

Eliminate districts' ability to bargain away their managerial rights

Proposal: Repeal the provision that allows districts to negotiate key responsibilities such as hiring, evaluating, disciplining, and retaining their teaching and nonteaching staff.

Background: State law (ORC 4117.08) outlines the matters that are subject to collective bargaining between school districts and teachers' unions. It naturally and properly permits districts and unions to negotiate wages and hours, along with terms and other conditions of employment. This same statute, however, also lists several items that are fundamental responsibilities of school leaders—known as “matters of inherent managerial policy.” These include the ability to create organizational budgets; hire, evaluate, supervise, and discipline staff; and assign and promote employees. Yet the very provision that appears to empower school management immediately allows districts, should they so choose, to negotiate these basic responsibilities through collective bargaining. Many districts do indeed bargain away these inherent managerial rights, as evidenced by hundred-page contracts that often spell out elaborate employee grievance, transfer, and dismissal procedures—among other work rules—that restrict school leaders' ability to manage and support a team of excellent educators.

Proposal rationale: School and district leaders should have the ability to effectively manage their staff in ways that promote a culture of excellence. Yet as Paolo DeMaria observed in a 2015 paper published prior to becoming state superintendent, “There are too many examples where, in times of financial constraints, districts have bargained away their management rights.” Repealing this provision would ensure this doesn't happen and better safeguard the management prerogatives needed to make decisions based on the needs of their schools and students, apart from excessively detailed work rules spelled out in contracts. Such restrictive contract provisions often serve to protect low-performing employees and tie the hands of principals when it comes to filling open positions, as they are often forced under contract rules to hire educators according to seniority, regardless of their performance or organizational fit.

Cost: No fiscal impact on the state budget.

Resources: For discussion on collective bargaining's impact on school management, see Frederick Hess and Martin West's report [A Better Bargain: Overhauling Teacher Collective Bargaining for the 21st Century](#), published by the Program on Education Policy & Governance (2005); for more on teacher-transfer rules, see the 2005 New Teacher Project report [Unintended Consequences: The Case for Reforming the Staffing Rules in Urban Teachers Union Contracts](#) by Jessica Levin and colleagues; and for brief comments on Ohio's collective-bargaining law, see [Getting out of the Way: Education Flexibility to Boost Innovation and Improvement in Ohio](#), a report written by Education First's Paolo DeMaria and colleagues and published by the Fordham Institute (2015).