Teacher Collective Bargaining and American School Reform: Student Achievement or Teacher Right

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This study is to explore the relationship between teacher collective bargaining and American school reform focusing on student achievement and teacher right. The question that people have wondered whether the collective bargaining of teachers’ unions is good or bad for education is still mixed. However, it is true that there are a significant relationship between teacher collective bargaining and school reform focusing on student achievement and teacher right; indeed, it depends on the priority decided by school policy and administrator’s management goal.

Key word: collective bargaining, school reform, student achievement, teacher empowerment, teacher right.
I. Introduction

With Since the 1960s in United States, teachers and other school employees in over 15,000 school districts have advanced quality education and their professions through collective bargaining (NEA Research Division, 1992). While American collective bargaining has been advanced during this period, people have wondered whether the collective bargaining of teachers' unions is good or bad for education. Two books offered dramatically opposing answers to this question. In United Mind Workers, the authors portray teachers unions as an integral part of the quest to improve American education (Kerchner, Koppich and Weeres, 1997). On the other hand, Myron Lieberman's The Teacher Unions depicts them as irredeemable supports of the status quo, intractable and politically powerful enemies of reform (Lieberman, 1997).

Collective bargaining as an issue of human resources administration has enlarged the role in educational administration. Furthermore, collective bargaining as a significant factor related to education reform has been an interesting and important issue in Korean education as well as in American education. In fact, the issue is a matter of continuing concern because of school reform related in school environment as well as individual teacher's satisfaction. In Korea, teacher collective bargaining on an independent and active table is in a developing step. Therefore, it is necessary to explore the characteristics and influence of American teacher collective bargaining in school system in order to collect some idea and reflection for Korean teacher collective bargaining development.

The main purpose of this study is to explore the relationship between teacher collective bargaining and American school reform focusing on student achievement and teacher right. In this study, the following questions are posed as guidelines for a description to teacher collective bargaining and American school reform:
- What are the characteristics of American teacher collective bargaining?
- What is the role of collective bargaining on American school reform for student achievement and teacher right?
II. The Background of Collective Bargaining

To review the characteristics of American teacher collective bargaining, this part describes the history of American collective bargaining and American collective bargaining issues.

1. The history of collective bargaining

The earliest history of collective bargaining in the public schools in the United States is not well documented for several reasons (Lieberman, 1997; Cresswell, Murphy and Kerchner, 1980). It is difficult to separate the process of collective bargaining from the development of unions. Unionization or, at least, the formal organization of teachers has a long history in the U.S.; in fact, one of two major teachers' unions, the National Teachers Association that became the National Education Association (NEA) was founded in the summer of 1857 in Philadelphia and the other of two major teachers' unions, the American Federation of Teachers (AFT) was founded in 1916 (Lieberman, 1997).

According to Nelson (1990), the early movement of collective bargaining was as follows:

Public employees failed to share in the rights of the rest of the union movement when the labor movement was formally legitimized in Wagner Act of 1935. While the NEA, serving a major teacher organization, reluctantly endorsed collective bargaining in the 1960s, for most of its history, the NEA had not done the role of a teacher organization. Teachers union didn't have negotiation rights until April of 1960 when New York City's United Federation of Teachers (UFT) threatened a strike over the issue of the right to bargain collectively. In May the New York City mayor and the board of education promised to collective bargaining, but in the fall, they broke their promise. On November 7, 1960, 5,000 of New York City's 50,000 teachers staged a one-day strike, because of the teacher shortage and the power of the labor movement in New York City, the conflict was resolved in June 1961 with a poll supporting collective bargaining. In June 1962, the UFT negotiated the first comprehensive agreement included binding arbitration for grievances, something governments strongly resisted. The two-year period from June 1960 to June 1962 was probably the most exciting moment in teacher unionism because something had been taken from a state of nothingness and the whole country turned around. The significance of the UFT success
and others like it in many large cities lingers today when union leaders compare the radical changes in unions necessitated by education reform to the radical change in teacher organizations brought about by collective bargaining (Nelson, 1990: p. 3-4).

The National Education Association (NEA), which contained a strong faction of school administrators up to 1972, opposed collective bargaining in the June 1961 referendum because they viewed collective bargaining as unprofessional (Nelson, 1990). During the early 1960s, the NEA opposed collective bargaining and lost bargaining elections in many cities. Eventually, while still claiming to be against collective bargaining because it was a labor concept, the NEA changed its views and supported professional negotiations (Lieberman, 1997; Nelson, 1990). Though the NEA adopted supportive positions of activities similar to collective bargaining more than two decades ago, many employer groups continue to fight the concept (Nelson, 1990). On the other hand, the American Federation of Teachers (AFT) has kept its views with collective bargaining since starting its foundation.

2. Collective bargaining issues

Collective bargaining agreements are complex and often lengthy, written contracts that are legally binding on both management and the unions representing its employees (Lunenburg, 2000). Generally speaking, most teachers and teacher unions are mainly interested in their wages, school hours and security, and working conditions on their bargaining table, but many studies showed different perspectives as bargaining issues in the collective bargaining (Lunenburg, 2000; Cresswell, Murphy and Kerchner, 1980). Although the specific provisions of collective bargaining agreements vary from one school district to another, the collective bargaining agreement generally addressed the issues such as management rights, narrow grievance definition, no-strike provision, maintenance of standards, just cause, reduction in force, wages and benefits, and other issues (Lunenburg, 2000; Lieberman, 1997).

During collective bargaining, unions strive to increase wages, protect job security, and improve the work conditions of employees. On the other hand, management tries to protect and clarify its rights as employer. Any rights not given to the union in the collective bar-
gaining agreement are assumed to belong to management. These are called management rights (Lunenburg, 2000; Johnson, 1984).

According to Lunenburg (2000), a grievance procedure is a formal system by which contract disputes are expressed, processed, and judged. The definition of a grievance in a written collective bargaining agreement determines which employee complaints are subject to binding grievance arbitration (Lunenburg, 2000). A narrow grievance definition that limits employee complaints to the specific written agreement is recommended. Such an approach does not prelude other complaint procedures. It does limit what a grievance arbitrator can decide during the written terms of the negotiated agreement in force (Johnson, 1984).

Most states have passed laws prohibiting strikes by teachers, but teachers strikes occur despite the laws against them. Additional protection can be gained through a no-strike provision in the collective bargaining agreement. According to Lunenburg (2000), such a provision puts the union on record against strikes and involves the union in the enforcement of the laws prohibiting them.

Management should avoid maintenance of standards provision. Such a provision is routinely included in most union proposals and incorporates the school districts current practices on a wide range of items, many of which are not mandatory subjects of bargaining. Furthermore, maintenance of standards provision leaves the district vulnerable to the role of past practice used by grievance arbitrators in settling contract disputes. It is the antithesis of a management rights provision and a zipper clause (Lunenburg, 2000; Johnson, 1984).

The term just cause is found in numerous collective bargaining agreements in public education and is routinely included in most union proposals (Lunenburg, 2000; Cresswell, Murphy and Kerchner, 1980). There is a danger in using such a term, from managements standpoint, because just cause has no clear definition. If a collective bargaining agreement has binding arbitration as the last step in the grievance procedure, then an arbitrator will decide what the term means. The arbitrators interpretation of the term may be different from what management had intended (Lunenburg, 2000; Johnson, 1984).

Most of all collective bargaining agreements have some form of reduction in force(RIF) provision (Johnson, 1984; Cresswell, Murphy and Kerchner, 1980). Seniority, or length of
continuous service within a certificated field, is the key factor used in employee layoff and recall. Some agreements allow for bumping, which means that teachers laid off in one certificated field may replace another teacher in another certificated area who has less seniority in the field than the bumping teacher. A few RIF provisions stress other factors such as affirmative action and teacher merit. Such provisions are more favorable to management but are opposed by most teachers unions (Lunenburg, 2000; Lieberman, 1997).

Much time at the bargaining table is devoted to wage increases and fringe benefit improvements. Wage and salary increases are often stated as across-the board salary increases for steps on a lock-step salary schedule and cost-of-living adjustments based on the Consumer Price Index in a designated geographic area. Besides salary increases, unions often demand improvements in various fringe benefits such as insurance programs (life, health, and dental); pension plans; merit pay; and sick leave, personal days, and paid religious holiday (Lunenburg, 2000; Lieberman, 1997; Cresswell, Murphy and Kerchner, 1980).

Among other important bargaining issues are grievance arbitration, teacher evaluation, class size, school calendar, and the like. Binding grievance arbitration is not a problem providing the rest of the agreement protects management prerogatives. Likewise, teacher evaluation, class size, and school calendar should not be overly restrictive on the school District (Lunenburg, 2000; Johnson, 1984; Cresswell, Murphy and Kerchner, 1980).

III. Legal Framework for Collective Bargaining

To find the legal characteristics of American teacher collective bargaining, this part describes the legal foundation of American collective bargaining and laws affecting American collective bargaining.

1. Legal foundation of collective bargaining

Although not addressing union membership, the United States Supreme Court held in
1967 that public employment could not be conditioned on the relinquishment of free association rights (Cresswell, Murphy and Kerchner, 1980). Several federal courts have held that an individuals right to form and join a union is protected by the First Amendment, but recent court decisions have affirmed teachers constitutional rights to participate in union activities (Lieberman, 1997; McKinney, 1995). Several courts have invalidated state statutes that create barriers to union membership; however, an individuals constitutionally protected right to organize and join a union does not legally necessitate school boards to bargain collectively with teacher unions. The judiciary has not forced school boards to collectively negotiate with teacher unions in the absence of a state statute requiring collective negotiations (Johnson, 1984; Cresswell, Murphy and Kerchner, 1980).

Educational policy matters are usually defined in collective bargaining statutes, such as scope of bargaining provisions. According to McKinney (1995), the scope of bargaining refers to the items or subjects that will be considered in the teacher bargaining process. In most states, the scope of bargaining statute addresses three different subjects of bargaining: mandatory, permissive, and illegal (McKinney, 1995; Johnson, 1984). A mandatory subject of bargaining is one over which school boards must bargain or face liability in an unfair labor practice proceeding. Permissive subjects of bargaining are those subjects over which school management has an option to bargain but has no statutory duty to do so. The final category of bargaining statutes involves prohibited or illegal subjects of collective negotiations; in fact, states vary in regard to what are illegal subjects but some of the more common subjects relate to personnel decisions such as hiring, promotion and discharge of teachers (McKinney, 1995; Johnson, 1984).

2. Laws affecting collective bargaining

General laws affecting American teacher collective bargaining are the code of each state at state level and the Federal National Labor Relations Act (NLRA) for private sector at federal level. The code in the state of Iowa regulates the law about collective bargaining as follows:
The general assembly declares that it is the public policy of the state to promote harmonious and co-operative relationships between government and its employees by permitting public employees to organize and bargain collectively; to protect the citizens of a state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations (Code of Iowa, 2002).

The Federal National Labor Relations Act (NLRA) governs private sector labor relations and collective bargaining in the United States (Nelson, 1990). The NLRA left out public employees for several reasons, so few public sector unions existed and few public employees belonged to those that did (Nelson, 1990). In the public sector, most of the judicial and legislative action related to union activity dates from the 1950s. Following Wisconsin's pioneer efforts in 1959, most state legislation on collective bargaining in schools was passed in the 1960s and the early 1970s (Cresswell, Murphy and Kerchner, 1980). Thus, the framework of laws and public policy governing labor relations in the schools emerged from principles and precedents set earlier in the private sector (Cresswell, Murphy and Kerchner, 1980).

Currently, no federal law governs teacher collective bargaining and though many unionists would like one, its enactment is unlikely in the near future (Johnson, 1984; Cresswell, Murphy and Kerchner, 1980). The United States Supreme Court may not allow the federal government to pass laws that require state and local governments to provide bargaining rights to their employees (Cresswell, Murphy and Kerchner, 1980). In order to enhance the likelihood of constitutional compatibility, the proposed legislation allows states to preempt the federal legislation with their own public employee labor laws (Nelson, 1990). Like the U.S. education system itself, the legal conditions affecting collective bargaining vary in each of the fifty states; indeed, the state legislatures determine whether or not teachers may bargain, what they can bargain over, whether or not they can strike and what penalty they suffer for violating these laws (Nelson, 1990).
IV. Collective Bargaining and School Administration

To explore the relationship between teacher collective bargaining and American school reform focusing on student achievement, this part describes the school administrators' role in American collective bargaining and student achievement.

1. School administrators’ role in collective bargaining

Most educators would agree that trust and respect for colleagues are the cornerstones in building a cooperative environment, so school administrators’ role as managers and leaders in schools is important to build a cooperative bargaining approach (Koppich and Kerchner, 2000; Wagner, 1991). Establishing trust, while no easy matter, can often be achieved through professional and social functions involving school board members, the superintendent, principals, and the faculty (Koppich and Kerchner, 2000).

School administrators and union leaders need to share a genuine interest with a collaborative approach to negotiations in making schools better (Johnson and Kardos, 2000). A principal has an important role as a building manager at a collective bargaining. The process by which teacher contracts are constructively adapted to fit the needs of schools does not, of course, happen automatically. It requires that principals be both effective managers and leaders and that teachers be invested in the well-being of their schools. But as collective bargaining presents these new demands, it also alters the ways in which principals can manage and lead (Wagner, 1991; Johnson, 1984).

According to Johnson (1984), collective bargaining has increased the importance of the principal's position and it has made the principal's work more difficult. It is the principal who must make the contract work at the school site, but this is by no means a routine administrative task. It requires an understanding of teachers' priorities, a familiarity with contract language, a judgment about school-wide needs, and capacity both to compromise and to get things done (Johnson, 1984).
Collective bargaining and other educational policies have increased the demands on school administrators as leaders and in some cases, exposed the failings of those who could not lead. However, the principals’ success in shaping the character of school site labor practices despite substantial reductions in their authority depends on establishing trust and winning the allegiance of teachers (Koppich and Kerchner, 2000).

In order to change collective bargaining based on industrial unionism, principals need to consider that collaborative bargaining in its most common form is called win-win bargaining. The goal of collaborative bargaining is to dampen labor-management conflict by constructing a system in which each side recognizes the interests of the other as well as their mutual interests (Wagner, 1991).

2. Collective bargaining and students’ achievement

The conservative attack on American public education in general and collective bargaining of teachers unions in particular has grown more heated. Public schools and teachers’ unions are held responsible for declining test scores, failing to prepare students for the workforce, reduced educational ability among American young people and a deteriorating work ethic (Stone, 2000; Eberts, Hollenbeck and Stone, 1999). In fact, during the 1996 American electoral season, public schools and teachers unions were seriously attacked by Republican candidates as the cause of intellectual and moral decline among American youth (Nelson and Rosen, 1996). Hoxby (1996) found that teachers’ collective bargaining caused negative effects in her study based on school-districts level data for high school drop-out rates. Her study informed that teachers’ collective bargaining are associated with a 2.3 percent increase in student drop-out rates; in fact, it inferred that teachers’ collective bargaining had reduced student achievement.

To evaluate these claims, Nelson and Rosen (1996) studied as follows:

The Institute for Wisconsin’s Future initiated an updated review of the impact of collective bargaining among teachers on the performance levels of school children. The results of the
study demonstrate clearly that student performance on the tests is significantly better in states with high levels of unionization. Average student scores on the SAT exams are 43 points higher in states where over 90% of teachers are unionized than in states where less than 50% of the teachers are covered by collective bargaining or meet-and-confer agreements. Furthermore, when collective bargaining is removed from the analysis, scores drop in all states (Nelson and Rosen, 1996: p. 3).

According to Nelson and Rosen (1996), in the last ten years, school performance among all children has been improving; in fact, differences in performance occur more between states than over time periods. Report after report demonstrates that unionization is associated with more stable, productive school environments with higher test scores. The underlying causes of poor performance among children are primarily socioeconomic factors in children's lives and the lack of adequate educational resources (Koppich and Kerchner, 2000; Nelson and Rosen, 1996).

The study by Grimes and Register (1991) examining the impact of teachers' unions on the test performance of African American students on the SAT exam demonstrates that external factors such as class size, size and location of school, race and socioeconomic status are significant factors in determining student test performance and that all students in unionized schools scored 3% higher on SAT exams. Holding other factors constant, African-American students in unionized schools score almost 104 points above the black students in non-union schools (Grimes and Register, 1991).

Despite the research showing that unions are not responsible for poor test scores, school violence and all other forms of educational pathology, advocates of privatization continue to assail public education and teachers on the front lines (Nelson and Gould, 1988). Advocates of privatized education claim they will improve student performance by "breaking the educational monopoly of public schools and teachers' unions." However, data from some studies demonstrate that "breaking the unions" will hurt, not help students' performance (Koppich and Kerchner, 2000; Nelson and Rosen, 1996). Also some studies inform that a school-site change with respect to collective bargaining and teachers' decision-making participation can lead a school reform to improve the student achievement by influencing the allocation of
school budgets and by affecting the productivity of teachers (Stone, 2000; Hoxby, 1996; Dunn, 1991). On the other hand, the collective bargaining from the point of view of student learning occurs when negotiators reach an impasse and a working stop. Teachers' strikes are traumatic events for student achievement; in particular, students are affected both by the length of the strike and by whether or not striking teachers are taught by substitutes (Seyfarth, 2002).

Therefore, the collective bargaining of teachers' unions is better or worse for student learning is still unclear.

V. Collective Bargaining and School Reform

To find the relationship between teacher collective bargaining and American school reform focusing on teacher right, this part describes American collective bargaining and teacher empowerment, collective bargaining and American school reform, and collective bargaining change for school reform.

1. Collective bargaining and teacher empowerment

Collective bargaining in the public schools represents one of the most profound changes in American public education over the past generation. Indeed, American teacher unions have become an important influence on school governance. Clearly, the unionization of the schools has demanded those respective governance structures to allow for contract bargaining, grievance procedures, and impasse resolution; nonetheless, unionism also significantly changes governance modes other than those affecting labor relations (Dunn, 1991).

Teacher empowerment ideals such as autonomy, authority, and decision-making power may be viewed as being at odds with popular conceptions of unionism. However, teacher unions have some history of addressing these issues, often through the collective bargaining
process. Golodner (1986) pointed out that unionism and empowerment are not necessarily contradictory concepts:

There is nothing immutable about a union organization. They can adapt to any occupation. They can serve any profession. There's nothing fixed about the way a union organizes, the way it structures itself, and what its policies are going to be. Neither is collective bargaining. It's a means to an end. But what should the end be? ... Trying to recapture some of the power, some of the autonomy of the independent professional is a major goal (Golodner, 1986; p. 51).

The connection between teacher unionism and teacher empowerment appears particularly germane given the larger push for the greater professionalization of teaching within the current educational reform agendas (Dunn, 1991). The major teacher unions reject the view that unions are an impediment to educational reform, school effectiveness, or the professionalization of teaching; indeed, teacher unions have always argued that a strong contract is a route to heightened professionalism for their members (Shanker, 1985).

Rist (1989) highlighted the relationship between unionism and empowerment as only unions can assure teachers that their interests are being protected while cultivating support for these changes in classroom practice. In examining the relationship between teacher unionism and teacher empowerment, then, not only can a strong union effectively bargain, it can also seemingly get teachers to cooperate and implement necessary empowerment strategies outside of the collective bargaining relationship (Dunn, 1991).

The educational reform movement has clearly stressed the need for teacher empowerment through self-governance and collective autonomy and the union's role in contributing to those. Kerchner and Mitchell (1988) acknowledged an importance of teacher unionism in fulfilling the management and socialization responsibilities crucial to an empowered teaching force.

According to Jessup (1985), teacher unions can develop distinct shapes and directions to allow them to effectively interact with the external environment to achieve empowerment outcomes. Furthermore, a change at the school-site level with respect to collective bargain-
ing and teachers’ empowered roles can lead a school reform as well as American educational reform to improve the students’ achievement and to increase teachers’ job satisfaction (Dunn, 1991).

2. Collective bargaining and American school reform

Reform has occupied the attention of American educators during the past decades. Furthermore, the fact that education is currently involved in a reform effort is not particularly momentous and partial. However, the reform in the sense of educational restructuring is a school change (DeMitchell and Barton, 1996). Restructuring surely means a fundamental change at the school-site level with respect to decision making, information sharing, and changing collaborative and empowered roles (Dolan, 1993). The potential for conflicts and difficulties occasioned by restructuring has created apprehension if not outright opposition on the part of some association leaders and members (DeMitchell and Barton, 1996; Shedd, 1988).

As the American education reform movement becomes more concerned with school restructuring efforts, it becomes increasingly important for local associations to determine an appropriate relationship between the process of collective bargaining and the process of school reform (NEA Research Division, 1992). Unless a healthy relationship can be developed between these two processes, there is the potential for overlap and conflict between them (DeMitchell and Barton, 1996).

American collective bargaining contracts have been instrumental in attracting and retaining qualified public school employees and have helped to transform education work from an interim or temporary job to a full-fledged profession. Bargained agreements also paved the way for collaborative efforts to restructure school programs, procedures, and performance measures (Sarbaugh-Thompson, 1995; Shumaker, 1993).

Johnson and Kardos (2000) showed their thought about the role of unions and collective bargaining in school reform. They examined eleven district contracts from a national sample, comparing pre-1986 contracts with contracts from the 1990s. They observed that collective
bargaining has changed over time, and that negotiated agreements reflect two different approaches to bargaining, which they labeled "industrial bargaining" and "reform bargaining" and concluded that the role of collective bargaining should be enlarged in order to promote reform bargaining and student success (Johnson and Kardos, 2000).

Stone (2000) informed us an analysis of the effects of collective bargaining on schools. He investigated whether unions are culpable for the perceived failures of public schools by assessing the evidence on the range of possible effects of collective bargaining. And then he concluded that there is "little evidence" of the relationship between collective bargaining and lowered student achievement, while more evidence suggests that collective bargaining has had "powerful effects" for teachers' benefit on traditional bargaining items, such as pay, benefits, working conditions, and the total costs of schools. Also he maintained that the union has been the scapegoat in public discourse about the perceived failure of public education (Stone, 2000). On the other hand, some principals have expressed their point about difficulty of dismissing incompetent teachers feeling are protected by the unions. The teachers organizations deny the charge and insist that they will support dismissal of teachers whose incompetence is adequately documented (Seyfarth, 2002). Therefore, the collective bargaining of teachers' unions to pursue a better teachers' working condition and teacher right is wonderful for teacher satisfaction but it is still unsure a determinant for the contribution of school quality.

3. Collective bargaining change for school reform

What has been the impact of collective bargaining of teacher unions on school reform? It is practically impossible to answer this question satisfactorily in a brief presentation because there is so little agreement on what are reforms and the extent to which they are being implemented (Johnson and Kardos, 2000; Kerchner, Koppich, and Weers, 1997; DeMitchell and Barton, 1996).

The typical treatment of reform is actually misleading; in fact, almost invariably, it focuses on achievement without any reference to costs (Stone, 2000; Bacharach, Lipsky, and
Shedd, 1993). If we consider "reforms" solely in terms of achievement, it is always possible to argue honestly that more spending will bring about higher levels of achievement (Stone, 2000).

The new structure in collective bargaining has a different expectation in the relationship between teachers and school district. Teachers and their representatives demand guarantees that their involvement in policy-making is more than token. The result will probably be an increasing reliance on comprehensive negotiations to establish the structure and ground rules for joint decision-making, with longer intervals between each negotiation, fewer restrictions in master agreements, and more explicit procedures for securing waivers of contract provisions (Bacharach, Lipsky, and Shedd, 1993).

According to Chanin (1993), the present scope of American collective bargaining, which is generally limited to salaries and working conditions and makes educational policy a management prerogative, will have to undergo change. If teacher unions are to play a meaningful role in school reform, and if teachers are to be change agents, collective bargaining will have to embrace many issues that traditionally have been reserved for unilateral school board action (Chanin, 1993).

As to the future for teachers unions and school reform in the United States, Kerchner and Koppich (2000) showed their thought with a forecaster's perspective in their study focusing their attention on pioneering, reform-oriented unions. They posed three fundamental questions: (1) teachers unions around quality teaching and standards for students, (2) substantial barriers to the spread of reform unionism, (3) incentives for teachers to organize around quality. The answers they had offered suggested that unions can organize around quality teaching, though doing so will be difficult as unions, will meet with resistance, and organizing unions requires an examination of state statutes. They urged teachers unions to move away from the collective bargaining with industrial unionism of the past and they call for state labor laws that would encourage the collective bargaining around teaching quality (Kerchner and Koppich, 2000).

One of the most widely-held changes among those attempting to redirect the future of collective bargaining in American public education is that relationships will become more
cooperative as teachers, administrators, and boards of education turn their attention to policy issues and professional obligations (Shedd, 1988).

VI. Conclusion

Many studies showed us significant effects about the relationship between collective bargaining and school reform in their research (Lunenburg, 2000; Kerchner, Koppich and Weeres, 1997; DeMitchell and Barton, 1996). In fact, they informed a positive or negative information related to collective bargaining and teacher empowerment, student achievement and collective bargaining at school building level and school districts.

In American collective bargaining teachers and their representatives have demanded guarantees that their involvement in policy-making is essential. Therefore, the involvement has led a shared decision making for school management in a school reform as well as education reform. Also some studies inform that a change at the school-site level with respect to collective bargaining and teachers' decision-making participation can lead a school reform as well as American educational reform to improve the students' achievement (Stone, 2000; Dunn, 1991). However, teacher collective bargaining is still blamed that it is held responsible for declining test scores, failing to prepare students for the workforce, reduced educational ability among American students.

The question that people have wondered whether the collective bargaining of teachers unions is good or bad for education is still mixed. However, it is true that there are a significant relationship between teacher collective bargaining and school reform focusing on student achievement and teacher right; indeed, it depends on the priority decided by school policy and administrator's management goal.

Between the American and Korean teacher collective bargaining there are various differences such as bargaining coverage with centralized or decentralized, scope of bargaining, and substantial power on bargaining table. However, American and Korean collective bar-
gaining have similarly emphasized the status of teachers as a public employee who guide students to success their learning, so both require strict rules for teacher collective bargaining.

Korean teachers need to keep trying to clarify and enlarge the scope of bargaining allowed by current law and regulation by challenging the government. It is also obvious that the teacher collective bargaining in the United States and Korea will be increasingly grown with their influences on all aspects of school operation.
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국 문 초 록

미국의 교원단체교섭과 학교 개혁: 학생 성취도중심 혹은 교사 권리 중심으로

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본 연구는 여러 가지 교육 현안들에 대해 교육부와 교원단체 간의 극단적인 대립 속에서 교육의 파행을 거듭하고 있는 우리의 현실을 감안할 때, 미국의 교원단체교섭과 학교 개혁을 고찰함으로써 한국의 교원단체교섭을 위한 시사점을 제시하고자 한다. 연구의 목적은 미국의 교원단체교섭과 학교 개혁의 관계를 이해함에 있어서 학교 개혁의 초점이 학생 성취도 중심인지 혹은 교사 권리 중심인지를 통해 그 현황과 특성을 고찰하는 것이다.

많은 미국인들은 교원단체가 급속한 발전을 거듭하여 왔는데 그 발전이 교육의 발전에도 기여하고 있는 지에 대해서 긍정하게 생각하고 있으며, 그에 대한 여러 연구들은 교원단체교섭이 교육에 좋은 영향을 미쳤다는 주장과 나쁜 영향을 미쳤다는 주장으로 양분되어 있다. 교원단체교섭은 학생의 학업성취에 있어서 부정적인 영향을 미치다는 주장이 있고, 교사의 권리와 교육환경 개선에 긍정적인 영향을 미쳤다는 주장이 있다. 본 연구는 미국의 교원단체교섭은 교사의 권리, 교육환경 개선과 교육의 발전에 많은 기여하였다는 주장에 수용한다.

미국의 교원단체교섭 활동의 학교들은 각 교육구에 따라 다른 특성을 갖고 있기 때문에 일률적으로 좋은 영향을 미쳤다고 판정하기 어렵지만 교원 자율성 향상 등 전반적으로 긍정적인 결과를 가져왔다고 할 수 있다. 대부분의 주에서는 교원의 단체교섭에 관한 법률을 가지고 있으며, 이를 위한 엄격한 기준을 제시하고, 또한 교사의 파업을 법적으로 규정하고 있다. 미국의 교 원단체교섭과 학교개혁의 관계를 고찰한 결과, 이들은 유의미한 관계를 가지고 있으며, 이 관계는 각 학교의 현실과 목표, 그리고 교육장의 경영철학에 따라 학생성취도 또는 교사 권리에 대한 우선 순위를 달리하는 것으로 나타났다.

- 주제어 : 교원단체교섭, 학교개혁, 학생 성취도, 교사 권리