

WSSDA

Budgeting & Bargaining Manual

“The collaborative relationship between a board and superintendent is the most important in a district.”

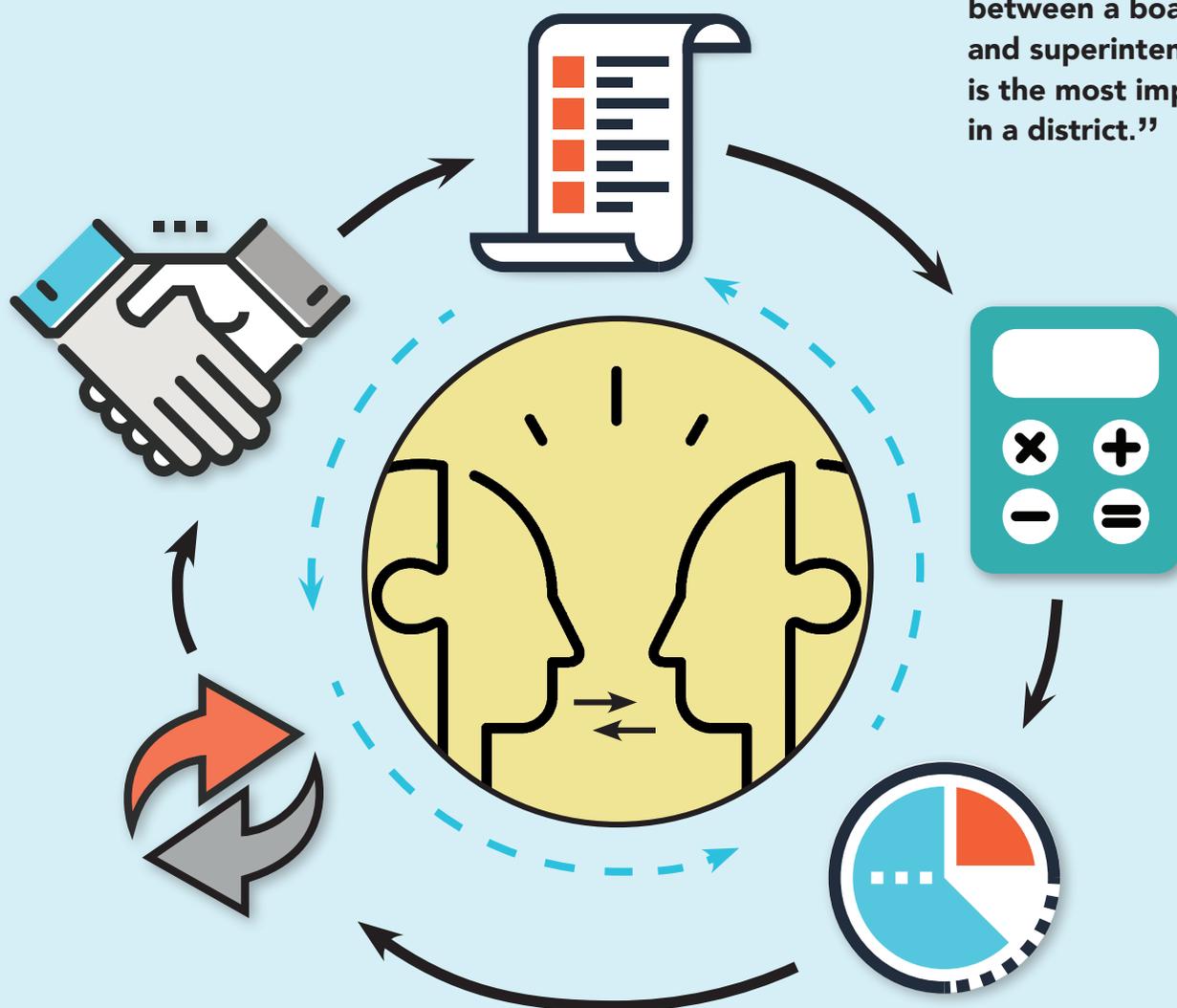
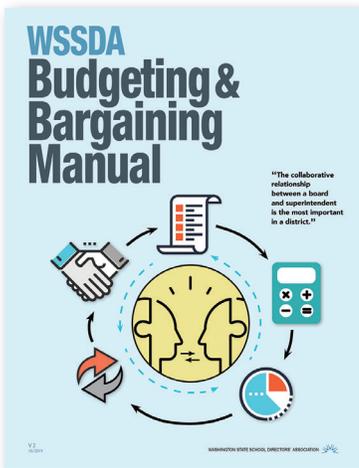


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Budgeting & Bargaining Manual for School Directors

A framework for effective governance

April, 2019

Introduction

Most school directors don't decide to run for office because they relish the thought of being enmeshed in tough negotiations with local labor associations. Indeed, finding themselves in such a situation is often the most distressing and difficult part of the job as elected officials on a local school board. The role of the school board in K-12 public education generally focuses on student achievement, sound fiscal oversight, community engagement, policies and governance, and employing a superintendent to manage the district. While the board's role is not to negotiate employment contracts and salaries other than the superintendent's, the board's role is critical when planning and adopting the annual district budget and considering the sustainability of the district's 4-year budget plan. Following this process, and as contract negotiations with local labor associations progress, sometimes negotiations turn difficult. Unfortunately, board members are often drawn into the fray. The results can be devastating, both personally and as a board, with lasting legacies of ill will and mistrust within communities.

There is no magic formula to prevent you and your board from finding yourselves in that position, but there are some strategies that can help before, during and after the negotiations stage, starting with a strong and inclusive planning process as well as active and appropriate engagement in school district budget adoption decisions. This manual is designed to support school directors at each stage.

Successful collective bargaining is best seen as one part of a "Year-Round Budgeting and Bargaining Cycle," not as a single event that happens annually or every few years. This cycle is covered extensively beginning on page 15. Communication is also key to a successful outcome. While there isn't a single best practice that works for every district or every community, there are some universal communication strategies to help individual school directors and school boards communicate in a manner that is positive, honest and legal.

Roles and Responsibilities of School Directors

As a governance team, school boards carry many responsibilities for the success of their school district. These responsibilities are addressed many times in the Revised Code of Washington (RCW) which is a compilation of all permanent state laws.

Here is one section that addresses their responsibilities:

RCW 28A.150.230

District school directors' responsibilities.

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28ARCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

A key phrase in this RCW is that school boards will “be held accountable for the proper operation of their district to the local community and its electorate.” That is certainly a broad and overarching directive. In practice, there are many within a school district responsible for its success – the superintendent, administrators, teachers, central office staff - but ultimately, it is the board that is held legally accountable.

Generally, it is agreed that the primary roles of a board in fulfilling its duties include:

1. Setting the district's vision and mission
2. Hiring, supervising and evaluating the superintendent
3. Governing the district through the review, revision and adoption of policies
4. Serving as community representatives both to the district and on behalf of the district
5. Monitoring the district's progress towards goals
6. Sound fiscal management of the district

The work of the school board doesn't exist in a vacuum, of course. The most important decision a school board makes – one often most closely linked to the success

“The collaborative relationship between a board and superintendent is the most important in a district.”

continued...



Roles & Responsibilities of School Directors (continued)

of the district – is hiring a superintendent. The collaborative relationship between a board and superintendent is the most important in a district. A team that works together towards its goals within their complementary but distinct roles is the best model for reaching those goals.

This careful attention to staying within appropriate roles while working towards the same goal is never more important than in the area of collective bargaining. Board members are frequently pressured by multiple constituent groups to say and do things that are outside their board role. This pressure can feel overwhelming and very personal, and it is often designed to feel that way in order to elicit action.

There are several things to keep in mind during contract negotiations to make the process less frustrating. Recognize that the mission of the state and local labor associations is to look out for the interests (mostly financial) of their members. There is nothing wrong with that, but it is a much more narrow focus than that of the school board's. School directors are obligated to act responsibly in the best interest of their whole district, which includes all staff members (not just teachers), students, parents, taxpayers, and the community at large. The board has to view all decisions through the lenses of academic achievement for students, long-term legal and financial impacts to the district, and the interests of the community.

The budgeting and bargaining sections to follow each contain a table with recommendations on the appropriate roles for the board, the superintendent and other staff during this process.

“The board has to view all decisions through the lenses of academic achievement for students, long-term legal and financial impacts to the district, and the interests of the community.”

The Budgeting and Bargaining Cycle

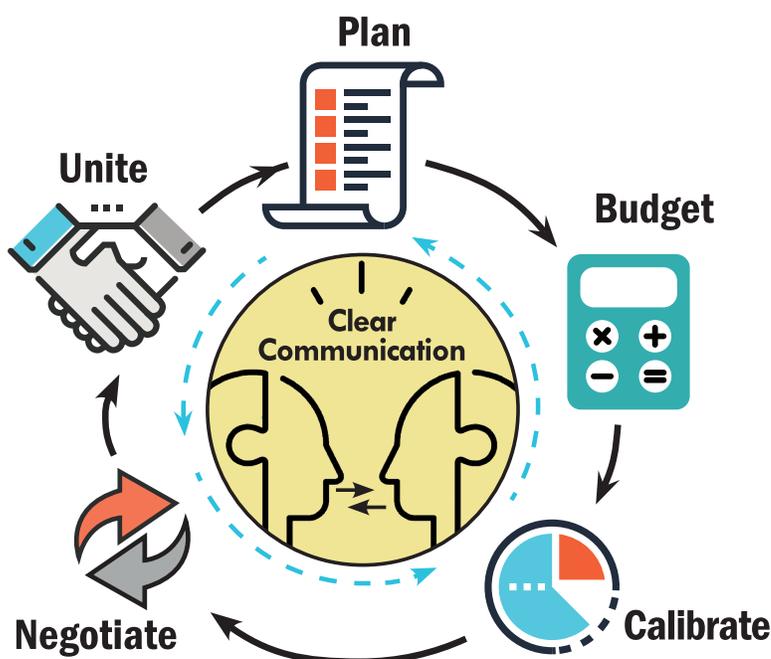
Successful collective bargaining occurs not in isolation, but as part of a year-round focus on ensuring the school district's finances are sustainable and the needs of the district are met, including staffing needs.

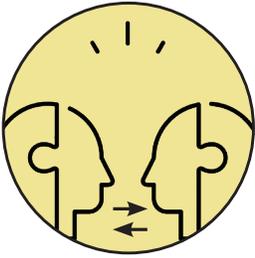
WSSDA's Budgeting and Bargaining Cycle describes how a board, board-superintendent team and district can focus their attention on these two goals in a continuous cycle to ensure that the groundwork of planning, budgeting and calibrating prepare them for the Negotiate phase. Upon completion of negotiations, there may be work to be done to restore unity in the district and community, especially if bargaining was contentious or led to a strike. The Unite phase leads directly back to planning again, and the cycle repeats.

At the heart of the Budgeting and Bargaining Cycle is a continuous focus on clear and concise communication. Communication is vital at every stage, but both who the communicator is and what they are communicating shifts. For example, the board of directors often has a role in communicating about the district's budget priorities during the Plan and Budget phases. During the Negotiate phase, however, most communication will come from the district to ensure a consistent message that doesn't interfere with active bargaining.

This continuous cycle ensures that school directors have the information about their district's finances that they need to make good decisions at every stage. It also recognizes that collective bargaining must include an understanding and consideration of the district's budget realities, both in the current year and its sustainability in future years. Ultimately, that is the responsibility of the board.

“Successful collective bargaining occurs not in isolation, but as part of a year-round focus...”





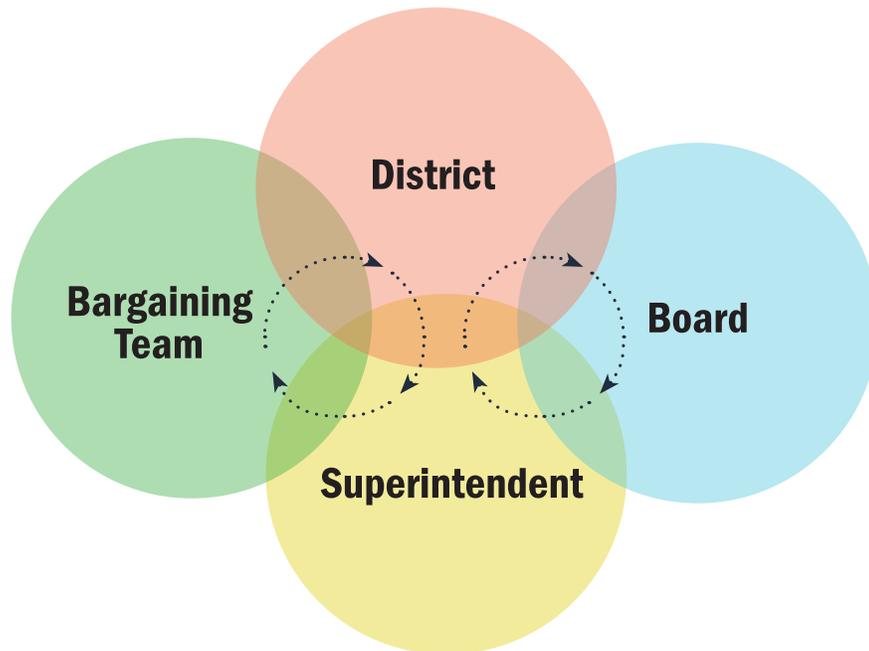
Communication Plan

Good communication doesn't happen by chance. You have to plan for it.

We expect to be able to think on our feet and be prepared for any situation that requires effective communication without planning for it because we communicate with others every day. Certainly we'll know exactly what to say and how to say it when the situation arises, right? In the midst of any potentially heated or controversial issue, however, this method quickly reveals its inadequacies.

Clarity and consistency: agree on your messenger—and your message—and stick with it

In many ways, heading into collective bargaining as a school director without communication planning is like expecting to compete in a marathon without training. Sure, we all know how to run, but most of us concede that running a marathon successfully requires planning, practice, strategy and the appropriate equipment. In fact, preparing for school district communication is more like a triathlon than a marathon, with its focused but cohesive plans for each leg of the race.



Communication Plan *(continued)*

An effective communication plan details a cohesive, year-round focus on good communication. It includes effective practices during the collective bargaining stage (and during a strike, if one occurs), but that is just one segment of a bigger plan that strives for two-way communication and engagement with all of a school district's audiences all year.

Be proactive, not reactive

Effective communication is largely based on building trust. We don't trust someone with whom we have no relationship just because they say "trust me." Building a relationship with your school district's many audiences takes time and deliberate planning. If the district has built a consistent, positive presence in your community through proactive communication, using the same methods to share news about budgeting and bargaining will be a natural extension. Provide factual information well before these events to establish credibility as a trusted source.

Determine how much and what type of information the district will share during active negotiations, as well as what communication platforms to use. Many districts find that their websites are an effective platform for communicating bargaining information and updates. Use of social media by the district can also provide a pathway to link the public to accurate and timely information posted on the website. Here are some communication tools to consider:

- Develop a Frequently Asked Questions (FAQ) document that gives answers to common questions and information about the bargaining process and the board's established goals
- Cite dates that bargaining sessions took place (and dates that were cancelled by the Association) and topics that were discussed
- Consider publishing the last offers of both parties with supporting information to explain the financial/compensation offer
- Correct false information through a daily status update and FAQ

See Appendices for additional sample communication documents.

continued...

Communication Plan (continued)

Have a tight social media plan

Proceed very cautiously with social media. There are many ways to make a situation worse by using social media and only a few with the possibility to make things better. It is so tempting to respond back to personal attacks or to those sharing misinformation through social media, but it almost always exacerbates the situation.

The best use of social media (Facebook, Instagram, Twitter, etc.) is for fact-based information-sharing originating from the school district. Post good news items about students and great happenings in the schools. If your communication team has decided to use social media to share information and updates about negotiations, those messages should be very carefully crafted by the district and its legal counsel to take a neutral tone. Any launching of a social media campaign must be paired with a commitment to assign a trained communicator to monitor the accounts and promptly remove any offensive posting within the limitations of the law. Again, it is important to check with your legal counsel to ensure removal of comments on social media does not violate free speech rights.

As with any communication activity, don't start using social media in the midst of negotiations. To be effective, a communication vehicle must be in place and established as a credible source of information long before putting it to use during a crisis. Launch your social media communication plan well before using it to address negotiations.

“Effective communication is largely based on building trust. We don't trust someone with whom we have no relationship just because they say 'trust me.'”

Communication Plan (continued)

Use restraint in using and responding to social media as a board member. Board members should discuss and agree on a uniform approach to address social media as individuals. Remember that multiple board members weighing in on a single post or tweet may be considered an illegal meeting. The safest approach is to agree that no individual board members will engage in any social media discussion about the school district during negotiations. If close friends or others you know personally are sharing misinformation online, consider a phone call to them rather than publicly diving into the fray on social media. Decide as a team how you will engage or not engage in social media and stick to it.

Consider your audiences and how best to connect with them

The tactics employed in local districts during difficult negotiations and strikes are designed at the national and state levels to help local associations prevail in negotiations. Local labor association members are encouraged by state-level negotiators to make a personal appeal to board members and their conscience in order to further both their local and statewide agendas. Keep in mind how various audiences might be influenced by these messages and how you can encourage continued good relationships with them.

Teachers:

- While some teachers are aligned with the view of the association, many are not. They are often under pressure to go along with the association and show a unified front.
- Even those teachers who are on board with the goals of the local association's bargaining team often are not aware of the full extent of the tactics that are used.

Parents:

- Parents are even less aware of the tactics involved in negotiations and the details of employment contracts.
- Most are not very engaged in or informed about the school district's operations and budgets so they don't understand the complexities.
- Labor association tactics include language that appeals to parents with the goal of causing parents to side with the teachers and feel suspicious of the district and board. They do this by making the language simple and emotions-driven. When you talk with parents, make sure the language is clear and simple and express the board's commitment to student achievement and long-term district viability.
- Most people don't like conflict and will generally seek to resolve it as quickly as possible.

continued...

“Launch your social media communication plan well before using it to address negotiations.”



Communication Plan (continued)

- Parents usually make contact with schools at the teacher level, not the administrative or board level, so they are more likely to view the situation through the teacher's lens. Help them understand the board's high-level mission and goals for their students and their tax dollars.
- It is important to have a proactive communication plan that keeps parents informed of the facts, not the propaganda.

Media:

- Like parents, the media's understanding of the details of the situation may be very general, less detailed and even incorrect.
- The labor association is giving them lots of information and interesting sound bites. Ensure that you provide some as well, following legal advice.
- Conflict is interesting and makes for good news stories. Provocative language and actions by association representatives are much more interesting than the quiet, consistent approach taken by the district and board. Remember that it is better not to end up on the evening news or newspaper because of an action you or the board took that contributed to the conflict. This is one case where being boring is the best strategy.

“Remember that multiple board members weighing in on a single post or tweet may be considered an illegal meeting. The safest approach is to agree that no individual board members will engage in any social media discussion about the school district during negotiations.”

Communication Plan (continued)

Expect challenging situations and plan for contingencies

Communicating during challenging situations when emotions for all involved may be high is infinitely more difficult. Having a plan ahead of time makes it more likely that you will respond in a way that you will feel good about later.

Talk through how board members can appropriately respond to questions, comments, and even accusations in a variety of situations. Here is a checklist of situations in which your board-superintendent team (in collaboration with legal, communication and negotiations personnel as appropriate) should agree on a consistent approach:

- At a board meeting – before, during and after
- At the grocery store, at a school or sporting event, or at work
- From a friend, neighbor, or church member
- On Facebook, Twitter or other social media
- Questions from a reporter
- In an email or text
- From a teacher
- From a parent
- From a student
- From a community member
- In an interaction with a labor association representative

See page 34: Board Meetings and Legal Considerations for additional information about communication and procedures at board meetings.

Talking points - plan ahead and practice so you are prepared

Creating talking points that are used consistently by all district leaders is an effective way to ensure your messages are accurate and consistent. There are a variety of responses board members can consider using when responding to inquiries by the public or school district staff. Here are a few examples of talking points. All options should be reviewed and approved by your district's legal counsel and communication team before using:

- *We are very proud of our teachers and all staff in our school district. The board is committed to ensuring that the teachers' contract is fair to teachers and sustainable for the district over the long haul.*

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“Communicating clearly and with consistency is the greatest tool school districts have for connecting the community with your schools and your district’s mission.”

Communication Plan (continued)

- *We have a history of working with our local teachers' union to address problems, and we are confident that our bargaining team will reach an agreement with the association as we have in the past.*
- *It is the board's job to ratify contracts, not negotiate them. We have confidence that our negotiating team and teachers will come to an agreement soon.*
- *The board's job is to set the mission, vision and direction of the school district at a high level, with management and operations taking place at the superintendent and administrator level. Getting involved in the details of contract negotiations is inappropriate for the board. We have confidence in our superintendent, our staff and the negotiating team to reach agreement with the labor associations.*
- *The board has to weigh multiple competing interests – various public opinions, budget considerations, policies, potential impacts of contracts, and sustainability – to try to make the best decisions to keep our school district strong and financially stable.*
- *Our board is confident that our negotiating team is working in good faith to reach a fair and sustainable contract with our labor association(s).*
- *It would be inappropriate for the board to comment on ongoing negotiations. We have faith in our negotiations team to reach a fair and sustainable agreement, and we look forward to welcoming students back to school/resuming the work of educating our district's children.*
- *As elected officials, school directors are responsible for safeguarding the school district as a community resource. We consider both public opinion and what we know about a given situation when making a decision. Sometimes the loudest voices are not representative of the larger community's opinion. We always weigh all competing interests – various public opinions, budget considerations, policies, potential impacts, and sustainability – to try to make the best decisions.*

Calibrate frequently

As situations change during budgeting and negotiations, the need to communicate may become more or less intense. Ensure that your board is discussing communication needs and strategies with your superintendent and others on the district's communication team. Discuss the current climate and what messages are being shared among staff and the community. Board members should also share with each other what questions they are receiving and how they are answering them to ensure messages are consistent. Calibrate your thinking around appropriate responses (which includes not responding at all) and commit as a team to follow the agreed-upon strategy.

Roles During Communication Planning

BOARD	SUPERINTENDENT	DISTRICT COMMUNICATION PROFESSIONAL(S) in coordination with superintendent
Be knowledgeable about the district's overall communication plan and the board's role within it	Ensure the board is familiar with the district's communication plan and their role within it	Ensure the board is knowledgeable about the district's overall communication plan and their role within it
Select an official board spokesperson	Support, assist and provide information to the board spokesperson as needed	Support, assist and provide information to the board spokesperson as needed
Discuss and agree on board operating agreements/ protocols detailing how the board will work with each other and the superintendent	Provide information to and assist board, as needed, in discussing and agreeing on their operating agreements/protocols	
Discuss and agree on how all board members will and will not communicate in person, via email, on social media, with the media, etc	Provide information to and assist board, as needed, in discussing and agreeing on their communication protocols	Provide information to and assist board, as needed, in discussing and agreeing on their communication protocols
Review and revise, if needed, policy regarding parameters for the public comment period during board meetings and apply them consistently	Provide information to and assist board, as needed, in setting policy regarding parameters for the public comment period during board meetings and applying them consistently	Provide information to and assist board, as needed, in setting policy regarding parameters for the public comment period during board meetings
Serve as ambassadors for the district, sharing positive news about the district and communicating constituents' concerns or questions to the superintendent	Provide information and updates to the board to enable them to serve as ambassadors for the district. Respond to board input as appropriate.	Provide information and updates to the board to enable them to serve as ambassadors for the district. Address concerns or issues through communication as needed
Be aware of communication plans related specifically to negotiations and what contingency plans are in place in the case of challenging bargaining and/or a strike	Provide information to the board regarding communication plans related specifically to negotiations and what contingency plans are in place in the case of challenging bargaining and/or a strike	Provide information to the board regarding communication plans related specifically to negotiations and what contingency plans are in place in the case of challenging bargaining and/or a strike
Work with superintendent and district communication professional(s) to craft and/or approve board talking points for use during negotiations	Work with board and district communication professional(s) to craft and/or approve board talking points for use during negotiations	Work with board and superintendent to craft and/or approve board talking points for use during negotiations
Create a plan to ensure board and superintendent have frequent opportunities for communication with each other throughout negotiations	Create a plan to ensure board and superintendent have frequent opportunities for communication with each other throughout negotiations	Participate, as needed, in communication with the board and superintendent during negotiations
Calibrate and troubleshoot communication frequently with superintendent and district communication professional(s) to ensure consistent and accurate messaging	Calibrate and troubleshoot communication frequently with board and district communication professional(s) to ensure consistent and accurate messaging	Calibrate and troubleshoot communication frequently with board and superintendent to ensure consistent and accurate messaging
If bargaining becomes challenging, determine plan to meet with superintendent and district communication professional(s) to determine if changes to board meeting dates and structures are needed. Seek legal counsel as appropriate. See <i>Board Meetings & Legal Considerations</i> for additional information	If bargaining becomes challenging, determine plan to meet with the board and district communication professional(s) to determine if changes to board meeting dates and structures are needed. Seek legal counsel as appropriate. See <i>Board Meetings & Legal Considerations</i> for additional information	If bargaining becomes challenging, assist the board and superintendent to determine if changes to board meeting dates and structures are needed. Seek legal counsel as appropriate. See <i>Board Meetings & Legal Considerations</i> for additional information
As needed, work through superintendent to consult with legal counsel regarding legal parameters around communication	As needed, consult with legal counsel regarding legal parameters around communications. Share pertinent information with board and district communication professional(s)	As needed consult with superintendent and legal counsel regarding legal parameters around communication
Work with the superintendent and district communication professional(s) to plan and agree on post-negotiations messaging and the board's role in this stage	Work with the board and district communication professional(s) to plan and agree on post-negotiations messaging and the board's role in this stage	Work with the board and superintendent to plan and agree on post-negotiations messaging and the board's role in this stage

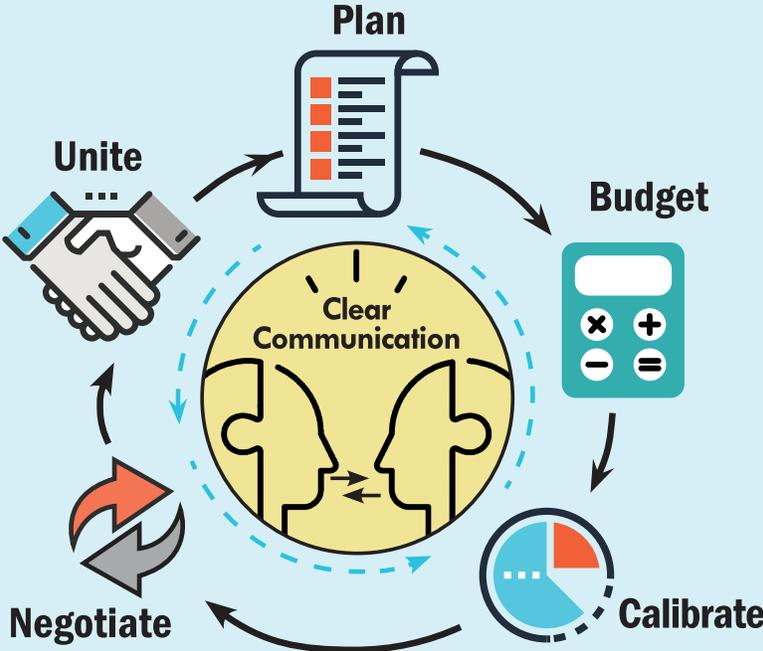
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Communication Plan (continued)

Guiding Questions for the Board during Communication Planning:

- What is the district's communication plan? Is there a specific plan for communicating during bargaining? During a potential strike?
- What is the board's role in district communication year-round and during negotiations?
- What is our policy regarding public comment at board meetings? Does it need to be updated? Are we clearly communicating with the public about it? Do we follow it consistently?
- Who is our board spokesperson? What is the spokesperson's role? What is the role of the rest of the board regarding communication?
- What board operating agreements/protocols detailing how the board will work with each other and the superintendent are in place? Are we following them in regard to communication? Do they need to be updated?
- Are there talking points to ensure board members are communicating consistently and accurately during negotiations (and potentially a strike)? Are we using them?
- What will we do in the event of negative communication about the district and/or board, including on social media?
- Do we agree as a board to all communication plans? If not, what will we do to reconcile differences?
- Do we have enough training to be effective communicators? If not, how will we get it?
- At what point might we consider changes to our board meeting schedule and structure? How will this be communicated?
- What is the board's role in communication after negotiations (and potentially a strike)?



Year-round Cycle



Plan

The first phase of the cycle is to PLAN. The amount and quality of planning at the outset has a significant impact on the final outcomes.

A board-superintendent team that has done the groundwork of thoughtfully discussing all elements that may impact the district budget and labor negotiations will be prepared to answer questions, consider concerns and make good decisions later. This phase also sets the stage for successfully navigating the Budgeting and Bargaining process by emphasizing the teamwork needed within the board-superintendent team.

Much of the planning will be detailed within the Communication Plan described on pages 6–14. Additional planning is needed beyond communication needs, though, including the mood and desires of the community, including school staff; statewide and legislative issues; current education trends and commitments; and interpersonal relationships within the leadership teams. The planning phase is the time to ensure everyone knows what issues, goals and constraints are present and has a plan to address them together.

Roles During Planning

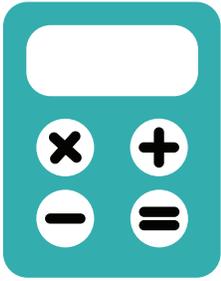
BOARD	SUPERINTENDENT	OTHER
Consider local, state and national issues impacting education, funding and collective bargaining	Share and discuss local, state and national issues impacting education, funding and collective bargaining with the board and leadership team	Administrators are aware of and consider potential impacts of local, state and national issues impacting education, funding and collective bargaining
Review progress towards strategic plan and academic achievement goals	Provide and review with the board the district's strategic plan and academic achievement goals	Administrators provide assessment information regarding academic achievement and progress towards goals
Discuss and agree on board operating principles/protocols describing how the board will do its work together	Support the board in developing/ updating its board operating principles/protocols	
Ensure budget aligns with strategic goals	Demonstrate how budget aligns with strategic goals	Administrators indicate where budget aligns with strategic goals

Plan (continued)**Guiding Questions for the Board during Planning:**

- Who needs to be part of our planning and communication teams?
- What current issues or those on the horizon should we be aware of, discuss and plan for?
- Are we meeting our strategic goals and objectives?
- Do our current and proposed budgets fund the areas that are most important to our community based on our district's strategic plan?
- Are there community concerns or areas of focus that we should consider during planning?
- What legislative or other issues may/will impact our current and future budgets?
- What obligations do we have under our current labor contracts?
Do we anticipate any changes?
- What is or do we expect the mood regarding labor relations to be?

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Budget

The BUDGET phase is the only part of the cycle that is mandated by law to occur during a specific time of the year. School district budgets, including the four-year budget projection, must be approved by the board and submitted each summer.

The board, superintendent, fiscal officer and other staff will work together throughout the year evaluating, monitoring and reviewing the district budget. Elements of the budget phase include:

Budget projections

The board-superintendent team will review budget projections over the course of the year, often in work sessions. This is the time to ask questions, including how to read the budget and what different terms mean, especially if you are new to your role. Determine what changes may impact this year's budget and what the options are. Ensure that you thoroughly understand the main aspects of the budget so you can make informed decisions about it and explain the main elements to community members.

Strategic plan and goals

Are you funding what you and your community value? Review your Strategic Plan to ensure the budget aligns with your mission, values and goals. Does the budget support increased student achievement, or are changes needed to support student growth? Ask how the budget aligns to the goals set for the district.

Fund balance

What is the minimum fund balance laid out in your policy? Consider if the fund balance is adequate, or perhaps too low or high. If part of the fund balance is designated for a special project, such as a contingency for a construction project or a specific future need, consider naming it as "reserved fund balance" and indicate the intended use rather than naming the entire balance as "unreserved." This increases transparency and signals to your community and staff that there is a specific intent for those funds.

Budget hearings and formal approval

By law, school districts must hold a public hearing for the community to review, ask questions and provide input to the board regarding the budget. Here are the legal requirements laid out in three Washington laws:

Note: * Underlines are added below to indicate roles specific to school district board of directors. They are not in the original text of the law.

Budget (continued)

1. RCW 28A.505.130

Budget—Requirements for balancing estimated expenditures.

For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

2. RCW 28A.505.060

Budget—Hearing and adoption of—Copies filed with ESDs.

(1) On the date given in the notice as provided in RCW 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear at the meeting and be heard for or against any part of such budget, the four-year budget plan, or any proposed changes to uses of enrichment funding under RCW 28A.505.240.

(2) Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in first-class school districts, and not later than August 1st in second-class school districts.

(3) Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget, the four-year budget plan summary, and the four-year enrollment projection and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That first-class school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and second-class school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW 28A.505.070 by the budget review committee.

3. RCW 28A.505.040

Budget—Four-year budget plan—Notice of completion—Copies—Review by educational service districts.

(1) On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The annual budget development process shall include the development or update of a four-year budget plan that includes a four-year enrollment projection. The four-year budget plan must include an estimate of funding necessary to maintain the continuing costs of program and service levels and any existing supplemental contract obligations.

“The four-year budget plan must include an estimate of funding necessary to maintain the continuing costs of program and service levels and any existing supplemental contract obligations.”

continued...

Budget (continued)

(2) The completed budget must include a summary of the four-year budget plan and set forth the complete financial plan of the district for the ensuing fiscal year.

(3)(a) Upon completion of their budgets, every school district shall electronically publish a notice stating that the district has completed the budget, posted it electronically, placed it on file in the school district administration office, and that a copy of the budget and a summary of the four-year budget plan will be furnished to any person who calls upon the district for it.

(b) School districts shall submit one copy of their budget and the four-year budget plan summary to their educational service districts and the office of the superintendent of public instruction for review and comment by July 10th. The superintendent of public instruction may delay the date in this section if the state’s operating budget is not finally approved by the legislature until after June 1st.

(c) The office of the superintendent of public instruction shall consider the information provided under (b) of this subsection when ranking each school district by the financial health of the school district in order to provide information for districts to avoid potential financial difficulty, insolvency, or binding conditions.

Roles During Budgeting

BOARD	SUPERINTENDENT	OTHER
Review current or previous budget	Explain outcomes of current or previous budget	Fiscal officer(s) details outcomes of current or previous budget
Review, ask questions about and understand the district budget	Seek and provide information about the district budget	Fiscal officer(s) provide information to and answer questions from the board and superintendent
		Educational Service Districts (ESDs) often provide some fiscal services or oversight to districts
Understand what changes may/will impact the proposed budget and how any gaps will be closed	Demonstrate changes that may/will impact proposed budget and how any gaps will be closed	Fiscal officer(s) highlights areas of change to proposed budget and how any gaps will be closed
Ensure budget aligns with strategic goals	Demonstrate how budget aligns with strategic goals	
Review collective bargaining agreements and understand how current and future obligations impact the budget	Review collective bargaining agreements, their impact on the budget and any potential related issues with the board	
Review draft budget(s) and ask questions for understanding and provide input	Provide and review draft budget(s) with board to ensure understanding and seek input	Fiscal officer(s) provide board with draft budget(s) to ensure understanding and input
Seek community input on budget during public hearing	Seek community input on budget during public hearing	
Adopt budget	Recommend budget	Fiscal officer(s) submit budget
		ESD and OSPI approve budget

Budget (continued)**Guiding Questions for the Board during Budgeting:**

- How does our current year's budget line up with our actual budget?
- What are the trends in our four-year budget? Is the forecasted fiscal health of the district improving over time or declining?
- Are there changes that may impact this year's budget, such as funding, enrollment or specific areas of need?
- Does what we are funding align with the mission and values in our Strategic Plan?
- Are there community concerns or areas of focus that we should consider in the budget?
- What considerations about our bargaining units might impact budgeting?
- Are we meeting our goals for student achievement and growth, and does our budget reflect adequate investment towards those goals?

“Are you funding what you and your community value? Review your Strategic Plan to ensure the budget aligns with your mission, values and goals.”





Calibrate

The CALIBRATE phase is the time for ensuring that the goals and actions of the district are aligned throughout the system.

Setting aside time to ensure calibration before moving into negotiations on labor contracts is well spent and can save both time and significant mistakes and misunderstandings later. Board retreats or study sessions can be helpful in this regard. Invest in getting the process right before moving into the high pressure stage of negotiations, and the whole process will be smoother.

Before bargaining starts:

1. Understand the bargaining process and the recent history of collective bargaining in the district. Knowing what led to this moment will help you navigate it more effectively.
2. Be aware of the critical items that are being bargained. Get a detailed list from your superintendent or bargaining team. Understand what is happening statewide that might affect bargaining, such as budget constraints or new legislation, and how those issues affect your district specifically.
3. Know who the members of your bargaining team are. Personalities and relationships matter in negotiations. The superintendent will want to be strategic in thinking about who will bargain effectively for the district while being aware of the importance of sustaining good relationships during and after bargaining.
4. Set sustainable goals with your board-superintendent team that are in the best interests of the children, the schools, the staff, and the public that the board serves. This includes considering future encumbrances. Future boards and administrators will have to live with, and be able to fund, the agreements you make now for many years to come. Ensure your superintendent understands the board's goals and parameters.
5. Establish the bargaining ground rules between the board and superintendent that you agree to follow before substantive bargaining takes place. Ask your superintendent and/or bargaining team to go over the strategy to ensure everyone is in agreement. The time to discover differing opinions is early in the process, not once bargaining has begun.
6. Planning for good communication is critical to your success. Pick a spokesperson (ideally a communication professional) and have all correspondence go through him or her. This will often be a school staff member—a superintendent in a smaller system—or a public information officer in a larger one. Agree on how and if board members will respond to questions, emails, social media, personal contact, and intimidation techniques. Write and use agreed-upon talking points in board meetings and in other agreed-upon communication methods.

Calibrate (continued)

Roles During Calibration

BOARD	SUPERINTENDENT	OTHER
Review and reaffirm goals with each other and the superintendent	Review and reaffirm goals with the board and staff	Administrators review and reaffirm goals with the superintendent and staff
Agree on roles and responsibilities during bargaining	Agree on roles and responsibilities during bargaining	All administrators and bargaining team staff agree on roles and responsibilities during bargaining
Seek recommendations from superintendent and set parameters, including level of flexibility, for bargaining	Provide information and recommendations to board to enable them to set parameters and discuss flexibility	Administrators and bargaining team staff are informed of and understand bargaining parameters
Review communication plan and reaffirm communication strategies, talking points and spokesperson(s)	Review with board the communication plan and reaffirm communication strategies, talking points and spokesperson(s)	Administrators and bargaining team staff are informed of and understand board communication strategies, talking points and spokesperson(s)
Consider and discuss contingency plans, including potential scenarios and options if bargaining becomes difficult	Consider and discuss with the board, administrators and bargaining team any contingency plans, including potential scenarios and options if bargaining becomes difficult	Administrators and bargaining team consider and agree on contingency plans, including potential scenarios and options if bargaining becomes difficult

Guiding Questions for the Board during Calibration:

- Are we in agreement about our goals and strategies? If not, how will we calibrate with each other to be a united voice as a board?
- What agreements do we have with each other about the board's (and board spokesperson's) role during bargaining?
- Does everyone – board members, superintendent, administrators and the bargaining team – understand and agree upon their roles?
- Are we aligned in how we agree to communicate during bargaining? If not, what do we need to work out together to reach agreement?
- What potential scenarios and responses should we consider to ensure we are prepared?





Negotiate

The NEGOTIATE phase is when collective bargaining is active among one or more of your district’s bargaining units. Sometimes this is a year-round process in itself, as agreements are made with each labor association.

Bargaining is not the work of the board. The responsibility for negotiating labor contracts falls on the bargaining team your district has selected. The superintendent may or may not be part of that team, and sometimes districts seek outside assistance during bargaining. A few districts in Washington state have a board member on or observing the bargaining team, but it is not generally recommended. The school board provides the goals and parameter for negotiations, while the bargaining team does the work to meet them while contracting with labor associations.

It is imperative that the board and superintendent maintain frequent communication during the Negotiate phase. Neither wants to be in a position of being surprised by the actions of the other. The best decisions are made when all parties are updated frequently and have time to consider next steps. While the bargaining team does its job, the board focuses on remaining upbeat in the community and supportive of each other and of administrators.

There are several stages in the bargaining process where boards can positively – or negatively – impact the outcomes. Most of them revolve around communication issues. If the district is communicating one message while a board member or two are communicating another, credibility is destroyed and public trust is lost. Board members are targeted during challenging negotiations for good reason. Board-superintendent teams that are not aligned in their goals and messages weaken the entire district team. It is imperative to stick with agreed-upon communication protocols and talking points. If a board member has concerns or questions about the process, those should be directed to the superintendent or board chair. If greater clarity or consideration is needed, the board is allowed to meet to discuss collective bargaining strategies in exempt sessions. (more on exempt sessions on page 34: Board Meetings and Legal Considerations). Use these opportunities to ensure you are all on the same page regarding the issues and to support each other during what can be a difficult process.

“Bargaining is not the work of the board. The responsibility for negotiating labor contracts falls on the bargaining team your district has selected.”

Roles During Negotiation

BOARD	SUPERINTENDENT	OTHER
Remain updated on progress and issues through frequent contact with superintendent and exempt sessions, when needed	Ensure board members are updated on progress and issues through frequent contact and exempt sessions, when needed	Bargaining team and superintendent keeps each other updated
Communicate according to agreements and strategies, using talking points as appropriate to these agreements	Support board communication according to agreements and strategies, providing talking point as needed	District communication professional/team provide regular communication to the public, staff and board regarding negotiations, offers and other news
Appoint a board spokesperson; direct questions and requests to them	Provide support and talking points to board spokesperson as needed	District communication professional/team provide support to board spokesperson and board as needed
Don't make assumptions based on rumor or media coverage. Ask the superintendent for clarification.	Ensure board is informed at all times, especially if misinformation is in the community	District communication professional/team employ multiple communication vehicles to provide accurate information
Understand frequent strategies used during collective bargaining (see Appendix A)	Assist the board in understanding and being prepared for frequent strategies used during collective bargaining (see Appendix A)	District communications professional/team assist the board in understanding and being prepared for frequent strategies used during collective bargaining (see Appendix A)
Expect to experience discomfort and personal attacks. Inform family and friends of this possibility to help them prepare. Assist and support superintendent and administrators as needed.	Assist and support the board and administrators and bargaining teams if they experience personal attacks. Inform family and friends of this possibility to help them prepare.	Bargaining team supports and assists each other during the negotiations process, especially if they experience personal attacks. Inform family and friends of this possibility to help them prepare.
Approve final negotiated contracts	Advise board in approving final negotiated contracts	Bargaining team works with labor associations to reach a tentative agreement

Guiding Questions for the Board during Negotiation

- | | |
|--|---|
| <input checked="" type="checkbox"/> Are we in agreement about our goals and strategies? If not, how will we calibrate with each other to be a united voice as a board? | <input checked="" type="checkbox"/> Are we aligned in how we agree to communicate during bargaining? If not, what do we need to work out together to reach agreement? |
| <input checked="" type="checkbox"/> What agreements do we have with each other about the board's (and board spokesperson's) role during bargaining? | <input checked="" type="checkbox"/> What potential scenarios and responses should we consider to ensure we are prepared? |
| <input checked="" type="checkbox"/> Do board members, superintendent, administrators and the bargaining team understand and agree upon their roles? | |





Unite

During the UNITE phase, the community returns to normal and focuses on issues other than negotiations.

If the bargaining process was long, contentious and played out in public, the Unite phase can take a long time for emotions to quell and relationships to return to normal. If a strike occurred, this process can take years and some relationships may remain damaged.

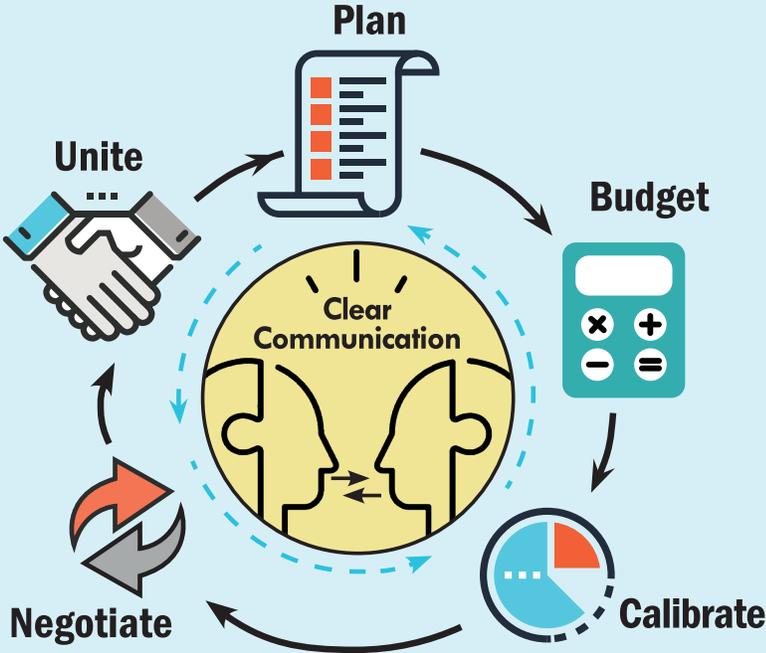
The goal of the Unite stage is to let emotions settle and let the work of educating students resume. Principals often have the biggest lift in uniting the district, as they work daily with certificated and classified staff in their buildings. Communication from the district that shows appreciation for all staff and focuses on student-related successes and activities can help promote any healing that is needed.

Roles During Uniting

BOARD	SUPERINTENDENT	OTHER
Focus on getting back to the work of educating students	Focus on getting back to the work of educating students	Principals promote healing and a return to normal in their buildings
Show appreciation for staff, including superintendent, bargaining team, principals and members of all labor associations	Show appreciation for all staff and board	
Find opportunities to showcase student achievements and successes in board meetings and in communications	Find opportunities to showcase student achievements and successes in board meetings and in communications	
Return to the Planning stage to apply what was learned for the next time	Return to the Planning stage to apply what was learned for the next time	

Guiding Questions for the Board during Uniting

- How are relationships in the buildings returning to normal? Are principals or others in need of support?
- Are there segments of the community that need to be focused on to ensure a return to normal? What are the best ways for us to do this?
- How can we showcase our students' success and achievements in our board meetings and district communication?
- What did we learn from this process that we should apply next time?



Challenging Negotiations and Strikes

Challenging Negotiations and Strikes

As negotiations stall or become contentious, questions about the possibility of a strike may start to bubble up.

It is safe to say that strikes are never a positive event for a district or community and certainly should be avoided if possible. Only your team can decide at that time if the negative impacts of a strike are outweighed by the damage of an unsustainable contract. It is worth taking the time to talk about a strike as a potential scenario early in the planning phase. The following chapters provide recommendations to navigate some of the difficult situations you may encounter.

Challenging Negotiations

Challenging collective bargaining and potential or active strike situations are emotional and can sometimes feel devastating to school directors.

Most school directors work many long, unpaid hours as board members dedicated to the welfare of the students, staff, district, and community. Many have friends and even family members who are district employees. School boards often have collegial and collaborative relationships with staff. When negotiations become difficult or deadlocked, it can be a huge shock to them when those relationships seem to change overnight.

It is important for school directors to understand that this is not personal, even though it will feel intensely personal. There is a well-known set of strategies used by labor association leadership to exert pressure on individuals in a district to try to influence the outcomes. “Divide and conquer” is a frequent tactic applied to the board. It only takes one or two board members to appear to waver on an issue to potentially impact the district’s strategy.

Applying pressure to individual people (school board members, superintendents, principals and members of the bargaining team) can sow doubt and fear in them and tear apart a cohesive team with an aligned set of goals and messages. Again, remember that launching personal attacks against individuals, especially elected school directors, is a tried and true strategy used with great frequency. Anticipating them does not make them painless, but it can help you plan how you might respond to them most effectively. Maintaining your foundation as a cohesive team focused on mutually agreed upon goals and strategies are the best way to render these tactics ineffective.

Consider some of the common strategies employed during bargaining, listed in Appendix A, that are designed to gradually ramp up pressure and emotions in everyone impacted by the negotiations. Note that they are aimed at nearly every audience, from association members to administrators, board members, and the community using media, social

Challenging Negotiations (continued)

media, and public meetings and events. By understanding and anticipating them, you will be better prepared when they are used.

Productive practices as negotiations become challenging

1. Stay informed. Make sure that board members receive regular progress updates and have the opportunity to talk through the options. You can have meetings for the purpose of discussing negotiations any time you need to without notifying the public under the OPMA's "exempt meeting" allowance.
2. Remain cohesive and avoid a board split. It is vital that your board presents a unified stance in public. If there are concerns or differences of opinions, keep them behind closed doors and work them out together. Unions often employ a "divide and conquer" strategy that is only effective if board members allow it to be. Board uncertainty about any aspect of negotiations can create doubt that the union may sense and exploit.
3. Support your superintendent, bargaining team, and fellow board members. Also, seek support from each other. Difficult bargaining is very stressful and often challenges your values of cooperation with, and appreciation for, district employees. Check in frequently with each other, one-on-one, to provide support and encouragement.
4. Revisit and adjust your communication. Unions have a variety of tactics they use as the situation escalates. Ensure that your board and negotiating team have strategies to address them.
5. Rely on your district's FAQ document to help the public understand the bargaining process and recent offers.

How to get through the emotional impact of difficult negotiations

Here are some things to keep in mind during contract negotiations, especially when feeling frustrated by the process:

- Reasonable, caring people can share the same larger goal but have vastly different beliefs about how to reach them.
- You, as a board member, have more information about all aspects of the situation than just about anyone else. Most teachers, staff members, parents, community members and media only know and understand a very small piece of the full picture.

continued...

“Remain cohesive and avoid a board split. It is vital that your board presents a unified stance in public.”



Challenging Negotiations (continued)

Be prepared

Be prepared for questions and statements that are critical of you personally. A common negotiating tactic is to play on the emotions or values of a board member. With your board-superintendent team, think about and plan some effective responses to the following statements you might hear:

- Why isn't the board getting involved in ending this strike? Don't you care about doing what's best for kids?
- We are disappointed that the school district/board doesn't value its teachers.
- Why isn't the board/aren't you standing up for what's right?
- Why are you/the board just rubber-stamping the superintendent and not looking out for your constituents?

“ Be prepared for questions and statements that are critical of you personally. A common negotiating tactic is to play on the emotions or values of a board member. ”

As in all situations, the board will be respectful of the various roles and responsibilities that make a district run effectively. Remind detractors that you are not on the negotiations team and it is inappropriate for the board to interfere with their work, get involved in negotiations, or to circumvent the process by talking about it or responding to questions. If board members went directly to a teacher or staff member every time he or she hears a parent complaint, that would undermine the authority of that staff member's supervisor. That is the role of the superintendent, principal or administrator, not the school board. Likewise, it is inappropriate for the board to circumvent the school district's negotiation team. The board focuses on the big picture for the district.

Think about some ways you can support yourself and each other when you feel besieged, misunderstood and unappreciated. Look to family and friends for support. Other sources of support include:

- Support each other as board members by talking one-on-one
- Talk with fellow parents or community members who appreciate your efforts
- District-provided counseling or support
- Remind yourself why you are doing this work and that this situation will pass
- Create a personal statement about why you are on the board and what your values are to clarify in your own mind why you do the work. Articulating this for yourself helps you better articulate those values to others.

Pre-Strike

The most important consideration at this stage is if the district is prepared to endure a long strike or not.

If so, what are the issues or terms on which the district will stand firm? Strikes are always damaging to a district and community.

If you are willing to settle after three days of pressure, then come to an agreement and settle before a strike occurs. Will the board consider any last minute pre-strike settlement offers such as last best offer arbitration, binding arbitration, a change of parameters, or other? A district should only allow negotiations to lead into a strike if it is firm in its parameters (such as unsustainable labor costs) and is willing to live with the disruption and uncertainty of a strike.

Productive practices as a strike is threatened or seems imminent

1. Continue focusing on communication and stay informed. Communicate daily, if needed, to ensure that board members receive regular progress updates and share information about what they are hearing and how they are being impacted. If some board members are being especially pressured or targeted, it is important to support them and ensure they have the tools they need to cope with the pressure.
2. Ensure that your district corrects any misinformation being communicated by union leaders or in the press through regular updates and FAQs. The association will provide frequent information and access to the media, so it is important that communication from the district be frequent and timely too, including:
 - Common questions and answers the public (including teachers) is likely to have about the contract negotiations, including offer details, the dates that bargaining sessions took place (and dates that were cancelled by the association) and topics that were discussed.
 - The last offers of both parties with financial/compensation information to justify the offer.
3. Include principals in your meetings to ensure they are informed, but keep them in the background of negotiations. Principals will be key in leading the effort to get teachers, parents and students back on track after a strike.
4. Keep calm and avoid reacting in anger or frustration. Confrontational events are designed to inflame emotions and elicit a heated response. Support your fellow board members and encourage each other to respond rationally and calmly, even in the face of abusive behavior. Avoid responding on social media.

“As a rule, labor associations would prefer to avoid striking. They would rather threaten to strike.”

Strikes

As the district faces the onset of a strike, the pace picks up considerably and the immediate focus shifts from the negotiations to the potential stoppage of school and school-sponsored activities.

First, consider if a strike is inevitable and winnable

- As a rule, labor associations would prefer to avoid striking. They would rather threaten to strike. The threat of a strike is the ultimate impasse weapon of the labor association, not the strike itself. The threat is designed to put enough pressure on the board and superintendent that they will do whatever is necessary to avoid the disruption of a school stoppage and the broken trust that comes with strikes.
- The base issue of strike actions is always money. Soft issues such as curriculum or class sizes are rarely the driving force in an agreement. Negotiate the base issues first. The soft issues then have a tendency to minimize or disappear.
- Consider the time of year. Strike action is more likely (and more likely to be successful) in the fall before school starts. Parents are anxious to have their children back in school and may be less tolerant of a fall strike than one in the spring. Consider what the likely reaction will be from your community to a strike. Are they likely to support the district’s position or back the labor associations that are striking?

Review and reinforce your plans and strategies

- Now is the time to review your agreements and strategies and confirm board unity. If there is disagreement among the board, it should be resolved in private in exempt session. Disagreement within the board-superintendent team is the top threat to a district’s bargaining strategy. Discover any areas of concern and resolve them as a team. Experience shows that in strike situations, the labor associations will attempt to drive a wedge between members of the administrative team in this order: #1 Superintendent, #2 Board, #3 Principals, #4 Negotiator.
- Review your communication plan and ensure there is one speaker to represent the board. All comments, talking points and actions should be coordinated with the district’s strategy to ensure accurate information is communicated. Reiterate all board members’ commitments to adhere to the policy regarding social media and communication with district employees.
- Plan for contingencies by considering “what if?” Plan ahead for packed and heated board meetings, for social media rants, to be the target of personal attacks, and even for your family to be targeted. Knowing what may lie ahead doesn’t necessarily make it easier, but it does allow you to mentally prepare and to enter the situation with a plan.

Strikes (continued)

Approach difficult situations with professionalism and integrity

- If a strike begins, steel yourself for what is ahead. Know what tactics are likely to be employed (see Appendix A) and prepare yourself and your family - perhaps even your employer - for personal attacks. Especially consider how your children might be impacted if they are enrolled in the school district. They may be the subject of harassment too. Ensure you have talked with them about the possibility and have a safety plan in place for them.
- Strive to react in public to the strike in a dignified and non-reactionary manner. Over-reactions are common during this emotional period, but they are not productive and can inflict damage to public opinion.
- Communicate daily with your superintendent and fellow board members, if needed.
- Consider appropriate safety plans. Has adequate law enforcement and safety protection been established for the board and administrative officials in the performance of their responsibilities? Some district teams have found themselves under-protected and trapped inside buildings by large crowds, while others have intensified a situation by calling in law enforcement. Striking a balance can be a challenge and is worth planning at the beginning of or just before a strike.
 - Employ a “buddy system” so board members and administrators don’t find themselves alone in a situation that could become heated. Plan to travel in groups to the extent possible.
 - Recognize that once you call in the police, you are turning control of the strike over to the police. Use this option carefully.
 - Restraining orders are not effective unless you are prepared to follow through with contempt of court order if they do not comply.
- Expect the first day or two of a strike to be chaotic and emotional. After the third day, things begin to normalize and the pace is slightly less intense.
- Resist engaging with antagonistic or disruptive behavior. Stay as composed as possible and avoid becoming part of an incident. Search for responses and solutions that are calm and fact-based. Labor association strategies often involve disrupting a meeting or event. Do not allow your reactions to lead to escalation of the incident and give them a forum.

“Soft issues such as curriculum or class sizes are rarely the driving force in an agreement. Negotiate the base issues first. The soft issues then have a tendency to minimize or disappear.”

“...a regular board meeting is the board’s meeting held in public, not a public meeting.”

Board Meetings and Legal Considerations

Running board meetings during difficult bargaining and strike situations can be difficult to impossible.

Take time to consider your board meeting schedule and format to ensure that the work of the district will get done while minimizing the potential for disruptive board meetings. Having regular open meetings can provide a forum for the association leadership to pack the room and may exacerbate the crisis. Own your own meetings and ensure they don’t become hijacked by others’ agendas.

Set the stage for effective meetings

Remember that a regular board meeting is the board’s meeting held in public, NOT a public meeting. A public or community forum is a different type of meeting where the board is there to listen to public input. The purpose of a board meeting is to provide a regular time for the work of the board to get done. You do not have an obligation to respond to questions or comments in the meeting. In fact, you usually shouldn’t. Discussing topics not on the agenda could be a violation the Open Public Meetings Act (OPMA).

Boards teach the public what is and isn’t allowed in board meetings. If you want to change past practice, it is the board’s right to do so by setting and reinforcing guidelines, within the confines of the laws regarding public meetings. It is most effective to have your guidelines in place well before you anticipate potential high levels of public attendance and stick with those guidelines consistently year-round.

Guidelines for the public comment period at board meetings

Review your procedures for the public comment period to ensure that they are legal, take into account your local context, and support the types of meetings your board aspires to hold. If adjustments are desired, discuss those changes and ensure they are clearly communicated and consistently applied.

- Determine what your policy is/will be for public comment at board meetings. Consider procedures to manage large groups of speakers on a single topic, balancing their right of expression with the need for efficiency.
- Ensure that your policy complies with constitutional protections for free speech. If you subscribe to WSSDA’s Model Policies, review your policy with the Model Policy and Procedures 1400: Meeting Conduct, Order of Business and Quorum, updated in August 2018. The August 2018 issue of WSSDA’s *Policy & Legal News* contains additional background and recommendations to ensure your board meeting policy complies with the law.
- Communicate the procedure on the district website and at the board meeting through a handout or posted document.

Meetings and Legal Considerations (continued)

- Follow the procedure consistently regardless of the number of speakers or topic.
- Listen attentively with an open mind and open expression.
- Do not nod, shake your head, sigh, roll your eyes or otherwise show any reaction or emotion.
- Remember that the board should not reply to or answer any questions during the public comment period. The board chair can thank speakers for their comments and refer any questions or requested action to the superintendent for follow-up.

Talking points

Here are some examples your board can consider to provide clarification at the beginning of the public comment period to set expectations and help attendees understand the purpose and limitations of public comment:

- *The public comment period is not a question and answer forum. We will be happy to consider your questions or comments and ensure that the appropriate board spokesperson or staff member follows up with you.*
- *The board does not engage in a dialogue during the public comment period, but is happy to hear your comments or concerns.*
- *The board does not engage in a dialogue during the public comment period to ensure its compliance with the Open Public Meetings Act requirement regarding agenda pre-notification. However, we will be happy to have the appropriate person quickly get back to you to respond to your concerns/questions.*

The board chair can respond to comments or questions – without engaging in dialogue – with:

- *Thank you for your comments; we appreciate your interest.*
- *Thank you for sharing your comments/concerns with us. The board will take your comments under advisement and consider any next steps.*
- *The board appreciates your comments. We will direct our superintendent to get that information and ensure that staff contacts you.*
- *Thank you for your questions. We will be happy to consider your questions and ensure that the appropriate board spokesperson or staff member follows up with you.*
- *The board relies on the district's negotiations team to handle contract bargaining. We have confidence that they are working with our local associations in the best interest of the students, staff, and our community to ensure the success of our school district.*

continued...

Meetings and Legal Considerations (continued)

Hold the proper types of meetings

Some boards choose to cancel regular meetings (as permitted under OPMA) and hold frequent exempt meetings of the superintendent and the board. Ensure that you follow the law carefully if exercising this option. Often boards conduct such activities in executive session. There is no executive session exception for collective bargaining activities, so this is improper use of executive sessions. The proper meeting for collective bargaining discussion is an exempt meeting. The allowance for exempt meetings attempts to level the playing field for districts to confer in a similar manner to the unrestricted nature of labor association meetings.

“Exempt” meetings are not subject to the OPMA, per RCW 42.30.140:

RCW 42.30.140

Chapter controlling—Application.

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

- (1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or
- (2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or
- (3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or
- (4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

The board need not provide public notice or public access when it is gathering for collective bargaining sessions, grievance meetings and discussions on the interpretation or application of a collective bargaining agreement. The same is true of gatherings to plan or adopt positions or strategies for collective bargaining, professional negotiations, grievance or mediation proceedings, or for reviewing counter-proposals. Exempt meetings are the appropriate venue for the board and administrators or others involved in negotia-

Meetings and Legal Considerations *(continued)*

tions efforts to meet privately to discuss strategies and share updates around collective bargaining. Remember that no public notice or access to the meeting is required.

Consider the appropriate meeting schedule and maintain control

School board meetings during a strike can be public relations disasters unless carefully planned and conducted. Labor associations often use board meetings as an opportunity to pressure and embarrass the board of directors, superintendent and your negotiating team by turning your meeting into a media event, especially during the public comment period. School districts should anticipate this and plan their meetings accordingly.

A simple way to avoid this is to cancel the regular board meetings for the duration of the emergency. In their place, the board calls for a series of brief public “special meetings” that cover only a minimum number of items of necessity that require formal board action. Public comment periods are not included. This allows you to pay your bills and take care of any other priority business while not allowing a venue for the labor association’s viewpoint.

You are not required or allowed, by law, to consider or conduct any other business except that posted on your agenda for the special meetings. This allows the superintendent to present to the board and public exactly what the district wishes to communicate. It also gives individual board members an excellent opportunity to make thoughtful, statesman-like comments that result in good community support during a very stressful time.

If board meetings become disrupted, RCW 42.30.050 provides several options to the board:

RCW 42.30.050 Interruptions—Procedure.

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

continued...

“School board meetings during a strike can be public relations disasters unless carefully planned and conducted.”

Meetings and Legal Considerations (continued)

This allows the following:

Adjournments and Continuances:

- The board may adjourn or continue a regular or special meeting to a specific future time.
- The board may also adjourn or continue a meeting that is an adjourned or continued meeting.
- A notice of adjournment or continuation must be posted at or near the door of your meeting room.

Disturbances

- If meeting attendees or groups “interrupt” the meeting so that orderly conduct is not feasible, members of the board:

May order the room cleared except for members of the news media who are not involved in the disturbance, or

May adjourn and reconvene at a place selected by majority vote, but members of the news media who are not involved in disturbance must be admitted, or

May order room cleared of only those involved in the interruption.

- In any session from which the public is excluded under the statute, final action can be taken only on those items appearing on the agenda.

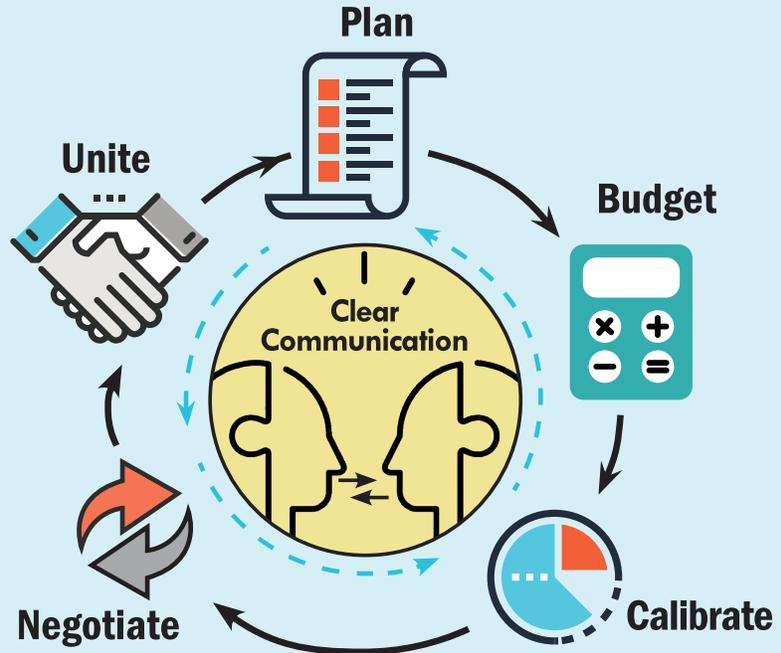
Keep it legal

Ensure you are seeking and following advice from your district’s legal counsel. These conversations are privileged and protected. Following the law closely ensures that you do not expose yourself, as a board member, or your district to legal liability.

Consider if seeking an injunction the day the strike begins would be beneficial. Develop talking points around this action to enable consistent communication about the purpose and what it means.

This is the perfect time to brush up on the OPMA. Be sure each board member and the superintendent are familiar with the legal requirements of public meetings, as codified in the “Open Public Meetings Act” RCW 42.30 <https://apps.leg.wa.gov/rcw/default.aspx?cite=42.30>

Upon request, WSSDA will provide copies of Temporary Board Resolutions that your board may use under bargaining or strike situations.



Appendices

Appendix A: Sample Labor Association Bargaining Strategies

Appendix B: Sample Labor Association Bargaining Messaging In District

Appendix C: Sample School District Webpage Messaging

Appendix D: Terminology

Appendix A:

Sample Labor Association Bargaining Strategies

HOW	WHY	WHEN	AUDIENCE	GROUP RESPONSIBLE TO CARRY OUT
Strategy #1: Mislead own membership				
Send information to members of local after bargaining begins. Give the Board's initial offer. Present it as Board's final offer. This will incense your members.	To gain sympathy and support among unit members. To begin the process of dissatisfaction.	Immediately after bargaining begins	Union members	Union team or single designee
Strategy #2: Continue to mislead				
Update the reports regarding the bargaining process, but only mention the Board's proposals that with editorial descriptions will keep feelings high (or low)	To continue and build the process of dissatisfaction. To start to personalize the conflict in the negotiations.	Continues during bargaining process	Union members	Union team or single designee
Strategy #3: Nail the negotiator (Act I)				
Read a statement to the Board and/or press stating that the Board should not spend this money to fill such a position of negotiating against teachers when that money could best be used for educating children	Intimidate the Board to do away with the position. Advantage is for unions because of the resources available to them through their labor associations.	Prior to and all during negotiations. If not successful this year and we can make things bad enough for the Board; they will blame it on their "hired gun," not us.	Board, teachers, building administrators	Union spokesman, union leadership, building representative
Strategy #4: Nail the negotiator (Act II)				
Get word to superintendent that their negotiator is holding up the works (if superintendent is not at the table)	If the Board yanks the negotiator, then we can deal directly with the superintendent. It gives us a better chance for settlement	Any time negotiations slow down	Superintendent, teachers, building administrators	Union spokesman, union leadership, building representative
Strategy #5: Nail the negotiator (Act III)				
Same as #4 except with the Board	Same as #4 except with the Board	Anytime	Board, teachers	Union spokesman, union leadership, building representatives
Strategy #6: Misdirection				
Cloud the real bargaining issues. State that teachers are concerned about poor working conditions, poor educational programs, poor heating systems, etc. In fact, anything except money and benefits	To get the Board to offer more money and benefits in order to avoid bad publicity	Anytime	Board, community, teachers, building administrators	Union leadership, building representatives

Appendix A (continued)

HOW	WHY	WHEN	AUDIENCE	GROUP RESPONSIBLE TO CARRY OUT
Strategy #7: Blast the boss				
Attack the chief school administrator. Charge them with poor management, poor working conditions and rotten personnel relations. State that they won't give up any management prerogatives.	To remove them from the process, hopefully giving you a clear shot at the Board	Anytime	Board, community, teachers, building administrators	Union leadership, building representatives
Strategy #8: Telephone campaign				
Get teachers to call board members (especially if a friend) and tell them they are the only one who can get the Board to see reason. Do it for the children. WE know you are not getting the full picture from the negotiating team.	1. Create distrust towards the Board's team 2. Make the Board member think they are the salvation of the school district	Anytime but generally if bargaining goes on a long time and you are getting nowhere	Board	Small number of teachers
Strategy #9: Improper labor relations				
Charge the Board with refusal to bargain in good faith or file some grievances	PERC may throw it out if it gets there, but your purpose has been served. It also gives you something to drop in return for something else.	Anytime	Teachers, community	Union leadership
Strategy #10: Marathon meetings				
Call for round-the-clock bargaining. Publicize the demand.	To influence the public and members that you are willing to work hard & long for a settlement. The Board will probably turn you down, giving you the opportunity to play that up and accuse them of slowing progress.	If bargaining isn't going to your satisfaction	Teachers, community	Union leadership
Strategy #11: Informational march				
Have "informational" picket line march around administration building and school buildings before and after school, carrying signs.	To create publicity, signs will tell the story – as you want it told – usually the media loves it	If bargaining isn't going to your satisfaction	Teachers, building administrators, community, Board	Small number of teachers as representatives
Strategy #12: Sympathy march				
Have adults and even children continue marching during school hours	Creates impression that people are with the teachers and against the Board	If bargaining isn't going to your satisfaction	Teachers, building administrators, community, Board	Non-teaching supporters

continued...

Appendix A (continued)

HOW	WHY	WHEN	AUDIENCE	GROUP RESPONSIBLE TO CARRY OUT
Strategy #13: Pass out leaflets				
Leaflets are to be prepared and distributed wherever possible (shopping malls, PTA meetings, etc.) telling of how unfair the Board is and how poorly teachers are treated	To influence community support for teachers and therefore against the Board. Incorporates misdirection, misleading can help nail the negotiator and blast the superintendent.	If bargaining isn't going to your satisfaction	Board, community	Small number of teachers
Strategy #14: Media advertising				
Ads in newspapers or on television telling of how unfair the Board is and how poorly teachers are treated	To influence community support for teachers and therefore against the Board.	If Board is winning	Community	Union leadership
Strategy #15: News conference				
Call media and set time or if this won't get them, do it at anytime of strategy #11, 12 or 13	To influence community support for teachers and therefore against Board	If bargaining isn't going to your satisfaction	Community, teachers	Union leadership
Strategy #16: Seek support of other labor organizations. Publicize it!				
Personal contact and during #14 and #15	To influence the community to influence the Board	If bargaining isn't going to your satisfaction	Community, teachers	Union leadership
Strategy #17: Slow down				
Institute a work-to-rule job action. Tell teachers to do nothing beyond the letter of the contract. No meetings, no volunteering, no special help	Staff getting angrier— closer to strike. Get administration to give unreasonable orders & overreact.	If bargaining isn't going to your satisfaction	Community	Union leadership
Strategy #18: Use personal days				
Have all staff use personal day on the same day	It is legal and results in no financial loss by teachers. Also, allows you to "show" Board that the teachers will follow your "command."	If bargaining isn't going to your satisfaction	Board, teachers, community, building administrators	Building reps, union leadership, "sympathetic" teachers
Strategy #19: Use sick days				
Have all staff use sick day on same day	To show that teachers are so serious that they are taking the next step, one that will possibly cost them a day's pay	If bargaining isn't going to your satisfaction	Board, teachers, community, building administrators	Board, teachers, community, building administrators

Appendix A (continued)

HOW	WHY	WHEN	AUDIENCE	GROUP RESPONSIBLE TO CARRY OUT
Strategy #20: Board business boycott				
Have teachers and their supporters boycott the business of any school board member, but let them know it	The answer is obvious	If bargaining isn't going to your satisfaction	Board	Hard core (small number)
Strategy #21: General business boycott				
Have teachers and supporters boycott the business of anyone who supports the Board, but let them know it	The answer is obvious	If bargaining isn't going to your satisfaction	Community – anyone who supports the superintendent	Hard core (large number)
Strategy #22: Neighborhood nuisance				
Picket the homes and/or business of school board members (Stay on public property)	Reaction of neighbors or spouses and children. Hurts business more. Creates pressure from within the home.	If bargaining isn't going to your satisfaction	Board	Hard core (small number)
Strategy #23: Lambs to slaughter				
Get Board members to the table, hopefully as a group. No questions of ratification then (by Board). Demand it publicly.	To get decision makers there after all of the other pressures. Once you get them there, turn them against one another.	As soon as possible	Board	Union team, union leadership
Strategy #24: Strike threat				
Whispers, rumors and/or notes by the members giving authorization to develop a strike plan, and select a strike committee	Frighten the community and Board	When things are falling apart	Board, community	Building reps, crisis committee, union leadership
Strategy #25: Strike threat No.2				
Vote by members, authorizing strike committee to call strike	Frighten the community and Board	When things are falling apart	Community, Board	Membership

Additional labor association strategies that you may encounter during difficult negotiations or a strike:

Silent Treatment: Do not have any conversation with any administrator. Answer direct questions only and say only what you have to - yes or NO or maybe. This will begin to break up the management team. These people are usually confused in their identity and will bring pressure on the superintendent.

“Blue Ribbon” Panel: Publicly call for local “ministerial association” to mediate dispute. This will get another force involved and provide a new forum to be pursued.

“Super Blue Ribbon” Panel : Publicly call for binding arbitration. Brings in sympathy of outside third party. Anticipate board objection and this gives you the opportunity to create “bad press.”

Early Mediation with PERC / Intervention of PERC: Bring in intervention of a third party to pressure the board.

Pack Bargaining and Board Meetings: Produce too many bodies for a normal sized room. Shows artificial support and intimdates. This should be done after mediation.

Demand Public Sessions: Do this as a condition of bargaining. This intimidates.

Appendix B: Sample Labor Association Bargaining Messaging in District

Here is an example of messaging that several school district labor associations throughout Washington state used in 2018 to influence community attitudes during a strike and encourage the public to get involved. Note the emphasis on contacting board members, providing their places of employment, and encouraging their replacement in the next election. By being aware of potential messaging, board members can make a unified plan to be prepared to address it.



Good



Post on social media about your support for teachers.



Like, share posts from, and comment on XX Education Association's Facebook page to help us get our message out to the community (search Facebook for XX Education Association).



It is the responsibility of the XX School Board to direct their employee, Superintendent XX, to bargain in good faith. Give them a call to settle for the teacher's proposal of fair wages to:

Board member 1 name, place of work, phone number

Board member 2 name, place of work, phone number

Board member 3 name, place of work, phone number

Board member 4 name, place of work, phone number

Board member 5 name, place of work, phone number

Great



Come out on the picket lines with us to show your support. Starting the 28th, teachers will be organizing in front of each school during the day.

We are welcoming all adult community members. Feel free to bring your kids, but we cannot have children on the picket line without their parents with them!

If you picket with us, we will ask that you remain safe and professional.



Write a Letter to the Editor of x newspaper to support your local teachers.



Tell your friends, neighbors, and family why you are supporting teachers. Organize a letter writing party to organize support!

Amazing



Work with your friends and neighbors to organize "childcare shares" to help parents have a safe place for their children while we wait for a fair offer from the district.



Contact our XX EA office at XXea@washingtonea.org to find out what striking teachers need. We may be looking to accept donations of bottled water, lunches, or shade canopies for our teachers on the line. Also visit teachers while they are picketing and ask how you can help.



Consider running for school board in 2019, or offering support for a community member you believe in to run for school board.

Contact us at xxnea@washingtonea.org to join our growing list of interested candidates.

Appendix C:

Sample School District Webpage Messaging

Here is an example of messaging that a school district can use on its website to communicate accurate information about the bargaining process:

The additional drop-down menus on this sample webpage allow a district to convey more detailed information on specific topics that it wants the community to know. Examples of those topics include:

Salary:

Include information about:

- Pertinent education funding legislation and how it relates to available funds
- Past compensation package details
- Previous pay increases
- Current proposal to labor association

Class Size:

This is an example of how a district could give more details about specific issues that impact bargaining.

Safety:

This is an area where a district can inform students about how student safety is being addressed during bargaining and/or a strike.

Current Questions:

This provides the public the opportunity to email questions to a specific district email dedicated to this purpose. Questions can be vetted and answered, as appropriate, by posting questions and answers to the webpage.

DISTRICT Education Association I Collective Bargaining Update

We care deeply about our teachers, students, staff and our community. We know that together, we make a difference for students and their families. You can use this site to learn more about the current status of bargaining and explore data and information related to the issues we are addressing.

DISTRICT has a rich history as a desirable district, due to the excellent education provided to our students - we thank all of our staff for that. Our district team continues to bargain in good faith to work toward an agreement with our teachers. We appreciate your patience as we work through this process. We are confident an agreement will be reached at the table, and we look forward to welcoming our students for a great 20XX-XX school year.

To learn more about what we are doing to address issues related to salary, class size, and safety, click the boxes below or use the links on the left. Additional information about our bargaining timeline is below.



If you have questions about the status of negotiations, please email negotiations.info@DISTRICT.k12.wa.us

Appendix D: Terminology

CBA Collective bargaining agreement is a written legal contract between an employer and a union representing the employees.

Certificated Instructional Staff (CIS) Refers to teachers and other non-supervisory certificated employees such as educational staff associates.

Classified Staff (CLS) Refers to employees who aren't required to have a state-issued certificate either by law or by the District.

Collective Bargaining The process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, training requirements and more.

Consumer Price Index (CPI) A figure used to measure inflation, calculated by the Bureau of Labor Statistics. It was historically used to establish the Cost of Living Adjustment (COLA) to be applied to funded salary allocations under the old funding model. The annual average CPI was also used by the legislature in EHB 2242 and E2SSB 6362 to set a limit on compensation increases during the 2018-19 school year. It has historically been a higher figure than the IPD.

Enrichment Levy Locally-determined levy approved (or not) by local voters that replaces Maintenance & Operations (M&O) levies.

Implicit Price Deflator (IPD) A figure used to measure inflation, calculated by the Bureau of Economic Analysis of the US Department of Commerce. It is an alternative measure of inflation to the Consumer Price Index. The IPD is generally a lower percentage than the CPI and was used to measure inflation for certain property tax limitations prior to passage of EHB 2242. In EHB 2242, the IPD was adopted for the measure of inflation for purposes of increasing the salary allocations for school employees, as well as for determining how much minimum actual starting and five-year salaries for CIS.

Learning Improvement Day (LID) Day allocated to school district staff professional development. May be funded by state or local districts.

Local Effort Assistance (LEA) Sometimes referred to as Levy Equalization, LEA is additional funding provided by the state to districts intended to ease the property tax burden of districts with low property values. It is not intended to make equitable resources available to districts.

Negotiating Part of the collective bargaining that involves attempting to reach an agreement.

Non-Universal TRI Refers to additional paid time or responsibility stipends unique to specific assignments (department head stipends, leadership stipends, extra pay for committee work, etc.), or pay to compensate for extraordinary workload (class size overload pay, extra pay based on the number of IEPs assigned to a special education case manager, etc.).

Regionalization Refers to an additional allocation to a school district based on the regional difference, as determined by the state, in the cost of hiring staff in a given region. Regionalization is stated as a factor (1.0, 1.06, 1.12, 1.18, or 1.24) that is then multiplied by the minimum allocation, increasing state funding by that factor.

Salary Allocation Refers to the amount funded by the state for each salary under a state formula. The state formula is driven by the number of employees in a “prototypical school.” See RCW 28A.150.260 for the “prototypical school model”. That means the salary from the state does not necessarily fund everyone employed by a school district. Instead, the state only pays for those considered necessary under the prototypical school model.

Time, Responsibility or Incentive (TRI) A legal phrase within RCW 28A.400.200 that refers to any compensation provided to a non-supervisory certificated staff member beyond the staff member’s base contract. It includes compensation provided to all non-supervisory certificated staff members within a district (“universal TRI”) and compensation provided only to certain staff members in specific assignments (“non-universal TRI”).

Universal TRI Describes TRI paid to all non-supervisory certificated employees in a bargaining unit.

Cost of living adjustment (COLA) Index for salary adjustments established in RCW 28A.400.205.

Salary Schedule A table showing salary levels or multipliers used by districts to determine salaries based on educational level and years of service. EHB 2242 eliminated use of the statewide salary schedule to be replaced at each district with locally-determined formulas.

Statewide Average Salary Allocation The state allocation for salaries is based on a statewide average allocation per staffing unit and then adjusted for regional differences.



Washington State
School Directors' Association

Published October 2019