

Good afternoon Senator Langley, Representative Kornfield, and esteemed members of the Education and Cultural Affairs Committee:

My name is Lois Kilby-Chesley and I am the President of the Maine Education Association, the largest teachers' union and professional association in Maine, representing PreK to 12 educators in all categories of public schools, the University of Maine System, Community Colleges, pre-service college students, retirees and Maine Public. I am here representing 23,500 of my members and your constituents.

The MEA Board of Directors voted to oppose the concept of a statewide teacher/educator contract on April 1, 2017. I am here to speak in opposition to LD 864, "An Act to Provide for a Statewide Contract for School Teachers".

I have a big question before I begin. Why?

Why is it so important to change the Collective Bargaining Law?
Why are some people so wedded to having a statewide contract?
Why - after all the discussions we have had about raising salaries, improving curriculum, supporting professional development, providing safe schools - is this the ultimate solution to making schools better for our students? And how does it improve education?

I have met with Commissioner Hasson on three occasions to discuss this concept. I have yet to have sufficient answers.

These bills would move all Maine educators who are certified, authorized or licensed for the position they hold to a statewide contract. This includes most teachers, education technicians and others who have licensure and responsibilities with students.

Here are a few of the many reasons this bill is a bad idea:

1. The bill is only a half proposal.

There is no funding mechanism to pay for this plan. The bill only creates a statewide arrangement for negotiating wages and other benefits but does NOT detail how the State would begin funding this new contract. Per the bill, the funding changes will come at some later time. We believe that bargaining over salaries and benefits when we have no idea how the funding will work is a bad idea. Simply put, we don't know if the State is contributing \$1 to bargaining salaries and benefits or \$1 billion. Regardless, we simply can't agree to a statewide contract if we don't know how it will be funded or how it will work.

2. It doesn't increase anyone's salaries.

Proponents of the statewide contract have said it will increase salaries or wages, but this is inaccurate. We cannot assume an outcome to negotiations when we haven't negotiated. A person can't make the claim that this bill will increase salaries and wages. It is not guaranteed - it is negotiated. We would be much better off with an updated minimum wage for teachers that starts at \$40,000 as was discussed in a bill yesterday.

3. The bill is unfair.

Currently, Maine's school funding formula provides money to districts with the most need. It does not provide state funding for schools that have been determined to have enough property wealth locally to fund their local schools. LD 864 would send millions more to the wealthiest districts at the expense of less affluent schools, especially poorer schools in rural Maine or in areas with high concentrations of poverty. And, according to the bill, communities that have the ability to bargain above the state minimum salary/wage will be allowed to enhance the minimum, creating further inequities. In terms of pay, a statewide contract will only deepen the divide.

At another insertion point in 1-A, B, it states that "... within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items ...all cost items related to this subsection, must be returned to the parties for further bargaining."

I understand this to mean that both parties could ratify an agreement, but the Legislature then has the opportunity to negate it, and the parties must do it again. This is not acceptable bargaining and in no way would show good faith in the bargaining process.

4. There is no proven statewide educator contract model in the nation that benefits educators. Only one other state, Hawaii, has a statewide teacher contract. Salaries in Hawaii are low and they have huge problems finding educators to work in their schools. But they do have the right to strike (and they have used that right), a right we do not have in Maine.

Here is some of what the Chief Negotiator in HI sent to me when I contacted HI state leadership: "Under the collective bargaining law we have the right to strike, ... All funding of public schools comes from the state level, there is no local taxes that support public schools, in fact it is not legal to try to pass a levy or the like to fund public schools. The Board of Education [with whom they negotiate] has no taxing authority, they are at the mercy of the state legislature – as are we during bargaining. And with one large unit, we are very costly payroll and

fringe [benefits] is in excess of \$1 billion ... We are not one district per se, we have multiple districts, with each district having district superintendents that report to the state superintendent." However, the salary scale is standard across the state. The Hawaii teachers negotiate but the Governor can involve himself/herself. The DOE employs the teachers. They started the year with more than 500 openings.

We do not want to follow the lead of Hawaii given the problems they see in their statewide contract.

In 2016 the State of Rhode Island completed a comprehensive look at "Establishing a Fact Base for Discussing a Statewide Teachers Contract in Rhode Island". A copy is attached for your perusal.

I have chosen a few quotes to share with you today and I have taken the liberty to remove reference to Rhode Island so that it would be applicable to Maine. On page 2 of the report,

"In forward-thinking school districts nationwide, teacher contracts have been used as tools to enable increased achievement for all students". But would a statewide contract provide the same opportunities when negotiated globally, or is it more advantageous to our students to leave decisions locally? MEA believes that local decision-making is more advantageous to our students and allows communities the flexibility to lead local schools by local values.

"... Some stakeholders reported fears that a statewide contract would lead to significantly increased costs; others expressed hope that a statewide contract could reduce costs. Based on our analysis, a statewide contract is not, by nature, cost increasing, cost decreasing, or cost neutral. Rather, the contents of the contract determine its cost." Repeated again on page 14 of the report is this, "Based on our analysis, a statewide contract is not, by nature, cost increasing, cost decreasing, or cost neutral. Rather, the contents of the contract determine its cost."

The costs of the statewide contract are simply not available. That information is not available until the conclusion of the contract negotiations. We can anticipate what might happen but in the end, it is speculation until a contract is finished.

Again on page 2 "... Currently, only local unions and school districts are authorized to bargain with one another. Therefore, in order to adopt a statewide contract, the ~~Rhode Island~~ legislature would have to change a variety of laws and procedures. Because few other states have adopted statewide contracts, little precedent exists for designing these processes above the local level."

The question must be, "Is the State of Maine prepared to fund an experiment?"

5. A statewide teacher takes away local control of schools from the community. We know that Maine communities are renown for wanting local control. Instead with this bill, everything except salaries and wages become local decisions, leaving property tax payers holding the bag

for everything except salaries and benefits. The costs of running schools - paying administrative salaries, teams and athletics, building and maintenance costs, transportation, and other costs – we can anticipate will cause property taxes to skyrocket since the state has yet to define how these would be paid for.

For 13 years we have been waiting for the state to hold up its end of the 55% funding of public schools, yet the Legislature has been unwilling or unable to fund this. We do not have confidence this will happen. The trust issue between our members and some state leaders is a barrier to any successful outcome. We do not believe that giving more power to the state is in the best interest of our students, educators or community members.

6. Governor LePage has been a frequent critic of collective bargaining and labor unions. We do not believe bargaining for salaries and wages with a Governor that has been so vehemently opposed to collective bargaining in Maine is a good idea. I don't need to remind you of the numerous times MEA has been attacked with vengeance. On the radio, in the press, in the legislature – we have withstood numerous verbal attacks and a barrel full of inaccuracies about our students, our teachers, other school employees, our success rates, our intentions, and our purpose.

7. We know salaries in Maine must rise to compete.

2013 Average Teacher Salaries

| | US Average | Starting Salary |
|-----------|----------------|-----------------|
| "\$56,383 | | |
| \$63,474 | Rhode Island | \$39,196 |
| \$69,397 | Connecticut | \$42,924 |
| \$72,334 | Massachusetts" | \$40,600 |

At the same time:

| | | |
|----------|---------------|----------|
| \$55,599 | New Hampshire | \$34,280 |
| \$48,430 | Maine | \$31,835 |

Source: 2012-13, National Education Association (nea.org)

But there is no indication that a Statewide Contract would raise salaries to a level necessary to attract the "best and the brightest". We do believe that a statewide minimum salary increase to \$40,000 is a beginning step, as we have stated previously.

8. Unanswered questions.

The current proposal to adopt a statewide contract has many unanswered questions. I have collected more than 3 pages of questions from members, and have scores of letters of concern from members.

If raising the salaries and wages of education employees is the goal of the statewide contract concept, MEA believes these bills are not the right solution. There are better ways to pay a decent wage in Maine, and that starts with the state finally fully funding our schools as the voters demanded in 2004 and this past November in Question 2. We have heard a bill presented that would raise the minimum salary for teachers to \$40,000. We know that inadequate salaries are an issue. We have even heard the Governor say salaries should rise. But, we also know there are other ways than a statewide contract to achieve increased salary levels.

For these reasons, and the 23,500 reasons that I represent here today, I urge you to vote in opposition to a statewide contract proposal.

Thank you for your time, and I am here to answer any questions you may have to the best of my ability.

Examples of Questions from MEA Members

1. What would be examples in this bill that would lead MEA to believe this will improve education for our students or working environments for our members?
2. What is the goal of the statewide contract proposal? Is it to raise salaries and wages? Is it to split the power between the state and the local district? Is it to improve student learning? Is it something else?
3. Is there an anticipated impact on MePERS?
4. How does this bill negate the disparity between affluent and poor districts, if affluent districts are still allowed to enhance salaries and benefits?
5. How would 60/40 academies be included or excluded?
6. How would charter schools be included or excluded?
7. What would be the ratification process?
8. Would all current benefits carry over? Accumulated sick days? Personal days?
9. How does having two employers benefit the educators? (State is employer for salaries and wages/Local is employer for all else).
10. How does this improve the recruitment and retention of educators?

Many Questions from MEA Members on the Impact of a Statewide Contract

- Is the expectation that Northern Maine wages rise?
- Who will negotiate? Professional Negotiators?
- Will educators be treated equitably?
- Have you used other states as example/comparisons for salaries?
- Is it a goal to move out of 48th place in average salaries in U.S.?
- Is it a goal to attract the best and brightest people to the profession?
- Will MEA become the only negotiating entity within the state?
- Could this lower property taxes if the state actually pays the salary?
- Once you locked in – how to change it?
- How to trust government – will they change?
- Could this lower salaries in some “higher” districts?
- Would locals have to negotiate 2 times – state and local?
- Are ESP excluded – and how will it be used against them?
- Will Insurance changes hurt retirees?
- Will Benefits Trust will be eliminated?
- Could this hurt relationship between locals and school boards?
- Does it open the door to lose bargaining rights?
- Would Locals lose the ability to educate school boards on needs?
- Could the State freeze monies?
- What would happen with working conditions?
- What about “furlough days”?
- Would this move away from state controlling working conditions, class size?
- How does this account for living costs that varies across state?
- Is this a precursor that puts us “on our way” as state run schools?
- Will Contracts will start at the lowest possible level?
- How does this address the issues – such as retention and recruitment?
- We don't really know the “why” of having a statewide contract and how does this support it?
- Would we be at the mercy of the current makeup of government?
- Is the Retirement System input undefined?
- Why doesn't this eliminate multiple tiered system – still have “haves” and “have nots”?
- Does it open-up the avenue to more charter schools?
- Does this cause a loss of professional staff?
- Why would the state want Local control is taken away?
- Would this result in one contract with consistent wages & benefits?
- Would this result in one set of work rules/conditions?
- Why does the state want Centralized control?
- Do you intend better contract/talent concentrated for bargaining?

Do you intend to strengthen MEA?
Do you intend to impact Drummond & Woodsome?
Will Everyone have the same starting place?
Will this shorten scales, eliminate dead zones? Do you intend the Minimum salary to be \$40K?
Will there be consistency in pay statewide?
Will this provide Potential property tax relief? Do you intend staff to diversify their efforts w/ membership & organizing, contract management?
Does this have the Potential to eliminate Ed Policy?
Do you intend to free up staff/leader time to work on other things?
Will you direct Attention on low salaries?
Will this increase \$ for some members' pay & benefits?
Who will retain the power to negotiate?
Will the State provide release time to design the professions/work in negotiations?
How will this relate to partner groups, eg. PTA, PTO?
Where will \$ for non-instructional staff come from?
Is this the MEA Bargaining with the devil?
What happens if there is a lack of funding from the State?
Do you intend a loss of local control, including members' control?
Do you believe some teachers would lose \$?
Do you intend to divorce education and the communities schools they are located in?
Do you acknowledge the state contract is not MEAs idea?
How will Expensive areas to live be left behind or advantaged?
Do you acknowledge a trust issue of MEA members with the state?
Can locals add programs and force state fund salaries? Who decides how many
Who decides how many hours/days for the contract?
How are Days/hours/meetings divorced from bargaining salary?
Is this a foot in door for statewide control of programming?
Is there potential for class size increase to reduce teacher employee numbers?
Will this move us toward more subcontracting of service?
Are teachers vulnerable to whims of legislature (political football)?
Who determines Furlough days?
Are we put in danger of least the common denominator in terms of salaries and insurance?
Does this put MEABT at risk?
Do you intend loss of MEA membership when bargaining happens in Augusta?
Is there an intent for less influence on the part of teachers (reduces teacher voice)?
Will this focus on recruiting, with no attention to veteran teachers?
Do you intend a reduction in MEA Membership and Staff?
Do you intend to increase power of the state legislature and administration?

Do you believe there might result an up and down depending on who is in (elected) and economy?

What happens if negotiations get stuck?

Will bargaining be tied directly to state elections?

Will Benefits Trust be destroyed?

Would this Small group of negotiators will determine "local" policy?

Who and how would we ratify a state contract?

Would we do as MSEA does it through a vote of all members?

Do you think SWC creates winners and losers?

Could this affect health insurance availability for ESP?

Would a community be ready to pay ESP?

Who ratifies for the employer? The legislature? Executive branch?

How large does the bargaining committee have to be to cover the various areas of the state?

How would the team function?

What about Payroll deduction?

What about Health insurance – MEABT?

What about Retirement?

What about defining Benefits?

What about local Transfers?

Who is the employer?

What about Lay off/reduction in force?

What about Grievance/arbitration – how?

What happens to non-salary language?

What about Uniform steps?

What about Hiring and firing at local level?

What about the No strike law/impasse proceedings?

Will teachers be State employees or local?

Who negotiates the contract, MEA?

What about Retirement fairness or benefits?

What about Just cause?

What about Retire then rehire?

What about School closures?

Is the goal to make Teacher salary comparable to other professions with similar education requirements?

Who negotiates Stipends?

Who negotiates Tuition reimbursement?

Who negotiates Fair share?

How does TPEG tied to evaluations play into negotiations?

Who negotiates sick time and vacation and personal time?

What about Medical coverage , i.e. Riders?
Can locals add programs and force state funded salaries?
With the creation of a SWC, would there be an election to see who represents teachers – a SWC would end locally negotiated contracts and create new employer and new bargaining agent. Would it be MEA?
If we assume a fully bargained SWC between MEA and the State: Do you expect MEA could have specialized teams of staff for contract enforcement and negotiations, an organizing team for internal (membership and other internal) and external (community, political, etc.), similar to Maine State Employees Association where staff are more specialized?
How will Language to prevent state from overriding/not funding the contract (as with happens with state workers) be included in the SWC?
Do you intend to have minimums salaries throughout the scale so that are high enough to prevent wealthier districts from standing still or backsliding?
Will there be uniformity of work year and day to ensure that per diems are alike from district to district?
Will there be a full scale with steps and lanes, indexing, structure?
How do you see a dispute resolution process to address stalled contract negotiations? Do you intend an expansion of what can be bargained at the local level (Ed policy)?
Will professional development be a part of the financial package?
Will the SWC for contracts to be negotiated for periods longer than the current 3 years?
Will there be a prohibition against subcontracting?
Are you willing to develop an inclusive definition of “teacher”?
How would we go about having contract maintenance (grievance)?
What about Payroll deduction?
How would 60/40 academies be included or excluded?
How would Charter schools be included or excluded?
How would MLRB be used in the process?
Can you explain the ratification process?
How would you see teachers maintaining state commitment to salary?
How might this impact MEA's members' relationships with legislators?