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Gut unions and boost private schools? 2022 ballot proposals aim at California labor

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A billionaire venture capitalist wants California public unions gutted.

Multiple proposed initiatives, including one involving a former Trump cabinet member, call for California to give about \$14,000 a year to parents sending their kids to private schools.

Education reform advocates are gearing up for an initiative enshrining in the California Constitution the right to a “high-quality” public education for every student, which could lead to legal battles with school districts and teachers unions.

Initiatives going after California’s public schools and unions aren’t new. But if those measures collect enough signatures to reach the ballot, 2022 could be a blockbuster of an election for California’s unions, who could have to spend an unprecedented amount of money on defense.

Unions are vowing to fight, saying the results of the recall election showed Californians are not willing to support initiatives that weaken labor’s interests. But advocates for the measures say the pandemic, which closed many schools for months as teachers and districts negotiated the terms of reopening, could push Californians to support ideas often seen as heretical in a blue state.

Forcing unions to play defense means spreading them thin in areas like key congressional races for the midterm, said David McCuan, a professor at Sonoma State who has followed the state’s initiatives for decades.

“The idea is to water down their capability by causing them to fight everywhere,” he said.

EMPOWERED BY THE PANDEMIC

For the supporters of those initiatives, the pandemic is best remembered as one where thousands of students in public schools couldn’t learn in person, while leaders like Gov. Gavin Newsom sent their kids to private schools.

Creating educational savings accounts for parents sending their kids to private schools has been floated for years, and several states such as Arizona already have such a program. But coming out of the pandemic, such an idea can be “an opportunity to genuinely capture the fervor that people want to have a choice in their education,” said Lance Stephenson.

There are dueling initiatives proposed: One pushed by a Southern California activist and another by Fix California, a group founded by former Director of National Intelligence Richard Grenell. Stephenson is the chief strategist for the latter campaign.

The initiatives are largely similar, although the latter calls for phasing in the program, starting with those whose parents make less than \$100,000 a year and then expanding over the course of several years.

The fight over the COVID vaccine mandate, in which many California students in public and private schools have to get the shots by July 1, could also push people to support the initiatives, Stephenson said.

“There will be pretty intense push back by private schools on this requirement. I don’t see it being implemented well,” Stephenson said. “A lot of private schools will just not comply.”

But Will Swaim, president of the libertarian California Policy Center, is skeptical as to whether those initiatives could pass.

“They aim right at the heart of the union power,” Swaim said. “When you go right after the beast, when you go right after the heart of darkness in California’s politics, when you go into the empire, the empire will strike back.”

HOW UNIONS PLAN TO PUSH BACK

California unions have successfully fended off challenges in the ballot box. Attempts to create a school vouchers program failed by a wide margin in 1993 and 2000. A measure to ban unions from spending their members’ payroll deductions on political campaigns failed in 2012.

“We’ve come to accept it as common practice for billionaires and libertarians and those folks who just do not like public employees,” said Ted Toppin, the executive director of the Professional Engineers in California Government and the chair of the Californians for Retirement Security.

The recall election showed that the state’s unions and labor movement can generate a huge turnout of voters who would vote down those types of initiatives, Toppin said. “All I can tell you is that on Sept. 14, 60% of Californians voted for the values of this Governor, this administration, and those legislators.”

McCuan expects unions to spend heavily to defend themselves against those initiatives if any of them make it to the ballot.

“Labor has to throw the kitchen sink at this because this is a residual effect... to the Janus decision in 2018 and the rise and success of Prop. 22,” said McCuan, referring to the Supreme Court ruling that prevents unions from collecting fees from public sector workers who do not wish to pay as well as a 2020 ballot initiative that let gig economy drivers work as independent

contractors. “If you lose in California, it’s another hit against the juggernaut in a place of Janus, Prop. 22. That’s not where the California labor wants to be.”

If any of those succeeds, especially the one that seeks to ban collective bargaining for public workers, it could lead advocates to push again for measures like the one in 2012, further weakening the state’s unions, McCuan said.

WHY CALIFORNIA? WHY 2022?

California is “a harbinger of the nation,” said Mike Tanner, a senior fellow at a libertarian think tank Cato Institute which released a report last week on addressing the state’s poverty and inequality.

The report lists 24 proposals, such as establishing a tax credit program for low-income students to attend schools of their choice.

Although Tanner said he wants to work with legislators on pushing those proposals, especially in the areas of criminal justice reforms such as expunging records, he said initiatives offer ways to get around “very entrenched, very comfortable special interest who is for the status quo.”

“Problems have grown in some areas where California is more receptive to the ideas that are more outside the box,” Tanner said.

Even though more initiatives on the ballot fail than pass, Prop. 22 in 2020 created a model for how supporters of a measure can rally the voters, McCuan said.

The measure used new tactics such as sending messages directly to voters’ Uber apps and framed the issue as to whether drivers should get benefits such as wage floor and healthcare subsidy as outlined in the initiative, he said. “They defined the ground.”

Still, McCuan is skeptical as to whether those initiatives would pass even if they make it to the ballot. The 2022 election could be a reversion to the mean after seeing so many initiatives pass in 2020, he said.

But it won’t stop people from spending possibly north of \$1 billion in 2022 to push those and other measures, such as legalizing sports betting and banning flavored tobacco, he said.

“You’re going to have potentially a battle for the ages in 2022 amidst the national election. What it does is it sends donors and interests and it put them on steroid, accelerating spending.”