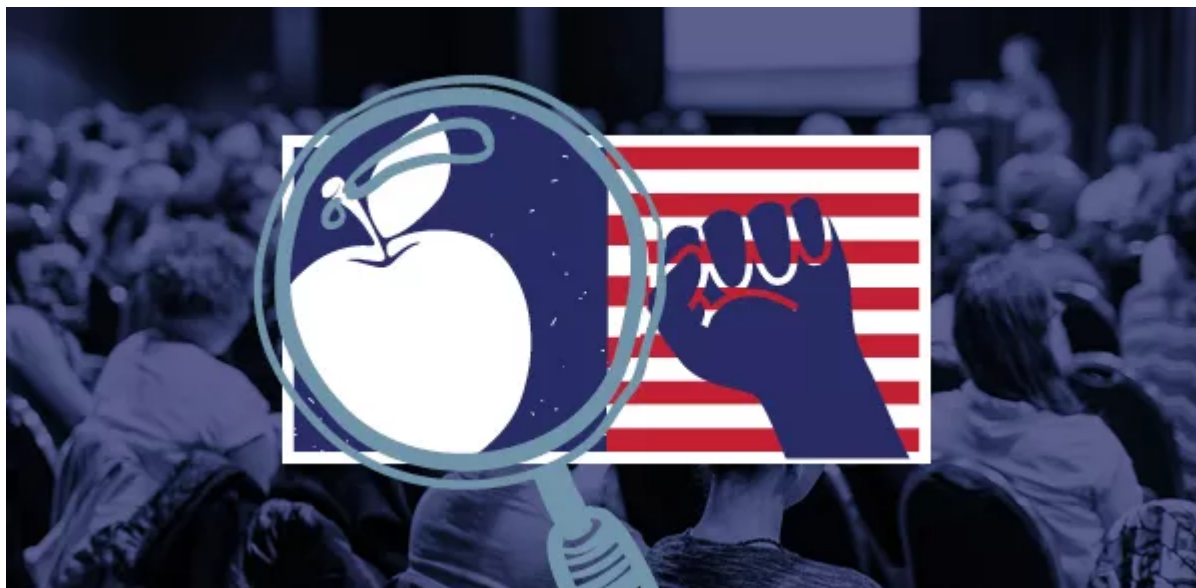


Police Face Fierce Push for Accountability. Could Unionized Teachers Be Next?



—Getty

By **Andrew Ujifusa**

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A national discussion about how police do their jobs and are held accountable has quickly—perhaps inevitably—raised parallel questions about whether teachers should be put under the same kind of microscope, and how their unions should approach law enforcement policy.

The death of Minneapolis resident George Floyd while in police custody has sparked protests and emotional debates about law enforcement and whether to reform, defund, or abolish police forces, **including in schools**. Such proposals, many of which are a long way from becoming national policy but could gain traction locally, would blunt the collective bargaining power of law enforcement.


So could the same type of political energy soon affect teachers' unions? And to what extent has the unions' stance shifted on the related issue of police in schools?

The kind of teacher misconduct that can lead to criminal or civil penalties, while rare, has created headlines and heated disputes in the past. And there's no shortage of people willing to connect disappointing student outcomes with what they say are unhelpful or outdated labor protections for adults.

"Any time we have a consolidation of power, and it disempowers and marginalizes the people and the communities that it's supposed to serve, then it's problematic," said Sharif El-Mekki, the CEO of the Center for Black Educator Development and a former principal. "It bewilders me that people think that unions of various types, including teachers, are immune from systemic racism. It's beyond naive. It's disingenuous to believe that because you signed up to teach, you magically evolve from racial tendencies and racial biases."

Yet police brutality is a fundamentally different issue from educator accountability and, more specifically, how teachers are evaluated for their students' performance. Uneasiness about the role of police unions has been **growing on the left** for some time—including, most recently, among the two national teachers' unions themselves—at the same time that teachers' unions have strengthened their standing in the Democratic Party.

Robert Bruno, a professor of labor and employment relations at the University of Illinois at Urbana-Champaign, said recent debates over policy areas like educator accountability and other issues prove that when it comes to "systemic problems for schools that need to be fixed ... you have teachers' unions saying: 'We want to be a part of that process.'"

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"To try to draw some parallels between the two sectors and the way the unions are operating between the two sectors is just a mistake of fact," Bruno said.

The extent to which police and teachers' unions protect bad employees is "worth investigating," but should be tempered by how these two types of public employees and their work deal differently with issues of race, class, and gender, said José Vilson, a middle school math teacher in New York City and executive director of EduColor, which focuses on race and social justice issues in education. Further complicating the issue, he said, is the fact that educators have used leverage given to them by their unions to advocate for positions that can make the same unions, and some of their members, uncomfortable.

"A lot of people talk about the 'blue wall of silence' when it comes to cops. They want to assign a similar wall to teachers' unions," Vilson said. "But the folks [in teachers' unions] who have been anti-racist all the time are saying, no," and that the analogy is too simplistic.

'Unions Don't Protect Bad Teachers'

A House education committee **hearing** in June featured a discussion about the link between the two types of unions.

During an exchange with National Education Association Vice President Becky Pringle, Rep. Glenn Grothman, R-Wis., expressed concern that unions in his home state shielded "bad teachers." He then asked Pringle: "I know ... some of the [police] unions are recognizing maybe they protected some bad policemen. Do you regret your past stances on maybe protecting too many bad teachers?"

Pringle replied, "Unions don't protect bad teachers. Unions are there to ensure that employees' rights are followed." And she stressed the teachers' union's focus on racial justice and appropriate resources for students.

In **a series of tweets** from early June, American Federation of Teachers President Randi Weingarten addressed the proper role of collective bargaining agreements and in the process distinguished her union from its counterparts in law enforcement.

"Contracts should protect against false allegations but they should never shield misconduct. Not for police or anyone," Weingarten said, adding later that, "Cop unions have the same choices now. I would encourage them to follow this path."

Yet legal cases have hinged on complaints about the difficulty of dismissing ineffective teachers, or those who behave inappropriately, that are directly connected to unions' influence over bureaucracies and policymaking. The *Vergara v. California* case is a prominent recent example of efforts to overturn labor laws that critics say protect, as the plaintiffs put it, "**grossly ineffective**" teachers who mainly hurt poor children and students of color. (Ultimately, California's teacher-tenure rules at issue in *Vergara* were upheld by state courts.)

According to a 2016 investigation by USA Today, **fewer than 1 percent** of the nation's roughly three million teachers had been disciplined for some form of misconduct. Yet problems with tracking teachers who have committed misconduct have been an issue. The USA Today probe found that a privately run group that compiles such information across states was missing the names of 9,000 teachers who'd been disciplined for misconduct, including 1,400 who'd permanently lost their licenses.

The distinction between holding teachers accountable for inappropriate or criminal behavior, versus holding them accountable for the quality of their teaching, is an important one, said Steven Greenhut, the western region director for the R Street Institute, a think tank that favors free markets.

Nevertheless, he stressed, unions generally "impede both."

"It's not an assault on teachers to point out that the union system makes it harder to improve teaching and harder to get rid of bad teachers," Greenhut said. "The same dynamic, from what I've seen ... is at work with police unions."

Police in Schools

Unions are also reevaluating their stance about whether police should work in schools.

In early June, the AFT and NEA **backed a public call** for the creation of a nationwide database of police officers who committed misconduct, a federal ban on chokeholds, new use-of-force standards, and more reforms for the police. That marked a break for the unions with their police counterparts.

The Justice in Policing Act, introduced by House Democrats shortly afterward, incorporated several of the demands from the unions and dozens of other groups. However, the bill would not prohibit police from working in schools. In fact, it would set national standards for police, including for law enforcement posted at schools, and help fund related pilot programs. A subsequent Senate Republican bill to reform police does not address school resource officers.

In response to questions from Education Week, the NEA said in a statement that it supported local affiliates and school boards that decided to bar contracts with police that turned officers into “student disciplinarians—a role they were never intended to serve.”

In its statement, the NEA also called on schools to review discipline practices and ensure educators receive training on implicit bias

“Too often the presence of law enforcement personnel in schools results in an over-reliance on these staff to intervene in the discipline process resulting in unwarranted school-based arrests,” said the NEA, which several years ago published articles with headlines such as **“Positive Relationships with Law Enforcement”** and **“Promoting School Safety with a Badge and a Smile.”**

On June 17, the AFT adopted a resolution that says “the necessary function of school safety should be separated from policing and police forces,” although it did not explicitly call for police not to be in schools. Echoing Weingarten’s previous comments on social media, the resolution also calls for “transparent legal procedures for holding police officers accountable for misconduct and violations of law.”

According to recent federal data, 58 percent of schools reported having a sworn law enforcement officer at least once a week for the 2017-18 school year.

The AFT, like the International Union of Police Associations, is an affiliate of the AFL-CIO. (Other police unions, like affiliates of the Police Benevolent Association, are not.) There’s been some public pressure for the AFL-CIO to sever its connection to the police group.

The International Union of Police Associations did not respond to requests for comment about Weingarten’s remarks, or whether its relationship with teachers’ unions was shifting.

Local Union Support

The AFT’s resolution came on the heels of school boards in cities like **Denver**, **Milwaukee**, and **Minneapolis** voting to sever their official relationships with local police departments. And teachers’ unions in **Chicago**, **Los Angeles**, and **Seattle** have forcefully backed such efforts recently.

The fact that roughly 4 out of 5 teachers are white influences schools’ approaches to police, said Vilson, the New York City middle school teacher. But he stressed that such movements to sever schools’ relationships with police departments show that unions can also help shift school safety policies. While he said he didn’t support law enforcement being in schools, Vilson said he could envision some type of police unit that would report to the district, could belong to the local teachers’ union not unlike other public employees who aren’t educators, and would focus on dealing only with emergency situations.

Yet on the whole, the unions have been a “mixed bag” on the issue, said Judith Brown Dianis, the executive director of the Advancement Project, which advocates for police-free schools.

“There are places around the country where the teachers’ unions have joined forces with communities led by students of color who are pushing for police-free schools,” she said. “Unfortunately, at the national level of the AFT and the NEA, they have not stood with police-free schools.”

In places where unions have resisted efforts to remove police from schools, Dianis said, they have focused on how suspending or expelling students is often the most expedient option in schools that lack the resources to otherwise intervene or support students. The single most helpful thing the unions could do nationally, she added, would be to simply call for police-free schools; Dianis said the AFT’s June resolution “misses the mark” and represents the political challenges her group has sometimes experienced when working with labor groups.

“We’ve been massaging the relationship with the teachers’ union for about 20 years,” she added.

El-Mekki said problems in both police and teachers’ unions with respect to race come “from the same rotten tree.” And when unions don’t prioritize Black students’ needs, he said, that constitutes “misconduct” of a very serious kind even if it does not constitute physical harm.

"Show me Black Lives Matter in the policies that you advocate for. Black Lives Matter is more than about the hashtag. It's about how our students are performing based on your membership's work," he said.

Yet Dianis didn't agree with the idea that teachers' unions were essentially *simpatico* with their police counterparts in how they interact with certain students. "They come at it from a caring lens," Dianis said of teachers in general. "That's not where law enforcement comes from."

Political Implications

The evolution of teacher evaluations in recent years might also indicate that teachers' unions are well-positioned to defend themselves against broad political attacks on their influence in the current moment.

The number of states incorporating student-growth data from assessments into teacher evaluations grew from 15 in 2009 to 43 in 2015, alongside a growing emphasis on educator accountability policies from the Obama administration and officials from both parties.

But pushback from the AFT and NEA—neither of which endorsed Obama in the 2008 Democratic primary—in response to accountability policies linked to test scores grew as well, and likely had an effect on the retreat of those policies. From 2015 to 2019, **30 states rescinded one or more** of their policies about teacher evaluation; 10 states and the District of Columbia dropped requirements for student-growth data to factor into teacher evaluations.

In the realm of pure politics, the AFT and NEA took a relatively cautious approach to the 2020 presidential primary; neither endorsed former Vice President Joe Biden until he had all but wrapped up the Democratic nomination. Yet in May, both Weingarten and NEA President Lily Eskelsen García were picked to join a task force on policy issues that will provide input to Biden.

And after prominent clashes during the Obama administration, Democratic candidates in this election cycle have also avoided talking about teacher accountability, instead calling on more funding for schools and support for teachers.

Bruno of the University of Illinois said conservative groups could use greater scrutiny of police unions as a springboard for a bigger attack on labor, including teachers' unions. How successful they'll be, he said, is another issue.

"I do think those groups will look at this question of taking protections away from bad cops as an opportunity to translate that into other public sector workplaces, to make an argument that collective bargaining rights for public sector unions [are] illegitimate," Bruno said. "I don't see teachers' unions as vulnerable on the actual substance."

In Vilson's view, the recent focus on police unions can help inform how people think about teachers' unions, but that the comparison shouldn't define the conversation.

"When it comes to the day-to-day operations of what teachers do, it becomes more complicated," he said.