

Richmond 10/1/51

TEACHER RIGHTS AND RESPONSIBILITIES

Teacher rights in this country have been largely ignored or violated while teacher responsibilities have been over-emphasized. In one place or another, teachers have been denied almost every social, political, economic, and professional right. Teachers in certain parts of Indiana are still fired when they are caught smoking even within their own homes. Teachers in area after area are gagged when they attempt to participate in local politics. There are endless cases of teachers being fired without cause. While teaching about the land of plenty, many teachers do not receive enough compensation to properly clothe, feed or educate their own children. Not given the opportunity to meet their board of education on an equal basis to negotiate their terms and conditions of employment, teachers meet their students under working conditions which would not only be abhorrent to any other professional, but to the average wage earner in industry. Many teachers face the indignity of gulping food while supervising children.

Contrary to popular impression, the teacher is considerably overworked. The high school teacher, for example, faces 150 to 200 or more students a day. The teacher has to prepare lessons and mark papers after school while other citizens are watching television or reading a good book. All in all, the teacher has heard enough about his responsibilities and is beginning to demand his rights.

One can divide teachers rights into procedural rights and substantive rights. The terminology is borrowed from the legal field, but I shall modify its application somewhat to give it a broader implication in our own area of interest. A substantive right is "a right held to exist for its own sake and to constitute part of the normal legal order of society." Such, for example, is the right of free speech or the right to vote. A procedural right is a right "relating to the procedure used by courts and other bodies in the administration of substantive law." Such, for

example, is the right to a fair trial. Procedural rights are thus mechanisms or means through which teachers can protect substantive rights.

Let me enter a word of caution. Nowhere are these absolute rights etched on stone, as if by lightning. Teacher rights are not absolute but relative. No doubt each teacher has his own preferences of rights to be achieved. For this reason, I am going to confine myself to the rights which the working professionals within the American Federation of Teachers have identified and given high priority. Perhaps my program differs from yours, as yours differs from that of the teacher across the hall. This is as it should be. Fortunately for those in the AFT trying to formulate teacher rights into a workable program, we can readily list a formidable array of rights that are possible and necessary.

Although my focus is upon teacher rights, teachers and their organizations must also consider their responsibilities, not because we must remain dedicated to a flaw, but because we have conscientious obligations to the society that supports us.

Accordingly, as I go through my program of rights, I will often list the corresponding responsibilities. Occasionally, however, the responsibility will remain implicit, primarily because it is obvious that the responsibility ought not negate the new right.

I. Procedural Rights

By very definition, the primary procedural rights are those that guarantee to the teacher the ingredients of due process of law. When brought up on charges, a teacher should have all the rights of a fair hearing: the right to adequate notice of the charges, with specifics; the right to representation by counsel; the right to appeal to an outside authority.

Every teacher should have the right to participate in the decisions that control his working life. As a job holder, he is vitally interested in the dimensions

and rewards of his job; as a professional, he is committed to controlling his working life to the extent that he has the opportunity to accomplish his objectives in the classroom. Therefore, the right to participate in educational decision-making is basic. It is the key to almost every other right I am going to discuss. In some respects, we can consider this, too, a procedural right.

Teacher participation is also imperative because the very process of participation improves education, ~~because~~ the teacher who is a partner in running the schools soon becomes more interested in every aspect of his job and the school. He feels he has helped create something; that it is, in part, his; and that he belongs. His attitude to the children, the courses of study, and the learning environment is one of commitment, not cynicism. This is the great lesson to be learned by those who now seek to monopolize educational decision-making behind such rubrics as "lay control" or "administrator-staff relationships" or "traditional board prerogatives." If school boards or superintendents knew what a bundle of potential interest and creativity they were sitting on, they would promptly get off their traditional prerogatives.

Unfortunately, efforts to gain teacher participation are not always genuine. The phrase makers and the outright fakers have also invaded this field. Numerous are the schemes where teachers are given the forms of participation without the substance. You cannot play with mirrors in teacher representation: imagery will soon be apparent to men and women who have a living and a profession at stake. Allowing teachers to make salary proposals from the back of the school board meeting room once or twice a year, then taking the whole matter under advisement, or sending it to board committee, is a cruel and illusory sport. Advisory councils, faculty committees, and elaborate schemes of proportional representation, in and of themselves, all fail because, at the very outset, the rules of the game are set by one party only, namely the administration. In addition, all these systems do not fix responsibility. At best, each teacher spokesman, whether appointed or elected, tries to represent

everyone whereas in fact he effectively represents no one.

Teachers can help determine the rules under which they will participate, responsibility can be fixed, and representation can be honest when they gain the right to bargain collectively. Collective bargaining is the process by which teachers vote for the one teacher organization to represent all teachers for the purpose of negotiating with the board of education a written contract containing the rights and benefits under which teachers will teach. Rules for negotiations are set jointly; one teacher organization must represent all the teachers until it is voted out in another election; a specifically elected teachers organization, through meetings, building representatives, circulars and questionnaires, reaches all teachers effectively and honestly. Collective bargaining brings teacher participation to education.

It is equally important to note that collective bargaining is efficient. Competition between teacher organizations is confined primarily to election time, allowing the victorious teacher organization to concentrate upon effective negotiations. The teacher organization that negotiates the written contract is then responsible to see that it is properly implemented. Collective bargaining brings stability where there once was turmoil. It enlists the greatest number of teachers in the process of gathering, culling, arranging and negotiating those rights and benefits most desired by the faculty. Collective bargaining for teachers enhances professional control over the working day.

Yet the right of collective bargaining is meaningless without the concomitant right to reject each other's proposals. If teachers are given collective bargaining rights, but must accept without question the final terms and conditions set by the board of education, then the entire process is without meaning. We in the AFT believe that collective bargaining means that teachers as well as boards of education must be capable of negotiating in such a way that there is pressure on both sides for

a settlement. This means that the board of education may reject teacher proposals and refuse to legislate teacher demands. Equally, it means that teachers may reject board proposals and bring pressure upon the board of education. Various methods of exerting pressure are still being worked out by teachers across the country, but, whatever the method, the purpose is to solidify the teachers and to alert the community at large. This can be done by speeches, petitions, pickets, pamphlets, demonstrations, and even strikes when unavoidable. The severity of the measure is governed by the degree of lethargy, disorganization, or disinterest of the community, and how responsive the members of the school board are to the community. In some particularly alert and well articulated communities, flyers or picket signs are enough to bring community attention to the dispute. In more apathetic communities, only the strike will bring the proper focus.

To those of you who honestly shy away from the use of pressure in general, or the strike in particular, let me state that without pressure in today's complex and inter-dependent world, little can be accomplished. Those who believe that teachers should be content with six or seven thousand dollars a year, large classes, heavy paper work, small pensions, and no security are not going to be moved by sweet reason alone. Martin Luther King, Jr., writing in a somewhat different context, puts this point succinctly, "We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

In the same booklet, "Letter from Birmingham City Jail," Dr. King states that the purpose of applying pressure, or, in his case nonviolent direct action, is to bring about negotiations. Thus pressure is not an end in itself, but a way, perhaps the only way, to create the climate for negotiations.

Just as teachers should use the pressure method, they should not abuse it. Teachers must not become enamoured with militancy because it is exciting and glamorous. To the contrary, they must wield their militancy with a sense of proportion

and responsibility. They must demonstrate only when reason has failed, and strike when demonstrations have failed. Use only the amount of power necessary to achieve your rights, never more.

Thus the right of collective bargaining backed up by the opportunity for equal pressure is basic if teachers want to participate in decision making, if they are to be an integral part of the system, if they want to materially change their conditions of work.

Many AFT locals in California have leaders and members who know and understand the value of collective bargaining.

The AFT locals in California that are located in school districts that have no immediate opportunity for a collective bargaining breakthrough should nevertheless be proud that some of their sister locals and state federations are breaking the hard sod of resistance to collective bargaining in one pioneering district after another.

II Substantive Rights

Now that we have examined two procedural rights, due process of law and collective bargaining, that promise emancipation and involvement, we should turn our attention to substantive rights, rights that exist for their own sake.

The first right of substance to the teacher is academic freedom. By academic freedom, I mean the "freedom to teach according to personal convictions about what is or appears to be the truth without fear of hindrance, loss of position, or other reprisal." It may involve the use of unorthodox teaching methods or controversial materials. Inherent in this definition of academic freedom is the belief that in a democracy the right of free speech must be granted to teachers in the classroom if students are ever to appreciate independent thought and the value of conflicting opinions.

Conventional thinking has an axiom that college professors are concerned with academic freedom but elementary and secondary school teachers are not, and should not be, because the children they teach are not mature enough to exercise independent thought. We, of course, know better. You injure children far more by confronting them with frustrated and routinized teachers than with uncensored and imaginative teachers.

The public school teacher is deprecated by educational watchdogs who have little respect for the individuality of the teacher and even less respect for his academic freedom. So-called neutralism replaces critical thinking in today's schools because only too many parents are more concerned with the political, religious, or Freudian overtones of their children's classes than with the educational content.

We are currently meeting the crisis of teaching about communism in the schools. State legislatures prescribe that "Americanization" courses must be taught and then local vigilantes try to tell teachers how to teach them. Such subject

matter would be better taught integrated on a factual basis into history, government, economics, and geography classes than through simplistic courses on communism made comfortably safe by the inclusion of exaggerated and virulent anti-communist propaganda. The truth about communism is adequate protection of our way of life.

As today's teacher gains his rights in the broad areas of status and control over his working day, he is going to demand, with ever greater insistence, his freedom to teach.

By the same token, teachers with academic freedom should respect that freedom. They should tolerate conflicting viewpoints and never bring a political doctrine in to gain the ascendancy in the classroom. The search for truth should be always present and dogmatism always absent.

The second substantive right for teachers is the right to engage in political activity. I believe that through politics teachers are not only able to win direct benefits through state and federal legislation, but they can also extend the financial base for collective bargaining. We in the American Federation of Teachers know that what is won at the bargaining table can often be lost in the legislature.

As we begin a vigorous legislative program, however, we must dispel the naive notion that teachers should not engage in politics. To believe that teachers who have the courage to enter politics will then turn their classrooms into forums for their own political viewpoints indicates a distrust of the integrity of the classroom teacher. Teachers are capable of leaving their political opinions with the morning newspaper or with the previous evening's political rally. What should worry those citizens who like to worry about their children's teachers is that too many teachers don't know or care very much about what is going on in the world.

In every way, a teacher gains from participation in politics. As an ordinary citizen, he can enter politics to further his own political beliefs or public career.

As an employee of a board of education, he can join with his fellow teachers in organizations of their own choosing to secure legislation improving teachers salaries, other benefits, and freedoms. As a professional, he can exercise more control over his working life if he effectively lobbies for his practical viewpoint when state or governmental bodies consider educational bills, such as changes in certifications, tenure, or courses of study. Finally, in every sense, he will become more committed to the whole process of representation and majority rule if he participates fully in the democratic process.

The right to a professional salary is both an important right in itself and a starting point for teachers to consider their whole range of rights and responsibilities. The militant surge of teachers in this country is usually reported as a fight for higher salaries, but in New York City and Utah, as well as elsewhere, other issues were more fundamental. When teachers become exercised over salaries, they begin to question not only their rights as salaried employees, but their rights as professionals and citizens as well.

It is universally acknowledged that teachers are underpaid. Teacher salaries, despite some gains over the past ten years (gains, incidentally, that have just made teachers more militant and hungry for further gains), still rest just above that of the average wage earner and well below other salaried and professional workers.

For every right there must be a corresponding duty to meet that right. While many citizens of this country believe that teachers should earn a professional salary, they are not willing to meet this higher salary with increased taxes. As usual, we must continue to apply the pressure lever until these citizens match their belief with an acceptance of the duty to increase funds available for teacher salaries.

The American Federation of Teachers fights for salaries of \$6,000 to \$14,000 in eight or fewer steps at the bachelor's level, with significant increments above that for teachers with a greater number of college credits or degrees. Such a salary schedule is necessary if we want to attract energetic and competent young men and women into the profession; if we want to remove the reasons for moonlighting; if we want to stop the exodus of talented teachers out of the profession.

Through collective bargaining, teachers can come closer to winning a salary commensurate with their talents and training. Our New York City Local, the United Federation of Teachers, has raised the effective maximum for teachers to \$11,025 in 14 steps. Our Gary Local, the Gary Teachers Union, has raised the maximum for career teachers by almost \$1,000 in two years, while the number of steps needed to reach maximum has been reduced from 17 to 15. The suburban Chicago teachers of Proviso, Cicero, Morton, and Maywood school districts have used collective bargaining to gain professional salaries which are now among the highest in the nation.

Quite correctly the teacher must be worthy of his hire. As we prod communities for more tax dollars, they have a right to expect us to respond with competency in the classroom. Because teachers who use collective bargaining to gain higher salaries and better working conditions gain a new involvement in, and commitment to teaching, and because better working conditions are usually negotiated along with better salaries, I am sure that higher salaries won through collective bargaining will bring with it more enthusiastic, less beleaguered, and better prepared teachers.

A significant series of rights resides in the area of fringe benefits. Among these are the various kinds of leaves of absence. Teachers can teach with more dignity if they have the right to a genuine sick and personal leave policy that does not humiliate them with the requirement of signed statements from a doctor. They

can teach more effectively if they have the sabbatical right to take a semester off every seventh year with pay, for rest, study, or restoration of health. It is interesting to note that paid sabbaticals have been successfully negotiated by the United Steel Workers of America, so that the steel workers of this country might have a rest from pouring, milling, or shaping steel.

There is a corresponding responsibility not to abuse these leaves. It is common knowledge that full sick leave is taken by ^{some} many wage and salaried employees without cause. However, as the employee is responsible not to abuse this right, so the employer is responsible to make the job less frustrating and more rewarding in order that employees will not look upon sick leave as a means of escape from routinized work.

If our employers, the boards of education, sincerely want to make work more rewarding for teachers, then they should heed the demand by teachers for freedom from non-teaching chores, over-loaded teaching schedules, and overcrowded classes. Our ever-increasing non-teaching chores--mountainous clerical work, degrading hall guard, lunch room, and playground duties, the nagging collection of pennies and nickels, and the never-ending administrative and extra-curricular assignments--alienate teachers from their chosen occupation. Teachers resent these non-teaching chores and insist that they be freed to teach. In New York City, the United Federation of Teachers has negotiated for teachers aides to ease this burden on the teacher. For instance, eight aides employed by the board of education are assigned full-time to the average academic high school to relieve teachers of "cafeteria, patrol, bus, and study hall service." Teachers relieved "shall not be assigned to teaching duties in lieu of such administrative (or non-teaching) assignments." No other single bargaining demand, with the possible exception of reduction in class size, has been received with as much favor by the UFT rank and filer. Hiring ad-

ditional clerical and administrative personnel and thereby reducing non-teaching chores is an essential step to increased professional dignity.

Crowded teaching schedules can be alleviated by unassigned or preparation periods, particularly for the elementary school teacher facing seven or eight classes a day, with no time for lesson preparation, paper work, or a moment's relaxation. As teacher aides provide freedom from non-teaching chores, unassigned preparation periods provide freedom to exert a certain amount of control over the way one spends his working time, permitting creativity to enter into one's teaching. Successfully negotiated by the UFT in New York City, new or additional unassigned periods are now high on the collective bargaining programs of AFT locals from coast to coast.

Reduction in class size is the third in this trinity of rights designed to lighten the excessive load borne by the teacher. Facing thirty five to fifty or even more children in her classes, the average teacher must use mechanized methods instead of individual approaches, formal lectures instead of informal or socratic techniques, and materials aimed at the mass rather than at individuals. The teacher should have the right to teach children as human beings, not automatons. Children should learn to know a personable and humane teacher, not a mechanical and detached lecturer. Smaller class size is imperative if we are going to improve education in America.

The UFT has pioneered in this area, too. Maximum class size has been negotiated and is protected by the grievance procedure, which can mean final protection by an impartial arbitrator. Class sizes in New York City have been reduced in many instances by four, five, six and even ten students. [While the maximum established, now 34 in the elementary and junior high schools, and 37 in the high schools, is still too high, each successive collective bargaining contract should lower this maximum to a figure compatible with an effective learning environment. Through collective bargaining, class size is being lowered in New York City and will be lowered, we can expect, throughout this nation.]

Another right most seriously pursued by teachers is freedom from authoritarian supervision--the right to teach free of unnecessary discipline, harrassment or interruption from school administrators. Too often the administrator becomes a martinet, a voice of absolute authority, or a paternalistic dictator. While many principals, superintendents, and other supervisors are able to refrain from succumbing to the evils of power unchecked, others abuse this power subtly and often mercilessly.

This freedom from authoritarian supervision can be most effectively attained through collective bargaining. First, the very process of collective bargaining gives the teacher a feeling of protection, control and power which holds the principal in check. Second, actual rules and procedures, such as the ban against assigning teaching duties during the preparation periods, are negotiated and codified through collective bargaining. Third, a grievance procedure is established whereby the actions of supervisors are policed.

The following grievance procedure, negotiated by our Granite City (Illinois) Local, #743, should give you an idea of how effective and fair a grievance procedure can be. I quote directly from the Granite City "Collective Bargaining Agreement:"

Within five days after a written grievance is filed, the aggrieved, the building representative of the union, and the principal of the school involved shall meet to resolve the grievance. If they cannot resolve the grievance within five days...the matter shall be presented by the chairman of the union grievance committee to the superintendent.

If the grievance cannot be resolved (at this stage), two arbitrators shall be selected to represent the union, and two arbitrators to represent the board of education.

If an agreement is not reached in five days, this group shall select a fifth arbitrator - the fifth arbitrator shall be selected within ten days. A written decision arrived at by the arbitrators shall be binding on both employer and employees.

Thus the teachers in Granite City, and elsewhere, have due process of law, rapid judicial review, and a mechanism to keep the unfair administrator from impinging upon their rights.

In gaining freedom from authoritarian supervision, teachers ought, in fairness, refrain from a blanket castigation of all supervisors. Principals and superintendents come with individual characteristics; we must encourage the capable and considerate ones while checking the abusive. In school districts where AFT locals have grown strong, the relationship between teachers and principals has become one of mutual respect and trust. The new responsibility evolved from bargaining has given the teacher a chance to learn and even to appreciate the viewpoint of school management, while the new power of the teacher has forced all supervisors to "get the facts" before making personnel decisions and to act reasonably toward their teaching staffs.

In an economic democracy teachers should have the right to job protection. That teachers do not everywhere have this right is a testament to the ruthless exploitation of teacher "dedication" by many school boards, taxpayers and legislators. Only seventeen states have enacted tenure laws which recognize teachers' demands for the right to court appeal in cases of dismissal. In the other states, many qualified teachers are fired for frivolous reasons while less qualified teachers stay on by kowtowing to the powers that be.

Then, too, there is the right to a decent income after retirement. Most states have inadequate pensions, with many paying less than one hundred dollars a

month to their retired teachers. How many retired teachers who during their working lives gave the best of themselves to the citizens of today are now living in the poor house? How many are without funds for medical care, travel, books, or the social amenities? Even those of us who come from school districts with relatively higher pension systems, can take a lesson from the leaders of the United Auto Workers who negotiated pension benefits that approach eighty per cent of on-the-job income.

Perhaps the most controversial right teachers expect to win is the right to guard entry into the profession. The Conant report on teacher certification and teacher training hits hard on many of the inequities in training and licensing teachers but skips over the question of how to attract enough people of high caliber so that we can be selective. Certainly many of the new rights which I have spoken about here today do not have corresponding responsibilities because organized teachers can currently exert very little influence over the quality of teachers now entering the field. With a teacher surplus of approximately 250,000 forecast for ~~1965~~ 1975, control over entry into the profession becomes imperative because hard earned gains may be wiped out by the press of surplus teachers and quality teachers may be replaced with "cheap" teachers.

As with tenure and pensions, teachers can exert control over entry only by developing organizational and political strength. State legislatures usually have the authority to establish procedures for teacher licensing, and school districts often weaken them through "temporary" or "emergency" licensing. Experienced teachers, and not just educational theoreticians, must gain control of this apparatus and find ways of tightening and even raising standards, while making them meaningful. Having a few appointed (safe) teachers on the state board of certification only creates the illusion of control. Rubber stamping teachers "A-1" who graduate from schools approved by the educationists merely because they schedule enough education courses,

is a mere facade that is dangerous to the profession. Teachers must be given the right to set high standards of their own, based upon actual classroom experience. Strong AFT locals could exert great influence over the quality of teachers within the district. Through collective bargaining, objective hiring procedures, such as testing, could be negotiated and duly elected teacher review committees could be established. Grassroots control, nothing less, will bring teachers the right and the responsibility to see that new teachers are qualified to teach.

The right and responsibility to police the profession is an outstanding example of a right which many believe teachers should have, but no one is about to let teachers exercise. Thus, for control over entry into the profession, as well as for every other right and responsibility, teachers must not wait for it to be bestowed upon them from above "in token of your dedication," because you get only twenty-five year buttons and retirement parties from above; instead, teachers must make every right a demand, every deprivation a basis of protest, every teaching freedom a cause. Given the state of the schools today, and the widespread disregard for teacher rights, only militant professionals forging their own list of demands can create a democratic teaching-learning environment.

To support and publicize teacher demands for their rights, the national AFT is creating "Educational Councils," each of which will be devoted to one particular right or demand that cuts hard into the ring of customary prerogatives and practices now strangling the professional spirit. Each Council will be composed of university scholars favorable to unionism, outstanding community leaders, and rank and file AFT teachers. Every Council will study the issues and publish its findings. AFT publications will feature or reprint their analyses in such a way that they will reach a high proportion of those teachers in this country who, in these areas of great educational concern, are seeking direction and articulation.

Subject to AFT Executive Council ratification, there will be "Educational Councils" on teacher certification, effective schools, teacher-administrator relations, professional work loads, and freedom to participate in the organization of one's choice. The Council on Certification will probably examine Conant's findings, explore the indictment contained in James Koerner's book, The Miseducation of American Teachers, and go further into such untouched areas as the relation of present educational rewards, benefits, and rights to the expectations of graduates and undergraduates considering teaching. The Council on Certification might very well challenge the assumption that "front groups" such as the National Council for Accreditation of Teacher Education (NCATE) rather than organizations directly representing teachers in the classroom are best designed to examine teacher preparation and, hence, certification.

The Council on Effective Schools, ^{has already done a significant job. It is} ~~will be~~ based on the plan originated by the UFT, and now being implemented in New York City on a modified basis, where slum and ghetto schools receive massive injections of qualified personnel, materials, and services in an attempt to surmount the present cultural and environmental obstacles to learning. Closely related to integration, "effective schools" can be a concept which will make "difficult" schools all across the nation more attractive to children and teachers alike.

The Council on Teacher-Administrator Relations ^{is in process of examining} ~~will probably examine~~ such critical and generally ignored areas as administrator support of discipline meted out by teachers, teacher freedom from unnecessary interruptions and harrassment at the hands of administrators, and the proper role of those hired to manage the schools.

Operating similarly in areas of professional control will be the Council on Professional Work loads. Class size, teaching schedules, and clerical and patrol chores will be scrutinized carefully.