



**ALLEGHENY INSTITUTE**  
FOR PUBLIC POLICY

*Pennsylvania: Still the Leader  
in Teacher Strikes*

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## **Key Findings**

- Pennsylvania continues to lead the nation in teacher strikes. In the 2007-2008 school year there were seven strikes in the state. As of November 2008, there have been five strikes in Pennsylvania.
- Nationally there were 28 teacher strikes in the past two school years and Pennsylvania's twelve strikes accounted for 42 percent of the total.
- Pennsylvania experienced a decline in the number of strikes in the 2007-2008 school year, however on average the length of the strike increased.
- Legislation prohibiting teacher strikes is pending in Pennsylvania and Ohio.
- Illinois closely followed Pennsylvania in the number of teacher strikes, totaling ten in the past two school years.
- Strikes are illegal in Michigan, but there was one teacher strike in 2008-2009 school year.
- No strikes occurred in states where teacher strikes are illegal.

## Introduction

Pennsylvania continues to lead the nation in teacher strikes with twelve strikes in the past two school years.<sup>1</sup> Throughout the nation thirteen states permit public teacher strikes. Nation-wide there were a total of 28 teacher strikes during the 2007-08 and 2008-09 school year. Pennsylvania accounted for 42 percent of the total strikes.

During the 2007-2008 school year seven strikes occurred in Pennsylvania. Five strikes have taken place so far this school year. The Souderton Area strike lasted for 14 school days from September 2<sup>nd</sup> through the 19<sup>th</sup>. South Butler went on strike on October 23<sup>rd</sup>, students returned to school on November 18<sup>th</sup> because state law mandates that a 180 day school year must be completed by June 15. No agreement had been reached between the school board and teachers and now both parties must submit to nonbinding arbitration.<sup>2</sup>

Although the number of strikes in Pennsylvania during the 2007-2008 school year was the lowest since the 2001-2002 school year, the average number of days teachers were on strike increased. The average length of a strike for 2007-2008 was 12.6 days compared to 9.7 days in 2006-2007. From 2000-2001 school year to 2007-2008 school year, the average strike lasted 10.6 days. In short, Pennsylvania experienced a decline in the number of strikes in the 2007-2008 school year, but the strikes, on average, lasted longer which is equally devastating to students and communities.

The harmful effect to students, families, communities, and taxpayers has prompted the introduction of Pennsylvania House Bill 1369. The bill, known as “The Strike Free Education Act”, makes strikes conducted by public school teachers illegal. The Act provides penalties for teachers who strike. Each teacher would lose two days pay per strike day. In addition, a \$5,000 fine is levied on teachers who initiate a strike. The act protects taxpayers through mediation and fact finding instead of compulsory binding arbitration.

Ohio is discussing a bill similar to Pennsylvania’s. Ohio Senate Bill 264 prohibits strikes and allows for binding arbitration, a primary difference with Pennsylvania’s proposed bill.

This report is an update to the August 2007 Report #07-06 “Pennsylvania Teachers: Number One in Strikes”. Please see the report for more information on teacher strikes prior to the 2007-2008 school year with additional legal information concerning each state.<sup>3</sup>

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<sup>1</sup> “Negotiations and Strike Status”. Pennsylvania School Board Association. [www.psba.org](http://www.psba.org)

<sup>2</sup> Pennsylvania School Board Association. [www.psba.org](http://www.psba.org)

<sup>3</sup> [http://alleghenyinstitute.org/reports/07\\_06.pdf](http://alleghenyinstitute.org/reports/07_06.pdf)

### ***Teacher Strikes Across the Nation***

Thirteen states allow for teacher strikes while they are illegal in the other thirty-seven states. However, strikes occasionally occur in states where they are prohibited. Therefore, we differentiate between states that prohibit strikes and strikes never occur and states that prohibit strikes but sometimes they occur. The difference between the two groups of states is whether the state has and enforces severe penalties on violators.

The table arranges each state into one of the following categories based on the state's situation regarding teacher strikes:

- Strikes are legal.
- Strikes are illegal but occur infrequently and only occur because penalties are not enforced by the court and/or teachers have the right to appeal strike claims to the court.
- Strikes are prohibited and never occur.

**Legality of Teacher Strikes in the U.S.** <sup>4</sup>

<b>States Where Strikes are Legal</b>	<b>States Where Strikes are Illegal, but Have Occurred</b>	<b>States Where Strikes are Illegal and Never Occur</b>
AK, CA, CO, HI, IL, LA, MN, MT, OH, OR, PA, VT, WI	IN, MA, MI, WA	AL, AR, AZ, CT, DE, DC, FL, GA, ID, IO, KS, KY, MD, ME, MO, MS, NC, ND, NE, NH, NJ, NM, NV, NY, OK, RI, SC, SD, TN, TX, UT, VA, WV, WY

#### *States Where Teacher Strikes are Legal*

In this group of 13 states it is clear that Pennsylvania is far and above the leader in the number of strikes. Pennsylvania accounted for 42 percent of the total teacher strikes during the 2007-08 and 2008-09 school years. Broadly speaking Pennsylvania was responsible for 57 percent of the teacher strikes from school years 2000-01 to 2008-09. The length of strikes in Pennsylvania during the 2007-'08 school year increased to 12.6 days compared to 9.7 days in 2006-'07.

Consider that over the time frame only two other states—Ohio and Illinois—had a significant share of the total number of strikes. But in comparison with Pennsylvania, they had a third of the number of strikes that occurred here. More recently, Illinois closely followed Pennsylvania with a total of ten strikes in the past two years.

<sup>4</sup> [www.stopteacherstrikes.org/StrikeLaws.htm](http://www.stopteacherstrikes.org/StrikeLaws.htm)

### Trend in Teacher Strikes, 2000-2009<sup>5</sup>

State	# of Strikes, 2000-2007	# of Strikes, 2007-2008	# of Strikes, 2008-2009	Total
Pennsylvania	82	7	5	94
Illinois	19	9	1	29
Ohio	23	3	2	28
California	3	n/a	n/a	3
Minnesota	3	0	0	3
Vermont	3	0	0	3
Oregon	2	0	0	2
Hawaii	1	0	0	1
Montana	1	0	0	1
Alaska	0	0	0	0
Louisiana	0	0	0	0
Wisconsin	0	0	0	0
<b>Total</b>	<b>137</b>	<b>19</b>	<b>8</b>	<b>164</b>
<b>PA as % of Total</b>	<b>60%</b>	<b>37%</b>	<b>63%</b>	<b>57%</b>

#### *States Where Teacher Strikes are Prohibited, but Sometimes Occur*

Category 2 states prohibit strikes, but they occasionally occur because of several factors; there are no penalties outlined in the law, penalties are not enforced by the court, and/ or teachers have the right to appeal strike claims to the court. Below is a summary of findings from Category 2 states.

A teacher strike took place in the city of Gary, Indiana in 2006. Massachusetts experienced its first strike in a decade in June of 2007. Teachers in Quincy went on strike for four days, until a judge warned the union it would be fined \$150,000 if the strike continued.<sup>6</sup>

Michigan state prohibits strikes and school board lockouts, if the motive behind the strike is to pressure school boards to decide on terms and conditions of employment. However, if a strike is called for a political reason a loophole exists for unions to strike legally. The

<sup>5</sup> *Alaska*- Phone conversation with Alaska Labor Relations Agency; *California*- Phone conversation with California Teachers Association who were unwilling to provide information for '07-'08 and '08-'09. We know for a fact 3 strikes occurred '00-'07; *Colorado*- Phone conversation with the Colorado Education Association; *Hawaii*- Phone conversation with Hawaii Department of Education; *Illinois*- Phone conversation with Eileen Brennan, Illinois Education Labor Relations Board; *Louisiana*- Phone conversation with Les Landon, Louisiana Federation of Teachers; *Minnesota*- Phone conversation with State of Minnesota, Bureau of Mediation Services; *Montana*- Phone conversation with Office of Public Instruction; *Ohio*- Phone conversation with Ohio State Employment Relations Board; *Oregon*- Phone conversation with Oregon School Board Association; *Pennsylvania*- Pennsylvania School Board Association website; *Vermont*- Phone conversation with Vermont School Board Association; *Wisconsin*- Phone conversation with Wisconsin School Board Association; *Michigan*- "Michigan Education Daily". [www.educationreport.org](http://www.educationreport.org)

<sup>6</sup> April Simpson. "Quincy Teachers End Strike". *The Boston Globe*. June 14, 2007. [www.boston.com](http://www.boston.com)

ability to appeal creates a deadlock in the court system and prevents the enforcement of penalties. The penalty is a loss of one day wages per strike day. Unions are fined \$5000, per strike day while school boards are barred from receiving damage costs.

During September in 2006, 7,000 Detroit teachers went on strike. In October of 2008 Wayne-Westland teachers went on an illegal strike. The Board of Education stated the striking teachers would be disciplined.<sup>7</sup>

In Washington the court has the right to stop strikes and impose penalties on unions for noncompliance. Yet, there have been 84 strikes in Washington since 1975. In 2003 the Marysville district went on strike lasting for 49 days. Strikes occur because penalties are unclear and unenforced.<sup>8</sup>

### *States Where Strikes are Illegal and Never Occur*

In states where striking is illegal and severe penalties are imposed, strikes are non-existent. For example, Georgia prohibits strikes; violators lose their jobs and must wait three years for re-employment.<sup>9</sup> Both Iowa and North Carolina consider striking to be a simple misdemeanor.<sup>10</sup> Maryland penalizes unions by revoking payroll deduction privileges for a year and loss of representation privileges for two years.<sup>11</sup> Mississippi also penalizes unions with unions facing fines up to \$20,000 per strike day.<sup>12</sup>

### **The Remedy to Teacher Strikes**

Strikes will continue to plague Pennsylvanians until laws are passed making teacher strikes illegal. Until then teacher unions will continue to manipulate school boards, disrupting family life, and most importantly disrupt the education of Pennsylvania's students.

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<sup>7</sup> Michigan Constitution, Act 336 § 433.202a.

Thomas W. Washburne and Michael D. Jahr. "Teacher Strikes and Lockouts". Mackinac Center for Public Policy. February 28, 2007. [www.mackinac.org/print.asp?ID=8284](http://www.mackinac.org/print.asp?ID=8284)

"Analyst Says: Close Teacher Strike Loophole That Allowed Anti-Charter School Protest". Mackinac Center for Public Policy. October 8, 2003. [www.mackinac.org/article.aspx?ID=5822](http://www.mackinac.org/article.aspx?ID=5822)

"Michigan Education Daily". [www.educationreport.org](http://www.educationreport.org)

<sup>8</sup> "Marysville Teacher Strikes-Lessons Learned Washington's Courts Repeatedly Rule that Teachers Strikes are Illegal". 2004 Policy Highlighter: Evergreen Freedom Foundation, Vol. 14, No. 16. July 9, 2004.

[www.ewfa.org/highlighters/v14\\_n16.php](http://www.ewfa.org/highlighters/v14_n16.php)

<sup>9</sup> Georgia Constitution § 45-19-2.

<sup>10</sup> Iowa Constitution § 732.2 and North Carolina Constitution § 95-99.

<sup>11</sup> Maryland Constitution § 6-140.

<sup>12</sup> Mississippi Constitution § 37-9-75.