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## Teacher Shortages, Union Contracts and the Supreme Court

BY LANCE IZUMI

A recent NBC *Nightly News* story warned of a nationwide teacher shortage, with 21,000 teacher positions needing to be filled in California alone. The NBC report said, “The demand is especially high in science, math, and special education.” What NBC failed to say, however, was that much of the shortage in high-demand fields can be traced to the uniform salary structures in teacher-union contracts.

Union contracts almost always forbid paying teachers according to the demand for their particular expertise. Teacher salaries are not tied to either market demand or classroom performance. For example, teachers are paid according to a uniform salary structure regardless of their teaching subject. An English teacher makes the same salary as a physics teacher.

In PRI’s *California Report Card*, we note that although there is a lot of discussion about a general teacher shortage, the real scarcity is in specific fields such as math and science. Individuals with college degrees in math and science can get much higher salaries in private industry. No wonder then that Teach California, the California Department of Education’s website for recruiting teachers, says that the state faces a teacher shortage in subjects such as math and science, but not in English or social sciences.

The problem is that salary schedules are set in collective bargaining between teacher unions and local school districts. So local collective bargaining would have to change to accommodate differentiated compensation, which would address teacher shortages in specific fields. That change may be coming in the form of a case, *Friedrichs vs. California Teachers Association*, which will soon be decided by the United States Supreme Court.

In their lawsuit, California teacher Rebecca Friedrichs and her co-plaintiffs argue that they should not be forced to pay a so-called “agency fee” to fund collective bargaining by teacher unions. While teacher unions claim that the contracts they negotiate benefit all non-union teachers, and thus justify the agency fees, the evidence shows that such is not the case.

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Citing research by noted University of Missouri economist Michael Podgursky, a friend-of-the-court brief on the *Friedrichs* case we filed at PRI states: “Because all teachers of equivalent seniority and education level are compensated exactly the same, regardless of the schools or fields in which they teach, teachers are less likely to seek employment in schools with difficult working conditions and in hard-to-staff teaching fields, such as special education, high-school mathematics, and high-school science.”

“This, in turn,” the brief observes, “leads to unfilled teacher rosters at high-poverty schools, vacancies in hard-to-staff teaching fields, and an ineffective practice of assigning teachers ‘out of field’ or with substandard licenses simply to fill vacant positions.” In other words, the uniform salary provisions of teacher union contracts lead directly to the teacher shortages that alarm NBC and the government education establishment.

If the Supreme Court strikes down agency-shop fees, the impact on unions and collective bargaining will be significant. Internal documents of the National Education Association, the nation’s largest teachers union, which were obtained by the Education Intelligence Agency (EIA), a private watchdog organization, show that more than 100,000 non-union teachers, including more than 28,000 in California, paid agency fees to the union in 2014-15.

“The unions,” says EIA, “will be operating in a competitive market where the individual decisions of hundreds of thousands of teachers and support employees will determine its fiscal health, rather than provisions of collective bargaining laws and school contracts.”

If the court sides with Rebecca Friedrichs, and more teachers exit the unions, the future of the unions, the contracts they now negotiate, and the uniform salary structures contained in those contracts could come into doubt. Teacher hiring and employment practices could change, with pay becoming more responsive to demand for teachers in specific fields and to the ability of individual teachers to improve student learning. Only through such fundamental change will the problem of teacher shortages be solved.

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## Endnotes

- 1 Evidence suggests that 3 year draughts in Central and Southern California have been common occurrences throughout the last 1,200 years. However, the current draught is the most severe in that time due to “reduced though not unprecedented precipitation and record high temperatures”. For more information see: Daniel Griffin and Kevin J. Anchukaitis, “How unusual is the 2012-2014 California drought?” *Geophysical Research Letters: An AGU Journal*, December 30, 2014. <http://onlinelibrary.wiley.com/doi/10.1002/2014GL062433/full>
- 2 “Executive Order B-29-15”, State of California, Executive Department, April 1, 2015. [http://gov.ca.gov/docs/4.1.15\\_Executive\\_Order.pdf](http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf)
- 3 For more information see: Arthur B. Laffer, “A Responsible Solution to California’s Water Crisis”, A.B. Laffer, V.A. Canto & Associates, February 21, 1991, and, Arthur B. Laffer, “Defeating California’s Water Crisis”, *U-T San Diego*, May 2, 2012. <http://www.utsandiego.com/news/2012/may/02/defeatingcalifornias-water-crisis/>
- 4 Ibid.
- 5 Victor Davis Hanson, “California’s Water Wars: Environmentalist efforts to save the delta smelt threaten to create a new dust bowl”, *City Journal*, Summer 2011. [http://www.city-journal.org/2011/21\\_3\\_california-water.html](http://www.city-journal.org/2011/21_3_california-water.html)
- 6 Dennis Dimick, “Lack of Snow Leaves California’s ‘Water Tower’ Running Low”, *National Geographic*, March 4, 2015. <http://news.nationalgeographic.com/news/2015/03/150304-snow-snowpack-california-drought-groundwater-crisis/>
- 7 Jim Wood, “Stay CALM: Countering panic attacks from the Herbal Tea Party”, *Marin Magazine*, July 2014. <http://www.marinmagazine.com/July-2014/Stay-Calm/>
- 8 Arthur B. Laffer, “A Responsible Solution to California’s Water Crisis”, A.B. Laffer, V.A. Canto & Associates, February 21, 1991.
- 9 For an explanation on allocation-based water pricing, see: Irvine Ranch Water District, “Allocation-Based Conservation Rate Structure”, *Background Paper*. <https://www.irwd.com/images/pdf/rates/IRWDABCratesFAQ41415.pdf>
- 10 State of California, “Water Code Section 370-374”, Official California Legislative Information. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat&group=00001-01000&file=370-374>
- 11 Peter Bowes, “California drought: Will the Golden State turn brown?” BBC News, April 6, 2015. <http://www.bbc.com/news/world-us-canada-32196177>
- 12 Victor Davis Hanson, “California’s Water Wars: Environmentalist efforts to save the delta smelt threaten to create a new dust bowl”, *City Journal*, Summer 2011. [http://www.city-journal.org/2011/21\\_3\\_california-water.html](http://www.city-journal.org/2011/21_3_california-water.html)
- 13 Curtis Skinner, “California court rejects city’s tiered rates”, Reuters, April 21, 2015. <http://www.reuters.com/article/2015/04/21/us-usa-california-drought-idUSKBN0NC0GF20150421>
- 14 David Zetland, “How to price water for conservation in California”, *Aguanomics Blog*, April 21, 2015. <http://www.aguanomics.com/2015/04/how-to-price-water-for-conservation-in.html>
- 15 Ronald C. Griffin, James W. Mjelde, “Distributing water’s bounty”, *Ecological Economics*, 72, 2011. <http://ron-griffin.tamu.edu/reprints/GriffinMjelde2011.pdf>
- 16 Kurtis Alexander, “California drought: Voluntary cutback falls short in Bay Area”, *San Francisco Gate*, June 9, 2014. <http://www.sfgate.com/science/article/California-drought-Voluntary-cutback-falls-short-5538084.php>
- 17 Koichiro Ito, Takanori Ida, and Makoto Tanaka, “The Persistence of Moral Suasion and Economic Incentives: Field Experimental Evidence from Energy Demand”, *E2e Project Working Paper Series*, University of California, Berkeley. <http://e2e.haas.berkeley.edu/pdf/workingpapers/WP017.pdf>
- 18 “FRESHWATER: Supply Concerns Continue, and Uncertainties Complicates Planning”, United States Government Accountability Office, May 22, 2014. <http://www.gao.gov/products/GAO-14-430>
- 19 The 1991 paper also specified a transition protocol to allow an adjustment period during which the amount of water subject to market-pricing increased each year. Such a procedure could again be put in place today. See: Arthur B. Laffer, “A Responsible Solution to California’s Water Crisis”, A.B. Laffer, V.A. Canto & Associates, February 21, 1991.