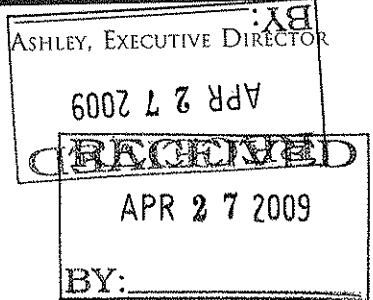


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JOHN H. ASHLEY, EXECUTIVE DIRECTOR



TO: Members, Wisconsin Assembly
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: April 27, 2009
RE: **Assembly Bill 95**, relating to teacher preparation time as a mandatory subject of collective bargaining.

The Wisconsin Association of School Boards (WASB) strongly **opposes** Assembly Bill 95, which would convert issues primarily related to *educational policy and management* into new a mandatory collective bargaining right for teachers. This could be a very costly mandate for school districts and could force cuts that will limit educational opportunities and drive up class sizes, resulting in less individualized attention for students.

Assembly Bill 95 would force school districts to bargain collectively with respect to the amount of time for preparation—time apart from pupil contact time— during the school day when a teacher does not have assigned teaching responsibility.

Because teachers have no specific assigned duties during time for preparation, a teacher may use that time as a break if he or she chooses. Assembly Bill 95, by itself, provides no guarantee teachers will use this time for preparation tasks.

If Assembly Bill 95 passes, the state will officially sanction the right of teachers to bargain **not** to teach during the school day. Teachers could even demand language preventing school boards from assigning duties during preparation time even in exchange for premium pay. Furthermore, requiring school boards to bargain with teachers over how much time they spend *not* teaching has the practical effect of letting teachers bargain over how much time they *do* spend actually teaching. As a result, boards essentially will now be required to bargain collectively over how **any and all time** is spent during the school day.

This will, in turn, have wide-ranging impacts on the use of school facilities, class sizes, class offerings, and the ability of administrators to schedule meetings to discuss individualized education plans (or IEPs) for special education students or to work on curriculum improvements. These matters have historically been considered primarily related to *educational policy and management*, which could be, but did not have to be, bargained.

Under revenue limits, school districts have limited resources. If teachers teach fewer hours in favor of having more hours during the work day for preparation, something has to give. Given the current fiscal situation facing most Wisconsin school districts, school boards are simply not in a position to hire more teachers or staff to fill in during any additional time for preparation. The most likely result will be larger classes during the remaining hours the teachers *do* teach.

This bill makes the amount of preparation time provided during the school day subject to binding arbitration. If the board and union cannot reach a settlement, an arbitrator will choose one side's final offer, including its provisions regarding the amount of time for preparation.

The ultimate decision will rest with an unelected arbitrator, with expertise in contract negotiations, not education. This arbitrator will make decisions on time for preparation that, as noted above, will have wide-ranging impacts on the use of school facilities, class sizes, class offerings, the ability of administrators to schedule meetings, such as to discuss individualized education plans (IEPs) for special education students or to work on curriculum improvements.

If the arbitrator increases the amount of time for preparation each teacher is given, this reduces the teaching load of the existing staff. With revenue limits in place, school boards cannot hire more teachers. School boards unable to afford to hire more teachers will have little or no option but to increase class sizes, reduce program offerings, eliminate enrichment opportunities, delay maintenance and make other cuts if an arbitrator enforces a requirement for more time for preparation than the school board can afford.

This bill could severely limit the ability of school districts to manage the tasks teachers do during the work day, a fundamental prerogative of any employer. School districts will lose much of their ability to change work assignments or class schedules, or schedule professional development. Special education costs will be driven up by requiring bargaining of IEP and M-Team meetings, further complicating the already tricky process of scheduling these meetings.

Rulings of the Wisconsin Employment Relations Commission and the Wisconsin Supreme Court have consistently held that school boards are not required to negotiate over issues that are primarily related to *educational policy and management*, including time for preparation. School boards *do*, however, have a duty to bargain over the impact that any of their decisions concerning educational policy or management, including preparation time, have on employees' wages, hours and conditions of employment. This legal distinction has worked well and protects teachers with preparation time provisions in their existing contracts against economic loss from any changes to those provisions.

The collective bargaining system is not broken. Rather, it is the way we fund schools that is broken. If schools had adequate resources to provide time for preparation without having to cut programs and increase class sizes, this bill might be less burdensome. School children of this state would be better served by fixing school funding rather than changes in bargaining laws that will create unintended consequences for educational policy.

The importance of time for preparation is not in dispute. Attempts to improve instruction in Wisconsin's public K-12 schools are laudable. However, school boards need more flexibility, not less, to meet the challenges presented by the current fiscal environment. Requiring school boards to negotiate over the actual amount of preparation time will not accomplish this goal.

Locally-elected school boards are in the best position to balance the needs of their teachers concerning time for preparation with the needs of their students as they relate to class sizes and curriculum offerings. To accomplish this, school boards need both flexibility and adequate funding. Assembly Bill 95 provides neither.

Please oppose Assembly Bill 95. Thank you.