



The Vermont Legislative Research Sh

In 2005 Minnesota passed a law that prohibited any contract negotiations during the school year between teachers and school district representatives. The law also penalized school districts that fail to complete their teachers' contracts before the beginning of the school year by withholding state funds from the district.²

In 2000 Gov. Ridge signed into law Act 46 which said that if teachers strike, the Education Commissioner could suspend the teaching certification of striking teachers. The act also gave the State Education Commissioner the authority to strip the powers of the school board and appoint people to those positions that they feel will do a better job.³

In Boston teachers found a loophole in the states collective bargaining laws which makes it illegal for public employees to strike. The teachers found that in order to be heard they would participate in a work-to-rule tactic that enabled teachers to do their jobs in the classrooms during school hours while refusing to do any extra activities like writing letters of recommendation, participating in after school leadership teams, or supporting students after school.⁴

In 1994 the state enacted a law that would fine teachers, board members, and teacher's unions if any teachers participated in a strike. The new law stated that a teacher would be docked one day's pay for every day they were picketing. If teachers are involved in a lockout dispute, the district will be fined \$5,000 a day and each member of the board would be fined \$250 per day. Neither party of a strike would later be allowed to be compensated for the strike fines in any bargaining agreement.⁵

Under subchapter I (General Provisions) of part 3 of Title 16 it is stated that any teacher, principle, assistant principle, and administrator (other then superintendent and assistant superintendent) has the right to join or not join any teachers or administrators organization, respectively. It also states that no one may discriminate against them in any way for doing so. The regulations for recognition of an organization by the employer are outlined under Subchapter II: "Bargaining Agent."

On the subject of strikes the statute states that no restraining order or temporary or permanent injunction may be made by the school or any official thereof in reference to

pending or future negotiations. Except when the findings of a court of appropriate jurisdiction find that the commencement or continuation of “the action poses a clear and present danger to a sound program of school education which in the light of all relevant circumstances it is in the best public interest to prevent.” Further the statutes limits this ability by stating that “Any restraining order or injunction issued by a court as herein provided shall prohibit only a specific act or acts expressly determined in the findings of fact to pose a clear and present danger.”⁶

In an article entitled “Anti-Strike Laws and Their Effects on Work Stoppages by Public School Teachers,” published in the _____, researchers Hirsch and Green found that state penalties for striki

