



March 21, 2024

***Via Email & Regular Mail***

Natalie Luna Rose  
Tucson Unified School District  
1010 East Tenth Street  
Tucson, Arizona 85719  
Natalie.LunaRose@tusd1.org

In re: Tucson Education Association “Strike Ready” resolution

Dear Board President Rose,

The Tucson Education Association (“TEA”) recently adopted a “Strike Ready” resolution (Exhibit 1). This resolution calls for, among other things, a push to increase union membership by 2025 to enable a future strike. In Arizona, however, strikes by public employees are both illegal and contrary to representative government. The Governing Board should unequivocally condemn TEA’s dangerous hyperbole and make clear that any strike by government employees would be met with appropriate disciplinary action, including termination.

The Arizona Constitution provides that the state shall provide for “a general and uniform public school system.” Ariz. Const. art. XI § 1. This provision guarantees all students the right to an education, *Shofstall v. Hollins*, 110 Ariz. 88 (1973), and imposes on the District the constitutional obligation to provide for that education as specified in the law. An unlawful strike—and any actions by the District to aid or encourage it—would constitute an intentional effort to deprive Arizona students of their constitutional rights.

Additionally, Arizona law does not permit government employees to strike. *Commc’ns Workers of Am. v. Arizona Bd. of Regents*, 17 Ariz. App. 398, 400 (1972); Ariz. Att’y Gen. Op. No. 71-12 (R-40) (Apr. 5, 1971); Ariz. Att’y Gen. Op. No. I80-039 (R80-12) (Mar. 18, 1980). In our system of government, the people are sovereign, and it is repugnant to constitutional order to permit government employees to commandeer the government and halt its functions unless and until their own private demands are met. For that reason, the common law prohibited strikes by government employees because such a strike is an unlawful act against the public itself. That is still the law in Arizona.

The refusal of public employees to honor the conditions of their employment contracts is also a breach of contract, and a breach of contract constitutes insubordinate and unprofessional conduct under state law. A.R.S. § 15-534(C), (D). The Arizona State Board of Education's Disciplinary Guidelines<sup>1</sup> specify that breach of contract is unprofessional conduct, and that employees who breach their contracts should be subject to appropriate disciplinary action. *Id.* at 3.

Finally, Arizona law makes it a felony for any person to enter onto the property of a public school to interfere with the lawful use of that property. A.R.S. § 13-2911. Thus, any action by government employees that involved such uses of public property would likewise be unlawful.

Since the TEA has publicly announced plans to potentially engage in illegal activity, we request that this District provide a response to the TEA's threat. Specifically, we request the Governing Board provide answers to the following questions:

1. Do you plan to aid striking employees<sup>2</sup> in any way, including by—closing schools until a strike ends?
2. Will you discipline teachers who breach employment contracts by refusing to fulfill their public duties, as state law requires?
3. What steps are you currently taking to ensure that District schools stay open and that, in the event of a strike, students continue to receive the education to which they are constitutionally entitled?

Our staff is available at any time to discuss the legal issues raised by TEA's "Strike Ready" resolution and its implicit plans to strike if its private demands go unmet.

We appreciate your prompt and thoughtful consideration of these matters and look forward to receiving answers to the questions posed in this letter. Please do not hesitate to contact me directly with any questions you might have.

Regards,



Adam Shelton  
Staff Attorney  
Scharf-Norton Center for Constitutional Litigation  
at the Goldwater Institute

---

<sup>1</sup> [https://azsbe.az.gov/sites/default/files/2023-08/Discipline%20Process%20%2526%20Resources\\_2.pdf](https://azsbe.az.gov/sites/default/files/2023-08/Discipline%20Process%20%2526%20Resources_2.pdf).

<sup>2</sup> Striking includes a number of actions government employees may take that prevents them from fulfilling their public duties, including but not limited to "[sick-outs](#)," and "[walkouts](#)."

Natalie Luna Rose

March 21, 2024

Page 3 of 3

cc (via email only):

Superintendent Dr. Gabriel Trujillo

Gabriel.Trujillo@tusd1.org

Board Clerk Jennifer Eckstrom

jennifer.eckstrom@tusd1.org

Board Member Val Romero

val.romero@tusd1.org

Board Member Dr. Ravi Shah

ravi.shah@tusd1.org

Board Member Sadie Shaw

Sadie.Shaw@tusd1.org

General Counsel Robert Ross

Robert.Ross@tusd1.org



Whereas the forces committed to destroying public education in Arizona continue to push laws and policies that overregulate, undervalue and underappreciate teachers and education support professionals essential to the success of public education;

Whereas many educators in our district are overworked and not sure if they will still be working in public education in five years if we don't achieve significant changes in our working conditions;

Whereas the Tucson Unified School District is the largest district and influential in establishing teacher and staff wages and working conditions in the Tucson market;

Whereas the AEA board of directors passed a resolution in August 2022 establishing the President's Organizing Council and committing to growing the number of members statewide to 40,000 by September 1, 2026;

Whereas to achieve a high participation local union with majority status, we must organize around aspirational, career changing issues;

Whereas TEA officers, association representatives and members need to engage, recruit, educate and empower a new generation of members to take on leadership roles;

Whereas TEA's membership is currently at 33% of it's potential, up from 24% in July 2022;

Whereas strike ready does not mean TEA has an immediate plan to go on strike, but instead strike ready means as a local we commit to the work to assure our union has the proven capacity to take direct action to solve the most pressing issues threatening public education;

Whereas strike ready means TEA commits to growing our membership to a majority and then supermajority, meaning over 50% then over 66% membership;

Whereas strike ready means TEA commits to improving our communication structures, including having association leadership at every site and a tested system to reach and hear from every TEA member;

Whereas strike ready means TEA will "practice our power" by organizing and winning around issues at the site and district level;

Whereas strike ready means TEA will build and improve existing community alliances and support;

Therefore, be it resolved that the TEA Association Representatives commit to being a strike ready union by the Spring of 2025.

Adopted this 13th day of December 2023



Considerando que las fuerzas comprometidas con la destrucción de la educación pública en Arizona continúan impulsando leyes y políticas que sobrerregulan, subvaloran y subestiman a los maestros y profesionales de apoyo a la educación esenciales para el éxito de la educación pública;

Considerando que muchos educadores en nuestro distrito están sobrecargados de trabajo y no están seguros de si seguirán trabajando en la educación pública dentro de cinco años si no logramos cambios significativos en nuestras condiciones laborales;

Considerando que el Distrito Escolar Unificado de Tucson es el distrito más grande e influyente en el establecimiento de salarios y condiciones laborales para maestros y personal en el mercado de Tucson;

Considerando que la junta directiva de la AEA aprobó una resolución en agosto de 2022 estableciendo el Consejo Organizador del Presidente y comprometiéndose a aumentar el número de miembros en todo el estado a 40,000 para el 1 de septiembre de 2026;

Considerando que para lograr un sindicato local de alta participación con estatus mayoritario, debemos organizarnos en torno a temas aspiracionales que cambien las carreras;

Considerando que los funcionarios, representantes de asociaciones y miembros de la TEA deben involucrar, reclutar, educar y empoderar a una nueva generación de miembros para que asuman roles de liderazgo;

Considerando que la membresía de TEA se encuentra actualmente en el 33% de su potencial, frente al 24% en julio de 2022;

Considerando que estar listo para la huelga no significa que TEA tenga un plan inmediato para ir a la huelga, sino que estar listo para la huelga significa que, como local, nos comprometemos a trabajar para garantizar que nuestro sindicato tenga la capacidad comprobada de tomar medidas directas para resolver los problemas más apremiantes que amenazan la educación pública;

Mientras que estar listo para la huelga significa que TEA se compromete a aumentar nuestra membresía a una mayoría y luego a una supermayoría, es decir, más del 50% y luego más del 66% de membresía;

Considerando que estar listo para la huelga significa que TEA se compromete a mejorar nuestras estructuras de comunicación, incluido tener liderazgo de asociación en cada sitio y un sistema probado para llegar y escuchar a cada miembro de TEA;

Considerando que estar listo para la huelga significa que TEA “practicará nuestro poder” organizándose y ganándose los problemas a nivel de sitio y distrito;

Considerando que estar listo para la huelga significa que TEA construirá y mejorará las alianzas y el apoyo comunitarios existentes;

Por lo tanto, se resuelve que los representantes de la Asociación TEA se comprometan a ser un sindicato listo para la huelga para la primavera de 2025.

Adoptada el 13 de diciembre de 2023.