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Collective Bargaining in Illinois Special Education Cooperatives

Wayne E. Savageau

Eastern Illinois University

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Collective Bargaining in Illinois

Special Education Cooperatives

(TITLE)

BY

Wayne E. Savageau

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

Specialist in Education

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CHARLESTON, ILLINOIS

1989

YEAR

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Collective Bargaining in Illinois

Special Education Cooperatives

Wayne E. Savageau

Eastern Illinois University

EDA 6910, Fall, 1989

Abstract

The Illinois Educational Labor Relations Act (IELRA) took effect on January 1, 1984. By the 1988-89 school year, the number of Illinois public school districts with negotiated contracts had increased by nearly 68%, from 507 to 850. The effect of the Act on multi-district special education cooperatives is not as easily determined.

Directors of Illinois' 54 multi-district special education cooperatives outside Cook County were surveyed to obtain demographic data and information on the collective bargaining experiences of these cooperatives. Responses were received from 41 directors (76%).

These directors reported geographic sizes ranging from 144 to 4,000 square miles, with enrollments between 5,100 and 69,500 students. As a group, the cooperatives in the northern part of the state are smaller geographically but provide services to more students. Many of the cooperative governing boards appear not to be in compliance with the authorizing statute, Section 10-22.31 of the School Code.

The directors reported that, prior to the IELRA, employees in 11 of 39 cooperatives (28%) had chosen an exclusive bargaining representative. By the 1988-89 school year, employees in 28 of these same cooperatives had (72%). Cooperatives in the northern part of the state are most likely to be represented, but the increase is greatest in

the south as none of them reported having an exclusive bargaining representative prior to the Act. Of the directors who responded, nine reported that their employees are part of the administrative district's bargaining unit. In the former, directors are seldom included in negotiations; in the latter, they usually are.

Despite the increase in negotiated agreements, only a third of the directors report major problems in negotiations. Only one strike was reported, and that was in a cooperative whose employees are part of the administrative district's bargaining unit.

Directors were surveyed regarding their attitudes toward collective bargaining. As a group they are neutral, with more experienced directors slightly, though not significantly, more positive about it. Few expressed strong opinions (either positive or negative) toward collective bargaining.

Collective Bargaining

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Chapter 1

Overview of the Problem

Introduction

In 1974, one authority in Illinois educational labor law wrote, "Illinois remains the management Shangri-la for negotiating public employees' collective bargaining agreements....public employers are free to discuss conditions of employment with their workers informally or not at all." (Diamond, Illinois School Law, 1985, Sec. 18, p. 7). This situation changed dramatically on January 1, 1984, when P.A. 83-1014, the Illinois Educational Labor Relations Act or IELRA, became effective. Under this act, school boards, governing boards of joint agreements, and the governing bodies of community colleges and state universities are required to negotiate and bargain with representatives of their employees. As expected by school boards and administrations, the IELRA has had a significant impact on Illinois public school districts. Negotiated agreements have increased dramatically, more professional negotiators have been hired, and more time has been spent on labor relations. Results of this study demonstrate that its effects on special education cooperatives have been no less significant.

Statement of the Problem

The effects of the law on special education cooperatives

(co-ops) in the state are not easily determined. This paper provides information on the demographics of Illinois special education cooperatives, the composition of their bargaining units, the impact of the IELRA, and the bargaining process. The attitudes of directors of special education toward collective bargaining are also presented. The Illinois State Board of Education (ISBE) has published the Illinois State Teacher Salary Study annually since 1970-71. By using this document, it is possible to trace the progress of collective bargaining in the public school districts. Unfortunately, data on special education co-ops has only been included in this publication since 1985-86. In addition, no state-wide statistics on bargaining in co-ops are presented, and analysis of the 1988-89 Salary Study reveals that several co-ops are not included.

Special education programs are expanding throughout Illinois, and the ISBE expects this trend to continue. According to information in Data Notes (Department of Special Education, May, 1988), more than 220,000 Illinois public students received some sort of special education services during the 1987-88 school year. This represented approximately 10.5% of the total public school enrollment. By the 2000-2001 school year, special education enrollment is expected to increase to 231,000 students. With the total

number of students in school declining and the number of special education students growing, these 231,000 students will represent approximately 11.5% of public school enrollments.

Not all of this growth in services will be in special education cooperatives, but what happens in these co-ops affects nearly all school districts in the state. According to the 1988-89 Directory Listing of Specialized Educational Services Administrators (ISBE, 1988), only 18 Illinois public school districts outside Cook County are not members of a multi-district special education cooperative. These represent 2% of the 833 districts outside Cook County. The other 815 districts are members of a multi-district co-op and are affected by its bargaining.

Despite the fact that bargaining in special education co-ops has a direct impact on these districts, little information is available to assist directors and governing boards in the process. The demographics (e.g., area served, students served, services provided, number of employees, etc.) of other co-ops are generally unknown. No state-wide information on the selection and composition of bargaining teams or the composition of employee bargaining units is available. Little assistance is provided to help governing boards select professional negotiators experienced in the process of bargaining for cooperatives. Also, the numbers

of mediations, strike notices, strikes, and unfair labor practices (ULPs) are unknown to many co-op administrators and boards. All of this information is critical to successful bargaining. It is available for public school districts, but not for special education cooperatives.

This study was designed to secure this necessary information on demographics and collective bargaining experiences. Special education directors across the state were surveyed to determine how the IELRA has affected them, the cooperatives, and the employees. Information was secured on co-op demographics, bargaining unit composition, and negotiations experiences. In addition, directors were questioned regarding their attitudes toward collective bargaining.

Limitations of the Study

The survey of special education directors did not include cooperatives in Cook County. It also did not include districts which provide special education services independently (i.e., without belonging to a cooperative). Special education employees in these latter districts are typically part of the bargaining unit(s) representing other district employees and are covered by the same negotiated agreement(s).

Other than the specific exclusions listed above, all directors of special education cooperatives in the state of

Illinois were surveyed by mail for this study. Despite two mailings, not all directors responded. While the return rate (in excess of 75%) was good, some caution must be exercised in interpreting results.

Specific contract language and provisions were not analyzed. This was beyond the scope of the study which was concerned with demographics, the composition of bargaining units, the bargaining process, and the attitudes of directors of special education. The study did not attempt to determine if the sex of the director affected his/her attitudes.

It is assumed that the directors of special education who participated in the study were familiar with the terms used. These are all common terms which should be known to individuals experienced in collective bargaining.

Definition of Terms

1. Arbitration--the submission of unresolved bargaining issues to an outside agency or individual who has the authority to impose a settlement on the parties.
2. Bargaining team--the individuals representing one of the parties in negotiations.
3. Bargaining unit--the group of employees represented by a union for the purpose of negotiations.
4. Certified staff--those educational employees whose positions require a certificate issued pursuant to Article

21 of the School Code of Illinois (e.g., school psychologists, teachers, counselors, and administrators).

5. Collective bargaining--a formal negotiations process involving employers and representatives of their employees which culminates in a written agreement.

6. Contract, negotiated agreement--the written agreement reached through collective bargaining.

7. Exclusive bargaining representative--the labor organization elected to represent the bargaining unit.

8. Illinois Educational Labor Relations Act (IELRA)--Public Act 83-1014 which requires the governing boards of school districts, joint agreements, public community colleges, and state colleges and universities to bargain with their employees. It became effective on January 1, 1984.

9. Illinois Educational Labor Relations Board (IELRB)--the body established by the IELRA to settle disputes regarding the act.

10. Mediation--the submission of unresolved bargaining issues to an outside agency or individual who works with the parties to try to effect an agreement. A mediator cannot impose a settlement.

11. Noncertified staff--those educational employees whose positions do not require certification pursuant to Article 21 of the School Code of Illinois (e.g., bus

drivers, teacher aides, secretaries, custodians, etc.).

12. Professional negotiator--an individual employed by the governing board of a school district, joint agreement, public community college, or state college or university to represent it in negotiations with employees.

13. Special education cooperative--a joint agreement between 2 or more school districts formed pursuant to Article 10-22.31 of the School Code of Illinois to provide the required special education facilities, staff, and continuum of programs and services.

14. Special education director--the chief administrator of a special education cooperative.

15. Strike notice--official notification by an exclusive bargaining representative of the employees' intent to strike. It must be filed at least 5 days prior to the strike, but does not necessarily mean that a strike will follow.

16. Unfair Labor Practice (ULP)--a complaint filed with the IELRB by either the employees or the employer alleging that the other has violated provisions of the IELRA.

Chapter 2

Rationale, Related Literature and Research

Rationale

Special education cooperative joint agreements are authorized by Article 10-22.31 of the School Code of Illinois. While other articles also address cooperative programs, this one is peculiar to special education. It details (referencing other sections in the School Code) which "professional workers" may be employed and which students may be served. Specific guidelines are provided for the establishment of these cooperatives and for withdrawal from them. It also details how special education cooperatives are to be governed. The IELRA makes no differentiation between types of cooperatives. It defines an educational employer as "including the governing body of joint agreements of any type formed by 2 or more school districts." [IELRA, Section 1702 (a)]. An educational employee is any individual "employed full or part time by an educational employer..." [IELRA, 1702 (b)]. The IELRA requires "educational employers to negotiate and bargain with employee organizations representing educational employees." [IELRA, Section 1701]. Since the governing boards of the co-ops are included within the definition of educational employers, it is clear that the IELRA covers special education cooperatives.

While cooperative employees and governing boards are treated as other educational employees and employers by the IELRA, there are other statutes which affect their negotiations. The Education for All Handicapped Children Act of 1975 (20 U.S.C. Sections 1401-1420) requires that handicapped children be provided a free appropriate public education. A written statement (the individualized educational program or IEP) is to be developed for each handicapped student. The IEP must include "...a statement of the specific educational services to be provided to such child..." [IELRA, Section 1401 (19)(C)]. At least one court has held that a strike by employees does not negate the school district's responsibility to provide the services in the IEP (Derek Allen v. School Committee of Boston, 1987). While this does not set a precedent for Illinois districts, courts often look to previous decisions when making their rulings. It appears, therefore, that, while public school districts may simply close if their employees strike, special education cooperatives can be required to continue providing services. Also, under Illinois law (P.A. 85-1316), public school districts must continue to send their special education students to out-of-district classes if they were doing so prior to the strike. Since the School Code grants co-op employees tenure and seniority rights in the participating districts (Section 24-11), it could be

argued that they are employees of these districts and that the districts must continue to send students to the classes. Together these statutes provide co-op employees with bargaining tools not available to district employees.

As noted earlier, nearly all Illinois public school districts are members of one of these special education cooperatives. The salaries paid the employees of those cooperatives come, to a large extent, from the revenues of the member districts. The contract language negotiated by co-op employees likely influences the demands of employees of the member districts. The effects of collective bargaining in special education cooperatives are therefore not confined to the co-ops. They have the potential (at least) to affect most public school districts financially and managerially.

Despite the impact of negotiations in special education cooperatives, little information is available about it. Personal experiences of the author illustrate this point. He is employed as a school psychologist in a multi-district special education cooperative. Employees of that cooperative organized and began bargaining with the governing board shortly after the IELRA was signed. The three professional negotiators who have been employed by the co-op board all noted the differences between co-op bargaining and bargaining in a school district. Most of

them reported it to be a difficult and unique experience. The Uniserv Director from the Illinois Education Association who assisted the employees was involved in co-op bargaining for the first time, and he indicated that others in his position also had limited experience. While considering a subject for this study, the author requested information from the Illinois Education Association, the National Association of State Directors of Special Education, and several individuals with experience in collective bargaining in Illinois public schools. While most expressed interest and offered advice, none possessed the requested data.

Because collective bargaining in special education cooperatives affects nearly all school districts in Illinois, and because so little information is available to assist in this process, the author determined that it was an appropriate topic for research.

Review of the Literature

The author of this study is convinced of the importance of the topic. However, attempts to find relevant literature on collective bargaining in special education cooperatives have produced little. Two ERIC searches were completed, and the author conducted personal research for information. Interviews were conducted with a director of special education, an IEA/NEA Uniserv Director, and a university

professor of collective bargaining. As noted previously, written requests for data were sent to the National Association of State Directors of Special Education, the research department of the Illinois Education Association, and a professional negotiator with experience in special education co-ops. No relevant data was received.

Illinois State Board of Education data. A request for information was addressed to the Research and Evaluation section of ISBE which produces the Illinois Teacher Salary Study. Data was requested on co-op demographics, bargaining unit composition, and the impact of the IELRA. They referred this request to the Department of Special Education for a response. A map identifying the special education programs across the state was received, but the response went on to state that, "The other information you requested...is not available from this agency."

The Illinois Teacher Salary Study provides data on collective bargaining in public school districts and special education cooperatives. According to this document, negotiated agreements have increased by more than 65% since the passage of the IELRA. During the 1983-84 school year (the last before the act became effective), 507 Illinois public school districts had negotiated agreements. The next year, 776 districts had signed agreements--an increase of 269 districts (more than 50%) in just one year. By the

1988-89 school year, 850 districts had signed agreements. In just five years, then, the number of districts with negotiated contracts increased by 343 (nearly 68%).

In 1983-84, half of Illinois' 1,006 public school districts had negotiated agreements with their teachers. By 1988-89, nearly 88% of the 967 districts had them. This increase was most pronounced among small districts with fewer than 1,000 students. In 1983-84, there were 624 of these districts, and 193 (31%) of them had negotiated agreements. By 88-89, the number of these districts had dropped to 586, but the number of agreements had risen to 478 (81.5%). If one considers only districts of fewer than 500 students, the increase is even more striking--from 19% (70 of 369 districts) in 83-84 to 74% (254 of 344 districts) in 88-89.

The increase in negotiated agreements in special education cooperatives is not as easily determined. Statistics on these co-ops were not included in the Salary Study until 85-86, and some cooperatives are still not included. In fact, the 88-89 Salary Study includes data on just 43 of the 54 cooperatives included in this study. Of these 43 cooperatives, 36 (84%) had negotiated agreements in 88-89. This represents an increase of six cooperatives since 85-86. However, one of the cooperatives in this latest book was not included in 85-86, and three from the

85-86 book are not in the 88-89 study. Even if all the cooperatives were included, it would not be possible to determine the impact of the IELRA. In public school districts, the number of negotiated agreements increased by 50% in the first year of the law. If cooperatives followed the same pattern, most of their increases would have occurred the year before they were included in the Salary Study.

The author considers it likely that few special education cooperatives were represented prior to passage of the IELRA. Supporting this conclusion is the relative lack of experience in co-op bargaining of local representatives of the Illinois Education Association. When the employees in the author's cooperative organized following passage of the IELRA, the local IEA Uniserv Director indicated that, despite a number of years experience, he had never before been involved with a cooperative. He knew of few Uniserv Directors who had been. The professional negotiators employed by the governing board of the co-op also made no secret of their lack of experience.

The skills centers available at the Collective Bargaining Conference held shortly after the signing of the IELRA demonstrate the IEA's lack of information on cooperatives (IEA/NEA, 1983). Skills centers were available for educational service personnel and for higher education

representatives, but none were offered for members of cooperatives. Sessions on public relations, educational finance, bargaining of non-compensation issues, and use of IEA research were all geared toward public school districts. Even in the skills center for new locals, the unique circumstances of cooperatives were not addressed.

Literature dealing with Illinois special education cooperatives is sparse. Demographic data was not found, bargaining unit composition data has apparently not been published, and the impact of the IELRA on cooperatives could not be determined from available information. The dearth of information uncovered suggests that this field experience will explore a heretofore neglected area which has significant impact on most Illinois public school districts.

Uniqueness of the Study

The topic of special education collective bargaining has received little attention. Despite the fact that all Illinois public school districts are required to provide a full continuum of special education services and that most have formed cooperatives for this purpose, little information is available on the demographics of cooperatives, the composition of employee bargaining units, the bargaining process, the attitudes of directors of special education toward collective bargaining, or the

impact of the IELRA on the state's special education cooperatives.

Nearly 98% of the Illinois public school districts outside Cook County are members of a multi-district special education cooperative. Given the financial hardships faced by many districts, nothing which affects nearly all of them can be ignored. The financial effects of collective bargaining in the cooperatives have an impact on all of these districts. It is important that special education administrators and members of the governing boards of special education cooperatives become more knowledgeable.

Chapter 3

Design of the Study

General Design of the Study

The field experience was conducted by surveying directors of multi-district special education cooperatives across the state of Illinois. The study was designed to secure and quantify information on the demographics of these cooperatives, the effect of the IELRA, and the attitudes of the directors toward collective bargaining. Data regarding the attitudes of directors was analyzed to determine if these attitudes are affected by the amount of his/her experience.

Sample and Population

The population for this study consisted of the 54 multi-district special education cooperatives in Illinois which lie outside Cook County. The director of each of these cooperatives was surveyed.

Data Collection and Instrumentation

Using the list of State Approved Directors of Special Education contained in the 1988-89 Directory Listing of Specialized Educational Services Administrators published by ISBE, a mailing list was developed. This list consisted of the directors of the 54 cooperatives in the population.

Each director was sent a cover letter explaining the purpose of the study (see Appendix A). The director of the

cooperative in which the author is employed also wrote a cover letter encouraging participation in the study (see Appendix B). This was attached to the survey instrument (Appendix C) which directors were asked to complete and return (along with a copy of their negotiated agreement) in the enclosed stamped, return envelope. Two mailings were made. All directors were sent the survey on February 1, 1989. Those who did not respond were mailed a second request for information (see Appendix D) and a second copy of the survey on March 22, 1989.

The survey consisted of four sections. The first of these requested data on the demographics of the cooperative. This included the size of the cooperative, its student enrollment, the types and numbers of staff employed, the composition of the governing board, and the method of local financing.

The second section dealt with employee bargaining units. Directors were asked to provide data on when employees chose an exclusive bargaining representative, the state/national affiliation of the exclusive bargaining representative, and the employee groups represented by each of these units.

The next section of the survey concerned the bargaining process. Data requested included when the first contract was negotiated; the use of professional negotiators; the composition of bargaining teams; the frequency of mediation,

arbitration, strike notices, strikes, and ULPs; problems in negotiations; and the determination of compensation for those employees not in the bargaining unit(s).

The final section of the survey dealt with the attitudes of special education directors toward collective bargaining. Directors were asked to complete a Likert Scale reflecting their opinions on the impact of bargaining on relationships between employees and the governing board and administrators, on the director's ability to function as an administrator, and on the compensation level of employees. The attitudes of the directors toward professional negotiators, state teacher union bargaining representatives, and collective bargaining itself were also examined. Finally, each director was asked how long he/she had been a director and how long he/she had been a director in a cooperative with a negotiated agreement.

The survey used in this study was developed by the author with the assistance of the director of South Eastern Special Education and two of the professors in the Department of Educational Administration at Eastern Illinois University.

Data Analysis

Descriptive statistics were used to analyze most of the data collected. An exception was the analysis of the attitudes of directors of special education toward

collective bargaining. A Likert Scale was used to collect data on these attitudes, and a t-test for unrelated groups was used to determine if the amount of the director's experience is related to his/her attitudes toward bargaining.

To help determine if the respondents were geographically representative of the state (excluding Cook County), the state was divided into three sections: a northern section consisting of the cooperatives north of Interstate 80 (17 co-ops), a central section consisting of those between Interstate 80 and Interstate 70 (26 co-ops), and a southern section consisting of those south of Interstate 70 (11 co-ops). This breakdown was particularly useful in the analysis of demographic data, but was used in other areas as well.

Chapter 4

Results

Response to Survey

Directors of 54 multi-district special education cooperatives were surveyed. Of these, 41 (76%) responded. Not all surveys were complete. Four directors simply returned the survey with a note indicating that they were not involved in collective bargaining. Others provided a portion of the requested information. These partial responses will be more fully reported later in this chapter.

The 41 directors responding provided a balanced geographic representation of the three sections of the state explained in Chapter 3. In the northern section, 12 of 17 cooperatives (71%) were represented; in the central section, 20 of 26 (77%); and in the southern section, 9 of 11 (82%). Directors from rural areas were more responsive than were those near Chicago or St. Louis. In the five counties contiguous to Cook County (Lake, McHenry, Kane, Dupage, and Will), responses were received from five of nine co-ops (56%). Of the six cooperatives in Madison and St. Clair Counties (near St. Louis), responses were received from four (67%). It is in these areas contiguous to the major metropolitan areas of the state that student enrollments are higher and population densities greater. Since the cooperatives in these areas participated to a lesser extent

than did those in more rural areas, larger cooperatives are underrepresented, and results most accurately reflect the experiences of the more rural co-ops.

Demographics

As is well known to most individuals involved with special education cooperatives, they provide a great diversity of characteristics. The cooperatives represented in this study serve anywhere from 4 to 35 districts which enroll between 5,100 and 69,500 students. Some co-ops serve part of one county while others serve as many as eight counties. They range in size from 144 to 4,000 square miles.

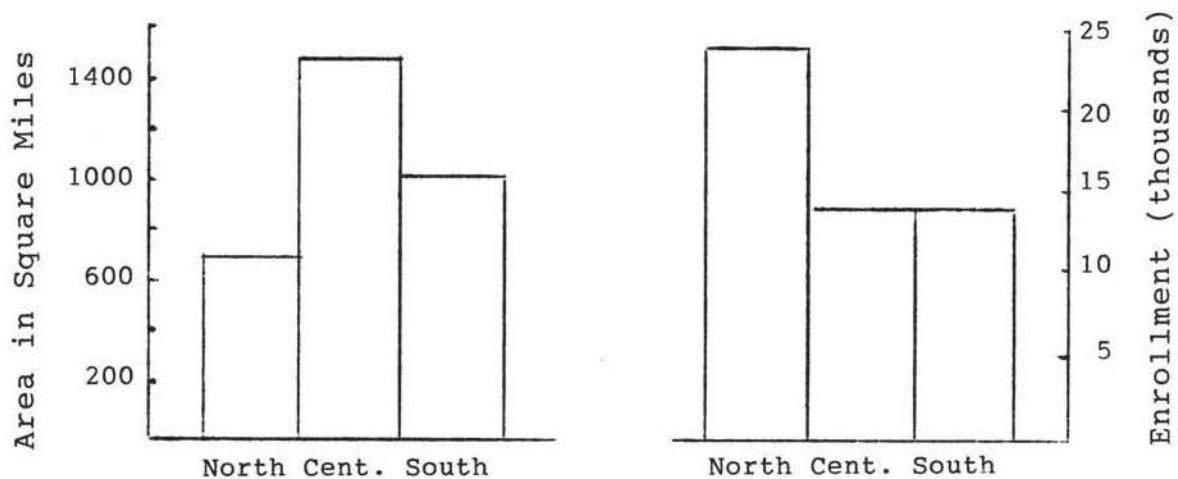
Ten of the cooperatives in the northern section provided information on the number of districts served. They range from 5 to 28 districts, with a mean of 10. The 19 central section cooperatives serve anywhere from 4 to 35 districts, with a mean of 16. In the south, the 8 co-ops serve from 5 to 33 districts, with a mean of 18.

The seven northern cooperatives providing data on student enrollments serve between 7,500 and 69,500 students, with a mean of 24,900. The 18 central co-ops enroll between 5,100 and 30,000 students, with a mean of 14,550. The seven in the south serve between 8,200 and 26,000 students, with a mean of 14,600.

Relatively few of the directors (23) provided information on the geographic size of the cooperatives. Once again, disparity is apparent. The co-ops range from 144 to 4,000 square miles, with those in the northern section generally smaller. The northern co-ops have a mean size of 737 square miles; those in the central section average 1,500; and those in the south, 1,040.

Differences in cooperatives are apparent within each geographic section as well as between them. As shown in Figure 1, however, the cooperatives in northern Illinois tend to serve more students in a smaller geographic area. Had more co-ops in the "collar counties" responded, it is likely the differences would have been even greater.

Figure 1. Mean size and enrollment of cooperatives by region.



Nearly all of the directors responding provided data on the counties served by the cooperatives. The differences between the three sections are striking. Of the 12 co-ops in the northern section, only two (17%) serve two counties or more. Eight (67%) of them serve just one county or part of a county. In the central section, 10 of the 20 cooperatives (50%) serve one county or less while nine (45%) serve two counties or more. The southern cooperatives tend to cover more counties. Just three of the nine cooperatives (33%) serve one county or less while six (67%) serve two counties or more. The other cooperatives serve primarily one county but include small parts of others.

Staffing Patterns

The staffing patterns of Illinois cooperatives are as different as their demographics. Some co-ops employ staff certified in all areas of exceptionality. Others employ only staff to work with students with low incidence handicaps. Still others employ only related service personnel, supervisors, and administrators. No one staffing pattern is used in a majority of the cooperatives. The most common involves employment by the cooperative of staff for all handicapping conditions. However, this is found in only 14 of the 37 districts (38%) providing data. No other pattern is common to even eight of the co-ops.

Governance

Illinois special education cooperatives are established in accordance with Article 10-22.31 of the School Code.

Districts are authorized to:

...either (1) designate an administrative district to act as fiscal and legal agent for the districts that are parties to the joint agreement, or (2) designate a governing board composed of one member of the school board of each cooperating district and designated by such boards to act in accordance with the joint agreement.

Data on the composition of cooperative governing boards was provided by 36 of the directors. Relatively few of the co-ops appear to be in compliance with the School Code. Of the directors responding, only six (16%) indicated that their governing boards were made up of school board members from the districts. Eight others reported that both superintendents and school board members serve on the co-op governing board. In one cooperative, a superintendent and a school board member are elected from each of the four regions into which the co-op is divided. These regions include as many as 10 districts. In this co-op, then, most districts are not represented on the governing board.

Governing boards for the cooperatives are most typically made up of superintendents. In 17 of the co-ops (47%) the

governing board is composed entirely of district superintendents. In eight more, the superintendent and a school board member represent each district. In 25 of the 36 districts responding (69%), then, superintendents are members of the governing board. The School Code does not appear to authorize governing boards so constituted.

Local Financing

Data on local financing of the cooperatives was provided by 36 directors. Each obtains funding from member districts via an assessment fee based on district enrollment (12 cooperatives), a tuition fee paid for each student enrolled in a co-op program or receiving services from the co-op (nine), or a combination of these two (15). Geographical factors do not affect the method of local financing as each section of the state has cooperatives which use each of the methods above. All of the co-ops are heavily dependent on state and federal funding.

Bargaining Units

When the IELRA was passed by the General Assembly, the legislators determined that:

this Act imposes additional duties on local educational employers which can be carried out by existing staff and procedures at no appreciable net cost increase. The increased additional annual net costs resulting from the enactment of this Act would be less than \$50,000, in the

aggregate, for all local educational employers affected by the Act, and reimbursements of local educational employers is not required of the State under The State Mandates Act. (IELRA, Section 1721, 1986).

Survey results strongly suggest that this statement is inaccurate and that the legislature underestimated the cost of the Act. One director reported that his co-op spent \$38,000 for a professional negotiator/attorney during its first contract negotiations. If the quotation above is accurate, the remaining educational employers (special education co-ops, community college districts, vocational co-ops, and nearly 1,000 public school districts) in the state spent less than \$12,000 between them.

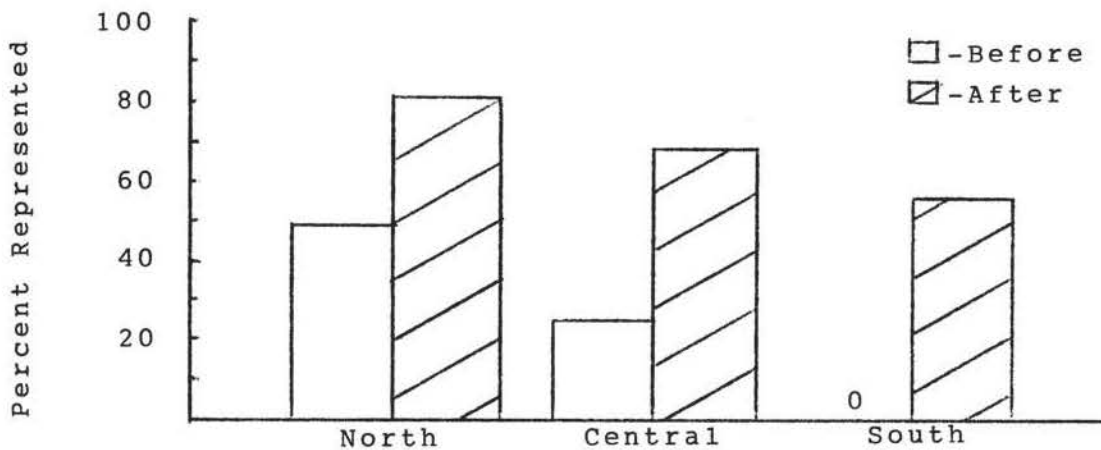
Exclusive bargaining representatives. Survey results demonstrate that the IELRA has had a significant impact on collective bargaining in these special education cooperatives. Of the 39 directors who provided data, 28 reported that their employees now have an exclusive bargaining representative. The proportion is highest in the northern section where 10 of 12 co-ops (83%) are represented. In the central section, 14 of 20 cooperatives (70%) have an exclusive bargaining representative while in the south, four of seven (57%) do.

The percentage of co-ops represented is lowest in the southern section. Prior to the IELRA, none of these seven

cooperatives had an exclusive bargaining representative. Only five of the co-ops in the central section were represented before the IELRA. The northern section was the only part of the state to have an appreciable number of exclusive bargaining representatives prior to the passage of the IELRA--six. Even here, however, there has been a substantial increase in the past five years.

Survey results verify a significant increase in the number of exclusive bargaining representatives since the passage of the IELRA. Prior to implementation of the Act, only 11 cooperatives (28%) were represented. Five years later, 28 (72%) were (see Figure 2). The experiences of the multi-district cooperatives closely approximate those of the smaller school districts.

Figure 2. Percentage of cooperatives with exclusive bargaining representatives (by region) before and after the IELRA.



Affiliation. Data on the affiliation of employee bargaining units was provided by 25 directors. Of these units, 20 are represented by the Illinois Education Association and five by the Illinois Federation of Teachers. This closely approximates the 3.6:1 ratio in the public school districts in the state as reported in the 1988-89 Illinois Teacher Salary Study. The directors also indicated that the exclusive bargaining representatives have seldom been challenged. Only four reported that challenges had been mounted, and two of these were by the governing boards. In only 2 of 25 cases did another teacher's union challenge. Neither was apparently successful. It appears that, once co-op employees have chosen an exclusive bargaining representative, they remain loyal.

Composition. The bargaining units representing special education co-op employees are as diverse as the cooperatives themselves. All of the co-ops with exclusive bargaining representatives reported that at least some of the certified staff is represented. None reported only a noncertified bargaining unit. While the certified staff and the noncertified staff might belong to different units, if the certified staff is not represented, neither is the noncertified. The inverse is not consistently true. No director indicated that the certified and noncertified staffs are affiliated with different state organizations.

Employees of nine cooperatives are part of the administrative district bargaining unit and are covered by its negotiated agreement with the district. The directors in these co-ops are typically not involved in the bargaining process. Another director reported that his cooperative is divided into three sub-regions. Employees in two of those regions are part of the administrative district unit. In the other region, the employees have formed their own bargaining unit.

In cooperatives with their own bargaining units, the make up of the units differs. Some of the certified units include all certified staff with the exception of administrators and supervisors. Others specifically exclude psychologists and social workers. Still others include only teachers. Bargaining units for noncertified staff show less variability. These typically include all staff except those considered confidential.

Section 1707 of the IELRA authorizes bargaining units including both certified and noncertified personnel if a majority of employees in each group votes for a unit so constituted. These wall-to-wall units include all employees (both certified and noncertified) with the exception of administrators, supervisors, and confidential employees. Only five of the cooperatives reported this arrangement.

Noncertified employees are less likely to be represented than are certified. Only four directors reported bargaining units consisting only of noncertified employees. One of these is in a co-op where employees are part of the administrative district bargaining unit. There therefore appear to be only three cooperatives in which noncertified employees are represented by their own bargaining unit.

The IELRA has had a significant impact on the selection of exclusive bargaining representatives and the establishment of bargaining units in special education cooperatives. Employees in nearly three-quarters of the co-ops responding to the survey now have exclusive bargaining representatives. This represents an increase of more than 150% since the Act was passed. Noncertified employees are less likely to be represented than are certified.

Written Contracts

Directors were asked which school year was covered by the cooperative's first contract. Responses were received from 24 of the 28 who currently have exclusive bargaining representatives. Not all of the directors were definite about when the first contract was effective--particularly those whose employees were included in the bargaining unit of the administrative district. The oldest written contract reported covered the 1967-68 school year, and the director

indicated that the employees had had an exclusive bargaining representative since 1965. In this cooperative, 19 contracts have been negotiated--all of them of one year's duration except the last which was for three years.

Of the 11 cooperatives whose employees had selected an exclusive bargaining representative prior to the IELRA, four belonged to the bargaining unit of the administrative district, and seven had formed their own locals. Interestingly, three of the co-ops whose employees had an exclusive bargaining representative prior to the IELRA did not have written contracts until after its inception.

As noted earlier, employees in 17 cooperatives have selected an exclusive bargaining representative since the passage of the IELRA. Directors of 12 of these co-ops responded to this question. As was the case in public school districts, the number with negotiated agreements increased dramatically in the first year. In the special education cooperatives, however, the increase in the second year was equally as dramatic. Five of the directors indicated that the first contract covered the 1984-85 school year. Five more were effective the next year. Also, the three cooperatives above had written contracts effective in one of these two years. These co-ops went from eight written contracts the year preceding the IELRA to 14 in its first year and 21 in its second.

Directors reported contracts ranging from one to three years in length. Nearly half of the current agreements (13) are of two years duration. One year contracts outnumbered three year ones by a three to two margin. Since this survey was completed, the employees and the governing board of the author's cooperative have negotiated and ratified a five year agreement.

Professional Negotiators

Of the 28 cooperatives whose employees currently have an exclusive bargaining representative, 19 have formed their own bargaining unit. Professional negotiators are used by 14 of these co-ops. Four do not use professional negotiators, and one reported that a professional negotiator was used only for the first contract.

It was hoped that a list of experienced negotiators for special education cooperatives could be generated from this survey. This did not prove to be the case as only one of the negotiators listed was used in more than one cooperative. Five of the directors reported that the co-op used its attorney for negotiations while in another, one of the superintendents from the governing board was paid a stipend to serve as negotiator. All of the directors reported that their negotiator was knowledgeable about co-op bargaining, and most (10) had used the same person more than once.

Bargaining Team

The size of the bargaining teams representing the cooperatives ranges from two to six but most typically include three to five members. Only two cooperatives report using a two member team, and three others use six. The governing board selects the team in nine co-ops and the chairman of the board appoints them in six others. In one cooperative, only the director and the negotiator serve on the team. In another, all of the superintendents (five) serve on the team with the director. One of the cooperatives reports relying on superintendent volunteers. Most of the co-ops (15) report that some members of the negotiations team repeat. In one co-op this is the director, but in others members of the governing board provide continuity. Surprisingly, in two cooperatives team members do not repeat.

Directors are at the bargaining table in most of the cooperatives whose employees have formed their own bargaining unit. In one, the director serves as spokesman for the governing board. Four directors reported that they are not at the bargaining table, and four others stated that they are involved as observers. In the nine co-ops whose employees are part of the administrative district's bargaining unit, directors are seldom involved in negotiations. In fact, only one reports being at the table.

Professional negotiators are as popular with employees as with governing boards. State union representatives are used by 14 of the free-standing bargain units. In only two instances did directors report that employees used a state union representative when the governing board did not use a professional negotiator. Conversely, in the five cooperatives where the employees do not use a state union representative, three of the governing boards do not use a professional negotiator. In only four co-ops, then, do either the employees or the governing board not use an outside negotiator if the other side does.

Conflict Resolution

Of the 21 directors providing information on conflict resolution in the cooperatives, three are from co-ops whose employees are represented by the administrative district's bargaining representative. Two of these indicated that a mediator had been used in negotiations. None had used an arbitrator. Strike notice had been given in one of the co-ops, with the certified staff striking in 1975 and the non-certified in 1986. Only one reported that the employees had filed an Unfair Labor Practice; none that the district had. A form of Win-Win bargaining was reportedly used in one of the districts.

Eighteen directors reported on their negotiations with free-standing bargaining units. Again, nearly two-thirds of

them (11) had used a mediator--most from the Federal Mediation and Conciliation Service (FMCS). Comments regarding the effectiveness of the mediators ranged from "not very" to "so-so" to "excellent". Only one director reported that an arbitrator had been used.

The IELRA requires that mediation be used without success before employees may engage in a strike (Section 1713). If mediation does not break an impasse, employees may file an intent to strike. While this notice must precede the actual strike by at least five days, a strike does not necessarily occur. Of the 11 directors reporting that mediation had been used, only four indicated that a strike notice had followed. In one of the co-ops, a strike notice had been given during each negotiation. Despite the filing of four strike notices, none of these directors reported a strike since passage of the IELRA. In fact, only one reported that employees have ever struck, and that was in 1979. In the cooperatives represented by 21 directors, then, only one has experienced a strike since passage of the Act--and that as part of a job action by the noncertified local of the administrative district.

ULP's have been filed infrequently by the employees of these cooperatives, and none have been filed by the co-ops. Of the five directors who indicated that ULPs had been filed, three of them reported that the ULPs were dropped

when a contract was reached. In only two, then, were the ULPs actually processed. At least one of these was settled in favor of the cooperative.

Major problems in negotiations were reported by six of the directors. Two of these, however, indicated that the major problem was the time involved in the process. Two others stated that salaries were a problem and another that both financial items and some language issues were problems. Twelve of the directors reported that there had been no major problems.

The exclusive bargaining representatives in these co-ops typically request financial data (e.g., budget, audit, salary amounts, etc.) prior to negotiations. Some also ask for a scattergram of district employees and their experience. All of the directors reported that this information was provided, and only three of the co-ops charged a copying cost for it.

Win-Win bargaining does not appear to have had a major impact on special education cooperatives. Only one of the directors reported that this process had been used, producing a settlement in one day.

It appears that educational employers are becoming more assertive in negotiations. Just five of the directors reported that the bargaining team only responds to proposals

advanced by the employees. In the other 13, the co-ops make their own proposals in addition to making counterproposals.

Directors were asked to compare the salaries and fringe benefits of cooperative employees to those enjoyed by employees of the member districts. Two of the three directors whose employees are represented by the administrative district local reported that salaries were in the top 25%. Only 2 of the 18 directors with free-standing locals reported the same result. In these co-ops, salaries typically fell between the 25th and 75th percentiles of the local districts. None of the directors reported salaries in the bottom quartile. Cooperative employees apparently do better in regard to fringe benefits. Sixteen of the 18 directors reported fringe benefits equal to or better than 50% of the member districts. The other two reported fringes just slightly below average. Two of the three directors with district affiliated locals reported that fringe benefits were also in the top 25%.

Even in cooperatives with bargaining units covering all eligible employees, there are others (e.g., administrators, confidential employees, etc.) who are excluded by law. Directors were asked how compensation for these employees was determined. In four of the co-ops they are given the same settlement as members of the bargaining unit. In most, their salaries are set at the discretion of the governing

board--sometimes after proposals by the director. Only two of the directors reported that the employees were consulted regarding their salaries. Therefore, the only employees with any input into compensation appear to be those who are members of the bargaining unit.

The IELRA requires the use of mediation before educational employees may engage in a strike. Arbitration is permitted. In the co-ops represented by this survey, approximately half have engaged in mediation and one in arbitration. Only five report that a strike notice has ever been filed, and only one reports a strike since the IELRA took effect. Employees in that one co-op are represented by the administrative district's bargaining unit. Thus, of the 19 responding co-ops whose employees have formed their own bargaining unit, none has been affected by a strike under the Act.

Attitudes Toward Collective Bargaining

A Likert Scale was used to assess the attitudes of the directors toward collective bargaining. Thirty of the directors completed this part of the survey. Because the statements implied some familiarity and experience with negotiations, only two of the directors whose employees do not have an exclusive bargaining representative responded. Four of the nine directors whose employees are part of the

administrative district's bargaining unit completed this part of the survey.

It was hypothesized that the nine less experienced directors (those with five years experience or less as directors) would show more positive attitudes toward collective bargaining than would the 17 with more experience. The former became directors after passage of the IELRA, so the situation has not changed as much for them as for those directors who assumed their positions 20 years ago.

The scale was constructed to allow for five responses from Strongly Disagree to Strongly Agree. Point values ranging from one for Strongly Disagree to five for Strongly Agree were assigned. Positive attitudes toward collective bargaining were indicated by agreement with the statements. Therefore, higher scores are indicative of more positive attitudes toward collective bargaining.

On all but one of the statements, the directors with more than five years experience earned higher mean scores than did their less experienced colleagues (see Table 1).

Table 1

Mean response by group based on years experience of directors

<u>Statement</u>	<u>Years Experience</u>	
	5 or more	less than 5
1. Improved relations: board-employees	2.22	2.94
2. Improved relations: admin-employees	2.11	2.88
3. Process easier with experience	2.89	3.47
4. Easier with state teacher union rep.	2.67	2.69
5. Easier with professional negotiator	3.22	3.29
6. Higher compensation than otherwise	2.56	3.06
7. Easier with negotiated contract	3.63	3.00
8. Bargaining inevitable with IELRA	3.67	4.18
9. Favor bargaining if not administrator	3.11	3.53

Note. None of the means differ significantly at $p < .05$.

Only on the statement, "Having a negotiated contract has made it easier for me to function as director," did those with five years experience or less score higher. The more experienced directors were more apt to opine that bargaining has improved relations between the board and administration and the employees; that bargaining has become easier with

experience; that using a state union representative and a professional negotiator makes the process easier; that bargaining has resulted in higher compensation for employees than would otherwise have been the case; that bargaining was inevitable after passage of the IELRA; and that they would be in favor of collective bargaining if they were not administrators.

Although more experienced directors expressed more positive attitudes than did less experienced, on only two of the statements was the mean high enough (greater than 3.5) to indicate agreement. They agreed with the statements that bargaining was inevitable after passage of the IELRA ($M=4.18$) and that they would favor collective bargaining if they were not administrators ($M=3.53$). Their mean response to the statement that experience has made bargaining easier was only slightly less positive (3.47). On no statement was the mean score low enough (less than 2.5) to indicate disagreement. Most of the responses, then, fell within the undecided range indicating fairly neutral opinions about most of the statements. This is not to say that none of the directors showed strong reactions to any of the statements, only that, as a group, experienced directors are neutral about collective bargaining.

The less experienced directors (five years experience or less) were less positive. Not only were their mean scores

lower for all but one of the statements, on two of the statements they were low enough to indicate overall disagreement. They disagreed with the statements that collective bargaining had improved relations between the board and the employees (M=2.22) and between the administration and the employees (M=2.11). Their response to the statement that bargaining had resulted in higher compensation than would otherwise have been received was only slightly higher (M=2.56). This group did, however, show overall agreement with two of the statements; that a negotiated contract makes it easier to function as director (M=3.63) and that bargaining was inevitable following passage of the IELRA (M=3.67). Once again, most of the responses were neutral.

A t-test for independent samples was used to analyze the differences between the two groups. None of the differences was significant at the .05 level. While it appears that more experienced directors are generally more positive about collective bargaining than less experienced, there is no significant difference between the opinions of the two groups.

The Illinois Educational Labor Relations Act has had a significant impact on the multi-district special education cooperatives within the state. The number of co-ops with exclusive bargaining representatives has increased by more

than 150% since passage of the Act, with 72% of them now represented. While the use of mediation is relatively common, arbitration has been used only once. Strike notices have been given in only four cooperatives, and only one has experienced a strike in the past five years. Governing boards in nearly three-fourths of the co-ops present their own proposals in bargaining rather than simply responding to those of the employees. Most of the directors feel that the salaries and fringe benefits enjoyed by their employees are about average for the districts in the cooperative. A survey of the attitudes of the directors toward collective bargaining revealed that, as a group, they are neutral in their opinions.

Chapter 5

Summary, Findings, Conclusions and Recommendations

Summary

Directors of Illinois' 54 multi-district special education cooperatives outside Cook County were surveyed to help acquire demographic information and to assess the impact of the Illinois Educational Labor Relations Act. The 41 directors who responded provided evidence of widely varying geographic size, student population, services provided, and governing boards. The number of cooperatives with exclusive bargaining representatives has more than doubled, with the employees in each bargaining unit varying considerably. Outside agencies have been infrequently needed to help resolve conflicts, and only one strike has occurred. As a group, the directors are neutral in their attitudes toward collective bargaining.

Findings

There is no "typical" special education cooperative in Illinois. Those responding to this survey range in size from 144 to 4,000 square miles, with student populations ranging from 5,100 to 69,500. As a group, the co-ops north of Interstate 80 are smaller geographically but serve a larger student population. Staffing patterns are as diverse as the demographics. Slightly more than one-third of the cooperatives hire staff for all handicapping conditions.

However, others employ only personnel for low incidence handicaps, and others just related services personnel and office support staff. The composition of co-op governing boards was more consistent. A large majority (69%) include superintendents of the member districts on the board. The School Code of Illinois requires that special education cooperatives be governed by an administrative district or by a board made up of school board members from each district. Local revenues were generated through an assessment fee based on enrollment (33%), a tuition fee for services (25%), or a combination of these (42%).

Of the 39 directors responding to the survey questions regarding exclusive bargaining representatives, 28 (72%) reported that at least some of their employees are now represented. Prior to passage of the IELRA, only 11 (28%) of these co-ops had exclusive bargaining representatives. The percentage of cooperatives represented (both before and after the Act) is highest in the northern section and lowest in the southern. The Illinois Education Association represents four times as many cooperatives as does the Illinois Federation of Teachers--a ratio similar to that found in the public school districts. Once selected, the exclusive bargaining representatives in the cooperatives have seldom been changed.

Special education cooperative bargaining units differ widely. Of the 28 cooperatives with exclusive bargaining representatives, nine are included in the administrative district's bargaining unit while 19 have formed their own unit(s). In some, only teachers are part of the bargaining unit. In others, all certified staff with the exception of psychologists and social workers are represented. In still others, all certified staff are included. Noncertified staff bargaining units usually include representatives from all the different job classifications. A minority of the cooperatives report wall-to-wall units which include all employees with the exception of administrators, supervisors, and confidential employees. In some of the co-ops, the certified staff and noncertified staff belong to different bargaining units. In others, only the certified staff is represented. None of the co-ops has only a noncertified bargaining unit.

Bargaining teams typically range from three to five members, with the director usually at the table in those cooperatives with free-standing units. In those co-ops where employees are part of the administrative district's bargaining unit, the director is seldom involved. Nearly 75% of the governing boards and a similar percentage of employee bargaining units use either a professional negotiator or a state union representative in bargaining.

Only one of the negotiators used by the co-ops was used by more than one of them.

Despite the proliferation of new bargaining units since the IELRA, relatively few serious problems were reported by the directors. Mediation has been used in nearly two-thirds of the cooperatives, but arbitration in only one. Just four strike notices have been filed, and only one strike occurred--and that in a cooperative whose employees were part of the administrative district's bargaining unit. None of the free-standing units has engaged in a strike since the Act. Unfair Labor Practices were infrequently filed by employees, and most of these were withdrawn. None of the co-ops reported filing a ULP. More than 70% of the directors report that the governing board make proposals in bargaining rather than simply responding to those of the employees.

A Likert Scale was used to assess the attitudes of directors toward collective bargaining. It was hypothesized that those who had become directors within the past five years would be more accepting of teacher unionism and more accustomed to it than those who had been directors for a number of years. Results failed to confirm this hypothesis. Mean scores for both the more and less experienced show essentially neutral attitudes toward collective bargaining.

Only a few directors showed strong agreement or disagreement with the statements in the survey.

Conclusions

The multi-district special education cooperatives in Illinois are diverse in their size, student enrollments, staffing patterns, and governance. Yet they are all expected to offer the same types of services at the same intensity to the children living within their boundaries. The vagueness of the enabling statute in the School Code (Section 10-22.31) has produced such diversity that the cooperatives are difficult to typify and therefore to evaluate.

The effects of the Illinois Educational Labor Relations Act on these cooperatives has been significant. The number of co-ops with an exclusive bargaining representative has increased at a rate consistent with that found in the public school districts in the state--particularly those with fewer than 1,000 students. Just 28% of the cooperatives were represented prior to the Act, and 72% now are.

Despite the increase in exclusive bargaining representatives and negotiated contracts, the IELRA has produced fewer problems for the co-ops than had been anticipated. Although mediation has frequently been used, this is a relatively benign procedure, and it has usually produced settlements. Few notices of intent to strike have

been filed, and none of the reporting cooperatives with its own bargaining unit has experienced a strike under the Act. Despite increased organizing and bargaining, then, most special education locals apparently draw the line at a strike, and this threat may not be as meaningful as employee groups would have employers believe.

As a group and as individuals, directors of the surveyed cooperatives are neutral in their attitudes toward the IELRA. It is surprising to the author that the directors with more than five years experience are slightly (but not significantly) more positive about the Act than are the less experienced. Other than the time involved, few major problems have been encountered, and the process has become less threatening as both sides have become more familiar with it.

While the IELRA has contributed to a significant increase in multi-district cooperatives with negotiated contracts, the effects of the Act have otherwise been slight. Few ULPs have been filed, no strikes have occurred, and the directors are not sure that employee compensation is higher than it otherwise would have been. Those directors with fewer than five years experience even say that a negotiated contract makes it easier for them. It appears that most of the dire predictions about the effects of the Act were wrong.

Recommendations

1. Administrators and governing boards of the special education cooperatives should not be unduly concerned if their employees decide to elect an exclusive bargaining representative. Collective bargaining does not appear to have caused significant problems in most of the co-ops.
2. Survey results reveal that strikes by co-op employees are rare. Therefore, governing boards should not overreact to the threat of a strike.
3. Governing boards should carefully consider the wisdom of permitting the administrative district's board of education to negotiate with co-op employees. This would appear to be of particular concern when co-op administrators are not involved in the bargaining process but have to live with the results.
4. Administrators of special education cooperatives should develop strong negotiations skills. Training should not be based solely on school district experiences but should use the expertise of cooperative negotiators and administrators.
5. The Illinois State Board of Education should conduct a study of the multi-district special education cooperatives within the state. Specifically, ISBE should evaluate co-op organization, staffing patterns, size, and methods of local financing to determine if any of these are related to the effectiveness of cooperatives. Recommendations consistent

with the results should be made, and changes in the School Code should be sought as necessary.

6. ISBE should review the governing boards of the multi-district cooperatives to determine compliance with Section 10-22.31 of the School Code. There is enough diversity in current governing boards to determine if co-ops should be forced into compliance with the law or if the law should be changed in favor of a more effective method of governance.

7. The governing boards of cooperatives, school districts, and other educational entities should jointly consider legal action to obtain funding for the IELRA's increased costs under the State Mandates Act.

8. The effects of bargaining unit composition on the negotiations of special education cooperatives should be investigated.

9. A study of contract language and bargaining proposals of co-op employees should be conducted to ascertain whether these differ appreciably from those of school district employees. An attempt should be made to identify language common to co-op employee proposals or contracts--especially language reported by directors to have caused problems for them.

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Appendix A

First Letter

Mr. John Doe, Director
Any County Special Education
That Town, IL

Dear Mr. Doe:

It's been five years since Governor Thompson signed the Illinois Educational Labor Relations Act (IELRA) requiring collective bargaining for public school employees, including those in special education cooperatives. The impact of this law on school districts is well documented--a 60% increase in negotiated agreements, increased spending on professional negotiators, and a substantial increase in time spent on labor relations. My experiences have convinced me that the impact on special education cooperatives has been at least as great. Yet I can find no state-wide data substantiating this.

I am currently conducting a survey of special education directors across the state in an attempt to systematically collect data and determine the status of collective bargaining in the cooperatives. By acquiring data on the demographics; the composition of employee bargaining units; the use of professional negotiators; and the frequency of mediation, strikes, and ULPs, I hope to provide a better

understanding of the process of bargaining in the cooperatives.

There are many unanswered questions about collective bargaining in cooperatives. I hope, by collecting this data, to be able to answer a few of them. The enclosed survey has been designed so that much of it (except the last page) can be completed by a member of your staff and thus not burden you with more paperwork. I would appreciate it if you would have the survey completed and returned to me in the self-addressed, stamped envelope by March 1. Also, while I am not currently analyzing specific contract language provisions, this may be an area of future study. Therefore, I would appreciate your inclusion of a copy of your current employee contract(s). (The postage on the envelope will not cover the cost of mailing the contracts. However, I have been assured by the post office that it will get the material delivered to me.) Your responses on this survey will be kept confidential, and the results will not individually identify any cooperative. If you are interested in the results of this survey, please make note of this on the last page. I will be happy to send them to you.

Sincerely,

Appendix B

Cover Letter

TO: Special Education Directors

FROM: Gene Strain

The Illinois Educational Labor Relations Act has had a big impact on all of us in public education. Yet, as I'm sure you know, it's hard to find much information on employee bargaining in special education co-ops. We can talk to other directors in our area to find out about their experiences, but it's difficult to find out what's happening in other parts of the state.

Wayne's survey will help us obtain some demographic information on Illinois special education cooperatives and will also provide data on the status of collective bargaining. I hope you will all take a few minutes to complete and return it.

Appendix C

Survey

1. Name of cooperative _____
2. Location (city) _____
3. Number of districts: Elementary___ High School___ Unit___
4. Total enrollment of districts _____
5. Size (in square miles) of cooperative _____
6. County(ies) served _____
7. Number of students in cooperative programs _____
8. Staff employed by the cooperative:

<u>Classification</u>	<u>Number</u>	<u>Classification</u>	<u>Number</u>
Administrators	_____	Nurses	_____
Supervisors	_____	Psychologists	_____
Teachers		Social Workers	_____
LD	_____	Prevoc. Coord.	_____
EMH	_____	Speech Path.	_____
TMH	_____	Teacher Aides	_____
Multi. Hdcpd.	_____	Secretaries	_____
BD	_____	Custodians	_____
ECE	_____	Bus Drivers	_____
VI/Blind	_____	Cooks	_____
HI/Deaf	_____	Interpreters	_____
Phys. Ther.	_____	_____	_____
Occ. Ther.	_____	_____	_____
Counselors	_____	_____	_____

9. Briefly describe your governing board (e.g., number of members, how members are selected, composition, etc.)

10. How are cooperative programs financed locally (e.g., assessment, tuition for programs and/or services, etc.)

1. Exclusive Bargaining Representative

- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| a. Are employees now represented | _____ | _____ |
| b. Were they represented before the IELRA | _____ | _____ |
| If yes, since when _____ | | |
| c. Was the exclusive bargaining representative voluntarily recognized by the cooperative | _____ | _____ |
| d. Has the exclusive bargaining representative ever been challenged | _____ | _____ |
| e. Is the local affiliated with a state/national teacher union | _____ | _____ |
| If so, which one _____ | | |

2. How many bargaining units represent the employees _____

3. If employees are divided into more than one bargaining unit, do contracts expire the same year _____

4. Please provide the composition of each bargaining unit-- even if employees are represented by just one unit.

(Use the employee classifications from page 1.)

1. Contract
 - a. The first contract covered which school year _____
 - b. How many contracts have been negotiated _____
 - c. Typical length of contract: 1 yr. ___ 2 yr. ___ 3 yr. ___
2. Does the cooperative use a professional negotiator:
yes ___ no ___
 - a. Name and address _____
 - b. How was he/she chosen _____
 - c. Typical cost _____
 - d. Is your negotiator knowledgeable about, and comfortable with, bargaining for a cooperative _____
 - e. Have you used the same negotiator more than once:
yes ___ no ___
If not, why not _____
3. Bargaining team
 - a. Number of members _____
 - b. How selected _____
 - c. Do any members repeat _____
 - d. Is the director at the table _____
 - e. Do the employees use a state union representative ___
4. Bargaining process
 - a. Have you used a mediator _____ How often _____
From what agency _____
Effectiveness _____

b. Have you used an arbitrator _____ How often _____
From what agency _____

c. Have employees given strike notice ____ How often ____

d. Have employees ever struck _____ How often _____
When _____ Length of strike _____
Results _____

e. Have employees ever filed a ULP _____ How many _____
Result(s) _____

f. Has the cooperative filed a ULP _____ How many _____
Result(s) _____

g. Have you had any major problems in negotiations _____

5. What information do employee bargaining representatives typically request prior to bargaining _____

Is this provided _____ At what cost _____

6. Have you used Win-Win bargaining (or a form of it) _____
Result _____

7. Does management typically present its own proposals at the table or simply respond to employee proposals _____

8. How is compensation determined for employees who are not in the bargaining unit _____

9. Please circle your best estimate

a. Cooperative salaries compared to those of member districts

top quartile	2nd quartile
3rd quartile	bottom quartile

b. Fringe benefits compared to those of member districts

top quartile	2nd quartile
3rd quartile	bottom quartile

Directions: Please circle the letter below to indicate your perception about each statement. If you strongly agree, circle SA; if you agree with the statement, circle A; if you neither agree nor disagree, circle U for undecided; if you disagree, circle D; and if you strongly disagree, circle SD.

1. Collective bargaining has improved relations between the board and the employees. SA A U D SD
2. Collective bargaining has improved relations between the administration and the employees. SA A U D SD
3. As everyone has become more familiar with the process, bargaining has become easier. SA A U D SD
4. The process is easier if the employees have a state teacher union representative at the table. SA A U D SD
5. Having a professional negotiator makes the process easier. SA A U D SD
6. Collective bargaining has resulted in higher compensation than the employees would otherwise have received. SA A U D SD
7. Having a negotiated contract has made it easier for me to function as director. SA A U D SD

8. After passage of the IELRA, bargaining SA A U D SD
in the cooperative was inevitable.
9. If I were not an administrator, I SA A U D SD
would be in favor of collective
bargaining.
10. I feel that our employees are fairly SA A U D SD
compensated.

How long have you been a director _____

How long have you been a director in a cooperative with a
negotiated contract _____

I would like a copy of the results of this survey _____

Appendix D
Second Letter

Mr. John Doe, Director
Any County Special Education
That Town, IL

Dear Mr. Doe:

Last month I wrote to special education directors across the state to request information regarding their experiences with collective bargaining. I plan to use this information to complete my Specialist Degree in Educational Administration, but I also feel that it is extremely important that data be gathered and disseminated on the status of special education collective bargaining and the impact of the Illinois Educational Labor Relations Act (IELRA) on co-ops.

I have received responses from nearly 60% of the directors to whom I wrote. While I feel this is a good rate of response, it is not sufficient to permit accurate statistical manipulations. Therefore, I am again requesting your cooperation in the completion of my survey. I have enclosed another copy of the survey and have again included a stamped, self-addressed envelope for you to return it to me.

All of the data requested is important to me--and I feel

to directors across the state. If you find it too time consuming to complete the entire survey, however, please have someone fill out at least the first two pages while you complete the questionnaire on the last page. These contain what is probably the most important information. I want to again assure you that all responses will be kept confidential and that no cooperative will be individually identified when the data is reported. I thank you in advance for your assistance.

Sincerely,

Appendix E

Summary of Responses

	Percent of Directors Reporting
Employees are now represented	72
Employees represented before IELRA	28
Bargaining rep. voluntarily recognized	72
Bargaining rep. has been challenged	16
Bargaining unit affiliation	
IEA/NEA	80
IFT/AFT	20
Number of bargaining units	
One	83
Two	17
Length of negotiated contract	
One year	32
Two years	46
Three years	21
Cooperative uses professional negotiator	74
Employees use state teacher union rep.	74
Size of cooperative bargaining team	
Two members	11
Three members	28
Four members	17
Five members	33

Six members	17
Some members of bargaining team repeat	89
Director is present during bargaining	
Part of administrative district unit	11
Unit representing only co-op employees	78
Mediator has been used	62
Agency used	
FMCS	69
Other	31
Arbitrator has been used	5
Strike notice given	22
Employees have struck	
Part of administrative district unit	11
Unit representing only co-op employees	0
Employees have filed ULP	24
Cooperative has filed ULP	0
Major problems have occurred in negotiations	33
Time	33
Financial	33
Language	16
Win-Win bargaining has been used	5
Management presents bargaining proposals	72
Mean years experience of directors	12.4

Appendix F

Cooperatives Surveyed

<u>Name of Cooperative</u>	<u>City</u>	<u>County</u>
Belleville Area Special Ed. Dist.	Belleville	St. Clair
Bi-County Special Education Coop.	Morrison	Whiteside
Black Hawk Area Special Ed. Dist.	East Moline	Rock Island
Boone County Special Ed. Coop.	Belvidere	Boone
B-M-P Tri-County Special Ed. Coop.	Princeton	Bureau
Cahokia Area Joint Agreement Sp. Ed.	Cahokia	St. Clair
Cooperative Association for Sp. Ed.	Lombard	DuPage
DeKalb County Special Ed. Assoc.	Cortland	DeKalb
East DePage Special Ed. Dist.	Villa Park	DuPage
Eastern Illinois Area of Special Ed.	Mattoon	Coles
East St. Louis Area Joint Agreement	E. St. Louis	St. Clair
Ford-Iroquois County Sp. Ed. Assoc.	Gilman	Iroquois
Four Rivers Special Ed. Dist.	Jacksonville	Morgan
Franklin-Jefferson Counties Sp. Ed.	Benton	Jefferson
Grundy County Special Ed. Coop.	Morris	Grundy
Henry-Stark County Special Ed. Dist.	Kewanee	Henry
Johnson-Alexander-Massac-Pulaski Special Ed.	Olmsted	Pulaski
Kankakee Area Special Ed. Coop.	Kankakee	Kankakee
Kaskaskia Special Ed. Dist.	Centralia	Marion
Kendall County Special Ed. Coop.	Yorkville	Kendall
Knox-Warren Special Ed. Dist.	Galesburg	Knox

LaSalle County Ed. Alliance for Special Ed.	Streator	LaSalle
Lee County Special Ed. Association	Dixon	Lee
Lincoln-Way Area Special Education	Frankfort	Will
Livingston County Sp. Services Unit	Pontiac	Livingston
Lockport Area Special Ed. Coop.	Lockport	Will
Mackinaw Valley Special Ed. Assoc.	Normal	McLean
Macon-Piatt Special Education Dist.	Decatur	Macon
Madison County Sp. Ed. Region I	Granite City	Madison
Madison County Sp. Ed. Region II	Edwardsville	Madison
Madison-Jersey-Macoupin Special Ed. Region III	Cottage Hills	Madison
Mid-State Sp. Ed. Joint Agreement	Taylorville	Christian
Mid-Valley Special Education	St. Charles	Kane
Northwest Special Education District	Freeport	Stephenson
Ogle County Education Coop.	Mt. Morris	Ogle
Perandoe Special Education District	Red Bud	Randolph
Rural Champaign County Sp. Ed. Coop.	Rantoul	Champaign
Sangamon Area Special Ed. Dist.	Springfield	Sangamon
School Association for Special Ed. in DuPage	Addison	DuPage
South Eastern Special Ed. Program	Ste. Marie	Crawford
Southern Will County Coop. for Special Education	Channahon	Will
Special Ed. Assoc. of Adams County	Quincy	Adams

Special Ed. Assoc. of Peoria County	Peoria	Peoria
Special Ed. District of Lake County	Gurnee	Lake
Special Ed. Dist. of McHenry County	Woodstock	McHenry
Tazewell-Mason Counties Sp. Ed. Assoc.	Pekin	Tazewell
Tri-County Special Education Assoc.	Bloomington	McLean
Tri-County Special Education Dist.	Murphysboro	Jackson
Vermillion Assoc. of Special Ed.	Danville	Vermillion
Wabash and Ohio Valley Sp. Ed. Dist.	Norris City	White
West Central Illinois Sp. Ed. Coop.	Macomb	Hancock
Williamson County Special Ed. Dist.	Marion	Williamson
Winnebago County Special Ed. Coop.	Rockton	Winnebago
Woodford County Special Ed. Assoc.	Metamora	Woodford