

How Arkansas Educators Lost Their Collective Bargaining Rights



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Introduction

Arkansas teachers lost more employment protections with the final passage of the Arkansas LEARNS Act. But before this bill was even filed, teachers here already had some of the weakest union bargaining rights in the nation. How did it come to this?

The most recent law to contribute to this was Act 612 of 2021. In short, it prohibits public employers from recognizing a labor union or public employee association as their bargaining agent.¹ The law also prohibits the employers from collectively bargaining or entering any collective-bargaining contract with a labor union or other public employee association.

Under the law, public employers must terminate employees who refuse to work when acting in unison with other public employees by striking, walking out, or physically impeding the operations of their employer.²

However, the law does not apply to law enforcement officers, firefighters, or public transit system employees whose employer receives a grant from the Federal Transit Administration. This carve-out targeted the 2021 law directly at our state's public school educators and instructional staff.

We want to talk about how that happened. A later report from Arkansas Advocates for Children and Families will look at the legal and political implications of Act 612. But to better understand the impacts of this legislation, we must look at the political landscape that led to its passage.



Recognizing the role that the Arkansas Education Association played, former employees were interviewed for this brief.

The Little Rock School District Strike

To understand how we got here, we have to go back to November 14, 2019. On this day, more than 13,000 Little Rock School District (LRSD) students weren't in the classroom.³ Instead, many of them stood on the sidewalks outside their schools, joining hundreds of the district's teachers and educational support staff in a one-day strike protesting the state Board of Education's refusal to return their schools back to full, democratically elected, local control.



Teachers, students, and parents had been fighting for local control of the Little Rock district for years. In 2015, the Arkansas State Board of Education voted in a tense 5-4 split to take over control of the entire 48-school district from the locally elected school board.⁴ As their reasoning, they cited a need to bring up to standards six schools considered to be in “academic distress” because fewer than half their students scored proficient or better on state exams over a three-year period. The state board also voted to disband the then-recently elected local school board.

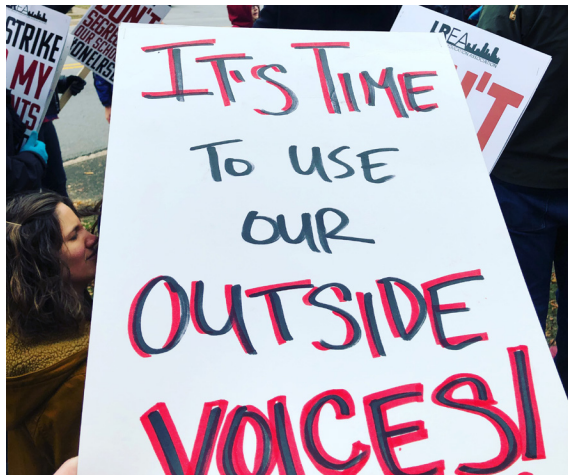
Many in the community, including the Little Rock Education Association, were upset by these decisions. Demographically, Little Rock is about 50% White and 42% Black, but 60% percent of students in the public school district are Black. The district is divided geographically by Interstate 630. North of the interstate, communities are wealthier, Whiter, and the schools are highly ranked; south of the interstate, communities are poorer, Blacker, and schools are ranked lower. All but one of the “failing” schools was on the south side of the interstate. It was clear that if racial and economic inequities in Little Rock did not improve, there was no way the state could expect gains in the test scores that form the basis of its school assessments.

Years of state control hadn't led to major improvements, and the community wanted to have more say in the district's governance. Eventually, the Little Rock School District returned to full local control in 2021, but state lawmakers didn't forget the strike and protest.

Retaliation in the Form of Legislation

Overall, the Little Rock strike and attempt to regain local control was extremely contentious and set off a lot of alarm bells across the state from those who did not support the Little Rock Educational Association's actions. Act 612 was a direct response to the strike, and this was confirmed in remarks made by legislators during committee

hearings and in minutes from floor debates. The legislation was sponsored by then-Sen. Bob Ballinger of Ozark, which is more than 120 miles from Little Rock.



When the bill was originally introduced, the state teachers' union, the Arkansas Education Association, worked with other state unions and testified against the legislation repeatedly. Several of those other unions were carved out of the legislation because they were able to provide letters from their national affiliates explaining that it would be illegal to revoke their collective bargaining power. But the legislation continued to move forward with those exceptions for law enforcement, firefighters, and others.⁵

Across the state, there was a lot of confusion about how this legislation would impact educators and instructional staff. At the time, many school districts in Arkansas already had no ability to collectively bargain, so they failed to see what this legislation would really mean for them. Advocates on the ground, however, tried to make the case that despite this reality for some educators, this legislation would make it impossible for that reality to ever change.

While the Little Rock battle to regain local control was emotionally and racially charged, Act 612 passed without much vitriol or controversy. This was in large part because the Little Rock School District already had its collective bargaining power removed by the State Board of Education in 2019, shortly before the strike.⁶ Many educators felt that this legislation actually changed very little; and, as seen many times in Arkansas state politics, there was disagreement between those in rural areas and those in more populated areas like Central and Northwest Arkansas. However, the bill's passage gave policymakers the ability to say that Arkansas was officially a non-bargaining state and receive national kudos from those who wanted to strip teachers' unions of bargaining rights.

Despite this legislation passing seemingly under the radar, there were those directly involved who felt demoralized, especially after the years-long battle for local control in Little Rock. Some worried that this would have broader implications for workforce protections in our state. While Act 612 may have logistically changed very little, it firmly closed the door against collective bargaining and sent a strong message to public educators and instructional staff. That message continues to be felt in our state today.

Another brief will follow that dives into the legal implications of Act 612.

Endnotes

- 1 <https://www.arkleg.state.ar.us/Acts/FTPDocument?type=PDF&file=612&ddBienniumSession=2021%2F2021R>
- 2 <https://www.arkleg.state.ar.us/Acts/FTPDocument?type=PDF&file=612&ddBienniumSession=2021%2F2021R>
- 3 <https://www.thv11.com/article/news/education/icket-lines-grow-lrsd-teachers-one-day-strike-begins/91-7fb08939-f0d3-422b-83f5-0c59bb406f3e>
- 4 <https://www.facingsouth.org/2019/11/little-rock-teachers-strike-local-control-school-district>
- 5 <https://www.facingsouth.org/2019/11/little-rock-teachers-strike-local-control-school-district>
- 6 <https://arktimes.com/news/cover-stories/2019/10/28/the-second-little-rock-crisis>

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