

Independent, principled state policy fostering limited and responsible government, free enterprise, and a robust civil society.

August 2020

Walking Out on School Kids - Summary*

How Oklahoma Law Enabled the 2018 Teacher Strike, and How to Prevent the Next One

The Oklahoma Teacher Strike of Spring 2018 Was a Disaster

- The Oklahoma teacher strike of Spring 2018 threw the state into chaos, leaving parents, students, and employers in the lurch.
- Teachers occupied the State Capitol, shouting down legislators and staging demonstrations that impeded the Legislature's ability to conduct business it was elected to do.
- School closures—abetted by complicit school boards and administrators—were designed to exert maximum political pressure, even being scheduled to coincide with state testing so as to jeopardize federal funding.
- In the end, the Legislature passed the state's first tax increase in 26 years in order to meet teacher union demands for pay raises and increased education funding.
- The Legislature should never again allow itself to be held hostage by tax-paid employees.

Public Employee Strikes Are an Unjust Method of Extracting Benefits from the Public Purse

- Public employees, especially teachers, hold positions of extraordinary trust.
- A public employee strike is a strike against government itself and by extension, the citizenry.
- Therefore, striking is a strong-arm tactic that has no place in representative government because it undermines the sovereignty of the people, placing the interests of their government secondary to the interests of the employees who are supposed to be carrying out the public will.
- Franklin D. Roosevelt observed that a "strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of Government until their demands are satisfied. Such action, looking toward the paralysis of Government by those who have sworn to support it, is unthinkable and intolerable."

Oklahoma's Current Teacher Strike Law Is Woefully Ineffective

- Oklahoma's teacher strike law (70 O.S. § 509.8) is too narrow and provides almost no deterrent to would-be strikers.
 - Operative only during an "impasse" in collective bargaining negotiations between local school districts and unions, making it irrelevant to the process teacher strikes are designed to influence—the state-level legislative process.
 - Regulates unions' behavior rather than that of individual teachers as public employees, school districts as employers, or officials as representatives of taxpayers. The result is teachers can strike without any personal consequence.
 - It does not provide a strong enough deterrent. The only potential punishment individual teachers risk by striking is the limited loss of wages *during the period of the strike*. The 2018 strike lasted only 9 days, meaning teachers likely used generous paid vacation to avoid any reduction in pay.
 - It gives the state no recourse, leaving responsibility for taking action against striking employees with local administrators and school boards, who showed themselves in 2018 to be beholden to the unions.

Another Strike Debacle Can Be Prevented with Legislation

- The Legislature should enact a new anti-strike law that simply prohibits public employees from striking or participating in an organized work stoppage, punishable by forfeiture of employment and other benefits.
- If the Legislature seeks to avoid future hostage negotiations with teachers' unions, it should straightforwardly outlaw the conduct that leads to such negotiations and provide a penalty sufficient to deter bad behavior.
- Other states have taken this approach, and it has achieved precisely the desired outcome; there has not been a single public employee strike in Texas since similar legislation was enacted in 1993.

- 1889 Institute's Model Anti-Strike Legislation would end public employee strikes in Oklahoma.

Conclusion

Oklahoma continues to suffer the reverberations of the 2018 strike. Far from placating the unions, the Legislature's acquiescence to their demands emboldened public education radicals. Appeasement always does.

Today, as Oklahoma seeks a return to some semblance of normalcy post-pandemic, it should not be surprising that re-opening the public schools has been the primary roadblock in the state's efforts. Teachers' unions have learned well the lessons of the 2018 strike: unbending obstinacy and elevation of adults' economic interests over children's well-being and educational advancement will not be punished, but rewarded.

The Legislature should make sure this lesson is unlearned.