



May 1, 2018

To School Superintendents and All Interested Parties:

It is our understanding that the Goldwater Institute, a right-wing ideological pressure group located in Phoenix sent you a communication intended to pressure you to take adverse action against the working educators in your district. These employees are courageously speaking out on behalf of their students and themselves. The purpose of this communication is to set the record straight concerning the legality of teacher strikes in Arizona.

There is no statutory prohibition on teacher strikes in Arizona. The Arizona Supreme Court has never ruled definitively on the issue of teacher strikes. The mid-level appellate court decision cited by Goldwater, as well as the two attorney general opinions, were limited to the specific facts and circumstances addressed. The attorney general opinions are not legally binding and, by their own terms, were limited to the specific situations they addressed back in 1971 and 1980, respectively. If you are looking for a fair statement (as opposed to Goldwater's ideologically driven, misleading statement) on the question of whether there is a right to strike for teachers in Arizona, it is this: There is no statutory prohibition; the Arizona Supreme Court has not ruled on the issue; and the question has no definitive answer.

Beyond the main issue of whether a right to strike exists for teachers in Arizona, Goldwater has chosen to try to scare you by citing misleading and irrelevant sections of the Arizona Revised Statutes that have little to no bearing on any action that you must take. Goldwater cites A.R.S. § 15-534(C) and (D) and the Board of Education's Disciplinary Guidelines for the proposition that a breach of a teacher's contract constitutes insubordinate and unprofessional conduct that should result in a suspension. However, if school is closed, there is no refusal to work and thus, no breach. If school is not closed, then the question of whether there is a breach of a teacher's contract is dependent on the actual terms of that contract and the facts and circumstances surrounding the reasons why a teacher did not show up for work. The guidelines allow for discretion in each case.

Goldwater's references to irrelevant statutory sections regarding the felonious use of school property and political pressure are simply intended to cause unnecessary alarm. The vague reference to potential lawsuits is further designed to stop you from taking the action necessary to allow your teachers to speak on issues of public concern. Closing a school because large numbers of teachers and/or students are not likely to be present is not an act of political pressure; it is a sensible action that is defensible as a matter of public safety and responsible use of resources.

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

American Federation
of Teachers, AFL-CIO

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The Goldwater Institute and its right-wing backers want to silence the voice of your own educators who are fighting for their students and for themselves. I have spent time walking to the Capital with my fellow teachers; they would rather be in school but they are marching instead because they don't have the resources they need to do their job or the wages they deserve. I would urge you to respect the voice of your teachers and allow them to air their discontent with a system that does not provide teachers and school districts with the funding necessary to educate their students.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Weingarten". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randi Weingarten

President

American Federation of Teachers, AFL-CIO