



Conservative Leaders for Education

REMARKS OF DR. WILLIAM J. BENNETT, CHAIRMAN OF CONSERVATIVE LEADERS FOR EDUCATION BEFORE THE PENNSYLVANIA SENATE MAJORITY POLICY COMMITTEE OCTOBER 25, 2018

Chairman Argall, Members of the committee, thank you for having me here today. I want to thank Senator Eichelberger for his invitation and for his leadership on this important issue.

Senator John Eichelberger is a member of group of state policy leaders – mostly education committee chairs like John – that I am proud to serve as Chairman of -- Conservative Leaders for Education, or CL4E. I am so impressed with the dedication to service by our members, like John, and the hard work day-in and day-out they put in to improve our schools and educational system. They and all of you are not recognized nearly enough for this very difficult, very important work.

I will get to the important legislation the Senator has recently introduced shortly, and I know there are some very talented lawyers and experts here who will delve into the various details. But I wanted to start out with a bigger picture.

The *Janus* decision by the U.S. Supreme Court is certainly an important legal milestone, but to me it has the potential to be so much more. That is what leads me to think of the decision in terms of the three P's. The 3 P's are:

- The Premise
- The Prohibition; and
- The Promise.

The premise is the bedrock First Amendment principle that every individual should control their own speech. That premise is at its height involving speech on public policy and other important matters of the day.

The Prohibition is the fact that courts need to intervene to protect individuals when the premise is violated. In blunt terms, the prohibition is against coerced speech, a concept antithetical to all of our shared values.

The first amendment premise and ensuring the prohibition is honored are important aspects of everything we are here to talk about today, and aspects that many very capable groups and individuals are working hard on every day. However, my focus, and the focus of CL4E, is really on the third P – the Promise. The promise *Janus* holds, particularly for our schools and our teachers.

The promise is that *Janus* could be a critical turning point for our schools and the profession of teaching **IF** the right decisions are made going forward.

Our focus at CL4E is to highlight the incredible opportunity – The Promise -- we believe this moment holds for teachers and schools to rethink decades of entrenched thinking and practices. To rethink teacher professionalism and all the positive implications that could flow from that.

Our focus is to help state education leaders, like Sen. Eichelberger, and yourselves, to make solid policy choices at the state level, creating fair frameworks to encourage this rethinking and realize the promise.

At its core *Janus* is all about individual control and individual responsibility. Not coincidentally, those are also core concepts of professionalism.

- Individuals are given the freedom to take charge of their own development as a professional.
- All decision-making is focused on achieving the best possible results with every student, whatever form that takes. (That vision is in stark contrast to the far-too-often current focus on fighting over who gets the money for every student or how to “win” the next round of bargaining.)
- Individual responsibility for being the best possible professional and the results of individual work.
- And yes...being compensated fairly as a professional, and as with all professionals, based mostly upon excellence in practice and results.

This could be a moment when teacher professionalism is embraced, but that will require the right decisions at all levels.

Some have asked, “Why is an educational policy group focused on this Supreme Court decision?”

The answers are simple. Schools are the most impacted institutions by this decision. There are 500 directly impacted school districts and over 3,300 directly impacted individual public schools here in Pennsylvania. Teachers are, by far, the single most impacted group. More than 50% of public union members in Pennsylvania are teachers – we are talking about almost 180,000 individuals.

However, it is not just the numbers. The efforts of teachers’ unions – specially at the state and national leadership level – as you on this committee I am sure know extremely well, directly impact every education policy discussion and effort to improve.

At the state level, too often discussions that start about creating new educational options for students and families devolve into a fight about who gets the money.

At all levels, often common sense gets displaced by a “collective bargaining mentality.” Any idea, no matter how good, becomes a bargaining chip. The result is that there is no room to maneuver; no ability to put students’ needs at the center of the discussion and design a system that can flexibly respond to what students need and our best teachers can provide.

But most fundamentally—the conceptual basis of *Janus* COULD have a very positive impact at the individual teacher level. It could have an impact on teacher professionalism – how that is viewed both by teachers and everyone else involved with our schools.

The promise, as I have said, is not self-executing. What does all of this mean here and now for state policy leaders like yourselves? It means definition must be given to the broad strokes of the *Janus* decision.

Unreasonable forces will prefer to litigate this uncertainty and maintain vague or no guidance on what “affirmative consent” means in *Janus*, and what are reasonable, fair rules around the new “opt in” requirement.

Unreasonable forces will attempt to undermine the decision at the state level as they are attempting as we speak here in Pennsylvania. Legislation has already been introduced that takes away the right to a private vote and allows unions direct and ongoing access to the personal information of all employees whether they consent or not. Some states are attempting to place tight windows on when employees can make decisions.

If state legislatures do not clearly articulate and define the parameters of union membership in their state in the wake of this decision, then we will have years and years of litigation and “tests” on the system which will not be fair to school systems, teachers and the students they serve.

All participants affected by this decision should want reasonable and clear rules. Nobody disputes the right to organize or associate. *Janus* simply restored the proper balance between that right and individual’s rights to control their own speech.

The rules around how to become a union member, how to leave the union, where and when conversations about membership occur are important for both employers and employees, and these rules should be clear and predictable for all parties. That is exactly what Senator Eichelberger’s important piece of legislation does.

You will hear much more from the speakers after me about the important details of Sen. Eichelberger’s comprehensive proposal. The details are critical, but I also want to urge you to stay focused on the fundamental premise at stake: individual control and responsibility. Because that is now the law of the land and because this new environment holds the promise to liberate the bold thinkers currently held back in our education system.

The fair rules and procedures in the Eichelberger bill are a great start towards realizing the promise of *Janus*. Let me just talk a bit about the longer term, because in the longer term there is much more we can do.

State policy makers should work to create an environment for teachers where they receive professional support disassociated from any political agenda. All teachers deserve access to affordable professional insurance, fair decision-making processes, and reliable information about compensation and benefits, regardless of membership or not in any union. With this support structure and because of the *Janus* decision, we believe many, if not most teachers will choose a more professionalized course as opposed to the one-size fits all, bureaucratic, and too often hyper-political unions that create a confrontational dynamic with local and state policy-makers.

Everyone involved has an important role to play. *Janus* also places on state and local leaders a responsibility to create new and alternative systems that compensate and promote teachers in ways not possible within the existing toxic labor framework, driven by the collective bargaining mentality. We all recognize great teachers are the most important catalyst in improving student performance, so let's work together to find ways to reward them – just like the most effective and productive employees are awarded in every other profession.

Staying focused on the premise – individual control and individual responsibility -- will help unlock the promise.

A decade from now will we be able to look back and say this was a turning point for schools and the profession of teaching, or will we have to say it was just another lost opportunity to do better for our students, our teachers, the teaching profession, and our nation?

The Promise is not automatic. Everything depends on individual choices:

- The choices you as policy makers make now to implement this important decision.
- The choices judges will make on these issues if not made here.
- The choices school district leaders make.
- The choices teachers make about the fundamental nature of their profession, and what they aspire for it to be.

Thank you, Chairman Argall and Committee, thank you Sen. Eichelberger for your leadership. I would be glad to take any questions.