



Courts Should Avoid Setting Policy in Columbia Schools

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By: John Wright

The Columbia Public School District (CPS) and the union representing teachers in the district, the Columbia Missouri National Education Association (CMNEA), are embroiled in a labor dispute. The union wants a labor agreement with a pay increase for its members, while the district, in a tight place financially, wants to keep costs down. Unfortunately, because of recent court decisions, the courts might get involved here, substituting their judgment for that of the negotiators.

In 2012, the Missouri Supreme Court expanded its jurisdiction by reading a duty of “good faith” collective bargaining into the state constitution. The words “good faith” do not appear in the text of the constitution, but the supreme court has spoken and lower courts will follow the supreme court’s lead. As a result, courts throughout the state may now intervene in government labor relations if they determine this duty is not being honored.

The new “good faith” standard could affect the labor situation at Columbia Public Schools. The union and the school board met several times this year but did not come to a final agreement by the last scheduled bargaining session. Oddly enough, even though there are no more bargaining sessions scheduled this year, [CMNEA is showing up](#) to the school’s

administrative building and “waiting” for a CPS bargaining team to arrive. In the *Columbia Daily Tribune*, one union official described the district’s refusal to continue negotiating after the last scheduled bargaining session as a failure to negotiate in good faith.

If the courts get involved here, it would be bad news for Columbia citizens. Columbia voters elected a *school board* to manage their public schools. Not a union. Not the courts. If a court steps in and forces a binding labor agreement that the duly elected school board didn’t agree to, the court would be setting school district policy against the will of the people.

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- [Labor](#)

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John Wright was a policy analyst focusing on government transparency and labor relations.

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[2] http://www.columbiatribune.com/news/education/columbia-teachers-union-still-trying-to-negotiate-even-after-board/article_50d22dc5-7459-5f63-9cdb-12034eefb1ab.html

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