

Report to the Public
Nutley Board of Education

Serious differences have arisen during negotiations over a new contract between the Board of Education and the Nutley Teachers' Association.

One basic issue is at stake, but that issue has become so distorted, so misunderstood that the Board feels the time has come to set the record straight.

Last summer the New Jersey Supreme Court ruled that matters of educational policy must be decided by Boards of Education in the public eye and with public participation, not in collective negotiations behind closed doors with teachers unions.

Therefore, the following items would now be held illegal subjects for labor negotiations: budget formulation, curriculum, class size, testing, instructional methods, criteria for hiring, evaluation, promotion and transfers of teachers, textbook selection, discipline, and the academic calendar. Any such clauses in current labor contracts were held to be illegal clauses.

Acting on this court mandate, the advice of legal counsel, and the recommendation of the New Jersey School Boards Association, the Board notified the NTA negotiators in October, 1978 - over eight months ago - of the necessity to remove such illegal clauses from any new contract. The NTA team showed no drastic reaction, and bargaining continued over other items.

On March 14, 1979, the Board filed a petition with PERC, the State agency charged with regulating negotiations between school boards and their employees. The purpose of the petition was to clearly identify any items in the current agreement which, by the court's decision, should now be considered matters for Board Policy rather than for inclusion in a labor agreement. The NTA received a copy of this petition. Bargaining still continued over other items.

Suddenly in mid-May, the NTA hoisted the flag of "quality education" and made an issue over three items in the petition; class size, transfers, and "specialists" clauses, although all three are clearly illegal under the Supreme Court criteria.

From the outset the Board has repeatedly assured the NTA negotiators that its purpose is not to make drastic changes in these areas, but only to fulfill its legal responsibility by removing illegal clauses from the contract. Since actions speak louder than words, let us examine the record of this and recent Boards. Despite budget caps and a declining enrollment, additional teachers have been hired whenever individual class size warranted. Nutley teachers have not been, are not now being,

and will not be moved save for valid educational need. Special subject programs in reading, the arts, industrial arts, and physical education have been significantly strengthened. Gifted elementary school students are offered the CAT program. Franklin School has an enriched curriculum including formalized reading instruction and heavier emphasis on all the special subjects. The high school now offers theater workshop, music fundamentals, photography and many new sports. Additional categories of handicapped students are being served in new classes. Libraries and audio-visual areas are being strengthened.

Further, to allay any anxiety over its intentions, on Thursday, June 14, 1979, the Board formally offered to take the three disputed contract items and insert them unchanged into Board Policy if the NTA would agree to removal of all illegal clauses from the labor agreement. The NTA negotiators flatly refused.

Their refusal proves to the Board, and should prove to the public, that the NTA stance is dictated not by a desire for quality education but a desire to retain illegal clauses in the agreement. In fact, the NTA has proposed alternative language far more restrictive and hedged with heavy financial penalties in an attempt to dissuade the Board from its position.

The Nutley Board of Education, like many other boards around the state, emphatically agrees with the Supreme Court that important educational decisions should not be privately negotiated with the teachers union. In such matters the Board acts in the public interest, spends public monies, and should be accountable to the electorate rather than to one special interest group.

The Board has a high regard for its professional staff. It is ready, willing, and eager - as it has been all year - to conclude a fair and legal contract. But it will not be coerced or economically penalized for exercise of its legal obligations. Nor may it responsibly bargain away public control of the public schools!

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