

From Combat to Collaboration

The Labor-Management Partnership in San José Unified School District

Joel Knudson

Marina Castro

Jarah Blum

American Institutes for Research



DECEMBER 2017

Acknowledgments

The authors would like to thank the current and former central office leaders, union representatives, board members, school administrators, and teachers who generously opened their doors and gave their time to share experiences and perspectives about the relationship between San José Unified School District and the San José Teachers Association. In particular, Nancy Albarrán, Jennifer Thomas, Stephen McMahon, and Dona Martin were instrumental in providing opportunities to observe and learn about the work in San José. The authors also gratefully acknowledge Jennifer O'Day, Julia Koppich, Michael Hanson, Bea Birman, and Laura Schwalm for their careful review and thorough feedback on earlier drafts of this report, which informed notable improvements to its overall quality and organization. All errors in fact and interpretation remain our own.



Contents

Executive Summary	1
Introduction	5
How They Got Here: The Story of SJUSD/SJTA	8
Rock Bottom	8
A Cup of Coffee	9
A Fair Share	11
Continuing to Grow the Relationship	12
The Relationship Today	19
Moving Forward	22
Why the Relationship Matters	23
Increased Efficiency	23
Better Policy	23
Stronger Implementation	24
Greater Flexibility in Times of Crisis	25
Improved Student Outcomes	26
Facilitating Factors	28
Commitment to Common Goals	28
Formal Policies and Structures That Foster Collaboration	29
Norms That Foster Trust and Respect	29
Quality and Experience of Key Leaders	31
Lessons for Other Districts	34
Start Somewhere (a Cup of Coffee)	34
Commit to Regular Communication by Designating Specific Meeting Times	34
Create Opportunities for Teacher Contributions	35
Explore Policies That Enable a Focus on Teaching and Learning	35
Cultivate Current and Future Leaders	36
Conclusion	38
References	39



Executive Summary

It started with a cup of coffee. Newly minted superintendent Linda Murray had punctuated her first collective bargaining process in San José Unified School District (SJUSD) with the eleventh-hour signing of a contract that narrowly averted a teacher strike. Poised to move forward, Murray instead confronted a message the next day from the San José Teachers Association's (SJTA) executive director declaring that the union was not happy with the settlement, and was already preparing to go back to the bargaining table and return to the fight.

Exhausted and frustrated, Murray called SJTA President Mari Jo Pokriots and asked to meet for coffee. The two leaders found common ground in their frustrations with the existing district–union relationship and agreed to work together to chart a new path. So began a collaborative endeavor that has continued to grow and evolve for the past 24 years, and is now stronger than ever.

Against the backdrop of media accounts of adversarial labor–management interactions, San José stands out as an example of district leaders and their labor partners working together to advance a mission of teaching and learning. Their story of collaboration suggests a very different kind of relationship than the common narrative would have us expect; the San José experience offers lessons for other district and union leaders seeking to create a similar dynamic.

From Combat to Collaboration

In San José, that conversation over coffee became the first of many, and the two leaders formalized their ongoing communication through weekly check-ins designed to resolve issues before those issues came up through the grievance process or at the

bargaining table. Slowly but surely, regular interaction began to transform what had been highly combative debates around the bargaining table into mutual problem-solving sessions. As time went on, several key decisions helped to deepen and expand a new kind of relationship:

Salary formula: Shortly after Murray's tenure began, SJUSD and SJTA introduced a salary formula into their collective bargaining agreement that reserved two thirds of the district's unrestricted general fund for teachers' compensation and benefits. By taking one of the most contentious issues in the bargaining process off the table, the formula freed the district and union to focus their attention on matters of teaching and learning.

Choosing leaders to keep building the relationship: SJSUD and SJTA leaders alike created deliberate succession plans to ensure that subsequent leaders would prioritize collaboration. New superintendents and union presidents committed to continuing and growing the partnerships facilitated by their predecessors. At the same time, leaders also made critical decisions to transition key “hardliners” opposed to collaboration out of their roles.

Creating a substantive SJTA decision-making role: The district created formal roles and responsibilities for union leaders and members, giving SJTA a voice in important district policies. Perhaps most notable was the decision to make the SJTA president a member of the superintendent's cabinet in 2010.

The Relationship Today

The structures and dynamics established over years of work together remain in place, and leaders from both organizations describe the relationship with a range of positive attributes—the most frequent

being “collaborative.” This collaboration plays out at the bargaining table; interviewees described district–union negotiations as a process of collective problem solving. It also happens through extensive communication—from daily text messages and phone calls among SJUSD and SJTA leaders to shared messaging delivered to a broader set of external stakeholders.

Although leaders from SJUSD and SJTA speak highly of their relationship, they disagree frequently and passionately. What holds the relationship together through dissatisfaction and disagreements are the norms that guide it. Both sides are committed to acting in the best interest of students. Both sides are committed to finding solutions. And both sides are committed to debating issues without attacking individuals—to respecting one another despite differences of opinion.

Why the Relationship Matters

Any story where people learn to get along better has its appeal, but respondents believe that the relationship between the district and union matters because of what it enables them to do: better serve students. First and foremost, SJUSD and SJTA leaders can spend their time more efficiently. Freed from the demands of preparing and responding to grievances, navigating contentious school board meetings, participating around a hostile bargaining table, and surviving work stoppages, leaders can dedicate their time and energy to issues directly relevant to the overall district mission of serving students.

Leaders in San José also argue that incorporating multiple perspectives into decisions through a collaborative partnership helps the district create better policy. By taking into account the ideas and experiences of the teachers who will bring any new ideas to life in the classroom, the district can design stronger programs that are more likely to succeed.

Districts and their labor partners can improve the implementation of new ideas as well. Interviewees in San José noted that when teachers are involved in the creation of new policy, they are more likely to buy in to that policy, increasing the likelihood that it will actually make a difference for students.

SJUSD and SJTA leaders also described the benefits of the productive relationship in providing flexibility and preventing small issues from derailing a shared agenda—especially in times of crisis. Interviewees recalled the district’s response to the 2008 recession, in which the district and union worked collectively to solve problems rather than impose unpopular decisions.

If the relationship in San José has enabled a clear focus on instruction and student learning, and has promoted more effective policies and facilitated the implementation of those policies, we might reasonably expect improvements in classroom instruction that should translate to improved student outcomes. Although it is beyond the scope of this report to assess any causal connections along these lines, SJSUD has demographics quite similar to those of California as a whole, and compares favorably to the state on key measures for student achievement and high school attainment (and has for many years). Nevertheless, the district still has a long way to go for all of its students to achieve academic success. District leaders expressed optimism that the relationship has positioned them well to take the next step in addressing instructional quality and advancing great teaching throughout the district.

Facilitating Factors

Much of the report describes the evolution of the SJUSD–SJTA relationship over time and how the two partners’ collaboration has advanced the overall district agenda. But what makes it all possible?

Above all, the work between the district and union revolves around a shared goal, which leaders on both sides most frequently characterize as “doing what is best for kids.”

Under the umbrella of a shared goal, formal policies and structures help to foster collaboration. The district’s salary formula helps circumvent the teacher salary negotiations that typically divide districts and unions, enabling SJUSD and SJTA to spend their time and energy on issues of substance. SJTA’s formal decision-making responsibilities in several key groups—from the president’s seat on the superintendent’s cabinet to roles in decision-making bodies like the Contract Advisory Committee and the Teacher Quality Panel—also facilitate a productive relationship.

Beyond an overall focus on student needs and a set of formal policies and responsibilities, SJUSD and SJTA operate according to a set of unwritten norms that foster trust and respect. Among these are a problem-solving orientation, a willingness to advocate without being positional, a practice of frequent and transparent communication, and a commitment to keeping promises to one another.

The long tenure that many of the SJUSD and SJTA leaders have had with the district, and the deep knowledge this has brought, further facilitates the productive relationship between the two. Stable leadership in both the central office and the union has helped facilitate continuity over time. This longevity has helped leaders throughout the system build personal connections and practices that support the partnership. In addition, interviewees reported that SJTA leadership positions have increasingly been filled by exemplary teachers, which helps advance a focus on teaching and learning.

Lessons for Other Districts

The district–union relationship in San José has evolved over many years in a specific context, and the arc of that process does not create a roadmap that other districts can blindly follow. However, the San José experience presents several lessons for administrators and union leaders in other districts, regardless of circumstance.

Start somewhere. The first lesson is to start *somewhere*. In San José, it was a cup of coffee and a conversation. Districts and their labor partners will not achieve perfect harmony overnight, and even the relationship in San José is in a constant state of evolution. A collaborative and productive relationship is a long-term endeavor, and it may start with small and seemingly insignificant steps in the right direction.

Commit to regular communication by designating specific meeting times. District union leaders should consider looking for ways to establish and protect time for regular communication. In San José, frequent interactions between SJUSD and SJTA leaders enable them to address challenges before they balloon into crises. They also help leaders understand one another’s motivations and constraints, build trust, and see opportunities for compromise. Even in an environment where trust between the district and union has not yet been established, establishing and honoring regular meeting times can help get the ball rolling.

Create opportunities for teacher contributions. District leaders should also consider developing formal vehicles for teachers to make substantive contributions to district decisions. Doing so can help create better policy and build buy-in for that policy. Creating the space for formal decision-

making roles also has symbolic importance in demonstrating that teachers have a valued role in the district. Teachers unions can play important roles in creating spaces for participation in decision making and identifying participants whose knowledge, skills, and orientation to collaborative work promote productive solutions.

Cultivate current and future leaders. Finally, districts and their labor partners can facilitate strong relationships by positioning the next generation of leaders to continue meaningful collaboration. Hiring and supporting leaders with experience in the district—and the historical and contextual perspectives that experience provides—can help to continue forward progress. Personality and commitment to collaboration might also be important characteristics for leaders who will carry a relationship into the future. Importantly,

succession planning involves not only the next organizational head, but leaders throughout the system, including those in key roles at the site level.

In the end, San José offers hope to other districts and unions seeking to develop a more productive relationship. Its starting point was as dysfunctional as any district around; if this district can come this far from rock bottom, perhaps others can too. This kind of partnership cannot be created unilaterally—it requires both sides to commit to working together. But if leaders are willing to make the effort, San José offers ideas that can spark progress. And if San José and other districts can capitalize on the opportunities created by productive collaboration, there is a promising path forward to meet the needs of the students entrusted to their care.



Introduction

It seemed an unlikely pairing: San José Unified School District (SJUSD) Superintendent Vince Matthews and San José Teachers Association (SJTA) President Jennifer Thomas stood together before the California State Board of Education (SBE) to request a waiver from the state’s education code. The issue at hand was teacher tenure.¹

In California, the question of teacher permanency has been particularly divisive. California Education Code dictates that teachers achieve permanent status at the beginning of their third year. Districts must notify teachers by March 15 of their second year whether or not they will be retained, meaning that administrators effectively need to decide whether a novice teacher is suited for a career in the classroom after only one and a half years. Although 42 states require that new teachers have three or more years of experience before being granted tenure (National Council on Teacher Quality, 2015), the California Teachers Association has repeatedly lobbied against legislative efforts to extend the window in California, citing concerns about due process rights and teacher shortages (e.g., California Teachers Association, 2017; Bramble, 2016). When the *Vergara v. California* lawsuit brought the issue before the legal system, it called into question the constitutionality of the state’s approach, attracting national attention and inspiring vigorous debates inside and outside the courtroom.²

Matthews and Thomas argued to the SBE that in SJUSD, some teachers need more time to demonstrate that they are the right fit for the

profession. Their request was for an optional third year to continue evaluating a teacher’s performance and providing support to make a better informed decision about permanency. Without the waiver, teachers who have the potential to do great things in classrooms might never get the chance. According to Thomas, “This waiver actually strengthens personnel protections and empowers great public education.” Matthews described the waiver as one component of “transformational change in how we support and evaluate our teachers.” Side by side, the two asked the SBE for its support in making that change.

Sometimes it’s easier to teach kids to read than it is to get this kind of trust in a large urban district.

After postponing its decision for two months, the SBE ultimately rejected the San José waiver.³ In his closing remarks, however, board member Carl Cohn drew attention to the partnership that made the request possible. “Here in San José you have a school district that has worked hard on collaboration,” he observed. “Sometimes it’s easier to teach kids to read than it is to get this kind of trust in a large urban district.”

Indeed, the joint waiver request is emblematic of the relationship between SJUSD and SJTA. The SBE request grew out of the district’s groundbreaking teacher evaluation system—a program of monitoring and support developed jointly by district and union leaders, ratified by SJTA members, and unanimously approved by the SJUSD school board. But the evaluation system was only one piece of a much bigger puzzle: a partnership in which the two parties work together to empower teachers, improve instruction, and promote student learning in the

district. Evaluation was an extension of this working partnership, which Thomas described to the SBE as a product of both sides “putting aside ... differences, nurturing relationships, and earning trust.”

The story is notable because it stands in stark contrast to the accounts of district–union relations that are so frequently in the media. Fights over salary, benefits, and working conditions—which can include issues like evaluation and tenure—tend to dominate the narrative. Raucous school board meetings, votes of no confidence in superintendents, and contentious school board elections are common stories on the evening news. A story of collaboration—especially one that embraces the permanency issue—suggests a very different kind of relationship.

The story is also notable because San José has not always been a model for labor–management relations. Before new leaders paved the way for a new partnership, heated labor negotiations led to hostile board meetings and regular teacher strikes. The relationship between SJUSD and SJTA was not one of collaboration and friendship, but animosity and mistrust. Even today, veterans of these old district–union battles refer to that period as “rock bottom.”

This report describes the district–union relationship in San José.⁴ Our purpose is to illustrate how it has evolved over time and what it looks like today, why it matters, how it works, and what others can learn from it. If San José can grow from antagonism to partnership, perhaps its experiences can inform the work of others who hope to travel a similar path.

Our exploration of San José unfolds in five chapters. The first chapter tells the story of how the interactions between SJUSD and SJTA have evolved over the past

three decades. It begins with the adversarial 1980s and chronicles some of the pivotal decisions and actions that helped shape the relationship that current leaders in San José enjoy.

The second chapter paints a picture of what this relationship looks like on a day-to-day basis.⁵ It identifies key elements from the San José story that continue to characterize the relationship, and describes the ways in which today’s district and union leaders work together.

The third chapter makes a case for why a relationship like the one in San José matters. It may be nice to avoid the public spectacle of tumultuous labor–management relations, but does a collaborative partnership actually help districts and unions do their jobs better? Examples from San José illustrate how working together productively can advance the mission of improving instruction and student learning.

The fourth chapter identifies some of the facilitating factors that enable SJUSD and SJTA to work together. Although some of the specific practices in which leaders engage are evident in the stories presented in Chapter 1, this part of the report examines some of the underlying features that enable their success.

The report concludes with a set of considerations for other district and union leaders who may wish to pursue a similarly collaborative relationship. Each local community is different, and leaders will need to respond to the strengths, limitations, and history of their own context. Nevertheless, some key lessons emerge from the San José experience that can inform the next steps in other settings.

NOTES

1. Conversations and policies in other contexts often use the term “tenure” when referring to teachers’ employment status. That term does not appear in the California Education Code. Rather, the term “permanent employee” refers to certificated employees who have achieved due process rights.

2. Los Angeles County Judge Rolf Treu initially ruled in 2014 against state laws regarding tenure, seniority, and dismissal, arguing that they disproportionately harm minority students and students from low-income families. The California Court of Appeals overturned this ruling in 2016, preserving existing statutes.

3. In their comments during the meeting, some SBE members expressed concern that the body’s authority to grant waivers might extend only to the cases of individual teachers and not a set of teachers across an entire district. Against this backdrop, SBE members also expressed concern about litigation efforts that could target the SBE if they were to approve the waiver.

4. This report draws on interviews with current and former district leaders, union leaders, school administrators, and board members; teacher focus groups; document review; and meeting observations that took place during the 2016–17 school year. References to district practices and individuals’ titles reflect the strategies employed and the positions held during the data collection period. Some of the individuals interviewed for this report have since taken on new roles. Most notably, Patrick Bernhardt, who served as the SJTA bargaining chair during the data collection period, has become the new SJTA president.

5. Note that the focus here is primarily on the interactions among organizational leaders. Important elements of the work between the district and the union play out at the site level, and conversations with administrators and teachers shed light on some of those dynamics, but the primary focus in this report is the work that happens between leaders in SJUSD and SJTA.



How They Got Here: The Story of SJUSD/SJTA

San José Unified School District (SJUSD) serves more than 30,000 students in the city that calls itself the capital of Silicon Valley. The district has occasionally attracted nationwide attention over the years. In 1998, SJUSD became the first district in the state to require its high school graduates to meet A-G requirements¹ for admission to the University of California (UC) and California State University (CSU) systems. More recently, the district’s pioneering new teacher evaluation system was the subject of media reports across the state.²

Nevertheless, the district generally keeps a low profile. This may be due in part to its location. In contrast to districts in other urban areas that serve the majority of their city’s student population, SJUSD is one of 19 districts in the city of San José. Just as importantly, the district avoids much of the drama

and accompanying headlines found in many high-profile districts. Contentious school board elections and meetings, splashy dismissals of superintendents and searches for replacements, and threats of lawsuits and strikes are largely absent in an organization that seems to revolve around instruction and student learning—but this has not always been the case.

Rock Bottom

The culture of SJUSD was much different in the 1970s and 1980s. The district was embroiled in a desegregation lawsuit—a class action case filed on behalf of all students with Spanish surnames. The plaintiffs claimed the district was running segregated schools.³ After two appeals, the court found the district guilty of maintaining racially imbalanced

San José Unified School District

SJUSD serves a student population of just over 30,000. The majority of students are Hispanic or Latino, roughly one fifth are English learners (ELs), and nearly half qualify for free or reduced-price meals. The percentages of Latino students and ELs closely match California’s overall student population; the percentage of students from low-income families is slightly lower. Over time, SJUSD has served an increasing percentage of Latino students: 31 percent of students in 1984, growing to 46 percent by 1993–94 and 53 percent today. The percentage of white students has decreased, from 57 percent in 1984 to 35 percent in 1993–94 and 24 percent today. The percentage of ELs has dropped slightly, from 27 percent in 1997–98 to 22 percent today, while the percentage of socioeconomically disadvantaged students has remained fairly stable.

Table 1. SJUSD Demographic Profile, 2016–17

	SJUSD	California
Total Enrollment	32,004	6,228,235
American Indian or Alaska Native	0.3%	0.5%
Asian	13.1%	9.0%
Native Hawaiian or Pacific Islander	0.4%	0.5%
Filipino	1.9%	2.5%
Hispanic or Latino	53.3%	54.2%
Black or African American	2.5%	5.6%
White	24.1%	23.6%
None reported	0.4%	0.7%
Two or more races	4.1%	3.3%
Free/reduced-price meals	44.8%	58.1%
English learner	21.8%	21.4%
Special education	10.8%	12.1%

Source: <https://www.ed-data.org/>

Note: Percentages may not sum to 100 as a result of rounding. Percentages in the last three rows overlap other categories and each other.

schools and failing to comply with California guidelines on desegregation.⁴

In the midst of the desegregation case, SJUSD filed for bankruptcy in May 1983, becoming only the second school district in the country to do so. The district reported that it was \$1.7 million in debt, and predicted that its debt would increase to \$6 million the following year. Recent state policy decisions that had altered the funding streams for California districts contributed to SJUSD's struggles, but the district's attorney argued that a three-year contract signed with the San José Teachers Association in 1981 was what really pushed its finances over the edge.⁵ The contract promised a 9.6 percent increase in wages for that school year (1981–82), a 6.1 percent increase the following school year (1982–83), and a 6 percent increase in 1983–84. The district claimed it could not pay these promised increases or its other expenses. A judge declared SJUSD bankrupt in August 1983, ruling it did not have to honor the contract and could return to 1981–82 wages. Priscilla Winslow, an attorney for SJTA, predicted that the decision would “poison the well of labor relations in this district for years to come” (UPI, 1983).

The bankruptcy and accompanying salary rollback fanned the flames of existing perceptions of disrespect among teachers and exacerbated already tense labor–management relations. Kathy Burkhard, a teacher who would become the SJTA president more than a decade later, recalled a feeling among teachers that they “were always low on the priorities. [The district] would spend money on gym floors and toilet paper and this and that or the other thing, and then what was ever left over, we got.” The bankruptcy decision was salt in the wound; the SJTA president at the time, Belinda Hall, called it “a blow to the whole collective bargaining process” and to all public employees (Hardy, 1983).

Teachers felt undervalued and disrespected, and this bred mistrust, animosity, and protest. Don Iglesias, who would serve as SJUSD superintendent from 2004 to 2010, recalled hearing stories from people who were school board members at the time about “people banging on the floor with sticks at board meetings.” A rope barrier protected the dais at these meetings, and one night in particular featured a woman who destroyed several pieces of fruit with a meat cleaver to drive home a point, prompting concerns that she might cross the rope and attack board members themselves. Work stoppages were commonplace. Newspaper accounts from the time describe a three-week strike in 1980 and another in 1989; other planned walkouts were narrowly averted through last-minute deals hours before they were supposed to start, and teachers often invoked work-to-rule practices⁶ when contract negotiations were not underway. To this day, district leaders refer to this time period as “rock bottom.”

A Cup of Coffee

In 1993, the school board hired Dr. Linda Murray as superintendent. An outsider to San José, Murray had been assistant superintendent in Broward County, Florida, an experience that included traveling from school to school with the union president to explain a controversial new merit pay system. “That was one experience that made me realize that these people are human beings, too,” she observed. The Broward County union president “wasn’t a bad guy. He was trying to get through a bad situation.” Nevertheless, Murray recalls spending much of her energy early on in San José trying to avoid yet another work stoppage. Her first year happened to be a bargaining year; the district and union were negotiating a new three-year contract. After a process that Murray described as “exhausting,” SJUSD and SJTA had finally settled on a contract at the eleventh hour. Thinking she was out of the woods, Murray

instead confronted a message the next day from the SJTA executive director declaring that the union was not happy with the settlement, and was already preparing to go back to the bargaining table and fight. Murray recalled thinking to herself, “Oh my God, I can’t ... I can’t do this again. I cannot stand another year and a half trying to figure out how to settle down the troubled waters.”

In response, Murray called SJTA President Mari Jo Pokriots and asked to meet for coffee. Pokriots shared Murray’s frustrations, and they agreed to work together to resolve some of the dysfunction in the district–union relationship. That conversation became the first of many, and it started a precedent for regular meetings with one another that have continued for two decades, including current superintendent Nancy Albarrán and SJTA president Patrick Bernhardt. Murray recalled, “We would email, probably daily. I’d go home from work and something would pop into my mind. I’d shoot her an email, she’d shoot me an email, and we problem-solved remotely in a time where that wasn’t real common.” To build on these one-on-one conversations, Murray also started a series of off-campus meetings with a small group—the district’s labor attorney, union leaders, and a school board member—focused on how to strengthen the district–union relationship.

Informal conversations soon became weekly check-ins, designed to resolve issues before they came up through the grievance process or at the bargaining table. Others joined the meetings when appropriate, and the group evolved to become the Contract Advisory Committee (CAC), a small

collection of leaders from the district, teachers union, and human resources department that gathered weekly to discuss contractual issues. The transition from publicly adversarial tactics to informal, collective problem solving marked the first major change in the district and union’s working relationship, and the simple act of working together proved transformative for those involved. Kathy Burkhard, who became SJTA president midway through Murray’s tenure, described an important shift that took place during the CAC meetings: “You start working with somebody and working through issues ... but you also begin to establish trust when you meet with somebody week after week. It’s

impossible to view them as this distant, evil devil.”

You begin to establish trust when you meet with somebody week after week. It’s impossible to view them as this distant, evil devil.

Beyond a new approach to problem solving and communication, interviewees also attributed the early changes in the district–union relationship to Murray’s personality and her approach to working with people. Several respondents who had worked with Murray described her as open, collaborative, and deeply committed to student learning and an effective relationship with the union.

Current Associate Superintendent of Instruction Jackie Zeller was a teacher during Murray’s tenure, and appreciated that “Linda knew me. She came out, she shook hands; she knew me by name and she knew half the district by name. ... That style of leadership really makes a big difference.” Several interviewees said that these characteristics were just as important as the policies and practices she put in place.

While Murray played a critical role in fostering a new style of interaction, equally important was SJTA's commitment to the process. Former school board member Rich Garcia recalled the working relationship between Murray and Burkhard by saying, "Kathy is very collaborative as well. I think it was those two personalities that really turned things around."

A Fair Share

One of the most important policies implemented during Murray's tenure was the district's salary formula. In her early conversations with union leadership, the superintendent learned that teachers perceived themselves to be a low priority for the district. She recalled, "I took that pretty seriously. ... I went home and I sat there and ... I wrote a paper—a 'concept paper'—and called it Fair Share." The document, which outlined a revenue-sharing model in which teachers would receive a guaranteed percentage of the district's income, was the first draft of what would become the SJUSD salary formula.

The off-campus meetings with the district's attorney and leaders from both organizations became a forum for shaping the original idea into contract language. Greg Dannis, the district's labor attorney, painted a picture of an adventurous process: "We went off and engaged in secret bargaining ... I remember being in various hotel rooms around the city and the county, late into the evenings, with chart paper." The challenge was in figuring out how to translate a novel and

potentially controversial budgeting approach into reality. Dannis recalled navigating a range of concerns:

[Others in the group said] "Oh no, we could never do that [because of] California state finances." And I said, "Okay. You've got all these reasons why we can't do this ... I want to start putting down all the reasons this won't work." And it was a lot of charts. And I said, "What if we could ... come up with language to confront and address and resolve each one of these fears?" ... Then that's what we did.

Dannis took responsibility for translating the formula into contract language, which stated that two thirds of the district's unrestricted general fund each year would go toward teachers' salaries. The contract language has changed over the years, but the core idea has remained in the collective bargaining agreement since then. (For more details about the formula itself, see The SJUSD Salary Formula on page 12.)

Interviewees consistently described the monumental importance of the salary formula

in shaping the district-union relationship. The decision to adopt the formula in the first place—for the school board to pledge two thirds of its revenue to teachers every year—was a move Dannis called "a huge commitment" and "a huge breach of traditional power." As he put it, "When you have that kind of commitment, it symbolizes a lot more than just the money. It's like, this is a promise from the board. This is a value statement."

When you have that kind of commitment, it symbolizes a lot more than just the money. It's like, this is a promise from the board. This is a value statement.

Even more than its symbolic value, however, the salary formula freed the district and union to focus their attention on matters of teaching and learning. Murray described it as “an unbelievable sea change”:

All of a sudden we weren't fighting about money. We could spend our time talking about what's important to bring quality teachers into our district, to keep teachers well taken care of in terms of the environment in which they taught, the support they get for curriculum and instruction, and so on.

Current SJTA executive director Debbie Baker echoed these sentiments, saying that the formula “dramatically changed the culture, because when you're not fighting about ... money and who gets what and how much, it leaves an opening to have a conversation about your philosophy and [for] looking at bigger things and how we can work together to make broad change.”

Continuing to Grow the Relationship

After the overlapping tenures of Linda Murray and Kathy Burkhard set SJUSD on a new, more productive path, successive SJUSD and SJTA leaders demonstrated their commitment to maintaining and deepening a collaborative relationship.

Choosing Leaders to Keep Building the Relationship

Both the district and union worked explicitly and consistently at getting the right people in the right positions.

The SJUSD Salary Formula

Perhaps the hallmark of the SJUSD and STJA relationship is the revenue-sharing formula in the teacher contract. As originally conceived, two thirds of the district's unrestricted general fund, which included state and federal funds as well as special education revenue, went to teachers' compensation and benefits. If there are any changes to the formula itself, the Formula Review Committee⁷ reviews and approves them, then brings those changes to the bargaining table. The committee is also charged with meeting three or more times a year to track revenues and expenses relative to the formula. At the end of the year, both sides settle their finances based on the district's actual revenues for the year.

Leaders have made modifications to the formula throughout the years, especially during the 2008 recession. Iglesias, who came to SJUSD as deputy superintendent in 2002 and shepherded the district through the onset of the recession as superintendent, explained, “We wrote language into the formula that said, ‘On a downturn, the union's going to have to maintain that two thirds, and if there's any overage, they're going to have to figure out a way to give back or to make concessions.’” Dannis similarly noted, “We had an appendix one year that said, ‘If the formula is projected to be under water, we will delay [salary increases]. We will not automatically increase step and column.⁸ We will wait and see if we can afford that.’ That's huge. I don't know any other district that's ever done that.”

Statewide changes to school funding introduced in 2013 by California's new school finance system, the Local Control Funding Formula (LCFF), prompted some additional modifications to the contract language. LCFF allocates a base funding amount for each student a district serves, then provides additional funding for each English learner, foster youth, or low-income student in the form of supplemental and concentration grants.⁹ Under this new system, roughly 59 percent of SJUSD's base funding goes to teacher salaries, and 19 percent of any supplemental or concentration funds goes to support additional teaching positions. Although the SJUSD formula is now more complex, the concept that underlies it remains the same. (For actual contract language, the 2016–19 collective bargaining agreement is available on the SJTA website at <http://sanjoseteachersassociation.org/collective-bargaining/contract/2016-2019/>.)

Superintendent Succession Planning

It was important to the district that future leaders would prioritize collaboration. Planning ahead, the district hired Don Iglesias as Murray’s deputy superintendent in 2002, with an eye toward transitioning him into the superintendent role when she retired. Murray recognized the importance of training her successor to further the work. She said,

When I retired, my deputy superintendent became superintendent and was able to carry on. That was kind of a smooth transition for us, too. He knew all about the problems that we had had before. He knew how important it was to keep the relationship good and strong.

Current deputy superintendent Stephen McMahon, who was a teacher and SJTA member at the time, reported that Iglesias had worked so closely with Murray that the transition in 2004 “didn’t feel like a big change.”

The board continued to emphasize a collaborative spirit in subsequent hiring decisions as well. Vince Matthews stepped into the superintendent role as a newcomer to the district in 2010, and recalls getting subtle messages from the school board about preserving that strong relationship: “If I wasn’t getting along with the union [or] there were problems with the union ... there would have been a problem with me and the board. ... They like things to run well and they like quiet.” When Matthews left the district during the 2015–16 school year, the board selected Assistant Superintendent Nancy Albarrán as his replacement. Having worked as a SJUSD teacher, risen through the administrative ranks, and served on the district’s bargaining team in her central office role, Albarrán

“My goal is that whoever steps up into this role next will continue that role because they recognize what labor peace can mean to an organization.”

brought an extensive history in the district and experience with the district–union relationship. Matthews praised the board for choosing a philosophically aligned successor, noting that Albarrán “already had a good relationship with them.”

SJTA Succession Planning

SJTA also chose leaders who believed in the collaborative relationship with the district. Following in the footsteps of his predecessors, Stephen McMahon continued to work closely with the district when he became SJTA president in 2010. McMahon

also described a grooming process with SJTA leadership that sought future leaders who would further a strong working relationship with the district. “Most of the executive board comes from the bargaining-team people, and then you just kind of do what you do in any democratic process: encourage people to run.” Union members voted for his successors, Jennifer Thomas and Patrick Bernhardt, after they had spent years cultivating their knowledge and skills as members

of the union’s executive board.¹⁰ Indeed, they have demonstrated the same commitment to collaboration as their predecessor. One union member noted that SJTA recruits leaders from within its ranks, and explained that new SJTA leaders are members who have already “been working closely with current leadership” and will therefore “be carrying out the same vision and model.” Thomas, speaking before her term as SJTA president had ended, explained her desire “to create sustainability in the relationship by creating a particular approach to the work that the association does with the district.” She said, “My goal is that whoever steps up into this role

next will continue that role because they recognize what labor peace can mean to an organization.”

District–Union Crossover

Perhaps the best example of the level of trust between SJUSD and SJTA is current deputy superintendent Stephen McMahon’s 2013 transition from being the SJTA president to serving as SJUSD’s chief business officer (CBO). The district conducted a statewide hiring search for the position, but ultimately chose McMahon—the candidate most familiar with the district and its budget. McMahon’s appointment symbolically affirmed a commitment from both parties to pursue the best interests of the district, regardless of formal organizational affiliation. It also introduced a leadership voice in the central office that deeply understood the priorities of the district’s teachers and the opportunities and challenges they faced. According to Superintendent Matthews, the decision to “hire the union president to become my CBO” cemented the good working relationship between SJUSD and SJTA. He reported that “the union eventually got to see this as a great thing for the district,” and that the decision “strengthened the relationship to a place where you definitely couldn’t say that there is an adversarial relationship.”

The decision was not without controversy. Although district and union leaders largely echoed Matthews’ point of view, some teachers felt that McMahon’s move to the district had involved “some selling out of teachers.” Other teachers, though, felt that McMahon’s new district position increased transparency—especially in financial matters—with the union.

Transitioning Hardliners Out of Key Roles

Creating a culture of collaboration also required phasing leaders who did not welcome the change (referred to by some interviewees as “hardliners”)

out of key roles. In the midst of ongoing district–union battles in the 1980s, SJTA hired an executive director for what Burkhard described as his “expertise on how to fight.” Once the district and union started laying a foundation for a different kind of interaction, this leader’s tendency to seek and extend conflict became a barrier to the relationship that district and SJTA leaders were trying to create. Burkhard recalled, “We brought him in and he fought the fight. But he never wanted to end the fight.” Several respondents identified him as a barrier to making progress with the district–union relationship, and SJTA ultimately decided to remove him from his position.

After two subsequent executive directors held the position, Debby Baker stepped into the role in 2006, where she remains. Interview responses made it clear that her views align well with the collaborative spirit that has come to characterize the district–union relationship.

Personnel changes also happened within the teaching ranks. The district offered an early retirement package to veteran teachers during the 2001–02 school year. The teachers most impacted by the offer were those who had lived through the darkest days of the district–union relationship, and in many cases still harbored the mistrust and combativeness bred by that time period. As McMahon recalled, “many of the teachers who left under that package were the old warhorses”—the ones who opposed a more collaborative relationship with the district. The early retirement offer had consequences for SJSUD. Iglesias recalled that the district incurred debt as a result. It also had to fill vacancies and aggressively build capacity as SJUSD managed an influx of new teachers and the disproportionately inexperienced workforce that resulted. At the same time, the move enabled the district to bring in teachers who were more interested in a collaborative relationship and were not influenced by the more combative interactions of the past.

Creating a Substantive SJTA Decision-Making Role

As the SJUSD–SJTA relationship strengthened, district leaders increasingly involved the union as a partner in decision making.

Superintendent’s Cabinet

In the context of an improving relationship, Superintendent Matthews invited SJTA President Stephen McMahon to join his cabinet in 2010. The unconventional decision prompted initial push-back from other cabinet members, who

were uncomfortable exposing the district’s internal decision making to someone outside the central office. Matthews saw the symbolic and practical value of the move, though—an improved ability to craft and implement strong policy: “If we’re making decisions ... why would we not want the [leaders] who are going to be carrying out those decisions to be in the room, assisting us in making the decisions?” Matthews convinced the rest of the cabinet to try the approach as a one-year pilot.

“If we feel like this has been a disaster,” he remembered promising, “I will be the first one to say this has been a disaster.” Matthews noted that he and the cabinet “never even had to have that conversation.” As evidence of the successful integration, he pointed out that by the time his tenure as superintendent had ended, other cabinet members did not want to start meetings until the SJTA president had arrived.

If we’re making decisions ... why would we not want the [leaders] who are going to be carrying out those decisions to be in the room, assisting us in making the decisions?

Including the SJTA president meant the union had a direct role in developing the district’s strategic plan—a document that has shaped SJUSD’s work since it was adopted in 2012. (For more information, see OPPORTUNITY21: A Strategic Plan That Drives District Action on page 16.) Former Assistant Superintendent Jason Willis recalled that the SJTA president “had a seat at the table,” and therefore “could share his thoughts and feelings on any element and aspect of the decision-making process” regarding the strategic plan. The SJTA president, McMahon, explained the importance of having a voice in developing the plan: “The strategic

plan wasn’t written and [then] shared with teachers. It was written with teacher representation in the room. It’s a very smart move by Vince [Matthews] because what am I going to do—be in the room helping write it and then not support it outside the room?”

The cabinet role for the SJTA president gave SJTA a more direct role in crafting district decisions, and it continued the evolution toward a more collaborative approach to working together.

Describing the arrangement today, McMahon explained, “Most of the

time during that meeting you wouldn’t know it’s senior district leadership and senior union leadership, and you wouldn’t be able to tell the roles because they’re all kind of equal participants.”

Other Teacher Roles

Beyond the bargaining table and cabinet, additional committees now explicitly include roles for union leaders and members. For instance, the Teacher Quality Panel, a formal body that reviews teacher evaluations and makes permanency decisions, comprises three teachers selected by SJTA and

three administrators selected by the district. Other bodies like the Contract Advisory Committee and the Formula Review Committee also make space for regular contributions from SJTA leaders, and the teachers we interviewed described opportunities to participate in decisions like selecting curricular materials.

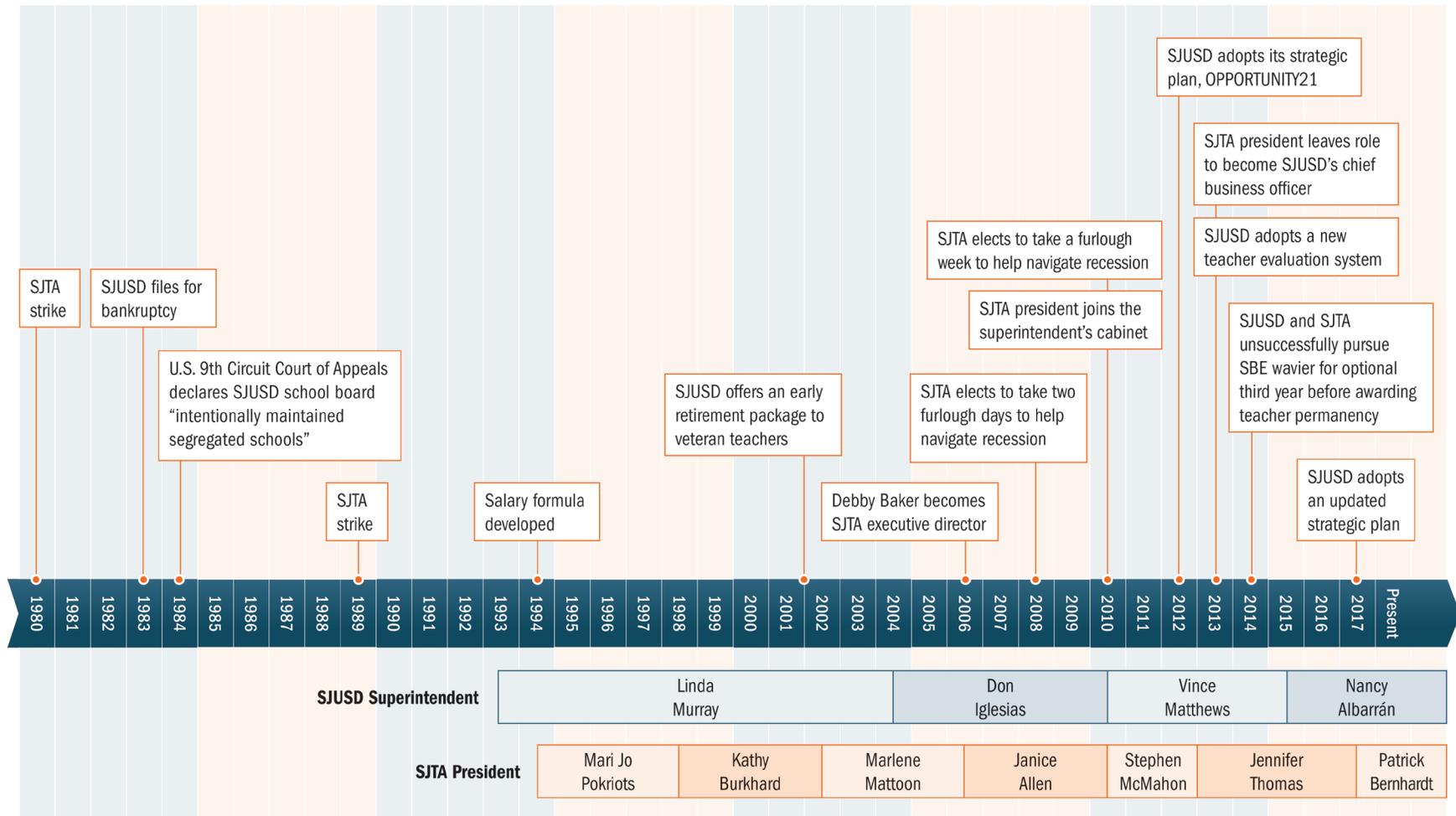
OPPORTUNITY21: A Strategic Plan That Drives District Action

In 2012, SJUSD adopted a five-year strategic plan grounded in the vision that all SJUSD students should be “inspired and prepared to succeed in a global society.” The plan was the product of extensive outreach by the district’s leaders to capture the needs and priorities of the broader district community—a process that included input sessions with teachers at all 42 of the district’s schools. That input led SJUSD to organize its work around two goals: eliminating the opportunity gaps between traditionally disadvantaged students and their more advantaged peers, and helping students build the 21st-century skills necessary for success in today’s society and economy. To achieve those goals, the original plan outlined five strategies: (1) Provide a high-quality and comprehensive instructional program; (2) ensure students, staff, parents, and community are both satisfied and engaged; (3) demonstrate effective, efficient, and exemplary practices in all divisions, departments, and schools; (4) attract and recruit, and support and retain, a highly effective and diverse workforce; and (5) align resources to the strategic plan and equity policy and demonstrate cost-effective budget management.

Plenty of districts have strategic plans. Many of them sit on shelves collecting dust. In San José, the strategic plan has become the North Star that guides all district activities. Dannis explained, “A lot of other districts say those kinds of things, but in San José it’s a reality. People actually talk about it. People actually think about it. It actually drives the agenda.” Baker echoed this perspective, saying, “That’s how decisions are made, and you can always point to it. It’s not like the district has been floundering with what direction they’re taking. It’s been used as the goalposts.” Director of Curriculum and Instruction Deepa Mukherjee added, “It’s almost like a charter for us ... like a roadmap for the way in which we go about achieving that closing of the opportunity gap, and also brings into alignment the efforts at different aspects of the district.”

During the 2016–17 school year, SJUSD revisited the strategic plan. As with the 2012 plan, district leaders gathered input from stakeholders throughout the community. And as in the previous approach, the SJTA president contributed as a member of the superintendent’s cabinet, the group charged with crafting the plan’s objectives and indicators of success. The new strategic plan, adopted by the school board in June 2017, updates the language and format to respond to the evolving context in which the district operates and to align with SJUSD’s Local Control Accountability Plan (LCAP).¹¹ The substance of the district’s focus, however, remains the same. As an introduction on the SJUSD website explains, “You’ll find these objectives familiar. That’s because we heard loud and clear from our community that we’re headed in the right direction.” The evidence suggests that the plan will continue to set the direction for the district moving forward.

Timeline of the SJUSD–SJTA Story



NOTES

1. California's A-G requirements spell out a list of courses that students must complete with a passing grade to be eligible for UC and CSU admission. Early critics of the district's policy charged that raising expectations for graduates would cause many students to fail or drop out. Instead, the district experienced stable graduation rates that stayed above statewide averages. In addition, achievement scores, SAT scores, and grade-point averages all rose after the policy began, and the number of Hispanic students in Advanced Placement courses doubled (Leal, 2015; Murray, 2004).

2. See, for example, Fensterwald (2013) and Noguchi (2013).

3. See <https://www.leagle.com/decision/19851441633fsupp80811293>

4. In January 1986, a federal district judge approved SJUSD's proposed desegregation plan. In 1994, the district started negotiating a consent decree; the courts agreed that the district's desegregation plan was sufficient to resolve the case (Mirga, 1986; Murray, 2004).

5. The two parties ratified the 1981 contract only six years after California granted public school teachers collective bargaining rights. Senate Bill 160 (commonly known as the Rodda Act) passed in 1975, mandating that the school board and union meet at least once every three years to negotiate salaries, benefits, work hours, and other critical job issues.

6. Work-to-rule refers to teachers (or other employees) performing only the minimum responsibilities and working only the minimum hours required by their contract.

7. Members include the SJTA president, executive director, and bargaining chair, as well as the SJUSD chief budget officer, director of finance, and others as needed.

8. Traditional teacher salary schedules include rows—or steps—for each year of experience the teacher has and columns to represent different levels of educational attainment (e.g., bachelor's degree, bachelor's degree plus 12 units, master's degree). The salary schedule lists a salary level for each combination of experience and educational attainment.

9. For details about LCFF funding provisions, please see <http://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp>.

10. Jennifer Thomas completed her term as SJTA president at the end of the 2016–17 school year, at which point Patrick Bernhardt began his first term as president.

11. The basis for the LCAP in San José is its strategic plan; the LCAP specifies the resource allocation decisions designed to advance the goals and strategies in the plan.



The Relationship Today

Leaders from both organizations characterized the relationship between SJUSD and SJTA today with a variety of positive attributes, such as “fabulous,” “healthy,” “passionate,” and “efficient.” The word they most frequently invoked was “collaborative.” Former superintendent Vince Matthews described the relationship as “a collaboration around the mission of the district,” saying, “That’s the best way I would characterize it: It really was a collaborative effort.” Baker added that “the collaborative nature of the relationship has gotten stronger, or more broad, over the years.”

The building blocks established over years of work together remain in place. The last three superintendents have maintained monthly meetings with the union president, the CAC continues to meet, the salary formula is firmly entrenched in the collective bargaining agreement, and the cabinet still includes the SJTA president—and now the heads of SJUSD’s other major labor unions as well. Continuing evolution in the bargaining process and communication practices further shape the current relationship.

The Bargaining Table

Interviewees described the bargaining process in San José as one of collective problem solving. SJUSD and SJTA bring bargaining teams to the negotiating table, just as most other districts and unions do. The traditional process, however, often relies on a single spokesperson to present a proposal to the other side. The team receiving the proposal typically retreats to review the proposal and then returns to the table with a counterproposal.

SJTA Executive Director Baker described the San José process differently: “What we do, it’s much more of a conversation: These are our goals in this bargaining session. These are our goals. How can we get there? How can we get there together?” Greg Dannis, the district’s labor attorney, compared the San José model to other districts’ approaches, where “the parties have exchanged, combined, maybe 7–10 proposals over six bargaining sessions. In San José, in one bargaining session you can exchange up to a dozen proposals and sign tentative agreements on half of them. ... It is rapid fire, and exhausting, frankly. And exciting. I mean, I wouldn’t give it up for the world.” Because the sessions are

“These are our goals in this bargaining session. ... How can we get there together?”

more collaborative, they also require the active participation of each member of the bargaining team. Deepa Mukherjee, who sat on the district’s team as an SJUSD principal, observed, “I know that in some cases you can be part of the bargaining committee but you don’t actually have a voice in what is going on.

You are just there as a token. But we did have a voice. We were at the table.”

The conversations often involve heated disagreements, but they end with a shared commitment to a jointly developed plan. Rather than rally their constituents to apply pressure for negotiations to favor their perspective, both sides have agreed not to negotiate in public. Former school board member Rich Garcia recalled, “We didn’t take it to the media or go to our parents and try to change things. We were respectful of each other.” Deputy Superintendent Stephen McMahon further explained the balance of committing

to transparency while honoring the decision-making process:

The issues are so challenging. Without being in the room and having the full context of the discussion, you wouldn't appreciate the give and take, the back and forth, and the compromising. You can't share tidbits. We'll share the final product. We're not hiding anything from anybody. ... Like cooking—everyone can come eat at the table, but the mess we made in the kitchen to make the meal, nobody needs to see that.

Internal Communication

In recent years the communication between leaders in both organizations has grown to become more frequent and involve more people. Outgoing SJTA President Jennifer Thomas described these interactions by saying, "I talk to somebody from the central office every single day of my life." She continued, "I text the deputy superintendent probably some days five times about [various issues]. 'Do we need to work on that?' 'What's the answer on this?' They are actually both professional relationships and pretty personal relationships." Superintendent Nancy Albarrán added that these check-ins may not be attention-grabbing, but they help get small issues out of the way and enable a focus on issues that matter: "A lot of the daily check-ins are really mundane," she explained, aimed at "eliminating noisy distractors." This makes room for more important issues: "Then the bigger stuff—the bigger stuff we usually convene a meeting for."

I talk to somebody from the central office every single day of my life.

To get district site personnel and SJTA personnel to come together and address your staff is pretty powerful.

One-on-one communication is not limited to these leaders; administrators throughout the central office and at the site level do the same. According to Assistant Superintendent of Administrative Services J. Dominic Bejarano, "We're just communicating constantly." Discussions may concern site-level details like a block schedule or an interpretation of California Education Code. District and union leaders are problem-solving together. The district is not acting unilaterally. The union is not filing grievances. The parties are not fighting at board meetings. Instead, they are working together in real time to address problems and move forward.

Stakeholder Communication

San José communication practices extend to the messages that district and union leaders deliver to broader groups of district stakeholders. Shared messaging includes joint press releases and co-presenting at events like the district's annual new teacher orientation. An SJUSD principal told a story of district and union representatives visiting her school site together to meet with teachers. Declining enrollment meant that the school was likely to lose teaching positions for the upcoming school year, so two leaders from the HR department

and two leaders from SJTA arrived at the site to explain the situation and answer questions. "They made a very challenging situation a little bit easier," the principal recalled, and "put my staff a bit more at ease, because they were very open and transparent about what was going on. ... To get district site personnel and SJTA personnel to come

together and address your staff is pretty powerful, in that they're on the same page."

Leaders from both organizations also discussed the importance of addressing misconceptions that emerge about the district or the union. Thomas explained, "I've spent a lot of time playing whack-a-mole with this [incorrect] information ... and at snuffing out conspiracy theories and in trying to make the information transparent and available, and bringing problems to the district and answers back to the association." Mukherjee described playing a similar role during her time as principal, saying, "I also used my relationship with SJTA to clarify any misunderstandings that may have existed within the staff." Like the internal communication practices, this kind of responsiveness helps organizational leaders recognize and address problems before they balloon into much larger issues.

Passionate but Productive Disagreement

It might be easy to assume that a collaborative relationship oriented around common goals means that the parties are united in their decision making along the way. Nothing could be further from the truth.

Although leaders from SJUSD and SJTA speak very highly of their relationship, both sides note that they disagree frequently and passionately. The approach to contract negotiation described on page 19 also applies to the day-to-day district–union interactions. The different backgrounds and constituencies of the two sides and their leaders often mean stark differences in perspective. For example, points of disagreement can range from employee benefits—the parameters around

maternity leave were an area of extensive focus during the last round of contract negotiations—to issues directly related to classroom instruction, including the alignment of SJUSD's curriculum to its instructional framework. The result can be intense disagreement, as Albarrán explained:

I think people think that we don't ever battle, [but] we do ... but ultimately there's a level of respect. I value them and I think we argue about the issues, but it's never about the people. I think that's just different. I respect them as professionals, and I think that they respect us in our roles, and I think when you have that respect, it's just different.

Extending beyond the interactions between organizational leaders, teachers also still experience frustration with their working environment. Teachers in focus groups consistently expressed a desire

for more autonomy in their decisions about curriculum and instruction. In addition, the skyrocketing cost of living in the Silicon Valley makes it increasingly difficult for professional educators to live in the areas where they work, making it hard for even the most dedicated teachers to remain in the profession.¹ Challenges big and small remain that impact teachers' lives on a daily basis.

What holds the relationship together through dissatisfaction and disagreement are the commitments and norms that guide it. Both sides are committed to acting in the best interest of students. Both sides are committed to finding solutions. And both sides are committed to debating issues without attacking individuals—to respecting one another despite differences of opinion.

Ultimately there's a level of respect. I value them and I think we argue about the issues, but it's never about the people. I think that's just different.

Moving Forward

Leaders in SJUSD and SJTA have worked long and hard to build good working relationships, but this unusual partnership in a sea of more adversarial labor–management interactions begs the question: How stable is the relationship in San José?

Most interviewees expressed confidence in the strength of the culture that has taken root. As Associate Superintendent Zeller put it, “I think it’s part of the culture, and I think if it’s part of the culture, it’s stable. ... I’d like to think that if just some anomaly gets into either the superintendency or the presidency of SJTA, that the culture would prevail and outlast that person.” School Board President Pamela Foley expressed a similar sentiment: “I would say [the relationship is] very stable. ... If I look at the leadership of [the SJTA] team, they have a shared vision [of] working collaboratively with the board, so I don’t see that that will change should the leadership at SJTA change.” These perspectives suggest that the culture of collaboration has been woven deeply enough into the fabric of the district’s way of doing business that it could survive turnover and change. Indeed, the continued growth of the relationship through SJUSD and SJTA turnover is a testament to that perspective.

Nevertheless, some interviewees cautioned that the wrong person stepping into a key leadership role could significantly disrupt the partnership, and people who had been involved in different stages of the journey emphasized that a relationship like the one between SJUSD and SJTA requires constant attention and cultivation. Former superintendent

Linda Murray explained, “I think all relationships are fragile.” This realization motivated her to prioritize developing and strengthening that connection: “I always, in my tenure, put a big premium on that relationship. I spent a lot of time with the union.” Former superintendent Don Iglesias similarly underlined the importance of maintaining a strong

working relationship: “Sometimes we had to remind each other this relationship is fragile and we could damage it. If we damage it, kids are going to get hurt and the people that are counting on us are going to get hurt.” Incoming SJTA president Patrick Bernhardt further emphasized the importance of ensuring that like-minded leaders are in place: “Our institutions are ... supported by those two pillars [president and executive director], and if one or both of them were to somehow change mindsets, that could be detrimental to the overall relationship.”

“Sometimes we had to remind each other this relationship is fragile and we could damage it. If we damage it, kids are going to get hurt.”

NOTE

1. See Mongeau (2015) for an exploration of the housing challenge facing teachers in Silicon Valley. Compounding this issue for SJUSD is that wealthier neighboring districts are able to offer higher salaries to attract teaching talent. In 2015–16, the average teacher salary in SJUSD was \$72,731—one of the lowest figures in Santa Clara County, and far less than that of neighboring districts like Eastside Union High School District (\$87,300) or Santa Clara Unified School District (\$93,378) (California Department of Education, 2016).



Why the Relationship Matters

Any story where people learn to get along better has its appeal, but the people we talked to believe that the relationship between the district and union matters because of what it enables them to do: better serve students. This section describes interviewee reports about how the strong district–union partnership in San José has helped advance the work of instruction and student learning.

Increased Efficiency

District and union leaders from the darker days of the San José relationship described their interactions as exhausting. Preparing and responding to grievances, navigating contentious school board meetings, participating around a hostile bargaining table, and surviving work stoppages required huge investments of time, and emotionally drained leaders on both sides. Without these issues, leaders from SJUSD and SJTA can now dedicate their limited time and energy to issues directly relevant to the overall district mission. In a field that perpetually operates in an environment of limited resources, freeing key leaders to focus their attention on the issues that matter is a critical advantage. Moreover, the stability in district and union leadership positions suggests that reducing the emotional toll associated with leadership helps support longevity among key organizational leaders.

Better Policy

Leaders in San José indicated that including multiple perspectives allows the district to make better policy, and can protect against one party committing too deeply to a narrow view of the best path forward. Superintendent Nancy Albarrán testified to the importance of SJTA involvement

in creating better policy: “You can’t move an organization forward if you’re just talking to one group of people. I think you have to hear different perspectives to make a better decision. I do believe that we make better decisions because there’s divergent thinking in the room.” Deputy Superintendent Stephen McMahon voiced a similar opinion, stating, “There’s a true commitment to providing better opportunities for students, and the only way to do that is checks and balances, compromise, and working together.” He described the pushback that often comes from the union, and related the message he often delivers to district administrators:

[Outgoing SJTA president Jen Thomas is] not pushing back on you because she doesn’t want to do it. She’s pushing back because she’s telling you the perspective of that classroom teacher and thinking through the impact of what we’re going to do, and that’s a really good thing. If we can answer all her concerns, it’s going to be that much better of a program.

Teacher evaluation in San José provides an example of how district and union leaders have together shaped important system-wide policy. In many districts and states, the evaluation process has become a flashpoint for labor–management mistrust. District leaders often lament their struggle to design an evaluation system that meaningfully captures and addresses the quality of classroom instruction. Union leaders, in turn, often question the quality of the evaluations and the motivations of the administrators who write them, fearing that their livelihoods may depend on the capricious judgment of a misguided administrator. In San José, a collaboratively developed and jointly approved system instead

operates as a professional development tool. As SJTA Executive Director Debby Baker explained: “We needed a robust evaluation system that helped people grow as teachers.” SJTA was an equal partner in crafting the evaluation plan, and now selects key members of the panel that is charged with rendering major employment decisions. As a result, they have greater ownership of the system. And teachers have a vested interest in the system working—a well-designed system can help them develop their pedagogy and ultimately serve students better. Describing the connection between this system and the overall focus on student learning in San José, an SJSUD principal described it as a “huge shift” that put the focus on teaching’s “impact on student learning.” (For more details on the evaluation system, see Teacher Evaluation in San José on page 25.)

Stronger Implementation

Any effort to improve teaching and learning has to “fit through the classroom door”; if teachers are not on board, the utility of any new idea is severely limited. In San José, active engagement of SJTA leaders and members in the planning process means that they shape key decisions and, as a consequence, become invested in their success. The SJTA president’s involvement in crafting the district’s strategic plan (see OPPORTUNITY21: A Strategic Plan That Drives District Action on page 16) offers one example of how active participation in policy development has facilitated widespread commitment to new ideas. Reflecting on the importance of teacher buy-in, former associate superintendent Jason Willis observed that “the ability of that [SJUSD] system to make real the promises” in the district’s strategic plan lies with teachers: “If teachers weren’t on board with ... how curriculum standards were developed and implemented on a classroom-by-classroom basis, it basically [would have fallen] apart.” As with the

union’s presence in the superintendent’s cabinet, interviewees felt that teacher involvement in planning helps improve the quality of district decision making and smooths the roll-out of new ideas. According to Albarrán,

You might as well hear [teacher] perspectives before we get going on this idea. ... I think them being in that decision-making body or being able to articulate early on any concern that they had, I think went a long way, and that’s a free practice. Everybody could do that. You’re going to get opposition. You might as well hear it out of the gate, what it might be.

Teacher evaluation is another example. Although it was beyond the scope of this project to examine teacher reactions to the new evaluation system, the collective bargaining process provides a rough gauge of teachers’ support. After nearly three quarters of SJTA members voted for the new approach when it was first proposed, both sides preserved it in the last round of contract negotiations, and district leaders reported that on a 2016 survey about the system, 80 percent of teacher responses were positive.

When the administration actively invites teachers to the table and they feel valued, teachers can help the administration achieve other objectives. For example, teachers in San José have been instrumental in recent years in securing additional financial resources through their active support for ballot initiatives. A middle school teacher explained, “The recent ability to propose and pass a parcel tax to support the district showed broad collaboration between the teachers union and the district leadership; that was something we’ve been working towards for years.”

Greater Flexibility in Times of Crisis

Productive collaboration can help free administrator time to focus on matters of instruction and student learning, and focus on improving district policy (and better implementation of policy). In San José, it also prevents thorny issues from derailing a shared agenda. This has been especially true in times of financial crisis. When the 2008 recession forced San José to confront substantial budget cuts, the salary formula review committee met monthly

during the recession to look at revenues, expenditures, and potential one-time sources of funding. District leaders did not unilaterally decide to cut teaching positions or freeze salaries. Instead, they openly discussed the expected shortfalls with SJTA leaders. With both sides understanding the constraints and set of options available to navigate the crisis, teachers chose to voluntarily increase class sizes and elected to take a furlough week to lessen the financial blow to the district. Associate Superintendent Jackie Zeller recalled, “Everybody voted yes. And they voted yes not because they

Teacher Evaluation in San José

Traditional approaches to teacher evaluation often provide teachers with superficial feedback and fail to provide long-term learning opportunities (Weisberg et al., 2009). New approaches to teacher evaluation, however, have been hotly contested between districts and teachers unions. In California, despite recent major changes to the state’s school finance system and learning standards, educator evaluation policy has remained unchanged since the Stull Act outlined the basic requirements for school district evaluation systems in 1971 (Humphrey, Koppich, & Tiffany-Morales, 2016).

In San José, the goal for teacher evaluation is explicit in the collective bargaining agreement: “The purpose of this Evaluation System is to ensure high-quality teaching in every classroom.” The district and union worked together for two years, researching components of high-quality evaluation models and developing an approach for San José. In May 2013, 72 percent of union members voted in support of the new system. The school board approved it later that month (Fensterwald, 2013).

The evaluation system features several components:

- **Evaluation Frequency:** Principals and consulting teachers¹ evaluate new teachers in SJUSD annually. After receiving permanent status, teachers are evaluated every three years.
- **Data Sources:** Administrators conduct multiple classroom observations, at least one of which must be a full-lesson observation for new teachers and two of which must be full-lesson observations for permanent teachers.
- **Use of Results:** Veteran teachers with unsatisfactory evaluations begin an improvement plan, which includes work with a consulting teacher, regular joint observations conducted by administrators and consulting teachers, and meetings to discuss progress after each joint observation. Those who improve continue to teach in the district; those who don’t face dismissal. The system also denies automatic raises to unsatisfactory performers.
- **Checks for Quality and Accountability:** The Teacher Quality Panel (TQP) consists of three teachers (chosen by the union) and three administrators (chosen by the district) who make recommendations on new teachers’ employment status. They also submit recommendations on the system as a whole to the superintendent annually and are final decision makers when veteran teachers disagree with the result of their evaluation. District leaders (e.g., superintendent, evaluators of principals) also conduct quality checks on administrators’ evaluations and use the results to target professional development for administrators (Fensterwald, 2013; Humphrey, Koppich, & Tiffany-Morales, 2016).

SJUSD is still working on an additional component of the evaluation system: extending permanency decisions to a third year for teachers who need more time to demonstrate that they are the right fit for the position. Current California Education Code allows districts to bring cases for individual teachers to the State Board of Education for a waiver, but SJUSD is still seeking a policy that will allow the district to do this on a regular basis (Fensterwald, 2013).

wanted a week off. They voted yes because they knew that in the long run this is the right thing to do. That was unprecedented.” The crisis became an opportunity for the district and union to work together.

Some interviewees further suggested that navigating crises together helped reinforce the connection between the two sides. According to Willis, “Often, the tougher the situation, if you came out on the back end having been able to stick together on it, the stronger the relationship ended up being.”

Improved Student Outcomes

Ultimately, any action that a district takes affects its ability to prepare students for success in and beyond their formal education. If the relationship in San José has enabled a clearer focus on instruction and student learning, promoted more effective policies, and facilitated the implementation of those policies, we might reasonably expect improvements in classroom instruction that should translate to improved student outcomes. Indeed, research on administrator–teacher relationships at the school level in another California district has found a positive association between partnership quality and student achievement (Rubinstein & McCarthy, 2016), suggesting that we might expect to see better student performance in an academic setting that has a stronger district–union partnership. It is beyond the scope of this report to assess any causal connections between the SJUSD–SJTA relationship and key student outcomes. Moreover, the state of California does not provide consistent

“The tougher the situation, if you came out on the back end having been able to stick together on it, the stronger the relationship ended up being.”

outcome measures that stretch over the life of the relationship described in this report. Nevertheless, we share some of those measures here to help paint a more comprehensive picture of SJUSD’s progress.

SJUSD compares favorably to California as a whole on several key outcome measures, and it has for many years. We use statewide figures for comparison purposes because the state’s demographic profile mirrors that of SJUSD on several key measures, including student race/ethnicity and the proportions of students who are English learners and special education students. The percentage of students qualifying for free and reduced-price meals for the

state overall (58 percent) is higher than that in SJUSD (45 percent). (See the earlier discussion of Table 1 for details.)

With regard to student achievement, 54 percent of the district’s students met standards on the 2017 California Assessment of Student Performance and Progress (CAASPP) in English and language arts, higher than the statewide figure of 49 percent. In mathematics, 44 percent of SJUSD students met

standards, compared with 38 percent for the state as a whole. Although these figures suggest high performance for SJUSD students, gaps persist for low-income students, English learners, and students of color; performance for these groups in San José is lower than for the state as a whole.

Data on high school graduation provide further evidence of the district’s academic progress and preparation for postsecondary success. SJUSD achieved an 88 percent graduation rate in 2016, higher than the statewide level of 84 percent.

Graduation alone, however, is not a sufficient measure of postsecondary preparation. California also tracks the percentage of graduates who have completed the coursework required for UC/CSU admission with a grade of C or better. In 2016, 50 percent of SJUSD graduates met this threshold, compared with 45 percent for the state overall. On these measures, traditionally underserved students in SJUSD performed better than in the state as a whole. Although overall gaps remained, the district had a higher graduation rate than California overall for low-income students (83 vs. 80 percent), English learners (76 vs. 73 percent), and African American students (81 vs. 73 percent). For UC/CSU eligibility, a higher percentage of African American students met the criteria in SJUSD than in the state overall (44 vs. 34 percent); the district's results for English learners, in contrast, were lower (4 vs. 10 percent). Differences between the district and state for Latino students were only 1–2 percentage points.

These results demonstrate that the district still has a long way to go for all its students to achieve academic success. The data do suggest, however, that SJSUD is achieving student performance that compares favorably to the state overall. District leaders acknowledged frustration that outcomes have not been stronger. They observed, however, that much of the progress to date with regard to the district–union relationship, even when it focuses on instruction, has emphasized the conditions in which

teachers and leaders work. Selection of instructional materials or the design of the teacher evaluation system, for example, helps create the context for instructional improvement, but does not delve deeply into the quality of core instruction. District leaders expressed optimism that their collaborative relationship with their teacher workforce has positioned them well to take the next steps in advancing great teaching throughout the district. In the meantime, collecting and tracking intermediate outcomes like teacher retention and satisfaction could help gauge progress over time as the relationship evolves.

NOTE

1. Consulting teachers in SJSUD are experienced teachers who are selected through a competitive process to serve a three-year term, during which they are released from teaching to contribute to the evaluation and support process full time.



Facilitating Factors

The preceding sections describe the evolution of the SJUSD–SJTA relationship over time and the ways in which working collaboratively advances the overall district agenda. But what makes it all possible? This section explores the facilitating factors that enable the relationship to operate as it does.

Commitment to Common Goals

The relationship between the district and union fundamentally revolves around a shared goal, which leaders on both sides most frequently characterize as “doing what is best for kids.”

School Board President Pamela Foley explained, “We’re very much unified on the philosophy that we do what is right to benefit all of our children.” The shared commitment to addressing student needs—and the recognition of that commitment in one another—enables district and union leaders to see each other as partners and to focus on issues that matter most toward that end. According to former superintendent Vince Matthews, “The constant conversation was around kids, which made it much easier to get the work done.” Outgoing SJTA president Jennifer Thomas echoed this sentiment: “We also recognize that the other people also care deeply about students and families in our profession. We all share the same goal.”

As a result of this commitment, the individuals most closely involved in the partnership described embracing new ideas and collaboration without letting egos get in the way. As Deputy Superintendent Stephen McMahon explained, “We don’t have a lot

of selfish people in key leadership roles.” A principal who served on the SJUSD bargaining team explained how this shared goal drove the contract negotiation process: “I think that was constant motivation—this is about kids; this is about making things good for kids. It wasn’t about our egos. It wasn’t about the teachers’ egos. It was about the kids and what’s best for them.”

It bears acknowledging that “doing what’s best for kids” can become a weaponized phrase in labor–management relations. Some district administrators

use it to appeal to a higher calling that transcends what they perceive as petty tactics employed by their local teachers union.

Teachers, in turn, often object to a characterization that appears to question their commitment to students or calls on them to sacrifice fair working conditions in service of an untrusted district agenda. The corollary rallying cry, “what’s good for teachers is good

for students,” argues that happy teachers are better positioned to address student learning needs in the classroom. District leaders often balk, however, at what can appear to be a blanket justification for any union request, regardless of its cost or impact on teacher or student outcomes. What sets San José apart is that working toward the shared goal of better serving students is not simply a slogan. It is the focus of the conversations and collective action between the district and union, and the anchor of the entire relationship.

We’re very much unified on the philosophy that we do what is right to benefit all of our children.

Formal Policies and Structures That Foster Collaboration

In addition to the shared commitment that motivates SJUSD's teachers and district leaders, there are specific, concrete policies and structures that enable a focus on student success and enhance the quality of those efforts.

Focus Enabled by the Salary Formula

As described in A Fair Share on page 11, the salary formula plays an instrumental role by freeing the two sides to focus on shared goals rather than money. Without extensive teacher salary negotiations that typically see districts and unions arguing from perspectives that divide them, SJUSD and SJTA can spend their time and energy on issues of substance.

None of this happens without a great deal of respect and trust.

The formal responsibilities that SJTA leaders have in San José are also mechanisms through which the district reaffirms the importance of the union. Previous sections of this report described the way in which SJTA's role in the superintendent's cabinet helps promote better policy decisions and facilitate more effective implementation. The symbolic importance of this role is also critical. Thomas explained, "The SJTA president sitting on superintendent's cabinet is a big deal. It shows everybody in the organization that the

superintendent respects the president of the organization." Roles in other decision-making bodies similarly deliver the message that SJTA plays an important role in the district's overall mission of teaching and learning and deserves respect as a trusted partner in the effort.

Union Role in Decision Making

SJTA's formal decision-making responsibility in several key groups also facilitates a productive relationship. A collective bargaining process that spends time and energy on instruction and student learning produces policies like the teacher evaluation system that turn attention to issues of teacher quality—and the supports needed to enhance it. The SJTA president's seat in the superintendent's cabinet makes union leaders active contributors to new district policy that reflects and responds to teacher needs and priorities. Additional decision-making bodies—including the Teacher Quality Panel, Contract Advisory Committee, Formula Review Committee, and others—further provide opportunities for leaders to know each other as colleagues, to craft more effective policy, and to grow the relationship.

Norms That Foster Trust and Respect

Beyond an overall orientation toward student needs and a set of formal policies and responsibilities, it is the way that SJUSD and SJTA leaders interact that makes the relationship—and the good work it produces—possible. The relationship thrives on trust and respect. Former Superintendent Linda Murray described the development of trust as a pivotal change in the initial stages of working together, recalling, "Had we not gotten by that lack of trust and that fractious relationship that had been going on for 10, 15 years, we never would have done the kinds of work together that we were able to do." Trust has continued to anchor the relationship ever since. According to Matthews, "If you want to get to that place of collaboration—good collaboration, where you're having honest

conversation—it has to start with trust, and that starts with getting to know each other on a level where you’re not afraid to be vulnerable in front of each other.” Thomas echoed this perspective: “I think the strength of our collective bargaining agreement and our willingness to take chances is anchored in the experience of basic trust and mutual respect.” SJUSD lead negotiator Greg Dannis described the relationship similarly, saying, “None of this happens without a great deal of respect and trust.”

A set of unwritten norms emerged from interview responses as key facilitators of the trust and respect that have developed between the district and the union.

Committing to Problem Solving

Leaders from both SJSUD and SJTA embrace a problem-solving orientation and a willingness to persist until they reach solutions. In a 1996 article, Dannis described the transformation of the district–union relationship by saying, “Probably the most important step of all occurred when each party, at some point, made the decision to reach resolution rather than fight a battle it was very capable of waging” (Dannis, 1996). Former school board member Rich Garcia echoed this sentiment, describing a commitment to “getting to yes on negotiations.”¹ The same mentality that began with negotiations now applies to all interactions between the two sides. According to McMahon, “You just commit to talking it through. There’s a trust that we both want to get it right and then there’s a willingness to put in the work to get it right.” Thomas was blunt in her description: “We talk until we are all satisfied.”

“You just commit to talking it through. There’s a trust that we both want to get it right and then there’s a willingness to put in the work to get it right.”

Advocating Without Being Positional

Consistent with the principles of “getting to yes,” both parties have committed to advocating for the interests of their constituencies without being positional. Leaders work to advance the district’s overall goals and protect the relationship, even when it means ceding ground that other leaders in their position might traditionally defend. District and union leaders alike described a willingness to remove low-performing teachers from their positions as evidence of this norm. According to Foley, “Once in a while there is a teacher that isn’t a good fit for

the classroom, in which case we first work with that employee to help improve their work. But sometimes, even after all of our efforts to counsel and guide, it’s necessary to remove an employee. Stephen McMahon was good at working through the process when he was head of SJTA, and then Jen Thomas after him.”

Former SJTA president Kathy Burkhard explained the union’s perspective: “If the district followed proper procedures, we

did not get in their way if they were trying to get rid of the teacher, and that’s pretty critical in terms of the union. It’s our job to defend the process, but we don’t defend teachers, per se. We defend the process.” The principle applies to both sides; district leaders described the equal importance of understanding and addressing specific issues that teachers raise instead of offering their blind allegiance to school administrators.

Communicating Frequently and Transparently

The ongoing honest and transparent communication described earlier further strengthens the trust and respect among a variety of leaders in both organizations. According to Burkhard, “You don’t just sit down when there’s a crisis or when there’s something brewing. You sit down at a scheduled meeting every week, that [is] only disrupted if you’re traveling or if there is a major crisis or something. That’s how you build a relationship.” The daily texts and phone calls between leaders of both organizations not only enable them to solve problems but also deepen their commitments to one another.

Keeping Promises

District and union leaders also described the importance of keeping their promises. McMahon explained that trust develops “by not breaking commitments. ... If we say we’re going to do something, even if it’s painful, we do it ... because you’re going to lose trust if you say you’re going to do something and don’t deliver.” Dannis echoed the importance of following through in the context of contract negotiation: “That was my cardinal rule of bargaining. If we said we would do something, if we said we would agree to something, if we said we would try something, we would keep our word.” Former superintendent Don Iglesias underscored this commitment by recognizing that action, not rhetoric, will shape opinions and reputation: “People watch your track record and it’s not just what you say, it’s what you do.” Through the myriad

You don’t just sit down when there’s a crisis or when there’s something brewing. You sit down at a scheduled meeting every week, that [is] only disrupted if you’re traveling or if there is a major crisis or something. That’s how you build a relationship.

issues big and small on which the district and union keep their word, they demonstrate their reliability and give one another the confidence to continue working together.

Quality and Experience of Key Leaders

A third facilitating factor is the deep knowledge and experience that many leaders of both SJSUD and SJTA have developed in the district over the course of the relationship.

Longevity Facilitates Continuity

Compared to other large urban school districts, the longevity and continuity in key leadership roles has been remarkable. Albarrán is only the fourth superintendent to helm the district since Murray began her tenure 24 years ago, and careful succession planning has enabled the preservation of goals, initiatives, and relationships through the transitions from one to the next. SJTA has featured similar continuity. Term limits put a ceiling on the tenure of any one president, but the union’s last three selections all worked together on the executive committee and bargaining teams prior to becoming president. Moreover, Baker has been in her executive director role for more than a decade. Although the recent election of new members has changed the dynamics somewhat, the school board has also featured unusual stability. Summarizing this situation, Iglesias described three features (likened

to the three legs supporting a stool) that helped facilitate a healthy school system: “You have long-term superintendency, long-term board focused on the right things, long-term teacher leadership focused on the right things.” Succession planning within the district and union has helped leverage this longevity to support the relationship (see *Choosing Leaders to Keep Building the Relationship* on page 12).

Longevity Builds Personal Connections

The longevity of key leaders has enabled strong working relationships to develop. As Assistant Superintendent for Administrative Services J.

Dominic Bejarano explained, “We talked about building the trust piece of it. If you have people coming in and out of the system, everybody comes in with new ideas, everybody comes in with a new plan, communication is different. I believe stability has definitely benefited us as a district in keeping a positive relationship with our bargaining unit.”

In addition to the personal connections that longevity facilitates, senior leaders throughout the central office have also been teachers and administrators in the district. They know the students the district serves, they understand the benefits and demands of teaching in the district, and they have experienced the development and implementation of the district’s strategic plan from multiple perspectives. As Director of Curriculum and Instruction Deepa Mukherjee explained, “If you think about the teacher leaders, if you think about SJTA leadership, if you think about people who are in the central office, we have been

You have long-term superintendency, long-term board focused on the right things, long-term teacher leadership focused on the right things.

at it for the last 20 years at least ... and so we have been part of that journey.”

This history does not mean that an effective leader must necessarily come from within the system. Vince Matthews was new to the district when he became superintendent, and he brought fresh faces to San José as part of his leadership team. He was nevertheless instrumental in the continued growth of the SJUSD–SJTA relationship—creation of the strategic plan, incorporation of the union president into the superintendent’s cabinet, and implementation of the San José teacher evaluation system all took place during his tenure. Accounts of Matthews’ superintendency indicate that other members of the

district and union leadership teams contributed district knowledge and experience in important ways, and that local experience did not reside within the superintendent himself.

Quality Leaders Contribute to Strong Organizations

Beyond the central office, interviewees reported that SJTA leadership positions have increasingly become populated with exemplary teachers. Those

individuals with the strongest voice representing teachers are often those with the greatest skill in, and commitment to, classroom teaching. According to incoming SJTA President Patrick Bernhardt, “I have always been impressed at how intelligent and thoughtful many of the other reps are. The people who generally come through our council—not exclusively, but many of them—are ... instructional leaders on campus in addition to being union leaders.” Albarrán shared a similar impression: “I remember walking into one large meeting session

and looking at their wall that [displays] all of their executive board and I'm like, 'Oh wow, I know all these teachers and they're all good.'" Having this strong understanding of teaching and learning reflected in SJTA leadership positions further contributes to an environment in which leaders on all sides can advance the district's core mission.

NOTE

1. *Getting to Yes* is also the title of a 1981 book by Roger Fisher, William Ury, and Bruce Patton that offers guidance for negotiating personal and professional disputes.



Lessons for Other Districts

The district–union relationship in San José has evolved in a particular context over many years. Other districts might find it impractical (or even inadvisable) to follow the same roadmap in beginning their own journey. The San José story began in a deeply adversarial place that many still refer to as rock bottom, and it was a response to personal, financial, political, and educational dynamics that may look quite different in other districts. Nevertheless, the San José experience presents several lessons that might apply to other district and union leaders regardless of circumstance.

Start Somewhere (a Cup of Coffee)

The first lesson is to start *somewhere*. In San José, it was a cup of coffee and a conversation. In that vein, SJTA Executive Director Baker offers this advice to other districts: “They’ve got to look at ... one thing they can take on together, and just build on that, right? Each little thing, build on [it] ... in order to be able to look at bigger things.” The relationship in San José has been 25 years in the making, and the prospect of making similar progress elsewhere can be daunting. Describing the district’s evaluation system, Dannis observed, “This took 20 years to get to that one year [in which the system was formalized], though people thought it took one year to accomplish.” Districts and their labor partners will not achieve perfect harmony overnight, and even the relationship in San José is constantly evolving. A collaborative and productive relationship is a long-term endeavor, and it may start with small and seemingly insignificant steps in the right direction.

“They’ve got to look at ... one thing they can take on together, and just build on that.”

The long-term nature of relationship building should not dissuade leaders from trying. On the contrary, the San José story offers hope to district and union leaders alike. Recall that the two parties began from a place of deeply adversarial interactions. By taking manageable steps forward, leaders were able to sow the seeds of progress that have grown as time has gone on. By starting small, districts and their labor partners can create a foundation for deeper future collaboration.

Commit to Regular Communication by Designating Specific Meeting Times

District and union leaders might look for ways to establish and protect time for regular communication. The frequent

interactions between SJUSD and SJTA leaders serve two purposes. First, they enable parties to address challenges before they balloon into crises. Second, they help leaders see one another as human beings—to understand their motivations and constraints. Doing so creates the space to develop a relationship, to establish a commitment to honesty, to build trust, and to see opportunities for compromise. Both of these factors help to enable stronger interactions and a more productive relationship.

In the early stages of building a district–union relationship, the trust that enables this kind of communication to be most effective will likely not be in place yet. By establishing and honoring regular meeting times, however, leaders on both sides can get the ball rolling. For former

superintendent Linda Murray, early conversations with union and board leaders and the subsequent creation of the CAC laid the foundation for a new kind of relationship and enabled the district to build trust by demonstrating their willingness to address union concerns. Former SJTA president Kathy Burkhard recalled these conversations by observing, “It’s really hard to argue with somebody when you sit down for a couple hours every week. It’s hard to dislike them. It’s hard not to realize that you have things in common.” This kind of regular meeting can start small, but it offers a tangible first step to start building a different kind of partnership.

Create Opportunities for Teacher Contributions

District leaders should consider developing formal vehicles for teachers to make substantive contributions to district decisions. Doing so can help the district in multiple ways. First, incorporating the perspectives of the teachers who will need to implement any

new ideas in the classroom can help create better policy. Moreover, including teachers in that process can help build buy-in for any new directions a district takes. It is easy to obstruct a top-down mandate from a central office bureaucrat perceived to be out of touch with the realities of classroom instruction. It is much more difficult to stand in the way of a policy you helped to create. Creating the space for formal decision-making roles also has symbolic importance in demonstrating that teachers have a valued and respected role in the district. Finally, creating space for the district and union to meet around issues of teaching and learning helps to orient the relationship around shared priorities of classroom instruction and student learning. Teachers unions can play important roles in

“I always tell them to try a salary formula. I think it takes a lot of heat off the table.”

creating these spaces for participation in decision making and identifying participants whose knowledge, skills, and orientation to collaborative work can best promote productive solutions.

In San José, one of the most visible ways in which the district acknowledges the importance of SJTA is through the president’s seat on the superintendent’s cabinet. This decision could similarly deepen connections with the union in other districts, but it may also be too much to embrace in the early stages of a relationship. Indeed, the arrangement in San José only emerged after a relationship characterized by mutual honesty, trust, respect, and commitment to common goals had been established. Nevertheless, other roles and structures—from a group like the CAC that meets

around issues related to the collective bargaining agreement to working groups that help to select the district’s curriculum—can pay similar dividends and help lay the groundwork for a more collaborative relationship focused on issues of teaching and learning.

Explore Policies That Enable a Focus on Teaching and Learning

The salary formula in San José, in which a predetermined percentage of the district’s budget automatically goes toward teacher salaries, was a game changer for the SJUSD–SJTA relationship. The formula simplified the most contentious aspect of the bargaining process and enabled the parties to focus their attention on matters of instruction and student learning. Other district and union leaders seeking to develop a similarly collaborative relationship with one another might consider the advantage of incorporating a salary formula into their collective bargaining agreements. In recounting her

advice to other district leaders, Murray noted, “I always tell them to try a salary formula. I think it takes a lot of heat off the table.”

Should a district move forward with a salary formula, SJUSD lead negotiator Greg Dannis emphasized the need for open and transparent communication. In his 1996 article, he explained:

In order to reach agreement on such formulas, certain criteria first must be satisfied. There must be basic respect for each other. There can be no hidden agendas or motives. Budget projections must be realistic. There must be full disclosure of financial information. There must be full acknowledgment of the district’s budgetary needs outside of employee compensation. And both sides must acknowledge outside forces, obligations, limitations, and mandates.

A salary formula may not be feasible in some districts, especially those in the early stages of building a working partnership. Leaders in these contexts may look for other ways to accomplish what the salary formula has done in San José: focus district and union attention on matters of teaching and learning.

Cultivate Current and Future Leaders

Finally, districts and their labor partners can facilitate strong relationships by positioning the next generation of leaders to continue meaningful collaboration. The previous lessons represent pathways to establishing greater stability within a district. Once established, district and union leaders can look for ways to preserve and extend positive steps through leadership turnover.

For major leadership roles like the superintendent and union president and for other hires in the central office or executive committee, school boards and organizational leaders should consider the value of historical and contextual perspectives. Organizational leaders need not necessarily be homegrown—both Linda Murray and Vince Matthews grew the SJUSD–SJTA relationship as newcomers to San José. Nevertheless, understanding the teacher experience and knowing the norms of interaction between the district and union—and seeing the benefits of working together—can help new leaders make better decisions. A middle school teacher explained the value of district experience from the teacher perspective by saying, “I do think it’s really important for district managers or department heads to have previous experience working on school sites in the same district. Same thing for the teachers union leaders to see district leaders as people who share their interest and understand where they’re coming from.”

Hiring for personality and commitment to collaboration is also a key element of a succession plan. Some leaders may already have a disposition toward collaboration, whereas others may be more adversarial, or simply narrowly focused on their own personal agenda. Although the San José experience suggests that evidence of a better approach can help leaders become more collaborative, leaders may wish to focus on preparing successors who already have an orientation toward working together. A San José principal offered this advice for a successful relationship: “Leave your ego at the door. It’s not about you. It’s not about me. I can sit here and get mad about things, but at the end of the day that’s not going to solve problems.” By identifying future leaders who are prepared to solve problems with their partners, districts and

unions can help develop and sustain productive working relationships.

For succession planning to work, leaders need to look not only to the next organizational head, but to building capacity among leaders throughout the system. From a district perspective, this can mean building capacity in both central office roles and administrator roles at school sites. For teachers unions, it extends not only to the association's executive committee, but also to the site representatives at each school. According to

a San José teacher, "We should be looking for people who would do well in different roles in the organization to try to help and encourage a flow of leadership and people constantly stepping up. If you make more leaders, more people will have held the role of decision maker." Focusing on leaders at all levels also helps the entire district community build a culture of collaboration that extends throughout the system and can survive the departure of any individual leader.

California's Labor Management Initiative

Although this report focuses on one particular district-union partnership, SJUSD is not alone. California's education leadership organizations are working together to help create the conditions for more productive interactions between districts and their labor partners across the state. The California Labor Management Initiative (LMI) is an effort to bring board members, district administrators, and union representatives together to explore opportunities and strategies for building and strengthening labor-management partnerships. The LMI has engaged with 103 school districts since it began in May 2015, 48 of which have exhibited medium or high levels of engagement. Participants take part in trainings, coaching, and other collaborative efforts while hearing presentations from experts in the field, sharing best practices, and planning activities within and across district teams. For more information about and resources from the LMI, please see <http://cdefoundation.org/lmi/>.



Conclusion

SJUSD sits in the heart of a region known across the world for innovation. People of all ages turn to Silicon Valley for the latest technological devices and for lessons about the organizations that produce them. One of the most compelling stories, however, might come not from the tech industry, but from an education system charged with preparing young people for that workforce. In a sea of school districts that struggle to work meaningfully with their labor partners, San José offers a different model of district–union collaboration—an example of how things can be better and lessons about how to get there.

The San José story is useful not only because of where the district is now, but because of the journey that led it to this point. The education community has always featured its shining stars—the classrooms, schools, and districts that achieve great heights against all odds. Their stories are inspiring and their examples compelling, but they can also feed a defeatist outlook on improvement. “I could never do what they do,” the refrain goes, “because I don’t have that thing in place that makes such a difference in their success.” San José allows no such excuses. Its starting point was as dysfunctional as any district around. If this district can grow from rock bottom, perhaps others can too.

The district’s journey is incomplete. Challenges remain in preparing students for success in and beyond their formal education, and looming obstacles like declining enrollment and budget constraints will test the district’s ability to continue on the same upward trajectory. With regard to the district–union partnership, the reflections of interviewees make clear that even the strongest relationship requires constant nurturing and attention. At the same time, the San José experience is not a roadmap. District and union leaders responded to circumstances that may be very different in another context, and their particular path to success may not be right for everyone. Nevertheless, its story provides a set of opportunities and decisions that other districts can replicate or adapt as part of their own journey.

In the end, San José offers hope to other district and union leaders seeking to develop a more productive relationship in their own context. Such a partnership cannot be created unilaterally—it requires both sides to commit to working together. But if leaders are willing to take that step, San José offers ideas that can spark progress. And if San José and others can capitalize on the opportunities introduced by productive collaboration, it offers a promising path for meeting the needs of students entrusted to their care.



References

- Bramble, S. (2016, April 22). "AB 934 (Bonilla), as Amended on March 31, 2016" [political position letter from California Teachers Association to California state senate education committee chair Carol Liu]. Retrieved from https://images.magnetmail.net/images/clients/CTA_/attach/ab934.pdf
- California Department of Education. (2016). *Selected certificated salaries and related statistics, 2015–16*. Sacramento, CA: California Department of Education School Fiscal Services Division. Retrieved from <https://www.cde.ca.gov/ds/fd/cs/documents/j90summary1516.pdf>
- California Teachers Association. (2017). Legislative update. *California Educator*, 21(8), 35–37.
- Dannis, J. D. (1996, June). Strike or settlement: A tale of two school districts. *California Public Employee Relations*, 118.
- Fensterwald, J. (2013, May 23). San José teachers, board adopt landmark teacher evaluation system. *EdSource*. Retrieved from <https://edsources.org/2013/san-jose-teachers-board-adopt-landmark-teacher-evaluation-system>
- Hardy, C. (1983, September 7). Judge upholds San José bankruptcy, but schools to open on time. *Education Week*. Retrieved from <http://www.edweek.org/ew/articles/1983/09/07/04010033.h03.html>
- Humphrey, D. C., Koppich, J. E., & Tiffany-Morales, J. (2016). *Replacing teacher evaluation systems with systems of professional growth: Lessons from three California school districts and their teachers' unions*. Retrieved from SRI international website: https://www.sri.com/sites/default/files/publications/teachereval_report.pdf_2_1.pdf
- Leal, F. (2015, August 23). Raising graduation bar poses challenges for school districts. *EdSource*. Retrieved from <https://edsources.org/2015/raising-graduation-bar-poses-challenges-for-school-districts>
- Mirga, T. (1986, January 8). San José desegregation plan approved. *Education Week*. Retrieved from <http://www.edweek.org/ew/articles/1986/01/08/06150018.h05.html>
- Mongeau, L. (2015, July 21). Is Silicon Valley driving teachers out? *The Atlantic*. Retrieved from <http://www.theatlantic.com/education/archive/2015/07/silicon-valley-housing-tough-on-teachers/399071/>
- Murray, L. (2004). *The San José Unified School District story: Implementing a college-ready curriculum for all*. Retrieved from <https://www.achieve.org/files/LindaMurray.pdf>
- National Council on Teacher Quality. (2015). *2015 State teacher policy yearbook: National summary*. Washington, DC: Author. Retrieved from https://www.nctq.org/dmsView/2015_State_Teacher_Policy_Yearbook_National_Summary_NCTQ_Report
- Noguchi, S. (2013, May 25). San José teachers, district agree to landmark contract [Web log post]. *The Mercury News*. Retrieved from <http://www.mercurynews.com/2013/05/25/san-jose-teachers-district-agree-to-landmark-contract/>
- Rubinstein, S. A., & McCarthy, J. E. (2016). Union–management partnerships. *IRL Review*, 69(5), 1114–1132. doi: 10.1177/0019793916660508
- UPI. (1983, August 30). San José schools can cut pay, U.S. bankruptcy court rules. *The New York Times*. Retrieved from <http://www.nytimes.com/1983/08/30/us/san-jose-schools-can-cut-pay-us-bankruptcy-court-rules.html>
- Weisberg, D., Sexton, S., Mulhern, J., Keeling, D., Schunck, J., Palcisco, A., & Morgan, K. (2009). *The widget effect: Our national failure to acknowledge and act on differences in teacher effectiveness*. Retrieved from TNTP website: https://tntp.org/assets/documents/TheWidgetEffect_2nd_ed.pdf



The California Collaborative on District Reform, an initiative of American Institutes for Research, was formed in 2006 to join researchers, practitioners, policymakers, and funders in ongoing, evidence-based dialogue to improve instruction and student learning for all students in California's urban school systems.

The development of this brief was supported through generous contributions from the California Education Policy Fund, the Dirk and Charlene Kabcenell Foundation, the S. D. Bechtel Jr. Foundation, the S. H. Cowell Foundation, the Silver Giving Foundation, the Stuart Foundation, and the William and Flora Hewlett Foundation. The views, findings, conclusions, and recommendations here are those of the authors and do not necessarily represent the viewpoint of these organizations.

For more information about the Collaborative and its work, visit www.cacollaborative.org.