

The FISCAL REPORT *an informational update*

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No Child Left Behind and Collective Bargaining

The federal No Child Left Behind Act (NCLB) requires that a local education agency select at least one of six corrective action consequences for a school in year three of Program Improvement (PI). Many of the six corrective action options under NCLB could have collective bargaining ramifications, so it may be in the best interest of a district to align collective bargaining contracts with NCLB.

According to federal law, when a school reaches year three PI status, a local education agency (LEA) must do at least one of the following:

1. *Replace school staff.*
2. Implement new curriculum.
3. Decrease management authority at school level.
4. Appoint outside expert.
5. *Extend school year or day.*
6. Restructure school.

The italicized actions above are most likely to be subject to collective bargaining in your district.

In addition, Section 1116(d) of NCLB states, "Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers."

In other words, NCLB does not supercede local collective bargaining agreements. The California Department of Education currently reports more than 300 schools currently in year three of Program Improvement. Depending on the language in your collective bargaining agreements, your options for corrective action under the NCLB requirements may be limited.

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