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The negotiator must understand education as well as collective bargaining.

Who will serve as the chief negotiator for the local board of education?

by John W. Dickerson

The process of professional negotiations in the public schools has reached a new level of sophistication in the state of Kansas. Recent amendments dealing with mediation and fact finding have added to the complexity, and there is nothing to suggest that easier or simpler proceedings lie ahead.

One administrator whose district has been to the courts a number of times as a result of negotiations is convinced that "the place to get an agreement is at the table and not in the courts."

If this statement has any credence, then a school board must do everything within its power to secure the most competent person possible to represent it at the table.

The boards of 180 of the 307 school districts in the state of Kansas enter into formal negotiations, according to the Kansas Association of School Boards most recent compilation of information. Of the remaining districts, 81 boards "meet and confer" with their employees, 19 neither negotiate nor "meet and confer," and 27 did not respond to the survey.

Who will serve as the negotiators for the boards of education in these 180 school districts?

What makes a good negotiator? What qualities and competencies must a negotiator possess? Where does a board go to find a negotiator?

The American Association of School Administrators has set up this amazing list of requirements for the ideal bargaining representative:

Knowledge of federal, state and local laws and court decisions affecting management-employee relations; current developments, trends, processes, and strategies in the field of collective negotiations; legal aspects of preparation and interpretation of negotiated contracts, school finance, tax and revenue structures, budgetary procedures and resource allocation; ability to conduct negotiations sessions that lead to acceptable agreement between the parties; plan, organize, and conduct research for the purpose of being better equipped to negotiate efficiently, prepare and present oral and written reports concisely, logically, and convincingly; deal tactfully, cooperatively and effectively with representatives of employee groups.

Due to the adversary nature of professional negotiations, the management side in the process requires the services of a unique individual. It requires someone who can deal with a teachers' union whose major aim is to alter management practices and the relationships between the board, superintendent and staff.

The negotiator must understand education as well as collective bargaining. He must have access to information concerning laws and the rulings and interpretation of courts and arbitrators. He should be educated in the field of industrial and social psychology in order to understand the motivations and frustrations of people and how they function in groups and how they adhere to organizational objectives.

It is obvious that a school board must choose its chief negotiator wisely; it is equally obvious, considering the numerous credentials reviewed here, that a school board is not likely to find good chief negotiators growing on trees.

Chief negotiators for school boards in Kansas presently are a varied lot. Their ranks include board members, former board members, superintendents, labor attorneys, general practice attorneys, central office administrators, principals and other people from assorted backgrounds. None of these necessarily has the qualifications essential to serving as negotiator.

If a board could employ a lawyer knowledgeable in labor relations who had been a teacher or school administrator presumably it would have a negotiator with an ideal background. Such an individual would be a rare find even in urban areas and rarer still in the many small, rural school districts of Kansas.

What, then, are the alternatives for a school district?

First, a school district should consider selecting a person who possesses the competencies and characteristics given by the American Association of School Administrators and noted above. Once found, the person should be employed on a full time basis by the school district. This presents the next problem: few school districts in Kansas are large enough to employ someone to serve as a chief negotiator and "director of employee relations" on a full time basis.

For this reason many school districts have assigned the responsibilities of chief negotiator to someone who is already full-time such as a central office administrator, superintendent, principal or other school district administrator. Sooner or later a district will learn that this

person is in a somewhat untenable position. For instance, one day the administrator is serving in an adversary type relationship with the teachers while the next day the same administrator may be seeking the support of the same teachers in an educational function or endeavor.

Another alternative that school districts have turned to is that of assigning the negotiation chore to a member of the board of education. Here again the negotiator is put in an awkward position. While at the table, the board member, in reality, is speaking for the entire board. This may not always be fair to the others on the board or to the individual board member.

Since the board is the final authority for developing any agreement, it is to the advantage of the board team, regardless of its composition, to be able to say to the teachers' team "we must take your proposal back to the board for consideration." This is difficult to do when a board member is the negotiator or when board members are serving on the board's negotiating team.

Assuming the above considerations are valid, the alternative remaining to the board is the employment of an "outsider" to head its negotiation team. This does not mean that the person must come from outside the school district or community. It means, rather, that a person "outside" the professional staff or board of education would be a better choice for the job.

The advantages that an outsider has in the negotiation process are these:

(1) An impersonal approach. The outsider will deal with the teachers' team only during the negotiations process at the table, thus allowing a more objective approach to the process.

(2) A more objective approach by the board. The board of education will not be involved in the negotiation process at the table and thus will have an opportunity to respond more as a unified body in dealing with the negotiation process. This does not preclude the board sitting in the audience during actual negotiations. Indeed, the presence of a board member during negotiations might well improve the chief negotiator's credibility with the association or union since a standard charge is that the negotiator is not speaking for the board or is not fully informing the board of what is happening in negotiations. Board members who sit as observers must, however, refrain from becoming actively involved in the process and from being swayed or prejudiced by the emotions or dramatics of the association or union.

(3) Better trained negotiators. Negotiators for the board must be thoroughly trained in the process. It is a proven fact that novices in negotiation soon tire of the pressures and frustrations. A well-trained outsider has a better opportunity of serving the board over a long period of time, because such a person is not subject to the built-in pressures which confront the "insider", such as the

superintendent, central office administrator, principal or board member in the system.

(4) Removal of the adversary situation with the school administration and the board. During difficult times in the negotiation process, the wrath of the teachers group naturally is directed toward the chief negotiator. In such cases, it is preferable that the negotiator be from "outside." The adversary situation which exists in negotiations always will generate some bad feeling toward the administration and the board, but having an "outsider" as negotiator surely should divert much of the heat.

Admittedly there are disadvantages connected with using an outsider as negotiator, but it is the opinion of this writer that the advantages are far greater.

The school board will think immediately of the cost of hiring an "outside" negotiator. In the first analysis, it will appear a very expensive proposition. And it is. But it may well be the best money the board can spend; it may even be the inexpensive route in the long run.

In any case if a better agreement can be reached, if a better working relationship can be developed with teachers, and if a better educational climate results for students, the money will have been well spent.

If the board of education does employ an outside negotiator, all of its members and the superintendent must agree:

- To have the utmost confidence in their negotiator
- To share and provide all needed information
- To spend time in the negotiations process as advisers
- To sit at the table with the negotiator if needed
- To give the negotiator the freedom to negotiate

Negotiating is an exceedingly complicated, complex procedure if it is done properly. It requires a person who is willing to work and to study, a person who can create and maintain an atmosphere of trust and confidence, a person who is fair and firm and tough but gentle. A rare bird.

Not many people have the exacting and broad qualifications referred to in this article; nonetheless, it behooves the conscientious board of education to seek and employ such a person for the important task of negotiating.

Who will serve as the negotiator for the board of education? The decision is one that must be made by board members and administrators. All of the ramifications of the decision must be carefully considered. The choice cannot be made lightly because it is one that will have a direct bearing on staff morale and staff morale ultimately comes to roost in the classroom and there it affects the education of the students.

In planning for negotiations, as in every other aspect of running a school district, the welfare of the students is the basic consideration. If they are well served, the district is well served.