Collective Bargaining Considerations for School Districts

Summer 2020

If your district or CMO has a traditional collective bargaining agreement covering teachers and other professional staff, you will need to renegotiate a number of core components to allow for shifts to at-home or hybrid learning approaches during the 2020-21 school year and potentially beyond.

General Considerations

Ideally, you have a good working relationship with your union that will allow for collaboration on the design of programmatic approaches and swift negotiation of an amendment to the collective bargaining agreement. If that isn’t the case, negotiations will be challenging: major changes to working conditions will be required without offering significant increases in compensation or benefits due to looming budget reductions. It will therefore be important to conduct substantial legal research (with assistance from experienced counsel) to determine whether statute or case law provides any emergency powers to deviate from the existing agreement.

Because you will likely need to adapt instructional models quickly as circumstances change in the months ahead, the key goal in negotiations will be to gain flexibility in five key areas: the work year, workday/duties, evaluation/feedback, compensation, and hiring/selection. You should seek to ensure that any amendment to the CBA applies as long as disruption exists due to the pandemic.

Planning and Your Decision-Making Process

When formulating goals for the COVID-19 CBA amendment, start with the goals and strategies you have for students, design an operational plan around those goals, and allow bargaining goals to flow from that plan.

For example, you may develop a goal to provide all students meaningful opportunities to master the learning standards for their grade and subject in 2020-21. Your major strategy to achieve the goal involves a combination of high-quality curricula for live in-person and online instruction, and intensive tutoring and additional asynchronous online resources for students who need extra support. Your operational plan might then include a two-week training and preparation program for teachers prior to the start of the school year; a need for instructional staff to generate or curate high-quality online resources linked to the curricula for students who need extra support, and the selection, training and management of a large pool of tutors to provide one-on-one support. Your plan will have specific staffing needs based on assumptions about student needs (e.g., 40 math tutors for each comprehensive high school delivering tutoring to 60 students per day, 3 days a week for an hour each).

This plan will dictate your bottom lines in bargaining around the five key areas:

1. **Workyear**: How long will the workyear be? Will it start early/end late/expand summer school?
2. **Workday/duties**: How long will is the workday, and what new duties/roles need to be added?
3. **Evaluation/feedback**: How will your staff receive feedback, and will the discipline process need to change?
4. **Hiring/selection**: How will you hire and select staff for new and traditional roles?
5. **Compensation/benefits**: What compensation and benefits do staff receive in response to the crisis?

For More Information

TNTP has staff with extensive experience in labor negotiations who can offer more detailed recommendations customized to your district’s goals and current CBA. For more information, contact Florrie Chapin at florrie.chapin@tntp.org.