>5</sup> As of February 16 the district website is fully functioning, but no copy of the master agreement could be found online.
2. **Pueblo County School District 70** officials said their employee agreement was extended to June 2016. In October they were practicing “contract maintenance” to make sure written technical details matched the agreement, and in January they sent a copy that reflects “99% of what the final version will be.” At publication time, the previous agreement remained on the website, and the district was still waiting for the local union affiliate to finalize changes so the Board could approve.<sup>6</sup>
3. **South Conejos School District Re-10** in rural southern Colorado has master agreements with both its certified and classified employees. By the district’s own admission, as of last fall they had no electronic copies of the current agreement in their possession. When asked how to obtain a copy of the agreement, officials directed the author to contact the local union president Maria Morales.<sup>7</sup> Ms. Morales never responded to an October 29 email request.

Between January 16 and February 16, six other districts added one or more current collective bargaining agreements to their respective websites (see Appendix)<sup>8</sup>:

1. **Centennial School District R-1** had outdated contract copies posted on the website until sometime between January 16 and January 23.
2. **Englewood Schools** officials explained that the master agreement with the teachers union had been settled late in the fall. The Board of Education waited for final edits and a chance for CEA to look at the district’s audited budget to make sure numbers lined up before a ratification vote scheduled for February 3. In the meantime, the district had been operating under the 2013-14 agreement.<sup>9</sup>
3. When confronted by phone, a **Huerfano School District Re-1** official acknowledged the oversight and promptly posted the 2014-15 agreement that had been ratified and taken effect more than seven months earlier.<sup>10</sup>
4. **Lake County School District** had posted a current copy of its teacher master agreement. Within a few days of an email reminder, the classified employee agreement was similarly displayed.<sup>11</sup>
5. Next to Denver, **Pueblo City Schools** operates under the greatest number of union bargaining agreements: six in all. Five were posted in a timely manner. The current education support personnel agreement was added after a reminder.<sup>12</sup>

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6. According to district officials, the **Summit School District Re-1** did not ratify the agreement (settled last May and effective as of September 1, 2014) until January 27. Even though the current agreement since has been posted online, it remains unclear what could have necessitated such a lengthy delay.<sup>13</sup>

## **CONCLUSION**

In opening the door wide for union negotiations, a large majority of Colorado voters affirmed the importance of K-12 budget and policy transparency. More than a decade before Proposition 104 shone a light on the negotiation *process*, the General Assembly required that the negotiation *product* should be made available using online technology. Lacking any sort of enforcement mechanism, a significant minority of bargaining school districts have fallen short of the basic expectation, though persistent reminders helped in many cases.

Given the experience with union contract transparency, citizens should not take for granted full compliance with the letter and spirit of the new open negotiations law. Beyond any sort of reasonable sanction the state could apply for violators, it is incumbent upon citizens and the press to stay vigilant and to help ensure open government that promotes maximum accountability for student success.

**APPENDIX:**  
**COLORADO COLLECTIVE BARGAINING SCHOOL DISTRICT SUNSHINE**

(as of February 16, 2015)

COUNTY	SCHOOL DISTRICT	CERTIFIED		CLASSIFIED		JOINT	
		Yes	Online	Yes	Online	Yes	Online
ADAMS	MAPLETON 1	1	1				
ADAMS	ADAMS 12 FIVE STAR	1	1	1	1		
ADAMS	ADAMS CITY 14	1	1	1	1		
ADAMS	BRIGHTON 27J	1	1	1	1		
ADAMS	WESTMINSTER 50	1	1	1	1		
ALAMOSA	ALAMOSA RE-11J	1	1				
ARAPAHOE	ENGLEWOOD 1	1	1				
ARAPAHOE	SHERIDAN 2	1	1				
ARAPAHOE	CHERRY CREEK 5	1	1				
ARAPAHOE	LITTLETON 8	1	1				
ARAPAHOE	ADAMS-ARAPAHOE 28J	1	1				
BOULDER	ST VRAIN VALLEY RE-1J	1	1				
BOULDER	BOULDER VALLEY RE-2J	1	1	3	3		
CHAFFEE	SALIDA R-32(J)	1	1				
CONEJOS	SOUTH CONEJOS RE-10	1	0	1	0		
COSTILLA	CENTENNIAL R-1	1	1	1	1		
DENVER	DENVER COUNTY 1	1	1	9	9		
DOUGLAS	DOUGLAS COUNTY 1			1	1		
EL PASO	COLORADO SPRINGS 11	1	1				
FREMONT	CANON CITY RE-1	1	1	1	1		
FREMONT	FLORENCE RE-2	1	0				
GUNNISON	GUNNISON WATERSHED RE 1J	1	1				
HUERFANO	HUERFANO RE-1	1	1				
JEFFERSON	JEFFERSON R-1	1	1				
LAKE	LAKE COUNTY R-1	1	1	1	1		
LA PLATA	DURANGO 9-R	1	1	1	1		
LARIMER	POUDRE R-1					1	1
LARIMER	THOMPSON R-2J	1	1				
LAS ANIMAS	TRINIDAD 1	1	1	1	1		
MESA	MESA COUNTY VALLEY 51	1	1	1	1		
MONTROSE	MONTROSE RE-1J					1	1
MORGAN	FT. MORGAN RE-3	1	1	1	1		
PUEBLO	PUEBLO CITY 60	1	1	6	6		
PUEBLO	PUEBLO RURAL 70					1	0
SAGUACHE	CENTER 20JT	1	1				
SAN MIGUEL	TELLURIDE R-1	1	1				
SUMMIT	SUMMIT RE-1	1	1				
WELD	JOHNSTOWN-MILLIKEN RE-5J	1	1				
WELD	GREELEY RE-6	1	1				
<b>TOTALS</b>		<b>35</b>	<b>33</b>	<b>31</b>	<b>30</b>	<b>3</b>	<b>2</b>

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## ENDNOTES

- <sup>1</sup> Memoranda of understanding or meet-and-confer arrangements are not counted in the above numbers.
- <sup>2</sup> Of the 38 certified employee agreements, 37 are affiliated exclusively with CEA/NEA. The only other one (Trinidad) is with a joint partnership of CEA/NEA and AFT.
- <sup>3</sup> Exceptions may be made for existing contractual agreements that specify closed-door sessions for some or all sessions until the current agreement expires.
- <sup>4</sup> Colo. Rev. Stat. §22-32-109.4.
- <sup>5</sup> Jacque Corsentino, Superintendent, Florence School District Re-2, electronic mail to the author, January 16, 2015.
- <sup>6</sup> Andy Beeman, Director of Personnel Services, Pueblo County School District 70, electronic mail to the author, October 27, 2014, and January 29, 2015.
- <sup>7</sup> Ramona Garcia, Administrative Assistant / Bookkeeper, South Conejos School District Re-10, telephone conversation with the author, October 29, 2014.
- <sup>8</sup> Not counted in the nine districts is Jefferson County Public Schools. Jeffco had posted three employee agreements online, even though only two are active. The posted contract for paraprofessionals expired in 2012, and was merged into the classified school employees agreement. Amy Weber, Chief Human Resources Officer, Jeffco Public Schools, electronic mail to the author, February 11, 2015.
- <sup>9</sup> Brian Ewert, Superintendent, Englewood Schools, telephone conversation with the author, January 16, 2015.
- <sup>10</sup> Melinda Ruzanski, Huerfano School District Re-1, telephone conversation with the author, February 5, 2015.
- <sup>11</sup> Kathleen Fitzsimmons, HR and Community Engagement Manager, Lake County School District, electronic mail to the author, January 20, 2015.
- <sup>12</sup> <http://hr.pueblocitieschools.us/contract-agreements>.
- <sup>13</sup> Summit School District Re-1, Board of Education Agenda, January 27, 2015, <http://www.summit.k12.co.us/site/handlers/filedownload.ashx?moduleinstanceid=2008&dataid=6796&FileName=Agenda%201.27.15.pdf>.

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ADDITIONAL RESOURCES on this subject can be found at: <http://education.i2i.org/>

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