GETTING THE FOX OUT OF THE SCHOOLHOUSE:

How the Public Can Take Back Public Education

MICHAEL C. ZWAAGSTRA
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JOHN C. LONG

September 2007

Atlantic Institute for Market Studies

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EXECUTIVE SUMMARY

Teachers' unions — often called associations, federations, or societies — are an integral part of Canada's educational systems. They are responsible for representing teachers at the bargaining table, and they speak on teachers' behalf on matters of educational policy. Because of their importance, it is necessary to examine critically the impact of teachers' unions on these educational systems.

Teachers' unions do not have fundamental responsibility for the accountability of school systems; rather, that responsibility belongs primarily to those who officially govern school systems. If unions have received too much at the expense of the public, then the fault lies with provincial governments, school boards, parents, and citizens.

Provincial governments are responsible for the legislative and regulatory arrangements that govern school systems, including the powers and duties of school boards and the legal regime for collective bargaining. Every clause in every collective agreement has been agreed to by a school board representing citizens, including parents. If there has been a less-than-effective preservation of management rights, that is something for which school authorities, to a significant extent, are responsible. Parents and citizens, too, bear some significant responsibility for insufficiently accountable school systems when they too easily accept unions' characterizations of what is in the best interests of the public.

On matters of educational reform, teachers' unions have opposed many attempts to increase transparency and accountability in Canada's school systems. Specifically, the unions have been strong opponents of standardized testing, increased parental choice in schooling, and any form of performance-based pay for teachers. At the same time, teachers' unions favour reforms such as limitations on class size, even though smaller classes cannot assure improved student performance without considerable cost.

Some light is beginning to shine, however, on education reform. In the United States, for example, both the American Federation of Teachers (AFT) and the National Education Association (NEA), after considerable pressure, have replaced their traditional opposition to standardized testing, parental choice, and merit pay with constructive criticism and reasonable proposals. And the Teacher Union Reform Network (TURN), an association of disaffected US teachers established in 1996 by locals from both unions, advocates a new form of unionism that focuses on collaboration, rather than confrontation, with employers and governments.

To date, TURN has no Canadian equivalent, although opinion surveys indicate that a significant number of Canadian teachers, and a substantial number of parents and taxpayers, support reforms to improve student academic achievement and reward effective teachers. Such reforms are unlikely

to be implemented, however, unless provincial governments and school boards initiate certain changes. Provincial governments, especially, need to make it clear that they plan to represent the public interest more effectively.

It is time to correct the imbalance between unions' interests and those of the public in the development and implementation of policy for school systems. It is time to enable parents and citizens to become more influential in their own right, to become a more effective counterweight to teachers' unions. We make five recommendations we believe are critical in rebalancing the interests of teachers' unions and the public to achieve more effective schools and school systems:

- use a standardized testing regime to assess the achievement of students;
- give parents greater choice in the schools their children attend;
- adjust salary schemes for teachers, to recognize meritorious performance;
- remove principals from the bargaining unit for teachers; and
- replace the provisions for strike and lockout with binding arbitration.

Because legal regimes and educational circumstances differ across Canada, the implementation of such policies would also differ in each province and territory. Moreover, provincial and territorial governments would have to reassure teachers that their basic rights to fair salaries, benefits, and other working conditions, especially protection against unfair discipline, were not in jeopardy. The striving for the objective of any reform initiative should be animated by the desire to improve the performances of students and schools, not to penalize teachers or undermine the legitimate right of parents and citizens to participate in the educational enterprise.

INTRODUCTION

What is the main purpose of education? All teachers likely have a response to this question because they are forced to think about it throughout their university education and working lives. Since there are almost 360,000 public school teachers in Canada (Clifton 2005), one would expect there to be almost as many answers.

Nevertheless, one would also expect virtually all teachers to agree that the most important purpose of education is to ensure that students learn what they need to know in order to function as citizens in a free, democratic, and pluralistic society (Holmes 1998). School administrators thus need to determine what factors have the largest impact on student learning; they then need to create classrooms and schools that enable effective learning to take place. Research has shown, for example, a strong relationship between some qualities of teachers and the academic achievement of their students (Rivkin, Hanushek, and Kain 2005), which suggests the need to reward effective teachers and help ineffective ones improve or, if they cannot, to dismiss them. Such administrative strategies might sound relatively simple, but, as even a cursory examination of educational labour relations shows, some difficulties arise in using them in Canada.

The study of educational labour relations is, in fact, relatively new and the research evidence is modest. Essentially, this is because the field is large and the issues are complex, "typically entwined with matters of politics, organization, economics, law and school finance" (Johnson 1988, 603). Certainly, there are good reasons labour relations in the educational sector should command the attention of researchers, policymakers, and citizens alike. The first reason is that of sheer numbers: teachers constitute the largest group of unionized workers in both Canada and the United States (Johnson 1988; Clifton 2005). The second reason is that the growth of the unionization of teachers has stirred both scholarly interest and public concern in that some regard thorough unionization as incompatible with the teaching occupation and the interests of the wider public. As Johnson (1988, 603) notes, "[a] tradition of local control in public education coupled with teachers' repeated claims to professional autonomy seem to be at odds with industry-wide negotiation or formalized regulation of teachers' work." Finally, school administrators, who are supposed to function as on-site managers, are themselves former teachers and are both more sympathetic to teachers' values and expectations and less attached to their role and responsibilities as managers who must also represent the interests of the employer, parents, and taxpayers.

Teachers' unions exist in virtually all industrialized countries. In federated states such as Australia, Canada, and the United States, teachers' unions are established within the state or province (see Lawn 1985; Donnelly 2004). In Australia, for example, teachers belong to specific unions within each state or territory based on the sector, whether public or private, in which they teach (Boyd and

Smart 1987). The United States has a similar arrangement, but the power of unions is restricted to a greater degree than in many other federations, including Canada (Godin et al. 2006; Shackleton 2006). Only 33 US states have collective bargaining laws that require school boards to negotiate agreements with teachers' unions, and most states ban teachers' strikes. Moreover, two major teachers' unions, the National Education Association and the American Federation of Teachers, compete for membership. In most US school jurisdictions, teachers can choose whether or not to join one, the other, or neither of these two unions (Brimelow 2003).

Canada, on the other hand, is similar to Australia in that the labour relations framework favours the interests of teachers' unions (Donnelly 2004; Godin et al. 2006; Shackleton 2006). Membership in teachers' unions is often automatic, and every single province and territory requires collective agreements to be negotiated with the teachers' unions. Furthermore, most province and territories permit teachers' strikes and lockouts. In the few provinces with more than one union, teachers tend to be divided on the basis of grade level, language, or religion. Essentially, Canadian teachers' unions have little or no competition; they are virtually monopolies in the public sector.

Teachers' unions have as their primary interest the promotion and protection of teachers' welfare (Holmes 1998; Ungerleider 2003), particularly, as in Canada, teachers' salaries and working conditions. In his book, *The Worm in the Apple*, Peter Brimelow (2003), a Canadian-born journalist working in the United States, notes that the interests of teachers' unions and the interests of students and parents are often mutually exclusive. Like other unions, teachers' unions have a vested interest in:

- expanding their membership base;
- increasing teachers' salaries, benefits, and favourable working conditions;
- restricting the ability of administrators or school boards to evaluate teaching and student progress effectively, to reward success in either, and to discipline teachers for less than effective job performance; and
- gaining more control over educational policy.

Recent research in Canada by Guppy and his colleagues (2005) shows clearly, however, that teachers' unions do not represent the concerns of all teachers in pursuing such objectives. Nevertheless, as teachers' unions have achieved more and more of these objectives over the past several decades, their relative strength has increased substantially in a number of respects (Holmes 1998, 145–46). For example, the larger their membership base, the more union dues they collect. Similarly, as teachers' salaries increase year after year, unions are able to increase their annual fees accordingly, giving them substantially increased revenues from their members. Restricting the right of management to discipline teachers and gaining more control over educational policy also make it easier for teachers' unions to promote policies that serve their particular interests rather than those of students, parents, and the general public. In this respect, as Merrifield, Dare, and Hepburn (2006, 8) state, "[t]he unions' financial power, combined with their ability to mobilize thousands of teachers, makes them very influential in the political arena."

Because of their monopolistic nature, public sector unions generally — and teachers' unions specifically — are often in a stronger bargaining position than are private sector unions, which tend to be constrained by the requirements of competition, efficiency, and affordability (Holmes 1998; Brimelow 2003; Shackleton 2006). Private sector unions need to act in a responsible manner to ensure that their employers remain viable or else employees might lose their jobs. In Canadian public school systems, in contrast, this is a much less salient consideration. In most provinces, parents cannot easily send their children to competing schools, in part because there are often few schools close to their homes. In addition, a financial burden, for transportation and tuition, often accompanies such parental choices. Consequently, the influence of teachers' unions on Canadian school systems and educational policy has become a significant cause for concern for informed parents and taxpayers. Riley et al. (2002) argue, for example, that teachers' unions — even in the United States, where such unions are not as strong as in Canada — have undermined the effectiveness of public schools. The educational research literature[1] suggests that effective schools have:

- a clear school mission;
- high expectations for students' success;
- strong instructional leadership;
- frequent monitoring of students' progress;
- increased opportunity for students to learn;
- a safe and orderly environment; and
- positive relations between parents and the school.

Yet, not one of the major objectives of teachers' unions is framed in terms of creating or maintaining effective schools. Indeed, teachers' unions often advocate policies — such as salary schemes that take no account of teachers' performance — that actually inhibit the development of effective schools. At the same time, they oppose policies — such as the use of standardized testing — that provide opportunities to monitor students' progress more effectively (Manitoba Teachers' Society 2007). While giving lip service to accountability, Canadian teachers' unions, in fact, have opposed almost every attempt by parents and other groups to identify effective and ineffective teachers and schools. This opposition is evident, for example, in their response to "school report cards" published by the Atlantic Institute for Market Studies and other institutes to better inform parents, students, and taxpayers about the effectiveness of specific schools.[2]

Similarly, despite the fact that strong instructional leadership is a key component of effective schools, teachers' collective agreements constrain the exercise of such leadership by school administrators. Johnson (1988, 619) notes the substantial consensus among US researchers regarding the impact of collective bargaining on principals' administrative practice: "Researchers agree that teachers have

1 See, for example, Martz (1992); Association for Effective Schools (1996); Fleming and Raptis (2003); Patchen (2004).

2 See, for example, Audas and Cirtwill (2003); Atlantic Institute for Market Studies (2007); Cowley and Easton (2007a, 2007b, 2007c); and Johnson (2005, 2007). For negative views of teachers' unions to such report cards, see, for example, Newfoundland and Labrador (2003); Canadian Teachers' Federation (2004); Alberta Teachers' Association (2006).

won formal powers relative to principals, that contracts have constrained principals' discretion, and that principals' work has become more managerial and their jobs more difficult." In Canada, this difficulty is likely exacerbated by the fact that, in most provinces, principals are the union colleagues of teachers, a status that reflects the decisions of provincial governments, labour boards, and, of course, the ambition of the unions themselves. Yet it is a fundamental conflict of interest that does not serve the public interest in quality education.

Are teachers' unions a significant barrier to educational reform in Canada? Has the influence of teachers' unions on the operation of public schools and the development of educational policy produced results that reflect the public interest? If not, what adjustments might be called for in the policy and practice of schooling? To answer these questions, we first outline a brief history of teachers' unions and their major achievements in collective bargaining. We then examine representative collective agreements in Canada, and evaluate the suitability of certain provisions for improving the effectiveness of schools. Finally, we recommend five educational policy priorities designed to reconstitute a vision of the public interest that is more sensitive to parents and taxpayers while not undermining the legitimate role that teachers' unions play in education.

TEACHERS' UNIONS AND COLLECTIVE BARGAINING

In Canada, education is exclusively the jurisdiction of the provincial governments — except for the education of Aboriginals, the children of certain military personnel, and a few other federal initiatives in technical and bilingual education (see Young, Levin, and Wallin 2007). As a result, provincial teachers' unions have their own histories. Even so, there are similar patterns across the country that indicate that the unions have been well aware of, and often involved in, educational developments in other jurisdictions.

Similar to Canada, education in both Australia and the United States is primarily the responsibility of state governments (see Lawn 1985; Donnelly 2004); consequently, teachers' organizations there were initially established at the state level. Thus, in order to gain a better understanding of teachers' unions in Canada, it is useful to examine briefly the development of teachers' unions in the United States, which has had a substantial influence on Canadian education, at least over the past several decades. A number of similarities exist between US and Canadian teachers' unions, but some noteworthy differences as well.

Collective Bargaining in the United States

The history of teachers' collective bargaining in the United States is closely intertwined with the growth of both the National Education Association and American Federation of Teachers.[3] Since these two large national unions represent about 90 percent of teachers in the United States, it is important to understand their origins and their impact on collective bargaining.

In 1857, representatives from ten state teachers' organizations met in Philadelphia to establish the National Teachers' Association (NTA). It was, however, a teachers' organization in name only, largely because classroom teachers had little involvement for several decades. During its formative years, the NTA was largely composed of university teachers and focused more on the discussion of educational ideas than on influencing educational policies that affected the lives of public school teachers and their students. Shortly before the beginning of the twentieth century, the NTA merged with the National Association of School Superintendents and became the National Education Association (NEA).

At first, the leadership of the NEA was still dominated by university presidents and school superintendents, but the association soon commissioned studies of the salaries, benefits, and job security of

3 The discussion in this section is drawn largely from Cresswell, Murphy, and Kerchner (1980); Nelson (1990); and Brimelow (2003).

public school teachers. These studies suggested that, generally, teachers' salaries were not keeping pace with the cost of living; that, in comparison with other professionals, teachers were poorly paid; and that their working conditions were more difficult and more stressful than the public generally believed (National Education Association 1905; Brooks 1913). These reports focused the NEA's attention on taking a greater interest in the welfare of classroom teachers in US public schools. Consequently, the NEA lobbied state governments to increase the salaries and benefits of teachers, but it still opposed collective bargaining, which it called unprofessional behaviour; indeed, at that time, the educational administrators who still dominated the association thought that collective bargaining would undermine their ability to manage schools. In short, while the NEA served as a general advocate for public education, it refused to take sides when the interests of teachers and school trustees diverged.

Teachers' unions in some states were dissatisfied with this approach, however, and thought that their organizations should become officially associated with other labour unions. Accordingly, in 1916, a teachers' local from Gary, Indiana, and three Chicago teachers' unions formed a national teachers' union, the American Federation of Teachers (AFT), which was integrated into the American Federation of Labour.

The NEA opposed collective bargaining for its members until the late 1960s, but the AFT openly advocated such action as early as 1935 (Moskow 1969) — although it maintained a no-strike policy until the early 1960s. Nevertheless, in 1946, the AFT teachers' local in St. Paul, Minnesota, became the first such union to go on strike in the United States. Over the next couple of decades, however, the AFT continued its adherence to a no-strike policy while refusing to discipline locals and their members who participated in strikes.

It was not until 1960 that a teachers' union in the United States gained the right to bargain collectively for its members. On November 7, 1960, teachers in New York City — who were then represented by the United Federation of Teachers (UFT), affiliated with the AFT — staged a one-day strike to back up demands for collective bargaining rights. In 1961, a poll conducted by the city found an overwhelming majority of teachers in favour of collective bargaining, and a vote later that year confirmed that most teachers wanted the AFT to represent them in collective bargaining with the city. In 1962, New York City teachers signed a collective agreement that, among other things, granted them a $1500 salary increase, a reduction in instructional loads, an increase in specialized services, and a limitation on class size.

That collective agreement coincided with the increasing acceptance of public sector unionization in the United States. Prior to the 1960s, labour union leaders, such as AFL-CIO president George Meany, had opposed the unionization of public sector workers because of their monopoly status. Opinions changed, however, and in 1960 President John F. Kennedy signed an executive order allowing collective bargaining for federal employees. Several states, most notably New York, began passing legislation that would allow the formation of public sector unions. Although teachers' unions were still far from having collective bargaining rights, the legal restrictions against them gradually decreased.

In the 1960s, more teachers' locals, particularly those in larger urban centres, began to demand, and to receive, the right to bargain collectively. Indeed, before 1960, no state required local school boards to bargain with teachers collectively; by 1985, however, more than 30 states did so, 11 other states permitted, but did not require, collective bargaining, and only 4 prohibited it. During this period, the NEA, while still opposing collective bargaining in principle, began to advocate professional negotiations that were indistinguishable from unionized collective bargaining. Currently, most states require school boards to bargain collectively once a union has been certified, and both the NEA and AFT bargain on behalf of teachers all across the United States.

Over time, the two national teachers' unions have become increasingly similar in structure and purpose. As a result, there have been increased discussions about merging them into one large national teachers' union. In 1996, the NEA and AFT reached a "no raid" agreement not to recruit members from each other nor challenge each other's bargaining rights (National Education Association 1998). In 1998, the presidents of the two unions announced that a merger between them was likely, but their respective members rejected the proposal later that year. Thus, for the time being, the NEA and the AFT remain separate but powerful unions representing the collective interests of virtually all US public school teachers.

Collective Bargaining in Canada

As in the United States, teachers in nineteenth-century Canada could not bargain with their employers on a collective basis. Local school boards hired individual teachers, whose salaries and working conditions were at the discretion of the school trustees. This meant that school boards could, and did, unilaterally lower teachers' salaries when, in their minds, economic conditions warranted — during the First World War, for example. Needless to say, there was virtually no job security for teachers: in some jurisdictions, female teachers could be dismissed if they married.

The earliest teachers' associations in Canada focused primarily on providing general in-service training for teachers, and had little interest in negotiating better working conditions for their members. The Ontario Education Association (1887), the Provincial Association of Protestant Teachers of Quebec (1864), the Educational Association of Nova Scotia (1863), and the Teachers' Federation of Prince Edward Island (1880) all provided forums for teachers to meet and discuss educational matters; they also allowed provincial departments of education to make public pronouncements on their educational plans.[4] These early associations could not be described as teachers' unions, however, because they did not lobby collectively for terms and conditions of employment.

In the late nineteenth century, in what is now Atlantic Canada, several teachers' associations were established with their primary focus the improvement of working conditions for public school teachers. The Newfoundland Teachers' Association, for example, was founded in 1890 under the leadership

4 This section draws on the history of Canadian teachers' unions by Lawton et al. (1999).

of James Bancroft, who hailed from the union stronghold of Chester, England. Bancroft sought to establish a teachers' pension plan as well as to increase teachers' salaries. Largely as a result of Bancroft's political astuteness, both goals were accomplished within several years (Pitt 1990). In 1895, the Teachers' Protective Union of Nova Scotia was formed, with its primary focus on improving salaries and working conditions for teachers in that province. Over the next 25 years, however, it was active only intermittently, and it never really gained collective bargaining authority for its members (Nova Scotia Teachers' Union 2006).

Most teachers' unions in Canada were founded or reconstituted between 1914 and 1920 (see Table 1). Organizers in the western and Maritime provinces were able to create unified associations that included all public school teachers, but teachers in Ontario and Quebec were largely divided on the basis of gender and religion. Nevertheless, teachers' unions in those two provinces worked together on a number of common causes, and proved capable of showing a united front when they faced hostile governments and school boards.

Newly formed teachers' unions did not have to wait long before receiving official recognition from their respective provincial governments. In 1935, for example, the Saskatchewan government passed *An Act Respecting the Teaching Profession,* which provided for mandatory membership in the Saskatchewan Teachers' Federation for all public school teachers (Saskatchewan Teachers' Federation 2006). The remaining provinces later passed legislation that provided for automatic, but not compulsory, union membership for public school teachers.[5] The first teachers' union to gain the specific right to bargain collectively on behalf of all teachers in the employ of school boards was the Alberta Teachers' Association, in 1941. Teachers' unions in other provinces followed suit, although teachers in Quebec did not receive this right until 1965.

In 1920, the Canadian Teachers' Federation (CTF) — which promotes cooperation among the provincial unions and seeks to represent the interests of Canada's nearly 360,000 public school teachers to the federal government and, occasionally, the provinces (see Clifton 2005; Canadian Teachers' Federation 2006) — came into existence as a national umbrella organization. The CTF plays a limited role in educational policy, however, because education falls within provincial jurisdiction and because the CTF has no direct authority or control over any provincial teachers' unions, unlike such umbrella organizations in Australia and the United States (Young, Levin, and Wallin 2007).

5 Thus, for most teachers in Canada, membership in a teachers' union usually follows upon employment rather than being a precondition of employment (Holmes 1998). Nevertheless, all members of a teachers' bargaining unit must pay dues, even if they do not belong to the union. Practically, this means that individual teachers can "write themselves out" of automatic membership in the union, but they must pay union dues and are otherwise subject to the terms and conditions of the collective agreement negotiated on their behalf (Bezeau 1995).

Table 1: ***Provincial Teachers' Unions***

Teachers' Union	Year Created	Membership (Teachers)	Web Site
Alberta Teachers' Association	1918	30,000	www.teachers.ab.ca
British Columbia Teachers' Federation	1919	43,000	www.bctf.bc.ca
La Fédération des syndicats de l'enseignement[a]	1998	82,000	www.fce.qc.net
Manitoba Teachers' Society	1919	14,000	www.mbteach.org
New Brunswick Teachers' Federation	1903	7600	www.nbtf-fenb.nb.ca
Newfoundland and Labrador Teachers' Association	1890	6450	www.nlta.nl.ca
Northwest Territories Teachers' Association	1953	775	www.nwtta.nt.ca
Nunavut Teachers' Association	1999	650	www.ntanu.ca/index.html
Nova Scotia Teachers' Union	1895	10,300	www.nstu.ca
Ontario Teachers' Federation[b]	1944	144,000	www.otffeo.on.ca
Prince Edward Island Teachers' Federation	1880	1500	www.peitf.com
Quebec Provincial Association of Teachers[c]	1997	7000	www.qpat-apeq.qc.ca
Saskatchewan Teachers' Federation	1914	12,000	www.stf.sk.ca
Yukon Teachers' Association	1955	450	www.yta.yk.ca

a La Fédération des syndicats de l'enseignment was founded in 1998 as a result of the merger of 44 smaller unions. It represents French-speaking teachers in Quebec.

b All teachers are required by law to belong to the federation as a condition of teaching in publicly funded schools in Ontario. In fact, teachers belong to one of four affiliated unions that predate the Ontario Teachers' Federation. These bodies are: l'Association des enseignantes et des enseignants franco-ontariens, the Elementary Teachers' Federation of Ontario, the Ontario English Catholic Teachers' Association, and the Ontario Secondary School Teachers' Federation.

c The Quebec Provincial Association of Teachers was formed in 1997 through the merger of the Protestant and Catholic Teachers' Associations. It represents English-speaking teachers. Its parent body, the Provincial Association of Protestant Teachers, was founded in 1864.

Sources: Lawton et al. 1999; teachers' union Web sites.

Comparing Teachers' Unions in Canada and the United States

Although there are many similarities between teachers' unions in Canada and the United States, the differences are striking. These differences, in fact, help to explain why teachers' unions in Canada, despite the absence of an effective national union, are more entrenched and more powerful than those in the United States.

The first significant difference is that the United States has two very large national teachers' unions, the NEA and the AFT, that compete with each other for members, while Canada has a much less

powerful association of provincial unions, the CTF, and most Canadian teachers have little choice but to join a provincial union. The two US national unions offer different philosophical approaches in that the AFT has been much more strident than has the NEA in its support for collective bargaining and job action, including the strike. In contrast, teachers' unions in Canada have never competed for members, and philosophical differences among them are muted; simply, Canadian teachers' unions know that their membership and resources increase as the total number of teachers increases, and that no competing union can capture members.

The second major difference between teachers' unions in the two countries is that, in Canada, collective bargaining legislation is much more favourable to unions than in the United States (Godin et al. 2006). In Canada, teachers in every province have been bargaining collectively since at least 1965, and school boards are legally required to negotiate with representatives of the provincial unions. In contrast, as noted earlier, not all US states require teachers to engage in collective bargaining, so that teachers' unions in that country have less formal power than those in Canada.

Third, teachers' unions in the United States historically have been less willing to undertake drastic labour actions, such as strikes and working to rule, than have Canadian unions. Throughout most of its history, for example, the NEA has opposed collective bargaining, although it currently endorses procedures that are virtually indistinguishable from collective bargaining. Canadian teachers' unions, on the other hand, have always championed the right to collective bargaining, and most favour strong labour action, including strikes, to achieve their objectives.

As a result of these differences, Canadian teachers' unions are in a stronger position in relationship to their employers, school boards, and provincial governments than their counterparts in the United States (see Godin et al. 2006). In fact, collective bargaining is strongly entrenched across Canada; teachers' unions have no competing unions to worry about, and all provincial governments provide for automatic or mandatory union membership for public school teachers.

Union Contracts and Effective Schools

Every public school teacher in Canada currently works under a collective agreement. Simply stated, a collective agreement is a formal contract spelling out the terms and conditions of employment between an employer and a union of employees. Each side is bound by the agreed-on terms and conditions for a specific period of time. Just before the agreement expires, the employer and the union attempt to negotiate a new contract. If the two sides are unable to reach an agreement, and if the province does not require final and binding arbitration to resolve their differences, job action may occur, often in the form of working to rule, a strike by employees, or a lockout by employers.

In the private sector, collective agreements generally affect only the employer and the employees; during labour difficulties, customers are relatively free to take their business elsewhere for the products or services they want. Private sector strikes and lockouts can also be inconvenient for customers, but the two main parties negotiating the collective agreement are also those who have the most to gain from the achievement of a contract or the most to lose from the continuation of the dispute (Godin et al. 2006). The situation is, however, very different in the public sector. Because the great majority of students attend public schools, parents have little choice but to put up with labour disruptions at such schools. As a result, the terms of collective agreements and the use of any form of labour action can have a serious effect on people — students, parents, and taxpayers — who have little or no influence on the negotiated agreement.

When negotiations take place, school boards and provincial governments have an interest in the efficient use of public resources and the containment of costs associated with educating students. In contrast, teachers and their union have an interest in improving working conditions and job security and increasing salaries. This means that, despite their claims to the contrary, teachers' unions do not have the interests of parents and students as their first consideration. Nor is the development of effective schools an important feature of collective bargaining, as even a cursory examination of collective agreements shows. As the late Nobel laureate Milton Friedman (2006) remarked when asked about the priorities of US teachers' unions,

> The president of the National Education Association was once asked when his union was going to do something about students. He replied that when the students became members of the union, the union would take care of them. And that was a correct answer. Why? His responsibility as president of the NEA is to serve the members of the union, not to serve public purposes.

In most provinces, as Table 2 shows, teachers' unions negotiate collective agreements directly with the provincial government; only in Alberta, Manitoba, and Ontario do local trustees negotiate the

Table 2: ***Teachers' Unions and Collective Bargaining in Canada***

Province	Union Membership	Level of Bargaining	Right to Strike?
Alberta	Mandatory	Local	Yes
British Columbia	Automatic	Provincial	Yes
Manitoba	Automatic	Local	No
New Brunswick	Mandatory	Provincial	Yes
Newfoundland and Labrador	Automatic	Provincial	Yes
Nova Scotia	Automatic	Provincial	Yes
Ontario	Mandatory	Local	Yes
Quebec	Automatic	Provincial	Yes
Prince Edward Island	Automatic	Provincial	No
Saskatchewan	Mandatory	Provincial	Yes

Sources: Bezeau 1995; Lawton et al. 1999.

entire contents of the collective agreement with the local branch of the union (Manitoba Teachers' Society 2003).[6] Moreover, despite the fact that teachers' unions in each province conduct negotiations independently of each other, there is a remarkable similarity in the content of the agreements — from determining how teachers are paid to establishing working conditions, there are, indeed, more similarities than differences in collective agreements across the country.[7]

Salary Schedules

All teachers' collective agreements in Canada have virtually identical dimensions to their salary schedules, even though actual salaries vary by school board and province or territory. Specifically, teachers' salaries are determined by their years of teaching experience and university education. Unlike those for university professors and some college instructors, for example, teachers' collective agreements contain no provisions to be paid on the basis of merit or performance. A teacher who

6 A close scrutiny of collective agreements across Canada shows that some matters are negotiated provincially or centrally and others are negotiated locally with school boards. The classification used here treats as "provincial" all those agreements where salary schedules, notably, are determined centrally in negotiations with the province, even though some few or minor matters are decided locally. See and compare the classification used by Young, Levin, and Wallin (2007, 292), where British Columbia, Quebec, Nova Scotia, and Saskatchewan are characterized as having "mixed" collective agreements because in these jurisdictions terms and conditions of employment are negotiated both centrally and regionally or locally.

7 Current collective agreements are available from provincial government and/or teachers' union Web sites. We use teachers' union contracts in Calgary, Toronto, and Winnipeg to illustrate some of the specific and similar details of teachers' collective agreements.

does an outstanding job receives the same salary as a mediocre teacher so long as they both have the same amount of training and experience. Considering that education and experience are the sole determinants of teachers' salaries, it is important to know what role, if any, these two factors play in the effectiveness of teachers.

In 1986, Eric Hanushek, then a professor of economics at the University of Rochester, conducted an exhaustive review of 147 studies that examine the statistical relationship between the amount of education and experience teachers have and the academic achievement of their students (Hanushek 1986). Out of 106 studies that examine the effect of teachers' university education on student academic achievement, only 11 show statistically significant effects and only about half of these are positive. Several other reviews of this literature show substantially the same results,[8] suggesting that there is, at most, a weak positive relationship between the number of years of university education teachers have obtained and their students' academic achievement.

This generalization can be further illustrated by a more recent study. In the United States, approximately a dozen states require that teachers have a master's degree to obtain their teaching certification. This means that teachers in these states have, on average, more university education than teachers in other states. An assessment of students who took the Scholastic Aptitude Test (SAT) between 1972 and 1990 shows that, on average, students in states with such a requirement for certification had lower SAT scores than students in states without such a requirement (Berger and Toma 1994). Although the result of this study is not conclusive, it suggests once again that, in general, the extent of teachers' university education is not related to the academic performance of their students.

At the same time, the literature suggests there is a slightly stronger relationship between the experience of teachers and their students' academic performance. Again, according to Hanushek (1986), out of 109 studies that evaluate teachers' experience, 45 show a statistically significant relationship to the academic performance of students. In fact, 33 of these studies have small positive correlations while 7 have small negative correlations. Nevertheless, more than 60 percent of the 109 studies find no statistical relationship between teachers' experience and their students' academic performance. Kane, Rockoff, and Staiger (2006) also find that classroom experience, particularly during the first two or three years, is the most reliable indicator of a teacher's future effectiveness as measured by student academic achievement. Thus, it appears that, for teachers, experience is a slightly more important influence than years of university education on their students' performance.

Because years of university education and teaching experience have, at best, a small impact on the academic performance of students, it is reasonable to ask if other factors should be considered in determining teachers' compensation. Indeed, to continue to pay teachers only according to the criteria of teaching experience and university education is to ignore other factors that might be more closely aligned with improved student academic performance. The obvious factor to be considered is teaching proficiency, with the necessary accompaniment of a review of teacher performance and

8 See Berger and Toma (1994); Betts (1995); Hanushek, Rivkin, and Taylor (1996); Kane, Rockoff, and Staiger (2006).

student achievement. Unfortunately, virtually all teachers' unions in Canada oppose any form of merit pay. From the unions' perspective, which has equality of their members as a basic principle, the preferred pay scales are those that treat teachers equally in terms of formal university education and teaching experience. Thus, the design of teachers' salary scales mainly reflects long-standing convention, even convenience, rather than teaching proficiency and the improvement of students' academic achievement.

Seniority Provisions

An extremely important factor in creating effective schools is ensuring that teachers and students are matched so that teachers can teach students who will learn from them (see Riley et al. 2002). In order to match teachers and students, principals and superintendents need a certain amount of flexibility to transfer teachers to grade levels, subject groupings, and schools where they can be most effective. They also need to ensure that their best teachers remain employed and the less than effective teachers are compelled to improve or be dismissed.

Nevertheless, existing collective agreements substantially restrict the flexibility that principals and superintendents require in staff deployment. In particular, many school divisions across Canada are experiencing declining enrolment and have been forced to lay off teachers. Yet, with few exceptions — such as allowing a school board to consider the academic qualifications and experience of a teacher for a specific teaching assignment — collective agreements generally require school boards to lay off teachers according to seniority. The collective agreement of the Calgary Board of Education, for example, contains a representative clause: "Where a reduction in teaching staff and system program cuts cannot be achieved by attrition, system seniority will be the sole determining factor" (clause 9.8.2). In other words, principals and superintendents are not permitted to take teaching performance into consideration when laying off teachers; instead, they are required to abide by the seniority principle of "first in, last out; last in, first out." Clearly, such a rule is not in the best interests of students, parents, or taxpayers because it obliges schools to keep teachers with the most seniority rather than those who are most effective.

Some collective agreements also make it difficult for principals and superintendents to reassign teachers to other schools without their explicit consent. The Newfoundland and Labrador collective agreement, for example, explicitly prohibits a teacher from being transferred to a different community "without the teacher's consent." In New Brunswick, if a teacher who is being transferred to another school chooses to resign, the board is obligated to transfer "the teacher who has the least seniority in the District" to the now-vacant position, no matter where that teacher lives, even when suitable teachers with more seniority live closer. Collective agreements containing such provisions make it almost impossible to assign teachers on the basis of where they will be the most effective. Again, such provisions are questionable in light of the best interests of students, their parents, and taxpayers.

The Instructional Day

Most collective agreements in Canada also contain restrictive guidelines on the length of the instructional day and the length of contact teachers have with students. Entrenching extremely detailed limitations in collective agreements certainly restricts the options available to principals to orchestrate school programs and to guarantee the appropriate supervision of all children while they are at school. For example, the Toronto District School Board collective agreement contains several pages detailing exactly the number of periods teachers are required to teach and the maximum number of times they can be asked to supervise additional class periods. It also states that all teachers must have a lunch period of 45 minutes. In the Winnipeg School Division, the collective agreement limits teachers to five and one-half hours of instruction each day. If a principal needs to increase the length of an instructional day, the teachers' union needs to give its permission. Recently, the Manitoba Teachers' Society grieved the decision by a principal to begin opening exercises at 8:55 a.m. instead of at 9:00 a.m. The arbitrator agreed with the union that adding five minutes to teachers' instructional day violated the clear wording of the agreement (Manitoba Association of School Trustees 2005).

Restrictions such as these obviously benefit teachers by ensuring that they are not treated unfairly by virtue of being given markedly different or burdensome workloads. But principals who wish to schedule classes that better accommodate students' needs are constrained by overly restrictive collective agreements. If students would benefit from a modified instructional day, additional classroom instruction, or having teachers supervise lunch periods, principals cannot easily make such changes. Instead, they are bound by tightly worded collective agreements that substantially benefit teachers and do not adequately accommodate the interests of students or parents.

Class-Size Restrictions

Canadian teachers' unions have long argued that smaller classes are in the best interests of students (see, for example, Owens 2001; Nova Scotia Teachers' Union 2004). Accordingly, collective agreements increasingly include limits on class size. In New Brunswick, for example, where a single collective agreement applies to all public schools, classes from kindergarten to grade 3 are limited to 25 students, and classrooms with combined grades must have even fewer students. Likewise, the agreement covering teachers in the Yukon limits kindergarten classes to 20 students and classes in grades 1 to 3 to no more than 23 students; in Alberta, classes from kindergarten to grade 3 are limited to just 17 students.

So far, however, research has failed to show that reducing class size has any positive effect on students' academic achievement (see, for example, Hanushek 1998). Considering the substantial expense involved in reducing class sizes, hiring more teachers, and building more classrooms, taxpayers have a right to wonder if the costs are worth the returns. Recent surveys show, however, that parents like to have their children in smaller classes, and teachers and students often report a greater sense of efficacy in smaller and more homogeneous classes (Riordan 2004). On this issue, at least, the interests of parents and teachers, on the one hand, and taxpayers and students, on the other, do not appear to be congruent.

Teachers' Strikes

As is the case in other sectors, achieving a collective agreement between school boards or provincial governments and teachers' unions is often a protracted and fractious process. Negotiations between the two sides can break down, and conciliation or arbitration may be required to obtain a satisfactory resolution. In most school jurisdictions in Canada, when negotiations fail the employer and the union have the right to take the most drastic form of labour action — a lockout or strike, respectively — either of which directly affects children and their parents. In a lockout, the employer closes schools and stops paying teachers until a settlement is reached; in a strike, teachers withdraw some or all of the services they normally provide. In withdrawing some services, or "working to rule," teachers perform with minimum compliance only explicit duties that are specifically included in their collective agreement. Strikes are much more common than lockouts, and their most obvious effect is to jeopardize students' interests, to say nothing of the disruptive effect they have on parents, bus drivers, teaching assistants, and other support staff.

Teachers have the right to strike in all provinces except Manitoba and Prince Edward Island, and they have exercised this right on numerous occasions. There can be little doubt, however, that closing schools is never in the best interest of students, parents, or taxpayers. In a study of several teachers' strikes in Ontario, for example, Watson and Gill (1979) found that, after strikes, student dropout rates increased significantly at all secondary grade levels. Yet teachers' unions continue to oppose any attempt to remove strike provisions from their collective agreements (see British Columbia Teachers' Federation 2006a).

Summary

Collective agreements clearly contain important features that have little to do with the provision of a good education to students or the promotion of effective schools; rather, they substantially reflect the key interests of teachers' unions. Salary schedules based solely on years of university education and teaching experience ensure that teachers' salaries steadily increase because of a structure of annual and automatic increments to a maximum. Restrictions on class size force school boards to hire additional teachers, even when school enrolment is declining. Forcing school boards, when laying off teachers, to start with those having the least seniority, irrespective of their teaching effectiveness, and making the transfer of teachers among schools very awkward protect ineffective teachers. Specifying the length of instructional days or paid preparation time within a margin of a few minutes constrains administrators' attempts to make modest adjustments in the interests of better education. Finally, the strike is a powerful weapon that teachers' unions have used, both legally and illegally, to obtain collective agreements that meet their demands. Union rhetoric to the contrary, such job action fundamentally undermines the educational interests of students and parents and disrupts the lives of other innocent parties.

TEACHERS' UNIONS AND EDUCATIONAL POLICY

Canada's Constitution places education solely within provincial jurisdiction; consequently, the key to educational reform lies with the provincial and territorial governments, not with the federal government. In this respect, except for the education of Aboriginals and the children of Armed Forces personnel, Canada is unique among federated states. As such, each province determines how its schools will be organized and operated and what will be taught. Not surprisingly, it is primarily at the provincial level that the major battles over educational policy have taken place, although broad-ranging issues such as increasing accountability by using standardized testing, merit pay for teachers, and increasing parental choice have been debated across the country.

Holmes (1998) asserts that the reason there is so much debate over educational policy is the existence of worldviews — which he identifies as progressive, traditional, technocratic, cultural, egalitarian, and individualist — that are fundamentally at odds with one other. In his conception, the advocates of these various worldviews want public schools to conform to their particular perspective. Holmes's contention is persuasive, if arguable. It is nevertheless reasonable to ask if there is another explanation for the battle that one often sees between reform-minded citizens and teachers' unions that are inclined to defend the status quo. Perhaps what we see is a battle, not so much among various educational philosophies, as Holmes suggests, but among the interests of teachers' unions, parents, children, and those who are ultimately responsible for educational policy — namely, politicians and taxpayers (see Ungerleider 2003).

Often, those who seek to change the policies and practices of schooling are perceived as threatening teachers' unions, which usually oppose them vigorously. It seems clear that the unions are strongly concerned with maintaining or even enhancing their influence on key educational policies. As noted, they have consistently opposed the use of standardized testing, the ability of parents to send their children to public schools outside their neighbourhood or to private schools without paying additional fees, and the compensation of some teachers on the basis of their classroom performances or other forms of merit.

Standardized Testing

Standardized tests measure the extent to which students are mastering a program of studies or curriculum. Such tests are considered to be objective because students write the same test under similar conditions, and all students who achieve at the same level receive the same score. For our purposes, the most important standardized tests are criterion-referenced tests, which assess students'

understanding of the mandated curriculum in their province (see Cirtwill, Clifton, and D'Orsay 2002). In other words, such tests are based on the curriculum that is taught, or meant to be taught, to all students in a subject area and at specific grade levels.

In a Canada-wide survey for the Canadian Education Association, Traub (1994) notes that well-designed tests are those that are prepared by teachers and professionals with training in educational measurement and graded by specially trained teachers. Standardized procedures for the design, administration, and scoring of tests are extremely important, since they enable individuals and groups to be compared fairly within a province and, in the case of norm-referenced tests, across the country (Cirtwill, Clifton, and D'Orsay 2002). For example, the Program of International Student Assessment (an international set of norm-referenced tests in mathematics, reading, and science literacy) and the Student Achievement Indicators Program (a Canada-wide set of norm-referenced tests in mathematics, reading, writing, and science), both sponsored by the Council of Ministers of Education, use such standardized procedures (Audas and Cirtwill 2003). As such, comparisons of performances of students on these tests are educationally valid and fair.

Even critics of standardized tests, such as Kohn (1999), acknowledge that they are efficient and relatively simple to administer and interpret, and that the results are relatively fair to students. There is, however, some variation across the provinces and territories in the way such tests are designed, administered, and weighted, and the extent to which the results are reported. Manitoba and Nova Scotia, for example, administer standardized criterion-referenced tests to students in only one or two grades. Alberta, which has well-designed tests and the most rigorous testing program of any province, requires all students in grades 3, 6, and 9 to write standardized tests in a variety of subjects. As a formal requirement for graduation, Alberta students are also required to write standardized tests in most grade 12 subjects, which are worth 50 percent of their high school grades. Other provinces weight such standardized tests at less than 50 percent (Owens 2003).

While no measurement instrument is perfect, there are good reasons to support the use of standardized tests and the reporting of results to parents and the public (see Cirtwill, Clifton, and D'Orsay 2002; Audas and Cirtwill 2003):

- Standardized tests judge all the students who write them on the same standard; consequently, they are more objective than classroom-based assessments designed by individual teachers.
- Standardized tests often use a multiple-choice format, which allows them to be administered and corrected within a relatively short period of time.
- Standardized test results provide relatively good data that can be used to identify high-achieving students and, indirectly, effective teachers and schools. With a carefully specified reporting protocol, they can also serve to improve instruction and student achievement, and answer the simple and legitimate question: how well are our students doing in our school, our district, our province, and our country?
- Other professionals — for example, optometrists, police officers, and engineers — regularly use standardized measurement techniques. Teachers, too, could benefit from reliable external assessment in order to improve their professional practice.

Despite these compelling reasons for standardized testing, and even though parents and taxpayers overwhelmingly favour their use (see Guppy et al. 2005), teachers' unions are almost universally opposed to them, claiming that such testing does not help ensure that students are well educated. These claims deserve scrutiny.

The Canadian Teachers' Federation (2003), for example, says that "[h]igh-stakes testing encourages 'teaching to the test' rather than teaching for genuine learning." Technically, since high-stakes tests are weighted heavily in students' final grades, perhaps only Alberta uses such tests. Nevertheless, if standardized tests are properly designed and administered, then it would be only appropriate for teachers to teach to the test, since they would simply be teaching to the curriculum. If it is appropriate for a department of education to provide a curriculum detailing outcomes for students, it hardly seems unreasonable to administer standardized tests to assess whether or not students understand the material. At the beginning of the academic year, teachers would know that their students will be assessed on the standardized tests, and responsible teachers would cover the required curriculum. The central issue is not "genuine learning," but teachers' fidelity to the curriculum and students' mastery of it.

The Manitoba Teachers' Society (2000) reflects the position of many other unions when it states that "[t]he only individual in a position to provide valid, timely, reliable and fair assessment of student achievement is the teacher in the classroom" (see also Ardern 2006; Manitoba Teachers' Society 2007). Obviously, classroom-based assessments by teachers are an important aspect of students' assessment, and standardized tests are designed to complement, rather than replace, teacher-designed tests. No province uses standardized tests that are worth 100 percent of students' final grades. It is just as short sighted to rely entirely on standardized tests as it is to rely entirely on classroom assessments by teachers. Both external and teacher-made components are needed for an accurate, balanced, and, indeed, fair assessment of students' achievement.

The Canadian Teachers' Federation (2003) argues that "[h]igh-stakes tests are frequently biased against certain groups of students." Similarly, the British Columbia Teachers' Federation (2006b) says "[r]esearch is clear — scores on standardized tests have more to do with social and economic factors than [with] what happens in school." Frankly, this is the most challenging argument against standardized tests. However, criterion-referenced standardized tests have high validity because they are derived from the mandated curriculum, and their reliability can be easily assessed by ordinary statistical procedures. As such, standardized tests help to identify students' academic strengths and weaknesses, thereby providing a sound basis for judging the effectiveness of instruction and learning. In any case, the effect of socioeconomic or minority group status on students' performances on such tests can be estimated from the amount of variation in the test scores that can be attributed to these background variables. In studies of these estimates, such variables account for between 9 and 16 percent of the variance in test scores, leaving approximately 85 percent of the variance to be explained by other factors — including, for example, the way the subject is taught and students' attention to the instruction through focused study and homework (Sirin 2005). In this respect, Hirsch (1996, 212) rightly observes:

> public education…continues to have…a differential effect on social classes, and because of that …elemental and decisive fact, a differential effect on ethnic and racial groups who belong disproportionately to disadvantaged classes. The reason for the differential effect is as follows: Students from middle and upper classes, coming from educated homes, learn more in school and become more competent than educationally less advantaged students because the intellectual capital derived from their homes enables them to derive a great deal more from…schooling than can students who are in no position to fill in the gaps with home-provided knowledge. In a mediocre school system, the competence gap between social classes widens during the school years. In a good, coherent school system with definite year-to-year goals for all students, early, systematic compensation becomes possible, and the competence gap is narrowed.

Of course, Hirsch is referring here to the possibility that the schooling experience in general and teaching in particular can compensate to a considerable degree for the social inequalities of students' backgrounds, as the school effectiveness literature also suggests[9] — a conclusion that should be encouraging to both teachers and administrators. For Hirsch, the differential effect of social class on academic achievement is no reason for educators or the public to abandon hope; rather, it is a reason to think hard and work hard: "there can be no equality of educational opportunity without effective compensatory measures — the earlier the better" (212). In this context, Hirsch argues:

> Fairness in testing cannot be separated from fairness in schooling…[and] fairness in schooling cannot be isolated from excellence in schooling…because the educational principles and arrangements that elicit the best performances and highest competencies from advantaged students also elicit the best from disadvantaged students. If every child in every grade has to meet a high level of achievement, and if the teachers are able professionals who make sure that the goals are met, all students will learn. Extra time must be spent with slower or disadvantaged students both inside and outside of class to bring them up to the required level….This arrangement explains the high average level of achievement in excellent…systems, and it also explains how those systems achieve compensatory equalization of educational opportunity. (213–14)

For Hirsch, as for us, the issues of fairness and excellence are closely related in any attempt by school systems to achieve "compensatory equalization of educational opportunity. When there are very explicit requirements that all must meet, every student is assured of gaining from the school essential intellectual capital that was not derived from the home" (214). Most will recognize that this idea is the core principle of the democratic common school. In this respect, those who oppose standardized testing present a counsel of despair in that they represent teaching and schooling as futile or largely impotent in promoting academic achievement because they presume that students' backgrounds are decisive to their academic futures. Says Hirsch (ibid.):

> The final irony of the antitesting movement is that in the name of social fairness it opposes using high-stakes tests as gatekeepers, monitors, and incentives-functions that are essential to social fairness. Without effective monitoring and high incentives, including high-stakes testing programs, no educational system has achieved or could achieve excellence and equity. Good tests are necessary to instruct, to monitor, and to motivate…students to work hard.

9 See, for example, Martz (1992); Association for Effective Schools (1996); Fleming and Raptis (2003); Patchen (2004).

A less challenging argument against standardized testing is that of the Ontario Secondary School Teachers' Federation (2005), which says that "[t]esting stress is harmful to student health. Anxiety, attendance problems, substance abuse, and depression are all on the increase." Might students not make a similar claim about harmful stress concerning the standardized test they must take to obtain their drivers' licences? Would the possibility of stress in these circumstances be a sufficient reason to abandon standardized tests for drivers? Very likely it would not. Frankly, the teachers' federation's claim that "testing stress is harmful to student health" is dubious, if not irresponsible. It implies that any form of "testing stress" is undesirable or unnecessary in the interests of a good education. Let us concede that external standardized testing increases the stakes for students, but we think it should, not only at the secondary level but, more important, at entry into higher education or a program of postsecondary studies that provides specific career preparation.

Obviously, the responsibility for improving school achievement cannot rest with teachers alone; this would be an unrealistic and unfair burden, at odds with the student's individual responsibility to devote appropriate attention, time, and effort to achieve success in school. Teachers must, of course, teach well and execute the curriculum responsibly, but their job is to teach the student, not to learn for the student. In this serious and sometimes very challenging endeavour, teachers ought not to have the unreasonable burden of teaching the subject matter in a trivialized way or of being held responsible, alone, for "motivating" the student to be disposed to be taught and inclined to learn. Assuming an opportunity-to-learn standard has been met by the school system — and that is primarily the responsibility of the educator — external standardized testing is a proper form of accountability for learners, too, especially for maturing students in the secondary school.

Perhaps the most dramatic example of the effect of teachers' unions on educational policies with respect to standardized testing occurred in Manitoba. In 1994, the province's Progressive Conservative government announced it would implement standardized testing at grades 3, 6, 9, and 12 (Manitoba Education and Training 1995), with the results accounting for between 25 and 50 percent of students' final marks, depending on the grade level. The Manitoba Teachers' Society, however, objected to any such testing and actively opposed the PC government in both the 1995 and 1999 provincial elections. With the election of the New Democratic Party in 1999, the teachers' union claimed triumphantly that it would lobby the new government to replace standardized tests with tests constructed by individual teachers (Manitoba Teachers' Society 2000). Not surprisingly, the newly elected government quickly abolished the grade 3 standardized tests and replaced them with classroom-based assessments (see Levin 2005). Over the next few years, the NDP government also replaced the grades 6 and 9 standardized tests with classroom-based assessments in grades 7 and 8. As a result, Manitoba went from having one of the most advanced standardized testing regimes in the country to having one of the most rudimentary and unsophisticated regimes. At present, only the standardized tests in grade 12 in mathematics and English or French remain, and these are graded by teachers for their own students and, in a few divisions, by groups of teachers (see Owens 2003, 2005).

This change was greeted with considerable favour by the Manitoba Teachers' Society, most likely because it had had a significant influence on the NDP government's decision to eliminate or reduce

standardized testing of public school students (Manitoba Teachers' Society 2007). As a result, Manitoba no longer collects information that even parents can use to ascertain the performance of their children or their schools. Certainly, no information is available to the public, which the Manitoba Teachers' Society also appears to favour. Indeed, in October 2006, Brian Ardern, president of the society, in an editorial opposing standardized tests, asserted that:

> The results of testing never made any parents more aware of how their kids were doing…. [W]e've seen more and more evidence that standardized testing is virtually useless.…It has been shown by every available measure that such testing does little or nothing for schools, students or taxpayers….[T]here are flaws in the system, but they won't be fixed by giving more money and attention to standardized testing that does nothing to enhance education or improve the performance of students. (2006, 2)

Perhaps not surprisingly, Ontario's teachers' unions have also advanced similar inaccurate and irresponsible claims about standardized tests (Merrifield, Dare, and Hepburn 2006). Indeed, teachers' unions universally oppose the assembly and availability of test results that could be used by school boards and the public to compare the achievement of students across classrooms, schools, and other jurisdictions (Canadian Teachers' Federation 2004). The unions often couch their opposition in language that speaks of the best interests of students, yet their willingness to use arguments such as those of Ardern raises a disquieting question: is a standardized testing policy, accompanied by transparency of results, threatening to teachers' unions because the results can be used as one form of accountability of teachers and school systems?

Evidently, teachers' unions understand that standardized testing, especially when the results are published, likely would lead to more control over educational policy by provincial governments and/or school boards. If standardized tests indicate that students are weak in specific skills, a provincial department of education and school boards might signal to teachers that they should pay more attention to their students' weaknesses; alternatively, the department might choose to rewrite the curriculum to focus on improving students' skills. If students in some schools have not done well on the tests, pressure probably would come from parents and trustees to improve their performance. Such pressure would make it more difficult for teachers' unions to control educational policy, which would be determined to a greater extent by students' performance on the provincial testing regime and by a systematic response on the part of parents and educational policymakers. Therefore, the fundamental issue is: who controls educational policy? Teachers' unions, not surprisingly, desire considerable influence, and they oppose policies, such as standardized testing, that give parents and taxpayers independent information that might encourage parents to choose other schools or perhaps to favour pay schemes that recognize especially effective teachers.

Parental Choice

Besides standardized tests, another important reform initiative that has substantial appeal across North America is to allow parents to decide which school they wish their children to attend. Based on ideas originally proposed by Milton Friedman (1962), advocates of parental choice argue that

funding, in the form of vouchers, should follow students to the schools they have chosen. Coupled with publicly available standardized test results, vouchers would give parents a strong reason to choose appropriate schools for their children. Moreover, underperforming schools would have an incentive to improve if they did not want to lose students. In short, such a policy would provide a market-like mechanism with which to influence the educational choices of parents.

Along with promoting open-school boundaries, advocates of parental choice also propose legislation to allow the creation of charter schools, a form of public school that is directly responsive to parental concerns and ambitions and embedded in the school's unique mission or "charter." In the United States, approximately 2700 charter schools already exist in the 38 states that allow them (Owens 2004). In Canada, however, only Alberta has charter schools (13 at present, although the legislation permits 15 to operate; see Canadian Charter School Centre 2005).

An increasingly vocal group of advocates claim that increasing parental choice across a greater range of alternative schools is the key to revitalizing Canadian school systems, for two important reasons. First, almost 90 percent of parents and taxpayers believe that parents should have the right to choose the schools their children attend (Guppy et al. 2005). Second, since people hold conflicting views of what public education should accomplish, the simplest way to avoid continual philosophical conflicts is to allow parents, rich and poor alike, to have greater choice (Holmes 1998). Such a strategy would allow parents with low and modest incomes the option that is now available only to parents with relatively high incomes. In response to such arguments, at least one school board, the Edmonton Public School Board, has sponsored a number of alternative schools to give all parents greater choice; not surprisingly, parents have been very supportive of this policy (Sweet 1997; Nikiforuk 2000; Owens 2004).

Despite Alberta's reform-minded approach, teachers' unions, even in that province, would prefer to constrain parental choice and have students attend neighbourhood public schools (Canadian Teachers' Federation 1997a). As with standardized testing, teachers' unions claim their opposition to parental choice stems from wanting what is best for students. To evaluate this claim, let us examine unions' three major objections to parental choice.

First, as the Canadian Teachers' Federation (1997b) claims, "[e]xisting research on school choice shows that it increases educational inequities because it is the better-educated and more affluent parents who tend to take advantage of school choice initiatives." Yet, whether or not school choice is available, affluent parents have always had more educational choices for their children than poor parents: they can purchase homes close to excellent schools and they can pay for private schooling. Advocates of school choice focus on the opportunity it provides for less-affluent parents. In Edmonton, all parents, affluent or not, are allowed to send their children to any school within the division, and more than 45 percent of students attend schools outside their neighbourhoods (Nikiforuk 2000). It appears that, when parents have the unburdened opportunity to choose, they do so. Should this result be characterized as educationally inequitable?

Second, as the Canadian Teachers' Federation (1997b) claims, "[u]sing a charter schools approach, some schools can 'improve' but only by making other schools 'worse'." Yet, if proper criterion-referenced standardized tests are used, there is little reason most students in all schools could not improve, because they would be evaluated on objective standards based on the curriculum. Schools that show substantial improvement would become models for schools that are having difficulty. Any competition, in fact, would focus as much on the school's own previous record of students' performances as on the achievement of other schools. In any case, is it not in the public interest to know that some schools are more effective than others and that some schools can improve their students' performances? If some schools can improve, other schools can, too, which would create a sense of obligation that all schools should strive to improve the performance of their students.

Third, as the Elementary Teachers' Federation of Ontario (2000) states, "[t]here is no evidence that charter schools improve education, either in the charter schools themselves or in other schools." Yet, in a study examining the performance of students in ten of Alberta's charter schools, Da Costa, Peters, and Violato (2002) show that students in charter schools perform above the provincial average on the standardized tests in grades 3, 6, and 9. The study also suggests that charter schools have stimulated innovations in other public schools in the province.

Fundamentally, teachers' unions are concerned that allowing parental choice would open up the public school system to changes they do not favour. Over the years, they have fought hard for collective agreements that serve their specific needs. They prefer to bargain in an environment where most, if not all, of the variables are known, rather than in one where significant changes are occurring and the public transparency of the schooling enterprise is increasing. Parental choice necessarily implies a dilution of power on the part of both educational authorities and unions, who would no longer be able to negotiate behind closed doors. Parents would no longer have to enter a bureaucratic labyrinth to make their wishes known; they would simply choose another school and enrol their children there. Such a reform would make public education much more sensitive to the wishes of parents. If parents knew, on objective measures, how well their children were doing and if they could send their children to the school of their choice, more of them would "vote with their feet." If this were to happen, certain collective agreement provisions or divisional practices, which inhibit or restrict school boards and administrators from ensuring that students receive a high-quality education, would likely be changed. We believe such changes would be good not only for students, parents, and taxpayers, but also for educators — especially teachers.

Merit Pay for Teachers

Current salary structures do not permit school boards to compensate teachers in relation to their effectiveness — including, notably, their students' academic achievement. Superior teaching performance, volunteering for extracurricular duties, or taking on challenging teaching assignments do not result in greater pay for teachers. Instead, public school teachers are paid on the basis of their years of university education and teaching experience, even though these two criteria have little, if any, positive effect on the academic achievement of students (Hanushek 1986). Yet, virtually every collective

agreement in Canada requires school boards to pay teachers according to this long-standing, two-factor salary grid. Are there better ways to pay teachers?

One obvious compensation criterion is merit. Although merit pay has not been used in Canadian public schools, school districts in the United States have implemented a variety of such pay systems (see, for example, Sacchetti and Jan 2005). There are, however, considerable challenges in implementing a merit pay system, if only because education is about more than students' academic achievement, and the development of a fair system of evaluation of teachers is complex and controversial.

Nevertheless, some form of merit pay should be considered for Canadian public school teachers, for several reasons. Primarily, since student learning is the most important aspect of education, it is sensible to recognize more effective teachers. Paying them more is obviously one important way of doing this. Compensation of professionals in other fields — including lawyers and university professors, for example — is at least partly linked to performance. Paying outstanding teachers more than mediocre teachers should encourage the best to continue teaching instead of looking for other employment. And underperforming, less-effective teachers would be more likely to leave the profession if their salary reflected their performance. Reasonably, teachers could be paid, at least in part, on the basis of something other than their university education and teaching experience. Furthermore, merit pay proposals would stimulate a much-needed public dialogue about the qualities of good teaching and effective schools. However, unfortunately, Canadian teachers' unions are implacably opposed to merit pay in any form, for the following reasons.

First, as the Alberta Teachers' Association (ATA) (1998) claims, "[n]o agreement exists on what constitutes 'good' teaching." Yet most educators and parents know that good teachers ensure that learning takes place, have proper control of their students, treat students fairly, provide positive learning environments, and provide leadership in co-curricular and extracurricular activities. The academic performance of students on objective, criterion-referenced, standardized tests, as well as principals' evaluation reports, can be used to determine whether or not "good" teaching is taking place. Moreover, the argument that the evaluation of teaching presents some special challenges — including the framing of clear criteria and nuanced judgments — is not a sufficient reason to discourage educators, especially school administrators, from meeting what is, after all, one of their major responsibilities.

Second, as the ATA claims (ibid.), "[m]erit pay undermines teacher morale." This argument is based on the assumption that paying all teachers the same because they have the same teaching experience and university education keeps morale high. It is, however, equally likely that the morale of outstanding teachers would improve if mediocre teachers did not receive the same pay. If merit pay rewarded good teachers and encouraged them to stay in teaching, while poor teachers were paid less and left the profession, how could this not improve the morale of the good teachers who remained?

Finally, as the ATA says (ibid.), "[i]ndividual merit pay works for few organizations today because most emphasize teamwork and collegiality." Merit pay is usually described as an incentive for

individual teachers, but it can also be an incentive for schools to meet student-performance goals. As such, teachers could receive merit increases by assisting in the improvement of students' achievement. A merit plan that included both individual and school-based payments would be a reasonable way to reward the teamwork and cooperation of teachers who share the responsibility for improving students' performance.

In fact, any merit pay scheme would strike at the heart of the universal feature of every teacher collective agreement in Canada: the salary schedule based on years of university education and teaching experience. Such a salary schedule ensures that the only way school boards can reward outstanding teachers is by increasing the salaries of all teachers on the basis of factors that are not strongly related to the academic performance of students. Nevertheless, teachers' unions are not likely to allow provincial governments or school boards to adjust current salary schedules without resistance. It is in the unions' interest to have all their members increase their salaries year-by-year without inconvenient protocols of performance review and the escalation of complaints, including formal grievances, that would likely result from rewards for meritorious performance by individual teachers or schools.

What Reforms Do Teachers' Unions Advocate?

Although teachers' unions generally oppose policies and reforms that would improve the transparency and accountability of the educational system, they do not oppose all possible changes. In fact, teachers' unions have encouraged governments to strengthen specific initiatives or enact reforms that they argue would improve education. Specifically, two initiatives — increased spending on education and establishing limits on class size — are popular causes that both teachers and their unions have supported.

Increase Spending on Education

The need to increase spending on public education is a long-standing proposal of teachers' unions in virtually every province (see, for example, Alberta Teachers' Association 2004; British Columbia Teachers' Federation 2004). Indeed, Weiner (2003) claims that teachers' spending their own money to buy classroom supplies indicates that public education is underfunded.

The solution usually proposed to address this "underfunding" is not, however, for schools to engage in serious program review and become more cost effective, or to seek private or corporate funding; rather, the call is simply for public funding to be increased (Stephenson 2006). Yet, the claim that existing practices of private fundraising and sponsorship prove that schools are inadequately funded is incongruent with the evidence. Many schools do, in fact, raise money beyond the public funds provided for legitimate educational purposes, but this hardly proves that schools are underfunded. Rather, it shows that schools can spend as much money as they can collect. The danger is that schools might fail to distinguish properly between legitimate educational purposes and marginal ones, which, of course, is always debatable. What should be avoided is the questionable proliferation of

inordinately expensive educational programs and courses and an undisciplined appetite for ever-increasing financial support because educators and school boards have not properly established priorities.

Teachers' unions always support increased funding for public education by provincial governments, but still chastise them for not investing enough. A recent example is Ontario's decision to increase education spending by $600 million in the fiscal year 2006/07 budget. The Ontario Secondary School Teachers' Federation (2006) praised the government for its spending increase, but then tempered its support by asking whether the increase would be sufficient. From the perspective of the teachers' union, the funds for education are never enough; from the perspective of the citizen, the impact of increased education funding on the quality of programs and student performance is indeterminate (Cowley, Easton, and Li 2003). Not in doubt, however, is that teachers and their unions benefit substantially from increased spending because the largest portion of education spending goes directly to pay teachers' salaries and benefits and to sustain or enhance other conditions of their employment.

Establish Limits on Class Size

For some time, teachers' unions have campaigned for limits on the size of classes, and some collective agreements now stipulate maximum class sizes in some schools. Generally, teachers' unions assert that smaller classes lead to higher academic performance by students, fewer behavioural problems, and more manageable workloads for teachers.[10] In the United States, Tennessee and California have enacted stringent limits on class size, but, as Hanushek (1998) shows, with only a small improvement in students' achievement and a considerable increase in cost. In reducing the size of classes, California has had to contend with a shortage of qualified teachers and many districts have had to hire underqualified teachers (Kennedy 2003). A Canadian review shows that class size, unless it is fewer than 15 students per teacher, does not result in higher-achieving and better-behaved students (Guillemette 2005). There is little doubt that smaller classes result in more manageable workloads for teachers, but also greater costs for school boards, which must determine, on a cost-benefit analysis, what resource allocation is justifiable.

Summary

In essence, teachers' unions have positioned themselves in opposition to many reforms that could substantially improve public education in Canada. Specifically, they oppose standardized testing, parental choice, and merit pay. The policies they favour — continual increases in educational expenditures and decreases in pupil-teacher ratios by mandating class-size limits — might improve students' academic achievement, but so far the evidence is not persuasive. However, the effects of these policies must be measured properly. In the absence of clear and positive effects, increasing public expenditures are not justified.

10 See, for example, British Columbia Teachers' Federation (2001); Manitoba Teachers' Society (2003); Cowans (2004).

CONCLUSIONS AND RECOMMENDATIONS

Do teachers consistently oppose educational reforms that parents and taxpayers favour? Perhaps they do not. In Canada, there are discernible differences in the dispositions and actions of teachers on the one hand, and their unions on the other. In the United States, teachers and their national unions have shown considerable sensitivity to expressions of the public interest, including those that have challenged the educational status quo. As our concluding recommendations will demonstrate, the way ahead in Canada is to implement educational policies that, on balance, embody a clearer vision of the public interest. Initially, the way ahead can be seen by focusing on changes that are already taking place and gaining wider acceptance in both US and Canadian education.

The Situation in the United States

In the United States, both the American Federation of Teachers and the National Education Association have recently changed their opposition to reforms initiated by the federal and state governments and now support both standardized testing and parental choice, for example. In this respect, the AFT says that, "[f]or decades, [it] has embraced state-level assessment as a crucial component of a standards-based educational system" (American Federation of Teachers 2006). Also, as early as 1996, reform-minded US teachers created their own Teacher Union Reform Network (TURN) to advance concerns and proposals that are carefully directed to improving the education of children and fostering a more collaborative, less confrontational relationship between teachers and school boards (see Litzcke 2001; Teacher Union Reform Network 2006).

In 1983, a federally sponsored report, *A Nation at Risk*, substantially changed the public's thinking about the effectiveness of US schools (United States 1983). The report pointed out that US students were performing below the academic standards of students in many other countries and that, if substantial reforms were not implemented to improve their performance, the United States would soon lose its competitiveness in commerce, industry, science, and technology. Surprisingly, the AFT, led by long-time president Albert Shanker, agreed with the results of the study and even with the implication that educational reform was required. Thus, the AFT decided to support the concern for accountability and standards in US education. The NEA soon followed suit.[11]

The AFT, NEA, and TURN have also supported some important initiatives in specific school districts. The Rochester Teachers' Association, for example, has encouraged its members to apply for school

11 See American Federation of Teachers (2001); Litzcke (2001); National Education Association (2003).

charters. In Florida, the United Teachers of Dade County collaborated with a for-profit company, the Edison Schools Inc., and applied for a school charter (Litzcke 2001). Other TURN locals have begun to support the removal of entrenched seniority clauses in collective agreements. In fact, the collective agreement for teachers in Pittsburgh states that teachers who receive an unsatisfactory rating in a school year in which a reduction of faculty is taking place lose their seniority in that particular school (ibid.). Similar clauses are included in the collective agreements for teachers in Toledo, Ohio, and Seattle, Washington.

Even on merit pay, US teachers' unions have begun to recognize that salary schedules require modification. The AFT (2002), specifically, has noted that traditional pay scales fail to produce competitive salaries for teachers, do not respond to market forces, and do not fairly compensate exemplary teachers. As such, the AFT has officially endorsed policies that allow teachers in disciplines in which there are shortages — mathematics and science, for example — to be paid bonuses. Also, under the influence of TURN, a number of locals of both the AFT and NEA have supported performance-based pay policies in negotiations with their employers.

Thus, over the past decade, teachers' unions in the United States have changed their positions on several important aspects of their collective agreements and on matters of educational policy. Similarly, in the United Kingdom, highly unionized workers, including teachers, have been moving away from their strongly held position of job protection over the past 30 years (Shackleton 2006).

The Situation in Canada

Can we expect teachers' unions in Canada to begin the kind of examination that might produce some modification of their long-standing positions? The continuing indisposition of Canadian teachers' unions to support such policy initiatives as standardized testing, parental choice, and merit pay is relatively consistent across the country. There is no Canadian equivalent of TURN; in the past decade, however, reformed-minded Canadian teachers have helped to establish the Society for the Advancement of Excellence in Education, based in British Columbia, and the Society for Quality Education, based in Ontario, to foster a more robust debate on improving the academic achievement of students and the effectiveness of schools. These organizations suggest that at least some Canadian teachers support policies their unions have not traditionally endorsed. Furthermore, a recent survey of 2000 Canadian teachers and an equal number of parents indicates that a significant number of teachers support educational reforms that teachers' unions have usually resisted (Guppy et al. 2005). The survey found that, among teachers who responded,

- 77 percent say that all parents should have the right to choose their child's school;
- 71 percent think it should be easier to dismiss ineffective teachers;
- 55 percent support having an annual report card for the achievement of students in schools;
- 53 percent support the financial rewarding of outstanding teachers; and
- 43 percent support the use of standardized tests for the purpose of measuring school progress.

Clearly, the survey suggests that teachers' unions might not have the overwhelming support of all their members. Significantly, a considerable portion of teachers support parental choice, the rewarding of outstanding teachers, and the use of standardized tests. Parents who were surveyed were even more supportive of these educational reforms. Despite such findings, however, teachers' unions in Canada have not been inclined to modify their perspectives, unlike their US counterparts. The US unions had little choice but to respond to *A Nation at Risk* because an overwhelming number of commentators, from both the right and left, supported the idea that US education needed to change, and the unions realized they needed to modify their stance.

Since Canada's educational establishment has never been challenged by a serious national assessment of the country's schools, provincial teachers' unions have had little reason to make the kinds of adjustments US unions have made. Furthermore, Canada's teachers' unions are monopolies, while the US unions, the NEA and the AFT, compete with each other for the loyalty of teachers and for the good will and confidence of both parents and the public. Since US teachers are free to choose which union to join, neither union can afford to become complacent in considering the interests of its members or the public. In contrast, Canadian teachers are automatically members of their provincial union; as a result, teachers' unions in Canada might not need to be particularly concerned about alienating reform-minded teachers or ignoring expressions of the public interest that differ from their own. Finally, Canadian labour law supports the certification of unions to a degree unknown in the United States (see Godin et al. 2006; Shackleton 2006). Thus, the interests of Canadian teachers and their unions seem to be well served by the legal and political status quo and are less inclined to accommodate educational reforms that are supported by parents, taxpayers, and reform-minded teachers.

Policy Priorities for Improving Canadian School Systems

Teachers' unions have an important role to play in school systems. They provide a crucial voice for teachers, and their collective agreements ensure they receive reasonable salaries and working conditions and are not subject to unfair labour practices. It is unrealistic, however, to expect teachers' unions to behave altruistically. As Friedman (2006) observes, teachers' unions serve the needs of teachers as they understand them and, necessarily, there will be some disagreement with school boards and administrators, provincial governments, parents, and citizens as to what is the public's interest and how it is best served.

As such, teachers' unions do not have fundamental responsibility for the accountability of school systems; rather, that responsibility belongs primarily to those who officially govern them. If unions have received too much at the expense of the public, then the fault lies with provincial governments, school boards, parents, and citizens. Provincial governments are responsible for the legislative and regulatory arrangements that govern school systems, including the powers and duties of school boards and the legal regime for collective bargaining. Every clause in every collective agreement has been agreed to by a school board representing citizens, including parents. If there has been a

less-than-effective preservation of management rights, that is something for which school authorities, to a significant extent, are responsible. Parents and citizens, too, bear some significant responsibility for insufficiently accountable school systems when they too easily accept unions' characterizations of what is in the best interests of the public.

Yet, Canadian teachers' unions actively resist some educational reforms that the public considers reasonable. Their agenda for collective bargaining and their influence with provincial governments and school boards reveals a limited sensitivity to reforms that would increase accountability for results in school systems. It is time to correct the imbalance between unions' interests and those of the public in the development and implementation of policy for school systems. It is time to enable parents and citizens to become more influential in their own right, to become a more effective counterweight to teachers' unions.

We make five recommendations we believe are critical in rebalancing the interests of teachers' unions and the public to achieve more effective schools and school systems. These policy prescriptions, however, are not complete and specific in every detail — indeed, many sources present analyses and proposals in specific contexts on similar themes.[12]

The most noteworthy Canadian work — both for its discerning analysis of the problems that beset Canadian school systems and the practical proposals it advances for their remedy — is that of Holmes (1992, 1998). To some, especially in the educational establishment, Holmes's ideas are heretical. To the extent that our suggestions resonate strongly with some of his proposals, they, too, challenge the orthodoxy of the educational establishment. Largely, we share Holmes's assessment and perspective that

> Canada's school system needs reform. The precise policies required vary from province to province. The urgency of reform is far less in British Columbia and Alberta, the provinces with the best educational record….[T]he causes of and the solutions to the educational problems should be examined within the international, federal, and provincial…context. (1998, ix)

Indeed, the particular character of our policy proposals would need to be adapted to the specific situation in each province and territory, since the ambitions of teachers, administrators, parents, school boards, and provincial governments are necessarily a matter of politics. Here are our five proposals.

12 See, for example, Foster (1986); Hargreaves and Hopkins (1991); Duignan and Macpherson (1992); Smyth (1993); Hirsch (1996); Sweet (1997); Levin (2001); Malanga (2001); Merrifield (2001); Whitty (2002); and Ouchi (2003). Generally, these sources reflect research, scholarship, and advocacy for school reform in Canada, the United States, England and Wales, Australia, and New Zealand. They provide a review of educational systems and advance intriguing proposals, some of which are more radical than our own and a few of which would resist our analysis and suggestions. This is another reminder that educational policies that would produce more effective schools are obviously contentious.

Provincial and territorial governments should use and continue to refine a standardized testing regime to assess the achievement of students on provincial curricula, especially in language, mathematics, and science.

We suggest that such testing take place at the end of the early years, at the end of the middle years, early in the high school years, and at high school graduation. Certain students should be exempted for justifiable reasons — for example, if the student cannot understand either of Canada's official languages. The test results should be available to parents, teachers, principals, school boards, and the public. The tests could carry some specific weights — say, between 25 and 50 percent of students' final grades. Further, as Holmes (1998) suggests, the Council of Ministers of Education should create and maintain a table of equivalences for all provincial tests, to serve the special interests of school officials, postsecondary institutions, employers, parents, and students, especially those who move across provincial boundaries.

Nothing in this proposal is meant to discourage school jurisdictions, at their own initiative, from using other tests to assess students' skills, aptitudes, and achievements, ideally with support from provincial and territorial departments of education. These other tests could include the Canadian Test of Basic Skills and the Student Achievement Indicators Program, which are already used in most Canadian jurisdictions (Audas and Cirtwill 2003). In addition, provinces and territories should participate in international academic assessments, such as the Programme for International Student Assessment. Since, as Audas and Cirtwill (ibid.) note, educational achievement and Canada's economic performance are linked, the federal government's support for these assessments would be appropriate.

Provincial governments should give parents a greater choice of schools to which they may send their children, primarily in recognition of the diversity of interests and expectations parents have concerning their children's education.

Increased parental choice likely would increase the effectiveness of schools by more closely aligning parental values and school ethos. Yet, except for some well-received initiatives in Alberta, efforts to increase school choice have been limited so far. A form of school choice is provided by support of denominational schools for Roman Catholics in Alberta, Ontario, and Saskatchewan — although, regrettably and contentiously, other religious groups do not enjoy the same opportunity. We suggest there is scope to extend such kinds of choices, subject to provincial supervision and oversight to ensure proper academic standards and appropriately certified teachers. We recognize, however, that, in rural areas, significant practical limitations to school choice remain.

If school choice enabled parents to cross the public-private boundary, some adjustments would need to be made in the financing of schools. Thus, parents' choice of a private school that retains a distinctive program, ethos, or student membership realistically could not be exercised without some financial burden. Indeed, in the interests of fairness, a private school that charged a tuition fee and had a restricted enrolment could not be equated with an open-access public school. Nor should parents be relieved of taxation in support of public schools. A tuition subsidy or voucher that helped to

support a private school or income tax relief for a portion of the tuition paid are public expenditures for schooling purposes, whether in the hands of the private school or the parent.

Provincial governments and school boards should consider how teachers' compensation schemes could be adjusted so that salary increments are dependent on performance and outstanding teachers and schools are recognized more effectively.

Current salary structures treat increments as automatic in relationship only to formal university education and teaching experience and without reference to performance. They also have few, if any, mechanisms for compensating superior teaching performance, for assuming additional co-curricular or extracurricular duties, or for providing formal professional leadership, such as becoming a "master teacher." We think ways should be developed to recognize such achievements formally, including additional pay. Such adjustments to teachers' compensation would require a scheme of workload assignment, performance review, and managerial oversight currently unfamiliar to Canada's public school systems.

In the interests of managing schools more effectively, principals should be removed from the bargaining unit for teachers.

Where principals are members of the same bargaining unit as teachers — as in Manitoba, for example — they are union colleagues of those whom they are responsible for supervising and evaluating. Arguably, such a situation places principals in a conflict of interest, constraining their ability to perform the classical managerial functions of planning, leadership, organization, and evaluation on behalf of their employer, the school board (see Caplow 1983; Wilson 1989). Principals' ambiguous status is especially acute in disputes regarding the assessment of the performance of teachers under their supervision. Indeed, where a principal's assessment had specific implications for the teacher's compensation, the principal's membership in the same union would be awkward and unrealistic, if not unfair. Nevertheless, to date, most provincial and territorial governments have been unwilling to confront teachers' unions to make such a change. The awkwardness of the current arrangement in most jurisdictions is becoming more evident, especially considering that, in British Columbia, Ontario, and Quebec, school administrators are not represented by teachers' unions.

Strikes and lockouts should no longer be permitted as ways of resolving disputes in public school systems.

Schools that close while school boards and teachers wrangle over salaries and working conditions jeopardize the interests of students. Education policymakers should unequivocally defend the principle that schools provide an essential public service and must remain open during negotiations. In addition, more effective mechanisms for bringing negotiations to a suitable and early resolution should be explored seriously. Final offer selection, in which an arbiter must select all aspects of the final offer of either the union or the employer, is one mechanism that could encourage both parties to present more realistic — that is, more proximate — proposals in collective bargaining and arbitration.

In combination, these five recommendations should strengthen the accountability of school systems, especially by increasing the availability of some important results of schooling. The results of standardized tests would be an important way to inform the public properly, and would encourage the discussion and debate that are necessary in a functioning democracy. Parents should be able to make choices about the schooling of their children that are as proximate to their preferences as is practical; parental choice would also encourage teachers and administrators to improve the capacity of their schools to shape academic achievement more effectively. The public interest in schooling would be advanced if governments and school boards were to recognize that some features and results of collective bargaining constitute impediments to school improvement. Further, parents and citizens in general should show concretely that they regard education as among the most important activities our society undertakes.

Having information on the performance of students and schools is a fundamentally important step, but alone it is not enough. Citizens should become more active in provincial and school board elections and in participating in school-level councils. Parents should press their demands for greater sensitivity to their values and concerns on the part of school systems. The public should be relentless in exercising the right to hold school officials accountable for the good education of the children who are our future.

In advancing our suggestions, however, we cannot forget that unions have helped to establish important terms and conditions of employment for Canadian teachers, and we caution that no program of educational reform should be designed to remove reasonable gains irresponsibly or unfairly. Above all, teachers should enjoy reasonable and competitive salaries and benefits, be protected against unfair discipline and dismissal, and have the right to freedom of association — that is, the right to join or not to join a union. Yet, some relaxation of the legal requirements of bargaining and union membership with respect to certain types of schools of choice — the most obvious being charter schools — would permit teachers and administrators a genuine degree of flexibility to try different approaches to staffing, remuneration, and instructional organization, possibly providing a realistic basis for wider innovation.

Clearly, reforming education should be about improving the performance of students, teachers, and schools; it should not be about penalizing teachers. With this assurance, teachers and their unions would be more likely to cooperate with and participate in reform initiatives that help to make schools more productive, teachers more professional, and the academic achievement of students more evident. In this endeavour, teachers and their unions might well have their own perspectives, but recognizing a difference in views is not a reason to discourage their collaboration; in fact, many teachers are receptive to reform measures that would promote greater accountability in schooling. If teachers and their unions, provincial governments, school boards, parents, and taxpayers could work together in a more collaborative and less adversarial manner, the education system in every province and territory would be improved, enabling Canadians to be even more competitive and successful in the world community.

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