Presentation to VSBA & VSA Fall 2026 Conference

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Remember Your Role

SCHOOL BOARD REPRESENTATIVE	UNION REPRESENTATIVE
Acts in the best interests of students and the school system.	Advocates for the interests and benefits of their members.

These responsibilities don't always align.
Your responsibility is to put students first.

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Beyond Salary and Benefits

TRADITIONAL FOCUS	GROWING FOCUS
• Across-the-board salary increases • Step increases and established salary schedules	• Day-to-day operational decisions • Workplace rules and conditions • Greater union influence over how schools operate

Where should the line be drawn between employee interests and management authority?

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Management Rights Matter Throughout the CBA

Even during an active contract, disputes can arise over:

- Alleged changes in working conditions
- Claims that planned changes require bargaining
- Attempts to delay implementation pending negotiations

The Board's protection is a strong management-rights clause

Don't rely on general language alone.
Explicitly identify the rights and responsibilities reserved to management.

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What Should Management Retain the Right to Decide?

OPERATIONS	STAFFING
• How work is performed • Staff assignments within the agreed workday • Scheduling faculty and staff meetings	• Transfers between school buildings • Discipline for just cause • Termination of probationary employees, consistent with applicable law and the CBA

If a right matters to managing your schools, consider reserving it explicitly in the CBA.

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Operational Control: The Battle Over Leave

Legislative Action	Collective Bargaining
• State law can expand employee leave entitlements beyond negotiated CBA provisions. • Statutory changes may supersede existing contract language.	Negotiations increasingly address the scope and use of leave benefits • Sick leave – Expanded sick banks • Bereavement leave – Broader definitions • Personal leave – Change permitted uses • Union leave – Union-related meetings and activities

Who determines the scope, use, and cost of employee leave benefits?

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Operational Control: Time, Place & Professional Autonomy

TRACKING LEAVE	PROFESSIONAL AUTONOMY	WORKDAY EXPECTATIONS
• Standardizing leave practices after district mergers • Resolving disputes over established past practices	• Preserving flexibility for self-directed work • Defining expectations for professional employees throughout the workday	• When and where employees can be assigned • Balancing scheduled hours with professional responsibilities beyond the school day

How much flexibility should employees have and who sets the boundaries?

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Operational Control: How Far Does It Extend?

MEETINGS	TEACHING ASSIGNMENTS	USE OF THE WORKDAY
• Limits on meetings outside the regular school day • Restrictions on meeting start times, duration, and topics	• Caps on the number of classes assigned to individual teachers	• Requirements that specified duties occur during the student day • Potential restrictions on when other professional responsibilities can be completed

Should the CBA establish operational boundaries or leave flexibility to school leadership?

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Operational Control: Defining the Limits

PREPARATIONS	PREP TIME	ADDITIONAL DUTIES
• Limits on meetings outside the regular school day • Restrictions on meeting start times, duration, and topics	• Contractual definitions of activities requiring preparation time • Disputes over whether activities such as advisories qualify	• Limits on non-instructional assignments • Door, lunch, recess, homeroom, and dismissal duty

How much flexibility should administrators retain to assign work based on student and school needs?

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Operational Control: The Cumulative Impact

LESS FLEXIBILITY	GREATER STAFFING PRESSURES	HIGHER LONG-TERM COSTS
• More limits on assigned duties • More employee-directed time during the workday	• Reduced ability to reallocate existing staff • Potential need for additional personnel	• Incremental restrictions can compound over time • Staffing costs may increase without a corresponding increase in student services

Small concessions today can create significant operational and financial consequences tomorrow. The cost of a negotiated provision is not always reflected in the salary schedule or benefits package.

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The Issues Extend Beyond Teachers

Support Staff Negotiations Raise Similar Questions

HOURLY WORK & COMPENSATION	ASSIGNMENTS & RESPONSIBILITIES	A CHANGING NEGOTIATING LANDSCAPE
• What counts as compensable work time? • How are work hours and assigned duties defined?	• What duties can management assign? • How much flexibility remains to adjust responsibilities?	• Similar operational issues are emerging across employee groups. • Boards should anticipate these discussions in support staff negotiations, too.

Operational control is a district-wide issue, not just a teacher contract issue.

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A New Frontier in Contract Interpretation?

The Scenario

- Early-release days are designed to give teachers time to collaborate.
- Collaboration is intended to improve instruction and student outcomes.
- A union grievance reportedly asserts that preparation time must also be provided.

Can time designated for professional collaboration also satisfy preparation-time requirements?

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Employee Discipline: The Board's Role

SUPERINTENDENT Initiates the process with a paid suspension.

SCHOOL BOARD Considers the matter, whether or not the suspension is appealed.

BOARD REVIEW When appealed, the Board follows the statutory process and may uphold, modify, or reverse the Superintendent's determination.

- Disciplinary procedures depend on the CBA and applicable law.
- The contract should clearly address appeal rights and dispute resolution.

Know the statutory requirements and negotiate clear disciplinary procedures.

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Employee Discipline: Know Your Legal Obligations

DUE PROCESS ***Loudermill***	**UNION REPRESENTATION** ***Weingarten***
• Requires notice and an opportunity to respond before certain serious employment actions. • The applicable requirements depend on the employee's protected rights and the circumstances.	• May apply when an employee requests representation during investigatory questioning that could lead to discipline.

Understand which protections apply, when they apply, and what process is required.

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School Safety: A Shared Responsibility

EMPLOYEE CONCERNS	BOARD RESPONSIBILITIES
• Safety risks related to student behavior • Training on safety practices and procedures • Time for staff collaboration on safety issues	• Take safety concerns seriously and bargain in good faith • Establish clear, legally compliant safety standards • Preserve the flexibility to respond to changing conditions

Prioritize safety while maintaining the ability to respond effectively to operational needs. Safe schools require clear standards, collaboration, and effective leadership.

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Healthcare Benefits: Know Where to Draw the Line

STATEWIDE BARGAINING	LOCAL COLLECTIVE BARGAINING
• A new round of statewide healthcare negotiations begins in April 2027. • Healthcare benefit and cost-sharing issues belong at the statewide negotiating table.	• Avoid reopening statewide healthcare issues through local negotiations. • Do not assume the district must absorb increases in teachers' 20% share of premium costs. • Evaluate proposals based on actual financial impacts, not emotional appeals.

Don't negotiate locally what is being negotiated statewide or make local taxpayers automatically responsible for higher healthcare costs.

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Questions
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Thank You

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