OPPOSE HB582 and HB327

HB582 (Guzman) and HB327 (Levine) would permit public employees, including teachers to engage in collective bargaining. The Virginia School Boards Association urges you to vote NO on these bills.

- **Teacher collective bargaining has been shown to have a negative impact on student achievement, particularly on minority and disadvantaged students.**
  - New research demonstrates that teacher collective bargaining has negative effects on long-run student outcomes (i.e. educational attainment and employment) particularly for black and Hispanic males.¹
  - A 2018 study demonstrates that teacher collective bargaining is associated with lower overall student achievement and also “with greater proportions of students scoring at the bottom of the performance distribution and smaller proportions scoring at the top tail of the distribution. These relationships are particularly strong for specific subgroups of traditionally disadvantaged students...”²
  - A 2011 study in the Yale Law Journal suggests that any positive impact that unions have on high performing students, if indeed there is any, is gained at the expense of lower performing students.³

- **Any legislation that requires school boards to enter into collective bargaining agreements that include binding arbitration is unconstitutional.**
  - No Virginia school board can agree to be subject to binding arbitration and, short of a constitutional amendment, the General Assembly cannot mandate such agreements. See School Board for the City of Richmond v. Parham, 218 Va. 950 (1978) (“We conclude, therefore, that the binding arbitration provision of the Procedure produces an unlawful delegation of power, violative of § 7 of Article VIII of the Constitution.”)

- **Because school boards do not have taxing authority, they are not in a position to bargain with teachers’ unions with regard to salary or any other terms with a local cost.**
  - School boards are prohibited by law from entering into any contract to expend funds beyond what has been appropriated for the current fiscal year. See Va. Code § 22.1-91.

- **The national trend in the last decade has been to move away from collective bargaining rights for teachers and towards focusing on student achievement instead.**
  - Indeed, the vast majority of teacher collective bargaining laws were adopted between 1959 and 1987 and only one state (New Mexico), has adopted a duty-to-bargain law for public education since 1987.
  - On the other hand, many states including Wisconsin, Indiana, Idaho, Tennessee, and Michigan, have adopted legislation in the last decade to reduce teacher’s rights to collectively bargain.

- **Collective bargaining can be used to increase protections for ineffective teachers. VSBA believes that effective teachers are essential to providing a high-quality education to every student, in every school.**

  **VSBA urges you to vote NO on HB582 (Guzman) and HB327 (Levine).**