

1988
2ND PRIZE
\$250.00

THE SAN JOSE TEACHERS' STRIKE

1980

submitted by:

Andrew Suian Huang
6024 Crossview Circle
San Jose, CA 95120
(408) 997-0357
Leland High School
Mr. Charles Sullivan
May 2, 1988



INTRODUCTION

"It was UGLY!"

These were the words of John Beck, math teacher at Gunderson High School and member of the San Jose Teachers Association negotiating team during that tumultuous 1980-81 school year. During those years, 1980-81, headlines across America were incessantly splashed with news of labor disputes. Everyone from movie actors to baseball players to wine growers was taking concerted actions as pay increases failed to meet the demands of the rapidly increasing cost of living. These were the years of high unemployment, increased interest rates, and spiraling inflation as America plunged into the depths of its worst post-Depression recession.

The years 1980-81 were also record-setting in the number of teachers' strikes. Although teachers' unions in the state of California were generally voting against concerted actions, one, the San Jose Teachers Association, voted overwhelmingly in favor of strike action against the San Jose Unified School District. This strike was the first and only strike in the history of a district which began in

1855.

The very thought of strikes brings to mind images of ugly waterfront scenes and hostile picket lines of violent, irrational people. Teachers are not normally associated with such actions and it is surprising that they had resorted to such actions to accomplish their aims.

Education has long been considered the keystone to our nation's great prosperity and continual progress. With their profession held in such high esteem, teachers have been placed upon unequalled pedestals of trust as the "protectors of knowledge and learning." They are ususally related to more rational and civil behavior than a labor strike. However, as Beck points out, "Teachers are people too... and that's what people often forget."

The San Jose teachers' strike is certainly not easy to forget, nor should it be forgotten. The teachers' strike was a classic example where lack of trust, honesty, and cooperation combined explosively to scar the San Jose Unified School District ofr years to come.



TABLE of CONTENTS

Introduction	iii
Chapter 1: Background for a Conflict	1
Chapter 2: Pre-Strike Negotiations	8
Chapter 3: Strike!	15
Chapter 4: Legal?	20
Chapter 5: How Much Longer?.....	25
Chapter 6: Back to the Bargaining Table	29
Chapter 7: Back to School	34
Epilogue: Going for Broke	39
Bibliography	43



CHAPTER ONE:
Background for a Conflict

During the spring of 1980, negotiating teams for the San Jose Teachers Association and the San Jose Unified School District met to discuss terms of a new contract for the 1980-81 school year. At the time, talks were progressing with no ostensible abnormalities. To most onlookers, what would happen by the next fall, the first strike in the history of the district, was unforeseeable. However, a closer look indicates that such action on the teachers' part was neither implausible nor completely unwarranted.

The main focus of discontent centered on the budget process. The district had a history of consistently overbudgeting and "padding" certain accounts. While the district's expenditures exceeded its revenues, a large reserve fund allowed the district to balance its budget. Because of the annual surpluses, the reserve fund was used slowly and this practice was allowed to continue over an extended period of time even though Dr. James Anderson, associate superintendent in charge of budget preparation, had already predicted bankruptcy for the district in the future should this practice continue.¹

San Jose Unified had developed an extreme

credibility problem with the teachers. The district, in its budget preparation, would allocate money to all accounts first. Whatever money was left over would then be used for employee raises. The district, with its overbudgeted accounts, would claim that it could not afford more for salary increases without creating an unbalanced budget. It also claimed to be on the verge of bankruptcy.

Nevertheless, each spring, the district somehow "found" the funding for "new" projects and still managed to finish each fiscal year with a huge surplus. Not only were teachers disenchanted with the fact that they were the district's last budget priority, they also felt that they were continuously lied to concerning the district's financial situation and funds available for salary increases.²

Before 1977, negotiations between the teachers and the district carried a certain air of friendliness. Formal collective bargaining concerning teachers was not legally implemented until 1975 with the passage of the Educational Employment Relations Act (also known as the Rodda Act) by the state legislature.³ Before that, the San Jose Teachers Association was remembered more for its social functions than its role in labor negotiations. But even at the time of the strike, teachers in the San Jose Unified School District were among the best paid for districts of comparable size in the state. However, by 1977 several factors were responsible for detrimentally affecting the

morale of teachers. Among these, the most demoralizing was the restructuring of the tax system from which schools in California drew their funding.⁴ This restructuring coincided with the country's worst post-Depression recession.

The 1972 California Supreme Court case of Serrano vs. Priest had determined that local control over school funding violated the state constitution's "equal protection" clause. Children in districts of poorer neighborhoods were receiving unequal funding and thus an unequal education. Consequently, the state legislature passed a series of bills, each aiming to "equalize" the proportion of funding given to school districts while placing the responsibility of financing schools at the state level. (The last piece of legislation addressing the Serrano-Priest issue that was passed before the strike was Assembly Bill 65 in 1977.) Through a complicated stratagem, funding was redistributed and San Jose Unified found itself receiving a smaller proportion of funding than neighboring school districts.

AB 65 would not have been particularly damaging had it not been for the passage of Proposition 13 by the voters of California in 1978. Given time, San Jose Unified could have probably adjusted to the changes accompanying AB 65; however, the passage of Proposition 13 so closely after AB 65 rendered gradual changes an impossibility. Proposition 13 radically cut property taxes — a major

source of educational funding — and thus devastated the state's entire school system. There was less money now available for state aid to all public education.⁵ Not only was San Jose Unified receiving proportionately less monies because of Serrano-Priest legislation, it was also receiving less money in general because of Proposition 13.⁶

The restructuring of school funding was also psychologically devastating to the district's teaching corps. Though teaching never made for "big money," teachers' salaries provided for a comfortable living, until the restructuring process began. Teachers in San Jose Unified found their annual salary raises diminishing while the cost of living rapidly rose. Teachers soon began to see their positions on the socio-economic ladder slipping. They viewed the passage of Proposition 13 as a symbol of how little the public valued education and teachers. With the drastic cuts in programs and massive employee layoffs in San Jose Unified that followed Proposition 13, teacher morale was further damaged as many teachers saw their professional careers in the midst of a great upheaval. Many teachers were reassigned to new schools as well as new curricula.⁷

For the 1977-78 school year, the teachers managed to escape any salary cuts and obtained a meager 2% pay raise. In the teachers' opinion, some form of action needed to be taken to restore the position of teachers and re-assert their dignity. That year, the San Jose Teachers Association

began interviewing for a new executive director. Among the questions asked of the applicants: "Would you be willing to take this union to strike?"⁸

One man who answered "Yes" to that question was Brian McKenna. A former school teacher, McKenna had developed quite a reputation in the Midwest for his hard-nosed negotiating style. He had taken teachers in three states to eleven strikes and was even implicated in criminal charges of vandalism.⁹ His qualifications were well-known but many in the SJTA still considered him an "unknown quantity." What his impact on SJTA-San Jose Unified relations was still to be seen.¹⁰

Negotiations for the 1979-80 school year proved quite different from previous talks. There had been much dissatisfaction with the 2% raise received for 1978-79. McKenna began negotiations in a very pacific manner. Fellow members of his negotiating team would later comment on their initial disappointment; they thought he was "just a wimp." As negotiations progressed and McKenna was able to survey all the facts, he underwent a metamorphosis.¹¹ He quickly took the offensive and carried an attitude bordering on the militant. After packing a September Board of Education meeting with 1000 teachers threatening to strike, the SJTA was able to shape the new agreement to their own satisfaction.¹² This new contract would include a substantial 12% pay raise. The contract, which was

effective from July 1979 to June 1981, also included some issues to be reopened for negotiations for the 1980-81 school year — the most important being a new salary schedule.¹³ McKenna had not only succeeded in winning the teachers a very attractive contract; he also won the confidence of the SJTA rank and file.

In addition, Mc Kenna also won the respect of his opposition — the district's bargaining team. There was no doubt as to his intelligence and perseverance. He was also well-schooled in the art of negotiations. As the district's chief negotiator at the time would later comment, McKenna knew exactly when to speak politely, when to shout, and when to "take his shoe off and hit the table."¹⁴ The days of amicable negotiations between the district and the SJTA were gone. The relationship between the Association and the district was no longer any different than the relationship between labor and management in any other line of work.

¹ John Beck, former SJTA negotiator, interview with the author, San Jose, California, June 8, 1987.

² Beck interview.

³ League of Women Voters of California. "Education in California, Part One". Sacramento, California, 1983, 107. (Hereafter cited as "League of Women Voters.")

⁴ Aaron Seandel, associate superintendent for San Jose Unified School District, interview with the author San Jose, California, June 4, 1987.

- 5 Local property taxes had been the primary source of income for public education's funding prior to Proposition 13. Now school districts are more dependent upon direct state aid. League of Women Voters, 99-100.
- 6 Beck interview.
- 7 Seandel interview.
- 8 San Jose Mercury, July 31, 1983.
- 9 Mercury, July 31, 1983.
- 10 Beck interview.
- 11 Beck interview.
- 12 Mercury, July 31, 1983.
- 13 "Agreement between the San Jose Unified School District and San Jose Teachers Association CTA/NEA, July 1, 1979 - June 30, 1981," September 20, 1979. (Hereafter cited as "Agreement 1979-81".)
- 14 Richard Jackson, SJUSD's chief negotiator and assistant superintendent during the strike, interview with the author, San Jose, California, November 25, 1987.

Chapter 2: Pre-Strike Negotiations

As the 1979-80 school year came to a close, the usual anxiety and uncertainty that accompanies the expiration of any contract had developed within the San Jose Unified School District. However, initial talks in the spring of 1980 had not shown any points of major dispute. The first indication of conflict came at the July 16 Board of Education meeting where the newly proposed budget for the 1980-81 fiscal year was presented. The new budget was aimed at holding the line on cuts in programs and restoring some of the programs cut as a result of Proposition 13. Also included was funding for "magnet" and "mini-magnet" programs to be initiated for the 1980-81 school year as part of the district's voluntary desegregation program. The budget proposal earmarked \$4.1 million general reserve funds from which employee pay raises could be drawn. Had all the money been used for salary increases, the district could have afforded a 7% pay raise for teachers; however, debate was expected from parents pursuing further program restoration.¹

Among the casualties of budget cuts from the previous three years was the sixth period for junior high and high schools in the district. Many students and parents felt that a five-period school day would not allow students

to compete with students from other school districts for entrance to universities and colleges. Parents formed the Ad Hoc Committee for the Six-Period Day and threatened legal actions and mass enrollment of children in private schools if the sixth period were not restored.²

On August 25, 1980, the district agreed and reinstated the sixth period for seventh through tenth graders. This decision displaced \$1.4 million from the general reserve fund. A 4.7% raise seemed to be all the district could afford for all of its employees.³ The idea of a 4.7% raise was frequently commented as a "slap in the face" or an "insult."

Although teachers approved of the sixth period restoration, the prospect of such a meager raise incurred their wrath. Ray Lopp, president of the San Jose Teachers' Association quickly stated the union's position of "No contract, no work." Teachers at the time averaged \$20,000 for ten months of work. They were demanding a 20% pay increase to keep pace with a rapidly rising cost of living. Lopp had proposed that the district assent to the proposal and ask the state for further funds when the district ran out of money.⁴ However, state law prohibits such a plan for an unblanced budget.

With solid figures to work with, district and union bargaining teams began negotiations. Talks quickly reached an impasse upon discussion of salary increases. The district maintained that a salary increse of 4.7% was

all the district could afford. In addition, teachers would have to bear the burden of increased fringe benefits costs. The teachers, demanding 19%, claim that such a deal would only amount to a 3.8% pay increase.

The fact that the district had labeled a 4.7% raise as its "first, last, and best offer" only served to infuriate the teachers. They considered these words as a representation of the district's unwillingness to bargain in good faith.⁵ Aaron Seandel, associate superintendent, would later dismiss "first, last and best" as part of the politics of negotiations;⁶ however, Richard Jackson, the district's chief negotiator, maintained that he had actually gone to the trustees and was told that 4.7% would be the district's best offer.⁷ Moreover, teachers regarded it as no more than a "take it or leave it" offer.

Teachers had already heard claims the year before that the district could only afford a minute raise. Even with the 12% raise teachers eventually received, the district still ended the 1979-80 fiscal year with a \$6.1 million surplus⁸ and its credibility problem with the teachers was thus exacerbated. Rumors had surfaced that the teachers had settled for less than what the district was willing to give.⁹

With negotiations apparently stalled, both sides prepared for strike action. The SJTA sought strike sanction from its parent groups, the California Teachers Association

all the district could afford. In addition, teachers would have to bear the burden of increased fringe benefits costs. The teachers, demanding 19%, claim that such a deal would only amount to a 3.8% pay increase.

The fact that the district had labeled a 4.7% raise as its "first, last, and best offer" only served to infuriate the teachers. They considered these words as a representation of the district's unwillingness to bargain in good faith.⁵ Aaron Seandel, associate superintendent, would later dismiss "first, last and best" as part of the politics of negotiations;⁶ however, Richard Jackson, the district's chief negotiator, maintained that he had actually gone to the trustees and was told that 4.7% would be the district's best offer.⁷ Moreover, teachers regarded it as no more than a "take it or leave it" offer.

Teachers had already heard claims the year before that the district could only afford a minute raise. Even with the 12% raise teachers eventually received, the district still ended the 1979-80 fiscal year with a \$6.1 million surplus⁸ and its credibility problem with the teachers was thus exacerbated. Rumors had surfaced that the teachers had settled for less than what the district was willing to give.⁹

With negotiations apparently stalled, both sides prepared for strike action. The SJTA sought strike sanction from its parent groups, the California Teachers Association,

and the National Education Association. Without such sanction the teachers would be forced to strike without aid. The district trustees, in turn, voted 4 to 1 in favor of hiring 1400 substitute teachers at an "emergency" pay rate of \$100 a day, more than double of what regular substitutes during the previous school year were paid.

When the district really began preparing for such a strike has been a point of dispute. Charges have been made that the district had long begun to prepare for a strike. Rumors had circulated that the district had actually begun to prepare "canned" lesson plans for substituting teachers during the previous spring.¹¹ The district, of course, denies these charges. Teachers, in fact, claim that the district was attempting to force them into strike action. The district denies this allegation as well.¹²

Nevertheless, the district conducted sign-ups from September 4 to September 5 for those interested in becoming substitutes. Lured by a district-paid newspaper advertisement, hundreds of people — an estimated 1000 the first day — from all walks of life flocked to the Lincoln High School cafeteria to fill out papers and register.¹³ Because over half of the applicants lacked the normally mandated teaching credentials, the district revised its normal policy for the special situation. The district only required that applicants provide proof of a bachelor's degree. Those without teaching credentials had to pay \$30

for an "emergency" credential.¹⁴

Motivation for applying ranged from the basic to the idealistic. Many simply stated that the prospect of \$100 each day was what attracted them. Others cited the opportunity to use substituting as a "stepping stone" to a teaching career.¹⁵ One applicant, Su So, felt that it was her responsibility to become a substitute. A mother of two children enrolled in the district, she felt that her degrees chemistry and nutrition made her a well-qualified candidate for substitute teaching.¹⁶

Meanwhile, Diane Fivey of the State Conciliation Service was called in to act as mediator of the dispute. Talks scheduled on September 2 and September 5 were conducted in closed session; details of what occurred were not disclosed. The teachers did lower their demand "significantly" from their original 19% salary increase request; however, the district maintained its claim that a 4.7% raise was all it could afford. Thus, the two mediation sessions produced little as far as real results. Furthermore, no new talks were scheduled after the September 5 talks broke off, reinforcing the possibility of a strike becoming reality.¹⁷

Sunday evening, September 7, convened for one last-minute effort to resolve the dispute. The two-hour session ended in failure. There is reason to believe that both sides had already accepted the inevitability of a

strike and only met out of fear that public opinion would turn against them if they appeared unwilling to seek a resolution. The district maintained its 3.8% offer while the teachers entered the talks with a reduced proposal. They were now demanding a 12% pay raise with a cost of living increase in April. As Richard Jackson recalls, the teachers merely asked if the district could afford such an increase. Upon receiving the anticipated "No," Brian McKenna gave a short speech stating the association's position. Apparently, the union leadership had already made its decision to strike.¹⁸ John Beck disagrees. He believes that if the district had taken care of some issues with non-financial impact, the teachers would have probably settled "nicely" at 6 or 7%.¹⁹ Nevertheless, the meeting quickly adjourned thereafter and a vote by the union membership to strike was the only remaining step towards making the strike a reality.

 1 Mercury, July 21, 1980.

2 Mercury, July 21, 1980.

3 Mercury, August 26, 1980.

4 Mercury, August 26, 1980.

5 Beck interview.

6 Seandel interview.

7 Jackson interview.

8 Mercury, July 31, 1983.

- 9 Beck interview.
- 10 Mercury, August 26, 1980.
- 11 Beck interview.
- 12 Jackson interview.
Seandel interview.
- 13 Mercury, September 5, 1980.
- 14 Under state law, emergency credentials may be issued in extreme conditions where a dearth of available teachers exists. The \$30 covers an application fee. League of Women Voters, 67.
- 15 Mercury, September 5, 1980.
- 16 Su So, interview with the author, San Jose, California, June 7, 1987.
- 17 Mercury, September 6, 1980.
- 18 Jackson interview.
- 19 Beck interview.

Chapter 3: Strike!

At 5 A.M. Monday morning, September 8, 1980,¹ the membership of the San Jose Teachers' Association met to determine their course of action for the impending school year. To those who had been following the dispute, the final vote, 1311 to 174 in favor of strike action, was not a surprise. The association's position throughout the summer had been "No contract, no work."²

The meeting was held at the Morris Dailey auditorium on the San Jose State University campus. With the meeting hall crammed full of teachers, the negotiating team took the stage. They outlined the current situation in contract talks, listing union demands vis-a-vis the district's offer, and presented reasons for striking. They pointed to several "over-budgeted" accounts where additional funds for salary increases could be found. A secret ballot vote followed. After the vote was tallied, cries of "All Right!" rang through the halls in response. The teachers were determined in their cause as they enthusiastically took to their picketing sites that morning. In the words of John Beck, "No longer would we be kicked around like a dog... we were taking a stand!"³

Although this was the first time that the entire

union membership had been assembled that summer, this meeting was by no means the first time these teachers had heard information pertaining to the situation. The union had organized "Coffee Klatches" throughout the district where groups of teachers could be informed and kept updated on all the "facts" while talks were in progress. The arguments represented at the strike meeting was merely a reiteration of information that teachers had already heard.⁴

Despite the overwhelming results, the vote may not have been an accurate reflection of all teachers. First, teachers who had already decided not to strike were not in full attendance at the meeting; they had either recognized the inevitability of strike or they simply were not union members. Just about all teachers felt that the district's 3.8% offer was inadequate and insulting; however a strike may not have been what the teachers really wanted. Obviously, "facts" presented at union meetings carried an inherent bias. Thus, the information presented to the general membership led them to conclude that strike action was the only alternative to accepting the district's degrading offer - a "bite" being the only response to a "slap in the face."

The SJTA leadership, during the strike meeting, had not allowed Don Cole, a junior high school teacher, to make a speech against strike action. He too scorned the district's offer, but instead of a strike, he proposed that

a more "rational" approach be taken. His speech was later printed, in part, in the San Jose Mercury's editorial section on September 16. Cole felt that the union should follow through with mediation and fact-finding processes outlined by state law before going on strike. This opinion was never presented to the general membership. The teachers, seeing a strike as the only course of action, voted accordingly. Cole remained part of a small minority of regular district teachers who crossed the picket lines that first day.⁵

The first day of the 1980-81 school year was marked by a great deal of confusion on the part of parents. Many were unaware of the strike situation. Others were not sure whether to send their children to school or to keep them home in support of the teachers. Out of an estimated 33,000 students in the 51-school district, about 8,000 opted to remain home that first day.⁶

With help from its parent organizations, the CTA and the NEA, the SJTA was extremely organized in its strike action. The union was able to establish committees in charge of correspondence and information as well as a rumor control committee. The teachers had field representatives from the CTA living in town to help orchestrate the strike. In addition the CTA offered \$25 per day, no interest loans to help teachers financially.⁷

Meanwhile , the scene in the classrooms was more

chaotic. As they had earlier announced, the district kept the schools open; however, all plans for desegregation were preempted. The planned restoration of the sixth period was also postponed. Junior and senior high schools ran a minimum day that ended at 12:00. Only "basic" courses - English, social studies, math, and physical education - were scheduled. Elementary schools ran full programs.

At about 8 A.M. the call went out for about 1000 "emergency" substitutes. They, along with 100 to 250 regular teachers and a few administrators, crossed picket lines that first day to conduct classes. After being subjected to the verbal assault from striking teachers, the substitutes held a meeting with administrators. Here, substitutes volunteered for classes, regardless of their background, and "lesson plans" were distributed. Although elementary classes functioned close to normal, students at the junior and senior high school levels consistently complained of being "babysat" and given inane class work. The lesson plans were only intended to last one or two days. From there, substitutes were expected to conduct classes as best they could. However, when a substitute at John Muir Junior High asked if subs could create their own lesson plans, permission was denied.⁸ Allegations that substitutes functioned only as babysitters were apparently true. The one instruction incessantly reiterated to subs was "Keep the kids in class!"⁹

¹ September 8 was the first day of the 1980-81 school year. The teachers had planned this meeting well in advance as the time for a strike vote.

² Mercury, September 9, 1980.

³ Beck interview.

⁴ Beck interview.

⁵ Mercury, September 16.

⁶ Mercury, September 9, 1980.

⁷ Beck interview.

⁸ So interview.

⁹ Mercury, September 9, 1980.

Chapter 4: Legal?

Midst the first-day difficulties of running strike-stricken schools, district officials wasted no time in filing for a court injunction ordering the 1600 striking teachers back to work. The district charged that the teachers were breaking their contract by striking. Union executive Brian McKenna dismissed the district's legal action an "admission" by the school board that it could not run the schools without the regular teaching corps. McKenna also suggested that the district was attempting to have the courts settle the dispute because the district wasn't willing to make a "legitimate" offer.¹

The school board of trustees sustained McKenna's argument to a degree. Four out of five trustees publicly stated the inadequacy of a 3.8% pay raise and expressed their lack of surprise that the teachers had resorted to striking. One trustee, Norbert Strecker, even suggested that a strike action was the only course of action available to teachers. The school board had merely hoped that teachers, who supposedly took part in the budget process, would understand the district's inability to fund a greater pay raise.²

Nevertheless, like most school districts faced with

employee strikes, San Jose Unified sought a court injunction. The legality of teachers' strike has never been settled by the courts. In 1979, the California Supreme Court avoided addressing the legality of public employees' strikes. Instead, the court ruled that strikes could conceivably be unfair labor practices under the Educational Employee Relations Act.³ Thus it gave the Public Employees Relations Board jurisdiction of such strikes. Normally, a school district would first file with the PERB and have the PERB seek an injunction on its behalf. However the SJTA had already filed its complaint with the PERB and scheduled a hearing later that month. Thus the district was left to itself to seek an injunction.

There always exists a certain legal ambiguity when public employees go on strike. Charles Sullivan, a teacher at Leland High School taught throughout the strike, contends that teachers, like any other public employees, endanger the public's well-being when they engage in strikes. He deems the teachers' actions as "extra-legal."⁴ However the district's injunction request focused on the argument that teachers were violating their contract agreement by striking. The district contends that a strike violates Article 40000 of the agreement concerning "Concerted Activities." A close look reveals that the "No Strike, No Lockout" clause may only be lifted upon exhaustion of all impasse procedures.⁵ At the time of the strike,

negotiations were at the mediation phase.

Because the teachers had declared their strike as an "unfair labor practice" strike, they felt their strike was legally sound. Association leadership stressed that their strike was not based on an economic issue. They charged that the district had failed to bargain the impact of the sixth period restoration on working conditions, "regressed" in the negotiations of Special Education, and refused to negotiate a salary increase in good faith.⁶ District officials were outraged at the charges. They felt that the union's grievances had already been filed with the PERB and would be settled accordingly, thus removing a need to strike. In addition, the district negotiators claim that sixth period restoration and Special Education were not major issues at the bargaining table.⁷ John Beck would later concede that the two issues were of little importance. However, he stresses that the district, calling 3.8% its "first last, and best" offer, was indeed not negotiating. Thus the strike was technically not over the amount of money. Rather, it was a response to the district's lack of good faith bargaining, a protest its "take it or leave it" attitude.⁸

Wednesday, September 10, the district and union attorneys entered the Santa Clara County Superior Court. While over 300 teachers picketed outside the courthouse, both sides presented their cases to Judge Edward Panelli.

Panelli delayed his decision on an injunction and ordered both sides back to court on Friday, September 12. Panelli did, however, issue a temporary restraining order. He defined parameters to restrict the teachers' picketing activities and prohibited teachers from discouraging students from attending class.⁹

Each side received the news differently. Acting SJTA President Lee Hilbert,¹⁰ along with the rest of the union leadership, called the decision a victory. She felt the judge realized that there was "merit" in the teachers' actions. Ron Gilpatrick, district spokesman, viewed the outcome as a delay for the judge to gather more information.¹¹

Even with the restraining order, schoolyard scenes were getting uglier. Parents, students, and substitutes who crossed picket lines were all subjected to verbal and, in some extreme cases, physical harassment from striking teachers. Approaching cars were stopped; parked cars were vandalized at some schools. In a few instances, altercations ensued. Although many parents, students, and regular substitutes were supportive of teachers and even picketed with them, others began to lose its respect for the teachers. The public became "disgusted" with the entire situation. Instead of discouraging students from attending class, some teachers now encouraged students to harass the "scabs" and wreak havoc in the classroom.¹² Picketers were angry and took some angry actions. Union leadership

stresses that they did not support and in no way encourage these actions.¹³

¹ Mercury, September 9, 1980

² Mercury, 9/10/80

Teachers had submitted the district's tentative budget to the CTA for analysis; however, the analysis was not returned in time for teachers to make any significant budget recommendations

³ The EERA, passed in 1975, ushered in the age of formal collective bargaining for public educational employees. It defined the process by which school districts and their employees negotiate. It also created the PERB to supervise administration of the law. League of Women Voters.

⁴ "The Charger Account," September 18, 1980.
(This is the Leland school newspaper.)

⁵ "Agreement," 1979-81.
Under the EERA, parties are to enter a mediation phase upon arriving at an impasse. If mediation is unsuccessful, negotiations then move to the final, fact-finding phase.

⁶ San Jose Teachers Association, "Strike Recess Update #4." (undated)
("Strike Recess Updates" were the SJTA's post-strike bulletins and were released almost every day of the remaining 1980-81 school year. Eventually, the bulletins became entitled "Update" and continue to the present.)

⁷ Mercury, September 10, 1980.

⁸ Beck interview.

⁹ Mercury, September 11, 1980.

¹⁰ Lee Hilbert took over for ex-President Ray Lopp who accepted a teaching union's executive position in Southern California two weeks before the strike.

¹¹ Mercury, September 11, 1980.

¹² So interview.

¹³ Beck interview.

CHAPTER FIVE:
How much longer?

Although school attendance experienced a brief rise the second day, attendance figures rapidly plummeted that first week. By Friday, attendance had hit its low for the strike - 18,000 students or 55%. While elementary and junior high attendance remained high, high school figures quickly dropped. On September 12, none of the five high schools had more than 50% of its enrolled in attendance. San Jose and Lincoln high schools had less than 200 students each. At each high school organized walkouts were staged. Many students cited their support for teachers or frustration with the quality of instruction as their reason for abstaining from class; however, the real reasons remain dubious. In all probability, most absentee students were just extending their summer vacations. The district, in response, threatened students with loss of credit for unexcused absences.¹

With attendance declining, many classes were merged together to fill classrooms. By the end of the first week, 943 substitutes remained - down from the 1100 at the week's beginning. Still, some rooms only found a few students under the supervision of one sub. Many subs had quit, deciding that the trauma of crossing picket lines

outweighed the \$100 a day pay.²

High school athletics was also thrown into a state of turmoil. Coaches faced a dilemma. Did the strike apply to athletics as well as the classroom? Although not all coaches belong to the SJTA bargaining unit (Many were not regular school teachers.), the union felt that all coaches should honor the strike because the union negotiates working conditions and pay for all coaches at the bargaining table.³ Athletic coaches were heavily pressured by the union to honor the strike, especially the highly visible football coaches. By Tuesday, September 6, four out of the five district football coaches joined the strike. Only Dale Heffron of Pioneer High coached through the strike. Other sports were similarly affected. At Leland High, only water polo coach Doug Wright continued to coach.⁴

The first breakthrough in the strike came on Friday, September 12. After district and union officials had agreed to meet that day, a bilateral request was made before Judge Panelli to postpone his ruling on the district's injunction request. Panelli assented but reminded teachers that the restraining order was still in effect.⁵

While 200 parents peacefully walked a picket line outside the district's Park Avenue headquarters, district and union representatives met in an informal session. The union's team entered with its 12% raise offer. While the district maintained 3.8% offer, it made a unique proposal in

an effort to dispel charges that its budget contained "padded" accounts. The district proposed the establishment of a 31-member citizens' committee to review and analyze the budget. The union met this proposal with very little enthusiasm. McKenna labeled the proposal as "garbage" and accused the district of "stalling." He brashly suggested that board members should resign.⁶

Both sides used the weekend to regroup and plan new strategies. Union officials went to CTA headquarters to discuss strike tactics. As John Beck recalls, "Getting into the strike was easy, but our strategy for getting out... could have been better devised."⁷ Union membership morale deteriorated as their individual financial situations worsened. A rousing pep rally at the Santa Clara county fairgrounds on Sunday managed to stir up the union's spirit as they headed into the second week of the strike.⁸

The district, in turn, planned an appeal to state officials for help. On Monday, trustees sent letters to local legislators with pleading them to apply pressure to the teachers and to seek state bail-out funds for the schools. In addition, district superintendent Lilian Barna also requested similar aid from Governor Edmund G. Brown, Jr.⁹ According to district spokesman Ron Gilpatrick, an encouraging reply from these officials could have opened new possibilities. The district also suggested that the fact-finding phase be implemented.¹⁰

The district's actions were again interpreted as a stall. CTA field representative John Stephens labled fact-finding as "inappropriate" and demanded a real settlement. Furthermore, the district's requests were met with negative responses. Although none of the legislators voiced opposition to supporting the district, none was optimistic about the possibility of state aid.¹¹ Governor Brown was also pessimistic about additional funds. In addition, he refused to intervene in the dispute without a request from both sides.¹² Such a request was never made by the teachers. Without further bargaining sessions scheduled, both sides became increasingly pessimistic and predicted a lengthy strike.

¹ Mercury, September 13, 1980.

² So interview.

³ Beck interview.

⁴ "Charger Account," September 18, 1980.

⁵ Mercury, September 13, 1980.

⁶ Mercury, September, 13, 1980.

⁷ Beck interview.

⁸ Mercury, September 9, 1980.

⁹ Mercury, September 15, 1980.

¹⁰ Mercury, September 16, 1980.

¹¹ Mercury, September 16, 1980.

¹² Mercury, September 17, 1980.

CHAPTER SIX:
Back to the bargaining Table

On Tuesday September 16, the eighth day of the strike, union officials met to discuss further strategy. Though the rank and file of the SJTA was becoming increasingly pessimistic, Brian McKenna pleaded with leaders to hold out longer.¹ His plea was not granted as the union's board of directors placed a request with the State Conciliation Service to resume formal mediation sessions. Talks were reconvened the next day by mediator Diane Fivey.

Several reasons have been offered to explain why the teachers reopened negotiations. Pressure may be the key word. No longer was the public taking sides on who was in the right or who was in the wrong. The community was disgruntled with the duration of the strike and attention shifted towards finding a resolution. Though still split in their sympathies, the public was now united in their demand for an expeditious settlement. Media pressure also played a part. The San Jose Mercury published an editorial on September 16 that demanded the fact-finding phase of collective bargaining to begin. And, of course, political pressure was applied. Community leaders such as the mayor and city council members contacted leaders on both sides, pressuring for a resolution.² Associate superintendent

Aaron Seandel reasoned that pressure of conscience may have also played a role. Teachers were becoming uncomfortable on the picket lines and, perhaps, discovered the reality of the district's financial situation.³

Wednesday morning, September 17, over 700 teachers gathered for a rally at Kelly Park. The crowd responded enthusiastically to McKenna's announcement that talks were to resume later that day. It is curious to note that the teachers, at McKenna's request, wore green armbands (green being the color of money).⁴ One should keep in mind that union leadership had continually repeated that their strike did not have an economic basis.

Riding the crest of enthusiastic support, the union bargaining team met with the district's team for their first formal bargaining session since the beginning of the strike. In closed session, the union unveiled its "comprehensive" proposal. The offer contained a new salary request, a no reprisals clause (meaning neither side would take retaliatory action following a settlement), and a proposal for binding fact-finding.⁵ The district bargaining team took the proposal back to the board of trustees for further study and the development of a possible counterproposal. The district announced that it would "take its time" and carefully consider the proposal. Once again accusations of "stalling" were voiced.⁶

While trustees studied the proposal behind closed

doors, they became increasingly suspicious that someone was "leaking" private information to the teachers. The trustees had agreed that whatever decisions were made in private would be reflected by a unanimous public vote. This was done to give the board an appearance of unity. Although they would later vote 5-0 publicly against the teachers proposal, in secret, the board was divided 3-2.

Coincidentally, only the homes of the two trustees - Linda Wilson and Norbert Strecker - who secretly voted in favor of the teachers escaped picketing. In private session, Strecker "broke down and cried" after being confronted by the board and admitted to violating the board's code of ethics.⁷ On Thursday September 18, Superior Court Judge Peter Anello issued a restraining order prohibiting the picketing⁸ of the board members' private residences and offices.

Meanwhile, the situation at the district's 51 schools was improving. Attendance figures steadily rose as children returned to their classes upon announcement that full programs, including the district's sixth period restoration and voluntary desegregation program, would soon begin. The board also warned students that unexcused absences could result in loss of credits towards graduation. By the end of the second week, district attendance approached the three-quarters mark.

The teachers, on the other hand, were becoming more vigorous in their efforts as hopes increased. They picketed

bus yards, causing some busing delays, and held a candle light vigil outside Lincoln High School on Thursday. Inside, the district Board of Education held a meeting with over 1200 members of the community in attendance. McKenna made an emphatic plea for a bargaining session to begin immediately following adjournment of the meeting. In response to the Board's reply that it needed more time, McKenna and others began a chant of "Negotiate now!"⁹ Talks were scheduled for the next morning.

On Friday morning, from 6 A.M. to 8 A.M., Bret Harte Junior High witnessed the strike's largest demonstration. Over 1000 teachers staged a massive picket to apply "peer pressure" to eight regular teachers who had continued to teach through the strike. Picketers were given the rest of the day off in "honor" of the resumption of negotiations. Later that morning, union and district bargaining teams met at the downtown Howard Johnson's motel.¹⁰ A mutually agreed upon media "blackout" was imposed by mediator Fivey. Few details of the negotiations' proceedings were disclosed. That first Friday session lasted six hours. Though no resolution was announced, both sides announced their willingness to bargain as long as necessary to reach a settlement. Fivey later described that first session as "explosive." Talks were scheduled to resume on Saturday morning.¹¹

Talks literally progressed "around the clock." With

occasional breaks, negotiating teams embarked on a marathon session Saturday that began at 10 A.M. and continued through all of Sunday. With the district apparently headed for a third week of striking, talks finally ended at 3 A.M. Monday morning. To the relief of an entire community, a tentative settlement was attained. Now, the last step remaining for teachers to return to work was a ratification vote by the SJTA membership.¹²

¹ Mercury, July 31, 1983.

² Jackson interview.

³ Seandel interivew.

⁴ Mercury, September 18, 1980.

⁵ Under the law, fact-finding is considered to be non-binding and advisory in nature.

⁶ Mercury, September 18, 1980.

⁷ Mercury, July 31, 1983.

⁸ Mercury, September 19, 1980.

⁹ Mercury, September 20, 1980.

¹⁰ Mercury, September 19, 1980.

¹¹ Mercury, September 20, 1980.

¹² Mercury, September 22, 1980.

CHAPTER SEVEN:
Back to the Classrooms

At Monday afternoon, September 22, the SJTA membership met once again to determine their course of action for the ten-day old school year. Again, the union leadership took the stage, this time at Lincoln High School, to disclose terms of the tentative agreement. Most important was the new agreement's salary schedule. District and union bargaining teams had concurred on a 6% pay raise. Because the raise went into effect October 1, the raise amounted to a 5.33% increase over last year's salaries. Union leaders also discussed the resolution of non-financial items. Impact of sixth period restoration and Special Education issues were also resolved. In addition, the district agreed to the union's proposal for a no-reprisals clause. Consequently, the union's labor practice grievances and the district's injunction requests were both dismissed. The two sides also agreed on beginning the non-binding fact-finding process to see if there is money for additional salary increases in the district budget.¹

Once again a vote was taken. This time, the voting was definitely tainted. Unlike the strike vote, a motion for a voice vote was approved and a voice vote ensued to ratify the settlement. Many complained that spouses and

children of teachers were also present, thereby increasing the volume of "yeahs." A motion to have a revote, this time by secret ballot, was denied.² Union leaders later admitted that the voice vote was a "blunder."³

Thus the tentative agreement was "ratified" and teachers would return to work the following day. However, association officials stressed that ratification of the agreement would only signal a "recess" in the strike; should the union feel it necessary at any time, the strike could come out of recess. On the other hand, union membership showed little of the enthusiasm. Though most expressed relief at returning to work, a financial look at the strike was downright depressing. Teachers averaged about \$359 over the previous year's salary; however, striking teachers also lost eleven working days of pay. Thus most teachers netted a heavy financial loss.

Unfortunately, the economic hurt suffered by teachers was translated into bitterness. Reports that the district, by hiring substitutes during the strike, had "made" money infuriated the teachers. The district, in response, claimed that the loss of revenue from decreased attendance as well as the amount of resources used during the strike made any savings a "negligible" amount.⁴ Many resented the district's attitude of pushing the teachers "as far as they could." The district had maintained all along that it could not afford more than a 3.8% raise but somehow

"found" the \$862,000 for the 6% raise. The district claims it had to make crucial cuts in non-human accounts (such as equipment purchases) as well as a \$500,000 cut in the sixth period restoration account to come up with the funds.⁵

Still others directed their anger and bitterness at the teachers who had crossed picket lines and continued teaching while their colleagues struck. Striking teachers found the thought of "scabs" earning money while they struck repulsive.⁶ Consequently, non-striking teachers found themselves alienated, victims of the silent treatment and other stratagems by striking teachers intent on exacting their revenge.

Display of solidarity among fellow strikers and alienation of "scabs" became union policy. Much of the hard feelings were propagated by the "Strike Recess Updates." These union publications were intended to keep teachers "informed" on current events within the district, primarily the fact-finding process which negotiations had entered. A primary aim of the "Update" was preserving the Association's unity while regaining membership confidence in the union. Strikers were given gold feet-pins and told to wear them, along with their "San Jose Teachers Unified" t-shirts, with "dignity" on specified days.⁷ Subs who had honored the SJTA picket lines were given silver feet-pins and considered "good" subs. Teachers were told to only recommend these subs when they were absent.⁸ "Updates" were also loaded

with anti-"scab" stories as well as a flood of charges that administration was violating the "no-reprisals" agreement. In addition, teachers were constantly reminded that "scabs" had earned "your" money for those eleven days.

In response, the district released a publication entitled "Table Talk" after the release of "Update #29." "Table Talk" attempted to counter the "misinformation disseminated" by the "Updates."⁹ Published sporadically, it too covered fact-finding proceedings and other district happenings, but it found itself caught up in countering the multitude of anti-district accusations voiced by the "Updates."

The "scabs" themselves did not just sit around. Many had shared a belief that striking teachers had been "led down the primrose path" by union leadership.¹⁰ Donna Austin and Mary O'Connor of Hester Elementary organized social evenings for those who did not strike, raising a spirit of unity among this group of teachers.¹¹ Some got involved with the Professional Educators Group. The PEG supported a repeal of the Rodda Act. They contended that the law precipitated strikes and other hostile union actions.¹² Although it would be naive to believe that the district had been "one, big, happy family" prior to the strike, lines had clearly been drawn as a result of the strike. Evidently, the district had been divided into distinct factions. Perhaps the greatest casualty of the

strike was not suffered by the students who had lost eleven days of school, but by the people who ran the schools who saw the destruction of relationships and the extinction of cooperation within the district.

-
- 1 Mercury, September 23, 1980.
 - 2 Mercury, September 23, 1980.
 - 3 "Strike Recess Update #3." (undated)
Beck interview.
 - 4 Jackson interview.
 - 5 Mercury, September 23, 1980.
 - 6 Beck interview.
 - 7 "Strike Recess Update #27." (undated)
 - 8 "Strike Recess Update #14." (undated)
 - 9 San Jose Unified School District, "Table Talk #4,"
November 5, 1980.
 - 10 Don Cole, letter to Charles Sullivan, September 23, 1980.
 - 11 Mary O'Connor and Donna Austin, "Reflections on
T.G.I.F.," October 27, 1980. (This was a photocopy
addressed to non-strikers as a "reflection" of one of
their social evenings.)
 - 12 Professional Educators Group of California, Inc.,
"Pegboard," October 1980. (This is the bulletin of PEG.)

EPILOGUE:
Going for Broke

On October 30, 31, and November 24, 1980, the three-member fact-finding panel convened to settle the contractual dispute between the San Jose Unified School District and the San Jose Teachers Association for the 1980-81 school year. Though the panel's findings were technically non-binding, all knew that if either side should reject the panel's findings, that side would run the risk of shattering its credibility and public support. Each side had appointed one member to the panel and mutually agreed to the third, impartial chairperson, Arnold O. Anderson from the PERB. The major point of dispute was the difference between the district's 5.33% raise offer for the 1980-81 school year and the Association's 10% request which includes a cost-of-living increase in April 1981.¹

The panel's findings confirmed what the Association had been touting all along. The district did indeed have more funding for pay raises. During the hearings, both sides were allowed to present their cases and rebuttals. The case was essentially decided by Anderson, the only impartial member. Although he did not recommend a cost-of-living increase, he did recommend that the district's offer be increased to 7.5% retroactive to October 1, 1980, a 6.67%

increase overall. Anderson cited the increased cost of living, salary increases of other comparable school districts, and the district's ability to pay among his criteria for the recommendations.² The district and union promptly signed his revisions into a newly-revised agreement in December 1980.³

That following spring, the SJTA entered negotiations with a huge 22% raise request and demanded a three-year pact that would total over 52% in raises. The teachers also requested binding arbitration by which district and union teams would submit a final offer to an arbitrator.⁴ This suggestion was indicative that the teachers did not want another strike and that 22% was not a real demand; however, public outrage was vented as teachers were called "unreasonable" and "irresponsible."⁵ The district's credibility also suffered a critical blow as it finished the fiscal year with a mysterious \$6.1 million surplus.

The fall of 1981, as negotiations entered into non-binding arbitration, three of the more experienced trustees resigned. Mediator Phil Tamoush recommended a three-year contract with a 9.66% raise the first year and increases the subsequent years as well. As the newly elected board took the recommendation into consideration, internal advice from Superintendent Barna and business manager James Anderson warned of ensuing bankruptcy should the trustees approve the pact.⁶ In January 1982, the board,

though once again divided in private, bowed to public pressure and bought labor peace by unanimously approving the contract in public.

Seeing bankruptcy on the horizon, Anderson followed suit with the three former trustees and former Superintendent Charles Knight (who resigned in 1980) and resigned the same month the pact was signed. The district was now left with very inexperienced leadership. In June 1983, San Jose Unified became the first California school district to file for bankruptcy.⁷

To completely blame the bankruptcy on the teachers' contract would be irresponsible; poor district management of funds combined with a lack of funding made financial disaster inevitable. However, the teachers, through their highly visible and militant demands, played a major role in contributing to the district's financial demise, more than just the role of the "straw that broke the camel's back." Of course one must also take into consideration the teachers' point of view and understand the credibility problem that existed with the district. To blame everyone, including the public, might be an overstatement, but far more accurate than blaming any singular party.

¹ Arnold O. Anderson, "Reports and Recommendations of the Fact-Finding Panel," November 29, 1980. (This report contains a summary of the fact-finding proceedings as recorded by Arnold Anderson. Hereafter cited as "Fact-finding Report.")

2 "Fact-Finding Report."

3 "Agreement 1979-81."

4 Mercury, March 20, 1981.

5 Mercury, April 3, 1981.

6 Mercury, July 23, 1981.

7 Mercury, August 1, 1983.

BIBLIOGRAPHY

Primary Sources

"Agreement between the San Jose Unified School District and San Jose Teachers Association CTA/NEA, July 1, 1979 - June 30, 1981," September 20, 1979.

Anderson, Arnold O. "Reports and Recommendations of the Fact-Finding Panel," November 29, 1980, 11 pp.

Cole, Don, letter to Charles Sullivan, September 23, 1980.

O'Connor, Mary and Donna Austin, "Reflections on T.G.I.F.," a photocopy of a letter to non-striking teachers, October 27, 1980.

San Jose Teachers Association. "Strike Recess Updates." (undated)

San Jose Unified School District. "Table Talk #4," November 5, 1980.

Secondary Source,

League of Women Voters. "Education in California, Part One," Sacramento, California, October 1983.

Professional Educators Group. "Pegboard," October 1980.

Newspapers

"Charger Account," September 18, 1980.

San Jose Mercury, July to December, 1980. (some microfilm)

San Jose Mercury, July to August, 1983.

Interviews

Interview with John Beck , SJTA 1980 negotiator, San Jose, California, June 8, 1987.

Interview with Richard Jackson, district's chief negotiator 1980, San Jose, California, November 25, 1980.

Interview with Aaron Seandel, associate superintendent, June 4, 1987.

Interview with Su So, substitute teacher during strike, June 7, 1987, San Jose, California.