



Written by [Joe Wolverton, II, J.D.](#) on June 9, 2011

## Tennessee Divests Teachers Union of Collective Bargaining Power

Both houses of the General Assembly of Tennessee are controlled by the state Republican Party.

The Speaker of the Senate, Ron Ramsey (R-Blountville) praised his colleagues for their courage in finally reining in the formerly insuperable wall around the Tennessee Education Association and its affiliates, adding,



It matters who governs. For years upon years, one union has thwarted the progress of education in Tennessee. Reform after reform has been refused or dismantled.

The barrier that has prevented us from putting the best possible teacher in every classroom will soon be removed.

The following statement was released by House Majority Caucus Chairwoman Debra Young Maggart (R-Hendersonville) after the Professional Educators Collaborative Conferencing Act of 2011 was signed into law:

Tennessee is a stronger State today because of this new law. Our Republican Majority set out to reform education by giving a voice to all teachers and prioritizing student achievement. We have done just that. A quality education is the lynchpin for building a better society. It leads to high quality jobs, a well-trained and better equipped workforce, and makes Tennessee an even more attractive destination for top companies. By removing barriers in communication and rewarding the hard work of our high performing teachers, we are securing a brighter tomorrow for Tennesseans. With the signing of this law today, individual achievement is the hallmark of education in Tennessee.

Undoubtedly, in Tennessee (as in all her sister states) there are legions of dedicated educators in the public school system. The new law empowers the local school board to pay greater heed to the testimonies of the state's teachers, without having to have those opinions vetted and repackaged by a union adamantly opposed to any effort to effect reform that would diminish in any aspect their monopolistic power.

This system has received additional applause from one author who reminds readers that defanging the union while simultaneously restoring oversight to local school boards is the proper arrangement as "school boards are elected by the public to run public schools. Nobody elected the unions."

The new law substitutes "collaborative conferencing" for the more ominous and obstructionist collective bargaining that the union has exercised for so many years to the detriment of teachers and students.

Collaborative conferencing is defined in the text of the law as:



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the process by which the chair of a board of education and the board's professional employees, or such representatives as either party or parties may designate, meet at reasonable times to confer, consult and discuss and to exchange information, opinions and proposals on matters relating to the terms and conditions of professional employee service, using the principles and techniques of interest-based collaborative problem-solving....

As one supporter, Representative Harry Brooks (R-Knoxville), explained it, the new law replaces the current “combative concept” with a more enlightened “problem-solving and issue-based approach.”

In paragraph (b)(1) of the new law (now known as [Public Chapter No. 378](#)), the purpose for the restructuring is set forth:

Local boards of education and their professional employees have an obligation to the public to exert their full and continuing efforts to achieve the highest possible education standards in the institutions that they serve. This requires establishment and maintenance of an educational climate and working environment that will attract and retain a highly qualified professional staff and foster open, collaborative relationships between boards of education and their professional employees based upon mutual respect, in order to stimulate optimum performance by the staff and encourage each and every professional employee to contribute the employee's best to the enhancement of public schools. In order to best achieve these ends, it is the purpose of this part to set forth and recognize the legitimate rights and obligations of boards of education and their professional employees, to establish procedures governing their respective roles and the important relationships between them, and to promote a professional climate based upon mutual interest in order to focus efforts on teaching and learning for all students of the public schools.

The radical purpose of the law is described right there. Teachers and local school boards, with “mutual respect” will collaborate with one goal: the “enhancement of public schools.” What sounds like such a common-sense approach to making education the singular focus of public schools is extremely uncommon in a world where unions have sacrificed their self-assumed fiduciary duties in the name of accumulating greater power for themselves and their affiliates.

The new law goes on to describe why Tennessee’s lawmakers believed the goals set forth in paragraph (b)(1) were so worthwhile:

Experience has shown that boards of education and their professional employees can best reach the objectives described in subdivision (bX1), if each considers the ability, experience and judgment of the other in formulating policies and making decisions that involve the operations of Tennessee's public schools through a collaborative effort of mutual interest and mutual gain. It also has been shown that professional employees can perform at their best when goals and expectations as to the terms and conditions of professional service are set forth with clarity, reliability and fairness to all in a manner demonstrating concern and respect for the interests of the individual employee.

Naturally, union officials cried foul as soon as the bill was passed by the House. The Associated Press reported that some union leaders were shouting “Shame on you!” as legislators voted in favor of the measure.

One lawmaker warned that the true purpose of the law was less noble than proponents claimed. “This bill does nothing except take away every part of professional negotiation, every single part,” House Minority Leader Craig Fitzhugh told [KnoxNews.com](#). “Don’t be fooled.”



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To the contrary, it seems that the duly elected representatives of the citizens of Tennessee have finally demonstrated the courage to divest teachers' unions of the power they have usurped from teachers and local school boards and reinvigorate the latter two parties with the ability (protected by law) to negotiate, plan, and promote educational policies with the singular aim of improving public schools.

Photo of Tennessee Education Association President Gera Summerford: AP Images



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