



April 12, 2012

The Honorable Sandré Swanson  
California State Assembly  
P.O. Box 942849  
Sacramento, CA 94249-0016

**Re: Assembly Bill 2269 – OPPOSE**

Dear Assemblyman Swanson:

As a private citizen of the State of California and the President and CEO of Labor Issues Solutions, LLC and the Dayton Public Policy Institute, I write to oppose your Assembly Bill 2269, which substitutes the first week of April as Labor History Week with the entire month of May as Labor History Month and “encourages school districts to commemorate that month with appropriate educational exercises that make pupils aware of the role that the labor movement has played in shaping California and the United States.”

I anticipate I will be the only person to file opposition to your bill, although I don’t believe my singular opposition indicates that Californians would be supportive of it, if they knew about it.

I am the author of an article published in the journal *Government Union Review* (Volume 21, Number 1 – 2003) about the organized union campaign to insert Labor History in the history-social science curriculum framework for government education across the country. My article focuses on California, where unions have played a leading role in this movement. I have watched the *Golden Lands, Working Hands* video produced for California schools in association with what is now the University of California Miguel Contreras Labor Program.

I find Labor History to be exciting, relevant, and full of the passion of humanity in its quest for just and righteous economic and social relationships. Labor unions are a necessary and useful check and balance against the greed inherent in the nature of humanity. Nevertheless, I oppose your proposed changes to Education Code Section 51009 for the reasons listed below.

### **Technical Objections**

According to the Legislative Analysis provided to the Assembly Education Committee for its April 11 hearing on AB 2269, you point out that “for many school districts, the first week of April is Spring break and April is also a busy time for schools and pupils as they prepare for statewide assessment administrations.”

1. First, every month should be a “busy time for schools and pupils” to learn. On what basis was it determined that May is a month when schools and pupils aren’t as busy? What is busyness, and how do school districts measure it?
2. Your bill does not indicate if you have determined that school districts want to commemorate Labor History but can’t logistically, or if you have determined that school district board members and administrators are using excuses (“we have Spring Break during that week,” “it’s only a week and we’re too busy”) to evade the “encouragement” to commemorate Labor History. What are the specific examples that require your proposed change to state law? Why is it unreasonable for a school district to simply schedule its own commemoration of Labor History in the week before or the week after? Isn’t the content more important than the existence of a state-specified time period?
3. Pointing out that schools should commemorate Labor History when pupils aren’t as busy suggests that Labor History is a lower educational priority than other functions of school districts. It makes sense to inquire why the State of California needs a law encouraging school districts to specifically commemorate something as specialized as Labor History. After all, the California Department of Education has implemented a highly-ambitious curriculum framework for the state’s public school students, and there is little room for more content. Why is Labor History being singled out among all of the additional subjects that could be added to the curriculum? Why not Constitutional Law?

California’s Education Code Section 51009 (Labor History commemoration) as it stands gives interest groups the statutory basis to pressure local school boards, school administrators, and teachers to force even more instructional material into course curriculum. Now you propose expanding the commemoration from a week to a month, thus eliminating a graceful way for school board members, administrators, and teachers to resist unwanted political pressure for adding another subject (and a politically-charged one at that) to their overburdened existing curriculum.

4. It is true that some large urban school districts where there is significant union activism for commemorating Labor History (such as the Los Angeles Unified School District) schedule the first week of April as Spring Break. But within your district, Oakland Unified School District had its Spring Break this year in the second week of April. Without a chart indicating the Spring Break schedules for all school districts in the state, it is difficult to determine whether or not setting the first week of April as Labor History Week is a genuine detriment to its commemoration.

5. A reasonable California citizen might ask why the governmental authority to commemorate Labor History Week is not more appropriately assigned to individual school districts rather than the State of California. In that way, each school district can arrange for its Labor History Week at a time that fits with its own schedule.
6. Why a month rather than a week? Why not just a day? Why can't school districts simply "commemorate" Labor History throughout the year by implementing the History-Social Science curriculum framework and approved instructional materials, which already mandate instruction about the American labor movement and its achievements?
7. What are the "appropriate educational exercises, as specified?" Actually, there are no specifications outlined in state statute or in state regulations for commemorating Labor History Week. Is it the State Superintendent of Public Instruction who issues the specifications? Or is it the local school board? And if specifications are left to the school board, a reasonable California citizen might ask why the governmental authority to commemorate Labor History Week is not more appropriately assigned to individual school districts rather than the State of California in the first place.

In conclusion, I do not believe the legislature has been given enough background information to justify changing a state-recognized educational commemoration from a week in April to a month in May.

### **General Objections**

The concept of Labor History commemorations encouraged in California law for school districts is problematic at best, inappropriate at worst.

1. **Distraction:** Labor History commemorations are another distraction from the problem of California students who leave the government schools without mastering the fundamentals of reading, writing, and mathematics. Less than one third of public school students test at or above the "proficient" level in the history and social science subject area. Surely Labor History commemorations would be a distraction in a state where many students struggle with the basics.
2. **Solution in Search of a Problem:** The legislature has not been shown alleged deficiencies in how the historical role of the labor movement is currently taught in California government schools. An examination of California's History-Social Science curriculum framework will show numerous examples of required instruction about the role of the labor movement in American and California history. Instructional materials reflect those requirements. What is insufficient about this framework and these materials that require a supplemental commemoration, lobbied for by labor unions?
3. **How Are Students Evaluated on Mastery of the Instructional Material?** Even though the legislature is now considering expanding Labor History Week to a month, it lacks a comprehensive report on how California school districts are currently commemorating

Labor History Week. What are the criteria for students to be graded on their mastery of material taught during Labor History Week? Are students penalized for not agreeing with the political perspective of the material? Have any students earned extra credit for inspiring union organizational campaigns at their places of part-time employment? Who is being invited to speak at schools during these Labor History commemorations? What are the speakers saying? A vote to approve this bill would be uninformed and a disservice to students.

4. **Political Bias in the Classroom:** These commemorations now being pushed by labor unions are dangerously close to imposing a state mandate for a politicized government school curriculum. When a parent or guardian sends a child to a government school, he or she expects that the school will stick closely to standard instruction and ensure that special interest groups or ideological organizations will not have access to instructing his or her child.

Unions such as the California Federation of Teachers want to promote unions and union organizing through their own resources and curriculum materials such as the movie *Golden Lands, Working Hands*, the *Collective Bargaining Education Project* for high school students (with its guidebook *Workplace Issues and Collective Bargaining in the Classroom*), and the *Yummy Pizza Company* and *Trouble in the Hen House: A Puppet Show* for elementary school students. These materials have a political intent: they are meant to present union membership as a critical aspect of employment in the modern world and to decry the challenges faced by organized labor in the new global economy.

These resources subtly and sometimes overtly criticize free markets, capitalism, and corporate organization, and they encourage students to exert their right to organize their future workplaces. Isn't this a job for parents and guardians, rather than for government schools in the classroom?

Does the legislature want to be accused of hypocrisy and double standards? In 2011, there was outrage when [www.CaliforniaWatch.org](http://www.CaliforniaWatch.org) revealed that an industry group may have influenced the state's environmental curriculum. As reported in the August 19, 2011 *San Francisco Chronicle*:

Under pressure from a lobbying group for the plastics industry, California school officials edited a new environmental curriculum to include positive messages about plastic shopping bags, interviews and documents show. The rewritten textbooks and teacher's guides coincided with a public relations and lobbying effort by the American Chemistry Council to fight proposed plastic bag bans throughout the country, including one eventually approved in San Francisco.

I agree that corporate interference in the development of government school curriculum standards is inappropriate. I also contend that union interference in the development of curriculum standards through Labor History commemorations is inappropriate.

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In conclusion, the union organizations now supporting this bill (the California Federation of Teachers, the California Labor Federation, the California Nurses Association, the California Professional Firefighters, the California School Employees Association, the Northern California District Council of the International Longshore and Warehouse Union, and the State Building and Construction Trades Council) obviously want the schools to develop students who will use their critical thinking skills and fundamental knowledge to exert their rights as citizens or resident aliens, including their right to organize their fellow employees into a union. A vote to unionize should be an educated vote, not one based on irrational feelings or blindly believing what a professional union organizer says in the heat of an organizing campaign.

Having California residents knowledgeable and willing to organize their workplaces into a union does not require schools to commemorate Labor History Month – it requires schools to teach the basics and unions to do a better job of promoting and selling the advantages of unionization in the private marketplace. If students don't master the basics of learning, Labor History commemorations in government schools become nothing but an exercise in political propaganda.

Sincerely,

Kevin Dayton  
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