

# HOW STRONG ARE U.S. TEACHER UNIONS?

## A STATE-BY-STATE COMPARISON

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# FOREWORD

Everyone knows that teacher unions matter in education politics and policies, but it's hard to determine just how much they matter—and whether they wield greater influence in some places than in others.

There's plenty of conventional wisdom on this topic, mostly along the lines of, “unions are most powerful where they represent most teachers and least consequential where their bargaining rights and revenues are restricted.”

But is that really true? And even if it is, does it oversimplify a much more complex and nuanced situation?

Veterans of the ed-policy wars—including our own trustee Rod Paige, who is both a former U.S. Secretary of Education and a former local superintendent in the biggest district in the biggest state that bans collective bargaining—insisted to us that teacher unions exert influence in many ways at many levels, not just at the bargaining table.

This deserved deeper investigation, particularly since union critics (many of them also ardent education reformers) generally assert that unions are the greatest obstacle to needed changes in K-12 schooling, while union defenders (and supporters of the education status quo) insist that these organizations are bulwarks of professionalism and safeguards against untested innovation.

So we resolved to dig deeper, determined to parse the differences in strength across state-level unions in the fifty states plus the District of Columbia.

We were delighted and appreciative when Education Reform Now—an affiliate of Democrats for Education Reform—agreed to join, co-sponsor, and help fund this endeavor.

Which turned into one of the most challenging research projects we have ever undertaken at the Fordham Institute.

Let us acknowledge at the outset that it's not a perfect study. (We offer some thoughts as to how we and others might approach this thorny topic in the future.) Let us admit that its conclusions are more nuanced, even equivocal, than we're accustomed to. And let us recognize that, just as we were gathering and analyzing reams of data, multiple factors—economic difficulties, political shifts, court decisions, changing policy agendas, the arrival of many new players—conspired to produce enormous flux in precisely the realms that we were examining. Sometimes we found that a mere month could render part of our laboriously-assembled data obsolete; we adjusted where we could, but eventually had to cease collecting and start making sense of our data.

In the end, we learned a ton—about individual states, about national patterns,

about unexpected relationships, and surprising exceptions.

Here are a few highlights:

- Teacher strikes, like the one recently concluded in Chicago, are legal in fourteen states and illegal in thirty-seven.
- Thirty-two states *require* local school boards to bargain collectively with their teachers, fourteen states *permit* local boards to do this, and five states *prohibit* collective bargaining altogether (Georgia, North Carolina, South Carolina, Texas, and Virginia).
- Twenty-three states are “right to work” states, which prohibit unions from collecting agency fees from non-members.\* Twenty-eight jurisdictions allow agency fees.
- In the 2010 state election cycle, teacher unions in twenty-two states were among the top ten overall donors (excluding individual donations) to candidates for governor and other executive positions, legislature, high court, and elected education positions. In twenty-one states, they were among the top five highest-giving interest groups (including Colorado and Indiana, where they ranked first).
- In just two states (Pennsylvania and New Jersey) did our survey of insiders unanimously deem teacher unions to be the most influential entities in shaping education policy over a recent three-year period. But informants

in twenty states found the teacher unions to be generally more influential, on average, than all other entities (including the state school board, state superintendent, governor, legislators, business interests, and advocacy groups).

- The unions’ influence may be waning at the state level. For the three years prior to the 2011 legislative session, education policies in most states reflected union priorities. But in 2011, a growing number of legislatures were enacting policies that were *less* in line with union priorities.

Note that we did not link our overall rankings to state-level student achievement. Of all the data included in our metric, only a few of them (like teacher employment policies) might affect student achievement. Others, like state spending on education, could “touch” students indirectly, but there’s no strong evidence to support their link to student performance. We also have a timing problem since many state policies are in flux and don’t align with point-in-time snapshots of achievement. Plus, we know that many other factors at both the state and local level could impact students, so theorizing that a relationship exists between state-level union activity and student achievement strikes us as short-sighted.

Still, we can’t resist eyeballing whether policies in a few high-performing states are more in line with the positions of reformers or traditional unions (without pointing fingers either way). Massachusetts, the highest-achieving state in the land, is a

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\* Something else we learned: The proper definition of “right-to-work” has nothing to do with denying unions the right to bargain collectively. Right-to-work states stop unions from requiring union membership (and payment of dues or other union fees) as a condition of employment. In *any* state, teachers are free *not* to join their local union, but in non-right-to-work states the union can still charge “agency fees” to non-member teachers. In right-to-work states, unions cannot charge agency fees, only membership dues. While just five states ban collective bargaining by teachers, twenty-three are right-to-work states that prohibit agency fees.

mixed bag—some policies are aligned to union goals, others not. Two other high achievers, Virginia and Colorado, part ways: In the Old Dominion, policies are highly aligned to union interests, but that's not the case in the Centennial State. And education policies in California, with its dismal achievement record, largely do *not* reflect union interests, while those in Mississippi, another notorious low performer, are more aligned to them than nearly anywhere else.\* All of that to say that no one on either side of the ed-reform divide should be glib about this topic.

Plenty more is waiting to be learned about teacher unions, how to gauge their strength in the many venues and mechanisms by which they exert it, and their role in education policy. View this study as adding another powerful lens to a telescope that's still being assembled. But peer through that lens and you will see a lot—including some surprises, paradoxes, and mysteries.

## ACKNOWLEDGMENTS

This big study was the product of many hands and heads. We're grateful to the Bodman Foundation, the Lynde and Harry Bradley Foundation, and Education Reform Now for their financial support, as well as to our sister organization, the Thomas B. Fordham Foundation.

We extend special thanks to Mitch Price, former legal analyst at the Center for Reinventing Public Education, who assisted in data collection and report writing. Former Education Pioneer Laurent Rigal assisted with survey development. Project advisors provided tremendously useful input on the

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We also appreciate the time and care that stakeholders in each state took to complete our survey during summer 2011. These included state legislators, chief state school officers and school board members, staff in governors' offices, charter school

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\* See 2011 NAEP state averages on 4th and 8th grade reading and math assessments, available <http://nces.ed.gov/nationsreportcard/naepdata/dataset.aspx>

organizations, and education advocacy organizations, as well as knowledgeable journalists.

At Fordham, Matt Richmond assisted in report writing and oversaw production. Daniela Fairchild and Chris Irvine (former Fordham policy and operations associate) assisted in survey administration and Tyson Eberhardt and Joe Portnoy managed dissemination. Numerous Fordham interns and others also lent their capable hands: Amanda Olberg, Remmert Dekker, Marena Perkins, Gerilyn Slicker, Josh Pierson, Alicia Goldberg, Keith McNamara (TFA Fellow), Laura Johnson, Michael Ishimoto, Layla Bonnot, Lisa Gibes, Anthony Shaw, Kai Filipczak, and Ben Bennett. Special thanks to current interns Asa Spencer and Pamela Tatz for research assistance, proofreading, and copy editing. Shannon Last served as copyeditor and Bittersweet Creative as layout designer and cover illustrator.

But the heaviest of heavy lifting on this ambitious project was done by report authors Amber Winkler, Fordham's vice president for research, her recently arrived deputy and research manager, Dara Zeehandelaar, and Janie Scull, former research analyst and production manager. We bow in admiration and gratitude to the trio.

*By Chester E. Finn, Jr. and Michael J. Petrilli*

# EXECUTIVE SUMMARY

In recent years, debates over school reform have increasingly focused on the role of teacher unions in the changing landscape of American K-12 education. On one hand, critics argue that these unions, using their powerful grip on education politics and policy to great effect, bear primary responsibility for blocking states' efforts to put into place overdue reforms that will drive major-league gains in our educational system. Such critics contend that the unions generally succeed at preserving teacher job security and other interests, and do so at the expense of improved opportunities for kids.

On the other side, we find union defenders who stoutly maintain that these organizations are bulwarks of professionalism in education, that their power is greatly exaggerated, that their opposition to misguided reforms is warranted, and that they couldn't possibly account for achievement woes—considering that highly unionized states perform at least as well as any others (and better than many) on the National Assessment of Educational Progress (NAEP) and other indicators.

This debate has taken on an international aspect, too, as critics of U.S. reform initiatives (and defenders of unions) point out that teachers are unionized all over the world, including nearly all the countries that surpass us on comparative achievement measures such as the Trends in International Mathematics and Science

Study (TIMSS) and Programme for International Student Assessment (PISA).

Both sides agree that, for better or worse, teacher unions look out for teacher interests. This study sheds light on how they use politics to do this, by measuring teacher union strength, state by state, more comprehensively than any other study to date. It sought answers to three questions:

1. What elements are potential sources of a union's strength (i.e., inputs)?
2. How might unions wield power in terms of behavior and conduct (i.e., processes and activities)?
3. What are signs that they have gotten their way (i.e., outcomes)?

We do not limit the answers to those questions to routinely-studied channels of union strength such as membership density and bargaining status, though we do include those. We also include such other measures as alignment between state policies and traditional union interests, union contributions to political campaigns, and the impressions of union influence held by knowledgeable participant-observers within the states. We chose to focus on state-level unions rather than local ones, because the state organizations are apt to affect education policy on a large scale.

## *OUR APPROACH*

To gauge union strength at the state level, we gathered and synthesized data for



thirty-seven different variables across five broad areas:

### Area 1: Resources and Membership

Internal union resources (members and revenue), plus K-12 education spending in the state, including the portion of such spending devoted to teacher salaries and benefits.

### Area 2: Involvement in Politics

Teacher unions' share of financial contributions to state candidates and political parties, and their representation at the Republican and Democratic national conventions.

### Area 3: Scope of Bargaining

Bargaining status (mandatory, permitted, or prohibited), scope of bargaining, right of unions to deduct agency fees from non-members, and legality of teacher strikes.

### Area 4: State Policies

Degree of alignment between teacher employment rules and charter school policies with traditional union interests.

### Area 5: Perceived Influence

Results of an original survey of key stakeholders within each state, including how influential the unions are in comparison to other entities in the state, whether the positions of policymakers are aligned with those of teacher unions, and how effective the unions have been in stopping policies with which they disagree.

Using these data, we rank the relative strength of state-level teacher unions in fifty-one jurisdictions as compared to one another (fifty states plus Washington, D.C.). To do this, we score the state separately on each of the five areas and rank the states according to those scores. We then average the five area scores and re-rank the states accordingly.

### RANKINGS

Table ES-1 displays the overall and area ranks of each state.

TABLE ES-1. TEACHER UNION STRENGTH BY STATE

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Alabama	20	24*	1*	45*	18*	25
Alaska	15	13*	36*	4*	21*	36
Arizona	51	40*	49	45*	49*	48
Arkansas	48	50	47*	45*	20	37
California	6	20*	18*	1	37	1
Colorado	35	37*	18*	25	48	29
Connecticut	17	9*	29*	13	13	27
Delaware	19	9*	29*	15	36	18
District of Columbia	33	17	N/A	21	49*	41
Florida	50	47*	36*	35*	46*	50
Georgia	45	35*	36*	48*	26	45

<i>State</i>	<i>Overall Rank</i>	<i>Area 1: Resources &amp; Membership</i>	<i>Area 2: Involvement in Politics</i>	<i>Area 3: Scope of Bargaining</i>	<i>Area 4: State Policies</i>	<i>Area 5: Perceived Influence</i>
Hawaii	1	3*	1*	9	9	23
Idaho	36	30	4*	42	45	42*
Illinois	8	18*	12	3	39	28
Indiana	31	9*	13*	39	44	32
Iowa	27	27	23*	32	11	31
Kansas	32	33*	18*	31	14	30
Kentucky	28	35*	26*	26	10	11*
Louisiana	42	40*	44*	24	33	44
Maine	22	20*	44*	16	7*	11*
Maryland	23	26	40*	20	16	4
Massachusetts	21	13*	40*	12	21*	16
Michigan	16	6*	4*	22	51	20
Minnesota	14	3*	32*	2	46*	19
Mississippi	46	49	40*	43*	7*	51
Missouri	38	33*	47*	23	40	24
Montana	3	20*	10*	6	6	5
Nebraska	26	18*	13*	37	27	38
Nevada	25	28*	18*	27	28	10
New Hampshire	30	24*	40*	14	17	40
New Jersey	7	1*	26*	17*	5	2
New Mexico	37	46	32*	35*	29	8
New York	9	1*	13*	19	24*	21
North Carolina	40	47*	29*	48*	12	11*
North Dakota	24	28*	23*	33*	2*	14
Ohio	12	20*	17	10	23	35
Oklahoma	43	44*	26*	40	43	46
Oregon	2	9*	8*	4*	34*	3
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
South Carolina	49	51	35	43*	38	47
South Dakota	34	40*	1*	33*	34*	49
Tennessee	41	37*	18*	38	42	42*
Texas	44	44*	36*	48*	30*	34
Utah	39	37*	25	28*	30*	39
Vermont	11	6*	44*	8	2*	22
Virginia	47	40*	50	48*	4	33
Washington	10	3*	32*	11	18*	9
West Virginia	13	31*	4*	28*	1	6
Wisconsin	18	13*	8*	41	24*	17
Wyoming	29	31*	13*	28*	30*	26

\* Indicates that a state is tied with one or more other states for this rank.

TABLE ES-2. TEACHER UNION STRENGTH BY RANK AND TIER

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

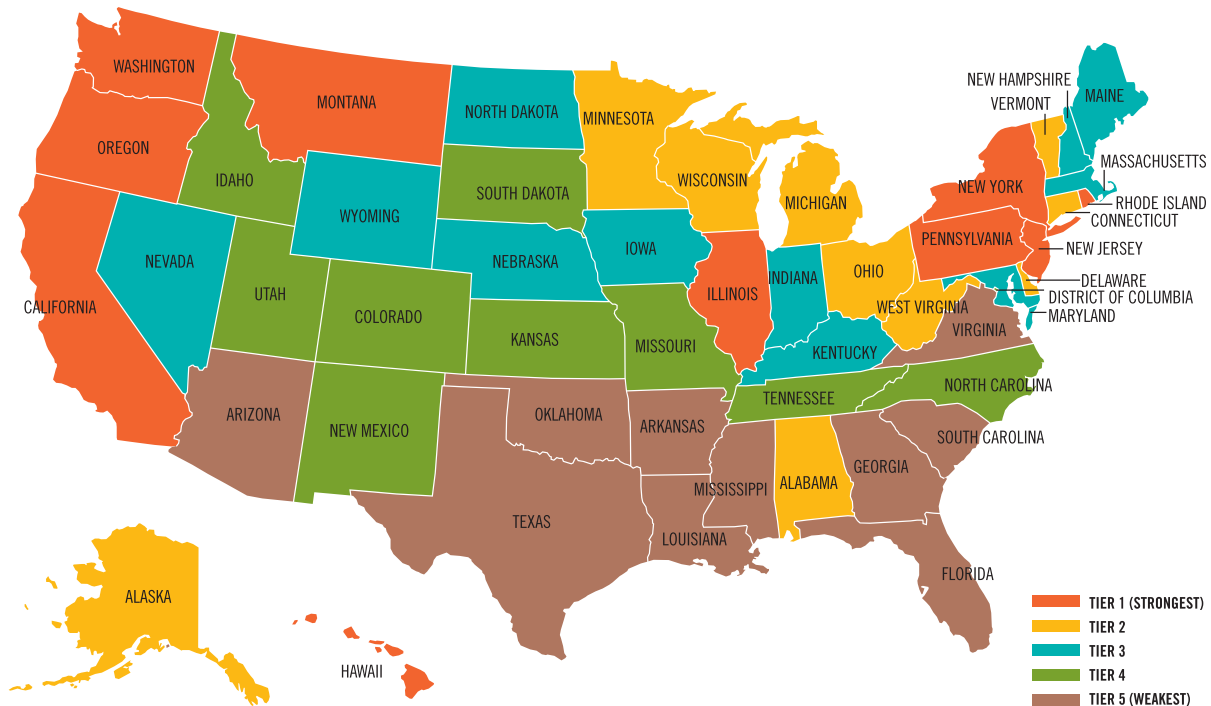
TABLE ES-3. TEACHER UNION STRENGTH BY RANK, TIER, BARGAINING STATUS, AND AGENCY FEES

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

MANDATORY BARGAINING    PERMITTED BARGAINING    PROHIBITED BARGAINING    AGENCY FEES PROHIBITED

FIGURE ES-1. MAP OF TEACHER UNION STRENGTH BY TIER



We divided the fifty-one jurisdictions into five tiers, from strongest to weakest. Table ES-2 (page 11) shows the overall rank and tier for each state.

Many of the states whose teacher unions rank in the strongest tier—such as California, New Jersey, and Washington—are widely recognized for their powerful teacher unions. Likewise, in many of the weakest Tier 5 states, unions have suffered some major defeats (Louisiana and Arizona) or do not have much of a presence at all.

To be sure, bargaining status and agency fees help define—but not completely determine—the rankings (see Table ES-3, which adds these variables). Mandatory bargaining states are shaded in tan, permitted-bargaining states are shaded in green, and bargaining-prohibited states in yellow. Red text indicates that the state does not allow agency fees.

Most of the twenty strongest states (Tiers 1 and 2) require collective bargaining. But so does Florida (Tier 5), ranked next-to-last. Three of the twenty-strongest—Ohio, West Virginia, and Alabama—permit but do not require bargaining. Most of the twenty weakest states (Tiers 4 and 5) prohibit agency fees (red text), but three allow this practice (Washington, D.C., New Mexico, and Missouri). Nor do bargaining-prohibited states invariably land in the weakest tier; North Carolina, for instance, is in Tier 4.

### GEOGRAPHY

Figure ES-1 maps states by tier. As is evident, there are strong regional associations. The West Coast and the Northeast have nearly all of the strongest unions in the nation (shaded light orange and red), while southern states have the weakest (in brown).

Obviously there is nothing inherent to geography that dictates union strength. But it is correlated with factors that do—the history of collective bargaining, the rhetoric of unionism, and overall political or ideological orientation. Places where unions have long been regarded as necessary and valuable parts of the economy and polity are more apt to mandate bargaining and to allow the collection of agency fees. Employees are also more likely to join unions themselves in areas with long-standing favorable attitudes toward organized labor. And in places that are ideologically liberal, voters are more prone to hold favorable views of unions and to elect Democrat leaders, who in turn tend to be more receptive to union interests.

The states with the strongest teacher unions (Tier 1, mapped in red) are in the Northeast and on the West Coast. All of these states have mandatory bargaining, allow agency fees, and have high membership rates. They are politically and ideologically liberal, and unions there rank highly in perceived influence. The Tier 2 states in light orange are mostly in the Midwest, which is also historically (and currently) pro-labor but politically more moderate. These states allow agency fees, and the unionization rate is high even though some permit rather than mandate bargaining. Unions there tend to be politically active, since elections and policy outcomes are less predictable than in the Tier 1 states.

In contrast, the western and central states are largely rural and politically conservative, with little history of unionism. They generally rank in Tiers 3 and 4 (blue and green). Many of them bar agency fees and have low unionization rates, even where bargaining is mandated. But unions there, as well as most in New England, benefit

from the value placed on local control over restrictive state mandates. As a result, the policy environment tends to be aligned with union interests because there aren't many statewide education policies as such. Finally, the South is home to the Tier 5 states with the weakest unions, mapped in brown. These jurisdictions are both ideologically conservative and historically anti-union. Here bargaining is either prohibited or permitted, but not mandatory; union membership is low, even where bargaining is allowed; and education policy is not aligned with union interests.

#### *FOUR KEY TAKEAWAYS*

1. **Mandatory bargaining appears to tilt the playing field in favor of stronger unions.** At the very least, it is a sufficient (though not an essential) condition by which unions are made strong. Where bargaining is optional or prohibited, unions tend to score “weaker” on our overall metric.
2. **Resources make a difference.** Dollars and members are both important. With higher revenue, a state union can not only better finance its lobbying and advocacy efforts, but also increase its capacity to support the activities of its local affiliates. Greater membership means more union representation at the ballot box, more letters and calls to state leaders, and more boots on the ground during rallies and campaigns—and in turn, more revenue from member dues.
3. **The scope of bargaining matters a lot, too, as does the right (or not) to strike.** Local unions can and do use collective bargaining to protect teacher interests, which can (among other things) result in iron-clad job protections for

ineffective teachers. When a wide scope of bargaining combines with ill-defined, timid, or absent state policies, local unions have more room to negotiate contracts that serve their goals. And local bargaining isn't the only way to secure teachers interests; sometimes such protections are written directly into state law.

4. **The fact that a state has mandatory, permissive, or broad bargaining laws—or its unions enjoy abundant resources—does not mean that state policies are union-favorable and vice-versa.** Many states in our top two tiers have education policies that are *not* particularly favorable to teacher unions. Conversely, states without strong collective bargaining rights nonetheless have union-friendly policies. That's because other factors matter, too, sometimes greatly—beginning with state leadership (both past and present), federal policy, the condition of the economy, the influence of other key stakeholders, and the state's own macro-politics.

# INTRODUCTION

## HOW STRONG ARE U.S. TEACHER UNIONS? A STATE-BY-STATE COMPARISON

In recent years, debates over school reform have increasingly focused on the role of teacher unions in the changing landscape of American K-12 education. On one hand, critics argue that these unions, using their powerful grip on education politics and policy to great effect, bear primary responsibility for blocking states' efforts at reforms that would otherwise drive major-league gains in our educational system by preserving teacher job security at the expense of improved opportunities for kids.<sup>1</sup> Their defenders maintain that teacher unions are bulwarks of professionalism in education, that their power is greatly exaggerated, and that highly unionized states perform at least as well as any others—and better than many—on the National Assessment of Educational Progress (NAEP) and other indicators.<sup>2</sup>

This debate has taken on an international aspect, too, as critics of U.S. reform initiatives (and defenders of unions) point out that teachers are unionized all over the world, including in nearly all the countries that surpass us on measures such as the Trends in International Mathematics and Science Study (TIMSS) and Programme for International Student Assessment (PISA).

What to believe?

A few facts are indisputable, beginning with the fact that teacher unions are most definitely large and highly visible. (Consider recent goings-on in Chicago, for example.) Education employs more unionized staff than does any other profession in either the public or private sector.\* Between them, the National Education Association (NEA) and American Federation of Teachers (AFT) have some 4.6 million members, a combination of active teachers and other public school employees, college faculty and staff, retirees, and students.<sup>3</sup> AFT President Randi Weingarten (much like the man who built her union, Albert Shanker) is among the most-quoted education commentators in the land. Washington watchers peer closely into the latest federal policy or proposal for evidence of changing relations between the Obama White House and the unions. And their activities are not just limited to the national level, with teacher unions receiving widespread attention for their battle to protect bargaining rights in Wisconsin and Ohio, their position as political and financial heavyweights in California, and their dogged struggle (and strike) against change in Chicago.

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\* As reported by the Bureau of Labor Statistics. The BLS also reports that of the active "education, training, and library occupations" workforce, 37 percent comprise members of unions or employee associations similar to a union. A total of 41 percent of that workforce are either union members or covered by a union/association contract. BLS does not disaggregate K-12 public school teachers from its figures (see Bureau of Labor Statistics, United States Department of Labor, "Economic News Release: Union Membership 2011 (Table 3)," January 27, 2012). Further, as of 2007, 65 percent of school districts nationwide had either a collective bargaining agreement (54 percent) or meet-and-confer agreement (11 percent) (see National Center for Education Statistics, "Characteristics of Public School Districts in the United States (NCES 2009-320)," June 30, 2009).

Much ink is spilled over the influence that these organizations do or do not wield on the federal, state, and local levels. And there's little doubt that they do their utmost to influence policy on behalf of their members. In many a capital, the teacher union office building looms large on the streetscape within a block or two of the statehouse. In many a city, the first question asked of any proposed education change is "will the teacher union be okay with it?"

Serious books have been written about the political power of teacher unions, of which the most prominent recent example is by Stanford political scientist Terry Moe.<sup>4</sup> Much of their focus is on the local collective bargaining process and its capacity to frustrate change (and raise costs) by writing requirements and prohibitions "into the contract." Also typically meriting chapters in such books are the effects of contract provisions on teacher quality, the various ways that unions engage in political activity by running, endorsing, financing, supporting—and opposing—candidates for public office, and examples of clashes between union and education leaders over reform.

Yet while we know that unions have multiple channels through which they can exert strength—including but not limited to bargaining, striking, lobbying, and participating in political campaigns—most research to date uses hazy or overly narrow definitions of such "strength." What proportion of teachers are unionized? Is collective bargaining mandatory, permitted, or illegal? Can unions collect agency fees from teachers who choose not to be

members? It's a good start—but it's not enough. Answers to these questions alone don't accurately reflect a union's power; they merely frame the context in which it works. It is like trying to determine whether a runner is fast by measuring his shoe size.

So when we (and our colleagues at Education Reform Now, an affiliate of Democrats for Education Reform) wanted to know which teacher unions are more (or less) influential in their respective states, we knew we had to do better. We asked ourselves: What data do we need to more accurately gauge union strength? What else, besides bargaining status, agency fees, and the ability to strike might make a union strong, and on what scale? (Veteran ex-superintendents from states that don't mandate bargaining tend to chortle when we ask whether their teacher unions are less "powerful," almost instantly replying that "what they can't get at the bargaining table they get at the statehouse," or words to that effect.) And once we devised a better measure of strength, how would the unions stack up? Is it possible that in some places they are indeed eight-hundred-pound gorillas, but in others more like hamsters?

We were aware going in, and are more aware today, that "teacher union strength" comes in many forms and can be wielded—and measured—in many ways. (That's true of strength in general, of course. Ask yourself: Who is stronger, the person who can lift one hundred pounds while standing still or the one who can run around the block while carrying fifty pounds?) Carrying out such measures in comparable,

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\* While states that prohibit collective bargaining are often casually referred to as "right-to-work" states, this is not a correct use of the term. "Right-to-work" specifically refers to laws that prohibit union membership as a condition of employment; under such legislation, unions cannot automatically collect "agency fees" in lieu of dues from non-members and employers need not consider whether an individual belongs to the union or not. Bargaining status and right-to-work are different, and independent, concepts. For example, Florida requires bargaining but is nevertheless a right-to-work state. Should employees wish to form a union, the district must recognize them, but that union cannot collect agency fees from teachers who choose not to join. (See sidebar, *Getting the Terminology Straight*.)



defensible ways is no small undertaking, however. On-point and contemporary data are extremely hard to come by and, while we wanted opinions and impressions from knowledgeable folks on the ground, as well as “hard” information, it’s no simple thing to determine whom to ask, and what to ask them—much less to get them to respond.

So we acknowledge at the outset that this is a pioneering study, fraught with methodological challenges, data difficulties, and judgment calls. We’re wary of drawing simplistic conclusions from a large and complex body of data and loath to slice and dice the inter-state comparisons too finely. (You will find, for example, that Illinois is exactly one notch above New York in terms of the “strength” of its teacher unions, 8th versus 9th in the national rankings. One would, we think, be crazy to make a huge deal of such a difference.)

Accordingly, we are humbler than usual in the conclusions that we distill from this investigation. We hope that this is a start to future work, and we look forward to feedback and commentary from others and for access to better and newer data that we can use to refine future analyses. But this research is a necessary step toward answering the Big Questions: How is union strength related to securing more funding for teachers and education? To the promulgation or obstruction of reform? To student achievement? We can’t begin to answer such questions with accuracy until we have a better definition and index of “strength.”

Nothing that we learned, however, changed the impression with which we began: Love ‘em or hate ‘em, teacher unions must be taken seriously by educators, reformers, and policymakers. Such folks may decide, whether out of expediency or earnest

conviction, to woo or placate union leaders, to compromise with them, or to ride roughshod over them (insofar as that’s possible to do), but they cannot avoid paying attention to them.

Nor should they. Public education in the United States is an exercise in democratic decision making. Indeed, nearly every significant decision about the organization and operation of American schools is established through the political process.<sup>5</sup> Moreover, public education in the United States is governed by an intricate web of overlapping institutions and decision-making mechanisms spread over multiple levels of a federal political system.<sup>6</sup> Teacher unions—like other interest-based membership organizations—use power to try to influence decisions made within this policy-making maze, and they, like other stakeholders in the system, have every right to do so. Others entering that maze must contend with those who already inhabit it. The more new entrants know about the methods, strengths, and weaknesses of existing inhabitants, the better they are apt to fare.

## ORGANIZATION

This study compares the strength of state teacher unions via a systematic examination of how these organizations wield power, examining them from multiple angles, including the obvious—such as alignment of state policies to traditional union interests—and some that are less obvious, such as the perceptions of local insiders.

We start with the background research relevant to teacher union influence; Part I explains the five areas in which we chose to gauge union strength and the methods we used for doing so; Parts II and III present the findings—first the overall state results,

**GETTING THE TERMINOLOGY STRAIGHT**

The language surrounding organized labor is often confusing and misunderstood. We define a few essential terms below.

**Employee organizations: professional associations vs. unions**

An association is simply a group of individuals united under a common interest. If these individuals have the same occupation and see their purpose as advocating for and maintaining the legitimacy of that occupation, then they are a *professional association*. Regardless of where they work, teachers can always form a professional association. An association is a *union* only if it has bargaining rights, meaning that terms and conditions of teacher employment must be negotiated between the group and the school district, should the employees wish to do so. (Most unions *do* use their bargaining rights, but they don't have to.)

The vast majority of local teacher unions, and most local teacher associations, are affiliated with a larger state association. Most of these in turn are affiliated with either the National Education Association or the American Federation of Teachers.

**Types of agreements: collective bargaining vs. meet-and-confer**

A *collective bargaining agreement* (CBA) is a binding contract between a union and a school district or other employing entity. The contract can contain only certain provisions, as defined by state law (or allowed by virtue of silent state law), and is open for negotiation only at certain times, typically every three years. Disputes over the contract are settled by outside arbitration. Only unions can negotiate CBAs—although some may choose not to. A *meet-and-confer agreement* is a non-binding memorandum of understanding between an employee organization and a district. Under its terms, a dispute must get worked out locally, and the district can override the agreement in the event of a conflict. The agreement can be discussed, and altered, at any time, and the contents are not limited to certain provisions. Both unions and associations can enter into meet-and-confer agreements.\*

**Bargaining status: mandatory, permitted, or prohibited**

Bargaining status refers to the district's relationship to the employee organization. Three types of bargaining status are possible: In *mandatory bargaining* states, all employee organizations have bargaining rights. In these states, it is up to the employees if they want to organize; if they want to be a union or an association; and if they want to negotiate a CBA, enter into a meet-and-confer agreement, or work under no agreement at all. The law requires that if employees wish to organize and use their bargaining rights to negotiate a contract, the district must recognize them as a union—and bargain with them. The employer must accept the employees' choice.

In *permitted bargaining* states, districts may decide to grant employee organizations bargaining rights, to enter into a meet-and-confer agreement, or not recognize the employee organization at all. In these states it is still up to employees whether to organize. If they then wish to negotiate a CBA, they must first request recognition as a union—but districts are not obligated to recognize them as such. Even if the employees seek a non-binding meet-and-confer agreement, the district is not required to grant that request. The employees must accept the district's choice.

In *prohibited bargaining* states, districts may not grant bargaining rights to employee organizations. Employees may still organize, but those organizations are associations, not unions. In such states, a district may still enter into non-binding meet-and-confer agreements with the association if it wishes to; the employees must accept the employer's choice.

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\* For multiple and diverse examples of district CBAs, see the National Council on Teacher Quality's Teacher Rules, Roles, and Rights (TR3) database, <http://www.nctq.org/tr3/home.jsp>.

**GETTING THE TERMINOLOGY STRAIGHT****Right-to-work status and agency fees vs. automatic payroll deductions of member dues**

*Right-to-work* refers to the union-employee relationship in states where unions are allowed (mandatory or permitted bargaining states). (Prohibited bargaining states are right-to-work by default, because they have no unions.) Right-to-work laws stipulate that no union can require membership as a condition for employment. They also dictate that, should employees choose not to be members (which they are free to do, in any state, at any time), the union cannot charge them involuntary *agency fees* in lieu of membership dues. In states where unions are allowed, right-to-work status is independent from (and often confused with) bargaining status. Bargaining status describes the district-employee organization relationship; right-to-work status describes the union-employee relationship. So a mandatory bargaining state can also be right-to-work (for example, Nevada, Iowa, Indiana, and Florida), and a permitted bargaining state does not have to be right-to-work (permitted bargaining states Missouri, Kentucky, West Virginia, Ohio, and Colorado do not have right-to-work laws).

Regardless of right-to-work status, employee organizations are allowed to charge membership dues to those teachers who want to be members. Most organizations collect these dues via *automatic payroll deductions*—they subtract member dues from each teacher's paycheck. In a handful of states, employee organizations are barred by state law from doing this if those deductions (or portions thereof) are used for political purposes.

then by each of the five areas; Part IV sets forth the conclusions and takeaways as we interpret them; and Part V presents the state-level profiles. The appendices include a full explanation of our scoring metric and data sources, as well as the rationale for each indicator, and a list of state-level NEA and AFT affiliates.

# BACKGROUND

## *SUMMARY OF RESEARCH ON TEACHER UNION INFLUENCE*

Scholars and education policy observers acknowledge that teacher unions are active players in education policymaking and decision making. Historically, research has focused on a few key questions: How do unions influence spending on education? How do they shape policies (and other political processes, like elections)? And how do they influence student achievement?

The quest for a link between union strength and education spending—particularly on teacher wages—has received the most attention.\* Studies have generally concluded that districts with strong unions pay their teachers more.<sup>7</sup> Other work explored the relationship between union strength and larger policy outcomes, like NCLB-style accountability, teacher merit pay, per-pupil expenditures, and the adoption of charter school laws.<sup>8</sup>

Some research has focused not on policy outcomes but rather on the political activity of teacher unions as they lobby for congenial policies and work to elect candidates that are sympathetic toward union interests. One study found that most legislators rank teacher unions as the most active lobbying organization in the state

capital, while another found that school board candidates who are endorsed by teacher unions win 76 percent of their elections, compared with just 31 percent of candidates who do not receive such endorsements.<sup>9, 10</sup>

A host of studies has looked beyond policy to probe for an association between teacher union strength and student achievement outcomes. These analyses are complicated by the fact that teacher unions cannot be randomly assigned to some students or districts in the same way that a new curriculum or instructional strategy can, and so it is difficult to assign causal credit or blame to teacher unions for student achievement outcomes. While some studies have found a generally positive correlation between the presence of a teacher union and student performance on standardized tests, unions are also associated with a widening gap between low- and high-achieving students.<sup>11</sup> Additional studies have linked unions with standardizing education practices and driving additional dollars into public education and classroom instruction.<sup>12</sup>

The majority of existing studies rely on narrow measures of union strength, either the legality of collective bargaining or the percentage of teachers who belong

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\* It is notoriously difficult to establish a cause-and-effect relationship between union membership and teacher salaries. For example, does a high membership rate better enable a union to negotiate for higher salaries, or are high membership rates and high wages the result of some other variable, such as a union-friendly political climate? We recognize this limitation in our own report and mitigate it by not limiting our definition of union influence to one variable (teacher salaries, for example, or union-favorable policies) but rather including multiple measures of potential union strength.

to a union (also known as “unionization density” or the “unionization rate”). Neither, however, captures the nexus between union power and the processes and outcomes of policymaking. Worse, each is potentially misleading: union density is often simply a proxy for bargaining status (or geography and history—some areas of the country are simply more unionized than others). In turn, bargaining status (which applies at the local level) has not stopped many state-level unions from exerting substantial power in the capital. Given the narrow scope of these measures, some scholars have questioned the findings of studies that use them to define and gauge strength, while others have called for more robust, inclusive measures of union influence.<sup>13</sup>

Luckily, a more recent wave of research on union influence has heeded that call, recognizing that existing (and limited) approaches have yielded an incomplete and inconclusive picture of how unions affect policymakers, education spending, and ultimately, students. One study measured union strength by combining bargaining status, union density, and union campaign contributions and found that higher rates of union political giving correlate with the adoption of fewer education reform policies.<sup>14</sup> A handful of researchers have quantified local union strength by measuring how much a district’s collective bargaining agreement constrains the unilateral authority of its leaders; their findings suggest that restrictive labor agreements have a negative impact on student achievement (the most likely cause being a contract that limits the principal’s authority to manage and allocate personnel for student benefit).<sup>15</sup>

Still, a common dilemma pervades all of these recent studies. Resolving how teacher unions influence salaries, political

outcomes, and student achievement is impossible without an accurate definition of what an “influential” union actually means—and that definition is currently lacking. Undaunted by this challenge (others might say naïve!), we set out to bridge this gap, assuming up front that a single variable is a poor proxy for union strength. We posit that the whole is greater than the sum of its parts, and instead combine a number of variables—thirty-seven, to be exact—to rank the relative strength of state teacher unions. Some of these variables, like bargaining status and union density, are familiar from earlier analyses. But we’ve added many more—some publicly available information but also new data of our own design. (To our knowledge, this dataset comprises the most data points to date relative to the assets and activities of and perspectives on state-level unions.) In the end, we explain what this complex data quilt tells us. But we’re getting ahead of ourselves. Let’s turn to an explanation of those data next.

# PART I: EVALUATING TEACHER UNION STRENGTH

This study attempts to measure teacher union strength at the state level by answering three broad questions. First, what elements are potential sources of a union's strength (i.e., inputs)? Second, how might unions wield power in terms of behavior and conduct (i.e., processes and activities)? And third, what are potential signs that they have gotten their way (i.e., outcomes)?

Note that we do not attempt to *separate* inputs, such as membership, from outcomes, such as blocked legislation. We count them both. Our rationale is simple: It is nearly impossible to draw a line between the two. Union-friendly state education policies, for instance, are likely viewed as outcomes—yet they also infuse a union with additional strength (an input), whether or not the union had a strong hand in creating them. More revenue received by a union (frequently viewed as an input) may bolster its political giving (a process) and thus give it more allies among state leaders (an outcome of activities, but also now a source of union strength)—who in turn may favor policies that help the union gather more revenue. High membership gives a union a broader support base from which to fight for legislation, for example, that might limit the growth of charter schools—which in turn may help maintain those high membership numbers. The sources of union strength (inputs) and the effects of a strong union are simply inseparable.

No single attribute of teacher unions defines their strength. Rather, strength results from a blend of resources, leadership, initiative, relationships, and earlier effectiveness. Each of these characteristics functions on a continuum; each affects and is affected by the others. Nor can one assume that the balance or mix of these characteristics is uniform across the country. The importance of a union's resources or relationships, its leadership and initiative, or its effectiveness in open versus behind-the-scenes political debates, is largely related to the context in which it operates. Teacher unions in states that allow agency fees, for example, may be able to amass greater financial resources than their counterparts in other states, and direct those resources toward campaigning openly—even confrontationally—for politicians and/or policies. A union without extensive revenue may instead work on building relationships through quiet conversations behind closed doors—but ultimately enjoy as much success, demonstrating equivalent power on the outcomes side. Likewise, a teacher union in a state where few stakeholders introduce reform initiatives, or even criticize the status quo, need not invest copious time and money rebuffing challenges, whether they have adequate resources or not; moreover, that lack of challengers itself may—or may not—indicate the union's influence. Thus, we've attempted in this study to capture both visible and invisible (some may say “hard” and “soft”) elements

**A NOTE ABOUT DICTION**

In our metric, we use “teacher union” to connote *state-level* affiliates of either the National Education Association (NEA) or the American Federation of Teachers (AFT). In the strictest of terms, these are professional associations, not unions, since state associations do not have bargaining rights themselves—and unions do (see sidebar, *Getting the Terminology Straight*, page 18). That said, local affiliates often ask a representative of the state association to negotiate on its behalf or advise it as the negotiation proceeds. While conventionally state-level NEA and AFT affiliates are called “unions” (and we maintain that convention here), they are technically *all* professional associations or teaching federations, not unions, regardless of whether the state allows collective bargaining or not. (The only exception is the Washington Teachers’ Union in the District of Columbia, which has bargaining rights.)

We refer to district-level employee organizations as “local unions” (for those that have bargaining rights) and “local associations” (for those that do not).

Every state is home to at least one NEA or AFT state-level teacher union; thirty states have two. They are largely advocacy and political action groups, helping organize teachers and gather resources to influence state policy and protect the interests of education professionals. Additionally, they provide support, training, and resources to their local affiliates, which in turn negotiate contracts or other agreements with school district leaders. Some also offer teacher professional development, health and liability insurance, legal and financial services, discounts, travel, and retiree resources. In some states, there also exist “independent professional associations” not affiliated with either the NEA or AFT. Most of these do not engage in political activity, and some simply provide insurance, teacher professional development, or other services. We do not include data for any state-level organization not affiliated with the NEA or AFT.

of strength, such as annual revenues and how insiders view the union’s status.

Taken together, these inputs, processes, and outcomes paint a reasonably comprehensive picture of power. In this report, we consider indicators of power in five categories: Resources and Membership, Involvement in Politics, Scope of Bargaining, State Policies, and Perceived Influence. Below we describe each.

**Area 1: Resources and Membership**

This area measures the internal resources on which unions rely (members and revenue), and the financial resources dedicated to education in the state. While size and funds do not automatically make one union more powerful than another, the ability to amass people—to lobby lawmakers, volunteer in campaigns, sign

petitions, vote in elections—and to bring in more money are, in many cases, an indicator of influence. Thus we examine teacher union membership and revenues relative to all public school teachers in the state, judging that a critical mass of membership and high revenue per teacher build a necessary foundation for strong unions. We also examine K-12 education spending, including allocations by the state, total per-pupil expenditures, and the percentage of spending that goes to teacher salaries and benefits.

**Area 2: Involvement in Politics**

State teacher unions do not negotiate contracts. Their local affiliates do. The state union’s place is in the state capital, lobbying for or against (or helping design, alter, or dismantle) policies that run the legislative gamut: state budgets and

expenditures, revenue streams and taxes, pensions and benefits, public employee and education bargaining rules, charter school and voucher laws, and teacher employment policies. One way that unions work for policies aligned with their interests is by ensuring that elected officials favor those interests—or at least do not actively oppose them. Political giving is a key tactic that unions use to support candidates who champion their priorities, eliminate candidates who do not, and encourage incumbent office-holders to remain true to their campaign promises. If a significant proportion of donations to candidates and parties comes from teacher unions, those unions function as key political players and thereby possess significant sway.

This category measures the extent to which unions are positioned to influence policymaking, including but not limited to K-12 schooling. The majority of data in this category represents teacher unions' political contributions to state candidates and political parties. Due to time and resource constraints, we could not investigate more nuanced data such as union contributions to winning candidates or union support of one candidate in an effort to remove his competitor. Rather, this category gauges giving to all candidates for state office, regardless of political party or election outcome. We examine giving both to candidates and to political parties, and we compare teacher union contributions to contributions from other politically active sectors and industries in the state. We also examine the percentage of delegates to national political conventions that were teacher union members; those data are another reasonable clue as to the union's influence on the political process.

### **Area 3: Scope of Bargaining**

This area links union strength to state laws

directly related to collective bargaining. Is such bargaining mandatory, permitted, or prohibited? How broad is the scope of that bargaining (i.e., which issues can or must be negotiated in a collective bargaining agreement? Which are barred from consideration?)? And do unions have legally protected revenue sources, like the right to collect agency fees from non-members, or do right-to-work laws stop them from doing so?

Bargaining status and agency fees measure state union strength because both affect the resources, status, and leverage of unions at all levels. Not only can bargaining bring a union increased membership and revenue from those members, it also gives a union visibility and status. And with high membership, a state union can more credibly claim that it represents teachers as a constituency, which in turn lends weight to its lobbying and advocacy campaigns and increases state-leader receptivity to its efforts. Mandatory bargaining laws facilitate (and/or signal) a strong union presence, and with that presence unions can better use their political muscle to influence state policy. Agency fees allow unions to collect revenue from all teachers, not just union members, which in turn can be used to fund political (and other) activities.

Many past observers have assumed that bargaining status and agency fees were the only important indicators of union strength, with strong unions in mandatory bargaining states and in places where they can collect agency fees. (These two ideas—bargaining status and right-to-work laws—are separate from one another but often conflated. See *Getting the Terminology Straight*, page 18.) While limited ability to secure funds from non-members (part of the right-to-work definition) might weaken a union, we also found that many teacher unions in such



states are able to amass resources and exert authority using other channels of influence. Likewise, we found a number of unions in permitted-bargaining states that ranked higher (on our overall metric) than their counterparts in mandatory-bargaining states. That's because bargaining status alone did not determine their might.

In addition to bargaining status and agency fees, we examine the scope of bargaining, the legality of teacher strikes, and whether or not unions can automatically deduct dues from the paychecks of their members. States that limit the scope of bargaining, prohibit strikes, and prevent automatic payroll deductions are limiting unions' financial resources and leverage.

#### **Area 4: State Policies**

This area measures teacher union strength by the degree of alignment between state education policies and certain traditional union priorities. The indicators examine two types of policies in which unions have shown considerable interest: teacher employment rules and charter school laws. The former policies include teacher evaluations, tenure, layoffs, class size, pensions, and performance pay. The latter include laws related to the number and variety of charter schools; the ease with which they are authorized; and whether or not charters are exempt from state laws (including teacher certification requirements), district regulations, and collective bargaining agreements.

By including these policies in our metric, we do not assume that teacher unions shaped them. Even if "union-preferred" policies are not direct outcomes of union activity, a favorable policy climate nevertheless represents a status quo that protects the union. For example, to the degree that school choice is constrained

within a state, teacher unions need not fear that district schools will lose market share or, by extension, that teachers will sever their union ties while working in the charter or private school sectors. Even if the unions did not influence the policy, they still benefit from the status quo—and preserving that is a lot easier than changing it.

Note, though, that our indicators are neutral as to the policies and reforms themselves. In other words, rather than measure whether a union's support of a certain policy or reform is "good" or "bad," the metric assumes that teacher unions will take a particular stance on each of the policies, and simply measures the extent to which existing policies align or do not align with that stance. Yes, it oversimplifies a bit to assume that all teacher unions share the same stance on a given policy. Across the nation, a handful of teacher unions have bucked national trends—and the National Education Association and the American Federation of Teachers differ somewhat in their policy positions. But while some state unions may take a more nuanced or multifaceted view toward certain policies, teacher unions do act in the interest of their members; hence, most will react similarly to the same policies.

#### **Area 5: Perceived Influence**

This area gauges the unions' perceived influence through the eyes of knowledgeable observers in the state. Resources may give a union leverage, but in some states revenue and members do not equate to influence. Campaign contributions reflect teacher-union behavior but do not guarantee that a union has real sway with candidates once (and if) they are elected. Permissive bargaining laws give unions room to maneuver and may yield a key source of revenue, but

they do not, in and of themselves, impact state policy outcomes. Further, a union-favorable policy environment may be the result of a strong, active union, or of long-time public allegiance to an establishment-friendly culture—allowing labor to lay low rather than needlessly devoting financial or political capital to further an agenda that’s already reasonably satisfactory. Or vice versa: The unions are major donors to campaigns—but the state is already predisposed against them or their interests. In such circumstances, a union that gives heavily to campaigns may be more desperate than powerful.

Given these complexities, we use data from an original survey of key stakeholders within each state to capture perceived influence: How much sway do these insiders believe the teacher unions carry in their state and in what ways? The survey asks whether the positions of policymakers are aligned with those of teacher unions, how effective the unions have been in stopping policies with which they disagree, and how influential the unions are in comparison to other entities in the state, among other areas.

Table 1 summarizes each area and indicator examined, as well as the percentage of the total score that each represents. We discuss the indicators (and data sources for each) and the weighting system broadly below, and with much greater detail in Appendix A.

## METHODOLOGY

### **Designing the Metric**

To develop a metric that measured potential sources, processes, and outcomes of union influence, we first examined the existing research on union activity, asking how others quantified “strength”

and measured its manifestations. We paid special attention to researchers’ reflections on future work needed, as many acknowledged the limitations of their methods and offered recommendations to others in the field. We also assembled an expert team of study advisors (see Acknowledgments, page 5), some of whom are prolific researchers on the topic, and solicited their input on recommended measures of union strength (and the data we might gather to measure it).

Combining research, advisor input, and our own experience, we devised the five general areas described above. Next we examined potential data sources, and divided each area into “indicators” of strength. Each major indicator is comprised of one or more specific “sub-indicators” that represent individual data points. For example, Area 4 encompasses “State Policies”; major indicator 4.4 constitutes “Employment Policies”; and sub-indicators 4.4.1, 4.4.2, and 4.4.3 measure the degree to which state policies on teacher tenure, layoffs, and dismissal, respectively, align with traditional union interests. (More on the weighting of indicators below.)

For the full rationale behind the inclusion of each indicator, see Appendix A.

### **Data Sources**

Data for this study were collected in two ways. First, we drew extant data from both public and proprietary sources. Sources are listed alongside each indicator in Appendix A, and include the National Center for Education Statistics, the National Institute on Money in State Politics, the National Council on Teacher Quality, and the National Alliance for Public Charter Schools. These data informed indicators in Areas 1–4.

TABLE 1: WEIGHTING OF INDICATORS AND SUB-INDICATORS

Area	Major Indicator and % of Total Score	Sub-Indicator and % of Total Score		
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20%	1.1: Membership	6.7%	1.1.1: What percentage of public school teachers in the state are union members?	6.7%
	1.2: Revenue	6.7%	1.2.1: What is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	6.7%
	1.3: Spending on education	6.7%	1.3.1: What percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	2.2%
			1.3.2: What is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	2.2%
			1.3.3: What percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	2.2%
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  20%	2.1: Direct contributions to candidates and political parties	6.7%	2.1.1: What percentage of the total contributions to state candidates was donated by teacher unions?	3.3%
			2.1.2: What percentage of the total contributions to state-level political parties was donated by teacher unions?	3.3%
	2.2: Industry influence	6.7%	2.2.1: What percentage of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	6.7%
	2.3: Status of delegates	6.7%	2.3.1: What percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	6.7%
<b>AREA 3: SCOPE OF BARGAINING</b>  20%	3.1: Legal scope of bargaining	6.7%	3.1.1: What is the legal status of collective bargaining?	3.3%
			3.1.2: How broad is the scope of collective bargaining?	3.3%
	3.2: Automatic revenue streams	6.7%	3.2.1: What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	6.7%
	3.3: Right to strike	6.7%	3.3.1: What is the legal status of teacher strikes?	6.7%
<b>AREA 4: STATE POLICIES</b>  20%	4.1: Performance pay	2.9%	4.1.1: Does the state support performance pay for teachers?	2.9%
	4.2: Retirement	2.9%	4.2.1: What is the employer versus employee contribution rate to the teacher pension system?	2.9%
	4.3: Evaluations	2.9%	4.3.1: What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	1.4%
			4.3.2: Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	1.4%
	4.4: Terms of employment	2.9%	4.4.1: How long before a teacher earns tenure? Is student/teacher performance considered in tenure decisions?	1.0%
			4.4.2: How are seniority and teacher performance considered in teacher layoff decisions?	1.0%
			4.4.3: What percentage of the teaching workforce was dismissed due to poor performance?	1.0%
	4.5: Class size	2.9%	4.5.1: Is class size restricted for grades 1-3? If so, is the restriction larger than the national average (20)?	2.9%
	4.6: Charter school structural limitations	2.9%	4.6.1: Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	1.0%
			4.6.2: Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	1.0%
			4.6.3: How many charter authorizing options exist? How active are those authorizers?	1.0%
	4.7: Charter school exemptions	2.9%	4.7.1: Are charter schools automatically exempt from state laws, regulations, and teacher certification requirements (except those that safeguard students and fiscal accountability)?	1.4%
			4.7.2: Are charter schools automatically exempt from collective bargaining agreements (CBAs)?	1.4%

Area	Major Indicator and % of Total Score		Sub-Indicator and % of Total Score	
<b>AREA 5: PERCEIVED INFLUENCE 20%</b>	5.1: Relative influence of teacher unions	4.0%	5.1.1: How do you rank the influence of teacher unions on education policy compared with other influential entities?	4.0%
	5.2: Influence over campaigns	4.0%	5.2.1: How often do Democrat candidates need teacher union support to get elected?	2.0%
			5.2.2: How often do Republican candidates need teacher union support to get elected?	2.0%
	5.3: Influence over spending	4.0%	5.3.1: To what extent do you agree that, even in times of cutbacks, teacher unions are effective in protecting dollars for education?	2.0%
			5.3.2: Would you say that teacher unions generally make concessions to prevent reductions in pay and benefits, or fight hard to prevent those reductions?	2.0%
	5.4: Influence over policy	4.0%	5.4.1: To what extent do you agree that teacher unions ward off proposals in your state with which they disagree?	1.0%
			5.4.2: How often do existing state education policies reflect teacher union priorities?	1.0%
			5.4.3: To what extent were state education policies <i>proposed</i> by the governor during your state's latest legislative session in line with teacher union priorities?	1.0%
			5.4.4: To what extent were legislative <i>outcomes</i> of your state's latest legislative session in line with teacher union priorities?	1.0%
	5.5: Influence over key stakeholders	4.0%	5.5.1: How often have the priorities of state education leaders aligned with teacher union positions in the past three years?	2.0%
			5.5.2: Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	2.0%

Note: Percentages may not add to 100 due to rounding

Second, to capture those unseen aspects of influence and power, we fielded a survey of key stakeholders in each state in Summer 2011. These data were used to calculate Area 5. Stakeholders were asked only to respond for the state in which they reside/are most knowledgeable. We reached out to state legislators, chief state school officers and school board members, governors' offices, state-level charter-schooling organizations, education advocacy organizations, and education journalists in each state. These stakeholders are not meant to be representative of all state residents, but rather of a targeted group of nearly six hundred key policy movers and shakers with direct knowledge or experience with unions in their respective states; hence, they hold more informed perceptions than the general public. For each state, data are only included for those individual survey questions for which we received

at least three responses ("not applicable" and "don't know" were counted as non-response). We acknowledge that this threshold response rate is low; but given that our survey targeted specific knowledgeable stakeholders in each state (and we asked only an average of eleven persons per state to participate), this small sample is not as problematic as it would be in a large-scale survey. Further, survey data comprise only 20 percent of our metric—and these stakeholder responses showed a high degree of alignment with the indicators used to compile the other 80 percent.

Note that many of the survey questions asked respondents to characterize teacher union activity over the last three years or during the most recent legislative session. As with the state policies included in Area 4, we recognize that the education policy sector has undergone significant change

## METHODS HOUSEKEEPING

Four points related to our methods merit special attention.

First, state ranks are reported *relative to each other*, not on an absolute scale. Our work is premised on the assumption that there is no objective definition of “strong” and “weak” against which unions can be compared, and creating an absolute scale requires that very definition. As such, a state’s final score is a combination of measures of potential union influence *in that state*. Using that score to then rank states against each other gives meaning to the raw numbers—we can say a state with a higher score has unions that are “stronger” within that state as compared to unions in a state with a lower score.

Second, the education policy is dynamic, but our data are static. As a result, the rankings might lag behind current conditions. This has the potential to affect some areas more than others. Data in Area 4, State Policies, reflect teacher employment and charter policies through the end of 2011. This captures most of the policies recently enacted by states, many of which were motivated by the federal Race to the Top competition and in anticipation of applying for waivers to the No Child Left Behind Act, and some of which are consequences of the 2010 election. Similarly, our stakeholder survey (Area 5) reflects conditions at the end of summer 2011. Some data are older, however. For example, the most recent available numbers on teacher union membership are from 2009. Including multiple measures mitigates this lag, but given the rapidly changing nature of politics and policy, we realize that what was true on the day this report goes to press might not be true the day after.

Third, the indicators in Areas 3 and 4, related to bargaining, teacher employment, and charter laws, reflect what is codified in state law (and, in a handful of cases, decided by the courts). However, a state’s constitution (and its interpretation by the courts) can also have a significant (or negligible) impact on education laws in that state. We discuss this more specifically in Appendix A.

Finally, while our measures are commonsensical, they nonetheless represent an inexact science. Further, sometimes only small numerical differences separate the states. Thus, after we ranked the states, we divided them into five broad “tiers” of union strength, from strongest to weakest. We report the tier in which each state falls, along with its overall ranking, area scores, and indicator scores. The use of tiers is meant to acknowledge the imprecision of the data. As with any exploratory analyses, we invite others to tweak our metric and weighting—and update our data sources—to craft potentially more accurate and robust methods.

of late, particularly given the federal Race to the Top competition, applications for No Child Left Behind waivers, and state elections (in 2010 and 2011) that ushered in many new faces, often Republicans eager to overhaul particular policies (see *Methods Housekeeping* sidebar). We asked respondents to focus on teacher union strength in these more recent years, rather than historically, to capture current trends. (This is not to say that their responses were not shaped by their overall perspective on

union strength, apt to have been formed over many years.) But given the pace of change in just the last year or two, policy over a three-year period is not as static as one would assume. Further, recent changes do in many ways reflect a new weakening of teacher union influence over education policy in some states; whether that waning of teacher union strength will last is another question entirely. As in any research study, our data reflect a moment in time—and the current national and state policy climate

made that moment more temporal than most. That said, we note recent education policy changes in the state profile reports—and indicate whether our data were able to accommodate them as of press time.

In addition to the data sources noted above, the state profiles (Part V) include brief essays about recent policy-related union activity (typically occurring in 2011–12). These narratives, which appear at the end of each profile, serve as additional context for the more static quantitative data. They are informed by both online and print media, and in a few cases we contacted state insiders when news reports were conflicting.

### **Data Analysis: Grading and Ranking**

After we gathered data for each sub-indicator described in Table 1, we graded them on a 0 to 4 scale, much like a traditional college GPA scale, with “0” reflecting an attribute of a weak teacher union and “4” representing an attribute of a strong one. To score a sub-indicator that used continuous quantitative data—for example, unionization rate, per-pupil expenditures, or union donations to candidates—we put the states in rank order from greatest to least and divided that list into quintiles. The states in the highest quintile were scored “4,” in the next-highest “3,” in the middle “2,” near the bottom “1,” and in the lowest quintile “0.” For example, on sub-indicator 1.1.1: Membership, we ordered states based on the proportion of their teachers who are unionized. The highest quintile—the ten states that had the highest unionization rate—scored “4.”

The ten with the lowest unionization rate scored “0.”\*

We translated qualitative information into categorical data by assigning a grade from 0 to 4 to particular outcomes. For example, sub-indicator 4.1.1: Performance Pay was drawn from the National Council on Teacher Quality’s 2011 State Teacher Policy Yearbook. In response to NCTQ’s question, “Do states support performance pay?” a state received “0” for “performance included in salary schedule for all teachers”; “1” for “performance bonuses required to be available to all teachers”; “2” for “performance pay permitted/encouraged by the state”; “3” for state-sponsored performance-pay initiatives offered in select districts”; or “4” for “does not support performance pay.” In cases where there were not five possible outcomes, not all scale points were used. When no data were available for a state, or when a given indicator did not apply to a particular state, scores were coded as “N/A.”†

To calculate the overall rank of each state, we first averaged the sub-indicators within a major indicator; then major indicators within the same area; and finally all five areas (with each area thus comprising 20 percent of the overall score), resulting in a final 0 to 4 score. States were then ranked according to their final score, and the list was again divided into quintiles. The ten states with the highest scores—those closest to “4”—were those with the strongest unions. We call these “Tier 1” states. The ten states with the lowest scores—those closest to “0”—were those

\* With fifty-one jurisdictions overall, each quintile comprises ten jurisdictions, except the quintile scored as “2”—the middle quintile—which comprises eleven.

† We did not count the absence of a charter law in the metric because doing so required us to make an assumption we knew to be false: that unions had a hand in that absence in all nine states without charter laws. For example, neither Washington State nor North Dakota is home to a charter school law. The union role in each state is markedly different: In Washington, teacher unions have fought tooth and nail against a charter law for over a decade; but in North Dakota, other realities—such as the state’s overwhelmingly rural population—are stronger impediments to a charter law than teacher unions. Because we could not assign these states’ teacher unions (and those in the other seven without charter laws) a uniform score relative to their influence on the absence of a state charter law, we graded these states as “N/A” for those particular data points.

with the weakest unions, which we term “Tier 5.”

Before finalizing the rankings, we used the data to conduct a preliminary evaluation of our measure: Did including multiple indicators truly give us a more robust definition of union strength? Or were they all so tightly correlated that any union that scored highly in one area was scoring highly in all of them? Our analysis indicated that it was the former. Unions that ranked highly in one area did not necessarily rank high (or low) in the others. The highest significant correlation (0.7) was between Area 1: Resources and Membership and Area 3: Scope of Bargaining. This is not surprising, because bargaining status is tied to membership and agency fees to union revenue. But the other significant correlations ranged from 0.2 to 0.5, and some areas were not significantly correlated at all.\* This reinforced our contention that strong unions do not look the same everywhere and that it is therefore important to incorporate different measures when defining “strength.” This is also why the five areas are weighted equally: we could not justify any one of them determining more of the final score than another.

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\*Of the ten possible pairings among areas 1-5, only six showed significant correlations. Data available upon request.

## PART II: FINDINGS

### OVERALL RANKS

Table 2 displays the overall rank and area scores of each state.

We divided our fifty-one jurisdictions into five tiers, from Tier 1 (the strongest) to Tier 5 (the weakest). Table 3 shows the overall rank and tier for each state.

Many of the states whose teacher unions fall into our top tier—such as California, New Jersey, and Washington—are widely recognized for having powerful teacher unions. But others—such as Oregon, Montana, and Rhode Island—may come as a surprise. Further, the rankings are only partially aligned to bargaining status (widely used as a proxy for union strength). All of the Tier 1 states mandate

collective bargaining, but so does Florida, which ranked next-to-last. Restrictions on bargaining likewise do not automatically determine that a union is weak—not all five states that prohibit collective bargaining are in Tier 5 (North Carolina is in Tier 4), and bargaining is only permitted, not mandated, in three of the twenty strongest (Ohio, West Virginia, and Alabama).

We saw this pattern of trends and exceptions across not just bargaining status but every variable we examined. This emphasizes our core assumption: bargaining status, agency fees, and unionization rate alone do not determine what makes a strong union. But a few key factors appear to have a heavy hand in how unions operate in each state. We expand on those factors in the text that follows.

TABLE 2. TEACHER UNION STRENGTH BY STATE

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Alabama	20	24*	1*	45*	18*	25
Alaska	15	13*	36*	4*	21*	36
Arizona	51	40*	49	45*	49*	48
Arkansas	48	50	47*	45*	20	37
California	6	20*	18*	1	37	1
Colorado	35	37*	18*	25	48	29
Connecticut	17	9*	29*	13	13	27
Delaware	19	9*	29*	15	36	18
District of Columbia	33	17	N/A	21	49*	41
Florida	50	47*	36*	35*	46*	50
Georgia	45	35*	36*	48*	26	45



State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Hawaii	1	3*	1*	9	9	23
Idaho	36	30	4*	42	45	42*
Illinois	8	18*	12	3	39	28
Indiana	31	9*	13*	39	44	32
Iowa	27	27	23*	32	11	31
Kansas	32	33*	18*	31	14	30
Kentucky	28	35*	26*	26	10	11*
Louisiana	42	40*	44*	24	33	44
Maine	22	20*	44*	16	7*	11*
Maryland	23	26	40*	20	16	4
Massachusetts	21	13*	40*	12	21*	16
Michigan	16	6*	4*	22	51	20
Minnesota	14	3*	32*	2	46*	19
Mississippi	46	49	40*	43*	7*	51
Missouri	38	33*	47*	23	40	24
Montana	3	20*	10*	6	6	5
Nebraska	26	18*	13*	37	27	38
Nevada	25	28*	18*	27	28	10
New Hampshire	30	24*	40*	14	17	40
New Jersey	7	1*	26*	17*	5	2
New Mexico	37	46	32*	35*	29	8
New York	9	1*	13*	19	24*	21
North Carolina	40	47*	29*	48*	12	11*
North Dakota	24	28*	23*	33*	2*	14
Ohio	12	20*	17	10	23	35
Oklahoma	43	44*	26*	40	43	46
Oregon	2	9*	8*	4*	34*	3
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
South Carolina	49	51	35	43*	38	47
South Dakota	34	40*	1*	33*	34*	49
Tennessee	41	37*	18*	38	42	42*
Texas	44	44*	36*	48*	30*	34
Utah	39	37*	25	28*	30*	39
Vermont	11	6*	44*	8	2*	22
Virginia	47	40*	50	48*	4	33
Washington	10	3*	32*	11	18*	9
West Virginia	13	31*	4*	28*	1	6
Wisconsin	18	13*	8*	41	24*	17
Wyoming	29	31*	13*	28*	30*	26

\* Indicates that a state is tied with one or more other states for this rank.

**TABLE 3. TEACHER UNION STRENGTH BY RANK AND TIER**

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
		Indiana			31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

**FIGURE 1. MAP OF TEACHER UNION STRENGTH BY TIER**

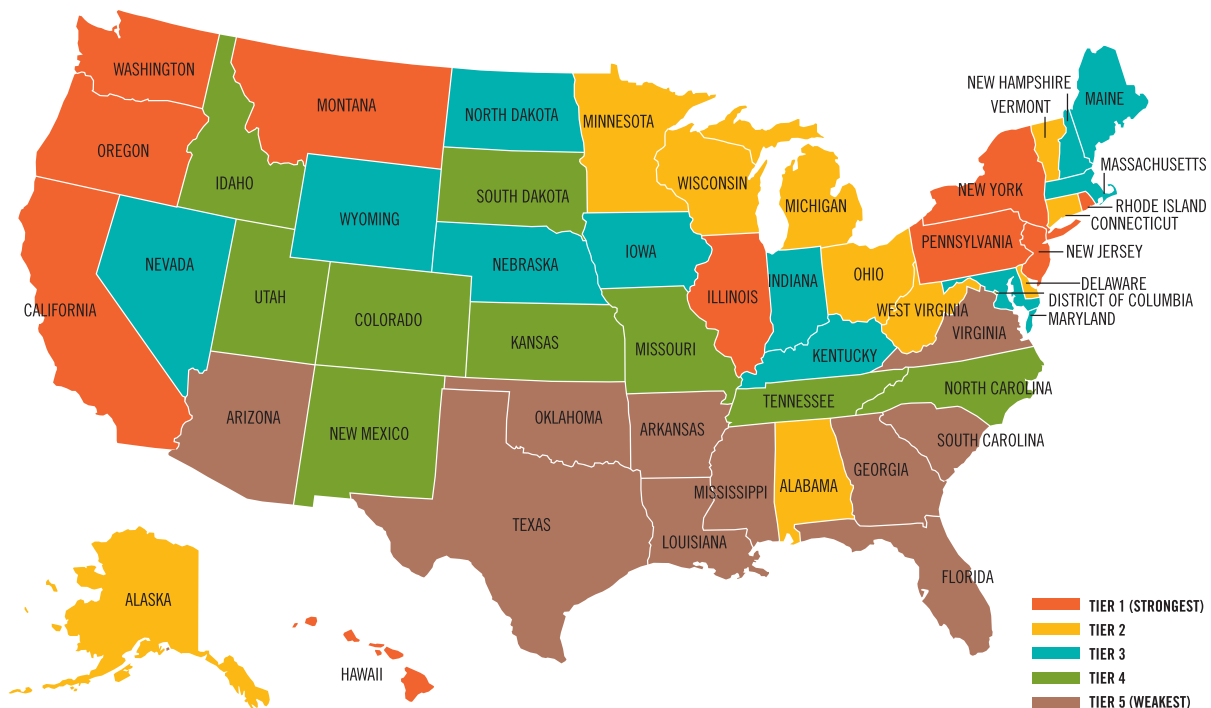


Figure 1 maps each state's overall rank by shaded tiers. As shown, there are strong regional trends. The West Coast and the Northeast have nearly all of the strongest unions in the nation (shaded red and light orange), while southern states have the weakest (in brown).

What might be the cause of these trends? There is nothing inherent to geography that dictates union strength, whether we're talking about teaching or other lines of work. But geography is correlated with factors that do: the history of collective bargaining, the rhetoric of unionism, and overall political or ideological orientation. Places where unions have long been regarded as necessary and valuable parts of the economy will mandate bargaining, and allow unions to collect agency fees to do their work. The scope of bargaining will be wide, because at some point state leaders believed unions should have leeway to negotiate with their employers. Workers are more likely to be unionized if organized labor is part of the state culture, and as a result the unionization rate will be high. Places where the rhetoric and public opinion surrounding unionism is favorable are more likely to trust and value union positions rather than challenge them; these values in turn are reflected in state policies. And in places that are ideologically more liberal, voters are more apt to hold favorable views toward unions and to elect Democrat leaders, who in turn tend to be more receptive to the interests of organized labor.

These factors are highly aligned with geography. Organized labor in America began with workers in the factories of the Northeast and the railroads of the West, and soon spread to manufacturing in the Midwest. (Compare the economies of these areas to the agrarian economy of

the South, which did not have corporatist structures that facilitated organizing and employee participation.) These same areas tend to have long-standing favorable views toward organized labor as a necessary means to protect workers' rights. They are also the parts of the country that in recent years have been lumped together as "blue states." The opposite is true in the South and central parts of the United States—the "red states." Employers rejected organized labor in the South and in the rural central states there was not much need for it. Neither history nor rhetoric nor ideology favors unions in these parts of the country.

Given this alignment of geography with factors that contribute to union strength in general, the correlation between location and our rankings shown in Figure 1 is not surprising. The Tier 1 states with the strongest teacher unions, mapped in red, are in the West and Northeast—areas with a history of organized labor, pro-union sentiment, and a liberal ideology. All of these states have mandatory bargaining and allow agency fees, and all ranked highly in Area 5 (Perceived Influence). The Tier 2 states in light orange are mostly in the Midwest, which is also historically (and currently) pro-labor but generally more moderate politically. These states also allow agency fees and, while some permit rather than mandate bargaining, the unionization rate is high regardless. Further, unions tend to be politically active there (Area 2), where political and policy outcomes are somewhat less predictable than in the Tier 1 states. The Tier 3 and Tier 4 states (blue and green) in the West and central parts of the country are largely rural, with little history of unionism, and often fairly conservative in ideology. As such, most of these states prohibit agency fees and have low membership rates, even where bargaining is mandated. On the other hand,

TABLE 4. TIER 1 (STRONGEST) TEACHER UNIONS

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Hawaii	1	3*	1*	9	9	23
Oregon	2	9*	8*	4*	34*	3
Montana	3	20*	10*	6	6	5
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
California	6	20*	18*	1	37	1
New Jersey	7	1*	26*	17*	5	2
Illinois	8	18*	12	3	39	28
New York	9	1*	13*	19	24*	21
Washington	10	3*	32*	11	18*	9

\* Indicates that a state is tied with one or more other states for this rank

in many such states local control is valued over restrictive state mandates, and as a result we see the policy environment (Area 4) aligned with union interests because there aren't many statewide education policies as such. Finally, the Tier 5 states with the weakest unions, mapped in brown, are in the South, where states are both ideologically conservative and historically anti-union. In these states, bargaining is either permitted or prohibited, membership is very low even in states where bargaining is allowed, and education policy is not aligned with union interests.

In the pages that follow, we present the overall strongest and weakest of the bunch. Then we examine the strength of state unions by each of the five major areas that we analyzed: Resources and Membership, Involvement in Politics, Scope of Bargaining, State Policies, and Perceived Influence.

## AMERICA'S STRONGEST TEACHER UNIONS

Table 4 lists the ten states with the strongest teacher unions according to our analysis, both the state's overall rank and its rank within each of the five areas of our metric. As the table shows, even states with Tier 1 teacher unions vary widely across those areas. Hawaii's teacher unions, for example, can claim the greatest political involvement among the top ten states (though Hawaii is tied in that category with Alabama and South Dakota, which fall into Tiers 2 and 4, respectively); New Jersey and New York boast the most significant membership and resources; and California is home to the broadest scope of bargaining and the strongest perceived influence.

What do these strong teacher unions have in common?\*

\* It is not surprising that "top" states do well on the indicators that we chose to include, but there is no expectation that they will share commonalities. Sometimes they did (for instance, relative to high membership, high revenue, and strong reputation) and sometimes they did not (e.g., mixed policy environments).

**THREE SURPRISING HEAVYWEIGHTS**

Hawaii (Tier 1), Montana (Tier 1), and Alabama (Tier 2) are seeming outliers. Although Hawaii is now politically liberal, organized labor could not gain a foothold in the state until the 1950s (despite decades of trying). Yet it has some of the most permissive bargaining laws and union-favored education policies in the nation, and the state union has more resources—and is more politically active—than nearly anywhere else. Montana is a politically conservative, rural state surrounded by others in the midst of enacting anti-teacher-union legislation by the fistful—yet it mandates collective bargaining, gives it a wide scope, and allows agency fees. Unions are highly active in politics there, and state policies are highly aligned to union interests. Alabama prohibits agency fees and is firmly in the anti-labor, socially conservative south, yet its union is the most politically active in the nation, has one of the highest unionization rates in the permitted bargaining states, and generates a significant amount of revenue per teacher. What might explain the high ranking for these states?

**Hawaii has only one school district, Alabama only 133.** Having fewer local affiliates may allow an otherwise weak state union to direct more of its resources up to the statehouse instead of down to the districts, to mobilize its members more efficiently, and to present a unified front.

**Hawaii and Montana unified early.** The “unification date” is when local unions were required to affiliate with, and pay dues to, the state and national association. The three strongest state unions in this report—Hawaii, Oregon, and Montana—were among the first three NEA affiliates to unify, doing so between 1944 and 1946. Early unification gives state unions time to build infrastructure, develop leaders, amass resources, gain allies, and establish a position within the political culture.

**Alabama is socially conservative but politically liberal.** While Alabama voters have supported Republican presidential candidates for 50 years, the Alabama legislature was dominated by Democrats for more than a century (2010 marked the first time in 136 years that Republicans were the majority in both houses). This, coupled with the Alabama Education Association’s position as a storied cultural institution, led to a number of labor-friendly policies in what is generally perceived to be a “red” state.\*

**The ability to amass people and money, and maneuver within wide legal rights**

It’s unlikely that a teacher union would have much clout if it lacked a strong base in at least one of the following: money, members, or strong collective bargaining rights. Table 4 shows this to be true. Every state that falls into the top tier can claim teacher unions with strong resources and membership (Area 1); none of these states ranks below 20th in this area. In New Jersey and New York, for example, nearly all teachers are unionized (97.1 and

98.4 percent, respectively). No other state spends more of its K–12 dollars on teacher salaries and benefits than New York, at 63.5 percent; and New Jersey’s unions collect the third-highest yearly revenue per teacher, at \$935.62. Washington State, meanwhile, claims both the tenth-largest yearly revenue per teacher (\$633.59) and the tenth-largest proportion of its state budget spent on K–12 education (24.3 percent).

\*Of course, there are exceptions to the exceptions. Florida and Louisiana (Tier 5) have fewer than eighty districts each. Idaho (Tier 4) and Arizona (Tier 5) unified early too. Mississippi (Tier 5) is also socially conservative but politically liberal. We explore these, and other apparent contradictions, in the individual state reports in Section V.

Similarly, every state with teacher unions in the top tier has permissive bargaining laws (Area 3). Once again, none of these states ranks below 20th on this indicator. All ten are mandatory bargaining states and allow unions to collect agency fees, a key source of union revenue. California, which ranks first overall in this area, ranks second in terms of the number of items that fall within the scope of negotiations: wages, hours, transfers, layoffs, evaluations, fringe benefits, leave, class size, and class load are all mandatory subjects of bargaining (along with others). The state also allows teachers to strike. Illinois, Oregon, Montana, Pennsylvania, and Hawaii are also among the top ten most permissive bargaining states.

A state's scope of bargaining is likely both an input and an outcome of union strength. The ability to bargain and collect agency fees is an input that confers greater resources and leverage to local unions. This is passed along to the state organizations, which in return infuse their local affiliates with additional strength by which to expand bargaining rights—or to use the other tools in their toolkit more effectively. (See Part II: Evaluating Teacher Union Strength.)

### **A strong perception of influence among insiders**

All of the states whose teacher unions fall into the strongest tier score relatively high in terms of perceived influence (Area 5). Six are perceived to be among the ten strongest in the nation, and only one (Illinois) falls below 25th in this area. With a strong foundation in people and dollars (Area 1), unions maintain a visible presence in the state; and even if they are not always successful in advocating for policies they favor, they are routinely at the table (or very close by). In eight of

the Tier 1 states, for example, stakeholders unanimously agreed that teacher unions had fought hard to prevent any reductions in pay and benefits during the recent period of budgetary constraint, rather than conceding that reductions were inevitable. (Only in Illinois and Rhode Island did some stakeholders indicate otherwise.)

This does not necessarily demonstrate that the unions were successful, but another set of survey responses suggests that Tier 1 unions do have a voice in the policy design process, even if they could not prevent policies from being introduced. We asked stakeholders whether the education policies *proposed* by the governor in the last legislative session were in line with union priorities, and also whether the *outcomes* of that session were in line with union priorities. The answers to both questions were mixed. In Montana and Washington, the proposed policies were fairly in line with union priorities, while in Pennsylvania, New Jersey, and New York they were not. In Oregon and Illinois, the legislative outcomes aligned with union goals. But one thing most Tier 1 states had in common is that the legislative outcomes were *more* in line with union priorities than were the policies initially proposed. This was the case in Hawaii, California, New Jersey, Illinois, and New York. New Jersey stakeholders reported the biggest difference that we found anywhere (see New Jersey state profile for more), and the change in all five of those states was larger than the national average. In Washington, there was no change between the proposed and enacted policies.

Further, when we asked stakeholders to select and rank the five most influential entities in education policy in their state, the national average put the teacher unions third. No Tier 1 state fell below that

average, and all but Hawaii ranked their unions as one of the top two major players in education policy. So while unions might not be successful everywhere—and in many places, they were not—they still serve as visible and active authorities in the thick of policy debates.

### **A mixed state policy environment**

Despite these perceptions of union influence, however, many of the states in the top tier have policies that are not particularly favorable to those unions (Area 4). Only three—Hawaii, Montana and New Jersey—rank in the top quintile in this area and four rank in the bottom half nationally. We learn from this that abundant resources, permissive bargaining laws, and a strong reputation do not necessarily yield a favorable state policy environment. For example, Pennsylvania’s teacher unions are strong in every other area, ranking among the fifteen strongest on resources and membership, political activity, scope of bargaining, and perceived influence. Yet the state is 41st for its policy environment: It has in place many charter laws that teacher unions typically oppose. Similarly, Illinois’s teacher unions, which enjoy permissive bargaining laws and a relatively high level of political involvement, reside in a state with several policies that unions typically spurn: student achievement must be the preponderant criterion in teacher evaluations, some evidence of student learning is considered in tenure decisions, and districts must consider performance when determining layoffs.\*

### **A mixed level of political activity**

The strongest teacher unions also vary in their generosity to political campaigns (Area 2). Some, such as those in Illinois and Oregon, contribute a great deal, with 3 percent or more of all contributions to state candidates coming from teacher unions. But others, such as those in New Jersey and California, donate less than 1 percent of all contributions to state candidates. This does not mean that the unions are not major players—in California, between 2003 and 2010, they donated \$7.3 million dollars to candidates, the second-most in the nation (Illinois was first at \$17.2 million). But in California, the total donations to candidates exceeded *\$1 billion*, meaning that the union’s dollars made up a very thin slice (just 0.7 percent) of that enormous pie. Compare California’s Area 2 rank of 18th to Hawaii (1st), Rhode Island (4th), and Montana (10th), all of which gave less than \$650,000 to candidates (in Montana, only \$42,000). In those states, candidates simply do not receive that much campaign money, which gives the union dollars relatively greater heft. Perhaps the most impressive entry on this list is Illinois, where elections are among the most expensive in the nation (\$474 million, third-most after California and Texas) and unions donated \$17.2 million of that to state candidates—a percentage ranking them 1st on that particular sub-indicator.

It may seem paradoxical that state teacher unions could be perceived as influential without proving successful—or even participating—in the state policy realm.

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\* Note that two Tier 1 states—Montana and Washington—do not have charter legislation at all and thus received “NA” on those indicators. They, along with the seven other states without such laws (Alabama, Kentucky, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia) may see a slight bump in their scores since fewer indicators comprise their total score for Area 4. A plausible argument can be made that the absence of a charter school law is itself evidence of strong unions that have successfully deterred charter legislation. Washington State is an example of this. Yet it is also true that charter schools have simply been a non-issue in some states. The Center for Education Reform, for instance, reports that West Virginia has been “silent” about charter schools and “even the state’s teacher union recognized the need for alternatives.” And South Dakota “has not heard much discussion of charter schools...so a debate on [them] would be new.” (See “The Final Ten: How The States Without Charter Schools Can Make It To The Goal Line,” the Center for Education Reform, February 1, 2007, [http://www.theparentsnetwork.org/\\_upload/CER\\_FinalTenCharterStates.pdf](http://www.theparentsnetwork.org/_upload/CER_FinalTenCharterStates.pdf)). For these reasons (and others detailed in Appendix A), we deemed “NA” the appropriate mark for non-charter states.

But keep in mind that state-level education policy is just one arena where unions can exert strength; equally, if not more important to them, are their local affiliates' capacity to affect district rules through involvement in school board elections, collective bargaining agreements, and such collective actions as rallies, marches, and lobby campaigns to pressure a district's board or superintendent. Unfortunately, measuring local union activity exceeded this project's scope (see Appendix A)—and a lot of what state unions do is train their local affiliates on bargaining and organizing, and advocate on their behalf.

Further, we're more mindful than ever that that influence and strength do not always get manifested in public. Often what happens behind the scenes can be more consequential. We're also aware that the absence of visible activity or influence can itself be an illustration of strong influence. In some places, the unions have been so influential for so long that they do not face challenges to their power; thus, they need not fork over sizeable contributions to parties or candidates in order to preserve a favorable status quo. This is most prevalent in states that have consistently had Democratic leadership, although we saw it elsewhere as well (see state profiles, Part V). Similarly, unions that enjoy wide collective bargaining rights already may not need to engage in state politics, inasmuch as their local affiliates can protect teacher interests at the district level instead.

We're mindful, too, that it's impossible to tally everything that active unions do, even when they do it publicly. Some activities simply cannot be quantified.

Unions encourage their members to write letters and make phone calls to legislators in support of (or opposition to) certain policies. They have "lobby days" where union leaders and members meet with state lawmakers, or rally at the state capitol—and will often provide transportation so that their numbers are large. During elections, state unions organize their members to volunteer for campaigns, walking precincts and staffing phone banks. Union members and their families represent a sizeable block of voters themselves. But our analyses in Area 2 also taught us a frustrating lesson—campaign finance law simply does not allow us to track every dollar that unions spend on politics. We can track their reported donations to candidates and political parties. But we can't account for what they spend on *behalf* of a candidate (or *against* another candidate)—for example, in advertising and mail campaigns, on member mobilization, or on general advocacy and lobbying.

Yet, while some unions see favorable policies but don't visibly participate much in politics, others engage intensely, though state policies are not in their favor. Perhaps their activities are an indication of their attempts to reverse existing policies. Or perhaps they are spending sizable sums not in support of a candidate who will embrace their interests, but simply to defeat one whom they know will act against those interests.\*

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\* Likely, it is a bit of both. The *New York Times* recently reported that nationwide, union donations to Republican candidates have doubled since the 2010 election cycle (see Motoko Rich, "Seeking Allies, Teachers' Unions Court G.O.P., Too," *New York Times*, September 24, 2012, <http://www.nytimes.com/2012/09/25/us/politics/challenged-by-old-allies-teachers-unions-court-gop.html>). In our state reports, we found evidence for this as well.



TABLE 5. TIER 5 (WEAKEST) TEACHER UNIONS

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Louisiana	42	40*	44*	24	33	44
Oklahoma	43	44*	26*	40	43	46
Texas	44	44*	36*	48*	30*	34
Georgia	45	35*	36*	48*	26	45
Mississippi	46	49	40*	43*	7	51
Virginia	47	40*	50	48*	4	33
Arkansas	48	50	47*	45*	20	37
South Carolina	49	51	35	43*	38	47
Florida	50	47*	36*	35*	46*	50
Arizona	51	40*	49	45*	49	48

\* Indicates that a state is tied with one or more other states for this rank

## AMERICA'S WEAKEST TEACHER UNIONS

Table 5 lists the ten states with the weakest teacher unions, again showing each state's rank on every one of the five areas in our metric. As before, no single measure dictates the overall ranking of a state's teacher unions: South Carolina claims the least amount of resources; Mississippi the frailest perception of influence; and Georgia, Texas, and Virginia tie for the least permissive bargaining laws.

Still, we can see several patterns—pretty much the converse of those discussed above—across the ten states.

### Limited people and resources, and restricted legal rights

Not surprisingly, these unions have restricted legal rights. Few would expect unions in states that prohibit collective

bargaining to amass as many people and dollars as their counterparts in union-friendly states, and here we see that teacher unions that rank among the weakest overall tend to have the fewest members and thinnest resources. Six of the ten states in Tier 5 are among the bottom ten in unionization rates and the other four fall in the bottom twenty. South Carolina has the lowest membership rate—just 26.9 percent of the state's teachers are union members.\* The Palmetto State union also collects the least revenue per teacher in the state—just \$51.75 annually, versus a high of \$1,370.77 in Alaska. Together, this lack of human and financial resources amounts to feeble power for the state's teacher unions.

Table 6 groups states by bargaining status, and shows this to be the case: nine of the ten Tier 5 states either permit or prohibit—rather than require—collective bargaining. (Only Florida mandates it.) Further, all ten states in Tier 5 prohibit

\* Even if bargaining is prohibited, recall that teachers are always free to form a local professional association, and to affiliate with the state-level union. And teachers may also join the state association directly if their district does not have an employee organization. So while prohibiting bargaining does not render it impossible for a state to have a high unionization rate, it certainly makes it substantially more difficult for a state union to amass (and subsequently unify and mobilize) members.

TABLE 6. BARGAINING STATUS, AGENCY FEES, AND OVERALL RANKING

<i>Bargaining Mandatory</i>				<i>Bargaining Permitted</i>		<i>Bargaining Prohibited</i>	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Delaware	19	Ohio	12	North Carolina	40
Oregon	2	Massachusetts	21	West Virginia	13	Texas	44
Montana	3	Maine	22	Alabama	20	Georgia	45
Pennsylvania	4	Maryland	23	Kentucky	28	Virginia	47
Rhode Island	5	North Dakota	24	Wyoming	29	South Carolina	49
California	6	Nevada	25	Colorado	35		
New Jersey	7	Nebraska	26	Idaho	36		
Illinois	8	Iowa	27	Missouri	38		
New York	9	New Hampshire	30	Utah	39		
Washington	10	Indiana	31	Louisiana	42		
Vermont	11	Kansas	32	Oklahoma	43		
Minnesota	14	District of Columbia	33	Mississippi	46		
Alaska	15	South Dakota	34	Arkansas	48		
Michigan	16	New Mexico	37	Arizona	51		
Connecticut	17	Tennessee	41				
Wisconsin	18	Florida	50				

**Bold red type indicates right-to-work states, which prohibit the automatic collection of agency fees.**

the automatic collection of agency fees.\* These states are indicated in red. While this study demonstrates that many factors can affect—or reflect—the overall influence of a teacher union, residing in a state that allows unions to collect funds from non-members bodes well for that influence.

### The perception of weak influence

With limited ability to collect resources and members, and restricted bargaining rights, it comes as no surprise that the

weakest teacher unions carry little weight in the eyes of observers. Seven of the Tier 5 unions rank in the bottom ten states in perceived influence (Area 5). Stakeholders in all of these states routinely report that other entities—such as school boards, governors, and business roundtables—are more influential in shaping education policy. Many note that their state’s teacher unions, particularly those in Mississippi, are not effective in protecting dollars for education, nor are they effective in

\* While states that prohibit collective bargaining are often casually referred to as “right-to-work” states, this is not a correct use of the term. “Right-to-work” specifically refers to laws prohibiting union membership as a condition of employment; under such legislation, unions cannot automatically collect “agency fees” in lieu of dues from non-members. Bargaining status and right-to-work are different, and independent, concepts. For example, Florida both requires bargaining and is a right-to-work state. Should employees wish to form a union, the district must recognize and bargain with that union, but that union cannot collect agency fees from teachers who choose not to join. Note, too, that barring agency fees is not the same as prohibiting automatic payroll deductions of members’ dues; in the latter case, unions cannot automatically deduct dues from the paychecks of their own members. (See sidebar, *Getting the Terminology Straight*.)

warding off education proposals with which they disagree—particularly in Arizona, Florida, and Louisiana. Stakeholders likely perceive this weakness for a number of reasons: little financial involvement in elections (unions in Mississippi, Arkansas, and South Carolina do not give much to campaigns even though elections are relatively inexpensive); an active union donating heavily but facing competition (unions in Florida, Texas, Georgia, and Virginia all donate a lot of money, but so do many other organizations); strong Republican governors (Jeb Bush in Florida, Bobby Jindal in Louisiana, and Jan Brewer in Arizona); and Republican legislative majorities (all but Arkansas and Virginia).

### **A mixed state policy environment**

As with the strongest teacher unions, the weakest unions are not necessarily found in states with the most union-unfavorable policy environments. Two of them—Mississippi and Virginia—are indeed in states with extremely union-friendly policies.\* In both places, teacher evaluations need not include student achievement data; evaluations need not inform dismissal policies; and tenure is conferred virtually automatically (after three years in Virginia, and after just one year in Mississippi).

But other teacher unions in Tier 5 inhabit states with policies that don't align nearly so well with traditional union interests. In Oklahoma and Florida, student achievement must serve as the preponderant criterion in teacher evaluations; evidence of student learning must be the major consideration in tenure decisions; and administrators must consider performance in determining layoffs. Further,

Oklahoma dismisses teachers at a higher rate due to poor performance than nearly every other state—3.7 percent annually, compared to Arkansas, which dismisses just 0.2 percent. The policy paradoxes we discussed above apply in these states as well.

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\* Observers in Virginia, for instance, tell us that the state constitution is interpreted as granting control over all education issues to local school boards; thus the legislature is constrained when it comes to changing existing establishment-friendly policies. See Virginia state profile for more.

## **PART III: TAKING A CLOSER LOOK— TEACHER UNION INFLUENCE BY AREA**

As we've already seen, teacher union influence varies greatly across the dimensions that we examined. Strong unions are not strong in the same ways, and weak unions are not necessarily weak on all fronts. This variation underscores the fact that teacher unions are rarely uniform in how they derive influence—and where they direct it. They also differ in their goals and the extent to which they strive to shape policy in public (and quantifiable) ways. In this section, we take a closer look at the teacher unions that ranked strong and weak in each of our five areas.

### AREA 1: RESOURCES AND MEMBERSHIP

This area measures the internal resources on which unions rely (members and revenue), and the financial resources dedicated to education in the state. While size and funds do not automatically make one union more powerful than another, the ability to amass people and money is, in many cases, an indicator of influence. Thus we examine teacher union membership in each state (relative to all public school teachers) and revenues of each state-level teacher union, judging that a critical mass of membership and high revenue per teacher build a necessary foundation for strong unions. Though we have no way of knowing whether high spending in a state is the direct result of union influence, it is nonetheless a source of union strength, because unions—and the teachers they

represent—certainly benefit from it. Thus we also examine K-12 education spending, by the state and by the districts in the state, and the percentage of that spending that goes toward teacher salaries and benefits. Table 7 shows the strongest and weakest states in this area.

The strongest unions in this area uniformly boast high membership densities—all five rank in the top ten nationally on this single indicator, with the lowest—Minnesota—ranking 9th, with 95.7 percent of its teachers unionized. They also bring in substantial revenues per teacher in the state—all rank in the top twenty nationally here, with New Jersey collecting \$935.62 per teacher (3rd-highest), and New York pulling in \$536.38 per teacher (20th). (Compare that to Alaska with the highest revenue, \$1370.77 per teacher, and South Carolina with the lowest, \$51.75.)

These states also boast high overall spending on education. Most see either high spending on education writ large or a large proportion of per-pupil expenditures going toward salaries and benefits. Few states, however, spend copious dollars on education and direct a large proportion of those funds toward salaries and benefits. For example, New Jersey only directs 52.5 percent of K-12 spending toward teacher salaries and budgets (just eleven jurisdictions direct less), yet overall K-12 spending in the Garden State is large:

**TABLE 7. RESOURCES AND MEMBERSHIP**

<i>Strongest Unions</i>	<i>Area 1 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 1 Rank</i>	<i>Overall Rank</i>
New Jersey	1	7	Florida	47	50
New York	1	9	North Carolina	47	40
Hawaii	3	1	Mississippi	49	46
Minnesota	3	14	Arkansas	50	48
Washington	3	10	South Carolina	51	49

\$15,116 per pupil (6th-highest).\* On the other hand, Minnesota directs a high percentage of its K-12 expenditures to teacher salaries and benefits (59.4 percent; 3rd), but disburses less money per pupil (\$11,472; 24th). New York is noteworthy because annual per-pupil expenditures total \$15,863 (5th) *and* a high percentage of those generous expenditures goes to teacher salaries and benefits (63.5 percent; 1st).

Conversely, the weakest unions in this area report thin membership and low revenues per teacher. As previously noted, South Carolina posts the smallest figures for both. Even Florida, which posts the highest figures on these measures among the bottom five states, has a unionization rate of just 55.8 percent and annual revenues of only \$181.56 per teacher. Still, there are a few surprises in this area. A substantial percentage of K-12 expenditures in North Carolina go to teacher salaries and benefits (58.5 percent; 4th). In real dollars, however, that does not amount to much, considering that the Tarheel State spends just \$9,024.13 annually per pupil (44th). Florida ranks in the middle, rather than at the bottom, in terms of state spending on education (20.1 percent of state expenditures; 22nd). And

Arkansas falls in the middle when it comes to per-pupil expenditures, with \$10,756.66 (30th).

## AREA 2: INVOLVEMENT IN POLITICS

This category measures ways in which a state union might influence laws, policies, and budgets. Because many forms of influence are impossible to quantify and compare, most of the data in this category represent the unions’ financial donations to candidates and political parties (their share of total contributions, and how they stack up against other sectors like police and firefighter unions, farm bureaus, and major oil and gas producers). And we tally how many delegates to the Democratic and Republican National Conventions were themselves teacher union members.

Two methodological notes warrant mention—the first regarding what we counted and the second what we compared—because our report of unions’ share of financial contributions is apt to strike the reader as low. First, for the years examined, we combine direct contributions from any national, state, or local teacher union (and the political action committees

\*States like New Jersey that do not spend large fractions of their K-12 funds on teacher salaries and benefits tend to spend more money on support services—including administration, operations and management, and instructional staff support—than other states.

connected to those unions) to candidates or parties in a particular state. This is not to say that unions did not spend money in other ways. However, campaign finance law does not require unions to tabulate every dollar they spend on politics and how it was spent. Reporting requirements are even more lax for corporations, so the only way to calculate unions' *share* of political spending is by comparing donations to candidates and political parties. We cannot report or compare spending on behalf of candidates (on advertising, for example, or electioneering communications), spending on member communications (meaning unions advertise to their own members, encouraging them to vote), and support not quantifiable by a dollar amount (such as providing volunteers to walk precincts or make telephone calls). For the same reasons, we must also omit union spending on lobbying and general advocacy.\* Further, while we were able to link union-*connected* political action committees (PACs) with their associated union, we could not do so for single-issue/ideologically-oriented PACs that were only union-*supported*; these non-connected PACs donate to candidates (or again, spend on their behalf) but we cannot tabulate those dollars.†

Second, when we compared union contributions with total donations to candidates and parties, the "total" amount included both inside and outside money. "Inside money" for candidates are those funds provided by the candidate himself, donations from individuals to the

candidate's political action committee (PAC), and contributions from political parties. "Outside money" refers to donations from external PACs, lobbyists, interest groups, and (depending on state election laws) labor unions and corporations. Between 2003 and 2010, inclusive, candidates for state office raised over \$8 billion, with about 36 percent originating from "outside money" (from state to state, outside money ranged anywhere from 5 to 60 percent of candidates' total finances).‡ Likewise, political parties are funded by "inside money"—in this case, donations to parties' PACs from individuals—and "outside money" (see above). Between 2003 and 2010, parties raised \$1.6 billion, nearly equally divided between inside and outside sources. Because inside money is such a large share of campaign funds, when we divide union contributions to candidates/parties by total dollars amassed by candidates/parties, the union's share (and that of any outside donor) will seem disproportionately small. For further details, see Appendix A.

Table 8 shows the strongest and weakest teacher unions in this area.

The seven unions that rank strongest in this area vary greatly. Alabama is the only one with teacher unions that donate large proportions to both political candidates and parties: they supplied 2.8 percent of all contributions to candidates (4th) and 9.7 percent of all contributions to parties (1st).

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\* A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with union expenditures on member mobilization and advocacy. Even the AFT agreed, arguing that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10 2012.

† Contributions are self-reported by donors. Most union-affiliated PACs (meaning the PAC is simply the political arm of the union) report that affiliation on their donor forms, and we include donations from these PACs with those of their related union. But unions are free to support any PAC they choose, and campaign finance law and the record-keeping that aligns with it do not permit us to track the way that those donations eventually make their way to candidates.

‡ Data provided to authors by staff at the National Institute on Money in State Politics, 2011.

**TABLE 8. INVOLVEMENT IN POLITICS**

<i>Strongest Unions</i>	<i>Area 2 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 2 Rank</i>	<i>Overall Rank</i>
Hawaii	1	1	Vermont	44	11
Alabama	1	20	Maine	44	22
South Dakota	1	34	Louisiana	44	42
Michigan	4	16	Missouri	47	38
Rhode Island	4	5	Arkansas	47	48
Idaho	4	36	Arizona	49	51
West Virginia	4	13	Virginia	50	47

Note: Due to ties in the ranking, more than five teacher unions are represented among both the top and bottom five teacher unions.

(Compare this to Maine’s teacher unions, which contributed just 0.02 percent of total contributions to state-office candidates, and Alaska’s, which contributed no money at all to state political parties—both ranked in last place in those respective categories.) Most teacher unions targeted either political candidates or parties. For example, Hawaii’s unions gave the 9th-largest percentage to candidates (1.5 percent) but the 26th-largest percentage to parties (1 percent); conversely, Michigan’s teacher unions gave 0.9 percent to candidates (18th) but 4.2 percent to parties (3rd).

The strongest state teacher unions all gave significant amounts to candidates vis-a-vis the highest-giving outside sources (grouped by economic sector) in their states, although their percentages varied. Teacher union contributions in Hawaii equaled 15.4 percent of the total contributed by the ten highest-giving sectors (7th), highest among the top states in Area 2. (Compare this to teacher union contributions in Colorado, which equaled 25.8 percent (1st); and to those in Maine, which only equaled 0.03 percent, the smallest.) It bears repeating, however, that

strong unions sometimes have the luxury of *not* spending money on politics.

The strongest unions in this area also sent lots of delegates to the national conventions. In Rhode Island, a full 33.3 percent of delegates were members of teacher unions (compare this to Kentucky, in which no delegates identified as teacher union members). Among the seven strong teacher unions in Area 2, only West Virginia fell below the top ten for this particular measure. (It ranked 19th with 15.2 percent of its delegates identifying as teacher union members.)

Teacher unions ranking weakest in this category were not necessarily uninvolved in politics—sometimes they faced competition. This was the case in Virginia, where the union did give a substantial amount of money, but total campaign spending from all sources was high as well. Other unions faced a similar situation—expensive elections—and chose not to give much (Louisiana, Missouri, Arkansas). Then, there were those that stayed out of the game all together—unions in Vermont, Maine, and Arizona did not give much,

**TABLE 9. SCOPE OF BARGAINING**

<i>Strongest Unions</i>	<i>Area 3 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 3 Rank</i>	<i>Overall Rank</i>
California	1	6	Alabama	45	20
Minnesota	2	14	Arkansas	45	48
Illinois	3	8	Arizona	45	51
Oregon	4	2	North Carolina	48	40
Alaska	4	15	Georgia	48	45
			Texas	48	44
			Virginia	48	47

Note: Due to a tie in the ranking, more than five states are represented among the bottom five teacher unions shown above.

even though elections in their respective states were not particularly expensive. Regardless of the context, however, donations from these unions amounted to a very small share of both total money and contributions from the sectors representing the ten highest-giving outside sources; nearly all of the weak teacher unions ranked in the bottom quintile in both of these categories.\*

### AREA 3: SCOPE OF BARGAINING

Here we examine bargaining status (mandatory, permitted, or prohibited); the scope of subjects that can (or must) be addressed through bargaining; the union’s legal right to collect agency fees automatically and/or to collect member dues via automatic payroll deductions; and the legality of teacher strikes. Table 9 shows the strongest and weakest states in this area.

The teacher unions that rank among the strongest in this area all reside—unsurprisingly—in states that require collective bargaining, permit agency fees to be collected automatically, and allow teachers to strike. Where they differ is in the range of items that can be negotiated under local collective bargaining. California’s unions enjoy the second-broadest scope of bargaining in the nation. Of the twenty-one items that we examined, eleven must be bargained in the Golden State: wages, hours, terms and conditions of employment, grievance procedures, transfers, layoffs, evaluations, fringe benefits, leave, class load, and class size. (Nevada had the broadest scope, requiring fourteen.†) The remaining ten items may also be bargained, at the discretion of the districts. None of the provisions we examined is explicitly excluded from negotiations. Minnesota, with the next broadest scope, mandates that seven

\*A few did, however, contribute above-average proportions to political parties: Teacher unions in Maine, Louisiana, and Arizona gave 1.14 percent (23rd-largest), 1.09 percent (24th-largest), and 0.95 percent (25th-largest) of all party contributions, respectively. These teacher unions also varied in their representation at national party conventions, from those in Missouri, which comprised 12.1 percent of delegates (31st-largest), to Vermont, which only comprised 5.0 percent (47th-largest).

† While Nevada allows its teacher unions the broadest scope of bargaining in the nation, it does not rank among the top five states in this category because it prohibits its unions from automatically collecting agency fees, and also prohibits teacher strikes.



**TABLE 10. STATE POLICIES**

<i>Strongest Unions</i>	<i>Area 4 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 4 Rank</i>	<i>Overall Rank</i>
West Virginia	1	13	Minnesota	46	14
North Dakota	2	24	Florida	46	50
Vermont	2	21	Colorado	48	35
Virginia	4	47	District of Columbia	49	33
New Jersey	5	7	Arizona	49	51
			Michigan	51	16

Note: Due to a tie in the ranking, more than five states are represented among the bottom five teacher unions shown above.

items be negotiated through collective bargaining, explicitly permits two, and does not address the remaining twelve (implicitly allowing their inclusion in the scope of bargaining as well).

The four weakest unions in this area—North Carolina, Georgia, Texas, and Virginia—all prohibit collective bargaining, agency fees, and teacher strikes. Alabama, Arkansas, and Arizona—tied for second-to-last place—do not address collective bargaining in education in state law. Districts, then, may decide whether to negotiate with employee organizations, and what may be bargained. These three states do, however, prohibit agency fees.\*

### AREA 4: STATE POLICIES

This area gauges the extent of alignment between state-level education policies and traditional union interests. The indicators address policy issues largely considered to be important to unions, including teacher

employment policies (performance pay, retirement benefits, evaluations, tenure, and dismissal), class size, and charter school policies (limits on the number and variety of charters, the range of authorizers, and collective bargaining exemptions from state laws, district policies, and local collective bargaining agreements).<sup>†</sup> Where state policies align with traditional teacher union interests, we rank those unions as strong; where policies are not aligned, they are rated weaker. (See Appendix A for rationale.)

Table 10 shows the strongest and weakest states in this area.

The strongest teacher unions in Area 4 reside in states with teacher policies that align well with traditional union interests. Teacher employment policies in West Virginia, North Dakota, and Vermont are very much in line with union priorities. In all three, the state does not support performance pay; does not require that

\* The degree to which bargaining *occurs* in bargaining-permitted states varies greatly. As of 2008, no Alabama districts were covered by a collective bargaining agreement, while 43.5 percent had meet-and-confer agreements (and 56.5 percent had no agreement at all). In Arkansas, 1.5 percent of districts had a CBA, 9.7 percent a meet-and-confer agreement, and 88.7 percent no agreement. And in Arizona, 0.4 percent had a CBA, 14.4 percent a meet-and-confer agreement, and 85.2 percent no agreement. Compare these with other bargaining-permitted states such as Ohio, where 75.5 percent of districts have CBAs. See National Center for Education Statistics, Schools and Staffing Survey (SASS), 2007-08.

<sup>†</sup> States without charter school laws are coded as “N/A” for those data points and thus have fewer indicators in this area. See Appendix A.

student achievement data factor into teacher evaluations; and does not require tenure or layoff decisions to weigh teacher effectiveness. North Dakota grants tenure after only two years, West Virginia and Vermont after three (the national norm). In all three states, there is no mandate that ineffective teachers be immediately eligible for dismissal. In North Dakota and Vermont, the state articulates no consequences for unsatisfactory evaluations, and in West Virginia such teachers must be put on an improvement plan first. All three also have K-3 class size restrictions (whereas twenty-four states do not), and none of the three has a charter school law. West Virginia has the further distinction of having employers that contribute more, relative to teachers, to employee pensions than every other state save Louisiana. In 2011, West Virginia employers were responsible for contributing to teacher pensions at a rate of 29.2 percent of salary (35.4 percent including social security), while the employee only contributed at a rate of 6.0 percent (12.2 percent including social security).

Virginia and New Jersey do have charter laws, but they drastically limit the expansion and autonomy of the charter sector. In New Jersey, only the state commissioner of education can authorize charters, while local districts cannot. And in Virginia, both the local district and the state board of education must approve charter applications—the fact that the Old Dominion is home to just four charter schools is evidence of this constraint. Both states limit charter autonomy as well: charters fall under all state laws and district regulations, including those which require full teacher certification, and cannot apply for exemptions. Further, in Virginia, all charters fall under their authorizing district's collective bargaining agreement,

and in New Jersey only charter start-ups are exempt (conversion schools are not). Both states also have union-favored teacher employment laws nearly identical to those in West Virginia, North Dakota, and Vermont.

Weak teacher unions in Area 4 are found in states where employment law does not offer blanket job security for teachers (that is, without consideration of their performance), and in states where charter law promotes the expansion and autonomy of the sector. In Florida and Michigan, the state requires that performance be factored into teacher pay; that student achievement be the preponderant criterion in evaluations; and that districts consider teacher performance when making layoff decisions. In Arizona, employees are required to contribute to their pension plans at a higher rate than employers (through 2011, just four other states did likewise). Further, Idaho and Minnesota both dismiss relatively high proportions of teachers due to poor performance relative to other states—3.5 and 3.7 percent annually, respectively. Finally, four of these five states have no class size restrictions (Florida does), four permit the widest variety of charter-school types (all but Michigan), and all five exempt charter schools from collective bargaining agreements.

## AREA 5: PERCEIVED INFLUENCE

To capture the “invisible” side of teacher union strength, we surveyed key stakeholders in each state. We had them rank a number of influential entities in their state, teacher unions included, and asked them the degree to which unions affected policy (both education and financial), influenced elections, and had allies in the

**TABLE 11. PERCEIVED INFLUENCE**

<i>Strongest Unions</i>	<i>Area 5 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 5 Rank</i>	<i>Overall Rank</i>
California	1	6	South Carolina	47	49
New Jersey	2	7	Arizona	48	51
Oregon	3	2	South Dakota	49	34
Maryland	4	23	Florida	50	50
Montana	5	3	Mississippi	51	46

capital. We also asked whether existing policies, policies recently proposed by the governor, and policies recently enacted by the legislature, aligned with their state union’s priorities.

Table 11 shows the strongest and weakest states in this area.

It is not surprising that California and New Jersey top the list; both states’ teacher unions are famous for the extent of their political and policy influence. Four of the five strongest state unions (not Maryland) are also in the top ten strongest overall. According to stakeholders, in all five of these states teacher unions are either the most or second-most influential entities on education policies (more so than other key players such as superintendent associations, school boards, and governors). Unions in all five states fought hard to prevent cuts in pay and benefits during the recent period of budgetary constraint. And respondents in all five states agreed that the unions generally succeeded in preventing or minimizing cuts. In most of these states, the union benefitted from allies inside government: Respondents in every state but New Jersey indicated that the priorities of state education leaders tend to align with the positions held by teacher unions. And for every state but Montana, respondents

noted that, more often than not, their unions need *not* compromise to ensure that their preferred policies are enacted at the state level. Finally, respondents in all five states agreed that Democrats often need teacher union support to get elected; in Maryland and Montana, Republicans sometimes do, too.

One thing the top-five states have in common is that Democrats tend to be in charge. In California, Maryland, and Oregon, that party has a majority in the legislature and also controls the governorship. Montana has a Republican legislature and a Democrat governor, and in New Jersey it is the reverse. But this does not guarantee that the top-five unions in Area 5 have a strong command over recent education policies—which may reflect a wave of challenges to teacher union authority initiated by Race to the Top competitions and No Child Left Behind waiver applications. Stakeholders noted that *existing* policies in all five states largely aligned with union priorities. But stakeholders also said that the policies *proposed* by governors during the latest legislative session were less aligned with union priorities than the existing ones. New Jersey stood out among the five; there, stakeholders reported that education policies proposed by Governor Christie were not at all in line with the priorities

held by teacher unions, although existing policies often were. Yet respondents went on to indicate that the *outcome* or fate of those proposals after legislative action *were* mostly in line with union priorities in that state.

For those teacher unions with the weakest perceived influence, respondents uniformly rank the unions as the fourth- or fifth-most influential entity in the state when it came to education policy. In these states, neither proposals nor outcomes of the recent legislative session were in line with union priorities, nor were existing policies. In some states, however, this was not from lack of trying. South Dakota tied for first on its involvement in politics (Area 2), Arizona unions have been fighting tooth and nail against a spate of anti-union legislation (see Arizona's state profile, page 72), and stakeholders in Florida, Mississippi, and South Dakota noted that their unions have struggled forcefully to prevent cuts in teacher pay and benefits. Respondents in Florida and Arizona agreed that Democrats in their states need union support to get elected, but those states, as well as the other three, have Republican governors and legislative majorities.

## **PART IV: CONCLUSIONS AND TAKEAWAYS**

We conducted this analysis during a period of change, even turmoil, in education policies and politics. The Race to the Top (RTTT) competition, the advent of NCLB waivers, state elections (in 2010 and 2011) that ushered in Republican candidates eager to overhaul particular policies, anti-union sentiment—all of these drove reform in many of the states, even in jurisdictions (such as California and Michigan) where unions have traditionally enjoyed safe shelter. The arrival on the scene of pro-reform Democrats (most visibly in the form of Democrats for Education Reform and its many state-level affiliates, as well as Secretary of Education Arne Duncan's spirited leadership of federal policy in this realm) has half-erased the old truism that Democrats can be counted upon to do the unions' bidding. In response to these and other changes in the political landscape, the unions are compromising, trading, sometimes conceding on things that they wouldn't have before. For them, these are uncertain and unpredictable times, particularly in the face of epochal reforms such as the universalizing of school choice, the demand for results-based accountability, and the widening use of student achievement in teacher evaluations. In many cases, the unions cannot stop such developments, so instead they are mobilizing to shape (some might say weaken) them. We found this kind of behavior in many places, including New Jersey, Arkansas, Minnesota, Nevada, and Kentucky.

Labor policy itself has also undergone massive change in the past few years. Wisconsin is the most visible case in point here, but other states have had similar battles. In Ohio, for example, voters repealed S.B. 5 in November 2011 after vigorous union campaigning against the bill. It would have prohibited public-sector strikes, eliminated binding arbitration for employee-management disputes, and narrowed the scope of bargaining. Across the state line in Indiana, Governor Mitch Daniels signed a 2011 bill that restricted the scope of bargaining to wages and benefits. A year later, the Hoosier State became the first right-to-work state in the rust belt (thus prohibiting unions there from collecting agency fees from non-members).

The fiscal crunch of the past four years has also imperiled some long-standing assumptions and earlier teacher-union victories. Despite the cushion of federal "stimulus" money, states and districts have raised class sizes, closed schools, cut programs, laid off teachers, frozen salaries, reduced health benefits (or required teachers pay more for them), and propped up shaky pension systems by a combination of diminished benefits and increased employee contributions.

Recognizing the fluidity of the present situation and acknowledging that our data are a snapshot in time—in some cases an earlier time—we nevertheless leave this analysis with four over-riding impressions. We make no causal claims, nor are any of

these assertions free from exceptions, but it would be irresponsible not to share with readers the picture that these data have drawn in our minds.

**1. Mandatory bargaining appears to tilt the playing field in favor of stronger unions.**

Where bargaining is optional or prohibited, unions tend to rank “weaker” on our overall metric.\*

Consider Table 12. Seventeen of the top twenty strongest unions are in mandatory bargaining states. Nine of the weakest ten are in states where bargaining is prohibited

altogether or permitted but not required.

But what about the four states that don’t follow this pattern? Why are unions in Ohio, West Virginia, and Alabama strong (even though bargaining is *not* mandatory), and in Florida weak (even though bargaining is mandatory in the Sunshine State)? On to our next point...

**2. Resources make a difference.** It’s no surprise, but it needs to be underscored. Funding (from member dues and agency fees) and membership matter. Revenue is important to unions, as it is to other

TABLE 12. TEACHER UNION STRENGTH BY RANK, TIER, BARGAINING STATUS, AND AGENCY FEES

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

MANDATORY BARGAINING PERMITTED BARGAINING PROHIBITED BARGAINING AGENCY FEES PROHIBITED

\* While this seems tautological given that the calculation of overall rank includes bargaining status, recall that the metric also includes thirty-six other sub-indicators, not all of which are related, even indirectly, to whether local districts must, may, or cannot negotiate binding contracts with teacher associations.

organizations—regardless of whether they use it to donate to political campaigns, lobby policymakers, finance public relations and advertising campaigns, mobilize members to write letters and rally, or train their local affiliates to bargain and organize. (Indeed, the more money they have, the less they are forced to choose among such power-enhancing activities.) Likewise, membership is important, not only as a source of revenue but also because members themselves are key to boots-on-the-ground efforts. And agency fees allow unions to collect dollars from non-members, enabling them to continue their work (and gain visibility and policy victories, which in turn encourage more teachers to join). This iterative relationship between fees, membership, and revenues virtually guarantees the organizational health of unions in many states.

The ability to collect agency fees is especially crucial for unions in states with a low percentage of dues-paying members. Permitted bargaining status can reduce the unionization rate because districts are not required to recognize employee organizations as unions (77 percent of all districts in mandatory bargaining states have unions, compared to 17 percent in permitted bargaining states). Bargaining status alone is not the only contributing factor to low unionization—recall that permitted bargaining states are mostly located in parts of the nation where organized labor is not particularly popular. In *all* states, regardless of bargaining status, teachers can choose not to organize, or opt to operate as an employee association

rather than a union.\* Further, in all states, individual teachers can opt out of union membership (and thus union dues).

When states allow unions to collect agency fees from non-members, it lessens the effects of decreased membership (and member dues) owing to bargaining status or other factors. Unions in mandatory bargaining states collect an average of \$581 annually per *teacher* in the state; in permitted bargaining states, \$296. The nearly \$300 difference isn't surprising—mandatory bargaining states have more unionized teachers (83 compared to 61 percent). But the average union revenue in mandatory bargaining states that allow agency fees is a whopping \$650, compared to \$405 in mandatory states that do not.<sup>16</sup> The fiscal advantage gained by unions in mandatory bargaining states is nearly completely lost if they cannot collect agency fees—especially if mandatory bargaining does not translate into higher unionization.†

Now back to the four states that rank differently than their bargaining status seems to indicate that they should. Ohio, West Virginia, and Alabama do not mandate collective bargaining but do allow agency fees. Not all Tier 5 states prohibit bargaining (Florida requires it, and five others permit it), but they *all* forbid agency fees. And 18 of the 20 weakest states restrict union revenue in some way, either by prohibiting agency fees (sixteen of them) or barring unions from automatically collecting dues from members' paychecks (Colorado and New Mexico). That's

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\* For example, New York and Michigan are both mandatory bargaining states, with about 700 districts each. In New York, approximately 80 percent of districts have unions, while in Michigan only 65 percent do. Compare this to Ohio, where bargaining is only permitted, yet 75 percent of 600 districts have unions, while only one percent of nearby Missouri's 525 districts are unionized despite the fact that it permits bargaining as well.

† Florida is a prime example: Although bargaining is mandatory, only 56 percent of Florida teachers actually belong to unions, and because the state forbids agency fees the state association collects only \$182 in annual revenue per teacher. Compare this to Kentucky, where bargaining is permitted. The unionization rate is nearly comparable to Florida, at 58 percent. Yet the state permits agency fees, and the state association there sees annual revenue of \$521 per teacher.

more decisive than mandatory collective bargaining, which we found in thirty-two states—but six of these end up in the bottom two tiers (Kansas, Washington, D.C., South Dakota, New Mexico, Tennessee, and Florida). The message for union opponents is fairly clear: If you want to weaken unions politically, focus on prohibiting agency fees and/or mandatory payroll deductions (via “paycheck protection” measures), not just on ending the right to bargain collectively.

### **3. The scope of bargaining matters a lot, too, as does the right (or not) to strike.**

Consider this observation by Michelle Rhee, former chancellor of the District of Columbia school system, who now heads the StudentsFirst reform-advocacy group:<sup>17</sup>

*Collective bargaining for wages and benefits is not the reason American schools fail. Even in...states that do not have collective bargaining, we still see many of the problems that hurt our schools: bureaucratic inertia, red tape limits on parent choice, seniority-based layoffs, and fiscal irresponsibility. Overseas, many countries see teachers unions drive high standards and expectations for all teachers.*

*The problem is not collective bargaining. The problems arise when unions use collective bargaining to push for policies that devalue great teachers, such as insisting that all teachers should be treated as interchangeable in terms of performance and pay.*

*Unions should have every right to continue representing their members, speaking up for teachers as they negotiate salaries, professional development and benefits. But they should not actually be co-managing school systems, and many decisions do not belong on the bargaining table. For example, it would present a huge conflict*

*of interest for unions to be negotiating performance evaluations when unions have to represent effective and ineffective teachers alike. Districts should be able to create evaluations, reward teachers' success, empower parents with more choices, and run the school system while held to high standards for accountability and success.*

The problem, of course, is that in many states the scope of local bargaining is nearly boundless, often including relentless protection of the jobs of ineffective teachers. This is a matter within the purview of state policy, however. In fact, Lorraine McDonnell and Anthony Pascal concluded that the scope of provisions of a state law were “significant predictors” of what contracts included.<sup>18</sup>

When permissive bargaining rules combine with ill-defined state policies, local unions have a lot of wiggle room to negotiate contracts that serve their goals more than those of their pupils. Moreover, some state laws protect union interests outright, making bargaining unnecessary. For example, when laying off teachers, only Idaho and Utah prohibit districts from considering seniority, and just eight states allow districts to impose their own layoff rules without negotiations. Contrast this to the sixteen states where the law protects teacher interests (seniority is the sole criteria for layoffs in five states and must be considered as one of several factors in eleven) and the remaining twenty-five, where the state sets no rules at all and layoffs are within the scope of local collective bargaining.

The recent Chicago teacher strike illustrates the impact of strong local collective bargaining policies that intersect with permissive state laws. Illinois law requires



that student growth be a “significant factor” in teacher evaluations, but does not specify further.\* Districts are free to develop their own evaluation systems, or can opt-in to a system designed by the state (in which student achievement counts for half of a teacher’s overall evaluation). State law also implicitly allows bargaining over evaluations, meaning that each district can decide whether it will negotiate over the issue, and Chicago Public Schools (CPS) agreed to do so. (Insiders assert that the Chicago Teachers Union, or CTU, refused to negotiate with the district over health care and other benefits unless CPS agreed to negotiate over evaluations.)†

During those negotiations, the CTU insisted that no more than 30 percent of a teacher’s evaluation be based on student scores, while CPS wanted 45 percent. When labor and management could not come to an agreement on evaluations, the teachers went on strike, which is legal under Illinois law. (Ostensibly, the walkout was over salaries, since technically teachers cannot strike over evaluations.) Facing intense pressure to resolve the dispute, CPS leaders agreed on 30 percent. But had the state defined and mandated evaluation criteria (rather than suggested it), not included evaluations within the scope of bargaining, and/or not given teachers the right to strike, CPS would likely have been able to impose its own standards. (Of course, whether 0 percent, 10 percent, 30 percent, or some other percentage is the “right” proportion allocated to student results has been, and continues to be, open to vigorous debate.)

Contrast the Illinois situation with the present state of play in Wisconsin, where Act 10 limited collective bargaining to wage increases only. Existing legislation also banned teacher strikes in the Badger State and barred teacher evaluations from the scope of bargaining. That meant Wisconsin districts had the power unilaterally to impose higher health premium shares on employees, to shift pension contributions to workers, and to cut other personnel costs. In fact, raising eligibility for retiree health benefits and redesigning health plans—changes made possible by Governor Walker’s reforms—was estimated to save Milwaukee Public Schools \$117 million in 2012 alone.<sup>19</sup> (Subsequently, a Wisconsin judge struck down the limitations on bargaining; Walker has vowed to appeal.)

**4. The fact that a state has mandatory, permissive or broad bargaining laws—or its unions enjoy abundant resources—does not mean that state policies are union-favorable, and vice-versa.** Many of the states in our top two tiers are home to state-level policies that are not particularly favorable to teacher unions. Take California, Illinois, and Minnesota (overall ranks: 6th, 8th, and 14th). They have the widest scopes of bargaining in the country. Sundry areas must be bargained, spanning salary and benefits to teacher evaluations to working conditions. Agency fees are allowed, and teachers are permitted to strike. Nearly all teachers are union members, and state unions there see some of the highest revenue in the nation. Yet, education policies in those same three states are less aligned with traditional union positions than in many other states (37th, 39th, and 46th, respectively). All three have charter

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\*Incidentally, the Illinois Education Association played a central role in shaping the state law on evaluation.

† Further, once a topic has been negotiated in the past, that precedent stands for the future. So CTU’s approach was not unusual.

caps with room for growth or no cap at all. All allow a variety of public charter schools (new charter school startups, public school conversions, and virtual schools) and automatically exempt them from most state laws and district regulations, including local collective bargaining agreements. Two (Minnesota and Illinois) require that teacher evaluations be significantly informed by student achievement or growth measures, and two (Minnesota and California) support performance pay. Minnesota also requires that teacher performance be considered before granting tenure. Clearly, these are not the policies that unions tend to advocate.

Conversely, states without strong collective bargaining rights may nonetheless have union-friendly policies. Take Mississippi and North Carolina. The former does not address collective bargaining in state law and the latter prohibits it; both have low membership and revenue. Yet policies in both states are generally favorable to teacher union interests. Mississippi has some of the strictest due-process laws in the nation, thanks to the state's *Education Employment Procedures Law*, so teacher jobs rest secure. And North Carolina's teacher association has a strong ally in Democratic governor Beverly Perdue (not to mention that twenty-seven of the last thirty governors in the Tar Heel state have been Democrats). Negotiating rights and resources, then, become less critical when unions have other aprons to hide behind.

All of which goes to say, collective bargaining is far from the whole story when it comes to shaping education policy at the state level and the role of unions therein.

Other factors—and players—obviously matter, too, often greatly, beginning with state leadership (past and present), federal

policy, the condition of the economy, the influence of other key education stakeholders, and the state's own macro-politics.

Why do some state unions (Pennsylvania, Minnesota, and Michigan) have what look like vital elements of power—bargaining is mandatory, agency fees are allowed, and union membership is high—yet fail to enjoy policy environments aligned with their interests (at least in this study's current snapshot)? How is it that state policies are so union-friendly in states like West Virginia and Kentucky, despite the fact that bargaining is permitted or prohibited and/or agency fees banned?

A closer look reveals an unsurprising insight. What did most of the “should-be-weak-but-aren't” unions have in common? Democratic governors and legislative majorities. What did most of the “should-be-strong-but-aren't” unions share? Republican state leadership. Indeed the political climate can do much to constrain the influence of resource-rich unions and magnify the strength of those without ample resources of their own.

The bottom line? Unions do not have *carte blanche* at the statehouse even if they do wield enormous influence over pay and working conditions on the ground. Historically, they were dominant voices in state-level debates over education because particular issues of enormous interest to them and their members were not high priorities for most other interest groups.<sup>20</sup> On other issues, teacher unions could easily find allies among other sectors of organized labor, thus adding to their clout. Moreover, elected state education board members (and local board members, too) typically gain office in low turnout elections that can be swayed relatively easily by

organized groups with keen interest in who wins them. With the recent explosion of education reform advocacy groups, however, teacher unions now have more adversaries and rivals, and fewer automatic allies, in statehouse politics and policy decisions.<sup>21, 22</sup>

The venue is changing, too, as hard-fought policies move from statehouse to schoolhouse. One recent study actually found that states with strong unions appeared more likely to pass teacher evaluation measures with union support, because their unions were confident they could shape the terms by which such programs would actually function.<sup>23</sup> Another focused on teacher performance pay and found that unions have just as much influence in the implementation phase of reform as they did in the design of the bill that eventually became law. In some cases, unions shaped proposals for merit pay so drastically that the resulting law was impossible to implement, and in other cases they undermined implementation such that the laws were reduced to token reforms.<sup>24</sup>

**For the future: This kind of research is hard—but more of it needs to be done.** We found previous efforts to gauge teacher union strength to be in the ballpark, but imprecise. Most of the states we ranked on the “stronger” side of the distribution will come as no surprise to veteran observers of the education-policy wars. Most are known to be strongholds of union influence. Many are in the old industrial Northeast, and several others would be termed “deep blue” by political analysts. Similarly, the “weak” side of the distribution displays a lot of predictable states. But there are surprises, too.

For those who tackle this complicated topic in the future, we suggest three improvements.\* First, include indicators of a state’s political climate: What is the party affiliation of the governor, legislators, and education leaders (e.g., the state superintendent, the members of state board of education), and how many were endorsed by the union? Second, mindful of the complexity and inconsistency of state election laws, it would be enormously valuable to obtain a complete accounting of the union’s share of all types of political spending—not just donations, but also advertising, member mobilization, lobbying, and advocacy. Finally, a revised measure would account for political brick walls—provisions of state constitutions (although in theory these can be amended); long-standing labor-friendly policies that may be regarded as sacred (although such cattle may be slaughtered); and seemingly permanent elements of a state’s political culture (although these, too, may turn out to be malleable). Surely there are other methodological and data improvements to be made. We trust that readers won’t be shy in sharing them with us.

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\* Raw data are available upon request. Send email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

# PART V: STATE PROFILES

# ALABAMA

OVERALL RANK: 20TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

OVERALL			20		
1. RESOURCES AND MEMBERSHIP			24		
2. INVOLVEMENT IN POLITICS	1				
3. SCOPE OF BARGAINING					45
4. STATE POLICIES		18			
5. PERCEIVED INFLUENCE			25		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 24TH

With 85.6 percent of its teachers unionized, the Yellowhammer State posts the 18th-highest unionization rate in the country (and has a far higher than average rate among states where bargaining is similarly permitted but not mandatory). The Alabama Education Association (AEA) brings in \$501 per teacher annually (24th of 51 jurisdictions). The state devotes a considerable portion of its own budget to K-12 education—25.3 percent of total state expenditures (8th). But the number of total dollars from state, federal, and local sources is only moderate: Alabama spends \$10,320 per pupil (34th). Of those funds, 52.9 percent are directed toward teacher salaries and benefits (36th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 1ST

Alabama’s union plays a larger role in state politics than do its counterparts in nearly every other state, with contributions from the AEA far outstripping those from any other source (it ties with Hawaii and South Dakota for first in this area). In the past ten years, contributions from teacher unions accounted for 2.8 percent of all donations received by candidates for state office (4th). Those donations also equaled 7.7 percent of the funds from the ten highest-giving sectors in the state (18th). Further, 9.7 percent of contributions to Alabama political parties came from teacher unions, the highest proportion we found in any state. These donations represent a key part of the AEA’s political strategy (see sidebar). Adding to the union heft was

its representation at the Democratic and Republican national conventions, where 27.3 percent of all Alabama delegates identified themselves as teacher union members (2nd).<sup>3</sup>

#### *AREA 3: SCOPE OF BARGAINING TIED FOR 45TH*

Alabama law does not address the legality of collective bargaining in education, implicitly permitting it (and implicitly including all twenty-one provisions examined in this metric within the scope of bargaining). However, the state does not permit teacher strikes, nor can unions automatically collect agency fees from non-member teachers. (This limitation hinders the AEA less than similar restrictions in other states. It has higher per-teacher revenue than the unions in all but two other states that prohibit agency fees—see Area 1.)

#### *AREA 4: STATE POLICIES TIED FOR 18TH*

Many Alabama policies align with traditional teacher union interests. The state does not require that student achievement data factor into teacher evaluations or tenure decisions, and it does not articulate specific consequences for those who receive unsatisfactory evaluations. Further, the criteria for layoffs are left to the discretion of districts, which are not required to consider teacher performance. On the other hand, Alabama dismisses teachers due to poor performance at a higher rate than all but a handful of states, and it does not mandate class-size restrictions for grades K-3. Alabama has no charter school law.<sup>4</sup>

#### *AREA 5: PERCEIVED INFLUENCE 25TH*

Stakeholders report that Alabama's state teacher union is powerful, but it faces competition in education policy debates. They rate the union as about equal, in terms of influence, to education advocacy groups, the state school board, and the association of school administrators. Stakeholders note that the teacher union is effective in protecting dollars for education and warding off education reform proposals with which it disagrees. But they also report that policies proposed by the governor in the latest legislative session were only somewhat in line with teacher union priorities and that the outcomes of the latest session were mostly *not* in line with those priorities (consistent with the state electing a Republican supermajority in 2010—see sidebar).<sup>5</sup> Respondents report that the priorities of state education leaders rarely aligned with teacher union positions in the last three years.

#### *OVERALL 20TH*

Alabama's state teacher union is highly involved in state politics, contributing large sums to political campaigns (although that may change if its revenue declines because it cannot automatically collect dues—see sidebar). It is ranked stronger than its counterparts in eleven other states where bargaining is permitted but not required; among similar states, only Ohio (12th) and West Virginia (14th) had higher overall scores.

For over fifty years, the Alabama Education Association (AEA) and Paul Hubbert, its long-time executive director, have been staunch and respected defenders of civil rights. Hubbert, along with second-in-command Joe Reed, spearheaded the unification of the white and African American state teacher unions, fought to protect education funding against cuts from segregationist Governor George Wallace, and secured a living wage for school employees. In the process, he created one of the best-organized and funded state unions in the nation.<sup>6</sup>

During the 2010 gubernatorial election, however, Hubbert and the AEA might have taken the state motto *Audemus Jura Nostra Defendere* (“We Dare Defend Our Rights”) a bit too far. The Republican primary run-off that year pitted Bradley Byrne against Robert Bentley. Byrne was a former senator, former Alabama State Board of Education member, and former Democrat.<sup>7</sup> Bentley was a relatively unassuming two-term legislator who defeated the third-place candidate by only 200 votes to force the run-off.<sup>8</sup> The AEA usually stayed out of Republican politics—Hubbert was vice chairman of the Alabama Democratic Party, Reed its chair for minority affairs. But not this time.

Over his long career, Byrne had clashed with the union over mandatory background checks for teachers and tenure reform, among other things. He was also blunt about his opinion of the AEA: “I don’t think AEA stands for the best of their profession. AEA stands for the worst of it,” he once said at a news conference. “. . .Over my time as a board member I learned more and more about their control not just over education issues, but over business taxation issues, economic development issues and even blocking certain types of ethics reform.”<sup>9</sup> But during the primary campaign, Byrne went further than public criticism—he spent \$8 million on an advertising campaign against the AEA. Hubbert pounced. “If Bradley Byrne had left us alone, we would have been only slightly involved in the governor’s race,” he said, “. . .[but instead] he threatened to burn our house down.”<sup>10</sup> Thus, the AEA spent \$3 million on advertising against Byrne and gave hundreds of thousands of dollars more to PACs which supported Bentley.<sup>11</sup> But voters reacted against Byrne’s attacks on the respected union by resoundingly electing Bentley, who went on to defeat Democrat Ron Sparks—who also received contributions from the AEA—in the general election. In total, the union spent \$8.6 million on the 2010 campaign.<sup>12</sup>

Outgoing GOP Governor Bob Riley, a Byrne supporter, was livid, and made sure to get in a parting shot. In an unusual December 2010 session, he enlisted the newly-elected Republican legislature and passed a bill barring any public-employee union from automatically collecting dues from its members via payroll deductions—teacher unions included.<sup>13</sup> Riley and his supporters said this measure would curtail undue lobbying influence.<sup>14</sup> The AEA described the statute, and the \$2.4 million a year that it stood to lose, as a “mortal threat to our schools, our profession, and our association.”<sup>15</sup> Not surprisingly, it sued the state, where federal courts are now deciding the matter.<sup>16</sup> That law, however, was only the first of several passed by Republicans, who are clearly enjoying their first majority in decades. Despite the efforts of the AEA, teachers saw their pay cut and their generous deferred-retirement plan killed.<sup>17</sup>

When Hubbert and Reed both retired in 2011, the AEA’s future seemed even more uncertain. “We were staring down the barrel of a loaded cannon,” said Gregory Graves, the AEA’s new second-in-command.<sup>18</sup> But financially savvy Executive Director Henry Mabry surprised everyone in 2012. He and the AEA vigorously opposed a bill to legalize charter schools, which the Senate subsequently voted down. This was the third such failed attempt since 1999, and Governor Bentley indicated he would not push for round four.<sup>19,20</sup> And with AEA support, lawmakers preserved teacher jobs (even though state revenue decreased), saved teacher tenure (against pressure to eliminate it), and blocked the use of student achievement data in layoff decisions (despite a host of similar bills in neighboring states).<sup>21,22,23</sup> Given these recent successes, and with Mabry at the helm and Bentley in the governor’s office, it looks like 2011 was only a bump in the road for the AEA.

# ALABAMA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 20TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  24	Membership	By rank, what percentage of public-school teachers in the state are union members?	18th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	24th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	8th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	34th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	36th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  1*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	4th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	1st
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	18th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	2nd
<b>AREA 3: SCOPE OF BARGAINING</b>  45*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  18*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	33rd
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	47th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>18*</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>25</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/ Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/ Sometimes
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Alabama has the 18th-highest percentage of teachers who are union members. Otherwise, we report a status: In Alabama, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> Alabama does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Alabama are shown in the table, *Alabama Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Alabama is ranked 24th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or no role. Still, in Alabama, the state union can take substantial credit for the absence of a charter law (see sidebar).

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Dana Beyerle, "Alabama Education Association Leader Paul Hubbert Retires After 42 Years Of Service," *Tuscaloosa News*, January 2, 2012, <http://www.tuscaloosaneews.com/article/20120102/news/12010999?p=1&tc=pg>.

<sup>7</sup> Kim Chandler, "Campaign 2010: Bradley Byrne's Clash With AEA Marks His Career," *Birmingham News*, July 4, 2010, [http://blog.al.com/spotnews/2010/07/campaign\\_2010\\_bradley\\_byrne\\_c.html](http://blog.al.com/spotnews/2010/07/campaign_2010_bradley_byrne_c.html).

<sup>8</sup> Charles J. Dean, "Robert Bentley Formally Kicks Off Campaign In Alabama GOP Governor's Race," *Birmingham News*, June 21, 2010, <http://blog.al.com/spotnews/2010/06/bentley.html>.

<sup>9</sup> Chandler.

<sup>10</sup> Bob Lowry, "AEA Executive Secretary Paul Hubbert: Bradley Byrne 'Threatened To Burn Our House Down,'" *Huntsville Times*, July 14, 2010, [http://blog.al.com/breaking/2010/07/hubbert\\_byrne\\_threatened\\_to\\_bu.html](http://blog.al.com/breaking/2010/07/hubbert_byrne_threatened_to_bu.html).

<sup>11</sup> "Alabama Mystery Solved," Factcheck.org, September 30, 2010, <http://www.factcheck.org/2010/09/alabama-mystery-solved/>.

<sup>12</sup> Associated Press, "Bill To Curb AEA, ASEA Moves Forward," *Tuscaloosa News*, December 20, 2010, <http://www.tuscaloosaneews.com/article/20101210/NEWS/101209608>.

<sup>13</sup> Sean Cavanagh, "Alabama Lawmakers, Unions, Spar Over Payroll Deductions," *Education Week*, December 15, 2010, [http://blogs.edweek.org/edweek/state\\_edwatch/2010/12/alabama\\_lawmakers\\_unions\\_spar\\_over\\_payroll\\_deductions.html](http://blogs.edweek.org/edweek/state_edwatch/2010/12/alabama_lawmakers_unions_spar_over_payroll_deductions.html).

<sup>14</sup> Campbell Robertson, "Ethics Plan Is Offered By Governor In Alabama," *New York Times*, December 1, 2010, <http://www.nytimes.com/2010/12/02/us/02alabama.html>.

<sup>15</sup> Cavanagh.

<sup>16</sup> Challan Stephens, "Alabama Education Association Survives Appeal, Payroll Deductions To Continue," *Huntsville Times*, April 5, 2011, [http://blog.al.com/breaking/2011/04/alabama\\_education\\_association\\_5.html](http://blog.al.com/breaking/2011/04/alabama_education_association_5.html).

<sup>17</sup> George Talbot, "Henry Mabry's Success At Helm Of AEA Surprise Story Of Legislative Session," *Press-Register*, May 16, 2012, [http://blog.al.com/live/2012/05/george\\_talbot\\_1.html](http://blog.al.com/live/2012/05/george_talbot_1.html).

<sup>18</sup> *Ibid.*

<sup>19</sup> Charles J. Dean, "Alabama Gov. Robert Bentley Eases Off Charter School Push," *Birmingham News*, June 28, 2012, [http://blog.al.com/spotnews/2012/06/alabama\\_gov\\_robert\\_bentley\\_eas.html](http://blog.al.com/spotnews/2012/06/alabama_gov_robert_bentley_eas.html).

<sup>20</sup> Larry Lee, "Alabama Voices: Charter School Loss A Victory For State," *Montgomery Advertiser*, August 3, 2012, <http://www.montgomeryadvertiser.com/article/20120805/OPINION/308050002/Alabama-Voices-Charter-school-loss-victory-state>.

<sup>21</sup> David White, "Alabama House Of Representatives Passes State Education Budget," *Birmingham News*, April 29, 2009, <http://www.al.com/news/birminghamnews/statebriefs.ssf?base/news/1240993112264050.xml&coll=2>.

<sup>22</sup> "Legislative Success," Alabama Education Association, accessed August 10, 2012, <http://www.myaea.org/AEAPolitics.html>.

<sup>23</sup> Joy Resmovits, "Alabama House Passes Bill That Maintains Teacher Tenure But Dilutes Its Protections," *HuffingtonPost.com*, May 26, 2011, [http://www.huffingtonpost.com/2011/05/26/alabama-house-passes-teacher-tenure-bill\\_n\\_867585.html](http://www.huffingtonpost.com/2011/05/26/alabama-house-passes-teacher-tenure-bill_n_867585.html).

# ALASKA

OVERALL RANK: 15TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

<b>OVERALL</b>		<b>15</b>			
<b>1. RESOURCES AND MEMBERSHIP</b>		<b>13</b>			
<b>2. INVOLVEMENT IN POLITICS</b>				<b>36</b>	
<b>3. SCOPE OF BARGAINING</b>	<b>4</b>				
<b>4. STATE POLICIES</b>			<b>21</b>		
<b>5. PERCEIVED INFLUENCE</b>				<b>36</b>	

## AREA 1: RESOURCES AND MEMBERSHIP (TIED FOR 13TH)

Alaska’s two state teacher unions enjoy high membership and revenue totals. With 89.3 percent of the state’s teachers belonging to unions, the unionization rate in the Last Frontier is 17th-highest of 51 jurisdictions. More impressive, the NEA and AFT state-level affiliates bring in a whopping \$1,371 per teacher annually—the most of any state. External funding for K-12 education is more complicated. While Alaska spends \$16,174 per pupil annually (3rd), only 49.8 percent of these expenditures go toward teacher salaries and benefits (50th of 51).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 36TH

Despite high revenue, teacher unions contribute proportionally less to Alaska state politics than they do in most other states. Between 2003 and 2010, donations from unions accounted for just 0.45 percent of the money received by candidates for state office (31st). Alaska is also the only state in which the unions gave no money to state political parties. And only 12.9 percent of Alaskan delegates to the Democratic and Republican national conventions were teacher union members (27th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 4TH*

Alaska has very permissive bargaining laws. Not only is collective bargaining mandatory in public education, but the state also lets its unions automatically collect agency fees from non-member teachers and allows its school teachers to strike. Alaska education leaders value bottom-up decision making (see sidebar); rather than mandating statewide terms of teacher employment, Alaska's bargaining laws require that eight of the twenty-one items examined in this metric be bargained between districts and their teachers: wages, hours, terms and conditions of employment, grievance procedures, transfers, insurance benefits, fringe benefits, and extra-curricular duties. Ten provisions are not addressed by law, which implicitly includes them in the scope of bargaining as well. Only three items are explicitly excluded from bargaining: class load, class size, and length of the school year.

*AREA 4: STATE POLICIES  
TIED FOR 21ST*

Many of Alaska's education policies, particularly those relating to teacher employment, align with traditional union interests. The state does not require that student achievement data factor into teacher evaluations or tenure decisions, and it does not require its districts to consider teacher performance in layoff decisions. Other policies, however, do not reflect union priorities. Teachers are eligible for dismissal after multiple unsatisfactory evaluations and are dismissed due to poor performance at a higher rate than in all but one other state (South Dakota). Unions also typically favor limiting charter school expansion; and while Alaska does not place a cap on the number of charters allowed

in the state, it does limit potential school operators to a single authorizing option. Alaska also holds charters to all state and district laws, including those related to teacher certification, and requires that they participate in existing collective bargaining agreements (though schools may apply for exemptions).

*AREA 5: PERCEIVED INFLUENCE  
36TH*

Stakeholder rankings place the strength of Alaska teacher unions toward the bottom of the national list. They rate the unions' influence on education policy below that of the state school board, state association of school administrators, and education advocacy organizations. Further, they note that state education leaders only sometimes align with teacher union positions. Like unions in many other states, Alaska teacher unions often turn to compromise to see some of their preferred policies enacted. Survey respondents report that policies proposed and enacted in the latest legislative session were only *somewhat* in line with teacher union priorities.<sup>4</sup>

*OVERALL  
15TH*

Alaska's teacher unions enjoy a wide scope of bargaining and significant internal resources. They maintain a low profile in state elections and are not viewed as the loudest voice in education policy; still, many policies at the state level align with their interests.

Two of the biggest battles between legislators and unions in the Lower 48—education reform and money—simply aren't being waged to the same degree in Alaska. Traditionally a Republican state, the Alaskan State Department of Education decided to opt out of the Race to the Top competition in 2010. Education Commissioner Larry LeDoux explained, "Alaska has the right to be suspicious of an initiative where we hand over authority."<sup>5</sup> Alaska is also one of just five states that did not adopt the Common Core State Standards, preferring to let districts decide their own academic standards.<sup>6</sup> And in 2012, Alaska received a waiver from No Child Left Behind, which for one year will freeze the increasing proficiency levels required by federal law. Education leaders argued that the law is too rigid; applying its urban-centric philosophies to Alaska is "just illogical" said Les Morse, the Deputy Education Commissioner.<sup>7</sup> State leaders will use the breathing room to further exercise their autonomy: "At the same time we're doing this freeze, we're also putting together an application for a comprehensive waiver in which the state would implement its own accountability system," said Eric Fry, spokesperson for the Alaska Department of Education, "so it wouldn't make sense to run the schools and districts through another year of the old NCLB when we're going to be changing things pretty soon."<sup>8</sup>

With state leaders not pushing very hard for controversial reforms, the teacher unions have little to argue about. And with an abundance of natural resources, Alaska has witnessed fewer of the recession-tinged budgetary issues plaguing most of the country.<sup>9</sup> (Still, NEA-Alaska president Barb Angaiak noted, "The slight increase of just over 1 percent [in education funding for the 2012 fiscal year] is not acceptable in light of increased operational costs.")<sup>10</sup> The state has witnessed significant conflict over just one issue: pensions. The mandatory shift in 2005 away from a defined-benefit to a defined-contribution pension plan for all state workers (including teachers) provoked six years of union efforts to reverse the law.<sup>11</sup> In April 2012, the union's push to let teachers choose between the two options was nearly successful, as SB 121 passed in the Senate before dying in the House.<sup>12</sup> NEA-Alaska may get another chance: a new appointee to the Alaska Retirement Management board announced in July 2012 that he supports a return to the defined-benefit system.<sup>13</sup> With little else to fight about, however, for now it's pretty quiet on the Last Frontier.

# ALASKA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 15TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  13*	Membership	By rank, what percentage of public-school teachers in the state are union members?	17th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	1st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	49th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	3rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	50th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  36*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	31st
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	50th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	33rd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	27th
<b>AREA 3: SCOPE OF BARGAINING</b>  4*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	10th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  21*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	17th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	50th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>21*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option, Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemption
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>36</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Alaska has the 17th-highest percentage of teachers who are union members. Otherwise, we report a status: Alaska has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Alaska are shown in the table, *Alaska Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Alaska is ranked 13th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include direct donations only, not union and union-connected PAC spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Jeremy Hsieh, "Alaska Opts Out Of Race To The Top School Grants," *Daily News Miner* (Fairbanks, AK), May 4, 2010, [http://www.newsminer.com/view/full\\_story/7295348/article-Alaska-opts-out-of-Race-to-the-Top-school-grants](http://www.newsminer.com/view/full_story/7295348/article-Alaska-opts-out-of-Race-to-the-Top-school-grants).

<sup>6</sup> Lisa Demer, "Comeau Presses For Adoption Of National School Standards," *Anchorage Daily News*, March 14, 2012, <http://www.adn.com/2012/03/13/2369208/comeau-presses-for-new-school.html>.

<sup>7</sup> Rosemary Shinohara, "Feds Grant Waiver To Alaska On No Child Left Behind," *Anchorage Daily News*, July 12, 2012, <http://www.adn.com/2012/07/11/v-printer/2539128/feds-give-alaska-waiver-on-no.html>.

<sup>8</sup> Dave Donaldson, "State Gets First Federal Waiver For No Child Left Behind," *Alaska Public Radio Network*, July 6, 2012, <http://www.alaskapublic.org/2012/07/06/state-gets-first-federal-waiver-for-no-child-left-behind/>.

<sup>9</sup> Phil Oliff and Michael Leachman, "New School Year Brings Steep Cuts In State Funding For Schools," Center on Budget and Policy Priorities, October 7, 2011, <http://www.cbpp.org/cms/?fa=view&id=3569>.

<sup>10</sup> Barb Angaiak, "Statement On Governor Parnell's FY2012 Budget And State Of The State Speech," NEA-Alaska, January 20, 2011, <http://www.neaalaska.org/nea/node/392>.

<sup>11</sup> "Priority Legislation," NEA-Alaska, accessed September 10, 2012, <http://www.neaalaska.org/nea/node/19>.

<sup>12</sup> Pat Forgey, "Senate OK's Traditional Retirement Plan For Public Employees," *Juneau Empire*, April 15, 2012, <http://juneauempire.com/state/2012-04-15/senate-oks-traditional-retirement-plan-public-employees#.T-nV2hdDzld>.

<sup>13</sup> Pat Forgey, "Retirement Board Gets New Appointments," *Juneau Empire*, July 17, 2012, 2012, <http://juneauempire.com/local/2012-07-17/retirement-board-gets-appointments>.



# ARIZONA

OVERALL RANK: 51ST<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER —————> WEAKER

OVERALL						51
1. RESOURCES AND MEMBERSHIP						40
2. INVOLVEMENT IN POLITICS						49
3. SCOPE OF BARGAINING						45
4. STATE POLICIES						49
5. PERCEIVED INFLUENCE						48

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

Arizona’s two state teacher unions contend with low membership numbers and thin resources. Just 44.5 percent of teachers in the Grand Canyon State are unionized, 47th out of 51 states. (Its unionization rate is even 15 percent lower than the average among the fourteen states where bargaining is similarly permitted but not required.) The state’s NEA and AFT affiliates bring in just \$208 annually per teacher in the state (40th). Education resources are low as well: While the state directs 21.5 percent of its own expenditures to K-12 education (16th), Arizona spends a total (from state, local, and federal sources) of only \$8,655 annually per pupil (48th). Teachers do, however, receive a relatively large slice of that small pie, with 55 percent

of those expenditures dedicated to their salaries and benefits (20th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> 49TH

Teacher unions have not been major donors to Arizona politics in the past decade (perhaps seeing the futility of giving to campaigns in so red a state—see sidebar). Of the contributions received by state political candidates, just 0.16 percent came from teacher unions; unions in only five states contributed less. Union donations to political parties were just as paltry (0.95 percent; 25th). Further, only 6.3 percent of the delegates to the Democratic and Republican national conventions from this historically conservative state identified as teacher union members (44th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 45TH*

Arizona state law does not address collective bargaining in education; districts may decide whether to negotiate with employee organizations (and are not legally bound by the resulting agreements). The scope of bargaining is likewise at the discretion of districts. State law does prohibit unions from automatically collecting agency fees from non-members. It also does not permit any public employee strikes, teachers included.

*AREA 4: STATE POLICIES  
TIED FOR 49TH*

Arizona teacher-employment and charter policies are less aligned with traditional teacher union interests than in any other state, save Michigan. Arizona law requires that student achievement data significantly inform teacher evaluations, and it does not allow districts to consider seniority in determining layoffs—positions typically opposed by unions. While unions favor limiting charter schools, Arizona promotes their growth. The state does not cap the overall number of charters and allows for multiple authorizers (although the vast majority are overseen by the state, with local school boards authorizing only a handful). Moreover, charter schools are automatically exempt from most state laws (including those related to teacher certification) and district regulations (including collective bargaining agreements).

*AREA 5: PERCEIVED INFLUENCE  
48TH*

Stakeholders in Arizona view teacher unions as weak. Survey respondents rank their influence on education policy behind that of the business roundtable/chamber of commerce, education advocacy groups, the state school board, and the charter school association. They report that teacher unions are not effective in protecting dollars for education or in warding off education proposals with which they disagree, and that state education leaders are only sometimes aligned with teacher-union positions.

*OVERALL  
51ST*

Arizona's teacher unions are the weakest in the nation. Even though bargaining is permitted, they have low membership and few financial resources. State law limits the unions' power to strike and gather revenue, supports charter school expansion, and does not offer teachers many of the job securities seen in other states.

For the Arizona Education Association (AEA), “strength in numbers” seems like an appropriate mantra. One example of joining forces: The AEA supported Republican Governor Jan Brewer’s Proposition 100—a temporary increase in sales tax to help finance education—and put its money where its mouth was by donating to the campaign and raising additional funds on the initiative’s behalf. The AEA acknowledged that it was “quite unusual” for it to support a Republican-led proposal, but its appetite for funding made for a temporary truce.<sup>4</sup> With the short-term tax increase about to expire, the union aligned with numerous other groups—including education advocates, business alliances, and state Democrats—to support an initiative on the November 2012 ballot to make Proposition 100 permanent (and the courts have twice-thwarted opponents’ attempts to stop the initiative before the vote).<sup>5,6</sup>

The tax increase isn’t the only time other organizations, and the courts, gave the AEA a hand. The union couldn’t stop lawmakers from increasing employee pension contributions, but it supported a lawsuit filed by the Arizona State Retirement System citing the state breached its contract with retirees. Before the suit went to court, the legislature not only passed a bill returning to the old rate but also refunded the money back to the teachers, and the AEA celebrated.<sup>7</sup> The union also won an injunction against a 2011 statute that would have stopped unions from deducting dues from members’ paychecks without annual authorization, if that money were to be used for political purposes. Adamant that this law inhibited free speech, AEA President Andrew Morrill declared “our voice for quality public schools will not be silenced.”<sup>8</sup> But Brewer and fellow Republicans may do more than silence the union voice—they may well destroy it. If SB 1485, proposed in early 2012, passes, it will prohibit all public employees from unionizing with a law even more devastating than the one recently passed in Wisconsin (which only limited the scope of bargaining).<sup>9</sup> The bill is currently tabled until the Senate reopens in 2013. Until then, all the unions in Arizona can do is wait and hope that they won’t have to go it alone.

# ARIZONA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 51ST			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  40*	Membership	By rank, what percentage of public-school teachers in the state are union members?	47th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	40th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	16th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	48th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	20th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  49	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	46th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	25th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	49th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	44th
<b>AREA 3: SCOPE OF BARGAINING</b>  45*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  49	Performance pay	Does the state support performance pay for teachers?	State supports/ encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	46th <sup>c</sup>
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	33rd	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>49*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Complete automatic exemptions for all schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Automatically exempt

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>48</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/ Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/ Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

a Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Arizona has the 47th-highest percentage of teachers who are union members. Otherwise, we report a status: In Arizona, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

c At the time our metric was calculated, a lawsuit over Arizona pension contributions was ongoing (see sidebar); at press time, Arizona amended its layoff policy to prohibit a district from retaining teachers based on seniority.

d For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Arizona are shown in the table, *Arizona Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Arizona is ranked 40th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the *Democratic National Convention* were highly correlated with the reliable figures from 2000.

<sup>4</sup> Jeremy Duda, "Brewer, Allies Make Final Plea For Prop. 100," *Arizona Capitol Times*, May 17, 2010, <http://azcapitoltimes.com/news/2010/05/17/brewer-allies-make-final-plea-for-prop-100/>.

<sup>5</sup> E.J. Perkins, "Understanding Arizona's Propositions: 2012 Series, Prop 204," Morrison Institute for Public Policy, Arizona State University, August 2012, <http://morrisoninstitute.asu.edu/2012-understanding-arizonas-propositions/2012-proposition-204-quality-education-and-jobs-act>.

<sup>6</sup> "Prop. 204 Wins Second Court Victory," *Arizona City Independent*, August 22, 2012, [http://www.trivalleycentral.com/arizona\\_city\\_independent/news/prop-wins-second-court-victory/article\\_69760958-afc1-553e-83d6-68d6d1f5e79d.html](http://www.trivalleycentral.com/arizona_city_independent/news/prop-wins-second-court-victory/article_69760958-afc1-553e-83d6-68d6d1f5e79d.html).

<sup>7</sup> Craig Harris, "Arizona Public Workers Will Get Refunds," *Arizona Republic*, February 10, 2012, <http://www.azcentral.com/arizonarepublic/local/articles/2012/02/08/20120208arizona-public-workers-will-get-refunds.html>.

<sup>8</sup> "AEA Wins Injunction Against Educator Gag Bill," Arizona Education Association, accessed July 23, 2012, <http://arizonaea.org/home/403.htm>.

<sup>9</sup> Sarah Jaffe, "Arizona's Vicious War On Workers," *Alternet.com*, February 6, 2012, [http://www.salon.com/2012/02/06/arizonas\\_vicious\\_war\\_on\\_workers/](http://www.salon.com/2012/02/06/arizonas_vicious_war_on_workers/).

# ARKANSAS

OVERALL RANK: 48TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>					<b>48</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>50</b>
<b>2. INVOLVEMENT IN POLITICS</b>					<b>47</b>
<b>3. SCOPE OF BARGAINING</b>					<b>45</b>
<b>4. STATE POLICIES</b>			<b>20</b>		
<b>5. PERCEIVED INFLUENCE</b>				<b>37</b>	

## AREA 1: RESOURCES AND MEMBERSHIP 50TH

Arkansas’s state teacher union has low membership and scant resources. With just 35 percent of its teachers belonging to the union, the Natural State posts the second-smallest membership density in the country. Further, the Arkansas Education Association (AEA) brings in only \$140 per teacher annually, 46th out of 51 jurisdictions. State spending on education is low: 17.4 percent of state expenditures in Arkansas are directed toward K-12 education (35th). Overall dollars for education (from local, state, and federal sources) are relatively low as well—Arkansas spends \$10,757 per pupil (30th), with 51.1 percent of that money going toward teacher salaries and benefits (45th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 47TH

Teacher unions have been relatively uninvolved in Arkansas state politics over the past decade. Just 0.27 percent of donations to candidates for state office came from the AEA (38th of 51).<sup>3</sup> Further, only 0.21 percent of the donations received by state political parties came from teacher unions (44th). Unions had a comparatively quiet presence at the Democratic and Republican national conventions as well: 11.8 percent of Arkansas delegates were teacher-union members (32nd).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 45TH*

Arkansas neither grants nor denies collective bargaining rights to teachers and other public employees. While the law requires that districts maintain personnel policies that stipulate a number of teacher working conditions (including salaries, benefits, and evaluations), it does not explicitly require (or prohibit) bargaining over any of these provisions. As such, all twenty-one items examined in this metric are within the scope of bargaining. The state bars unions from collecting agency fees automatically, however, and does not allow teachers to strike.

*AREA 4: STATE POLICIES  
20TH*

Arkansas's state policies are a mixed bag; some align or partially align with traditional union interests, while others do not. For example, the state requires that objective measures of student learning be included in teacher evaluations (counter to union goals), but it does not specify what those measures are or how much weight they should be given. The state allows charter schools to apply for waivers from district regulations and teacher-certification requirements (again counter to union goals), but it also does not grant charters automatic exemptions from such policies, as does the law in many other states. Arkansas does not require districts to consider teacher performance when determining layoffs and has the nation's lowest annual rate of dismissal due to poor teacher performance (0.16 percent). Other state policies are not union-favorable, however: For example, the consequences of unsatisfactory teacher evaluations are more stringent than in many states.

*AREA 5: PERCEIVED INFLUENCE  
37TH*

Stakeholders in Arkansas indicate that the state teacher union is active but not universally successful in politics. They report that it fought hard, given recent budgetary constraints, to prevent reductions in teacher pay and benefits. But they also note that policies proposed by the governor in the latest legislative session, and those actually enacted, were only somewhat in line with teacher union priorities.<sup>5</sup> Stakeholders rank union influence on education policy behind that of the business roundtable/chamber of commerce, education reform advocacy groups, the state association of school administrators, and the state charter school association. They also note that the union often turns to compromise to see some favorable policies enacted rather than maintaining a hard line.

*OVERALL  
48TH*

While some of Arkansas's policies favor union interests, its state-level teacher union struggles to build a strong foundation of resources and a powerful reputation in policy debates. Even though bargaining is permitted, the strength of the state union is comparable to that of unions in states where bargaining is explicitly prohibited by law.



“You win some, you lose some” might best describe politics in 2011 and 2012 for the Arkansas Education Association (AEA). Although it supported the state’s Race to the Top (RTTT) application, it actively fought against a number of state policies that would have strengthened the state’s bid but threatened teacher job security and traditional union interests.<sup>6</sup> Reform proponents did manage to overturn a policy that maintained seniority as a key factor in teacher dismissals,<sup>7</sup> but it was likely too little, too late. Federal reviewers ultimately dinged the state for its inability to link student and teacher data, its limited alternative routes for educators and principals to enter the profession, and its still-weak enthusiasm for performance-based teacher evaluations.<sup>8</sup> Arkansas’s RTTT application was ultimately rejected.

In other legislation, the AEA can claim victory for its role in killing off a “parent trigger” bill—which would have allowed parents to remove their children from failing schools. But the AEA failed to advance legislation that would have added yet another way for teachers and staff to appeal disciplinary actions and performance reviews.<sup>9</sup> And despite union opposition, Arkansas increased the cap on the number of charter schools. Act 987 (passed in 2011) removed the fixed cap, which had been twenty-four, and allows for deliberate (some might say sluggish) growth.<sup>10</sup> The union’s argument that raising the cap would “result in more segregation [and] fewer resources for students” apparently fell on deaf ears.<sup>11</sup> So while the tug-of-war in Arkansas continues, one thing is certain: The AEA has been very busy pulling on its end of the rope.

# ARKANSAS RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 48TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  50	Membership	By rank, what percentage of public-school teachers in the state are union members?	50th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	46th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	35th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	30th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	45th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  47*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	38th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	44th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	41st
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	32nd
<b>AREA 3: SCOPE OF BARGAINING</b>  45*	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  20	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	12th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Three years <sup>c</sup>
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors <sup>c</sup>
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	1st	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>20</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with ample room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>37</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Arkansas has the 50th-highest percentage of teachers who are union members. Otherwise, we report a status: Arkansas permits collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> As of March 2011, Arkansas teachers do not have tenure; after a three-year probationary term, they reach "non-probationary" status. State law allows districts to set their own criteria for granting such status and does not require that they consider teacher effectiveness. However, "non-probationary" teachers receive the same basic protections as those who have tenure in other states in that their contracts are permanent unless the district chooses not to renew them (as opposed to continuing contracts which must be renewed on an annual basis).

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Arkansas are shown in the table, *Arkansas Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Arkansas is ranked 50th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> Arkansas is one of just four states where local teacher associations did not contribute to candidates and political parties. In Arkansas, the AEA was the lone union donor to candidates; it also gave to parties, as did national teacher unions.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> "Race To The Top," Arkansas Education Association, accessed July 27, 2011, <http://www.aeaonline.org/members/RTT.asp>.

<sup>7</sup> "AEA Supports HB2178 'Teacher Evaluation Bill,'" Arkansas Education Association, accessed July 27, 2011, <http://msg4svc.net/servlet/Pv?c=703d6e6561617226733d30266d3d32323326743d4826723d302664613d30267469643d30>.

<sup>8</sup> Race To The Top Technical Review Form – Tier 1, accessed June 29, 2012, <http://www2.ed.gov/programs/racetothetop/phase1-applications/comments/arkansas.pdf>.

<sup>9</sup> Arkansas Senate Bill 884, 88th General assembly, March 2011, <http://www.arkleg.state.ar.us/assembly/2011/2011R/Bills/SB884.pdf>.

<sup>10</sup> According to the Arkansas Senate newsletter: "When the number of charter schools gets to within two of the limit, the limit increases by five. (For example, if the state Board of Education approves 22 charter schools the maximum number allowed will go up to 29.)" See [http://www.arkansas.gov/senate/newsroom/index.php?do:newsDetail=1&news\\_id=302](http://www.arkansas.gov/senate/newsroom/index.php?do:newsDetail=1&news_id=302).

<sup>11</sup> "Clarification: HB 1894 'Parent Trigger' Bill Fails In House Education Committee," Arkansas Education Association, accessed July 27, 2011, <http://msg4svc.net/servlet/Pv?c=703d6e6561617226733d30266d3d32323326743d4826723d302664613d30267469643d30>.

# CALIFORNIA

OVERALL RANK: 6TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER —————> WEAKER

OVERALL	6				
1. RESOURCES AND MEMBERSHIP			20		
2. INVOLVEMENT IN POLITICS		18			
3. SCOPE OF BARGAINING	1				
4. STATE POLICIES				37	
5. PERCEIVED INFLUENCE	1				

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 20TH

California's NEA and AFT state affiliates have relatively robust resources, although education spending in the state, and on teachers in particular, is not particularly high. The Golden State has the 11th-highest rate of teacher union membership—93.6 percent of teachers are unionized. The two state unions bring in \$597 annually per teacher in the state (13th of 51). But California is infamous for its financial struggles (see sidebar). While a relatively high percentage of state expenditures go to K-12 education (20.9 percent; 19th), when combined with federal and local funds, that state money amounts to just \$8,667 in annual per-pupil spending (47th). Teachers receive a comparatively small piece of that already-small pie, with 53.2 percent of expenditures going toward their salaries and benefits (33rd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 18TH

California's teacher unions invest heavily in building a strong presence in state politics.<sup>3</sup> In the past decade, 0.69 percent of donations to California state candidates came from teacher unions (21st). Those contributions amounted to 6 percent of the money from the state's ten highest-giving sectors (22nd). The unions also gave 4.3 percent of the funds received by state political parties, ranking 2nd. Finally, 12.3 percent of California delegates to the Democratic and Republican national conventions were teacher union members (30th).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING*  
*1ST*

California has the most union-friendly bargaining laws in the nation. The state requires collective bargaining in education, lets its unions automatically deduct agency fees from non-member teachers, and permits teacher strikes. Further, of the twenty-one items examined in this metric, California mandates that eleven are bargained (only Nevada requires more). The remaining ten provisions are implicitly within the scope of bargaining, as state law is silent on them.

*AREA 4: STATE POLICIES*  
*37TH*

California's charter school policies are not nearly as union-favorable as its bargaining laws. Unions typically want to limit charter school expansion, but California encourages it: The state cap on the number of charters allows ample room for growth, and charters are automatically exempt from district collective bargaining agreements and nearly every state law and district regulation (although the state does place stringent application and accountability requirements on virtual schools). Teacher-employment policies are a mixed bag. The state supports performance pay for teachers, but only in underachieving schools. Teachers are not automatically eligible for dismissal after an unsatisfactory evaluation, but California teachers are dismissed because of poor performance at a higher rate than in most other states. Student learning is not a required component to either tenure or teacher evaluations, but the state also does not mandate class-size restrictions.

*AREA 5: PERCEIVED INFLUENCE*  
*1ST*

The responses from California stakeholders put the state's unions at the top of the most-powerful list. They rank unions as one of the most influential forces on education policy and report that, even under recent budgetary constraints, they have been effective in protecting dollars for education and in warding off education reform proposals with which they disagree (for example, K-12 education avoided massive mid-year cuts in 2011, a considerable accomplishment given California's fiscal problems, but one that may not last long—see sidebar). Survey respondents also reveal that while policies proposed by the governor in the latest legislative session were only somewhat in line with union priorities, outcomes of the session were mostly in line with those priorities.<sup>5</sup> Finally, they report that state education leaders are often aligned with teacher union positions, and they unanimously agreed that teacher unions need not compromise to see their preferred policies enacted.

*OVERALL*  
*6TH*

The Golden State's teacher unions are quite powerful; in a state that does not spend much on K-12 education, they've gathered considerable internal resources (and do not shy away from dedicating those resources to state politics—with apparent success, given their present reputation for influence). Although charter and employment policies are not well aligned with traditional union interests, California is exceptionally permissive when it comes to teacher bargaining rights.

These days, everyone in the Golden State is counting their pennies. In 2010, lawmakers seeking Race to the Top (RTTT) dollars passed bills that removed the cap on charter schools; created a “trigger law” that let parents petition for new staff, management, or programs at their children’s school; encouraged districts to improve failing schools by firing staff or converting them to charters; and included student achievement in teacher evaluations.<sup>6</sup> Not surprisingly, the state’s teacher unions did not support these measures.<sup>7</sup> And when California’s first and second RTTT applications were rejected, reviewer comments indicated that the lack of union support had a lot to do with the decision. Noting that the first application was not endorsed by the unions in 74 percent of California districts (including six of the state’s largest ten), one reviewer stated that “the lack of union buy-in at this stage raises serious concerns about the ability of the State to implement the Race to the Top reforms.”<sup>8</sup> The California Federation of Teachers president Marty Hittleman reacted positively: “These ideas [in the new bills] will create more harm than good. Now at least California will not be the guinea pig for these misguided proposals.”<sup>9</sup>

Rather than try again, pro-labor Governor Jerry Brown shelved RTTT and turned his attention to the state’s impending financial crisis. At first, union interests seemed safe: In June 2011, legislators passed a last-minute bill that prohibited teacher layoffs during the 2011–12 school year.<sup>10</sup> Then Brown announced the bad news: California had anticipated a 2011 revenue increase of \$4 billion but might fall an astounding \$3.7 billion short. If the projections became reality, public education would share in \$2 billion of automatic cuts. State unions and their local affiliates rallied, and by year’s end, K-12 districts (and their teachers) could breathe a sigh of relief—they would see only \$330 million in cuts, most of which would come from transportation.<sup>11</sup> To the chagrin of education advocates, however, Brown now threatens to slash nearly \$5 billion from K-12 education if voters don’t pass his November 2012 initiative to increase sales tax and income tax for the wealthy. As the unions again rally to protect funds for education, they face a challenge to their own funds as well—another November initiative, Proposition 32, would limit union political contributions and payroll deductions, a major source of union power.<sup>12</sup> With their livelihood, as well as precious dollars for teachers and students, on the ballot, it is shaping up to be an active—and expensive—campaign season for California teacher unions.<sup>13</sup>

# CALIFORNIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 6TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20*	Membership	By rank, what percentage of public-school teachers in the state are union members?	11th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	13th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	19th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	47th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	33rd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  18*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	21st
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	2nd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	22nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	30th
<b>AREA 3: SCOPE OF BARGAINING</b>  1	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	2nd
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  37	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	26th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	40th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>37</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with ample room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Certification is required but terms are flexible
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>1</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	**
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly/Totally in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not concede

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, California has the 11th-highest percentage of teachers who are union members. Otherwise, we report a status: California has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for California are shown in the table, *California Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, California is ranked 20th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from national unions and local union affiliates. Typically, their contributions are much smaller than the donations from the state unions. But in California, total donations from a large number of local unions account for about 10 percent of total union dollars.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Corey G. Johnson, "We Lost Again In Race To The Top. Now What?" *California Watch*, August 25, 2010, <http://californiawatch.org/dailyreport/we-lost-again-race-top-now-what-4258>.

<sup>7</sup> Howard Blume, "Schwarzenegger Signs School Legislation," *Los Angeles Times*, January 8, 2010, <http://articles.latimes.com/2010/jan/08/local/la-me-race8-2010jan08>.

<sup>8</sup> U.S. Department of Education, "States' Applications, Scores, And Comments For Phase 1," last modified February 12, 2012, <http://www2.ed.gov/programs/racetothetop/phase1-applications/index.html>.

<sup>9</sup> Jill Tucker, "California Misses Cut For US Education Funds," *San Francisco Chronicle*, March 5, 2010, <http://www.sfgate.com/education/article/California-misses-cut-for-U-S-education-funds-3271306.php>.

<sup>10</sup> John Fensterwald, "Brown Names Seven To State Board," Silicon Valley Education Foundation, January 6, 2011, <http://toped.svefoundation.org/2011/01/06/brown-appoints-majority-to-state-board/>.

<sup>11</sup> Associated Press, "Budget Shortfall Triggers \$1b In California Midyear Cuts," December 13, 2011, <http://sanfrancisco.cbslocal.com/2011/12/13/california-midyear-california-to-learn-extent-of-midyear-budget-cuts/>.

<sup>12</sup> Joe Garofoli, "Calif. Prop. 32 In Unions' Crosshairs," *San Francisco Chronicle*, July 18, 2012, <http://www.sfgate.com/politics/joegarofoli/article/Calif-Prop-32-in-unions-crosshairs-3718306.php>.

<sup>13</sup> As of this writing, the California Teachers Association has put aside \$7.5 million to fight Prop 32. Another \$9 million has been authorized by the board to defeat Prop 32 and help pass Prop 30 (which provides education dollars by increasing the tax rate for wealthy individuals). See [http://blogs.sacbee.com/the\\_state\\_worker/2012/08/california-teachers-association-gives-75-million-to-no-on-32.html](http://blogs.sacbee.com/the_state_worker/2012/08/california-teachers-association-gives-75-million-to-no-on-32.html).

# COLORADO

OVERALL RANK: 35TH<sup>1</sup>  
TIER 4 (WEAK)

STRONGER  WEAKER

OVERALL				35	
1. RESOURCES AND MEMBERSHIP				37	
2. INVOLVEMENT IN POLITICS		18			
3. SCOPE OF BARGAINING			25		
4. STATE POLICIES					48
5. PERCEIVED INFLUENCE				29	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 37TH

Colorado’s two state teacher unions have limited financial resources and membership. With 62.4 percent of its teachers unionized, the Centennial State posts the 34th-highest rate of teacher union membership out of 51 jurisdictions. The state unions bring in \$256 annually per teacher in the state (36th). State spending on K-12 education is relatively high, but high spending does not translate into expenditures on teachers. While 25.5 percent of the state expenditures go toward K-12 education (7th), total K-12 per-pupil expenditures from all sources (\$9,155) and the percentage of that total money directed to teacher salaries and benefits (50.9 percent) are lower than in nearly every other state in the country.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 18TH

Teacher unions have been quite active donors in Colorado state politics over the past decade.<sup>3</sup> Their contributions accounted for 2.1 percent of all the funds received by state-level political candidates, placing them 6th compared to unions in other states. A whopping 25.8 percent of all money donated by the ten highest-giving sectors in the state came from teacher unions, the largest such proportion in the country. In addition, teacher union contributions comprised 0.84 percent of the total donations to state political parties (28th). Despite high levels of giving, however, only 4.2 percent of Colorado’s delegates to the Democratic and Republican national conventions were teacher union members—only Kentucky had fewer.<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
25TH*

Colorado neither grants nor denies collective bargaining rights to teachers and other public employees. While it does allow unions to collect agency fees from non-members, unions cannot automatically deduct dues from the paychecks of its *own* members without their written consent. The state permits teacher strikes.

*AREA 4: STATE POLICIES  
48TH*

Many state policies in Colorado do not align with teacher union interests. The state requires that student achievement be the preponderant criterion in teacher evaluations and mandates that teachers be eligible for dismissal (rather than improvement plans) after multiple unsatisfactory ratings. Districts must also consider teacher performance alongside seniority when making tenure and layoff decisions, and they must include performance as a basis for compensation. Further, the state does not cap the number of charter schools allowed to operate; it exempts charters from many state and district laws and regulations; and charter schools do not typically participate in district collective bargaining agreements.

*AREA 5: PERCEIVED INFLUENCE  
29TH*

The reputation of teacher unions in Colorado is strong in some areas, weak in others. Stakeholders rank teacher unions as the second-most influential entities on education policy, behind education advocacy organizations. In addition, they report that teacher unions fought hard during the recent period of budgetary stringency to prevent reductions in pay

and benefits, and that they are generally effective in protecting dollars for education. On the other hand, survey respondents note that policies proposed by the governor and those subsequently enacted in the latest legislative session were only partly in line with union priorities.<sup>5</sup> They report that state education leaders are only sometimes aligned with teacher union positions and that teacher unions more often than not turn to compromise to see some of their policies enacted. This perception may stem from the union role in the design and implementation of Colorado's teacher-evaluation system (see sidebar).

*OVERALL  
35TH*

Despite limited resources, Colorado's teacher unions are active in state politics. And, despite a state policy environment that is not particularly union-favorable, they have garnered moderate influence in the state, as perceived by stakeholders.

## A ROCKY START

Eyes across the nation will closely monitor the implementation of Colorado's new teacher-evaluation system, slated to take effect in 2013-14. The "Educator Effectiveness" legislation, passed in Spring 2010 as part of Senate Bill 191, requires that at least half of a teacher's evaluation be based on student academic growth. Opponents, including the vocal Colorado Education Association (CEA), offered staunch resistance when the bill was first proposed, arguing that the new law was vague, underfunded, and ill-conceived. CEA President Beverly Ingle remarked, "CEA has been involved in every education reform measure in this state—CAP4K, longitudinal growth, accountability, and accreditation. We know what works in education in Colorado—and SB 191 doesn't."<sup>6</sup>

Lawmakers went back to the drawing board. They added, among other changes, a provision that permitted seniority to be considered in layoffs and an appeals process for teachers placed on probation. Soon after, the bill was endorsed by Randi Weingarten, president of the American Federation of Teachers: "What's happened here is they [Colorado lawmakers] have totally worked, in terms of the amendments, to ensure that evaluations are done with teachers—not to teachers."<sup>7</sup> Yet the NEA-affiliated CEA was slower to come around, bemoaning that the bill still "...punish[es] teachers and undermine[s] the profession."

State Senator Michael Johnson, key architect and champion of the bill, appeared to welcome the criticism: "I honestly say to people that those who opposed the bill did more to improve it than anyone."<sup>8</sup> As Colorado districts gear up to implement the new law, however, it is clear that this duel is far from over.

# COLORADO RANKINGS BY AREA AND INDICATOR

**OVERALL RANK: 35TH**

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  <b>37</b>	Membership	By rank, what percentage of public-school teachers in the state are union members?	34th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	36th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	7th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	43rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	46th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  <b>18</b>	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	6th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	28th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	1st
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	49th
<b>AREA 3: SCOPE OF BARGAINING</b>  <b>25</b>	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Automatic payroll deductions prohibited
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  <b>48</b>	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	8th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	38th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>48</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Certification is required but can be waived
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>29</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Colorado has the 34th-highest percentage of teachers who are union members. Otherwise, we report a status: In Colorado, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Colorado are shown in the table, *Colorado Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Colorado is ranked 37th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> Colorado is noteworthy because of the activity level of its local unions, both in terms of the large number of unions that gave to state candidates and the high dollar amounts given by those local unions, especially in comparison with contributions from the state affiliates.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> "CEA Teachers Hold Rally At State Capitol To Tell Lawmakers 'We Know What Works,'" *PR Newswire*, April 23, 2010, <http://www.prnewswire.com/news-releases/cea-teachers-hold-rally-at-state-capitol-to-tell-lawmakers-we-know-what-works-91928204.html>.

<sup>7</sup> Jeremy Meyer, "AFT's Randi Weingarten Weighs In," *Denver Post*, May 6, 2010, <http://blogs.denverpost.com/coloradoclassroom/2010/05/06/afts-randi-weingarten-weighs-in/318/>.

<sup>8</sup> Yesenia Robles, "Colorado's Education-Reform Leader Spreads Ideas Nationwide," *Denver Post*, January 16, 2011, [http://www.denverpost.com/news/ci\\_17109350#ixzz1tw1vj0Bx](http://www.denverpost.com/news/ci_17109350#ixzz1tw1vj0Bx).



# CONNECTICUT

OVERALL RANK: 17TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

OVERALL		17			
1. RESOURCES AND MEMBERSHIP	9				
2. INVOLVEMENT IN POLITICS			29		
3. SCOPE OF BARGAINING		13			
4. STATE POLICIES		13			
5. PERCEIVED INFLUENCE			27		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 9TH

Connecticut's NEA and AFT state affiliates have a broad foundation of resources from a variety of sources. With 98.8 percent of its teachers unionized, the Constitution State posts the largest percentage of unionized teachers in the nation. The unions see \$516 per teacher each year, the 22nd highest revenue among all states. While education spending by the state places Connecticut in the middle of the pack (the state is 21st in the percentage of its expenditures directed to K-12 education), total per-pupil revenue from all sources is high: \$13,959 annually, the 9th-highest in the country.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 29TH

Connecticut's teacher unions have been moderately involved in state politics over the last ten years. Their contributions made up a relatively small portion of total donations received by candidates for state office (0.32 percent, putting the state in 35th place). Teacher unions were a bigger presence among donors to state political parties, giving 2.0 percent of all donations received by parties (14th). Of the Connecticut delegates to the Democratic and Republican national conventions, 15.4 percent were teacher union members (18th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
13TH*

Connecticut is one of thirty-two states that require collective bargaining for public school teachers, and state law allows unions to automatically collect agency fees from non-member teachers—a key source of union revenue. The state allows for a broad scope of bargaining: Of twenty-one items examined in this metric, the state explicitly excludes just one as a subject of bargaining: pension/retirement benefits. The remaining twenty are either mandated topics for bargaining (seven items), permitted subjects (one item), or the state is silent on their inclusion, implicitly permitting them (twelve items). The state does not allow teacher strikes.

*AREA 4: STATE POLICIES  
13TH*

Most Connecticut policies align at least partially with traditional teacher union interests. While state requires that objective evidence of student learning factor into teacher evaluations, it does not specify what weight those data should carry. While it takes teachers four years to earn tenure (the national norm is three), as of May 2012, the state granted tenure nearly automatically and required all ineffective teachers to go through remediation before they were dismissed. (As of press time, however, the law now requires teacher effectiveness to factor into tenure decisions and provides channels to dismiss ineffective teachers without intervention; unfortunately, the changes made were too late to be included in our calculations.) Unions traditionally oppose individual performance pay, and

Connecticut does not provide it. Further, state law caps the number of charter schools allowed to operate and only offers one viable authorizer to prospective charter operators. In addition, Connecticut teachers contribute proportionally less to their pensions than their employers do, as compared to teachers in all but two other states. A handful of policies, however, run counter to union goals: The state does not mandate a maximum class size for grades K-3 and is permissive in the types of charters it allows (meaning new start-ups, public-school conversions, and virtual charter schools).

*AREA 5: PERCEIVED INFLUENCE  
27TH*

Stakeholders in Connecticut perceive the teacher unions to be one influential entity of many. Survey respondents rank teacher unions second- or third-most influential, along with education advocacy organizations and the state school board. They agree that teacher unions are effective in protecting dollars for education and in warding off most statutory proposals with which they disagree. But they note that both policies proposed by the governor in the latest legislative session and those actually enacted were only somewhat in line with union priorities.<sup>4</sup> Moreover, they report that state teacher unions, like many of their counterparts in other states, more often than not turn to compromise to see some of their preferred policies enacted.

*OVERALL  
17TH*

Connecticut boasts the highest teacher union membership in the nation. Its unions enjoy a broad scope of bargaining and favorable state policy environment, and they have garnered a reputation among stakeholders as moderately influential.

With education his main priority for the 2012 legislative session, Governor Dannel Malloy set his sights on reforming teacher tenure. He declared in his state of the state speech, “In today’s system, basically the only thing you have to do is show up for four years. Do that, and tenure is yours.”<sup>5</sup> The comment quickly inflamed teacher tempers across the Constitution State. “There was no need for the governor to kick off his ‘year of education reform’ by being so adversarial to teachers,” said Kristen Record, the state’s 2011 Teacher of the Year. “He made purposeful statements that were outright lies and damaged his relationship and credibility with teachers.”<sup>6</sup>

Malloy appeared to learn from his mistake. In March 2012, he back-pedaled: “In my state of the state speech I used some words to describe tenure which, taken in isolation, did not do a good job of describing my feelings on the subject... Every day, Connecticut’s teachers do far more than show up.”<sup>7</sup> Despite his reversal, however, unions seized upon the gaffe to paint Malloy as out-of-touch and anti-teacher, and the education reform bill passed by the legislature in May 2012 lacked many of his original proposals, including provisions to make tenure rules more stringent, link teacher evaluations with pay and certification, and strip teachers in the lowest-performing schools of many rights guaranteed by collective bargaining.<sup>8</sup>

On the other hand, the reform bill did redesign the teacher evaluation system: While evaluations will not have a significant impact on teacher job security (a major union victory), student performance will count for 45 percent of a teacher’s rating—changes also endorsed by the governor.<sup>9</sup> And teacher tenure must be “informed by” the results of the evaluations. The Connecticut Education Association (CEA) charged that the evaluation guidelines are ill-advised: “This bill puts the cart before the horse,” said CEA president Phil Apruzzese. “These systems aren’t properly developed yet.”<sup>10</sup> After seeing only partial success with the reform bill, Malloy may have learned a valuable lesson here: It’s important to play nice with the CEA.

# CONNECTICUT RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 17TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  9*	Membership	By rank, what percentage of public-school teachers in the state are union members?	1st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	22nd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	27th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	9th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	21st
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  29*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	35th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	14th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	47th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	18th
<b>AREA 3: SCOPE OF BARGAINING</b>  13	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	8th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  13	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	3rd
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan <sup>c</sup>
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Four years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included <sup>c</sup>
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	23rd
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>13</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Certification is required but can be partially waived
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools, others must apply for waivers

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>27</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/ Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/ Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/ Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/ Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/ Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Connecticut has the highest percentage of teachers who are union members. Otherwise, we report a status: Connecticut has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See note in Area 4, above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Connecticut are shown in the table, *Connecticut Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Connecticut is ranked 9th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Jacqueline Rabe Thomas, "Malloy Clarifies The 'Only Thing You Have To Do Is Show Up' Comment About Teachers," *CT Mirror*, March 21, 2012, <http://www.ctmirror.org/blogs/malloy-backtracks-all-you-have-do-show-comment-about-teachers>.

<sup>6</sup> Ken Dixon, "This Time, Malloy Swallowed Compromises," *CT Post*, May 12, 2012, <http://www.ctpost.com/local/article/This-time-Malloy-swallowed-compromises-3553866.php>.

<sup>7</sup> Thomas.

<sup>8</sup> Jacqueline Rabe Thomas, "Education Reform Bill Passes, Praised As Good Step, Clears legislature," *CT Mirror*, May 8, 2012, <http://www.ctmirror.org/story/16286/education-reform-bill-clears-legislature>.

<sup>9</sup> Associated Press, "Conn. Endorses New Teacher Evaluation Methods," *CT Post*, February 10, 2012, <http://www.ctpost.com/local/article/Conn-endorses-new-teacher-evaluation-methods-3252498.php>.

<sup>10</sup> Jacqueline Rabe Thomas and Uma Ramiah, "Teachers Unions Say 'No' To Malloy's Tenure Plan," *CT Mirror*, February 21, 2012, <http://www.ctmirror.org/story/15501/teachers-unions-battle-governor-education-committee-hearing>.

# DELAWARE

OVERALL RANK: 19TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER —————> WEAKER

OVERALL		19		
1. RESOURCES AND MEMBERSHIP	9			
2. INVOLVEMENT IN POLITICS			29	
3. SCOPE OF BARGAINING		15		
4. STATE POLICIES				36
5. PERCEIVED INFLUENCE		18		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 9TH

Delaware’s state teacher union benefits from reasonably strong resources from its own members and sees substantial funding for K-12 education. Fully 90.1 percent of teachers in the First State are union members, the 16th-highest unionization rate among 51 jurisdictions. The NEA-affiliated Delaware State Education Association (DSEA) brings in \$547 annually per teacher in the state (18th). Spending on K-12 education in general, and specifically on teacher salaries and benefits, is comparatively high in the state (see sidebar). Education accounts for 24 percent of state expenditures (12th). Of the \$11,905 that is spent per-pupil in the state each year (22nd), 56.5 percent goes toward teacher salaries and benefits (11th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 29TH

Compared to teacher unions elsewhere, Delaware’s gave moderately to state politics in the past ten years. Contributions from the union amounted to 0.32 percent (36th) of donations to candidates for state office and 0.55 percent (36th) of donations to state political parties. Union representation at the Democratic and Republican national conventions was moderate as well, with 12 percent of Delaware’s delegates identifying as teacher union members (tying for 28th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING*  
*15TH*

Delaware gives its teacher unions a fair amount of room to bargain. It requires collective bargaining—one of thirty-two states that do so—and the scope of bargained provisions is broad. Of twenty-one items examined in this metric, just one is prohibited as a subject of bargaining: transfer/teacher reassignment. Five provisions are required subjects of bargaining, one is explicitly allowed, and fourteen are implicitly included because the state does not address them. Only one item—teacher transfers—may not be bargained. Delaware lets its unions automatically collect agency fees from teachers who are not union members (a key source of union revenue), but it does not permit teacher strikes.

*AREA 4: STATE POLICIES*  
*36TH*

Delaware policies are less aligned with traditional union interests than are policies in most other states. Student achievement data must be the preponderant factor in teacher evaluations and taken into account when granting tenure. Teachers are eligible for dismissal after multiple unsatisfactory ratings, and districts can decide on the criteria for layoffs. Still, districts are not obligated to base layoff decisions on teacher performance (as opposed to seniority), and Delaware teachers are dismissed due to poor performance at a lower rate than in all but one other state (Arkansas). While many state policies encourage the expansion and autonomy of charter schools (positions typically opposed by unions), the state offers prospective school operators only limited authorizing options.

*AREA 5: PERCEIVED INFLUENCE*  
*18TH*

Delaware stakeholders reported a stronger union than most. They rank teacher unions as the second- or third-most influential entity on education reform, alongside the business roundtable/chamber of commerce and education advocacy organizations. They report that both Democrats and Republicans often need teacher union support to be elected; the former is similar to responses from other states, but in most states, Republicans rarely need union support. Delaware stakeholders note that even given budgetary constraints, teacher unions are effective in protecting dollars for education and in warding off education reform proposals with which they disagree (see sidebar). Interestingly, the union may play a role in changing legislators' minds: Respondents report that policies proposed by the governor in the latest legislative session were only somewhat aligned with union priorities, but that enacted policies were mostly in line with those priorities.<sup>4</sup>

*OVERALL*  
*19TH*

Delaware's teacher union has substantial resources from its members and sees higher spending on K-12 education than in many other states. State laws give it ample room to bargain and, while many teacher-employment and charter policies are not aligned with typical union positions, Delaware stakeholders report that it is actually quite influential—perhaps due to its reputation for collaboration (see sidebar).



## THERE'S NO "I" IN "TEAM"

Delaware, "The First State," was also first to receive Race to the Top (RTTT) funds (about \$119 million) in April 2010, in part due to all of its local unions endorsing reform legislation.<sup>5</sup> The Delaware State Education Association (DSEA) had previously collaborated with politicians, philanthropists, business leaders, and advocacy groups on education reform, and the state's RTTT application was no exception: Then-president Diane Donahue even co-presented Delaware's application to the RTTT judges along with Governor Jack A. Markell. Markell lauded the team effort: "In Delaware, you don't have to choose between consensus and bold [action]. In Delaware, you get both." Donahue's thoughts on the collaboration were more blunt: "We're taking a risk... [but] I'd rather be at the table than on the menu."<sup>6</sup> As a part of the application, the unions agreed to teacher evaluations that include student-growth data, bonuses for highly-effective teachers who work in high-need schools, and decreased job security for ineffective and probationary teachers. But as of January 2012, the evaluations as originally designed are on hiatus. The state secretary of education announced that Delaware would not be using the value-added metric for teacher evaluations in the upcoming school year due to insufficient test data and an unproven system. Instead, state officials and teachers would develop measures based on data other than standardized tests. (Note that other states are implementing value-added teacher evaluations despite union objections that the systems are untested—see, for example, the District of Columbia, Colorado, and Connecticut.)<sup>7</sup>

Other news in early 2012 made it clear that the unions are very much not "on the menu." In a February statement to the state finance committee, the DSEA gave thanks for past salary increases, praised increases to education spending in the budget, and asked for another raise (which it got).<sup>8,9</sup> With bargaining rights, teacher employment policies, and dollars for education in the crosshairs of legislatures across the country, the DSEA's mode of collaboration appears to pay dividends.

# DELAWARE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 19TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  9*	Membership	By rank, what percentage of public-school teachers in the state are union members?	16th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	18th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	12th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	22nd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	11th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  29*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	36th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	36th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	30th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	28th*
<b>AREA 3: SCOPE OF BARGAINING</b>  15	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	13th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  36	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	11th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	2nd
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>36</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>18</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Strongly agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Delaware has the 16th-highest percentage of teachers who are union members. Otherwise, we report a status: Delaware has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Delaware are shown in the table, *Delaware Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Delaware is ranked 9th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Nick Anderson, "Input Of Teachers Unions Key To Successful Entries In Race To The Top," *Washington Post*, April 3, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/02/AR2010040201022.html>.

<sup>6</sup> Ibid.

<sup>7</sup> Esme E. Deprez and John Hechinger, "Grading Teachers Sparks Conflict As States Vie For Grants," *BusinessWeek.com*, February 24, 2012, <http://www.businessweek.com/news/2012-02-24/grading-teachers-sparks-conflict-as-states-vie-for-grants.html>.

<sup>8</sup> Fredericka Jenner, "JFC Testimony: Education," Delaware State Education Association, February 14, 2012, <http://www.dsea.org/PDF/JFCTestimonyFSJ021412.pdf>.

<sup>9</sup> Seanna Adcox, "SC Lawmakers Approve Budget, Keep Government Going," *Associated Press*, June 29, 2012, <http://finance.yahoo.com/news/sc-lawmakers-approve-budget-keep-123723843.html>.

# DISTRICT OF COLUMBIA

OVERALL RANK: 33RD<sup>1</sup>  
TIER 4 (WEAK)

STRONGER 
→
 WEAKER

OVERALL				33	
1. RESOURCES AND MEMBERSHIP		17			
2. INVOLVEMENT IN POLITICS	n/a				
3. SCOPE OF BARGAINING			21		
4. STATE POLICIES					49
5. PERCEIVED INFLUENCE					41

## AREA 1: RESOURCES AND MEMBERSHIP 17TH

The Washington Teachers’ Union (WTU) has significant financial resources from its members, who enjoy high spending for K-12 education. 84.5 percent of D.C. teachers belong to the WTU (21st-highest among 51 jurisdictions). With sizable member dues, the union brings in \$729 annually per teacher (6th). But while per-pupil spending in D.C. is the 4th-highest in the nation, at \$16,034 per year, the District does not allocate much—just 33.2 percent—of those dollars to teacher salaries and benefits, the lowest such proportion nationwide.<sup>2</sup>

## AREA 2: INVOLVEMENT IN POLITICS N/A<sup>3</sup>

## AREA 3: SCOPE OF BARGAINING 21ST

The District of Columbia joins thirty-one states where collective bargaining is required by law. The District also allows the WTU to collect agency fees automatically from non-members, which buttresses the union’s financial resources. Further, of the twenty-one items we examined for this report, five must be negotiated: wages, hours, terms and conditions of employment, insurance benefits, and fringe benefits. However, D.C. explicitly excludes more provisions than most states: management rights, transfers and assignments, layoffs, dismissals, and evaluations cannot be bargained. Bargaining over the remaining items is permitted, but not required. The District prohibits teacher strikes.

*AREA 4: STATE POLICIES  
TIED FOR 49TH*

Most D.C. teacher-employment policies do not align with traditional union interests. From its inception, the District's new (and much-discussed) teacher evaluation system, IMPACT, has been the subject of prolonged acrimony between the WTU and District leaders (see sidebar). The system requires that student achievement be the preponderant criterion in teacher evaluations, and those who receive ineffective rankings are eligible for dismissal. Further, while the probationary period for teachers is nominally two years, a teacher can be dismissed for ineffective evaluations at any time in her career regardless of tenure status.<sup>4</sup> The District's charter school policies are even less aligned with the traditional union position, which seeks to limit charter expansion and autonomy. The District caps the number of charters that are allowed to open, but the cap is high—and some 40 percent of D.C. students are enrolled in charter schools. Further, charter law allows for a variety of school types and provides charters with automatic exemptions from many laws and regulations, including the District's collective bargaining agreement.

*AREA 5: PERCEIVED INFLUENCE  
41ST*

Stakeholders report that the WTU has limited clout. Survey respondents rank several other entities as more influential over education policy: the mayor (who in turn appoints the school chancellor), the Washington Board of Trade, and the association of school administrators. Respondents note that the union is not

effective in warding off education proposals with which it disagrees or in protecting dollars for education—a marked change from the WTU's stronghold over D.C. education policy prior to the administration of Mayor Adrian Fenty and Chancellor Michelle Rhee. But when the District of Columbia Public Education Reform Amendment Act of 2007 put administration of D.C. schools under mayoral control, it also greatly expanded the discretionary power of the office, consequently reducing that of the union. The combination of a strong chancellor, limited union authority, and a membership divided over whether their union should fight reforms—or embrace them—led to a significant drop in the WTU's influence over District leaders.<sup>5</sup>

*OVERALL  
33RD*

While the WTU enjoys substantial revenue from its members, the union has a weak reputation in a jurisdiction where a limited scope of bargaining and two successive reform-minded school chancellors used that position's expansive authority over evaluations, dismissals, and personnel decisions to create a policy environment that is not at all union-favorable. The Race To The Top initiative has brought some of those policies into the national education-policy mainstream, and because evaluations and dismissals are out of the WTU's hands, it is unlikely that the union will see its former strength fully restored. (Still, it may have a chance to regain some of its former clout, as current Chancellor Kaya Henderson appears open to a less antagonistic relationship with the District's teachers—see sidebar).

Three years after its 2009 adoption, the District's high-profile value-added teacher-evaluation model known as IMPACT—developed during Michelle Rhee's colorful stint as Chancellor—continues to rattle the Washington Teachers Union (WTU). IMPACT was the first such system to be implemented in the country, and although the WTU grudgingly agreed to it, the union did not have much of a choice since evaluations are strictly within the purview of DCPS management. Union leaders contended that it was implemented prematurely and was unreliable, punitive, and based on a false premise: that student test scores accurately measure teacher ability and only teacher ability (as opposed to conditions outside the classroom).<sup>6</sup> “The scores don't reflect the existing conditions that students bring into the classrooms, issues pertaining to family dysfunction, economic circumstance, poverty,” said WTU president Nathan Saunders.<sup>7</sup> But the union had no actual say over evaluation and dismissal rules, and consequently, the results of IMPACT led to the termination of 542 teachers for poor performance between 2010 and 2012.<sup>8,9</sup> On the other hand, D.C. also ranked 988 of its approximately 4,100 teachers “highly effective” in 2012, making them eligible for bonuses of up to \$25,000—which have so far been funded by outside donors but, as of 2013, will be paid for from the district's pocket.<sup>10</sup> Unlike teacher evaluations and dismissals, performance pay is a part of the collective-bargaining agreement—and was the subject of a high-profile and prolonged round of contract negotiations that was finally resolved in April 2010 with the help of AFT president Randi Weingarten.

When Henderson took over from Rhee as chancellor of DCPS, WTU leaders pressed to de-emphasize the role of standardized testing in the IMPACT metric.<sup>11</sup> Beginning in 2013, student achievement will still be half of a teacher's evaluation, but standardized test scores will be just one part of that score (35 percent of the total evaluation, down from 50 percent); teacher-developed assessments of student learning will make up the rest (15 percent of the total). Henderson explained that the change was “in response to feedback from teachers,” and she clarified that “while we believe strongly that value-added is the fairest and most accurate method of capturing a teacher's impact on student achievement, we recognize that this measure does not reflect everything your students have learned.”<sup>12</sup> The WTU applauded the move.<sup>13</sup>

In another successful campaign, the WTU ensured that the District made good on its obligations to teachers who had their positions eliminated due to budget cutbacks and declining enrollments. A provision in the 2010 collective bargaining agreement specified that those “excessed” teachers with good evaluations and twenty years of service were eligible for early retirement with full benefits. When first asked to hand over the funds to carry out this provision, the District said it lacked the money.<sup>14</sup> WTU then accused the District of questionable accounting; the District replied that the union had not filed the necessary paperwork; but by May 2012, they had come to agreement, announcing that the District will allocate \$10.2 million over the next five years to fund these benefits.<sup>15</sup> Politics appear to be alive and well in the nation's capital.

# DISTRICT OF COLUMBIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 33RD			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b,c</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  17	Membership	By rank, what percentage of public-school teachers in the state are union members?	21st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	6th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	—
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	4th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	51st
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  n/a	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	—
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	—
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	—
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	—
<b>AREA 3: SCOPE OF BARGAINING</b>  21	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	14th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES<sup>d</sup></b>  49	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	49th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	21st
	Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction



Area and Rank	General Indicator	Sub-Indicator	Sub-indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>49*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCED<sup>e</sup></b>  <b>41</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/ Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	**
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/ Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	**
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	**
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\*\* Not applicable or insufficient number of responses to this particular question

<sup>a</sup>Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup>Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 jurisdictions, the District of Columbia has the 21st-highest percentage of teachers who are union members. Otherwise, we report a status: the District of Columbia has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for D.C., send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup>Our data sources for certain indicators did not always include the District of Columbia. In Area 1, the National Association of State Budget Officers' State Expenditure Report does not include the District in its analyses because its revenues and expenditures are not comparable to other states. In Area 2, the National Institute on Money in State Politics collects campaign finance reports filed by candidates for state, but not local, office.

<sup>d</sup>See notes in Area 4, above, and in Appendix A regarding our treatment of D.C. policy mandates.

<sup>e</sup>For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their jurisdiction or state.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Washington, D.C. are shown in the table, *District of Columbia Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, the District is ranked 17th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> We understand that this percentage appears very low, especially given the attention the District receives for its high per-pupil expenditures and teacher salaries. There are numerous explanations that might account for this: First, D.C. is unique because the majority of employer pension contributions to teacher pensions is the obligation of the U.S. Treasury, not the school district. Second, the NCEC cautions against comparing the District of Columbia to other states because it has only one school district, and therefore per-pupil expenditures (and allocations for salaries and benefits as compared to other operating expenses) are not similar to those in other states. Third, per-pupil spending in urban districts tends to be considerably higher than non-urban districts in the same, but D.C. does not see its high expenditures averaged with lower ones from non-urban districts. Finally, the District used external funding sources for its teacher performance bonuses (although as of 2013 that will no longer be the case).

<sup>3</sup> The National Institute on Money in State Politics collects campaign-finance reports filed by candidates for state, but not local, offices, and hence does not report any data for Washington, D.C. Further, the Consortium for Political and Social Research's 2000 Convention Delegate Survey does not include information on D.C. delegates to the Democratic and Republican national conventions. As such, we could not score the WTU on its involvement in politics.

<sup>4</sup> DCPS also has a performance-pay system, where teachers earn bonuses after receiving one "highly effective" yearly rating and are eligible for raises to their base salary after multiple years of positive evaluations. To receive the bonuses and raises, they must also waive job protection should they be excessed and unable to find another placement (see DCPS Impactplus, [http://www.dc.gov/DCPS/In+the+Classroom/Ensuring+Teacher+Success/IMPACT+\(Performance+Assessment\)/IMPACTplus](http://www.dc.gov/DCPS/In+the+Classroom/Ensuring+Teacher+Success/IMPACT+(Performance+Assessment)/IMPACTplus)). However, this is a negotiated program between the WTU and the District rather than a policy mandate from the District, and as such, we do not record D.C. as having state-required performance pay. See Appendix A, note in sub-indicator 3.1.2, for a detailed explanation.

<sup>5</sup> We administered our survey in Summer 2011, after contract negotiations between Michelle Rhee and the WTU closed. Although the WTU called AFT president Randi Weingarten to help resolve the two-and-a-half-year dispute over (among other things) merit pay, transfers based on teacher performance, and the elimination of tenure, the resulting contract was heralded as a victory for Rhee. Although the union added clauses for transparency, the spirit of Rhee's original provisions remained intact. The contract (and 2009's student achievement-based IMPACT system for teacher evaluations and dismissals, over which the WTU had no say) confirmed that the WTU's strength had significantly diminished since the district came under mayoral control.

<sup>6</sup> Bill Turque, "D.C. Launches Rigorous Teacher Evaluation System," *Washington Post*, October 1, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/30/AR2009093004729.html>.

<sup>7</sup> Lisa Gartner, "D.C. Urges Schools To De-Emphasize Standardized Testing For Teacher Evaluations," *Washington Examiner*, May 23, 2012, <http://washingtonexaminer.com/article/646356>.

<sup>8</sup> "D.C. Schools Fires More Than 400 Teachers," *HuffingtonPost.com*, September 14, 2011, [http://www.huffingtonpost.com/2011/07/15/dc-schools-fires-more-tha\\_n\\_900120.html](http://www.huffingtonpost.com/2011/07/15/dc-schools-fires-more-tha_n_900120.html).

<sup>9</sup> Emma Brown, "98 D.C. Teachers Fired For Poor Performance," *Washington Post*, August 2, 2012, [http://www.washingtonpost.com/local/education/98-dc-teachers-fired-for-poor-performance-school-officials-say/2012/08/01/gJQAu67vPX\\_story.html](http://www.washingtonpost.com/local/education/98-dc-teachers-fired-for-poor-performance-school-officials-say/2012/08/01/gJQAu67vPX_story.html).

<sup>10</sup> *Ibid.*

<sup>11</sup> Nathan Saunders, "Impact 3.0," *Washington Teachers' Union*, August 3, 2012, <http://wtuteacherslounge.org/2012/08/03/impact-3-0/>.

<sup>12</sup> Evaluations for General Education Teachers with Individual Value-Added Student Achievement Data (DCPS IMPACT guidebook 2012–13), [http://www.dc.gov/DCPS/In+the+Classroom/Ensuring+Teacher+Success/IMPACT+\(Performance+Assessment\)/IMPACT+Guidebooks](http://www.dc.gov/DCPS/In+the+Classroom/Ensuring+Teacher+Success/IMPACT+(Performance+Assessment)/IMPACT+Guidebooks).

<sup>13</sup> Gartner.

<sup>14</sup> Bill Turque, "D.C. Says There's No Money For Contract Early Retirement Provision," *Washington Post*, November 17, 2011, [http://www.washingtonpost.com/blogs/dc-schools-insider/post/dc-pleads-poverty-for-teacher-early-retirement/2011/10/25/gIQAxRnUN\\_blog.html](http://www.washingtonpost.com/blogs/dc-schools-insider/post/dc-pleads-poverty-for-teacher-early-retirement/2011/10/25/gIQAxRnUN_blog.html).

<sup>15</sup> Bill Turque, "DCPS, Union Reach Accord On Teacher Retirement," *Washington Post*, May 14, 2012, [http://www.washingtonpost.com/blogs/dc-schools-insider/post/dcps-union-reach-accord-on-teacher-retirement/2012/05/14/gIQAIHPBPU\\_blog.html](http://www.washingtonpost.com/blogs/dc-schools-insider/post/dcps-union-reach-accord-on-teacher-retirement/2012/05/14/gIQAIHPBPU_blog.html).

# FLORIDA

OVERALL RANK: 50TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER —————> WEAKER

OVERALL					50
1. RESOURCES AND MEMBERSHIP					47
2. INVOLVEMENT IN POLITICS				36	
3. SCOPE OF BARGAINING				35	
4. STATE POLICIES					46
5. PERCEIVED INFLUENCE					50

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 47TH

Florida’s state-level teacher union contends with limited financial resources and low membership. Just 55.8 percent of the state’s teachers are union members (40th of 51 jurisdictions). Further, the merged state-level NEA and AFT affiliate, the Florida Education Association (FEA), brings in a mere \$182 annually per teacher in the state (42nd). The union also does not see high spending on education as compared to other states: While the state directs 20.1 percent of its expenditures to K-12 education (22nd), dollars per-pupil (a combination of state, federal, and local money) amounts to just \$9,576 (40th). Only 49.9 percent of those dollars go toward teacher salaries and benefits—just two states spend smaller portions.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 36TH

Compared to other states, Florida teacher unions were not major donors during the past decade of state politics (that said, our calculations are conservative and unions have certainly been active, especially in the courts—see sidebar). Contributions from teacher unions made up just 0.21 percent (42nd) of total donations to candidates for state office.<sup>3</sup> Those contributions comprised just 1.4 percent of the donations to candidates from the ten highest-giving sectors in the state (45th). Teacher unions did, however, contribute 1.7 percent of all donations received by state political parties (17th). But the union presence at the Democratic and Republican national conventions was not particularly strong, with 12.5 percent of Florida’s delegates identifying as teacher union members (28th).<sup>4</sup>

### AREA 3: SCOPE OF BARGAINING TIED FOR 35TH

While Florida is one of thirty-two states that require collective bargaining, unions are not allowed to automatically collect agency fees from non-member teachers, and therefore union revenues are limited (see Area 1). State law also prohibits teacher strikes. Florida does, however, have a relatively permissive scope of bargaining: Of twenty-one items examined in this metric, four must be negotiated—wages, hours, terms and conditions of employment, and grievance procedures—and only teacher dismissal is prohibited. Bargaining is permitted over the remaining sixteen items—the inclusion of insurance benefits is explicitly left to the discretion of the districts, and fifteen items are implicitly within the scope of bargaining because the state does not address them at all.

### AREA 4: STATE POLICIES TIED FOR 46TH

Florida education policies are less aligned with traditional union interests than the policies of nearly every other state. Recent laws eliminated tenure for new teachers, required student achievement data to be the predominant criterion in teacher evaluations, and outlined stringent consequences for unsatisfactory evaluations (see sidebar). Teacher performance must be considered in layoff decisions (while seniority is an optional criterion), and Florida is one of just three states with a state-supported mandatory system of merit pay for all teachers. Further, the state does not limit the number and type of charter schools allowed to

operate, and it automatically exempts them from district collective bargaining agreements. On the other hand, Florida is one of just two states that have a state-mandated class size limit that is smaller than the national average (Nevada is the other).

### AREA 5: PERCEIVED INFLUENCE 50TH

Stakeholders report that Florida's state union is very weak—only Mississippi respondents perceived their unions to be weaker. Florida stakeholders rank the union's influence on education policy below the state charter school association, education advocacy groups, the state association of school administrators, and the business roundtable/chamber of commerce. While respondents report that Democrats running for state-level office often need teacher union support to get elected, they also note that state education leaders are rarely aligned with union positions and that the union was not effective in protecting dollars for education and in warding off proposals with which it disagrees. Finally, respondents indicate that policies proposed by the governor in the latest legislative session were *mostly* not in line, and the policies actually enacted were *not at all* in line, with union priorities (an unsurprising response given that recently the FEA seems unable to sway lawmakers and has on several occasions turned to the courts instead—see sidebar).<sup>5</sup>

### OVERALL 50TH

Florida's state teacher union is one of the weakest in the nation: It has scant resources, few recent policy successes, a feeble reputation, and few allies in the capitol. Florida's state union is by far the weakest of any state in which bargaining is mandatory.

On its face, Florida's 2012–13 budget looked good for schools, promising a \$1 billion increase to K–12 education.<sup>6</sup> But according to Florida Education Association (FEA) president Andy Ford, that's not enough for local districts, which must find a way to fill the hole left by depleted local funds (caused by plunging property values) and the end of federal "bailout" money. It's not just inadequate dollars for education, but also how those dollars are used that has the FEA upset: The budget allocated money for charter school expansion and increased tax credits for corporations that donate to voucher-like scholarships for attending private schools, which Ford pans as "another example of political leaders favoring unproven and less-accountable schools over our traditional neighborhood schools."<sup>7,8</sup> (Of course, the FEA has long opposed voucher programs.)<sup>9</sup> Perhaps the FEA will take its objections to court, as it did in response to a 2011 law requiring state employees to contribute 3 percent of their salaries to pensions (they did not previously pay into the system). That law was overturned in circuit court in March 2012, but the FEA will have to wait until the end of the year, or beyond, for the state supreme court to make a final decision.<sup>10</sup>

With no allies in the Republican-led governor's office and legislature, the FEA again turned to the courts. In March 2011, legislators passed SB 736, despite the union's warning that it would result in "unfair decisions about pay and employment, potential lawsuits, and lost educational opportunity for tens of thousands of the state's schoolchildren."<sup>11</sup> Praised by Michelle Rhee (and slammed by AFT president Randi Weingarten), the law eliminated tenure for new teachers, tied teacher pay and dismissals to evaluations rather than seniority, and required that at least half of a teacher's evaluation be based on student growth on standardized tests.<sup>12</sup> Resorting once more to the courts, the FEA sued to block the bill on grounds that it was unconstitutional. But it's unlikely that the union will halt the reforms in the long run—the state denied the allegations of the suit, districts have already started implementing the evaluation system, and the FEA does not actually oppose merit pay (but believes that teacher evaluations should be bargained).<sup>13</sup> With two lawsuits pending and Republican-majority state leaders set on education reform, the FEA may soon find the gavel insufficient protection.

# FLORIDA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 50TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  47*	Membership	By rank, what percentage of public-school teachers in the state are union members?	40th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	42nd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	22nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	40th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	49th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  36*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	42nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	17th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	45th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	28th*
<b>AREA 3: SCOPE OF BARGAINING</b>  35*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  46*	Performance pay	Does the state support performance pay for teachers?	Required for all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	36th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Annual contracts only
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	15th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Lower	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>46*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>50</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fifth-most influential or below
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Florida has the 40th-highest percentage of teachers who are union members. Otherwise, we report a status: Florida has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Florida are shown in the table, *Florida Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Florida is ranked 47th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Florida is an exception because the sum of the donations from individual local affiliates is far greater than the contributions from the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Lizette Alvarez, "Florida Higher Education May Face Big Budget Cuts," *New York Times*, March 6, 2012, <http://www.nytimes.com/2012/03/07/education/florida-higher-education-may-face-big-budget-cuts.html>.

<sup>7</sup> Andy Ford, "Public Education Shortchanged — Again," *Star-Banner*, April 22, 2012, <http://www.ocala.com/article/20120422/OPINION/120429969>.

<sup>8</sup> Jeff Solochek, "Voucher Debate Spreads As Florida Expands Access," *Tampa Bay Times*, April 9, 2012, <http://www.tampabay.com/blogs/gradebook/content/voucher-debate-spreads-florida-expands-access>.

<sup>9</sup> Most famously, the FEA (along with the NEA and AFT) supported a group of parents in filing a lawsuit against former Governor Jeb Bush's Opportunity Scholarships—a voucher program which proposed public money to pay private school tuition. After a six-year court battle led by NEA lawyers, the Florida Supreme Court ordered the voucher program closed. See Sam Dillon, "Florida Supreme Court Blocks School Vouchers," *New York Times*, January 6, 2006, <http://www.nytimes.com/2006/01/06/national/06florida.html>; the Institute for Justice, "Safeguarding Educational Freedom: Latest Legal Showdown For School Choice Heads To Florida Supreme Court," accessed August 27, 2012, <http://www.ij.org/florida-school-choice-background>.

<sup>10</sup> Kathleen Haughney, "Judge Overturns Public Employee Pension Contribution Requirement," *Florida Sun-Sentinel*, March 6, 2012, [http://articles.sun-sentinel.com/2012-03-06/business/fl-judge-to-rule-on-pension-20120306\\_1\\_florida-retirement-system-public-employees-retirement-age](http://articles.sun-sentinel.com/2012-03-06/business/fl-judge-to-rule-on-pension-20120306_1_florida-retirement-system-public-employees-retirement-age).

<sup>11</sup> "Teachers, Researchers: SB 736 Takes Wrong Track," Florida Education Association, February 22, 2011, <http://feaweb.org/teachers-researchers-sb-736-takes-wrong-track>.

<sup>12</sup> Bill Kaczor, "Gov. Scott Signs Florida Teacher Pay, Tenure Bill," *Associated Press*, March 25, 2011, <http://www.businessweek.com/ap/financialnews/D9M68VQ01.htm>.

<sup>13</sup> Jeff Solochek, "Florida Teacher Lawsuit Over SB736 Moves Slowly," *Tampa Bay Times*, November 15, 2011, <http://www.tampabay.com/blogs/gradebook/content/florida-teacher-lawsuit-over-sb-736-moves-slowly>.



# GEORGIA

OVERALL RANK: 45TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>					<b>45</b>
<b>1. RESOURCES AND MEMBERSHIP</b>				<b>35</b>	
<b>2. INVOLVEMENT IN POLITICS</b>				<b>36</b>	
<b>3. SCOPE OF BARGAINING</b>					<b>48</b>
<b>4. STATE POLICIES</b>			<b>26</b>		
<b>5. PERCEIVED INFLUENCE</b>					<b>45</b>

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 35TH

Georgia’s two state-level teacher associations (one affiliated with the NEA, the other with the AFT) have limited financial and membership resources. Collective bargaining is prohibited in the state, and just 54.8 percent of its teachers belong to teacher associations (41st of 51 jurisdictions). They bring in \$87 per Georgia teacher annually (49th, ahead of just Texas and South Carolina). On the other hand, Georgia spends a relatively large portion of its state budget on K-12 education (24.4 percent, placing it 9th). Total per-pupil spending is on the low side of the middle (\$9,827 per year; 38th), but a relatively high proportion of those dollars goes to teacher salaries and benefits (57.5 percent; 7th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 36TH

Compared to teacher unions in other states, Georgia’s associations are not particularly involved in state politics. In the past decade, just 0.33 percent of contributions to candidates for state office came from them (34th); these donations made up only 2.9 percent of the funds contributed by the ten highest-giving sectors in the state (37th). In addition, the associations gave only 0.34 percent of the contributions to state political parties (42nd). Finally, 13.4 percent of Georgia’s delegates to the Democratic and Republican national conventions identified as teacher union members (25th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 48TH; LAST PLACE*

Georgia is one of only five states that explicitly prohibit collective bargaining. Although teachers can opt to join local and/or state professional associations, those entities may not automatically collect agency fees from non-members who work in districts they represent (a limitation that contributes to the low association revenues noted in Area 1). The state also prohibits teacher strikes.

*AREA 4: STATE POLICIES  
26TH*

While some Georgia policies, particularly those dealing with teacher employment, align with traditional union interests, others do not. Teachers earn tenure after three years (the national norm), and student learning is not considered in tenure decisions. Although teacher evaluations must include evidence of student learning, state law lets districts decide how learning is defined and measured and how much weight it carries among all evaluation criteria. On the other hand, unions typically do not support charter schools, and Georgia law encourages charter expansion and autonomy—it does not cap the number of charters, and it allows start-ups, conversions, and virtual schools. While not automatically exempt, charters can apply for exemptions to state laws (including teacher certification requirements) and district regulations.

*AREA 5: PERCEIVED INFLUENCE  
45TH*

Georgia stakeholders describe teacher associations that are comparatively weaker

than those in nearly every other state. Survey respondents rank them as less influential than the state school boards association, the state charter school association, and education advocacy groups. They note that state education leaders only sometimes align with teacher association positions and that the associations are not effective in protecting dollars for education. Further, they report that policies both proposed by the governor and those actually enacted during the latest legislative session were generally not in line with teacher association priorities.<sup>4</sup>

*OVERALL  
45TH*

Georgia's teacher associations are weak across the board, not surprising in a state in which collective bargaining is prohibited—and whose politics are fairly conservative. They have few resources and a weak reputation. While teacher employment policies are somewhat union-favorable, charter laws are not, and the associations stayed out of the way when lawmakers enacted reforms en route to receiving a Race to the Top award (see sidebar).

**WINNERS NEVER CHEAT,  
CHEATERS NEVER WIN**

The NEA-affiliated Georgia Association of Educators (GAE) has kept a fairly low profile in the Peach State. When in 2010 state leaders required districts to design and implement teacher evaluation systems based on student growth—to meet the requirements of their successful Race to the Top application—the GAE did not vociferously object (although the GAE did express dismay that the system was punitive, lacked teacher input, and would be implemented inconsistently).<sup>5,6</sup> It did successfully lobby to kill SB 469, a 2012 proposal that would prohibit automatic payroll deductions of member dues—but only with the help of an array of strange bedfellows, including the Tea Party, the Occupy movement, civil rights activists, and religious leaders.<sup>7</sup>

The GAE is also keeping a relatively low profile on a constitutional amendment allowing the state to authorize charter schools. Voters will decide on the issue in November 2012, but so far the union has limited its activities to issuing press releases and fundraising.<sup>8</sup> The charter conflict began in 2009 when the legislature established the Georgia Charter Schools Commission and granted it power to approve and fund new charters, just as local districts could.<sup>9</sup> In May 2011, however, the Georgia Supreme Court held that the Commission violated the constitutionally protected authority of local districts and revoked the charters of the seventeen Commission-authorized schools (out of a total of 127 charters in the state), affecting 16,000 students.<sup>10</sup> Pro-reform lawmakers responded with the pending constitutional amendment, which drove a rift between Governor Nathan Deal, who supports it, and State Superintendent John Barge, a former rural superintendent who broke with fellow Republicans to come out staunchly against it. Barge stated that the amendment is unnecessary, redundant, and would cost district schools \$430 million over the next five years: “Until all of our public school students are in school for a full 180-day school year, until essential services like student transportation and student support can return to effective levels, and until teachers regain jobs with full pay for a full school year, we should not redirect one more dollar away from Georgia’s local school districts.”<sup>11</sup> The GAE applauded Barge, stating, “His announcement shows he fully understands the negative ramifications for our public school children.”<sup>12</sup>

September 2012 polls show voters are divided: half support the amendment, one-quarter oppose it, and one-quarter are undecided. To date, the GAE hasn’t begun advertising or otherwise campaigning in earnest.<sup>13</sup> Given that Deal’s endorsement helped two candidates narrowly win their tight primary races in August, and that teacher unions are embroiled in a public-relations nightmare (despite negative public opinion statewide, the GAE and AFT publicly defended the rights of 178 Atlanta teachers caught in the biggest testing scandal in history), the union could find it has little support from voters come November.<sup>14,15</sup>

# GEORGIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 45TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  35*	Membership	By rank, what percentage of public-school teachers in the state are union members?	41st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	49th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	9th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	38th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	7th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  36*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	34th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	42nd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	37th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	25th
<b>AREA 3: SCOPE OF BARGAINING</b>  48*	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Bargaining is not allowed
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  26	Performance pay	Does the state support performance pay for teachers?	Available to all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	20th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	18th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>26</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>45</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Georgia has the 41st-highest percentage of teachers who are union members. Otherwise, we report a status: In Georgia, collective bargaining is prohibited, and teacher strikes are also prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Georgia are shown in the table, *Georgia Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Georgia is ranked 35th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Jaime Sarrio, "Teachers To Be Graded On Student Test Scores," *Atlanta Journal-Constitution*, January 2, 2011, <http://www.ajc.com/news/news/local/teachers-to-be-graded-on-student-test-scores/nQpLG/>.

<sup>6</sup> "Evaluations and Peer Review" and "GAE Emphasizes That New RT3 Teacher Evaluation Instrument Must Be Implemented Uniformly," Georgia Association of Educators, accessed August 31, 2012, <http://gae2.org/content.asp?contentid=736> and <http://gae2.org/content.asp?ContentId=1555>.

<sup>7</sup> Gloria Tatum, "Occupy Atlanta, Tea Party Patriots Defeat SB 469," *Atlanta Progressive News*, March 30, 2012, <http://www.atlantaprogressivenews.com/interspire/news/2012/03/30/occupy-atlanta-tea-party-patriots-defeat-sb-469.html>.

<sup>8</sup> Walter Jones, "Half Of Polled Voters Favor Charter School Amendment," *Morris News Service*, September 11, 2012, [http://www.cedartownstd.com/view/full\\_story/20114157/article-Half-of-polled-voters-favor-charter-school-amendment?instance=home\\_news\\_lead\\_story](http://www.cedartownstd.com/view/full_story/20114157/article-Half-of-polled-voters-favor-charter-school-amendment?instance=home_news_lead_story).

<sup>9</sup> D. Aileen Dodd, "Georgia Charter School Ruling To Reverberate Across Nation," *Atlanta Journal-Constitution*, March 21, 2011, <http://www.ajc.com/news/news/local/georgia-charter-school-ruling-to-reverberate-across-nQrm6/>. HB 881, the legislation creating the Commission (<http://gcsc.georgia.gov/gcsc/HB881/hb881.pdf>), granted it permission to authorize (§20-2-2081) and fund (§20-2-2090) "commission charter schools" as "special schools" allowable by Article VIII, Section V, Paragraph VII(a) of the Georgia constitution. House Bill 881 also provides that commission charter schools receive extra state funding equal to the local funding they would miss by not being chartered by a local district. When it created and funded commission charter schools, the Commission was operating within the power given to it by HB 881. However, the May 2011 Supreme Court ruling found HB 881 unconstitutional, saying that the constitution did not intend for "special schools" to supersede local district's exclusive control over K-12 education. The state could authorize special schools but could not give them additional money, because that money was taken from the students' original district's share of state funding.

<sup>10</sup> Ibid.; "Georgia Charter Schools Weigh Options After State Court Declines To Revisit Decision," *HuffingtonPost.com*, June 14, 2011, [http://www.huffingtonpost.com/2011/06/14/georgia-charter-schools\\_n\\_877014.html](http://www.huffingtonpost.com/2011/06/14/georgia-charter-schools_n_877014.html). The commission charter schools can reapply as special schools but would receive direct state and federal funds only, without the state-matched local funds.

<sup>11</sup> Dave Williams, "Georgia Schools Chief Opposes Charter School Amendment," *Atlanta Business Chronicle*, August 14, 2012, <http://www.bizjournals.com/atlanta/news/2012/08/14/georgia-schools-chief-opposes-charter.html>.

<sup>12</sup> Deanna Allen (ed.), "GAE Lauds State Superintendent's Stance Against Charter School Constitutional Amendment," *Patch Network*, August 15, 2012, <http://barrow.patch.com/announcements/gae-lauds-state-superintendents-stance-against-charter-school-constitutional-amendment>.

<sup>13</sup> Jones.

<sup>14</sup> Greg Toppo, "AFT teachers Union To Defend Educators In Cheating Scandals," *USA Today*, July 12, 2011, [http://www.usatoday.com/news/education/2011-07-11-teachers-union-cheating\\_n.htm](http://www.usatoday.com/news/education/2011-07-11-teachers-union-cheating_n.htm).

<sup>15</sup> "GAE pleased To See Fair Dismissal Process Working," Georgia Association of Educators, June 28, 2012, <http://gae2.org/content.asp?contentid=1649>.

STRONGER  WEAKER

OVERALL	1				
1. RESOURCES AND MEMBERSHIP	3				
2. INVOLVEMENT IN POLITICS	1				
3. SCOPE OF BARGAINING		9			
4. STATE POLICIES		9			
5. PERCEIVED INFLUENCE				23	

*AREA 1: RESOURCES AND MEMBERSHIP  
TIED FOR 3RD*

Hawaii’s state teacher union, the Hawaii State Teachers Association (HSTA), benefits from abundant resources and a high membership rate. It is also Hawaii’s only teacher union—the state consists of a single school district—and 96.7 percent of teachers are members (the 7th-highest unionization rate of 51 jurisdictions nationwide). The HTSA brings in \$705 annually per teacher in the state, also the 7th-highest. In addition, per-pupil expenditures in the Aloha state are 13th-highest across the country at \$13,090 per student, and 54.4 percent of those expenditures go toward teacher salaries and benefits (23rd).

*AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup>  
TIED FOR 1ST*

Hawaii’s teacher union has been a major player in state politics in the past ten years. Its donations accounted for 1.5 percent of total contributions received by candidates for state office (9th); those contributions equaled 15.4 percent of all contributions from the ten highest-giving sectors in the state (7th). In addition, a full 20.2 percent of Hawaii’s delegates to the Democratic and Republican national conventions were teacher union members (9th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
9TH*

Hawaii is one of twenty-one states that require collective bargaining and permit unions to automatically collect agency

fees from non-member teachers—a key source of union revenue. Still, the state limits the scope of bargaining in some ways: Of twenty-one subjects examined in this analysis, Hawaii law explicitly prohibits bargaining over four: management rights, transfers, layoffs, and pension/retirement benefits. On the other hand, the remaining seventeen items are either required (wages, hours, insurance benefits, fringe benefits, and terms and conditions of employment) or permitted bargaining subjects.

#### *AREA 4: STATE POLICIES 9TH*

In part because they tend to protect teacher job security, Hawaii policies are closely aligned with traditional union interests. State law does not require that teacher evaluations include student achievement data. Further, it grants tenure virtually automatically after just two years (one of only six states that confer tenure in fewer than three years), and layoff decisions are based solely on seniority rather than teacher performance. Compared to most other states, Hawaii teachers contribute less to their pensions than their employers do, and the state's teacher-dismissal rate is the 12th-lowest in the country, with just 1.1 percent dismissed each year because of poor performance. Hawaii law also does not favor charter schools: The state places a cap with limited room for growth on the number of charters that can operate, allows for only a single authorizer, and requires that all charter schools be part of existing collective bargaining agreements (although they can apply for exemptions).

#### *AREA 5: PERCEIVED INFLUENCE 23RD*

Despite the union's considerable resources, when compared to respondents in other states, Hawaii stakeholders perceive the strength of their union to be moderate, on par with that of the state school board and association of school administrators. They agree that the HSTA fought hard in light of recent budgetary constraints to prevent reductions in pay and benefits and that the union is generally effective in protecting dollars for education. But they report that policies proposed by the governor in the latest legislative session and those actually enacted were only somewhat in line with union priorities.<sup>4</sup> The perception of limited influence despite substantial resources could indicate that the state union is maintaining a low profile in a favorable environment, may reflect the union's recent clashes with state leaders (see sidebar), or potentially illustrates the union's waning reputation after the state famously (or infamously) briefly implemented a four-day week in the fall of 2009 as a belt-tightening measure.

#### *OVERALL 1ST*

Hawaii's teacher union enjoys substantial financial resources, a large, unified membership, and a favorable policy climate. It is actively involved in state politics, and—despite its local reputation for only moderate influence—it is the strongest state union in the nation.



In December 2011, Hawaii received a letter from the U.S. Department of Education warning that it risked losing the \$75 million that the Aloha State had won through the Race to the Top (RTTT) competition because it had failed to make significant progress on the goals outlined in its application.<sup>5</sup> In response, the state and its union leaders quickly drafted a tentative contract that included a new teacher evaluation system incorporating student growth, thus fulfilling one of the main components of the state's RTTT plan.<sup>6</sup> However, union members rejected the proposed contract by a two to one margin, the first time in the history of the Hawaii State Teachers Association that the "rank and file" refused a recommendation by their leaders.<sup>7</sup> Legislation intended to pave the way for the new evaluation system died in the Senate in April 2012.<sup>8,9</sup>

The following month, the Department of Education announced that while it would remain on "high-risk" status, Hawaii would keep its RTTT grant for now. After visiting Hawaii, Department officials commended state and local leaders for their attempts to fulfill their RTTT plan. Later that month, the HSTA re-voted on the original contract deal—and this time, the members of this strongest state union in the nation approved it by 66 to 34 percent. (One reporter covering the story wrote, "In reconsidering the contract, the union stressed to members that it's the best deal they can get.")<sup>10</sup> It isn't clear whether Governor Neil Abercrombie will accept the union's second-chance approval, as he had previously insisted that after HSTA rejected the contract the first time, the offer was no longer valid.<sup>11</sup> But it may behoove both sides to come to an agreement soon, unless they'd like more visitors from Washington.

# HAWAII RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 1ST			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  3*	Membership	By rank, what percentage of public-school teachers in the state are union members?	7th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	7th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	35th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	13th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	23rd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  1*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	9th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	26th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	7th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	9th
<b>AREA 3: SCOPE OF BARGAINING</b>  9	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	31st
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  9	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	10th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	12th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>9</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>23</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Hawaii has the 7th-highest percentage of teachers who are union members. Otherwise, we report a status: Hawaii has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Hawaii are shown in the table, *Hawaii Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we then use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Hawaii is ranked 3rd of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Michele McNeil, "Ed Dept. Takes Action Against Hawaii For Race To Top Stumbles," *Education Week*, December 22, 2011, [http://blogs.edweek.org/edweek/campaign-k-12/2011/12/\\_this\\_is\\_the\\_departments.html](http://blogs.edweek.org/edweek/campaign-k-12/2011/12/_this_is_the_departments.html).

<sup>6</sup> Michele McNeil, "In Big Setback For Race To Top, Hawaii Teachers Reject Contract," *Education Week*, January 20, 2012, [http://blogs.edweek.org/edweek/campaign-k-12/2012/01/big\\_setback\\_for\\_hawaiis\\_race\\_t.html](http://blogs.edweek.org/edweek/campaign-k-12/2012/01/big_setback_for_hawaiis_race_t.html).

<sup>7</sup> Katherine Poythress, "Hawaii Teachers Reject New Contract With State," *Honolulu Civil Beat*, January 19, 2012, <http://www.civilbeat.com/articles/2012/01/19/14624-hawaii-teachers-reject-new-contract-with-state/>.

<sup>8</sup> Michele McNeil, "Is Hawaii One Step Closer To Losing Race To Top Grant?" *Education Week*, April 13, 2012, [http://blogs.edweek.org/edweek/campaign-k-12/2012/04/with\\_the\\_fate\\_of\\_hawaiis.html](http://blogs.edweek.org/edweek/campaign-k-12/2012/04/with_the_fate_of_hawaiis.html).

<sup>9</sup> Alyson Klein, "Hawaii Hangs On To Race To The Top Grant, For Now," *Education Week*, May 4, 2012, [http://blogs.edweek.org/edweek/campaign-k-12/2012/05/hawaii\\_hangs\\_on\\_to\\_race\\_to\\_the.html](http://blogs.edweek.org/edweek/campaign-k-12/2012/05/hawaii_hangs_on_to_race_to_the.html).

<sup>10</sup> Jennifer Sinco Kelleher, "Hawaii Teachers Union Approves Union Contract," *BusinessWeek.com*, May 24, 2012, <http://www.businessweek.com/ap/2012-05-24/hawaii-teachers-union-approves-union-contract>.

<sup>11</sup> *Ibid.*

STRONGER  WEAKER

OVERALL				36	
1. RESOURCES AND MEMBERSHIP				30	
2. INVOLVEMENT IN POLITICS	4				
3. SCOPE OF BARGAINING					42
4. STATE POLICIES					45
5. PERCEIVED INFLUENCE					42

### AREA 1: RESOURCES AND MEMBERSHIP 30TH

While Idaho’s state teacher unions have limited resources from their members, they see relatively high spending on education—and teachers—in the state. Only 62.2 percent of teachers in the Gem State are union members, the 35th-highest rate of 51 jurisdictions (and about equal to the average unionization rate in states where bargaining is similarly permitted but not required). Union revenue is also low: Idaho’s NEA and AFT state-level affiliates see \$444 annually per teacher in the state (29th). But the state directs 26.1 percent of its expenditures toward K-12 education—only four other states spend a higher proportion. Although state money, combined with

federal and local, amounts to not much per pupil (\$8,840; 45th), 55.9 percent of those dollars go toward teacher salaries and benefits (13th).

### AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 4TH

Idaho’s teacher unions have been a significant presence in the state politics over the past decade. Their contributions comprised 1.4 percent of total donations received by candidates for state office (11th) and 11.7 percent of candidate donations from the ten highest-giving sectors in the state (also 11th). Moreover, teacher unions contributed 3.1 percent of the donations received by state political parties (6th). The unions’ involvement extended beyond financial, with 23.1 percent of all Idaho delegates to the

Democratic and Republican national conventions identifying as teacher union members (very few states had more).<sup>3</sup>

### *AREA 3: SCOPE OF BARGAINING 42ND*

Idaho is one of fourteen states that permits, but does not require, collective bargaining, and the scope of that bargaining is limited. At the time that we calculated our data, Idaho prohibited three of the twenty-one items we examined from being included in collective bargaining: tenure, teacher transfer/reassignment, and layoffs. Should districts choose to negotiate with their employees, they must bargain wages, insurance benefits, fringe benefits, and leave. State law did not address the remaining fourteen items on our list, leaving them to the discretion of districts. (Note, though, that the recently-passed SB 1108 limits the scope of collective bargaining further: Only cost-of-living adjustments to wages and benefits are now allowable bargaining topics, although voters may overturn the law later in 2012—see sidebar. The law was passed after we calculated our metric, and thus, its provisions were not included in our analyses.) Further, Idaho does not permit teacher strikes.

### *AREA 4: STATE POLICIES 45TH*

Teacher policies in Idaho are among the least-aligned with traditional union interests of any state. For instance, Idaho requires that student achievement data be the preponderant criterion in teacher evaluations and bans seniority from consideration in layoff decisions. Recent legislation eliminated tenure for new teachers, who instead will work on annual contracts. Further, with 3.5 percent of all teachers laid off annually due to poor

performance, its dismissal rate is the 7th-highest in the country. Finally, the state does not require charter schools to participate in district collective bargaining agreements.

### *AREA 5: PERCEIVED INFLUENCE TIED FOR 42ND*

When compared to other states, stakeholder responses indicate that Idaho's teacher unions are relatively weak. While they note that Democrats *a/ways* need teacher union support to be elected, consistent with the high levels of giving discussed in Area 2, they report that the unions are weak in nearly every other respect. Survey respondents rank their influence on education policy below that of the state school board, state association of school administrators, and state school boards association. They also report that teacher unions are not effective in protecting dollars for education, that the positions of state education leaders rarely align with those of teacher unions, and that policies proposed the governor and enacted in the latest legislative session were *not at all* in line with teacher union priorities.<sup>4</sup>

### *OVERALL 36TH*

While Idaho's teacher unions are relatively significant donors and party-convention-goers—and have rendered their endorsement crucial to Democratic political candidates—they operate within an unfavorable policy environment and have not garnered much of a reputation for changing that environment.

## WATCH YOUR STEP

A 2010 Republican sweep of the Idaho legislature and governor's office gave reformers (and opponents of collective bargaining in education) a major opportunity for action—one which they immediately exploited. In early 2011, lawmakers passed a bill that gutted teacher bargaining rights and completely changed state employment and evaluation policies. Under SB 1108, all existing contracts are void and the scope of bargaining is now limited to wages and benefits, and if a district and its union cannot agree on the terms of compensation, district leaders are allowed to impose them. Evaluations, transfers, and workload (among many other things) are now off the table and completely in the hands of state and district leaders.<sup>5,6</sup> The bill also eliminates tenure for new teachers, placing them on annual contracts (which districts can extend to two years at their discretion), and removes seniority as a factor in layoff decisions. A companion bill, SB 1110, established merit pay.<sup>7</sup> Republican Sen. John Goedde emphasized that SB 1108 “isn’t about collective bargaining; it’s about putting students first.”<sup>8</sup> But Democrat Rep. Brian Cronin (a former public school teacher) countered, “Let’s stop pretending that SB 1108 has anything to do with [student achievement]. The bill intends to dismantle the Idaho Education Association, put teachers in their place, and make sure that teachers are effectively silenced.”<sup>9</sup>

Despite the pushback from the capitol, teachers and the IEA are doing their best to make sure that they are heard, organizing teacher protests and student walkouts across the state.<sup>10</sup> The Idaho Education Association filed a lawsuit against the state, Governor C.L. Otter, and State Superintendent Tom Luna, alleging that they “overstepped their legal bounds” by enacting a law that is unconstitutional on a number of fronts; the court initially rejected the suit, and the union is currently appealing the decision.<sup>11</sup> But the IEA has another opportunity to overturn both SB 1108 and SB 1110: It collected enough signatures to place veto referendums on the 2012 ballot (and tried, but failed, to put a recall of Luna before the voters as well).<sup>12</sup> In June 2012, meanwhile, twenty-one school districts took advantage of SB 1108. They unilaterally decided on provisions relative to teacher wages and benefits when negotiations with local unions reached an impasse.<sup>13</sup> An overstep or the right step? Voters will decide in November.

# IDAHO RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 36TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  30	Membership	By rank, what percentage of public-school teachers in the state are union members?	35th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	29th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	5th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	45th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	13th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  4*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	11th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	6th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	11th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	6th*
<b>AREA 3: SCOPE OF BARGAINING<sup>c</sup></b>  42	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	32nd
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  45	Performance pay	Does the state support performance pay for teachers?	Available to all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	25th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Annual contracts only
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Not considered
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	45th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>45</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>42*</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Idaho has the 35th-highest percentage of teachers who are union members. Otherwise, we report a status: Idaho permits collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See note in Area 3, above, and sidebar.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Idaho are shown in the table, *Idaho Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Idaho is ranked 30th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Laura Zuckerman, "By A 20-15 Vote, The Idaho Senate On Thursday Approved Legislation That Curtails Collective Bargaining By Public School Teachers," *Reuters*, February 24, 2011, <http://www.reuters.com/article/2011/02/24/us-idaho-teachers-idUSTRE71N7A220110224>.

<sup>6</sup> "Idaho Educators Challenge Constitutionality Of SB 1108," Idaho Education Association, April 27, 2011, <http://idahoea.org/news/iea-challenges-constitutionality-of-senate-bill-1108>.

<sup>7</sup> Betsy Z. Russell, "Bill Limits Teachers' Bargaining Powers," *Spokesman-Review*, March 9, 2011, <http://www.spokesman.com/stories/2011/mar/09/bill-limits-teachers-bargaining-powers/>.

<sup>8</sup> Zuckerman.

<sup>9</sup> Russell.

<sup>10</sup> KTVB and Associated Press, "Proposed Education Reforms Prompt Strong Reaction From Students," KTVB.com, February 28, 2011, <http://www.ktvb.com/news/Students-walk-out-of-class-in-protest-of-education-reform-plan-117064878.html>.

<sup>11</sup> Idaho Education Association.

<sup>12</sup> Sean Cavanagh, "Idaho Schools Superintendent Won't Face Recall," *Education Week*, June 28, 2011, [http://blogs.edweek.org/edweek/state\\_edwatch/2011/06/idaho\\_school\\_superintendent\\_wont\\_face\\_recall.html](http://blogs.edweek.org/edweek/state_edwatch/2011/06/idaho_school_superintendent_wont_face_recall.html).

<sup>13</sup> Betsy Z. Russell, "21 Idaho Districts Unilaterally Set Contracts For Teachers," *Spokesman-Review*, June 21, 2012, <http://www.spokesman.com/stories/2012/jun/21/21-idaho-districts-unilaterally-set-contracts-for/>.

# ILLINOIS

OVERALL RANK: 8TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER  WEAKER

OVERALL	8				
1. RESOURCES AND MEMBERSHIP			18		
2. INVOLVEMENT IN POLITICS		12			
3. SCOPE OF BARGAINING	3				
4. STATE POLICIES					39
5. PERCEIVED INFLUENCE				28	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 18TH

While the two state-level teacher unions in Illinois have high membership rates compared to other states, the union revenues and spending on K-12 education are both in the middle of the pack. Fully 96.2 percent of teachers in the Land of Lincoln belong to unions (8th-highest out of 51 jurisdictions). But the state’s NEA and AFT affiliates bring in just \$497 annually per teacher in the state (25th). Spending on K-12 education by the state is moderate, accounting for 18.7 percent of Illinois’s expenditures (29th). Education dollars from all sources (local, state, and federal) are moderate as well—\$11,229 per pupil annually (27th), with 53.1 percent of that money going toward teacher salaries and benefits (34th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> 12TH

Teacher unions have been significant contributors to state political campaigns in Illinois over the past decade: Teacher-union donations to state candidates comprised 3.6 percent of all such donations, the largest proportion in the land.<sup>3</sup> Of the money donated by the ten highest-giving sectors, teacher unions gave 18.2 percent (3rd). Unions focused their contributions on candidates as opposed to state political parties: a mere 0.6 percent of donations to parties in Illinois came from teacher unions (33rd). Finally, 14.2 percent of all delegates to the Democratic and Republican national conventions were teacher union members (23rd).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
3RD*

Illinois is one of twenty-one states that both require collective bargaining and allow unions to automatically collect agency fees from non-member teachers, a key source of union revenue. The state also has one of the broadest scopes of bargaining in the nation—of the potential contract provisions examined in this metric, all twenty-one may be bargained. State law mandates that five be negotiated: wages, hours, terms and conditions of employment, class load, and extracurricular duties.<sup>5</sup> The remaining sixteen provisions are either explicitly permitted (four items) or implicitly allowed because the state takes no position; and, as recently demonstrated by the Chicago Teachers Union, Illinois law permits teacher strikes.

*AREA 4: STATE POLICIES  
39TH*

Many of Illinois's state policies do not align with traditional teacher union interests. The state specifies that teacher evaluations be significantly informed by student growth. Tenure is granted after four years (three years is the national norm) and the tenure decision must take student growth into consideration. Layoff decisions must take teacher performance into account rather than relying on seniority alone. Further, Illinois law allows new and virtual charter schools, as well as conversions of traditional public schools. Charters are not required to participate in collective bargaining agreements. A handful of policies, however, are more favorable to unions: The state does not support performance pay, and it places a cap on the number of charter schools allowed to operate. The paucity of

favorable policies may have encouraged union donations to state politics (Area 2), which more than doubled between 2004 and 2010.

*AREA 5: PERCEIVED INFLUENCE  
28TH*

Stakeholders in Illinois perceive teacher unions to be an active—if not always effective—force in state politics. Survey respondents rank the union among the entities with the greatest influence on education policies, after the state school board. They report that Democrats often need teacher union support to be elected, and that state education leaders often align with union positions. But they note that education policies proposed by the governor and those enacted in the most recent legislative session were only somewhat in line with teacher union priorities.<sup>6</sup> They also report that, in a time of recent budgetary constraints, teacher unions conceded from the outset that some reductions in pay and benefits were acceptable.

*OVERALL  
8TH*

Illinois state teacher unions operate in a favorable collective bargaining environment and are very active in state-level politics. Yet despite these advantages, they do not have a particularly favorable policy environment, and their perceived effectiveness is moderate when compared with unions in other states.

In contrast to the political war waged in many neighboring states, Illinois state legislators, teacher unions, and the governor reached détente in Spring 2011. They jointly backed SB 7, a sweeping education-reform bill that considers teacher performance (not just seniority) in teacher pay, tenure, and dismissal; streamlines the dismissal process; and makes legal strikes more difficult.<sup>7,8</sup> (The spirit of cooperation clearly didn't extend to Chicago, where implementing SB 7 was a major part of the September 2012 Chicago Teachers Union strike—the first strike in twenty-five years.<sup>9</sup>) Despite support for the bill, however, there has been a major hang-up to implementing it: dollars. “We keep [making aggressive reforms] for less and less money...and there's a breaking point,” warned State Superintendent Chris Koch.<sup>10</sup>

To avoid that financial cliff, in late 2011 Senate Democrats, along with Democrat Governor Pat Quinn, proposed a comprehensive plan to reform the state pension system. As of July 2012, the bill remained stalled in the legislature due to an unlikely meeting of the minds between labor unions and Republican representatives.<sup>11,12</sup> Reacting to the requirement that local districts make up for state cuts, Dan Montgomery, president of the Illinois Federation of Teachers, railed that “there's no free choice here, but a coercive dilemma where a public servant must choose between harm on the one hand or more harm on the other.”<sup>13</sup> Republican lawmakers agreed: The bill would force districts to raise property taxes or make cuts in the classroom, neither of which is palatable. Democrat Representative Elaine Nekritz countered that moving the burden away from the state was essential: “With this change, we can move away from being financial laughingstocks.” With the clock ticking down on the state's gravely underfunded pensions and lawmakers acting with no sense of urgency, time may make a fool of them all.

# ILLINOIS RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 8TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  18*	Membership	By rank, what percentage of public-school teachers in the state are union members?	8th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	25th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	29th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	27th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	34th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  12	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	1st
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	33rd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	3rd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	23rd
<b>AREA 3: SCOPE OF BARGAINING</b>  3	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	7th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  39	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	23rd
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Four years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	32nd
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>39</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>28</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/ Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/ Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/ Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Illinois has the 8th-highest percentage of teachers who are union members. Otherwise, we report a status: Illinois has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Illinois are shown in the table, *Illinois Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Illinois is ranked 18th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from national unions and local union affiliates. Typically, the total contributions from each are much smaller than the donations from the state unions. But in Illinois's case, a local union (the AFT-affiliated Chicago Teachers Union) gave almost as much as the state unions did.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> Illinois Senate Bill 7, passed June 2011, stipulates that hours are a permissive rather than mandatory subject in districts that serve cities with a population greater than 500,000 people (in other words, Chicago). In such cases, district leaders can decide whether to negotiate or impose the length of the work and school day/year. See Note 9, below, for more.

<sup>6</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>7</sup> Ellen Alberding, "Illinois: The New Leader In Education Reform," *Chicago Tribune*, June 13, 2011, [http://articles.chicagotribune.com/2011-06-13/news/ct-oped-0613-reform-20110613\\_1\\_piece-of-education-legislation-teachers-kimberly-lightford](http://articles.chicagotribune.com/2011-06-13/news/ct-oped-0613-reform-20110613_1_piece-of-education-legislation-teachers-kimberly-lightford).

<sup>8</sup> Illinois Senate Bill 7, accessed July 23, 2012, <http://www.ilga.gov/legislation/97/SB/09700SB0007sam001.htm>.

<sup>9</sup> The Chicago strike touched on many of the contentious issues in education reform: merit pay (and teacher pay more generally), evaluations, and length of school day. The conflict began in July 2012 when an arbitrator ruled that while the city could lengthen the school day, it could not demand teachers work more hours without additional compensation. However, both union and management rejected the plan laid out by the ruling, and talks stalled through the summer, resulting in a seven-day strike at the start of the school year in September. The agreement that eventually ended the walkout does maintain Mayor Rahm Emanuel's stated primary goals: Students now have a longer school day and principals kept their right to decide which teachers to hire. But the settlement's other provisions reflect the union's goals, perhaps because Democratic leadership—including the well-connected Emanuel—was concerned about the strike's effect on the presidential election. The agreement does not contain merit pay; gives teachers across-the-board raises of 3 percent, 2 percent, and 2 percent over the next three years; sets the portion of evaluations based on student growth at 30 percent, nearly at the minimum level of 25 percent required by state law; leaves teacher work hours untouched while requiring the city to hire additional teachers to cover the lengthened school day; and ensures that half of all new district hires are teachers who were laid off in 2010 due to budget constraints. As of publication, details of the new contract were being finalized, after which it must be approved by rank-and-file union members. But it appears safe to say that the CTU got most of what it wanted. See "Chicago Teachers Strike: Union, Emanuel Disagree On Bottom Line," *HuffingtonPost.com*, September 9, 2012, [http://www.huffingtonpost.com/2012/09/10/chicago-teachers-school-b\\_n\\_1869477.html](http://www.huffingtonpost.com/2012/09/10/chicago-teachers-school-b_n_1869477.html); "Chicago Teachers Agree To End Strike, Classes To Resume Wednesday," *NBC News*, September 18, 2012, [http://usnews.nbcnews.com/\\_news/2012/09/18/13938248-chicago-teachers-agree-to-end-strike-classes-to-resume-wednesday?lite](http://usnews.nbcnews.com/_news/2012/09/18/13938248-chicago-teachers-agree-to-end-strike-classes-to-resume-wednesday?lite).

<sup>10</sup> Ray Long, "Education Reforms Underfunded, Illinois School Chief Warns," *Chicago Tribune*, July 18, 2011, [http://articles.chicagotribune.com/2011-07-18/news/ct-met-education-reform-funding-20110718\\_1\\_evaluations-teacher-performance-education-reforms](http://articles.chicagotribune.com/2011-07-18/news/ct-met-education-reform-funding-20110718_1_evaluations-teacher-performance-education-reforms).

<sup>11</sup> "Schools Predict Local Burdens From Pension Plan," *Illinois Daily Herald*, May 30, 2012, <http://www.dailyherald.com/article/20120530/news/705309938/>.

<sup>12</sup> Associated Press, "Illinois Governor Hints At Calling Legislative Session Next Month Over Pensions," *Chicago Tribune*, July 18, 2012, <http://www.chicagotribune.com/news/local/sns-ap-il--illinois-pensions-quinn-20120718,0,5084344.story>.

<sup>13</sup> Dave McKinney and Andrew Maloney, "Unions: Pension Bill Forces Choice 'Between Harm... Or More Harm,'" *Chicago Sun-Times*, May 29, 2012, <http://www.suntimes.com/news/cityhall/12844079-418/unions-pension-changes-force-choice-between-harm-or-more-harm.html>.



# INDIANA

OVERALL RANK: 31ST<sup>1</sup>  
TIER 4 (AVERAGE)

STRONGER 
←
→
 WEAKER

OVERALL			31	
1. RESOURCES AND MEMBERSHIP	9			
2. INVOLVEMENT IN POLITICS		13		
3. SCOPE OF BARGAINING			39	
4. STATE POLICIES				44
5. PERCEIVED INFLUENCE			32	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 9TH

Indiana's state teacher unions have substantial internal resources, and see that K-12 education (and teacher salaries and benefits) accounts for a high percentage of spending in the state. With 73.7 percent of its teachers belonging to unions, the Hoosier State posts the 29th-highest unionization rate of 51 states. The NEA and AFT state-level affiliates bring in \$679 annually per Indiana teacher (8th of 51). Further, a hefty 30.1 percent of state expenditures go to K-12 education (2nd; only Vermont allocates a higher percentage toward education).<sup>2</sup> While total per-pupil expenditures are right around the national mean (\$10,419 annually; 33rd), teachers benefit from a large share of those dollars—55.3 percent goes toward their salaries and benefits (19th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>3</sup> TIED FOR 13TH

Indiana's teacher unions have been a larger presence in state politics than their counterparts in most other states. In the past decade, 2.8 percent of contributions to candidates for state office came from teacher unions (3rd). Of the donations originating from the top ten highest-giving sectors in the state, 16.7 percent were from the unions (5th). The unions focused on candidates rather than state political parties, however, contributing only 0.2 percent of all donations to Indiana parties (45th). And 14.3 percent of all Indiana delegates to the Democratic and Republican national conventions were teacher union members (22nd).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING*  
*39TH*

Indiana is one of thirty-two states that require collective bargaining, but on this indicator it ranks lower than every other mandatory-bargaining state except Wisconsin (and lower even than seven of the fourteen states where bargaining is permitted but not required—see sidebar). The low rank is largely due to state law that sharply limits the number of issues that can be bargained: Indiana explicitly prohibits bargaining over sixteen of the twenty-one items examined in this report. Only four must be bargained—wages, and insurance, pension/retirement, and fringe benefits—and bargaining over grievance procedures is permitted but not required. Unions' legal rights were further limited by recently enacted right-to-work legislation that stops them from collecting agency fees, a key source of revenue, from non-member teachers. The new law will likely diminish the now-abundant financial resources discussed in Area 1. Indiana also does not permit teacher strikes.

*AREA 4: STATE POLICIES*  
*44TH*

Indiana policies are less aligned with traditional union interests than those in nearly every other state. Per recent legislation, Indiana is one of only three states with a state-supported mandatory system of merit pay for all teachers. Further, evidence of student learning must significantly inform teacher evaluations, and teachers are automatically eligible for dismissal after unsatisfactory evaluations. Indiana charter laws are also contrary to the typical union position, which looks to limit charter expansion and autonomy. Indiana allows new, conversion, and virtual charter schools, offers multiple authorizing

options for school operators, and does not cap the total number of charters. Nor are charters required to participate in district collective bargaining agreements. They can also apply for exemptions to state teacher certification requirements. The unfavorable bargaining (Area 3) and state policy (Area 4) environments may account for the high level of teacher union campaign donations (Area 2), as unions try to change existing conditions.

*AREA 5: PERCEIVED INFLUENCE*  
*32ND*

Indiana's stakeholders view teacher unions as active players in state policy debates, but agree that unions have not pulled much sway of late. While they strongly agree that Democrats need teacher union support to get elected, they rank teacher unions as less influential in shaping state policy than education advocacy organizations and the governor. Further, their responses indicate state education leaders are the least aligned with the union position than they are in any other state, and the unions have not seen much success of late in this Republican-dominated state (see sidebar). In fact, respondents report that policies proposed by the governor and enacted in the latest legislative session were mostly not in line with teacher union priorities.<sup>5</sup>

*OVERALL*  
*31ST*

Indiana teacher unions are stronger than those in some states but weaker than those in many others—and Indiana ranks low among the states in which bargaining is mandatory (27th of 33). They have considerable internal resources (and contribute relatively generously to candidates for state office), but while the state dedicates a high proportion of its

money to K-12 education, the laws that limit the scope of bargaining, prescribe teacher employment policies, and set forth charter school policies show little alignment with traditional union interests. Their resources and already-weak reputation will likely diminish due to new legislation and a Republican-led legislature (again, see sidebar).

## FROM BAD TO WORSE

2011 was not a good year for the Indiana State Teachers Association (ISTA). Mirroring his 2005 executive order that eliminated collective bargaining for state workers, Republican Governor Mitch Daniels signed a bill that restricted the scope of teachers' bargaining to wages and benefits. With evaluations, transfers, and dismissals off the negotiating table, Daniels and State Superintendent of Education Tony Bennett proposed SB 1, which Republican lawmakers quickly passed. The law mandates that teacher evaluations be based in part on student growth, and requires merit pay while lessening the weight of seniority and advanced degrees on salaries (although, in a nod to local autonomy, district leaders may choose their own evaluation model).<sup>6,7</sup> The ISTA organized a boisterous rally at the statehouse in what ISTA director Heidi Miller called "an indication of how serious, how concerned, our teachers are about how the so-called education reform is going to impact their students."<sup>8</sup> The protest saw no success, although it did prompt Daniels to issue a written statement saying "as always, the union's demand is more money, no change... Their priority is their organization, not the young people of Indiana."<sup>9</sup> In the same session, the legislature removed the state's cap on charter schools, expanded the number of charter authorizers, and required that district schools share transportation funds with charters. This was immediately followed by HB 1003, which created a publicly funded voucher program, implemented tax deductions for private school tuition, and expanded tax credits for organizations offering private school scholarships.<sup>10</sup> Bennett praised lawmakers for their work, and sent a message to the unions: "I commend the committee members... for their courage to do what is right in the face of considerable opposition from those whose primary objective seems to be protecting a system of school buildings rather than advocating for all Indiana children."<sup>11</sup>

As if 2011 weren't bad enough, in 2012 another resounding piece of anti-union legislation made Indiana the first right-to-work state in the Rust Belt.<sup>12</sup> The ISTA also discovered that it couldn't rely on the courts for protection against anti-union state leaders: Although it filed a successful lawsuit against a portion of SB 1 on grounds that it violated Indiana labor law, the overall restrictions on collective bargaining still stand.<sup>13</sup> The union also supported a lawsuit to stop HB 1003, claiming that it violated the state constitution by directing taxpayer money to religious institutions, but a Superior Court judge upheld the measure.<sup>14</sup> With Bennett up for re-election in November 2012 in a race receiving national attention (and out-fundraising his union-supported Democrat challenger nearly ten-to-one), the union might not have allies in the capitol any time soon.<sup>15</sup> So while nearby Wisconsin has received national attention for its anti-labor stance, the wide range of education-specific policies in Indiana may actually make it a better contender for most teacher-union-unfriendly state in the nation.

# INDIANA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 31ST			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  9*	Membership	By rank, what percentage of public-school teachers in the state are union members?	29th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	8th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	2nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	33rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	19th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	3rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	45th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	5th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	22nd
<b>AREA 3: SCOPE OF BARGAINING</b>  39	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	45th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  44	Performance pay	Does the state support performance pay for teachers?	Required for all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	19th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	25th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>44</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>32</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Indiana has the 29th-highest percentage of teachers who are union members. Otherwise, we report a status: Indiana has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Indiana are shown in the table, *Indiana Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Indiana is ranked 9th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers may be aware that Indiana passed legislation in 2009 that required all of a school district's general-fund revenue come from directly from the state, therefore eliminating local property taxes and by necessity increasing K–12 education's share of overall state expenditures. See Robert S. Michael, Terry E. Spradlin, and Fatima R. Carson, "Changes in Indiana School Funding," Center for Evaluation and Education Policy, Summer 2009, accessed August 28, 2012, [http://ceep.indiana.edu/projects/PDF/PB\\_V7N2\\_Summer\\_2009\\_EPB.pdf](http://ceep.indiana.edu/projects/PDF/PB_V7N2_Summer_2009_EPB.pdf).

<sup>3</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Elle Moxley, "How Districts Are Preparing For State-Mandated Teacher Evaluations," StateImpact Indiana, May 16, 2012, <http://stateimpact.npr.org/indiana/2012/05/16/how-school-districts-are-preparing-for-mandatory-teacher-evaluations/>.

<sup>7</sup> Maureen Hayden, "Gov. Daniels Signs 'Landmark' Education Bill," *Herald Bulletin*, April 30, 2011, <http://heraldbulletin.com/local/x833654119/Seniority-degrees-lose-value-under-new-plan>.

<sup>8</sup> Mark Peterson, "Charter School Bill Passes Test," WNDU Indiana, February 12, 2011, [http://www.wndu.com/localnews/headlines/Charter\\_school\\_bill\\_passes\\_test\\_115983179.html](http://www.wndu.com/localnews/headlines/Charter_school_bill_passes_test_115983179.html).

<sup>9</sup> Kent Erdahl, "Teachers Fill Statehouse, Rally Against Proposed Education Reforms," WXIN-TV (Fox59.com), February 9, 2011, <http://www.fox59.com/news/wxin-education-reform-indiana-educators-packed-the-statehouse-on-tuesday-to-voice-their-concerns-about-education-reforms-proposed-by-governor-mitch-daniels-and-making-their-way-through-20110208,0,7282343.story>.

<sup>10</sup> Sean Cavanagh, "Indiana Education Package Bears Conservative Stamp," *Education Week*, Issue 31, <http://www.edweek.org/ew/articles/2011/05/12/31indiana.h30.html>.

<sup>11</sup> Indiana Department of Education press release, "Bennett Statement Of Education Bills Passing Committee," February 16, 2011, <http://www.doe.in.gov/news/bennett-statement-education-bills-passing-committee>.

<sup>12</sup> Mary Beth Schneider and Chris Sikich, "Indiana Becomes Rust Belt's First Right-To-Work State," *Indianapolis Star*, February 2, 2012, <http://www.usatoday.com/news/nation/story/2012-02-01/indiana-right-to-work-bill/52916356/1>.

<sup>13</sup> NSBA Legal Clips, "Indiana Court Preliminarily Enjoins State Department Of Education From Requiring School Districts To Use Teacher Contract Form," National School Boards Association, August 25, 2011, <http://legalclips.nsba.org/?p=8296>.

<sup>14</sup> Associated Press, "Judge Upholds Indiana School Voucher Law," January 13, 2012, <http://www.ibj.com/judge-upholds-indiana-school-voucher-law/PARAMS/article/31962>.

<sup>15</sup> Kyle Stokes, "Interactive Map: Who's Giving Money In The Campaign For State superintendent," StateImpact Indiana, August 2, 2012, <http://stateimpact.npr.org/indiana/2012/08/02/interactive-map-whos-giving-money-in-the-campaign-for-state-superintendent/>.

STRONGER  WEAKER

OVERALL			27		
1. RESOURCES AND MEMBERSHIP			27		
2. INVOLVEMENT IN POLITICS			23		
3. SCOPE OF BARGAINING				32	
4. STATE POLICIES	11				
5. PERCEIVED INFLUENCE				31	

**AREA 1: RESOURCES AND MEMBERSHIP**  
27TH

Compared with unions in other states, the membership and financial resources of Iowa’s state teacher union is in the middle of the pack. Approximately three out of four teachers in the Hawkeye State are union members (its membership rate of 73.3 percent is 30th out of 51 jurisdictions). From its members, the Iowa Education Association brings in \$496 annually per teacher in the state (26th of 51). And while 57.3 percent of total K-12 education spending in Iowa goes to teacher salaries and benefits (8th), just 17.4 percent of state expenditures go toward K-12 education (34th), giving teachers what amounts to a large slice of a small pie.

**AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup>**  
TIED FOR 23RD

Teacher unions have been moderately active in Iowa state politics over the past decade.<sup>3</sup> Their donations amounted to 0.59 percent of the total contributions to candidates for state office (25th) and 2.2 percent of donations received by state political parties (12th). Further, 16.6 percent of Iowa’s delegates to the Democratic and Republican national conventions were teacher union members (16th).<sup>4</sup>

**AREA 3: SCOPE OF BARGAINING**  
32ND

While Iowa is one of thirty-two states that require collective bargaining, the state does not permit its unions to automatically collect agency fees from

non-member teachers, and it prohibits teacher strikes. Still, the state allows a broad scope of bargaining: Of twenty-one provisions examined in this metric, nine must be negotiated: wages, hours, grievance procedures, transfers/teacher reassignments, layoffs, evaluation processes and instruments, insurance benefits, fringe benefits, and leave. Only one item, pension/retirement benefits, is explicitly excluded from negotiations. Bargaining over the remaining eleven items is implicitly allowed because the state is silent on them.

#### *AREA 4: STATE POLICIES 11TH*

Iowa's education policies generally align with traditional teacher union interests. State law does not require that student achievement factor into teacher evaluations; does not support teacher performance pay; and grants tenure virtually automatically after three years. Further, charter schools are limited; although there's no cap on the number of such schools, Iowa does not allow new or virtual charters, only conversions of existing district schools. It also requires all charters to be approved by both a local school board and the state board of education—a more restrictive authorizing policy than in many other states. All charter school teachers must be certified and all charter schools must participate in district collective bargaining agreements.

#### *AREA 5: PERCEIVED INFLUENCE 31ST*

Stakeholders report that the Iowa union has limited reach. Survey respondents rank its influence on education policy slightly behind that of the state school board and slightly ahead of the association of school administrators, the school board

association, and education advocacy organizations. But they note that state education leaders only sometimes align with teacher union priorities, and that unions often turn to compromise to see their preferred policies enacted. In addition, stakeholders report that policies proposed in the latest legislative session were mostly *not* in line with union priorities, while policies actually enacted were only *somewhat* in line.<sup>5</sup>

#### *OVERALL 27TH*

While Iowa teachers see a comparatively large share of overall spending on K-12 education going to teacher salary and benefits, their state union does not have a large degree of financial and membership resources itself. Even though unions contribute significant amounts to state political parties, and enjoy a favorable policy environment at the state level, stakeholders do not perceive the union as particularly influential.



The slide of Hawkeye students from well above the national average in reading and math in the early to mid-1990s down to average in 2011 garnered significant concern from state leaders.<sup>6</sup> In July 2011, Republican governor Terry Branstad hosted the Iowa Education Summit, and Chris Bern, then president of the Iowa State Education Association (ISEA), was pleased with the results: “It was a good exchange of a lot of different ideas.”<sup>7</sup> He was not so enthusiastic when Branstad presented the blueprint for his education reform bill, which included a progressive plan for compensation, increased tenure requirements, and a plan to decertify teachers on the basis of unsatisfactory evaluations.<sup>8</sup>

Discussion of the plan in the legislature quickly broke along party lines, with Republicans supporting the governor while Senate Democrats insisted on amending provisions related to student testing, the expansion of charter schools, and online education. The ISEA also pushed hard for such amendments.<sup>9</sup> The reform bill that the Senate finally passed replaced the formal annual evaluations that Branstad sought with peer reviews two out of every three years, omitted a value-added assessment system, and reduced opportunities for online learning.<sup>10</sup> “Unfortunately, I think the Senate bill is a much watered-down version,” lamented Branstad.<sup>11</sup> But the two chambers of the legislature passed the bill, which the governor signed in May 2012 (although not without taking one last swipe at the law, calling it “a first step” but affirming that “bold reform is still needed”).<sup>12</sup>

Turns out more than just Iowans were paying attention to the outcome. When the federal government issued a stack of NCLB waivers in June 2012, Iowa was conspicuously omitted. The state’s department of education and governor both pointed fingers at lawmakers, indicating that legislative (in)action was to blame. “Responsibility for the denial of this request lies squarely at the feet of the Iowa Legislature, which did too little to improve our schools despite repeated warnings,” said Branstad.<sup>13</sup> Whether the legislature is to blame for its toothless reform bill or the union for pressuring lawmakers to remove the teeth, little help is in sight for Iowa’s still-sliding students.

# IOWA RANKINGS BY AREA AND INDICATOR

**OVERALL RANK: 27TH**

<i>Area and Rank<sup>a</sup></i>	<i>General Indicator</i>	<i>Sub-Indicator</i>	<i>Sub-Indicator Rank/Status<sup>b</sup></i>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  27	Membership	By rank, what percentage of public-school teachers in the state are union members?	30th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	26th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	34th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	21st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	8th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  23*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	25th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	12th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	35th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	16th
<b>AREA 3: SCOPE OF BARGAINING</b>  32	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	4th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  11	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	29th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	17th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>11</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; No allowable exemptions
<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>31</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Iowa has the 30th-highest percentage of teachers who are union members. Otherwise, we report a status: Iowa has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Iowa are shown in the table, *Iowa Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Iowa is ranked 27th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> In this metric, we include contributions from state unions and their local and national affiliates. While in most states the state-level union is the largest donor, in Iowa the AFT-national is a major contributor as well.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> "State Profiles," National Center for Education Statistics, accessed July 20, 2012, <http://nces.ed.gov/nationsreportcard/states/>.

<sup>7</sup> Steve Woodhouse, "ISEA's Bern Pleaded That Teachers Have Role In Education Reform," *Journal Express*, August 5, 2011, <http://journalexpress.net/local/x850291497/ISEAs-Bern-pleaded-that-teachers-have-role-in-education-reform>.

<sup>8</sup> Jeff Ignatius, "No Poison Apple? Terry Branstad's Education Proposal Aims To Be Palatable To Varied Legislators And Interests. They're Open To Reform But Leery," *River Cities' Reader*, January 19, 2012, <http://www.rcreader.com/commentary/branstad-education-reform/>.

<sup>9</sup> "Education Reform Talking Points," Iowa State Education Association, March 7, 2012, [http://www.isea.org/assets/document/TP\\_ed\\_reform\\_bill-revised.pdf](http://www.isea.org/assets/document/TP_ed_reform_bill-revised.pdf).

<sup>10</sup> Jason Clayworth, "Iowa Senate Passed Education Reform; Hurdles Ahead," *Des Moines Register*, April 9, 2012, <http://blogs.desmoinesregister.com/dmr/index.php/2012/04/09/iowa-senate-passed-education-reform-hurdles-ahead/>.

<sup>11</sup> *Ibid.*

<sup>12</sup> Jason Clayworth, "Branstad Signs Education Reform; Shakes Finger For Using 'One-Time Money,'" *Des Moines Register*, May 25, 2012, <http://blogs.desmoinesregister.com/dmr/index.php/2012/05/25/branstad-signs-education-reform-shakes-finger-for-using-one-time-money/>.

<sup>13</sup> Mary Stegmeir, "Iowa Denied NCLB Waiver," *Des Moines Register*, June 21, 2012, <http://blogs.desmoinesregister.com/dmr/index.php/2012/06/21/iowa-denied-nclb-waiver/>.

# KANSAS

OVERALL RANK: 32ND<sup>1</sup>  
TIER 4 (WEAK)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>				<b>32</b>	
<b>1. RESOURCES AND MEMBERSHIP</b>				<b>33</b>	
<b>2. INVOLVEMENT IN POLITICS</b>		<b>18</b>			
<b>3. SCOPE OF BARGAINING</b>				<b>31</b>	
<b>4. STATE POLICIES</b>		<b>14</b>			
<b>5. PERCEIVED INFLUENCE</b>				<b>30</b>	

*AREA 1: RESOURCES AND MEMBERSHIP  
TIED FOR 33RD*

Kansas’s state teacher unions do not receive substantial resources from their members, but spending on education in the state is high. With just 54.7 percent of its teachers unionized, the Sunflower State’s membership rate is only 42nd of 51 states. The state’s NEA and AFT affiliates bring in \$336 annually per teacher in the state (32nd). On the other hand, Kansas directs 26.0 percent of its expenditures towards K-12 education—only five states allocate a higher percentage. Further, annual per-pupil expenditures total \$12,056 (20th), with 55.6 percent of that going to teacher salaries and benefits (17th).

*AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup>  
TIED FOR 18TH*

Kansas’s teacher unions are reasonably active participants in state politics. Over the past ten years, 0.92 percent of the total donations received by candidates for state office came from the unions (19th). Those contributions amounted to 6.9 percent of donations to candidates from the ten highest-giving sectors in the state (20th). In addition, teacher unions contributed 0.49 percent of the money received by state political parties (37th). Finally, 13.1 percent of all Kansas delegates to the Democratic and Republican national conventions were teacher union members (26th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING*  
*31ST*

While Kansas law requires collective bargaining, it does not allow unions to automatically collect agency fees from non-members. The law also forbids teacher strikes, but it does include a wide scope of provisions in collective bargaining: Of twenty-one items examined in this metric, Kansas mandates ten be subjects of bargaining: wages, hours, terms and conditions of employment, grievance procedures, dismissal, insurance benefits, pension/retirement benefits, fringe benefits, leave, and class load. Only one item (length of the teacher school year) is explicitly outside the scope of bargaining; the state is silent on the remaining ten items, implicitly permitting them all.

*AREA 4: STATE POLICIES*  
*14TH*

Compared to other states, policies in Kansas are generally aligned with traditional union interests. The state does not require that student achievement data factor into teacher evaluations, and it does not outline consequences for unsatisfactory evaluations. Teachers earn tenure after three years (the national norm), and student achievement data are not a factor here, either. The state does not support performance pay, nor does it require that districts consider teacher performance when determining layoffs. Further, state law does not exempt charter schools from teacher certification requirements, and it requires charters to participate in district collective bargaining agreements (though individual schools may seek waivers).

*AREA 5: PERCEIVED INFLUENCE*  
*30TH*

According to Kansas stakeholders, teacher unions are a moderately powerful force in state politics but may not face much of a challenge, noting that state education leaders often align with the union position. Survey respondents rank unions as the second- or third-most influential entity on education policy, behind the state school board and alongside the association of school administrators. While they note that outcomes of the latest legislative session were only somewhat in line with teacher union priorities, they agree that teacher unions are generally effective in protecting dollars for education and warding off education reform proposals with which they disagree.<sup>4</sup>

*OVERALL*  
*32ND*

Kansas teacher unions are strong in a handful of key areas—state spending on education and the general policy environment—but relatively weak in others, including financial and membership resources, and the scope of bargaining. While close to the middle of the pack nationwide, they are among the least-powerful unions in states in which bargaining is mandatory (South Dakota, Tennessee, New Mexico, and Florida rank below them, while 27 other mandatory-bargaining states rank higher).

The past few years have seen a massive budgetary battle waged in the Jayhawk State—with education on the front lines. In 2011, the Kansas National Education Association (KNEA) teamed up with school board members, superintendents, and liberal lawmakers to fight against funding cuts that would, according to them, set spending levels back twenty years and severely impact students.<sup>5</sup> While conservative legislators argued that education spending should rise and fall with tax revenues (and Kansas had certainly seen its revenues fall with the recession), the KNEA countered that the legislature should follow the advice of its own Kansas Advisory Council on Intergovernmental Relations, which recommended raising revenue by discontinuing a \$196 million sales tax exemption for industry. Despite concerns about the economic impact of removing the exemption, KNEA President Blake West declared that the state must end the “decade of continuous tax cuts that have crippled the state’s ability to provide essential services to its citizens.”<sup>6</sup> KNEA director of governmental affairs Mark Desetti went a step further: “If this Legislature can’t support our schools, maybe we should find one that will.”<sup>7</sup> But in May 2012, to the chagrin of the union (but with the approval of pro-business groups), Governor Sam Brownback signed into law yet more breaks; the new law included reductions in individual income tax rates and the exemption of most small business income from any state taxes.<sup>8</sup>

In the summer of 2012, the KNEA set about making its threat to the legislature a reality. The month before the August primaries, the union released its list of recommended legislative candidates. Of the 131 incumbent House and Senate members running for re-election, it endorsed only 60.<sup>9</sup> “Do not allow a candidate to say, ‘I believe in public schools.’ Hold their feet to the fire,” said Desetti.<sup>10</sup> Predictably, the KNEA did not have a single endorsement in common with those of the Kansas Chamber of Commerce, the union’s foe during the push to remove tax breaks for industry. Jeff Glendening, the Chamber’s vice president of political affairs, proclaimed that the teacher union is “wholly about money. How much money is going into the system.”<sup>11</sup> The Kansas primary, and 2012 general election, will see the voters decide where the money should go.

# KANSAS RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 32ND			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  33*	Membership	By rank, what percentage of public-school teachers in the state are union members?	42nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	32nd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	6th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	20th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	17th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  18*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	19th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	37th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	20th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	26th
<b>AREA 3: SCOPE OF BARGAINING</b>  31	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	3rd
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  14	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	28th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	24th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>14</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>30</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	**
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Kansas has the 42nd-highest percentage of teachers who are union members. Otherwise, we report a status: Kansas has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Kansas are shown in the table, *Kansas Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Kansas is ranked 33rd of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Angela Deines, "Education Advocates Rally Against Budget Cuts," *Capitol Journal*, July 30, 2011, <http://cjonline.com/news/2011-07-30/education-advocates-rally-against-budget-cuts#.TKVL4GF18oE>.

<sup>6</sup> Blake West, "What's Important, What's Urgent," Kansas National Education Association, n.d., <http://www.knea.org/home/614.htm>.

<sup>7</sup> Deines.

<sup>8</sup> Emily Behlmann, "What Does The Kansas Tax Reform Plan Mean For You," *Wichita Business Journal*, May 11, 2012, <http://www.bizjournals.com/wichita/blog/2012/05/what-does-the-kansas-tax-reform-plan.html?page=all>.

<sup>9</sup> Mark Desetti, "KNEA Makes Preliminary Candidate Recommendations For The August 7 Primary Election," Kansas National Education Association, August 7, 2012, <http://www.knea.org/home/1618.htm>.

<sup>10</sup> Dawn Bormann, "Education Is Key In Kansas Primaries," *Kansas City Star*, July 26, 2012, <http://www.kansascity.com/2012/07/20/3724067/education-is-at-focus-of-kansas.html>.

<sup>11</sup> *Ibid.*

# KENTUCKY

OVERALL RANK: 28TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER 
←
→
 WEAKER

OVERALL			28		
1. RESOURCES AND MEMBERSHIP				35	
2. INVOLVEMENT IN POLITICS			26		
3. SCOPE OF BARGAINING			26		
4. STATE POLICIES	10				
5. PERCEIVED INFLUENCE		11			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 35TH

In Kentucky, collective bargaining is permitted but not required, which means the single state-level teacher union has relatively sparse financial and membership resources. With only 58.4 percent of its teachers unionized, the membership rate in Bluegrass State is 37th out of 51 jurisdictions. And the Kentucky Education Association brings in just \$304 annually per teacher in the state (35th). Even though 55.8 percent of K-12 expenditures are directed toward teacher salaries and benefits (14th), that amounts to a big piece of a small pie: Per-pupil spending puts Kentucky 36th (\$10,231 annually).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 26TH

Compared to other states, union involvement in state politics ranks Kentucky in the middle of the pack. In the past decade, 0.54 percent of the total donations to state candidates came from teacher unions (28th). While not particularly hefty overall, those contributions amounted to 16.1 percent of the money donated by the ten highest-giving sectors in the state (6th). In addition, 0.57 percent of the total donations to state political parties came from teacher unions (35th). Despite this financial presence, however, none of Kentucky's delegates to the 2000 Democratic or Republican national conventions identified as a teacher union member.<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
26TH*

Kentucky law addresses neither collective bargaining nor agency fees in public education, thus implicitly permitting both. The omission opens all twenty-one provisions examined in this metric for bargaining. The state does not permit public employees, teachers included, to strike.

*AREA 4: STATE POLICIES  
10TH*

Policies in Kentucky are aligned more closely with traditional teacher union interests than in most other states. State law does not require that student achievement data factor into teacher evaluations, nor does it outline consequences for unsatisfactory evaluations. Districts are not required to consider teacher performance when making layoffs. An additional handful of policies partially align: Tenure is conferred virtually automatically, but only after four years (the national norm is three). There is a class size restriction for K-3, but it is larger than the national average class size. Kentucky does not have a charter school law.<sup>4</sup>

*AREA 5: PERCEIVED INFLUENCE  
TIED FOR 11TH*

Compared to stakeholders in other states, those in Kentucky report that their teacher union is quite influential. Survey respondents rank it as the most- or second-most influential organization in state education policy. They agree that it is effective in protecting dollars for education and very effective in warding off education proposals with which it disagrees. They note that policies proposed

by the governor and enacted in the latest legislative session were *mostly* in line with teacher union priorities, and that the positions of state education leaders often align with those of unions (see sidebar).<sup>5</sup>

*OVERALL  
28TH*

Kentucky's state teacher union operates in a favorable policy environment, and although it has limited resources and donates relatively modestly to state politics compared to unions in other states, in Kentucky it has quite a reputation for influence. Further, the Kentucky union is stronger than those in nine of the other thirteen states in which bargaining is permitted but not mandatory.

With a governor like Steve Beshear, it's hard for the Kentucky Education Association (KEA) to complain. In June 2011, the National Education Association (NEA) crowned him "America's Greatest Education Governor" for "[fighting] to preserve resources for K–12 education and the Commonwealth's students and classrooms."<sup>6</sup> Under Beshear's watch, Bluegrass State lawmakers passed proposals that supported preschool programs and preserved education funding (and teacher pensions and health benefits) despite statewide budget cuts. "The most important investment a state can make is in the education of its children, and that's why I have fought hard to protect the basic funding for our classrooms despite nine rounds of budget cuts," Beshear remarked after receiving the award.<sup>7</sup>

The union-friendly policies were not lucky accidents. The Bluegrass Institute, a conservative watchdog group, reported that the Kentucky Education Political Action Committee and Better Schools Kentucky (both union PACs) were the biggest spenders on the campaigns of politicians "friendly to their cause" in 2010, giving more than \$850,000 combined.<sup>8</sup> Beshear won re-election in November 2011 by a landslide with the help of another PAC, Kentucky Family Values, to which the Kentucky Education Association and its affiliates were major donors.<sup>9</sup> Already a KEA ally before the election, Beshear is likely to remain a friend of the union. Sharron K. Oxendine, president of the Kentucky Education Association, raved, "There is not a better friend of public education and educators than Steve Beshear."<sup>10</sup> Jim Waters of the Bluegrass Institute isn't so smitten. "Is it any wonder that politicians 'friendly' to the unions' cause are stubbornly refusing to allow reform measures that give parents a choice, hold teachers and administrators accountable, cut wasteful spending and demand measurable results from the bureaucracy?"<sup>11</sup>

# KENTUCKY RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 28TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  35*	Membership	By rank, what percentage of public-school teachers in the state are union members?	37th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	35th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	24th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	36th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	14th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  26*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	28th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	35th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	6th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	50th
<b>AREA 3: SCOPE OF BARGAINING</b>  26	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	33rd*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Neither required nor prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  10	Performance pay	Does the state support performance pay for teachers?	State supports/ encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	14th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Four years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	42nd	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>10</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>11</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Kentucky has the 37th-highest percentage of teachers who are union members. Otherwise, we report a status: In Kentucky, collective bargaining is neither required nor prohibited, and union agency fees are also neither required nor prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> Kentucky does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Kentucky are shown in the table, *Kentucky Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Kentucky is ranked 35th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or no role.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> "NEA Honors Steve Beshear With America's Greatest Education Governor Award," National Education Association, accessed June 28, 2012, <http://www.nea.org/home/45673.htm>.

<sup>7</sup> Ibid.

<sup>8</sup> Jim Waters, "Teachers Unions Top Spending By Kentucky PACS," Bluegrass Institute, January 31, 2011, <http://www.bipps.org/teachers-unions-top-spending-by-kentucky-pacs/>.

<sup>9</sup> Tom Loftus, "Kentucky Governor Steve Beshear Reports Raising \$4 Million For Campaign; David Williams Takes In \$1 Million," *Courier-Journal*, October 12, 2011, <http://cincinnati.com/blogs/nkypolitics/2011/10/12/beshear-raises-4-million-williams-raises-1-million/>.

<sup>10</sup> National Education Association.

<sup>11</sup> Waters.



# LOUISIANA

OVERALL RANK: 42ND<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER  WEAKER

<b>OVERALL</b>					<b>42</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>40</b>
<b>2. INVOLVEMENT IN POLITICS</b>					<b>44</b>
<b>3. SCOPE OF BARGAINING</b>			<b>24</b>		
<b>4. STATE POLICIES</b>				<b>33</b>	
<b>5. PERCEIVED INFLUENCE</b>					<b>44</b>

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

Louisiana’s state teacher unions contend with limited resources and low membership; teachers there do not see particularly high (or low) spending on K-12 education. Collective bargaining is permitted but not required, and only 57.8 percent of teachers in the Pelican State belong to unions (the 38th-largest unionization rate among 51 jurisdictions). The NEA and AFT state-level affiliates bring in a mere \$144 annually per Louisiana teacher (45th). Louisiana directs 18.1 percent of state expenditures toward K-12 education (30th), and overall per-pupil expenditures are \$12,253 each year (18th), with just 52.8 percent of those dollars spent on teacher salaries and benefits (37th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 44TH

Louisiana’s teacher unions are less involved in politics than unions in nearly every other state. In the past decade, just 0.18 percent of the donations to candidates for state office came from them (45th). Union contributions made up 1.75 percent of the money from the ten highest-giving sectors in the state (43rd). The unions gave relatively more to state political parties, giving 1.1 percent of the total donations (24th). But just 8.3 percent of Louisiana delegates to the Democratic and Republican national conventions identified as teacher union members (39th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING*  
*24TH*

Louisiana law does not explicitly address collective bargaining in public education, implicitly permitting it (and opening all twenty-one provisions examined in our metric to bargaining). The state allows its public employees, teachers included, to strike, although it prevents unions from automatically collecting agency fees from non-members.

*AREA 4: STATE POLICIES*  
*33RD*

While a few of Louisiana's state policies align with traditional teacher union interests, many do not. The state requires that student achievement be the main criterion in teacher evaluations, and teachers are automatically eligible for dismissal if they receive unsatisfactory evaluations. At the time we calculated our metric, the state mandated seniority-based layoffs and did not consider student learning in tenure decisions, positions it reversed in April 2012. Louisiana is also known for its charter-friendly environment (see sidebar): The state does not cap the number of charter schools and automatically exempts them from many state laws and district regulations (but charters must apply for exemptions to teacher certification requirements).

*AREA 5: PERCEIVED INFLUENCE*  
*44TH*

Stakeholder responses reflected teacher unions that are weaker in Louisiana than in nearly every other state. Respondents rank the governor (Bobby Jindal), the charter school association, the state school board, and the state school board association as more influential than the teacher unions

when it comes to education policy. They report that the unions are not effective in warding off education proposals with which they disagree, and that state education leaders rarely align with union positions. Further, they note that policies proposed by the governor in the latest legislative session were not at all in line with teacher union priorities, and that the session's outcomes were mostly not in line with their priorities.<sup>4</sup> Finally, they report that teacher unions more often than not turn to compromise to see some of their preferred policies enacted.

*OVERALL*  
*42ND*

State teacher unions are weaker in Louisiana than unions in other states on nearly every metric that we examined. They have thin internal resources. They see a low investment in K-12 education by the state and operate in a largely unfavorable policy environment. They have a weak reputation among stakeholders, perhaps belying a union that sees futility in donating heavily to politics in a state famous for its union-opposed reforms.

To many observers across the land, education in Louisiana is inextricably linked with choice. In 2003, the state legislature created the Recovery School District, paving the way for rapid charter school growth.<sup>5</sup> Louisiana charters are automatically exempt from nearly every state education policy, and in 2010 the legislature passed Governor Bobby Jindal's Red Tape Reduction Act, which allowed traditional districts to ask for waivers from the laws as well. (The Louisiana Federation of Teachers tried, but failed, to stop the Act in the state supreme court.)<sup>6</sup> The state also recently enacted bills supporting home schooling, permitting (and paying for) students to take courses online if they are dissatisfied with what is offered at their local school, expanding the number of charter school authorizers, and creating a "parent trigger" mechanism.<sup>7,8</sup>

But no choice policy has received as much attention as Louisiana's voucher programs. In 2008, the state offered vouchers for private school tuition to students in the Recovery School District, and also allowed individuals to claim private school tuition as a tax deduction (a rarity among the states). Two years later, lawmakers extended the voucher program to include special education students across the state, and in 2012 they enacted tax rebates for donors to school tuition organizations, which in turn provide private school scholarships.<sup>9</sup> But when in 2012 the legislature passed Jindal's proposal to expand the voucher program to students statewide, and not just those in low-income families, the already-infuriated unions had had enough. The Louisiana Association of Educators (LAE) and the Louisiana Federation of Teachers (LFT) sued, calling the program an unconstitutional use of taxpayer money to fund private institutions. LFT President Steve Monaghan accused Jindal of using the voucher program as a vehicle to further everyone's interests except the students': "If this administration cared as much about children as it does about satisfying corporate donors and national political ambitions, it would concentrate on improving all our schools for all our children."<sup>10</sup> Jindal responded forcefully: "The coalition of the status quo have fought reform every step of the way, so it is no surprise they are making this last ditch effort to convince the courts to overrule the vote of the people and the Legislature. Holding up these reforms in court will only deny parents and students the opportunity to escape failing schools. Our kids do not get a second chance to grow up."<sup>11</sup>

In August 2012, the Louisiana Supreme Court denied an injunction to suspend the voucher program while awaiting a trial on its constitutionality, scheduled for October 2012 (post-press time for us, unfortunately). The LFT expressed disappointment and vowed it would keep fighting the law (and that it would rally to change the "sham" accountability standards for private schools in the meantime).<sup>12</sup> The LAE went further, threatening to sue any private school that accepted state voucher money. An angry Jindal declared that "union leaders are stooping to new lows and trying to strong-arm schools to keep our kids from getting a quality education."<sup>13</sup> As yet, however, the state is going forward with the program and the LAE's threat remains empty. Louisiana's motto is "Union, Justice, and Confidence." The unions are confident they'll get justice; but so is Jindal.

# LOUISIANA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 42ND			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  40*	Membership	By rank, what percentage of public-school teachers in the state are union members?	38th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	45th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	30th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	18th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	37th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  44*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	45th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	24th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	43rd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	39th
<b>AREA 3: SCOPE OF BARGAINING</b>  24	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	33rd*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  33	Performance pay	Does the state support performance pay for teachers?	State supports/ encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	1st
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment <sup>c</sup>	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	46th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>33</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>44</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Sometimes concede, sometimes fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Louisiana has the 38th-highest percentage of teachers who are union members. Otherwise, we report a status: In Louisiana, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See Area 4 above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Louisiana are shown in the table, *Louisiana Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Louisiana is ranked 40th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> "The Public Charter Schools Dashboard," National Alliance for Public Charter Schools, 2012, accessed August 29, 2012, <http://dashboard.publiccharters.org/dashboard/schools/page/overview/state/LA/year/2012>.

<sup>6</sup> Joe Gyan Jr., "La. High Court: Red Tape Reduction Act Suit Premature," *Advocate*, July 5, 2012, <http://theadvocate.com/news/3260826-123/la-high-court-red-tape>.

<sup>7</sup> "Louisiana Course Choice," Louisiana Department of Education, accessed August 29, 2012, <http://www.doe.state.la.us/coursechoice/>.

<sup>8</sup> Sean Cavanagh, "La. School Choice Options Expand After Sweeping Education Overhaul," *Education Week*, April 13, 2012, <http://www.edweek.org/ew/articles/2012/04/13/28louisiana.h31.html>.

<sup>9</sup> "School Choice In Louisiana," The Friedman Foundation, last updated August 27, 2012, <http://www.edchoice.org/School-Choice/State/LA.aspx>.

<sup>10</sup> "Supreme Court Won't Enjoin Jindal's Voucher Scheme," Louisiana Federation of Teachers, August 16, 2012, <http://la.aft.org/index.cfm?action=article&articleID=fcb6bd0-f65d-498a-866e-e587b22c5a6f>.

<sup>11</sup> Kevin Mooney, "Louisiana Voucher Applications Roll Forward Despite Union Lawsuits," ThePelicanPost.com, July 2, 2012, <http://www.thepelicanpost.org/2012/07/02/louisiana-voucher-applications-roll-forward-despite-union-lawsuits/>.

<sup>12</sup> "Voucher Accountability A Sham, LFT Says," Louisiana Federation of Teachers, July 24, 2012, <http://la.aft.org/index.cfm?action=article&articleID=709b83c2-b450-4708-9b33-e06de028e0a6>.

<sup>13</sup> "Louisiana Teachers Union Threatens To Sue Private Schools Over Voucher Program," FoxNews.com, August 6, 2012, <http://www.foxnews.com/politics/2012/08/06/louisiana-teachers-union-threatens-schools-over-voucher-program/>.

# MAINE

OVERALL RANK: 22ND<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER  WEAKER

OVERALL			22		
1. RESOURCES AND MEMBERSHIP			20		
2. INVOLVEMENT IN POLITICS					44
3. SCOPE OF BARGAINING		16			
4. STATE POLICIES	7				
5. PERCEIVED INFLUENCE		11			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 20TH

The state teacher unions in Maine see somewhat substantial resources. 77.1 percent of Maine teachers are union members, the 25th-highest unionization rate of 51 jurisdictions. The state-level NEA and AFT affiliates generate annual revenue of \$621 per teacher in the state (11th). In addition, teachers see considerable resources dedicated to K-12 education: The state ranks 7th in annual per-pupil spending (\$14,591), and 54.0 percent of education expenditures go to teacher salaries and benefits (25th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 44TH

In the past decade, Maine’s teacher unions have not shown much of a financial presence during elections. Their donations amounted to a mere 0.02 percent of total contributions to candidates for state office, and accounted for just 0.03 percent of the contributions to candidates from the top ten highest-giving sectors (unions in no other state gave a smaller percent on either measure). The teacher unions gave comparatively more to state political parties (1.1 percent of donations to parties came from unions; 23rd). Raising Maine’s ranking in this area are its delegates to the Democratic and Republican conventions—11.1 percent identified as teacher union members (33rd).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
16TH*

Maine is one of thirty-two states that require collective bargaining, and its laws permit a wider scope of bargaining than most. Of the twenty-one items examined in this metric, four must be bargained in Maine: wages, hours, terms and conditions of employment, and grievance procedures. Bargaining over the remaining seventeen is implicitly permitted since they are not addressed by state law. While teacher strikes are prohibited, unions are allowed to automatically deduct agency fees from the wages of non-member teachers, an important source of the high revenue reflected in Area 1.

*AREA 4: STATE POLICIES  
TIED FOR 7TH*

At the time we calculated our data, Maine policies were more aligned with traditional union interests than in nearly every other state. As recently as March 2012, the state did not support performance pay, there were no articulated consequences for unsatisfactory teacher evaluations, and neither teacher evaluations nor teacher tenure decisions needed to take student achievement into account. (Maine, however, is one example of many where the policy environment is rapidly changing. In April 2012 the state approved, though it has yet to implement, a student-achievement-based evaluation system. It also decreased the pre-tenure probationary period from three to two years, although the change occurred after we concluded our calculations.) While unions typically oppose the expansion of charter schools, the state made them legal in 2011. Still, that legislation attends to some union interests. Though charters are automatically exempt from many state laws and district

regulations, they must follow state teacher certification requirements and cannot apply for exemptions. Similarly, while charters are exempted from district-union contracts, employees at a school may opt to bargain collectively.

*AREA 5: PERCEIVED INFLUENCE  
TIED FOR 11TH*

Maine stakeholders report that their teacher unions are strong, but perhaps not as strong as they used to be. Survey respondents rank teacher unions, along with the state association of school administrators, as the most influential entity in shaping education policy. They report that the unions are highly effective in fending off education proposals with which they disagree and (in a time of budgetary constraint) are successful in protecting dollars for education. However, respondents also indicate that policies proposed by the governor and enacted in the latest legislative session (which include the charter law referenced in Area 4) were not in line with teacher union priorities.<sup>4</sup>

*OVERALL  
22ND*

Despite their significant financial resources, Maine teacher unions are not particularly active donors to state politics and they've recently lost some key battles. However, they enjoy a strong reputation and many state policies still align with union interests.



Despite the shift in Maine politics in 2010 that gave Republicans control of both houses and the governorship, the Maine Education Association (MEA) has seen a number of potentially devastating bills land far from the mark.<sup>5</sup> The union blocked Governor Paul LePage's proposal to end collective bargaining for public employees and his push for right-to-work laws.<sup>6,7</sup> Budget cuts did land a jab, however: the state cut cost-of-living adjustments for the pensions of retired teachers (as of August 2012, a lawsuit supported by the MEA is pending) and the union ultimately couldn't prevent a measure that allows local school districts to seek less expensive health plans for current employees.<sup>8</sup> Legislators also increased the pre-tenure probationary period for teachers from two years to three, the national norm, and passed a bill legalizing charter schools (Maine previously had no such thing).<sup>9</sup> Yet the law limits the number of charters and their enrollment, and charter teachers are allowed to bargain collectively—alleviating a major point of conflict between charter supporters and unions.<sup>10</sup>

So far, 2012 is shaping up to be an equally mixed bag for the MEA. Sponsored by Governor LePage in anticipation of the state's NCLB waiver request, LD 1858 required that teachers be evaluated on student learning (among other criteria), and after two years of ineffective ratings teachers would be eligible for dismissal. The union objected, not to the use of student data (a requirement for the waiver) but to evaluations that could potentially be based entirely on standardized test scores and developed without teacher input. "Ninety-five percent of it, we can completely embrace," said John Kosinski of the MEA.<sup>11</sup> With amendments that ensured due process for fired teachers, and left the details of data use to the discretion of the districts and their local unions, the bill passed in April 2012.<sup>12</sup> Despite the compromise, Governor LePage seems set on limiting or eliminating collective bargaining for public employees, and the MEA may soon see the gloves come completely off.<sup>13</sup>

# MAINE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 22ND			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20*	Membership	By rank, what percentage of public-school teachers in the state are union members?	25th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	11th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	33rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	7th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	25th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  44*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	50th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	23rd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	50th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	33rd
<b>AREA 3: SCOPE OF BARGAINING</b>  16	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  7*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	6th
	Evaluations <sup>c</sup>	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment <sup>c</sup>	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	44th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>7*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes; Teachers at each school can choose to bargain collectively

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>11*</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Maine has the 25th-highest percentage of teachers who are union members. Otherwise, we report a status: Maine has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See Area 4, above, and sidebar.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Maine are shown in the table, *Maine Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Maine is ranked 20th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> "Leadership Matters," *Bangor Daily News*, July 22, 2011, <http://bangordailynews.com/2011/07/22/opinion/leadership-matters/>.

<sup>6</sup> Abby Rapoport, "The Union Fight You Might Not Have Been Watching," *American Prospect*, June 7, 2012, <http://prospect.org/article/union-fight-you-might-not-have-been-watching>.

<sup>7</sup> "Hard Realities, Some Good News," Maine Education Association, accessed June 28, 2012, <http://www.maineeducationassociation.org/home/875.htm>.

<sup>8</sup> "125th Maine Legislature Wreaks Havoc," Maine Education Association, accessed June 28, 2012, <http://www.maine.nea.org/home/1245.htm>.

<sup>9</sup> Harry R. Pringle, "Legislature Increases Probationary Period To Three years," School Law Advisory, <http://www.schoollaw.com/html/pdf/687.pdf>.

<sup>10</sup> "Charter School Laws Across The States 2012," Center for Education Reform, April 2012, [http://www.edreform.com/wp-content/uploads/2012/04/CER\\_2012\\_Charter\\_Laws.pdf](http://www.edreform.com/wp-content/uploads/2012/04/CER_2012_Charter_Laws.pdf).

<sup>11</sup> Susan McMillan, "Teacher Evaluations: Differences About Appealing Dismissals Key," *Kennebec Journal*, March 15, 2012, [http://www.kjonline.com/news/differences-about-appealing-dismissals-key\\_2012-03-14.html](http://www.kjonline.com/news/differences-about-appealing-dismissals-key_2012-03-14.html).

<sup>12</sup> Eric Russell, "Committee Approves System For Evaluating Maine's Teachers," *Bangor Daily News*, March 21, 2012, <http://bangordailynews.com/2012/03/21/politics/teacher-evaluation-bill-takes-strange-turn-in-committee/>.

<sup>13</sup> Rapoport.

# MARYLAND

OVERALL RANK: 23RD<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER  WEAKER

OVERALL			23		
1. RESOURCES AND MEMBERSHIP			26		
2. INVOLVEMENT IN POLITICS				40	
3. SCOPE OF BARGAINING			20		
4. STATE POLICIES		16			
5. PERCEIVED INFLUENCE	4				

## AREA 1: RESOURCES AND MEMBERSHIP 26TH

Maryland posts moderate financial and membership resources for its teacher unions. On the one hand, collective bargaining is mandatory in the Old Line State, and 84.8 of Maryland’s teachers are union members (the 20th-highest rate of 51 jurisdictions). Yet its NEA and AFT state-level affiliates generate annual revenues of just \$329 per teacher in the state (33rd). Spending on education is also moderate: 20.6 percent of the state’s expenditures go to K-12 education (21st), and funds from local, state, and federal sources amount to \$12,703 per pupil each year (17th) with 56.0 percent of those dollars dedicated to teacher salaries and benefits (12th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 40TH

Compared with their counterparts nationwide, Maryland’s teacher unions do not have a strong financial presence in state elections. In the past ten years, only 0.43 percent of the donations to candidates to state office came from teacher unions (32nd); those contributions amounted to 4.2 percent of the donations from the top ten highest-contributing sectors in the state (31st). Teacher unions gave at a slightly higher rate to state political parties—1.3 percent of all contributions (20th). But only 5.4 percent of delegates to the Democratic and Republican national conventions were teacher union members (46th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
20TH*

Maryland is one of thirty-two states that require collective bargaining for public-school teachers, and the scope of that bargaining is wider than most. Of twenty-one possible contract items examined in this report, Maryland requires that four—wages, hours, terms of employment, and transfers/reassignments—be negotiated. By not addressing them, the state implicitly includes fifteen additional provisions in the scope of bargaining. Only two items are explicitly prohibited: length of the school year and class size. Further, unions are allowed to automatically collect agency fees from non-member teachers, a key source of union revenue. Still, the state limits the strength of its unions by prohibiting teacher strikes.

*AREA 4: STATE POLICIES  
16TH*

Maryland teacher policies generally align with traditional teacher union interests. The state does not articulate consequences for unsatisfactory evaluations, and districts need not consider student achievement when awarding tenure (although they must include it as the preponderant criterion in teacher evaluations). Layoff decisions are at the discretion of the district, and they are not required to include teacher performance in those decisions. The state's charter laws are also mostly in line with the typical union position. While there is no cap on the number of charters in the state, and new, conversion, and virtual schools are all allowed, only local school boards can authorize charters. Further, charter schools are bound by state laws, district regulations, and collective bargaining agreements (although schools may apply for exemptions to all three, save for state teacher certification rules).

*AREA 5: PERCEIVED INFLUENCE  
4TH*

Based on stakeholder perceptions, Maryland teacher unions are among the strongest in the nation. Stakeholders agree that teacher unions are effective in warding off proposals with which they disagree, and that they need not compromise to see their preferred policies enacted at the state level. They also note that the state board of education and state education chief are often in line with union policy positions. In addition—and unlike many other states—respondents in Maryland agreed that policies both proposed by the governor and enacted in the latest legislative session were mostly in line with teacher union priorities (not surprising given the overwhelming Democrat majority in the capitol—see sidebar).<sup>4</sup>

*OVERALL  
23RD*

Maryland's teacher unions may not spend a lot of money on political campaigns, but they may not need to. They enjoy a strong reputation and a relatively favorable policy climate. Given that education policies in Maryland are more closely aligned with traditional union interests than in most states, perhaps the state unions are exhibiting power quietly, or perhaps the favorable climate permits them to stay uninvolved unless threatened.

In 2010, Maryland unions had an ally in Democrat Governor Martin O'Malley. He has publically praised his partnerships with organized labor, and the National Education Association (NEA) even gave him its "America's Greatest Education Governor Award."<sup>5,6</sup> In April of that year, O'Malley signed the Education Reform Act as part of the state's bid for Race to the Top (RTTT) money. He promoted the Act (which increased the pre-tenure probationary period from two to three years—the national norm—and incorporated a student growth component into teacher evaluations) as a compromise with state teacher unions because it did not detail how student performance would be incorporated in the evaluations. Instead, the details were left to local districts and their unions.<sup>7,8</sup> Education reformers were unimpressed: "It's still a pretty tame, modest proposal compared to what other states have done," said Matthew Joseph, director of Maryland's Advocates for Children and Youth.<sup>9</sup>

The Maryland Department of Education agreed. Its RTTT application ignored the Act's requirement that student growth be no more than 35 percent of a teacher's evaluation. Instead, it promised that growth would comprise 50 percent.<sup>10</sup> Local unions were livid, and only two out of twenty-four signed the application.<sup>11</sup> Maryland State Education Association (MSEA) President Clara Floyd tried to smooth over the schism, remarking in a press release that "the Governor and his staff worked tirelessly to improve the application. While the decision whether or not to sign on to the application was a local one, we can all join together in thanking the Governor for his work."<sup>12</sup> But she also expressed concerns to the state Department of Education that the proposed evaluation rules "usurp the authority granted to local boards of education through the Education Reform Act and existing collective bargaining statutes."<sup>13</sup>

Despite the union opposition, Maryland's RTTT application was accepted, and Maryland unions rallied in Annapolis against former ally O'Malley to fight a proposed increase in pension contributions from 5 to 7 percent (they lost). Further salt in the wound: Only one-third of the increased revenue was allocated to the pension fund; the other two-thirds went to plug holes in the state's general budget.<sup>14</sup> Districts also took a hit with a 2012 law requiring they take on \$130 million of state pension costs for teachers.<sup>15</sup> With O'Malley torn between labor demands, financial constraint, and pressure from reformers, the union may soon second-guess that commemorative plaque.

# MARYLAND RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 23RD			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  26	Membership	By rank, what percentage of public-school teachers in the state are union members?	20th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	33rd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	21st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	17th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	12th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	32nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	20th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	31st
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	46th
<b>AREA 3: SCOPE OF BARGAINING</b>  20	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	29th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  16	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	15th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	31st
	Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>16</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>4</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Maryland has the 20th-highest percentage of teachers who are union members. Otherwise, we report a status: Maryland has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Maryland are shown in the table below, *Maryland Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Maryland is ranked 26th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Mike Hall, "Workers And Their Unions Key To Economic Turnaround, Election outcome," AFL-CIO Now, June 17, 2012, <http://www.aflcio.org/Blog/Political-Action-Legislation/Workers-and-Their-Unions-Key-to-Economic-Turnaround-Election-Outcome>.

<sup>6</sup> Aaron C. Davis, "NEA Names O'Malley Education Governor Of The Year," *Washington Post*, June 30, 2010, [http://voices.washingtonpost.com/annapolis/2010/06/nea\\_omalley\\_education\\_governor.html](http://voices.washingtonpost.com/annapolis/2010/06/nea_omalley_education_governor.html).

<sup>7</sup> "Governor Martin O'Malley To Introduce Education Reform Legislation," Office of Governor Martin O'Malley, February 15, 2010, <http://www.governor.maryland.gov/pressreleases/100215.asp>.

<sup>8</sup> Michael Birnbaum, "Bill Targets 'Race To Top' Contest's Goals," *Washington Post*, April 13, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/12/AR2010041204264.html>.

<sup>9</sup> Ibid.

<sup>10</sup> Andrew Ujifusa, "O'Malley Eyes Compromise On State Teacher Evaluations," *Maryland Gazette*, November 18, 2010, [http://ww2.gazette.net/stories/11182010/prinsch175028\\_32542.php](http://ww2.gazette.net/stories/11182010/prinsch175028_32542.php).

<sup>11</sup> "Race To The Top Application Assurances," U.S. Department of Education, May 27, 2010, <http://www2.ed.gov/programs/racetothetop/phase2-applications/maryland.pdf>.

<sup>12</sup> "MSEA Applauds Governor O'Malley's Work On Maryland's Race To The Top Application," Maryland State Education Association, June 2, 2010, <http://www.marylandeducators.org/detail.aspx?id=928>.

<sup>13</sup> Erica Green, "Teachers Union Challenges Race To The Top Application," May 7, 2012, *Baltimore Sun*, [http://articles.baltimoresun.com/2010-05-07/news/bs-md-msea-letter-20100507\\_1\\_teachers-union-million-in-federal-race-maryland-state-education-association](http://articles.baltimoresun.com/2010-05-07/news/bs-md-msea-letter-20100507_1_teachers-union-million-in-federal-race-maryland-state-education-association).

<sup>14</sup> Andrew Schotz, "Part Of Maryland Pension Hike To Go Toward Balancing State Budget," *Herald-Mail*, April 14, 2011, [http://articles.herald-mail.com/2011-04-14/news/29419953\\_1\\_pension-system-pension-fund-maryland-state-retirement](http://articles.herald-mail.com/2011-04-14/news/29419953_1_pension-system-pension-fund-maryland-state-retirement).

<sup>15</sup> David Hill, "MD Senate Approves Tax Hike, Pension Shift," *Washington Times*, May 15, 2012, <http://www.washingtontimes.com/news/2012/may/15/md-senate-approves-tax-hike-pension-shift/?page=all>.

# MASSACHUSETTS

OVERALL RANK: 21ST<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER 
←
→
 WEAKER

OVERALL			21		
1. RESOURCES AND MEMBERSHIP		13			
2. INVOLVEMENT IN POLITICS				40	
3. SCOPE OF BARGAINING		12			
4. STATE POLICIES			21		
5. PERCEIVED INFLUENCE		16			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 13TH

Massachusetts's teacher unions benefit from a high density of unionized teachers, financial resources from their members, and a significant dedication of funds for education in the state. With 92.8 percent of its teachers unionized, Massachusetts posts the 13th-highest rate of 51 jurisdictions. The state's NEA and AFT affiliates bring in annual revenue of \$615 for each teacher in the state (12th). Per-pupil expenditures are high—local, state, and federal funds combine to \$13,361 annually per student (12th), and 58.4 percent of those dollars are directed to teacher salaries and benefits (5th). Yet the state itself allocates just 12.6 percent of its own expenditures to K-12 education (just three states allocate less).<sup>2</sup>

## AREA 2: INVOLVEMENT IN POLITICS<sup>3</sup> TIED FOR 40TH

Despite their ample financial resources, compared to unions in other states Massachusetts teacher unions did not spend much money on state candidates and political parties.<sup>4</sup> In the past decade, just 0.2 percent of the donations to candidates for state office came from teacher unions (43rd nationally). Union contributions to state political parties were also comparatively small (0.25 percent of the total received by parties; also 43rd). These low numbers may be indicative of unions that do not feel that high spending will benefit them or that are satisfied with the current political environment (see Areas 3, 4, and 5). In addition, the percentage of Massachusetts delegates to the Democratic and Republican national conventions who identify as teacher union members (9.4 percent) is ranked 35th.

*AREA 3: SCOPE OF BARGAINING  
12TH*

Massachusetts is one of thirty-two states that require collective bargaining, and the scope of bargaining is wider there than in most other states. All twenty-one items examined in this metric are within the scope of bargaining: Eight provisions must be negotiated (wages, hours, terms and conditions of employment, layoffs, insurance benefits, fringe benefits, class load, and class size) and thirteen are implicitly permitted. While the state does not permit teacher strikes, it does allow unions to automatically collect agency fees from non-member teachers.

*AREA 4: STATE POLICIES  
21ST*

Taken together, Massachusetts policies are more union-favorable than those in some states, but less than in others. Teacher employment policies are mixed. Districts do not need to consider teacher performance when making layoff decisions but must consider seniority; both are in line with traditional union interests. But student achievement is factored into teacher evaluations and tenure decisions—policies contrary to union goals. The state’s charter laws are also mixed. While some charter schools are exempt from district collective bargaining agreements, others are not. While the state grants some automatic exemptions to laws and regulations to selected schools, it does not give them to all schools (and does not exempt them from all regulations). The state also has a fairly restrictive cap on the number of charter schools and does not allow virtual schools.

*AREA 5: PERCEIVED INFLUENCE  
16TH*

State stakeholders perceive teacher unions to be relatively strong, ranking them the most influential entity in shaping education policy (slightly ahead of the state board of education). They report that Democrats need teacher union support to get elected, and that the state education chief and board often align with teacher union positions. While they indicate that policies proposed by the governor and enacted in the latest legislative session were only *somewhat* in line with union priorities, stakeholders actually reported more union-policy alignment than did those in many other states.<sup>5</sup>

*OVERALL  
21ST*

While Massachusetts is often described as a state with powerful teacher unions—a perception echoed in our survey of stakeholders in the state—the Bay State’s teacher unions rank near the middle of the pack nationwide. Many Massachusetts laws are favorable to union interests, but, considering their meager campaign contributions, unions may be enjoying a friendly environment rather than creating it.

## FIGHT OR FLIGHT

Massachusetts teacher unions have a decades-long history of working with education reformers and state leaders to enact significant reform measures, assenting to (and even helping design) progressive policies so long as core union interests are attended to. The most recent example: Stand for Children, a national education reform group, set its sights on Massachusetts policy. The group wanted to replace seniority with teacher performance as the primary factor in layoff decisions; rather than wait for lawmakers to take the lead, it gathered enough signatures in late 2011 to place the issue on the November 2012 ballot.<sup>6</sup> The Massachusetts Teachers Association (MTA) reacted fiercely, basing its objections on the fact that the state's teacher evaluation system had not yet been implemented, let alone tested. Its website asserted that "a national organization with no particular expertise in education—Stand for Children—is seeking to disrupt the implementation of this system... This divisive proposal is a gimmick that will divert time, money and energy away from important priorities for our students."<sup>7</sup> To stop the measure, the MTA filed a lawsuit questioning its constitutionality in January 2012.

But rather than wait for the court (or the voters) to decide, the MTA opted to compromise. It agreed to support SB 2315, a bill with the same intent but different specifics than Stand for Children's initiative. Performance still replaced seniority in layoff decisions, but the bill also funded principal training and a data reporting system. It also did not contain some of the initiative's more aggressive options, such as giving the state the right to veto any evaluation system negotiated between a district and its union, and requiring principals' approval in teacher transfers.<sup>8</sup> In exchange, the reform group took its measure off the ballot, and in June 2012, the legislature passed the bill and Democrat Governor Deval Patrick signed it into law.<sup>9,10</sup> The effects of the compromise: Both sides avoided an expensive autumn campaign, and the negative image that would likely have accompanied it. Plus, the union proved to be an architect of teacher policy rather than a bystander (and in control of its own destiny rather than leaving it up to the voters). In this case, the MTA seemed to decide that fighting it out was not the best choice.

# MASSACHUSETTS RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 21ST			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  13	Membership	By rank, what percentage of public-school teachers in the state are union members?	13th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	12th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	47th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	12th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	5th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	43rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	43rd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	24th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	35th
<b>AREA 3: SCOPE OF BARGAINING</b>  12	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	4th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  21	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	7th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	43rd	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>21</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Some schools are not exempt, others can choose to bargain or not

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>16</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Sometimes compromise, sometimes do not need to concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Massachusetts has the 13th-highest percentage of teachers who are union members. Otherwise, we report a status: Massachusetts has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Massachusetts are shown in the table, *Massachusetts Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Massachusetts is ranked 13th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Two factors explain the disparity between the high ranking on per-pupil expenditures and the low ranking for the percentage of state spending that goes to education. First, Massachusetts districts rely on local funds more heavily than in most other states (largely because of the state's affluence). Second, total spending is higher in Massachusetts than in nearly every other state; as such, 12.6 percent of state expenditures still amount to an extremely high allocation of dollars per student by the state alone.

<sup>3</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>4</sup> The AFT-affiliated Boston Teachers Union donated nearly as much to state candidates as did the Massachusetts Federation of Teachers, and substantially more than the state's NEA affiliate, the Massachusetts Teachers Association. Further, the Boston union donated more to state political parties than the two state-level unions combined.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Will Richmond, "Massachusetts Ballot Question Takes On Teacher Seniority," *Herald News*, June 4, 2012, <http://www.heraldnews.com/news/x1842810767/Fall-River-ballot-question-takes-on-teacher-seniority>.

<sup>7</sup> "Stand For Children Ballot Initiative Fails To Deliver," Massachusetts Teachers Association, <http://www.massteacher.org/news/archive/2011/12-07.aspx>.

<sup>8</sup> Frank Phillips, "Massachusetts Teachers Union Agrees To Give Up Key Rights On Seniority," *Boston Globe*, June 8, 2012, [http://articles.boston.com/2012-06-08/metro/32104943\\_1\\_ballot-question-teachers-union-ballot-initiative/3](http://articles.boston.com/2012-06-08/metro/32104943_1_ballot-question-teachers-union-ballot-initiative/3).

<sup>9</sup> Associated Press, "Mass. Teacher Union Oks Deal On Ballot Question," *Boston Globe*, June 7, 2012, [http://www.boston.com/news/education/articles/2012/06/07/mass\\_teacher\\_union\\_oks\\_deal\\_on\\_ballot\\_question/](http://www.boston.com/news/education/articles/2012/06/07/mass_teacher_union_oks_deal_on_ballot_question/).

<sup>10</sup> Text of Senate Bill No. 02315, June 20, 2012, <http://www.malegislature.gov/Bills/BillHtml/119213?generalCourtId=1>.



# MICHIGAN

OVERALL RANK: 16TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

OVERALL		16			
1. RESOURCES AND MEMBERSHIP	6				
2. INVOLVEMENT IN POLITICS	4				
3. SCOPE OF BARGAINING			22		
4. STATE POLICIES					51
5. PERCEIVED INFLUENCE			20		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 6TH

Michigan’s state teacher unions benefit from both substantial internal resources and relatively high state spending on education. The majority of Michigan teachers—92.0 percent—are union members (the 14th-highest membership rate out of 51 jurisdictions), and the state-level NEA and AFT affiliates bring in \$903 per Michigan teacher each year (4th of 51). Members of the Wolverine State’s teacher unions also benefit from state spending: K-12 education’s share of state expenditures is 28.2 percent (also 4th of 51). However, per-pupil spending (a combination of local, state, and federal funds) is in the middle of the pack at \$10,624 (31st), with 51.7 percent of those dollars directed to teacher salaries and benefits (43rd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 4TH

Over the past decade, teacher unions in Michigan have been more active in politics than those in nearly every other state. They contributed 4.2 percent of total donations received by state-level political parties; only in California and Alabama did teacher unions give a higher percentage to their states’ political parties. They were only slightly less generous with their contributions to candidates for state office: Donations from teacher unions accounted for 0.9 percent of the funds received by such candidates (18th), and 10.0 percent of such Donations from the ten highest-giving sectors in the state (14th). Finally, a full 23.1 percent of Michigan’s delegates to the Democratic and Republican national conventions were members of teacher unions (5th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING*  
*22ND*

Though Michigan is one of thirty-two states that require collective bargaining in public education, it restricts the scope of that bargaining more than many others do. Of the twenty-one items examined in this metric, Michigan law requires that only three—wages, hours, and terms of employment—are included in negotiations. It explicitly prohibits six provisions, more than most mandatory-bargaining states: transfers/teacher reassignments, layoffs, dismissal, evaluations, insurance benefits, and length of the school year. The twelve remaining subjects are either explicitly left to the discretion of the districts or implicitly permitted because state law is silent. While Michigan allows its unions to collect agency fees from non-members—a key source of the revenue reflected in Area 1—it prohibits teacher strikes.

*AREA 4: STATE POLICIES*  
*51ST*

Michigan policies are the least-aligned to traditional teacher union interests of all the states; given that a number of these policies were passed in 2011 and 2012, this lack of alignment is in spite of, or perhaps explains, the unions' high level of political activity. For example, teacher performance is included in the salary schedule for all teachers; student achievement must be the preponderant criterion in teacher evaluations; and teachers are eligible for dismissal after multiple unsatisfactory ratings (as opposed to being placed on an improvement plan). Michigan is one of only five states that wait five years before granting tenure to teachers (the national norm is three), and one of only eight where evidence of pupil learning is the preponderant criterion in tenure

decisions. (In most states, tenure is granted without considering student achievement at all). The state's charter school laws are no better aligned: Michigan's cap on the number of charters now leaves ample room for growth, the state offers many viable authorizing options for charter schools, and it automatically exempts charters from district collective bargaining agreements.

*AREA 5: PERCEIVED INFLUENCE*  
*20TH*

Despite the adverse policy environment, stakeholders in Michigan report having stronger teacher unions than do our informants in many other states. Survey respondents strongly agree that Democratic candidates for state office need teacher union support to win, reflecting the high degree of union contributions to Michigan politics (Area 2). But respondents rank teacher unions the second- or third-most influential entity on state education policy, not the first, and note that unions are neither especially effective nor ineffective in warding off proposals with which they disagree. Further, stakeholders note that policies *proposed* by the governor during the latest legislative session were *not at all* in line with teacher union priorities, and those that were *enacted* were *mostly not in line* with those priorities, reflecting a shift in Michigan's historically pro-labor environment (see sidebar).<sup>4</sup>

*OVERALL*  
*16TH*

Michigan's teacher unions show a striking disparity in resources and political involvement on the one hand and their actual influence on policy on the other. Although Michigan is traditionally held as a bastion of unionism, teacher unions began

to lose influence under Governor John Engler in the mid-1990s and recently lost key allies at the state level. Without state leaders on their side, they have only limited avenues to leverage their resources into policies they support (see sidebar).

## STATE OF EMERGENCY

Both 2010 and 2011 were rough for unions in Michigan. The 2010 election brought a new Republican governor who made it clear that he was no friend of organized labor.<sup>5</sup> Republicans also won majorities in both houses of the state's legislature, as well as on the Supreme Court, and immediately looked to undermine union protections and prerogatives. Toward the end of the 2011 legislative session, one labor advocacy group denounced that the eighty-five proposed bills with an anti-labor message "start from the view that Michigan's economic problems are the fault of public employees and the poor, rather than driven by a merciless recession and the auto industry's contraction."<sup>6,7</sup>

Teacher unions, in particular, found themselves facing a clutch of new laws aimed at their traditional rights: Public Acts 100 through 103 reduced the scope of collective bargaining to salary, benefits, and hours; made it more difficult for teachers to gain tenure; removed seniority from dismissal decisions; and required annual teacher evaluations that heavily weighed student growth.<sup>8</sup>

The biggest blow was Public Act 4. That 2011 statute gives the State Superintendent of Public Instruction and the governor the authority to intervene in governmental bodies facing bankruptcy, school districts included. In such districts, they can appoint an "emergency district manager" to control finances, which includes the right to eliminate or modify an existing union contract.<sup>9</sup> By early 2012, the Detroit and Highland Park school districts had emergency managers at the helm, and they did not shy away from making cuts.<sup>10</sup> For example, faced with an \$86.3 million deficit, Roy Roberts, the emergency manager for Detroit, unilaterally imposed a 10 percent wage cut on employees and increased employee contributions to their health benefits plan to 20 percent.<sup>11</sup> He converted low-performing schools into charters, closed others, and placed some in a new state-wide district—saving \$7.5 million in annual operating costs along the way.<sup>12</sup>

Labor may yet have the last word, however. In November 2012, Michigan voters will decide whether to repeal Public Act 4. This referendum is the result of a massive campaign by an advocacy coalition called Stand Up For Democracy, which gathered the 162,000 necessary signatures—and then 64,000 more—to put the repeal on the ballot (and suspend the Act in the meantime). But after a union-supported campaign to recall Governor Rick Snyder fizzled in June 2012, the outcome of the repeal vote is far from certain.<sup>13</sup> Michigan is known as the Wolverine State, but its teacher unions may no longer have the same bite.

# MICHIGAN RANKINGS BY AREA AND INDICATOR

**OVERALL RANK: 16TH**

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  6*	Membership	By rank, what percentage of public-school teachers in the state are union members?	14th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	4th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	4th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	31st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	43rd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  4*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	18th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	3rd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	14th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	5th
<b>AREA 3: SCOPE OF BARGAINING</b>  22	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	37th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  51	Performance pay	Does the state support performance pay for teachers?	Required for all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	**
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Five years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	36th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>51</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with ample room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and virtual schools only
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>20</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Does not generally concede	

\* Tied with another state

\*\* Insufficient data; see Appendix A.

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Michigan has the 14th-highest percentage of teachers who are union members. Otherwise, we report a status: Michigan has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Michigan are shown in the table, *Michigan Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Michigan is ranked 6th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Nathan Bomey, "Rick Snyder, Virg Bernero Will Test Voters' Opinions On Organized Labor, Outsourcing," Ann Arbor.com, August 5, 2010, <http://www.annarbor.com/elections/rick-snyder-virg-bernero-will-test-voters-opinions-on-organized-labor-outsourcing/>.

<sup>6</sup> Evan Rohar, "Michigan Unions And Poor Face 85 Hostile Laws," Labor Notes, October 26, 2011, <http://labornotes.org/2011/10/michigan-unions-and-poor-face-85-hostile-laws>.

<sup>7</sup> John Rummel, "Michigan Warning: Republican Extremism Goes Too Far," *People's World*, December 16, 2011, <http://peoplesworld.org/michigan-warning-republican-extremism-goes-too-far/>.

<sup>8</sup> "Anti-Collective Bargaining And Tenure Bills Enactment," AFT Michigan, August 16, 2011, <http://aftmichigan.org/files/tenure-cb-pkg2011.pdf>.

<sup>9</sup> "Local Government And School District Fiscal Accountability Emergency Manager," AFT Michigan, April 20, 2011, <http://aftmichigan.org/files/emergencymanager.pdf>.

<sup>10</sup> Simone Landon, "Public Act 4, Michigan Emergency Manager Law, Marks First Anniversary," HuffingtonPost.com, March 16, 2012, [http://www.huffingtonpost.com/2012/03/16/public-act-4-michigan-emergency-manager-law-anniversary\\_n\\_1353510.html](http://www.huffingtonpost.com/2012/03/16/public-act-4-michigan-emergency-manager-law-anniversary_n_1353510.html).

<sup>11</sup> Associated Press, "Emergency Manager Roy Roberts To Impose 10 Percent Wage Cuts In Detroit Public Schools," July 29, 2011, [http://www.mlive.com/news/detroit/index.ssf/2011/07/emergency\\_manager\\_roy\\_roberts.html](http://www.mlive.com/news/detroit/index.ssf/2011/07/emergency_manager_roy_roberts.html).

<sup>12</sup> Simone Landon, "Detroit To Close 9 Schools, Convert 4 To Charters," HuffingtonPost.com, February 8, 2012, [http://www.huffingtonpost.com/2012/02/08/detroit-school-closings\\_n\\_1263165.html](http://www.huffingtonpost.com/2012/02/08/detroit-school-closings_n_1263165.html).

<sup>13</sup> Dave Murray, "Michigan Rising Ending Effort To Recall Gov. Snyder, Looks To Form Progressive Think Tank," MLive.com, June 7, 2012, [http://www.mlive.com/politics/index.ssf/2012/06/michigan\\_rising\\_ending\\_effort.html](http://www.mlive.com/politics/index.ssf/2012/06/michigan_rising_ending_effort.html).

# MINNESOTA

OVERALL RANK: 14TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

OVERALL		14			
1. RESOURCES AND MEMBERSHIP	3				
2. INVOLVEMENT IN POLITICS				32	
3. SCOPE OF BARGAINING	2				
4. STATE POLICIES					46
5. PERCEIVED INFLUENCE			19		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 3RD

Minnesota’s merged NEA-AFT affiliate and its members benefit from both substantial resources and relatively generous state spending on K-12 education. Indeed, 95.7 percent of teachers are unionized in the North Star State, the 9th-highest rate among all 51 jurisdictions. The state union brings in \$582 per teacher in the state (15th). Further, 23.3 percent of state expenditures go to K-12 education (13th), and Minnesota teachers see a substantial amount of the \$11,471 spent per pupil (24th) allocated to their salaries and benefits (59.3 percent; 3rd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 32ND

Despite its financial resources, Minnesota’s teacher unions were less involved in the last decade of state politics than were their counterparts in most other states.<sup>3</sup> Their donations to candidates for state office amounted to just 0.46 percent of the total (30th); these contributions constituted 2.5 percent of the donations to candidates from the ten highest-contributing sectors in the state (39th). A relatively higher proportion—2.2 percent—of total donations to state political parties came from Minnesota teacher unions (13th). The union voice at the Democratic and Republican national conventions was also quieter than in most other states, with 9.4 percent of Minnesota delegates identifying as teacher union members (34th).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING*  
*2ND*

Minnesota is one of thirty-two states that require collective bargaining, and its laws give unions a wider scope of bargaining (and more organizational prerogatives) than in every other state save California. Minnesota requires seven items to be bargained (wages, hours, terms and conditions of employment, grievance procedures, fringe benefits, class size, and length of teacher planning periods) and permits another two (management rights and pension/retirement benefits). State law is silent on the remaining twelve items, implicitly including them in the scope of bargaining. Further, Minnesota allows its unions to collect agency fees from non-member teachers (a key source of union revenue) and is one of only twelve states where teachers explicitly possess the right to strike.

*AREA 4: STATE POLICIES*  
*TIED FOR 46TH*

While Minnesota's state teacher union sees abundant resources and permissive bargaining laws, it also faces many state-level policies that do not align with traditional union interests. Minnesota permits performance pay and requires that student achievement significantly informs teacher evaluations (but not tenure decisions). Further, the state's charter laws—the oldest in the land—run decidedly counter to the union preference for limiting the expansion and autonomy of such schools. Minnesota does not cap the number of charters; permits new, conversion, and virtual schools; and provides multiple authorizing options. Charters are also automatically exempt from collective bargaining agreements, district regulations, and state laws, except for those related to teacher certification.

*AREA 5: PERCEIVED INFLUENCE*  
*19TH*

Despite the adverse policies, Minnesota stakeholders rate their union as more influential than do stakeholders in many other states. Along with the business roundtable/chamber of commerce, they place the union as the most influential entity in shaping education policy. They further note that it not only fought hard to prevent reductions in pay and benefits, but also that it is effective in protecting dollars for education. On the other hand, they report that state policies only *sometimes* reflect union interests and that outcomes of the latest legislative session were only somewhat in line with teacher union priorities.<sup>5</sup> Perhaps this is because, as survey respondents indicate, the priorities of the current state education chief and board of education are only sometimes aligned with teacher union priorities.

*OVERALL*  
*14TH*

Minnesota's teacher union is strong in terms of resources and membership, and the state has generous bargaining laws that favor unions. While its union has a reputation for strength, it does not have many present-day allies in state politics and the current policy environment is one of the most union-*unfriendly* in the nation (and with union rights under constant attack, may become even less friendly in the near future—see sidebar).



## SHELTER FROM THE STORM

Minnesota is one of the only states in the Midwest where the governor is not mired in intense clashes with public unions. In 2012, Democrat Mark Dayton vetoed two GOP-sponsored measures that would have severely limited collective bargaining rights for teachers. In his veto letter of HF 1974, Dayton affirmed his position: “The Legislature is well aware that I have opposed, and will continue to oppose, unilateral changes to the collective bargaining process.”<sup>6</sup> He also vetoed a 2012 bill requiring districts to base layoffs on teacher performance and not seniority, calling it another in a series of proposals that are “anti-public schools, anti-public school teachers, or anti-collective bargaining rights.”<sup>7</sup> To circumvent the governor, House Republicans began discussion of a constitutional amendment to make Minnesota a right-to-work state—an amendment that the voters, not the governor, would decide. But against heavy lobbying from the state’s labor unions, the amendment never got off the ground (although the idea itself still has supporters in both the House and Senate).<sup>8</sup>

When it comes to the budget, however, Dayton takes less of a pro-union hard line. In an attempt to pave the way for later bipartisan compromise on the 2011 budget, he signed a Republican-backed (and union-opposed) bill that authorized alternative licensure options for nontraditional and mid-career teachers.<sup>9</sup> But no such compromise resulted, and to break a budget deadlock and a twenty-day government shutdown, Dayton agreed to Republican demands and took tax increases for the wealthy and for corporations completely off the table (despite the contributions of Education Minnesota, the state’s NEA-AFT affiliate, which helped fund a \$1 million campaign in support of Dayton’s original plan).<sup>10,11</sup> Without the revenue from tax increases, and to the immense frustration of education leaders, the state delayed already-overdue payments to school districts.<sup>12</sup> And it looks like lawmakers aren’t done with licensure yet either; in 2012 they enacted a bill that requires more stringent testing for new teachers. But for Education Minnesota, these defeats are small potatoes compared to the averted-for-now crisis of the elimination of teacher bargaining rights. For that, the NEA repaid Dayton in July 2012 by naming him “America’s Greatest Education Governor.”

# MINNESOTA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 14TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  3*	Membership	By rank, what percentage of public-school teachers in the state are union members?	9th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	15th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	13th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	24th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	3rd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  32*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	30th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	13th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	39th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	34th
<b>AREA 3: SCOPE OF BARGAINING</b>  2	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	4th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  46*	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	39th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	49th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>46*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>19</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Minnesota has the 9th-highest percentage of teachers who are union members. Otherwise, we report a status: Minnesota has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Minnesota are shown in the table, *Minnesota Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Minnesota is ranked 3rd of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from national unions and local union affiliates. Typically, the total contributions from each are much smaller than the donations from the state unions. But in Minnesota's case, local unions in Minneapolis and St. Paul together gave as much to state politics as did the state-level union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Office of Governor Mark Dayton, press release, April 12, 2012, [http://mn.gov/governor/images/Ch\\_245\\_HF1974\\_veto-attach.pdf](http://mn.gov/governor/images/Ch_245_HF1974_veto-attach.pdf).

<sup>7</sup> Jon Collins, "Dayton Vetoes Bill That Would Weaken Teacher Seniority," Minnesota Public Radio, May 3, 2012, <http://minnesota.publicradio.org/display/web/2012/05/03/teacher-seniority-bill-veto/>.

<sup>8</sup> Tom Scheck, "House Forced To Deal With Right-To-Work Amendment," Minnesota Public Radio, April 27, 2012, [http://minnesota.publicradio.org/collections/special/columns/polinaut/archive/2012/04/house\\_forced\\_to.shtml](http://minnesota.publicradio.org/collections/special/columns/polinaut/archive/2012/04/house_forced_to.shtml).

<sup>9</sup> Tim Pugmire, "Dayton Signs Minn. Teacher License Bill Into Law," Minnesota Public Radio, March 7, 2011, <http://minnesota.publicradio.org/display/web/2011/03/07/teacher-licensure/>.

<sup>10</sup> "U.S. State Of Minnesota Ends Longest Government Shutdown," *People's Daily Online*, July 21, 2011, <http://english.peopledaily.com.cn/90001/90777/90852/7447021.html>. <http://www.startribune.com/opinion/otherviews/125667103.html?page=1&c=y>

<sup>11</sup> David Taintor, "Furloughed In Minnesota – The Story Of One State Worker," TPM.com, July 11, 2011, <http://tpmdc.talkingpointsmemo.com/2011/07/how-minnesotas-government-shutdown-is-affecting-one-laid-off-state-employee.php>.

<sup>12</sup> Tom Weber, "Budget Deal Draws Criticism From Education Officials," Minnesota Public Radio, July 14, 2011, <http://minnesota.publicradio.org/display/web/2011/07/14/shutdown-budget-education-reaction/>.

# MISSISSIPPI

OVERALL RANK: 46TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER 
←
→
 WEAKER

OVERALL					46
1. RESOURCES AND MEMBERSHIP					49
2. INVOLVEMENT IN POLITICS				40	
3. SCOPE OF BARGAINING					43
4. STATE POLICIES	7				
5. PERCEIVED INFLUENCE					51

## AREA 1: RESOURCES AND MEMBERSHIP 49TH

Mississippi’s teacher unions face low membership and a dearth of resources. With just 36.8 percent of all teachers unionized, the Magnolia State posts the 3rd-lowest unionization rate nationwide. A smaller percentage of Mississippi teachers are unionized than in twelve of the other thirteen states in which bargaining is permitted (and smaller even than in four of the five states in which bargaining is illegal). Mississippi’s NEA and AFT affiliates bring only \$89 in revenue per teacher in the state (48th out of 51 jurisdictions). Spending on education is low in Mississippi, too: Just 17.0 percent of state expenditures go toward K-12 education (38th) and, of the annual \$9,708 spent per pupil (a combination of local, state, and federal

funds; 39th), only 53.5 percent goes toward teacher salaries and benefits (31st).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 40TH

Mississippi’s teacher unions are less involved in state-level political campaigns than their counterparts in most other states. In the past decade, their donations amounted to only 0.14 percent of total contributions received by candidates for state office (48th). Their share of donations to state political parties was equally small (just 0.07 percent, also 48th). These limited financial donations are somewhat offset by the fairly high percentage of Mississippi delegates to the Democratic and Republican national conventions who identified as teacher union members (18.8 percent; 11th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 43RD*

Mississippi does not address collective bargaining in education, neither prohibiting nor requiring it (and consequently all twenty-one contract items examined in this report are implicitly within the scope of bargaining). However, the law does specifically prohibit teacher strikes. Further, teacher unions fall under the purview of state labor laws, which bar any union from automatically collecting agency fees from non-members.

*AREA 4: STATE POLICIES  
TIED FOR 7TH*

Despite other indications that its teacher unions are weak, Mississippi policies are more closely aligned with traditional union interests than in nearly every other state.<sup>4</sup> Mississippi grants tenure after only one year—the only state to do so that quickly (the national norm is three years); further, student learning is not a criterion in tenure decisions. Districts may decide their own standards for layoffs (with no requirement that teacher performance be included), and there are no articulated consequences for unsatisfactory evaluations. Further, when we calculated our metric, the state did not require that student achievement factor into teacher evaluations. (At press time, however, Mississippi had approved—but not yet implemented—a policy requiring that student achievement on state tests comprise half of a teacher’s evaluation.) Charter laws are equally favorable to union positions (see sidebar): The state has a tight cap on charters with no room for growth, and allows only conversion charters, not start-ups or virtual charter schools. Nor does it exempt charter schools from state teacher certification requirements or district collective

bargaining agreements. Further, the state board of education is the sole authorizer, and can convert a failing district school to a charter only after a petition from parents at that school. With these limited avenues for authorizing, the state has only a single charter school.<sup>5</sup>

*AREA 5: PERCEIVED INFLUENCE  
51ST*

Mississippi stakeholders perceive their teacher unions to be quite weak, indeed the least influential in the nation. Respondents rank their influence below that of the state school board, the governor’s office, and parent coalitions. They report that the teacher unions are not effective in warding off proposals with which they disagree or in protecting dollars for education. Further, they note that the positions of state education leaders are only sometimes in line with those of teachers unions, and that Democrats only sometimes need teacher union support to get elected—whereas respondents in most states reported that Democrats often or always need union support.

*OVERALL  
46TH*

Mississippi’s teacher unions are among the least potent in the nation, ranking alongside unions in states where bargaining is prohibited. Membership is notably low. The unions do not have a reputation for strength among stakeholders, and do not participate in state politics to a significant degree. Yet Mississippi policies are well aligned with union positions (especially in comparison to its neighboring southern states). Perhaps it is *because* these policies are in place that the union is not more active: many of its goals are already realized (see sidebar).

## THE STRONG, SILENT TYPE

The Mississippi Association of Educators (MAE) and AFT-Mississippi (AFT-MS) don't have much to work with. Not only does Mississippi law stop unions from collecting agency fees, it also prevents them from automatically collecting dues from the paychecks of their own members.<sup>6</sup> Then again, the MAE and AFT-MS don't have that much to do, because teacher jobs in the Magnolia State are among the most secure in the nation, thanks to the state's *Education Employment Procedures Law*. (That law and its predecessors date back the 1970s, a period of staunch Democratic leadership in the state, and give new meaning to "due process.")<sup>7</sup>

Despite their self-defined primary roles as advocates, not political heavyweights, the MAE and AFT-MS have recently engaged in two major policy debates. First, Governor Phil Bryant is pressing districts hard to switch from seniority-based salary schedules to merit pay. Both associations are hesitant to support pay based on evaluations that use standardized test scores, and worry that the system may be punitive rather than productive.<sup>8</sup> MAE president Kevin Gilbert doubts that merit pay is money well spent, pointing out that a better alternative is raising overall teacher pay in a state where educator salaries are, on average, the second-lowest in the nation.<sup>9</sup> But the state's achievement-based evaluation system, developed in order to improve the state's chances of receiving an NCLB waiver, is still in its infancy, and it is unlikely that merit pay based on that system will find a foothold in the near future.<sup>10</sup>

Second, lawmakers sought to amend the state's existing charter law with the Mississippi Public Charter Schools Act of 2012. While charter schools have been legal in Mississippi since 1997, because of the tight restrictions on authorizing, the state has only a single one. According to the Center for Education Reform (CER), the Magnolia State's current law is one of the nation's weakest. (The National Alliance for Public Charter Schools concurs.) It was passed only to increase the odds of winning money in the federal Race to the Top competition.<sup>11,12</sup> The 2012 Charter Schools Act proposed to expand authorizing options, permit charters in all districts rather than only underperforming ones, allow new and virtual as well as conversion schools, and exempt charter teachers from state certification requirements and the Education Employment Procedures Law.<sup>13</sup> The MAE took a hard line against the proposal, objecting that it would undermine due process for educators and allow uncertified, under-qualified teachers into high-needs classrooms. The measure later died in committee. While the resources of Mississippi's teacher association are limited, their bully pulpit is not.

# MISSISSIPPI RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 46TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  49	Membership	By rank, what percentage of public-school teachers in the state are union members?	49th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	48th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	38th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	39th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	31st
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	48th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	48th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	48th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	11th
<b>AREA 3: SCOPE OF BARGAINING</b>  43*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	33rd*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  7	Performance pay	Does the state support performance pay for teachers?	State supports/ encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	34th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	One year
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	41st	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>7*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with no room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Staff are exempt from state employment laws, not bargaining agreements

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>51</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Mississippi has the 49th-highest percentage of teachers who are union members. Otherwise, we report a status: In Mississippi, collective bargaining is neither required nor prohibited, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Mississippi are shown in the table, *Mississippi Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank-order. For example, in Area 1: Resources and Membership, Mississippi is ranked 49th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> The presence of union-friendly policies in states with weak unions presents a conundrum (see main report). Mississippi's unique political history serves as partial explanation. The Magnolia State was basically a one-party state until 1992, and Democrats led one if not both houses of the legislature until 2011. Still, Democrats in rural areas tend to be socially conservative and align their views with those of Republican presidential candidates, which is why observers tend to think of Mississippi as a "red state." The state's labor laws relative to teachers (who unionized in the mid 1960s) originated from an era of Democratic leadership.

<sup>5</sup> Mississippi first enacted its original charter law in 1997, but lawmakers did not renew it before it lapsed in 2009. At that time, only one charter was in operation in the entire state, and it was a charter in name only (the school was part of its local district and did not have an independent board). When the 1997 law expired, the school was taken over completely by its district. Between 1997 and 2009, lawmakers discussed renewing and expanding the law but no bill ever passed, for reasons varying from fear of segregation and cherry-picking high performers to the diversion of money from district schools. A new law enacted in 2010 is nearly identical to the 1997 original. See Marquita Brown, "Charter School Law May Get Strengthened," *Hattiesburg American*, January 11, 2009, <http://www.hattiesburgamerican.com/article/20090112/NEWS01/901120318/Charter-school-law-may-get-strengthened>.

<sup>6</sup> Mississippi Association of Educators, [http://maetoday.nea.org/images/ProductImage\\_34.pdf](http://maetoday.nea.org/images/ProductImage_34.pdf).

<sup>7</sup> Ward Schaefer, "Teachers Fire Back At Film," *Jackson Free Press*, November 10, 2010, <http://www.jacksonfreepress.com/news/2010/nov/10/teachers-fire-back-at-film/>. According to Rachel Hicks, executive director of the education advocacy organization Mississippi First, state law is equivalent to tenure, even if statute avoids that term. She elaborates: "Essentially, we have a system where if you breathe in a district for two consecutive years, you essentially cannot be fired unless you do something really bad that jeopardizes the health and welfare of your students. Even though we say we don't have tenure, we have a shadow system of tenure." (See also Note 4, above.)

<sup>8</sup> Associated Press, "Governor Phil Bryant touting new attempt to pay teachers based on student performance," *GulfLive.com*, July 28, 2012, accessed August 20, 2012, [http://blog.gulflive.com/mississippi-press-news/2012/07/gov\\_phil\\_bryant\\_touting\\_new\\_at.html](http://blog.gulflive.com/mississippi-press-news/2012/07/gov_phil_bryant_touting_new_at.html).

<sup>9</sup> *Ibid.*

<sup>10</sup> Annie Gilbertson, "Inside Mississippi Teacher Evaluations," Mississippi Public Broadcasting, February 24, 2012, [http://mpbonline.org/News/article/inside\\_mississippi\\_teacher\\_evaluations](http://mpbonline.org/News/article/inside_mississippi_teacher_evaluations).

<sup>11</sup> Alison Consoletti, ed., *Charter School Laws Across the States*, Center for Education Reform (Washington, D.C.: April 2012), [http://www.edreform.com/wp-content/uploads/2012/04/CER\\_2012\\_Charter\\_Laws.pdf](http://www.edreform.com/wp-content/uploads/2012/04/CER_2012_Charter_Laws.pdf).

<sup>12</sup> Todd Ziebarth, *Measuring Up to the Model: A Ranking of State Public Charter School Laws*, National Alliance for Public Charter Schools (Washington, D.C.: January 2012), [http://www.publiccharters.org/data/files/Publication\\_docs/NAPCS\\_2012\\_StateLawRankings\\_Final\\_20120117T162953.pdf](http://www.publiccharters.org/data/files/Publication_docs/NAPCS_2012_StateLawRankings_Final_20120117T162953.pdf). Ziebarth, vice president at the National Alliance for Public Charter Schools and lead author of the report, explains: "Significant improvements are needed in every aspect of Mississippi's law, most notably by allowing start-up charter schools and virtual charter schools, providing additional authorizing options for charter applicants, beefing up the law in relation to the model law's four quality control components, increasing operational autonomy, and ensuring equitable operational funding and equitable access to capital funding and facilities." See <http://www.wdam.com/story/16535878/mississippi-charter-schools-rated-worst-in-the-nation>.

<sup>13</sup> "MAE Legislative Update," Mississippi Association of Educators, March 9, 2012, <http://maetoday.nea.org/News.asp?s=1&nid=74>.

# MISSOURI

OVERALL RANK: 38TH<sup>1</sup>  
TIER 4 (WEAK)

STRONGER 
→
 WEAKER

OVERALL					38
1. RESOURCES AND MEMBERSHIP			33		
2. INVOLVEMENT IN POLITICS					47
3. SCOPE OF BARGAINING		23			
4. STATE POLICIES					40
5. PERCEIVED INFLUENCE			24		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 33RD

Missouri’s teacher unions stand out neither for their member-generated resources nor for the level of education expenditures in their state. Just 76.6 percent of Missouri teachers are unionized, the 26th-highest unionization rate across 51 jurisdictions (although well above the average rate of 60.9 percent where bargaining is permitted but not required). The Show Me State’s state-level NEA and AFT affiliates bring in \$167 annually per teacher in the state (44th of 51). While state spending on education is relatively high (K-12 education accounts for 21.7 percent of state expenditures; 15th), overall per-pupil spending is moderate (\$10,935 per year; 29th). Roughly 54 percent of total K-12 education dollars go toward teacher salaries and benefits (28th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 47TH

Missouri’s teacher unions are less involved with state political campaigns than their counterparts in nearly every other state. In the past ten years, their direct donations equaled only 0.25 percent of contributions to candidates for state office (40th), and 0.39 percent of contributions to state political parties (41st). Their presence at the Democratic and Republican national conventions was also minimal, with just 12.1 percent of Missouri delegates identifying as teacher union members (31st).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING*  
*23RD*

Missouri is one of three states that *explicitly* permit—but not require—collective bargaining by teachers (eleven other states implicitly allow it by neither prohibiting nor requiring it). However, few provisions of collective bargaining are addressed in state law: Of the twenty-one items examined in our metric, two—wages and terms and conditions of employment—must be negotiated (should a district choose to bargain at all). State statute does not address the remaining nineteen. Unions may automatically collect agency fees from non-member teachers, but teacher strikes are not allowed.

*AREA 4: STATE POLICIES*  
*40TH*

Teacher employment and charter school laws are less aligned with traditional union interests in Missouri than in most other states. Missouri is one of only eleven states where districts must consider teacher performance in determining which teachers are laid off. It is also one of just five states in which teachers must work five years before receiving tenure (the national norm is three), although it does not require that student learning factor into tenure decisions or teacher evaluations. Unions typically oppose autonomy for charter schools, but Missouri law grants them partial exemptions from state laws and teacher certification requirements, and full exemption from district collective bargaining agreements. The state also permits new, conversion, and virtual charter schools—although only in 2012 did the state allow charters in districts other than Kansas City and St. Louis.

*AREA 5: PERCEIVED INFLUENCE*  
*24TH*

Stakeholders report that Missouri's teacher unions are active in shaping education policy but do not dominate the process. They indicate that the unions, along with the state school board association and association of school administrators, are all influential in education policy. Respondents note that the unions are effective in warding off education proposals with which they disagree, and that policies proposed by the governor in the latest legislative session were in line with union priorities, although the *outcomes* of that session were only somewhat in line.<sup>4</sup> Finally, they report that state education leaders are only sometimes aligned with teacher union priorities.

*OVERALL*  
*38TH*

Missouri's teacher unions do not distinguish themselves across any of the areas of strength examined in our metric, and the state's overall rank places it in the middle of the fourteen bargaining-permitted states. The state is one of only nine that did not rank higher than 20th in any single area.

## DEFENSIVE PLAY

Unions in states seeking Race to the Top funding or NCLB waivers tend to find themselves on the defensive, and the Missouri National Education Association (MNEA) is no exception. At the close of the 2012 legislative session, its legislative director wrote, “MNEA defends public education against extremist attacks: Legislative leaders push extreme agenda and fail to act on real needs of students and educators.”<sup>5</sup> Among the measures most offensive to the MNEA were proposals to eliminate tenure and “last in, first out” layoff policies, ensure that ineffective teachers were eligible for dismissal, require that at least half of every teacher’s evaluation be based on student test scores, and implement performance-based pay. After heavy amending, none of those measures passed—not because lawmakers didn’t want the reforms, but because House-Senate bickering and union-supported amendments left the bills without teeth.<sup>6,7,8</sup> Despite the fact that it could not enact statewide teacher evaluation standards, however, Missouri secured a 2012 NCLB waiver after it agreed that districts would develop, pilot, and implement student-achievement-based systems locally.<sup>9</sup>

The legislature did manage to put politics aside and pass a bill expanding charter schools from St. Louis and Kansas City to all failing districts, despite MNEA’s opposition that they should be limited until the charter accountability system is improved (and until charter teachers receive due process rights).<sup>10</sup> But with an NCLB waiver in their pocket, and state leaders who can’t seem to agree, Missouri’s teacher unions may be able to rest easy for awhile. At least until lawmakers take up discussions over tenure and evaluations again—which they’ve vowed to do.

# MISSOURI RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 38TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  33*	Membership	By rank, what percentage of public-school teachers in the state are union members?	26th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	44th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	15th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	29th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	28th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  47*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	40th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	41st
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	42nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	31st
<b>AREA 3: SCOPE OF BARGAINING</b>  23	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	29th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  40	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	42nd*
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Five years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	28th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>40</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with limited room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>24</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Sometimes concede, sometimes fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly/Totally in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Missouri has the 26th-highest percentage of teachers who are union members. Otherwise, we report a status: In Missouri, collective bargaining is permitted, and union agency fees are also permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Missouri are shown in the table, *Missouri Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Missouri is ranked 33rd of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Otto Fajen, "MNEA Defends Public Education Against Extremist Attacks," Missouri National Education Association, accessed August 30, 2012, [http://www.mnea.org/Missouri/News/MNEA\\_defends\\_public\\_education\\_against\\_extremist\\_at\\_268.aspx](http://www.mnea.org/Missouri/News/MNEA_defends_public_education_against_extremist_at_268.aspx).

<sup>6</sup> Ibid. See also Otto Fajen, "Legislative Update," Missouri National Education Association, May 25, 2012, <http://www.mnea.org/Uploads/Public/Documents/Capitol/LegUpdates/2012/19-May25.pdf>.

<sup>7</sup> Virginia Young, "Pressure Builds For Teacher Tenure Reform," *St. Louis Post-Dispatch*, April 8, 2012, [http://www.stltoday.com/news/local/education/pressure-builds-for-teacher-tenure-reform/article\\_ad0134b0-0e8b-5a75-8222-294e43da6c5c.html](http://www.stltoday.com/news/local/education/pressure-builds-for-teacher-tenure-reform/article_ad0134b0-0e8b-5a75-8222-294e43da6c5c.html).

<sup>8</sup> Elisa Crouch, "Missouri To Develop New Teacher Evaluation Tool," *St. Louis Post-Dispatch*, April 4, 2012, [http://www.stltoday.com/news/local/education/missouri-to-develop-new-teacher-evaluation-tool/article\\_25b7c53c-9cc4-52ba-a831-f252f67b6c08.html](http://www.stltoday.com/news/local/education/missouri-to-develop-new-teacher-evaluation-tool/article_25b7c53c-9cc4-52ba-a831-f252f67b6c08.html).

<sup>9</sup> "ESEA Flexibility Requests and Related Documents," U.S. Department of Education, accessed September 4, 2012, <http://www.ed.gov/esea/flexibility/requests>.

<sup>10</sup> Fajen.



# MONTANA

OVERALL RANK: 3RD<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER  WEAKER

OVERALL	3				
1. RESOURCES AND MEMBERSHIP			20		
2. INVOLVEMENT IN POLITICS		10			
3. SCOPE OF BARGAINING	6				
4. STATE POLICIES	6				
5. PERCEIVED INFLUENCE	5				

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 20TH

Though Montana’s single state teacher union derives a substantial amount of internal resources from its own members, it does not see much funding from the state. A total of 82.6 percent of Montana teachers are unionized, the 23rd-highest membership rate across 51 states. And the merged NEA-AFT state-level affiliate brings in \$814 annually per Montana teacher (5th of 51). But while overall K-12 education spending is high (local, state, and federal funds amount to \$13,773 per pupil per year, 10th-highest), only 51.1 percent of those funds go toward teacher salaries and benefits (44th). Montana itself does not allot a large proportion of its expenditures to K-12 education—just 15.3 percent (43rd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 10TH

While state politics in Montana was not a big-money game in the past decade, Montana’s teacher unions were among the more active players (and played a bigger role than their counterparts in many other states).<sup>3</sup> Contributions from the unions accounted for 2.7 percent of the donations to political parties in the Treasure State (10th). Even though their donations to candidates for state office did not add much to candidates’ overall totals (0.2 percent came from unions; 44th), about \$1 out of every \$10 given to candidates by the ten highest-giving sectors in the state came from teacher unions (15th). They also had a non-monetary presence: 22.4 percent (8th) of Montana’s delegates to the Democratic and Republican national conventions were teacher union members.<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
6TH*

Montana is one of thirty-two states that require collective bargaining. It also permits teacher strikes, and allows unions to automatically collect agency fees (a key source of revenue) from non-member teachers. In addition, state law gives teacher unions greater scope of bargaining than in most other states. Of twenty-one items examined in this analysis, Montana requires that four be subjects of collective bargaining—wages, hours, terms and conditions of employment, and fringe benefits. It's silent on the remaining seventeen provisions, implicitly including them all in negotiations.

*AREA 4: STATE POLICIES  
6TH*

Many of Montana's education policies are closely aligned with traditional teacher union interests. The state does not support performance pay, does not articulate consequences for unsatisfactory evaluations, and does not require that student achievement data be part of teacher evaluations or tenure decisions. Districts need not consider teacher performance when determining teacher layoffs. Finally, though not calculated into our metric, Montana does not have a charter school law—in fact, no such bill has even made it to the legislature floor since 2002 (see sidebar).<sup>5</sup>

*AREA 5: PERCEIVED INFLUENCE  
5TH*

While stakeholders in Montana do not consistently rank teacher unions as the strongest force in education policy, they do report a very powerful union influence. Survey respondents note that it is effective

in protecting dollars for education, and strongly agree that it has been successful in warding off education proposals with which it disagrees. Furthermore, they indicate that policies proposed by the governor in the state's latest legislative session were mostly in line with teacher union priorities (though they note that enacted policies were only somewhat in line), that the priorities of state education officials are often aligned with those of the teacher union.<sup>6</sup>

*OVERALL  
3RD*

Montana's teacher union shows consistent strength across the board. It benefits from high annual revenue; has a significant financial presence in political campaigns; enjoys a broad scope of bargaining; and maintains a favorable policy climate. Its perceived influence is significantly higher than the union in Hawaii (1st overall), and its state policy environment is significantly more union-friendly than that in Oregon (2nd overall).

## WEATHERING THE STORM

Because of, or perhaps in spite of, its strength, the Montana Education Association-Montana Federation of Teachers (MEA-MFT) is in the calm at the eye of a virtual storm of anti-union sentiment. Surrounded by states undergoing a flurry of activity to limit union rights—Idaho, Colorado, Iowa, Minnesota, and Wisconsin among them—the MEA-MFT has not faced significant threats from the governor, and in April 2011 it successfully blocked several major proposals from lawmakers.<sup>7</sup> First, the MEA-MFT came out hard against a plan to legalize, and fund, charter schools. The union spared no hyperbole in dubbing HB 603 “one of the most dangerous school privatization bills ever introduced.”<sup>8</sup> Had it survived to be heard on the House floor, the bill would have been the first such charter measure to make it that far since 2002. But HB 603 died in committee in April 2011.<sup>9</sup> Charter opponents dodged another bullet when language that would have again allowed and funded charters was struck from SB 329.<sup>10</sup> The MEA-MFT also rallied its troops against a bill that would redefine “good cause” for teacher terminations and “truncate due process” for dismissals; SB 315 was rejected on the floor, 42-57.<sup>11</sup>

The union also made a few proposals of its own, including one seeking a 2011 reinstatement of salary raises for public employees after a two-year freeze. The MEA-MFT joined other public employee unions and Democrat Governor Brian Schweitzer in support of the raises, and 500 of its members attended a rally to “Save Public Services and Education.”<sup>12</sup> Apparently, however, Montana lawmakers are not as amenable to union interests when they involve asking for money: Two different iterations of the bill were voted down in April 2011, and lawmakers won’t vote on the governor’s third attempt until after Schweitzer’s successor is chosen in November 2012.<sup>13</sup> Depending on what that election brings, the powerful MEA-MFT may see more clear skies or face stormy weather ahead.

# MONTANA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 3RD			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20*	Membership	By rank, what percentage of public-school teachers in the state are union members?	23rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	5th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	43rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	10th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	44th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  10*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	44th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	10th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	15th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	8th
<b>AREA 3: SCOPE OF BARGAINING</b>  6	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  6	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	32nd
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	34th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>6</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>5</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
	Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Montana has the 23rd-highest percentage of teachers who are union members. Otherwise, we report a status: Montana has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> Montana does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Montana are shown in the table, *Montana Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Montana is ranked 20th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Montana is an exception because the sum of the donations from local affiliates is comparable to the total from the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or no role.

<sup>6</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>7</sup> Gail Schontzler, "Public Enemy Or Middle-Class Champion?" *Bozeman Daily Chronicle*, March 21, 2011, [http://www.bozemandailychronicle.com/news/article\\_5c3616ee-527a-11e0-8cd4-001cc4c03286.html](http://www.bozemandailychronicle.com/news/article_5c3616ee-527a-11e0-8cd4-001cc4c03286.html).

<sup>8</sup> "Dangerous: HB 603," MEA-MFT, April 8, 2011, [http://www.mea-mft.org/Articles/dangerous\\_hb\\_603.aspx](http://www.mea-mft.org/Articles/dangerous_hb_603.aspx).

<sup>9</sup> "Legislative Detail: MT House Bill 603 – 2011 Regular Session," LegiScan, April 28, 2011, <http://legiscan.com/gaits/view/296309>.

<sup>10</sup> Cody Bloomsburg, "K-12 Funding Bill Takes A Shaky Step Forward In The House," Session '11, April 27, 2011, <http://session11dotorg.wordpress.com/2011/04/27/k-12-funding-takes-a-tentative-step-forward/>.

<sup>11</sup> "Victory On Teacher Tenure," MEA-MFT, April 28, 2011, [http://www.mea-mft.org/Articles/victory\\_on\\_teacher\\_tenure.aspx](http://www.mea-mft.org/Articles/victory_on_teacher_tenure.aspx).

<sup>12</sup> "500+ Attend Rally To Save Public Services & Education," MEA-MFT, February 21, 2011, [http://www.mea-mft.org/Articles/500\\_attend\\_rally\\_to\\_save\\_public\\_services\\_education.aspx](http://www.mea-mft.org/Articles/500_attend_rally_to_save_public_services_education.aspx).

<sup>13</sup> Charles S. Johnson, "Montana House Rejects Employee Pay Plan," *Missoulian State Bureau*, April 20, 2011, [http://missoulian.com/news/state-and-regional/article\\_097d1448-6bbb-11e0-8105-001cc4c002e0.html](http://missoulian.com/news/state-and-regional/article_097d1448-6bbb-11e0-8105-001cc4c002e0.html); Charles S. Johnson, "House Rejects Pay Plan Bill Again," *Helena Independent Record*, April 27, 2011, [http://helenair.com/news/article\\_3c32b03e-708c-11e0-85e9-001cc4c002e0.html](http://helenair.com/news/article_3c32b03e-708c-11e0-85e9-001cc4c002e0.html).

# NEBRASKA

OVERALL RANK: 26TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER  WEAKER

OVERALL			26		
1. RESOURCES AND MEMBERSHIP		18			
2. INVOLVEMENT IN POLITICS	13				
3. SCOPE OF BARGAINING				37	
4. STATE POLICIES			27		
5. PERCEIVED INFLUENCE					38

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 18TH

Nebraska’s state teacher union has comparatively moderate resources but its members benefit from relatively high spending on education in the state. With 85.3 percent of its teachers identifying as union members, the unionization rate in the Cornhusker State is 19th-highest of 51 jurisdictions. The Nebraska State Education Association (NSEA) brings in \$467 per teacher each year (28th). Funds from local, state, and federal sources amount to \$12,823 per pupil, per year (15th), with a full 59.6 percent of those dollars allotted to teacher salaries and benefits (2nd; only New York’s allotment is higher). Yet the state’s own spending is relatively modest, with just 15.8 percent of its budget directed to K-12 education (40th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 13TH

Teacher unions contribute significantly to state politics in Nebraska, at least when compared with other states.<sup>3</sup> In the past decade, union donations amounted to 2.4 percent of total contributions to candidates for state office (5th). Those donations came to 17.4 percent of the funds donated by the ten highest-giving sectors in the state (4th). Moreover, 2.9 percent of the donations to Nebraska political parties came from teacher unions (8th). Taken together, those figures indicate that unions were a major player in Nebraska elections. On the other hand, only 7.7 percent of the state’s delegates to the Democratic and Republican national conventions were teacher union members (41st).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING*  
*37TH*

Though Nebraska is one of thirty-two states that require collective bargaining for public-school teachers, unions are not allowed to automatically collect agency fees—a key source of union revenue—from non-member teachers. State law is relatively indifferent regarding the scope of bargaining: Of the twenty-one items examined in our metric, Nebraska requires just three to be negotiated—wages, hours, and terms and conditions of employment. It takes no stand on the remaining eighteen items, implicitly permitting them all. Finally, Nebraska prohibits teacher strikes.

*AREA 4: STATE POLICIES*  
*27TH*

While many of Nebraska's teacher employment policies align with traditional teacher union interests, some do not. The state does not require student achievement factor into teacher evaluations or tenure decisions. Tenure is conferred after three years (the national norm), and must be considered in layoff decisions (when districts need not consider teacher performance). But it also requires that employees contribute a greater share of their pension funds (relative to employer contributions) than forty other states. Nebraska does not have a charter school law.<sup>5</sup>

*AREA 5: PERCEIVED INFLUENCE*  
*38TH*

While stakeholders in Nebraska do not perceive teacher unions to be dominant in shaping education policy, they do view the unions as active participants in the process. Nebraska is one of just four states in which stakeholders indicated that both Democrats

and Republicans often need teacher union support to be elected. (Nebraska even has an NSEA-endorsed Republican governor—see sidebar.) But survey respondents rank the union as only the third- or fourth-most influential entity in state education policy, consistently placing the school board and administrator associations above it. In addition, respondents indicate that, in light of recent budgetary constraints, the union acceded to reductions in pay and benefits rather than fighting against them. Given the high percentage of district spending that goes to teacher salaries but the relatively low proportion of state spending that goes to K-12 education (see Area 1), perhaps respondents are reflecting on the union's failure to secure higher salaries from the state (see sidebar).

*OVERALL*  
*26TH*

Nebraska's teacher unions are a strong presence in state politics—and have made their election endorsements important for both Democrats and Republicans. Bargaining laws and teacher employment policies are no more or less aligned with union interests than in other states—although unlike many other states, these policies seem less vulnerable to change (see sidebar).



## WITH A LITTLE HELP FROM MY FRIENDS

The NSEA knows a good investment when it sees one. In 2006, it endorsed Republican Dave Heineman for governor, and was the single biggest donor to his 2010 re-election campaign—after he backed raises and better benefits for teachers.<sup>6</sup> Two years later, the union successfully lobbied Heineman to increase state aid for education from the proposed \$814 to \$853 million (though still a \$27 million decrease from 2011–12). It also mobilized its members against the governor's tax relief plan and successfully curbed tax cuts by two-thirds of the original proposal.<sup>7</sup> This was all firmly in line with the vision of NSEA president Nancy Fulton, who explained the importance of investing in lobbying to her members: "I firmly believe that money matters, and that when it comes to education spending, policymakers are 'pennywise and pound foolish.' Pushing those policymakers to provide adequate funding for our public schools will pay dividends in the long run."<sup>8</sup>

That push included demands for higher teacher salaries, which are among the lowest in the nation, and again the NSEA had the governor on its side.<sup>9</sup> Heineman wrote to NSEA leaders, urging them to help their members negotiate pay raises with the help of federal stimulus funds. To the amazement (and chagrin) of lawmakers, he even told the union to use his letter to pressure school boards during collective bargaining. (His letter read, in part, "I am skeptical of mandating how school districts spend their state aid, but I've grown increasingly concerned that the substantial increases in state aid have not been reflected in teacher pay.")<sup>10</sup>

The NSEA enjoyed only partial success here: Instead of awarding teachers across-the-board raises, in 2010 Nebraska became one of a handful of states that both require performance pay and fund it. However, merit pay is an exception to the more general durability of the education status quo in Nebraska. The state did not enact major education reforms before submitting its Race to the Top applications (which were, unsurprisingly, rejected), and it did not try for an NCLB waiver. Most recently, the legislature passed an NSEA-endorsed plan to evaluate schools and districts (but not teachers) using student performance, with the details yet to be determined by the State Board of Education.<sup>11</sup> So far, it seems that the NSEA's political investments are paying off.

# NEBRASKA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 26TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  18*	Membership	By rank, what percentage of public-school teachers in the state are union members?	19th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	28th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	40th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	15th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	2nd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	5th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	8th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	4th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	41st
<b>AREA 3: SCOPE OF BARGAINING</b>  37	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	24th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  27	Performance pay	Does the state support performance pay for teachers?	Available to all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	41st
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	35th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>27</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>38</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Nebraska has the 19th-highest percentage of teachers who are union members. Otherwise, we report a status: Nebraska has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> Nebraska does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Nebraska are shown in the table, *Nebraska Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Nebraska is ranked 18th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from national unions and local union affiliates. However, in Nebraska only three local unions contribute to state politics, and their donations were relatively tiny compared to the NSEA.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> When calculating the ranking of states that do not have a charter school law, we do not include any sub-indicators related to charters. While some might argue that the lack of such a law is in itself a statement of union strength, we do not have sufficient evidence to connect the absence with actions of the union.

<sup>6</sup> Sean Cavanagh, "GOP governor backed by teachers' union wins Nebraska," *Education Week*, November 2, 2010, accessed August 28, 2012, [http://blogs.edweek.org/edweek/state\\_edwatch/2010/11/dave\\_heineman\\_backed\\_by\\_teachers\\_union\\_is\\_re-elected\\_in\\_nebraska.html](http://blogs.edweek.org/edweek/state_edwatch/2010/11/dave_heineman_backed_by_teachers_union_is_re-elected_in_nebraska.html); "Heineman, The Teachers' Union, And Irony," *NebraskaStatePaper.com*, February 27, 2011, <http://nebraska.statepaper.com/vnews/display.v/ART/2011/02/27/4d6b6cff2bc6f>.

<sup>7</sup> "Legislative Update," Nebraska State Education Association, April 19, 2012, <http://www.nsea.org/policy/LegUpdate.htm>.

<sup>8</sup> Nancy Fulton, "What I Believe," Nebraska State Education Association, May 2012, <http://www.nsea.org/news/all.htm?articleno=1223>.

<sup>9</sup> Teacher Portal, accessed August 31, 2012, <http://www.teacherportal.com/teacher-salaries-by-state>.

<sup>10</sup> Margaret Reist, "Heineman Calls For Teacher Pay To Reflect State Aid Increases," *Lincoln Journal Star*, June 19, 2009, [http://journalstar.com/news/local/article\\_89655884-137c-5296-bb8f-dcf2a7710e39.html](http://journalstar.com/news/local/article_89655884-137c-5296-bb8f-dcf2a7710e39.html).

<sup>11</sup> Bert Peterson, "War On Teachers Waged Across Nation," *Independent*, May 5, 2012, [http://www.theindependent.com/opinion/another\\_opinion/war-on-teachers-waged-across-nation/article\\_4e05aa74-9632-11e1-b52b-0019bb2963f4.html](http://www.theindependent.com/opinion/another_opinion/war-on-teachers-waged-across-nation/article_4e05aa74-9632-11e1-b52b-0019bb2963f4.html).

# NEVADA

OVERALL RANK: 25TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER 
←
→
 WEAKER

OVERALL			25		
1. RESOURCES AND MEMBERSHIP				28	
2. INVOLVEMENT IN POLITICS		18			
3. SCOPE OF BARGAINING				27	
4. STATE POLICIES				28	
5. PERCEIVED INFLUENCE		10			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 28TH

Nevada’s state teacher union enjoys a fair amount of resources from its members but does not see much spending on K-12 education in the state. With 74.6 percent of the state’s teachers unionized and annual revenue of \$435 per teacher, the NEA-affiliated Nevada State Education Association (NSEA) is in the middle of the pack compared with unions in other states. Spending on K-12 education is relatively high—21.3 percent of the state’s budget goes to K-12 education (the 17th-highest proportion out of 51 jurisdictions). But Nevada is at the bottom of the list when it comes to total dollars for education from local, state, and federal sources: Annual per-pupil expenditures are just \$8,363—only one state spends less.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 18TH

Over the past ten years, teacher unions contributed significant sums to state political campaigns in Nevada.<sup>3</sup> Donations from unions constituted 1.7 percent of the money received by state-level candidates (the 7th-highest percentage in the nation) and 2.8 percent of all giving to state political parties (9th-highest). But teacher unions faced competition: Their contributions to political candidates amounted to 6.5 percent of all donations from the ten highest-giving sectors (21st). Nor was the union voice at the Democratic and Republican national conventions as loud as in other states: Just 9.1 percent of Nevada’s delegates were teacher union members (37th).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
27TH*

Though Nevada is one of thirty-two jurisdictions that require collective bargaining, teachers are not allowed to strike. The Silver State also prohibits unions from automatically collecting agency fees, a key source of revenue, from non-members. Nevada nonetheless empowers unions with a wide scope of collective bargaining; of the twenty-one items examined in this metric, Nevada explicitly requires that fourteen be subjects of bargaining—more than any other state.

*AREA 4: STATE POLICIES  
28TH*

Nevada's state policies are not perfectly in line with traditional teacher union interests, but neither are they badly misaligned. Nevada permits, but does not require, performance pay for teachers. State law requires that student achievement be the preponderant criterion in teacher evaluations, but teachers can earn tenure after just three years. It also mandates that factors other than seniority—but not student achievement—be considered in layoff decisions. The state's charter laws are also a mixed bag: Nevada does not cap charter schools (though some districts do), but neither does it give them automatic exemptions from most district regulations. Collective bargaining agreements apply only to charter employees on leave from traditional schools.

*AREA 5: PERCEIVED INFLUENCE  
10TH*

Stakeholders perceive teacher unions in Nevada to be among the most influential entities in shaping education policy, and they report that both Democrats and

Republicans seeking state-level office often need teacher union support to get elected. Further, they agreed that teacher unions are often effective in protecting dollars for education and note that they fought hard to prevent reductions in pay and benefits during the recent period of budgetary constraints. Respondents indicate, however, that Nevada's teacher unions have faced struggles of late: Policies proposed by the governor during the state's recent legislative session were mostly *not* in line with teacher union priorities, and the legislative outcomes were only *somewhat* in line with them.<sup>5</sup>

*OVERALL  
25TH*

Nevada's teacher unions are more involved in state politics than many of their counterparts in other states, and they enjoy a relatively strong reputation for influence. The scope of bargaining and state policy environment are middle-of-the-road, neither particularly favorable nor unfavorable to union interests.

## BE CAREFUL WHAT YOU WISH FOR

The Clark County Education Association (CCEA) didn't heed Superintendent Dwight Jones when he said in early 2012 that there was simply no money to raise teacher salaries. Jones had warned that layoffs would be inevitable if wages were not held steady. An arbitrator hired to mediate the dispute ruled in favor of the union, and the district paid teachers a total of \$64 million in pay raises.<sup>6</sup>

In June 2012, however, Jones's warning became reality. To offset the cost of the raises, the Clark County School District mailed pink slips to 419 teachers and let another 600 newly-vacated positions go unfilled. While the union contract stipulates that both performance and seniority are key criteria for layoffs, in reality, early-career teachers bore the brunt of the firings: Because only thirty-six veteran teachers met the union's stringent definition of poor performance, roughly 380 newer teachers were let go instead. Teachers who survived the culling face an increase of three students per class, which brings the average to a hefty thirty-five students—one of the highest in the nation.

Faced with threats to teacher job security in Clark County (Las Vegas) and elsewhere, the Nevada state union proposed a solution that would increase state education funding and, ultimately, protect teacher salaries and jobs. The NSEA backed a ballot measure that would impose a 2 percent tax on businesses earning over \$1 million a year, with the revenue going to the state's general fund (and eventually reaching local school districts). Nevada businesses claimed the tax was illegal and misleading, and they are suing to stop the "Education Initiative." If the union can muster over 72,000 signatures by November 2012, the 2013 legislature will consider approving the statutory initiative.<sup>7</sup> Meanwhile, CCEA and Clark County district leaders are negotiating their 2012–13 contract; early observers say the talks "haven't been promising."<sup>8</sup>

# NEVADA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 25TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  28*	Membership	By rank, what percentage of public-school teachers in the state are union members?	28th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	30th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	17th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	50th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	26th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  18*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	7th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	9th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	21st
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	37th
<b>AREA 3: SCOPE OF BARGAINING</b>  27	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	1st
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  28	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	42nd*
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	4th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Lower	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>28</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and virtual schools only
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>10</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Sometimes compromise, sometimes do not need to concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Nevada has the 28th-highest percentage of teachers who are union members. Otherwise, we report a status: Nevada has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Nevada are shown in the table, *Nevada Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Nevada is ranked 28th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions (in this case, the Nevada State Education Association, Nevada's NEA affiliate), this particular indicator also captures contributions from local (and national) affiliates. Typically, the contributions from locals are significantly smaller than the amount given by state unions. But in Nevada's case, a local affiliate (Clark County Education Association) gave nearly as much as the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Trevon Milliard, "More Than 400 Teachers, Personnel Receive Pink Slips," *Las Vegas Review-Journal*, June 11, 2012, <http://www.lvrj.com/news/more-than-400-teachers-personnel-receive-pink-slips-158446925.html>.

<sup>7</sup> Associated Press, "Lawsuit Filed Against Nevada Tax Initiative," *Las Vegas Sun*, June 26, 2012, <http://www.lasvegassun.com/news/2012/jun/26/nv-nevada-tax-initiative-1st-ld-writethru/>.

<sup>8</sup> Milliard.

# NEW HAMPSHIRE

OVERALL RANK: 30TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER  WEAKER

OVERALL				30	
1. RESOURCES AND MEMBERSHIP				24	
2. INVOLVEMENT IN POLITICS					40
3. SCOPE OF BARGAINING		14			
4. STATE POLICIES			17		
5. PERCEIVED INFLUENCE					40

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 24TH

The Granite State’s financial resources, unionized teaching force, and funding for education all nudge its state teacher unions toward the middle of the national pack. With 84.4 percent of public school teachers unionized, the Granite State posts the 22nd-highest membership rate of 51 jurisdictions, and the state’s NEA and AFT affiliates bring in \$504 per teacher in the state (23rd). State dollars for education are roughly average, with 21.1 percent of New Hampshire’s budget directed to K-12 education (18th). It ranks higher on overall spending—local, state, and federal funds combined amount to annual per-pupil expenditures of \$13,519 (11th), and teachers see 55.6 percent of those dollars go toward their salaries and benefits (16th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 40TH

Compared to their counterparts elsewhere, New Hampshire’s teacher unions were relatively uninvolved in the past decade of state politics. Their contributions amounted to just 0.28 percent of all donations received by candidates for state office (37th), and 0.45 percent of donations to state-level political parties (39th). Further, they did not have a significant presence at Democratic and Republican national conventions: just 7.1 percent of the delegates from New Hampshire were teacher union members (42nd).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
14TH*

New Hampshire's teacher unions enjoy relatively permissive bargaining laws. It is one of twenty-one states that both require collective bargaining *and* allow unions automatically to collect agency fees from non-member teachers (a key source of union revenue). The scope of bargaining is also wide: Of twenty-one items examined in our metric, New Hampshire requires that six be negotiated: wages, hours, terms and conditions of employment, dismissal, leave, and extra-curricular duties. The state only excludes one provision—management rights—and implicitly permits the remaining fourteen items by taking no position. However, state law does not allow teacher strikes.

*AREA 4: STATE POLICIES  
17TH*

New Hampshire's teacher employment policies generally align with traditional union interests. It does not support performance pay, does not require student achievement data to factor into teacher evaluations or tenure decisions, and does not articulate consequences for unsatisfactory evaluations. Further, districts do not have to consider teacher performance when making layoffs (although they do not have to consider seniority, either). On the other hand, it takes teachers five years to earn tenure versus the national norm of three. Moreover, the state's charter policies are somewhat more opposed to typical union positions. While there is a cap on the number of charters, it leaves ample room for growth, and charters get partial automatic exemptions from state certification rules and full exemptions from collective bargaining agreements and most other state laws.

*AREA 5: PERCEIVED INFLUENCE  
40TH*

Stakeholders in New Hampshire perceive teacher union strength to be more limited than in most other states. Not a single survey respondent said that the teacher unions were among the influential entities in education policy; only in Florida did stakeholders say the same. They instead report that the state school board, association of school administrators, and association of school boards were influential. They also note that the unions often rely on compromise to see their preferred policies enacted, that they are unable to ward off proposals with which they disagree (although that may be less true lately—see sidebar), and that the positions of state education leaders are not particularly aligned with those of the teacher union.

*OVERALL  
30TH*

While New Hampshire's teacher unions are not very involved in state politics and do not garner a strong reputation, they do enjoy many favorable state-level policies. Perhaps it is *because* current state policies already align with traditional union interests that they are not more involved politically.

State leaders and unions in the Granite State have been playing hardball for most of 2012. First, lawmakers considered three constitutional amendments that would reduce (or eliminate) the state's obligations to fund public education—no surprise in a state with no sales or personal income tax. CACR 12 would permit the state to give fewer dollars to districts that could afford to raise money locally. CACR 8 would eliminate the state's obligation to give local districts any funds (while also granting districts complete autonomy over curricula, hiring, and budget). And CACR 6 would require a legislative supermajority to pass new taxes, essentially freezing state revenues.<sup>4</sup> NEA-New Hampshire came out hard against all three amendments; on CACR 12, president Rhonda Wesolowski lambasted that “schoolchildren lose when politicians play favorites and that is exactly what this amendment allows.”<sup>5</sup> The House approved CACR 6 and 12, but not with enough votes to place them on the November ballot; CACR 8 died before lawmakers voted on it.<sup>6,7</sup> Three failed amendments mean three strikes, one out, for legislators.

Early 2012 also found New Hampshire's unions battling three measures that AFT-New Hampshire called “union-busting bills and more attacks on our public employees and middle class families.”<sup>8</sup> Senators tabled a proposal to make New Hampshire a right-to-work state after it didn't gain enough momentum to prevail against a likely veto by Democrat Governor John Lynch. Next, they tabled a measure requiring employees and districts share the cost of any health insurance increases should a contract expire while a new one is being negotiated. A third proposal, allowing districts to ask that their local union be decertified as a legal bargaining unit if its membership became small enough, is locked in Senate committee.<sup>9,10</sup> Three more strikes, two outs.

In June 2012, however, school-choice proponents almost knocked one out of the park. The legislature passed a bill giving tax credits to businesses for donations to scholarship funds for private- and religious-school vouchers. The law also provided grants to parents who choose to home-school their children. Governor Lynch made a diving catch at the wall, vetoing the bill on the grounds that public money should not pay for private schools, and proponents couldn't raise enough votes in the House to overturn the veto.<sup>11</sup> That makes three outs for reformist lawmakers, and so, for the time being, New Hampshire's teacher unions are safe at home.

# NEW HAMPSHIRE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 30TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  24*	Membership	By rank, what percentage of public-school teachers in the state are union members?	22nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	23rd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	18th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	11th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	16th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	37th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	39th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	29th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	42nd
<b>AREA 3: SCOPE OF BARGAINING</b>  14	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	10th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  17	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	27th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Five years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	37th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

<i>Area and Rank</i>	<i>General Indicator</i>	<i>Sub-Indicator</i>	<i>Sub-Indicator Rank/Status</i>
<b>AREA 4: STATE POLICIES</b>  <b>17</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with ample room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes
<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>40</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth- or fifth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, New Hampshire has the 22nd-highest percentage of teachers who are union members. Otherwise, we report a status: New Hampshire has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for New Hampshire are shown in the table, *New Hampshire Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, New Hampshire is ranked 24th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> Matt Murray, "Taxes And Schools: An In-Depth Look Into CACR6, CACR12, and CACR13," Hampton-NorthHamptonPatch.com, June 2, 2012, [http://hampton-northhampton.patch.com/blog\\_posts/taxes-and-schools-an-in-depth-look-into-cacr-6-cacr12-and-cacr13](http://hampton-northhampton.patch.com/blog_posts/taxes-and-schools-an-in-depth-look-into-cacr-6-cacr12-and-cacr13).

<sup>5</sup> "CACR12 Wrong for New Hampshire's Schoolchildren," NEA New Hampshire, May 31, 2012, <http://www.neanh.org/home/29.htm>.

<sup>6</sup> Holly Ramer, "NH Education Amendment Fails In House," *Associated Press*, June 6, 2012, [http://www.boston.com/news/local/new\\_hampshire/articles/2012/06/06/nh\\_school\\_funding\\_amendment\\_faces\\_key\\_vote/](http://www.boston.com/news/local/new_hampshire/articles/2012/06/06/nh_school_funding_amendment_faces_key_vote/).

<sup>7</sup> Laura Hailey, "CACR's 6 And 12 Defeated," *New Hampshire Labor News*, June 7, 2012, <http://nhlabornews.com/2012/06/aft-nh-cacrs-6-and-12-defeated/>.

<sup>8</sup> "AFT-NH Member Action Needed – Defeat House Bills 1667, 1645, 1685, And 1206," AFT New Hampshire, <http://nh.aft.org/index.cfm?action=article&articleID=fca8369c-70b5-43d0-9edd-ec0e800fe39c>.

<sup>9</sup> Jake Berry, "Labor Remains Issue For Legislators," *Nashua Telegraph*, March 18, 2012, <http://www.nashuatelegraph.com/news/953922-196/capitol-watch-labor-remains-issue-for-legislators.html>

<sup>10</sup> Garry Rayno, "House Passes Right To Work Bill, But Well Short Of Votes Needed To Override Likely Veto," New Hampshire Union Leader, March 14, 2012, <http://www.unionleader.com/article/20120314/NEWS06/703149975>.

<sup>11</sup> "Governor's Veto Message Regarding SB 372," Office of Governor John Lynch, June 18, 2012, <http://www.governor.nh.gov/media/news/2012/061812-sb372.htm>.



# NEW JERSEY

OVERALL RANK: 7TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER 
←
→
 WEAKER

OVERALL	7				
1. RESOURCES AND MEMBERSHIP	1				
2. INVOLVEMENT IN POLITICS			26		
3. SCOPE OF BARGAINING		17			
4. STATE POLICIES	5				
5. PERCEIVED INFLUENCE	2				

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 1ST

New Jersey’s state teacher unions benefit from abundant internal resources: With 97.1 percent of its teachers unionized, the Garden State has the 6th-highest membership rate of 51 jurisdictions. On top of that, the NEA and AFT state-level affiliates post \$936 in annual revenue per teacher (3rd of 51). Further, New Jersey teachers see an unparalleled financial commitment to K-12 education: 24.3 percent of state expenditures are devoted to this domain (10th) and annual per-pupil spending is high at \$15,116 (6th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 26TH

Despite ample revenues, the political activity of New Jersey state teacher unions ranks them in the middle of the national pack. In the past decade, 0.58 percent of total donations to candidates for state office, and 0.68 percent of the donations to state political parties, came from teacher unions (27th and 31st, respectively). Fifteen percent of the state’s delegates to the Democratic and Republican national conventions were teacher union members (20th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 17TH*

New Jersey is one of twenty-one states that both require collective bargaining in education and allow unions to automatically collect agency fees, a key source of revenue, from non-member teachers. The state slightly limits the breadth of that bargaining: Of twenty-one items examined in our metric, New Jersey requires that six (more than most states) be bargained—wages, hours, terms and conditions of employment, grievance procedures, leave, and class load. It prohibits three (also more than most states) items from inclusion—teacher transfer/reassignment, layoffs/reductions in force, and pension/retirement benefits. The remaining twelve are implicitly permitted because the state does not address them. In addition, teacher strikes are not permitted.

*AREA 4: STATE POLICIES  
5TH*

At the time we calculated our metric, New Jersey's teacher employment policies were closely aligned with traditional union interests, and its charter laws were only slightly less so. The state does not support performance pay and, up until June 2012, it did not require student achievement to factor into either teacher evaluations or tenure decisions (which teachers received after three years, the national norm). In addition, there were no articulated consequences for unsatisfactory evaluations. This is changing, however. S-1455, enacted but not yet implemented as of press time, requires that tenure decisions be informed by evidence of student learning, makes ineffective teachers eligible for dismissal, and extends the probationary period from three to four years (see sidebar). As for charter laws, the state

does not cap the number of such schools and allows all forms (new, conversion, and virtual). Charters are automatically exempt from district laws and state regulations, with the exception of teacher certification requirements, and start-up charters are fully exempt from collective bargaining agreements as well. However, only the state commissioner of education may authorize charters of any kind.

*AREA 5: PERCEIVED INFLUENCE  
2ND*

New Jersey's teacher unions rank behind only California's in their reputation for influence in state education policy. Indeed, stakeholders unanimously rate them as the most important shapers of such policy. They also agree that the unions are effective in protecting dollars for education (even in times of cutbacks), and strongly agree that they are effective in warding off policy proposals with which they disagree. Though they report that policies *proposed* by the governor during the latest legislative session were not at all in line with teacher union priorities, they counter that the session's policy *outcomes* were mostly in line with union priorities—a likely example of the union's power.<sup>4</sup> Finally, they note, again unanimously, that teacher unions need not make concessions to ensure that their preferred policies are enacted.

*OVERALL  
7TH*

New Jersey's teacher unions have leveraged their robust resources and membership to build a strong reputation and maintain favorable policies at the state level. It is likely because their reputation is so strong that they need not contribute significantly to state political campaigns (although they do spend significant dollars on their own political advertising—see sidebar).

## A TRUE WIN-WIN?

Republican Governor Chris Christie is not exactly a fan of unions. Exhibit A: In 2011, he co-authored a bill with Senate president (and Democrat) Steve Sweeney that raised pension contributions from current employees and eliminated cost-of-living increases in retiree benefits.<sup>5</sup> As passed, the law also stripped teachers and other public employees of the right to bargain over those provisions in the future.<sup>6</sup> In response, New Jersey Education Association (NJEA) President Barbara Keshishian rebuked state leaders: “A legislature and governor who will raid the pension checks of retirees and the paychecks of middle-class workers but lack the courage or integrity to ask the very wealthy to share the sacrifice of even a modest tax increase are not the representatives of the people who elected them.”<sup>7</sup> (The NJEA also launched a million-dollar ad campaign against Sweeney, who won re-election anyway.)<sup>8</sup>

Exhibit B: After a year-and-a-half of debate on teacher tenure, in May 2012 Christie admonished the Democrat-led legislature—with his trademark charm and subtlety—“Do not send me watered down B.S. tenure reform.”<sup>9</sup> Whether they followed instructions is arguable. The bill did extend the pre-tenure probationary period from three to four years, link tenure to teacher performance, and make ineffective teachers eligible for dismissal. The NJEA declared the overhaul a “win-win,” however, and praised Christie for including the union when crafting the bill.<sup>10</sup> It’s not surprising that the union supported it: “last in, first out” layoffs remained untouched, and firing a tenured teacher first requires the approval of an independent arbitrator.<sup>11</sup> Perhaps more surprising is that Christie included the NJEA at all, considering his comments on *Face the Nation* a year earlier: “the teachers of New Jersey deserve a union as great as they are...and they don’t have it.”<sup>12</sup> Could this be a sign of a kinder, gentler Christie? Unlikely. It’s more like the mark of a governor who knows that bipartisan collaboration plays well: Christie boasted at the 2012 Republican National Convention that “They said it was impossible to touch the third rail of politics, to take on the public-sector unions and to reform a pension and health benefits system that was headed to bankruptcy. But with bipartisan leadership... we did it. [And] they said that it was impossible to speak the truth to the teachers’ union, [they said that real teacher tenure reform] would never happen. But for the first time in 100 years, with bipartisan support, you know the answer. We did it.”<sup>13</sup> Seems like everyone in New Jersey is claiming a victory.

# NEW JERSEY RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 7TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  1*	Membership	By rank, what percentage of public-school teachers in the state are union members?	6th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	3rd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	10th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	6th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	39th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  26*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	27th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	31st
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	27th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	20th*
<b>AREA 3: SCOPE OF BARGAINING</b>  17*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	24th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  5	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	**
	Evaluations <sup>c</sup>	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment <sup>c</sup>	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	27th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>5</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>2</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often/Always
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not concede

\* Tied with another state

\*\* Insufficient data; see Appendix A.

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, New Jersey has the 6th-highest percentage of teachers who are union members. Otherwise, we report a status: New Jersey has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See note in Area 4, above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for New Jersey are shown in the table, *New Jersey Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, New Jersey is ranked 1st of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Sean Cavanagh, "N.J. Latest State To Move On Pension, Health Care Changes," *Education Week*, June 24, 2011, [http://blogs.edweek.org/edweek/state\\_edwatch/2011/06/new\\_jersey\\_latest\\_state\\_moving\\_forward\\_with\\_pension\\_changes.html](http://blogs.edweek.org/edweek/state_edwatch/2011/06/new_jersey_latest_state_moving_forward_with_pension_changes.html).

<sup>6</sup> Mark J. Magyar, "Collective Bargaining A Casualty Of The Christie-Sweeney Deal," *NewJerseySpotlight.com*, June 16, 2011, <http://www.njspotlight.com/stories/11/0616/0319/>.

<sup>7</sup> Barbara Keshishian, "Assembly Vote Strips Public Employees Of Rights," June 23, 2011, <http://www.njea.org/news/2011-06-23/assembly-vote-strips-public-employees-of-rights>.

<sup>8</sup> Magyar.

<sup>9</sup> Maryann Spoto, "Christie To Dems: No 'Watered-Down' Teacher Tenure Bill," *NorthJersey.com*, May 8, 2012, [http://www.northjersey.com/news/Christie\\_to\\_Dems\\_No\\_watered-down\\_tenure\\_bill.html](http://www.northjersey.com/news/Christie_to_Dems_No_watered-down_tenure_bill.html).

<sup>10</sup> "A Win-Win For Students, Teachers, And The Public," *New Jersey Education Association*, August 6, 2012, <http://www.njea.org/news/2012-08-06/a-win-win-for-students-teachers-and-the-public>.

<sup>11</sup> Ben Velderman, "Despite Spin, Unions Win And Students Lose In Jersey," *EAGnews.org*, June 19, 2012, <http://eagnews.org/despite-spin-unions-win-and-students-lose-in-jersey/>.

<sup>12</sup> Sharon Harris-Zlotnick, "Gov. Christie Says NJ Teachers Deserve Better Than NJEA," *NewJerseyNewsroom.com*, March 2, 2011, <http://www.nje3.org/?p=5105>.

<sup>13</sup> "Transcript Of Chris Christie's Speech At The Republican National Convention," August 28, 2012, <http://www.foxnews.com/politics/2012/08/28/transcript-chris-christie-speech-at-republican-national-convention/>.

# NEW MEXICO

OVERALL RANK: 37TH<sup>1</sup>  
TIER 4 (WEAK)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>				<b>37</b>	
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>46</b>
<b>2. INVOLVEMENT IN POLITICS</b>				<b>32</b>	
<b>3. SCOPE OF BARGAINING</b>				<b>35</b>	
<b>4. STATE POLICIES</b>			<b>29</b>		
<b>5. PERCEIVED INFLUENCE</b>	<b>8</b>				

## AREA 1: RESOURCES AND MEMBERSHIP 46TH

New Mexico’s teacher unions have few internal resources, and the state’s districts commit relatively little money to teacher salaries and benefits. With just 41.0 percent of its teachers unionized, the Land of Enchantment has by far the lowest unionization rate of any state in which bargaining is mandatory (and is 48th of 51 jurisdictions overall). Low membership contributes to low annual revenue—the state-level NEA and AFT affiliates bring just \$236 for every New Mexico teacher (37th). Compared to other states, per-pupil expenditures are middling, \$11,101 annually (28th), and just 52.0 percent of those dollars goes toward teacher salaries and benefits (42nd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 32ND

Union involvement in the past decade of New Mexico politics puts the state near the middle of the national pack.<sup>3</sup> Union contributions accounted for 0.90 percent of total donations to candidates for state office (20th), and 4.6 percent of the donations to candidates from the ten highest-giving sectors in the state (28th). Teacher unions also gave 0.78 percent of the contributions received by state political parties (29th). Finally, just 5.9 percent of all of New Mexico’s delegates to the Democratic and Republican national conventions were teacher union members (only five states had fewer).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 35TH*

New Mexico is one of thirty-two states that require collective bargaining. The scope of bargaining is not particularly narrow or permissive: Of twenty-one items examined in our metric, New Mexico mandates that four be bargained: wages, hours, terms and conditions of employment, and grievance procedures. Only one item is excluded—pension/retirement benefits. Bargaining over management rights is explicitly permitted, and state law implicitly includes the remaining fifteen items in the scope of bargaining by not addressing them at all. The state allows teacher unions to collect agency fees from non-members, but they cannot automatically deduct dues from member paychecks unless they first negotiate with their district to do so. Teacher strikes are prohibited.

*AREA 4: STATE POLICIES  
29TH*

While some of New Mexico's teacher employment policies align with traditional union interests, many do not. The state does not support performance pay, does not require student achievement data to factor into teacher evaluations or tenure decisions, and does not compel districts to consider performance in determining which teachers are laid off. But teachers pay a greater share of their retirement contributions than their employers do—the same is true in only four other states. And, teachers are automatically eligible for dismissal after unsatisfactory evaluations. The state's charter laws are equally mixed. While charter schools must abide by the state's teacher certification requirements, they are automatically exempt from collective bargaining agreements.

*AREA 5: PERCEIVED INFLUENCE  
8TH*

Despite low indications of strength in the other four areas, New Mexico's teacher unions have a strong reputation among education stakeholders. Our survey respondents rank the unions one of the top two most influential entities in state education policy (the association of school administrators is the other), and note that Democrats (often) and Republicans (sometimes) need teacher union support to be elected. According to stakeholders, teacher unions fight rather than concede to prevent reductions in pay and benefits, although they are neither effective nor ineffective in protecting dollars for education in general. Interestingly, while stakeholders report that the policies *proposed* by the governor in the latest legislative session were mostly *not* in line with union priorities, the policies *enacted* in the latest session were mostly *in line* with those priorities, and existing policies frequently reflect union priorities. This is perhaps a sign that the unions' power lies in their ability to shape the outcomes of state politics, since it appears that legislators are open to union input on measures related to education (see sidebar).

*OVERALL  
37TH*

While New Mexico's unions ranked among the least powerful in four of the five areas reported here, stakeholders perceived that their actual influence is quite substantial.



New Mexico's new evaluation system may be a tool to evaluate the teachers, but the state's teacher unions give it an F and called the state's education leader a cheater.

With 87 percent of the state's schools failing to meet federal accountability requirements for student achievement, in February 2012 state Secretary-Designate of Education Hanna Skandera sought a waiver from provisions of the *No Child Left Behind* act. She wanted to reward schools for growth, even if they were unable to bring students up to the required proficiency levels. The waiver touted a new evaluation system, jointly developed by a task force of teachers, administrators, parents, and teacher union representatives, under which half of a teacher's rating would be based on student test scores—an evaluation system that had not actually been passed yet by the state legislature.<sup>5,6</sup> After working with the NEA-NM to ensure due process for teachers was protected, the House approved the new system, but the Senate did not.<sup>7</sup>

Skandera was left with two choices: put the future of the waiver at risk, or take matters into her own hands. With the blessing of Governor Susana Martinez, Skandera opted for the latter. Using an executive order rather than statute, the state moved ahead with a standardized-test-based evaluation system (this time with test results comprising 35 percent, not 50 percent, of the total).<sup>8</sup> In explaining why the Public Education Department circumvented the legislative process, Skandera stated bluntly, "We just can't wait."<sup>9</sup> Predictably, her action incensed the state's unions. Albuquerque Teachers Federation (ATF) president Ellen Bernstein called Skandera's and Martinez's policies "slogan reform," image-boosting ploys with no real benefits for students.<sup>10</sup> They issued a "no confidence" vote for Skandera in May 2012.

In July 2012, the ATF and the American Federation of Teachers New Mexico organized a massive rally, during which president Stephanie Ly proclaimed, "the state needs to go back to the drawing board."<sup>11</sup> But despite the conflict, it appears that New Mexico unions are more open to reform than their counterparts in other states—their objection, they say, is not to the inclusion of test scores in teacher evaluations, but that state education leaders steamrolled what began as a collaborative process.<sup>12</sup>

# NEW MEXICO RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 37TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  46	Membership	By rank, what percentage of public-school teachers in the state are union members?	48th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	37th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	23rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	28th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	42nd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  32*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	20th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	29th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	28th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	45th
<b>AREA 3: SCOPE OF BARGAINING</b>  35*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Automatic payroll deduction must be negotiated
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  29	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	45th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	26th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>29</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and virtual schools only
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>8</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	**
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Does not generally concede	

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, New Mexico has the 48th-highest percentage of teachers who are union members. Otherwise, we report a status: New Mexico has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for New Mexico are shown in the table, *New Mexico Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, New Mexico is ranked 46th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). New Mexico is an exception: combined donations from the NEA, the AFT, and the AFT-affiliated Albuquerque Teachers Federation nearly matched the donations from the state unions.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> Hailey Heinz, "Education Waiver Needs Work," *Albuquerque Journal*, February 1, 2012, <http://www.abqjournal.com/main/2012/02/01/news/education-waiver-needs-work.html>.

<sup>6</sup> Robert Nott, "Trio Of Bills Push For New Teacher Evaluation System," *New Mexican*, February 2, 2012, <http://www.santafenewmexican.com/localnews/2012-Legislature-Bills-push-for-teacher-evaluation-system>.

<sup>7</sup> "Legislative Advocacy Update," National Education Association New Mexico, February 16, 2012, <http://www.nea-nm.org/2002legislature/2012/2012%20current.html>.

<sup>8</sup> Milan Simonich, "Face-Off Looms On NM Teacher Evaluation," *El Paso Times*, July 19, 2012, [http://www.elpasotimes.com/news/ci\\_21107108/face-off-looms-teacher-evaluation](http://www.elpasotimes.com/news/ci_21107108/face-off-looms-teacher-evaluation).

<sup>9</sup> Ibid.

<sup>10</sup> Eddie Garcia, "Report Shows Decline In New Mexico Graduation Rates," *New Mexico Eyewitness News*, March 19, 2012, <http://www.kob.com/article/stories/S2544887.shtml>.

<sup>11</sup> Andra Cernavskis, "Protesters Rally Against Proposed Teacher Evaluation System," *New Mexican*, July 18, 2012, <http://www.santafenewmexican.com/localnews/071912teacherrally>.

<sup>12</sup> Hailey Heinz, "'No Confidence' Vote for Skandera," *Albuquerque Journal*, May 9, 2012, <http://www.abqjournal.com/main/2012/05/09/news/no-confidence-vote-for-skandera.html>.

# NEW YORK

OVERALL RANK: 9TH<sup>1</sup>  
TIER 1 (STRONG)

STRONGER  WEAKER

OVERALL	9				
1. RESOURCES AND MEMBERSHIP	1				
2. INVOLVEMENT IN POLITICS		13			
3. SCOPE OF BARGAINING			19		
4. STATE POLICIES				24	
5. PERCEIVED INFLUENCE				21	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 1ST

New York's state teacher union has substantial internal resources and its members benefit from generous funding levels. Fully 98.4 percent of teachers are unionized in the Empire State, and the joint NEA-AFT New York State United Teachers (NYSUT) brings in \$536 annually per teacher (the 20th-highest revenue among 51 jurisdictions). New York also spends more of its budget on K-12 education than do many other states (20.9 percent; 20th). These funds, combined with local and federal dollars, amount to per-pupil expenditures of \$15,862 annually (5th), of which a full 63.5 percent goes toward teacher salaries and benefits (by a considerable margin the highest percentage in the nation).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 13TH

Over the past decade, New York's teacher unions have been more involved in politics than those in many other states.<sup>3</sup> Their donations accounted for 0.68 percent of total contributions received by candidates for state office (22nd), and 5.0 percent of the contributions to candidates from the ten highest-giving sectors in the state (26th). They are also prominent donors to state political parties, contributing 3.4 percent of total party funds (5th). Moreover, unions were comparatively well-represented at the Democratic and Republican national conventions, with eighteen percent of New York delegates identifying as teacher union members (13th).

*AREA 3: SCOPE OF BARGAINING  
19TH*

New York is one of twenty-one states that require collective bargaining *and* allow unions to automatically collect agency fees from non-member teachers. But the state limits the scope of that bargaining: Just four of the twenty-one items examined in our metric are required subjects of bargaining: wages, hours, terms and conditions of employment, and grievance procedures. Of the remaining seventeen, New York prohibits bargaining over tenure and pensions, lets districts decide whether to bargain over class size, and implicitly includes the other fourteen items in the scope of bargaining by not addressing them in state law. The state prohibits teacher strikes—though it must be noted that some of the country’s largest and longest teacher strikes have occurred there.

*AREA 4: STATE POLICIES  
TIED FOR 24TH*

Many New York policies align with traditional teacher union interests. For example, the state does not support performance pay for teachers and seniority is the sole factor in layoff decisions. In addition, employers pay a greater share of employee pensions (relative to teacher contributions) than in many other states. However, teacher evaluations must be significantly informed by student achievement, and teachers are automatically eligible for dismissal after unsatisfactory ratings. Charter law is an equally mixed bag: the state caps the number of schools (but there is room for ample growth under the gap), allows new and conversion charters (but not virtual schools), and partially (but not fully) exempts charters from state laws, district regulations, and collective bargaining provisions.

*AREA 5: PERCEIVED INFLUENCE  
21ST*

Stakeholders in New York perceive teacher unions to be an active, but not necessarily effective, presence in policymaking. Respondents rank teacher unions among the most influential entities in education policy (along with the board of regents and education advocacy organizations). But they also note that the policies proposed by the governor in the latest legislative session were mostly *not* in line with teacher union priorities, and outcomes of the session were only somewhat in line.<sup>4</sup> (Likely because the policy landscape is in flux; see sidebar.) Further, they report that state education leaders only sometimes align with teacher union priorities, and that teacher unions need to compromise to see some of their preferred policies enacted.

*OVERALL  
9TH*

New York is the birthplace of the teacher union movement, and its state teacher union ranks as one of the strongest in the country. Bargaining laws and teacher employment policies are union-favorable (especially those codified during New York’s decades of labor-friendly leadership), and the union has significant resources from its members. It falls short of garnering a strong reputation, however—likely because it faces stiff competition from high-profile education reformers and a governor with extensive powers over education policy (see sidebar).

New York City is home to some of the biggest names in education reform—Joel Klein, Geoffrey Canada, Eva Moskowitz, and Michael Bloomberg, to name a few—yet in 2012, the most significant progress in New York came from Albany. When the state passed legislation in 2010 guaranteeing that it would implement a statewide high-quality teacher evaluation system as part of its \$700 million Race to the Top application, Governor Andrew Cuomo had no idea that it would take education leaders so long to work out the details. But after more than two years, and with millions of dollars at risk, the New York State United Teachers (NYSUT) and state education officials had yet to agree on what those evaluations would look like. So Cuomo gave them a deadline, and an ultimatum: Decide, or else he would decide for them.<sup>5</sup> After an all-night negotiating session, New York had new teacher evaluations: 40 percent of a teacher's score would be based on student achievement (measured at least in part by growth on state standardized tests), and 60 percent on classroom observations and other subjective measures.<sup>6</sup> Cuomo called the agreement “a victory for all New Yorkers” and NYSUT President Richard Iannuzzi conceded (or simply put on a brave face) when he said it is “good for students and fair to teachers.”<sup>7</sup> Iannuzzi's comments were a stark contrast to those he made less than a year earlier when the state board initially proposed increasing the role of state test scores from the previously-mandated 20 percent to up to 40 percent: “[the Board] chose politics over sound educational policy and the cheap way over the right way, doubling down on high-stakes tests of dubious worth.”<sup>8</sup> Perhaps Cuomo's ultimatum changed his mind, or perhaps Iannuzzi didn't want to be left holding the bag if the state, and its teachers, lost their RTTT award.

Not a week after the agreement, New York City Mayor Bloomberg released the performance rankings of 18,000 individual teachers (the city had been using value-added evaluations for four years). NYC's United Federation of Teachers (UFT) had tried legal avenues to block the disclosure, but to no avail, and now everyone in the city, and the nation, could see teachers' names and ratings in the *Wall Street Journal*.<sup>9</sup> Outraged, the UFT turned to state lawmakers and Cuomo, pressing for legislation to protect its members' privacy. The NYSUT joined the fray, calling the release “a betrayal of the essential purpose of evaluations” and worrying that publicizing the ratings would undermine the new statewide system;<sup>10</sup> even Bill Gates wrote in a *New York Times* editorial that “the surest way to weaken [evaluations] is to twist it into a capricious exercise in public shaming.”<sup>11</sup> The result: Cuomo proposed a bill that allowed parents to see individual teachers' rankings but blocked districts from releasing that information to the public—although the measure would not stop parents from sharing the scores themselves. Bloomberg opposed the bill outright, while the NYSUT wanted even stricter privacy measures; in the end, each took what they could get as lawmakers overwhelmingly approved the measure. “I'm glad it's over,” said Iannuzzi.<sup>12</sup> Considering the amount of time state leaders and the union have spent debating the evaluations, so is everybody else.

# NEW YORK RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 9TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  1*	Membership	By rank, what percentage of public-school teachers in the state are union members?	2nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	20th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	20th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	5th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	1st
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	22nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	5th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	26th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	13th
<b>AREA 3: SCOPE OF BARGAINING</b>  19	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	28th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  24*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	9th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	14th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>24</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with ample room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>21</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, New York has the 2nd-highest percentage of teachers who are union members. Otherwise, we report a status: New York has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for New York are shown in the table, *New York Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, New York is ranked 1st of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from other NEA- and AFT-affiliated state and local organizations. In New York, the NEA-affiliated New York State Council of Educational Associations was also a significant donor to state politics (albeit not at the level of the NYSUT), although it is officially a professional association/advocacy group and not a teacher union.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Lisa Fleisher, "Deal Clears Way For Teacher Evaluations In New York," *Wall Street Journal*, February 16, 2012, <http://blogs.wsj.com/metropolis/2012/02/16/deal-clears-way-for-teacher-evaluations-in-new-york/>.

<sup>6</sup> Fernando Santos and Winnie Hu, "A Last-Minute Deal On Teacher Evaluations," *School Book*, February 16, 2012, <http://www.schoolbook.org/2012/02/16/as-deadline-nears-a-compromise-on-teacher-evaluations/>.

<sup>7</sup> Ibid.; "NYSUT says Teacher Evaluation Agreement Is 'Good For Students And Fair To Teachers,'" New York State United Teachers, February 16, 2012, [http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases\\_17505.htm](http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases_17505.htm).

<sup>8</sup> Yoav Gonen, "Teachers Sue Over New State Ratings System," *New York Post*, June 29, 2011, [http://www.nypost.com/p/news/local/teachers\\_sue\\_over\\_new\\_state\\_ratings\\_Gx09N5GyGyXxcjNA0xfMI](http://www.nypost.com/p/news/local/teachers_sue_over_new_state_ratings_Gx09N5GyGyXxcjNA0xfMI).

<sup>9</sup> Fernanda Santos and Sharon Otterman, "City Teacher Data Reports Are Released," *School Book*, February 24, 2012, <http://www.schoolbook.org/2012/02/24/teacher-data-reports-are-released/>.

<sup>10</sup> "NYSUT: Publicizing Teacher Ratings 'Deplorable,'" New York State United Teachers, February 27, 2012, [http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases\\_17564.htm](http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases_17564.htm).

<sup>11</sup> Bill Gates, "Shame Is Not The Solution," *New York Times*, February 22, 2012, [http://www.nytimes.com/2012/02/23/opinion/for-teachers-shame-is-no-solution.html?\\_r=2&ref=opinion](http://www.nytimes.com/2012/02/23/opinion/for-teachers-shame-is-no-solution.html?_r=2&ref=opinion).

<sup>12</sup> Thomas Kaplan, "Albany To Limit The Disclosure Of Teacher Evaluations," *New York Times*, June 21, 2012, <http://www.nytimes.com/2012/06/22/nyregion/albany-to-limit-disclosure-of-teacher-evaluations.html>.

# NORTH CAROLINA

OVERALL RANK: 40TH<sup>1</sup>  
TIER 4 (WEAK)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>					<b>40</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>47</b>
<b>2. INVOLVEMENT IN POLITICS</b>			<b>29</b>		
<b>3. SCOPE OF BARGAINING</b>					<b>48</b>
<b>4. STATE POLICIES</b>		<b>12</b>			
<b>5. PERCEIVED INFLUENCE</b>		<b>11</b>			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 47TH

North Carolina's NEA-affiliated state teacher union has few internal resources and its members enjoy relatively little spending on K-12 education in the state.<sup>2</sup> Collective bargaining in education is prohibited in the Tarheel State, and just 49.5 percent of teachers are voluntary members of teacher associations (the 46th-highest rate among 51 jurisdictions). As a result, the North Carolina Association of Educators (NCAE) brings in a mere \$111 in revenue each year per teacher in the state (47th). North Carolina teachers do, however, receive an unusually sizable slice of a small pie when it comes to expenditures on public education: While annual per-pupil expenditures amount to \$9,024 annually per student (44th), 58.5

percent of those dollars go toward teacher salaries and benefits (4th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>3</sup> TIED FOR 29TH

Over the past decade, teacher unions gave a significant amount to North Carolina political parties, but were otherwise relatively uninvolved in state campaigns.<sup>4</sup> Union donations amounted to 2.7 percent of all contributions received by political parties (11th), but only 0.25 percent of total dollars received by candidates for state office (39th). Compared to other states, union representation was moderate at the Democratic and Republican national conventions: 13.9 percent of North Carolina's delegates to the conventions identified as teacher union members (24th).<sup>5</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 48TH; LAST PLACE*

North Carolina has the most restrictive bargaining laws in the nation. It is one of only five states that prohibit collective bargaining in education. No union or professional association may collect agency fees from non-members (and recent legislation also bars teacher associations from automatically collecting dues from their own members—see sidebar). The state does not allow teacher strikes.

*AREA 4: STATE POLICIES  
12TH*

Collective bargaining aside, North Carolina's teacher employment policies are more aligned with traditional union interests than in most other states. North Carolina does not support performance pay, does not require districts to consider teacher performance in determining layoffs, and does not include student learning in tenure decisions. Further, teachers are dismissed due to poor performance at a lower rate than most other states. (Despite these union-friendly policies, however, North Carolina earned an NCLB waiver in 2012, which may alleviate pressure from reformers to change these policies.) On the other hand, teacher unions typically seek to limit the expansion and autonomy of charter schools, but North Carolina does not limit the number of charter schools allowed to operate. It also allows new, conversion, and virtual schools, and provides some charters with full or partial automatic exemptions from state laws and district regulations.<sup>6</sup>

*AREA 5: PERCEIVED INFLUENCE  
TIED FOR 11TH*

Stakeholders in North Carolina perceive their state teacher association to be relatively strong. Respondents agree that the association fights hard to prevent reductions in pay and benefits and is effective in protecting dollars for education, even in times of cutbacks. They also note the association is able to ward off policy proposals with which it disagrees, and that state education leaders often align with teacher union preferences. But they do indicate that, while policies *proposed* by the governor during the latest legislative session were mostly in line with teacher union priorities, the *outcomes* of that session were only somewhat in line, a trend similar to that in many other states.<sup>7</sup>

*OVERALL  
40TH*

Despite low measures of resources and membership and highly restrictive labor laws, North Carolina's teacher union has built a strong reputation and has been able to fend off a number of unfavorable employment policies (a situation that may soon change as the state is likely to regain Republican leadership—see sidebar).

## HIDING BEHIND THE APRON

Caught up in partisan politics, the North Carolina Association of Education (NCAE) has Democrat Governor (and former teacher) Beverly Perdue on its side. In 2011, the legislature passed SB 727 (a bill Democrat Rep. Jennifer Weiss denounced as a “smackdown on teachers”), which prevents the teacher association from collecting dues from its own members via automatic payroll deductions.<sup>8</sup> Democrat lawmakers and the NCAE called the bill revenge for their heavy criticism of GOP-initiated education-funding cuts. Perdue vetoed the measure.<sup>9</sup> But at 1:00 a.m. just a few days into 2012, Republicans overrode her veto. Despite the ensuing outcry from Democrats, who called the move “vindictive” and “insane”—and from the governor, who termed it an “unprecedented, unconstitutional power grab”—the law stood.<sup>10</sup>

That fractious cycle portended further confrontation between Perdue on one side and the GOP-controlled legislature on the other, with the NCAE caught in the middle. Early in 2012, the legislature passed a budget that Perdue subsequently vetoed, worried that it did not provide sufficient funds for public education.<sup>11</sup> It was the second year in a row that the governor vetoed the state budget, and the second year in a row that the legislature overrode her veto.<sup>12</sup> In addition to cutting funding for education, the new budget contained another potential hit for teacher associations: a modified version of SB 795, the Excellent Public Schools Act. The original version would have introduced merit pay for teachers and an A-F rating system for schools, created a new K–3 literacy program, and overhauled tenure so that all teachers would be placed on one-year contracts and only after three or more of those could qualify for multi-year (but not more than four-year) contracts.<sup>13</sup> But while some of the less controversial components of the bill (such as the school rating guidelines and the literacy program) made it through to the final version, after intense NCAE lobbying, hot-button issues like merit pay and tenure reform did not.<sup>14,15</sup> Despite this partial victory, however, the momentum seems to be against the NCAE, and Perdue isn’t seeking re-election (she cited concerns that she was politicizing education policy, although her unpopularity in the traditionally Republican state made re-election an unlikely possibility).<sup>16</sup>

# NORTH CAROLINA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 40TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  47*	Membership	By rank, what percentage of public-school teachers in the state are union members?	46th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	47th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	26th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	44th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	4th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  29*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	39th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	11th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	40th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	24th
<b>AREA 3: SCOPE OF BARGAINING</b>  48*	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Bargaining is not allowed
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  12	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	16th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Four years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	8th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>12</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>11*</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly/Totally in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often/Always
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, North Carolina has the 46th-highest percentage of teachers who are union members. Otherwise, we report a status: In North Carolina, collective bargaining is prohibited, and teacher strikes are also prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for North Carolina are shown in the table, *North Carolina Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, North Carolina is ranked 47th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> North Carolina, like other states (especially those in which collective bargaining is prohibited or permitted), has state-level professional teacher associations other than those affiliated with the NEA and/or AFT. These associations range from advocacy groups active in state policy and political campaigns to organizations offering teachers insurance and benefits. In this report, we do not include data for these independent professional associations.

<sup>3</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," *AFL-CIO*, July 10, 2012.

<sup>4</sup> North Carolina is one of just five states where local teacher associations did not contribute to candidates and political parties. In North Carolina, the NCAE was the major donor to candidates, while the NEA gave a small amount as well. The opposite was the case in regard to political parties, with the NEA giving the bulk of the donations and the NCAE giving little.

<sup>5</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>6</sup> Still, according to the Center for Education Reform, the chartering process "remains very restrictive and the state's leadership does not advocate for opening more high quality charter schools without explicit district support." See [http://www.edreform.com/wp-content/uploads/2012/04/CER\\_2012\\_Charter\\_Laws.pdf](http://www.edreform.com/wp-content/uploads/2012/04/CER_2012_Charter_Laws.pdf).

<sup>7</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>8</sup> Bruce Mildwurf and Laura Leslie, "Legislature Saw Drama And Shifts," *WRAL News*, July 25, 2011, <http://www.charlotteobserver.com/2011/07/31/2493402/legislature-saw-drama-and-shifts.html>.

<sup>9</sup> John Rottet, "GOP Overrides Veto Of Bill To Weaken Teachers Group," *News & Observer*, January 5, 2012, <http://www.newsobserver.com/2012/01/05/1754535/gop-passes-late-night-bill-to.html>.

<sup>10</sup> *Ibid.*, Mildwurf.

<sup>11</sup> Gary Robertson, "N.C. GOP Lawmakers Mix Dem. Gov. Perdue's Vetoes On Budget, Racial Justice, Fracking," *Associated Press*, July 3, 2012, <http://www2.hickoryrecord.com/news/2012/jul/03/nc-gop-lawmakers-nix-dem-gov-perdues-vetoes-budget-ar-2404409/>.

<sup>12</sup> Associated Press, "Legislature Overrides Governor Perdue Budget Veto," July 2, 2012, [http://www.witn.com/home/headlines/Legislature\\_Overrides\\_Governor\\_Perdue\\_Budget\\_Veto\\_161170655.html](http://www.witn.com/home/headlines/Legislature_Overrides_Governor_Perdue_Budget_Veto_161170655.html).

<sup>13</sup> Jack Mercola, "N.C. Senate Considers Teacher Tenure Cut," *Duke University Chronicle*, May 31, 2012, <http://www.dukechronicle.com/article/nc-senate-considers-teacher-tenure-cut>.

<sup>14</sup> Tess Liegeois, "Back To School: Education Reform In North Carolina," *Heritage Foundation*, August 13, 2012, <http://blog.heritage.org/2012/08/13/back-to-school-education-reform-in-north-carolina/>.

<sup>15</sup> Emery P. Dalesio, "Senate In N.C. Works To Revamp Education Policy," *Associated Press*, May 29, 2012, <http://hamptonroads.com/2012/05/senate-nc-works-revamp-education-policy>; NCAE Daily Political Briefing, "Senate Leader Meets With NCAE Lobbyists," May 12, 2012, <http://one.mansellgroup.com/servlet/Pv?p=neanc&m=525&s=0&t=H&r=N>.

<sup>16</sup> Gary D. Robertson, "NC Democratic Governor Perdue Won't Seek Re-election," *Associated Press*, January 26, 2012, <http://www.timesunion.com/news/article/NC-Democratic-Gov-Perdue-won-t-seek-re-election-2720864.php>.



# NORTH DAKOTA

OVERALL RANK: 24TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>			24		
<b>1. RESOURCES AND MEMBERSHIP</b>				28	
<b>2. INVOLVEMENT IN POLITICS</b>			23		
<b>3. SCOPE OF BARGAINING</b>					33
<b>4. STATE POLICIES</b>	2				
<b>5. PERCEIVED INFLUENCE</b>					14

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 28TH

North Dakota's teacher unions are near the middle of the pack when it comes to both internal resources and spending on public education in the state. Nearly three-quarters (74.7 percent) of the Peace Garden State's teachers belong to unions, the 27th-highest unionization rate across 51 jurisdictions. The state NEA and AFT affiliates also post the 27th-largest annual revenue, at \$472 per teacher in the state. While North Dakota itself directs a comparatively small portion of its expenditures to K-12 education (15.4 percent; 42nd), overall spending on K-12 education is higher. North Dakota spends \$12,225 per student annually (a combination of local, state, and federal

funds), and 53.8 percent of total education dollars go to teacher salaries and benefits (27th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 23RD

Teacher union involvement in politics ranks the state in the middle of the national pack.<sup>3</sup> Their contributions comprised 0.64 percent of total donations received by candidates for state office (23rd) and 4.0 percent of donations to candidates from the ten highest-giving sectors in the state (32nd). Further, 0.59 percent of donations received by state political parties came directly from teacher unions (34th). (These small percentages are not surprising given the overall lack of activity in Bismarck—see sidebar.) The unions had another source of

influence besides their dollars, however: A whopping 26.7 percent of all North Dakota delegates to the Democratic and Republican national conventions were teacher union members (3rd).<sup>4</sup>

### *AREA 3: SCOPE OF BARGAINING TIED FOR 33RD*

North Dakota is one of eleven states that require collective bargaining in education but do not allow its teacher unions to automatically collect agency fees from non-member teachers (a key source of union revenue). It also prohibits teachers from striking. Still, the state has a relatively permissive scope of bargaining: Of twenty-one items examined in this analysis, the Peace Garden State requires bargaining over the terms and conditions of employment, and explicitly permits negotiations over transfers/reassignments, layoffs, evaluation procedures, leave, curriculum, and class size. State law is silent on the remaining fourteen items, implicitly permitting bargaining over all of them—and prohibiting none.

### *AREA 4: STATE POLICIES TIED FOR 2ND*

North Dakota's teacher employment policies are closely aligned with traditional teacher union interests, and the state has no charter law, neither of which is likely to change in the near future (see sidebar).<sup>5</sup> North Dakota grants teachers tenure after only two years (the national norm is three) and does not require that student learning factor into tenure decisions or teacher evaluations. Nor need districts consider teacher performance in layoffs.

### *AREA 5: PERCEIVED INFLUENCE 14TH*

Stakeholders in North Dakota report that teacher unions play a prominent role in education politics, especially when compared with responses from other states. While unions may not be the dominant political force—survey respondents rank their influence as equivalent to that of the state association of school administrators and the state school boards association—they do carry clout: Respondents note that Democrats *always* need union support to be elected and that Republicans *often* do. Further, they report that state education leaders are often aligned with teacher union positions. Stakeholders agree that the unions are effective in protecting dollars for education even in times of budgetary constraint, and that both the proposals *and* the outcomes of the latest legislative session were in line with teacher union priorities.<sup>6</sup> Still, like stakeholders in most other states, they note that the teacher unions often compromise to ensure enactment of favored policies.

### *OVERALL 24TH*

North Dakota's teacher unions are neither the strongest nor the weakest political force in the nation. They enjoy a favorable policy environment, however, and stakeholders report that they are influential at the state level, even without major internal resources or donations to state politics.

## "PEACE GARDEN STATE" SOUNDS ABOUT RIGHT

These days, the North Dakota Education Association (NDEA) doesn't have much on its plate, as it benefits from the fact that state finances have been largely unaffected by the recent economic downturn: North Dakota is one of only two states that have not reported a budget shortfall these past several years. Nor is there much need for activity when no legislative session is planned for 2012, and lawmakers were in session for just four months in 2011.<sup>7,8</sup> Further, state leaders don't seem particularly interested in changing the status quo of education policy. They did not apply for Race to the Top funds and voted repeatedly to postpone submitting an application for an NCLB waiver, both of which would require the state to rethink its current employment and evaluation policies and enact charter legislation (which the state does not have, and which State Superintendent Wayne Stanstead doesn't imagine his rural state will adopt any time soon).<sup>9,10</sup>

With little trouble being made for it or its members in the state capital, the NDEA focused its attention on maintaining funding for education and improving working conditions for its members. In June 2012, it helped defeat a ballot initiative that would have eliminated local property taxes (and the resulting dollars for education); the initiative was proposed by a conservative group that deemed such taxes unnecessary given the state's budget surpluses. With over 70 percent of voters siding with the coalition of unions and local interests that opposed the measure, it was easily voted down.<sup>11</sup> The following month, the NDEA lent its support to one of its local affiliates fighting for higher salaries and better housing opportunities for teachers in a district where an oil boom pushed average wages to \$80,000 per year, but a starting teacher's salary can be as low as \$31,000.<sup>12</sup> NDEA President Dakota Draper used the opportunity to call out lawmakers who have yet to decide "how much [money to give education], where it will come from and who will pay for it."<sup>13</sup> But with no pressure from leaders to change the state's education policies, and no impending fights over state dollars, for the moment all is peaceful in the Peace Garden State.

# NORTH DAKOTA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 24TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  28*	Membership	By rank, what percentage of public-school teachers in the state are union members?	27th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	27th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	42nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	19th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	27th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  23*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	23rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	34th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	32nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	3rd
<b>AREA 3: SCOPE OF BARGAINING</b>  33*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  2*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	37th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	5th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>2*</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>14</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	**
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly/Totally in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, North Dakota has the 27th-highest percentage of teachers who are union members. Otherwise, we report a status: North Dakota has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> North Dakota does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for North Dakota are shown in the table, *North Dakota Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, North Dakota is ranked 28th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> North Dakota is one of just five states where local teacher associations did not contribute to candidates and political parties. In North Dakota, the North Dakota Education Association (NDEA) was the lone union donor to candidates, while the NEA and AFT were the primary donors to parties (and the NDEA giving relatively little in comparison).

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none.

<sup>6</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>7</sup> "North Dakota Legislative Assembly," Ballotpedia, last modified May 17, 2012, [http://ballotpedia.org/wiki/index.php/North\\_Dakota\\_Legislative\\_Assembly](http://ballotpedia.org/wiki/index.php/North_Dakota_Legislative_Assembly).

<sup>8</sup> Phil Oliff, Chris Mai, and Vincent Palacios, "States Continue To Feel Recession's Impact," Center on Budget and Policy Priorities, June 27, 2012, <http://www.cbpp.org/cms/index.cfm?fa=view&id=711>.

<sup>9</sup> Alyson Klein, "Is Race To The Top An Urban Game?" *Education Week*, December 15, 2009, [http://blogs.edweek.org/edweek/campaign-k-12/2009/12/some\\_state\\_officials\\_have\\_a.html](http://blogs.edweek.org/edweek/campaign-k-12/2009/12/some_state_officials_have_a.html); Mara van Eils, "N.D. education committee recommends NCLB waiver," *Bismark Tribune*, August 28, 2012, [http://bismarcktribune.com/news/state-and-regional/n-d-education-committee-recommends-nclb-waiver/article\\_0d6e50c0-f18f-11e1-b2aa-0019bb2963f4.html](http://bismarcktribune.com/news/state-and-regional/n-d-education-committee-recommends-nclb-waiver/article_0d6e50c0-f18f-11e1-b2aa-0019bb2963f4.html).

<sup>10</sup> After a year of delays, education leaders voted in September 2012 to apply for an NCLB waiver; the NDEA formally supported the state's application. Sanstead, an incumbent not seeking re-election, stated that he believes the state should take advantage of the opportunity presented by the waiver. However, neither of the two candidates for his position as state superintendent are in favor of North Dakota submitting an application. In addition, the state did not enact any new reform policies to bolster its chances. See Mara van Eils, "North Dakota applies for waiver from No Child Left Behind," *Bismark Tribune*, September 10, 2012, accessed September 14, 2012, [http://bismarcktribune.com/news/state-and-regional/north-dakota-applies-for-waiver-from-no-child-left-behind/article\\_b5bbbc38-fb74-11e1-a6a4-0019bb2963f4.html](http://bismarcktribune.com/news/state-and-regional/north-dakota-applies-for-waiver-from-no-child-left-behind/article_b5bbbc38-fb74-11e1-a6a4-0019bb2963f4.html).

<sup>11</sup> Associated Press, "ND Voters Reject Ending Local Property Taxes," *Daily News*, June 13, 2012, [http://www.wahpetondailynews.com/article\\_824dc114-b553-11e1-87d0-001a4bcf887a.html](http://www.wahpetondailynews.com/article_824dc114-b553-11e1-87d0-001a4bcf887a.html).

<sup>12</sup> Associated Press, "ND Oil Town's Prosperity Doesn't Reach Teachers," July 6, 2012, <http://www.foxnews.com/us/2012/07/06/nd-oil-town-prosperity-doesnt-reach-teachers/>.

<sup>13</sup> *Ibid.*

STRONGER 
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 WEAKER

<b>OVERALL</b>		<b>12</b>			
<b>1. RESOURCES AND MEMBERSHIP</b>			<b>20</b>		
<b>2. INVOLVEMENT IN POLITICS</b>			<b>17</b>		
<b>3. SCOPE OF BARGAINING</b>		<b>10</b>			
<b>4. STATE POLICIES</b>			<b>23</b>		
<b>5. PERCEIVED INFLUENCE</b>				<b>35</b>	

**AREA 1: RESOURCES AND MEMBERSHIP  
TIED FOR 20TH**

Ohio’s teacher unions enjoy broad resources from their members, but do not see high spending on K-12 education in general as compared with other states. Despite the fact that collective bargaining is optional in the Buckeye State, a full 91.5 percent of teachers are union members (the 15th-highest unionization rate of 51 jurisdictions). Ohio’s NEA and AFT state affiliates bring in \$587 per Ohio teacher (14th). But just 19.1 percent of state expenditures go to K-12 education in Ohio (28th) and total per-pupil expenditures (a combination of local, state, and federal funds) are moderate, too, at \$11,382 per year (25th). Of those dollars, just 50.2 percent go toward teacher salaries and benefits (47th).

**AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup>  
17TH**

In the past decade, Ohio’s teacher unions have been more active in politics than unions in other states (and are among the most active in the fourteen bargaining-permitted states). Their contributions amounted to 1.0 percent of total donations received by candidates for state office (17th) and 10.0 percent of donations to candidates from the ten highest-giving sectors in the state (13th). Further, they contributed 3.0 percent of the money received by state political parties (7th). The unions are not, however, particularly well-represented among Ohio’s delegates to the Democratic and Republican national conventions, only 7.9 percent of whom identified as teacher union members (40th).<sup>3</sup>

### AREA 3: SCOPE OF BARGAINING 10TH

While bargaining is allowed but not required in Ohio, the remainder of the state's bargaining laws are highly permissive compared with other states. Should a district choose to negotiate a collective bargaining agreement with its employee organization, it must negotiate four of the twenty-one provisions we examined: wages, hours, terms and conditions of employment, and grievance procedures. Bargaining over five more items is explicitly permitted, and at the time we calculated our metric, the remaining twelve were implicitly allowed because the state is silent on them. (The state has since taken evaluations off the table—see sidebar.) Further, the state allows unions to automatically collect agency fees from non-member teachers (a key source of union revenue), and permits teacher strikes.

### AREA 4: STATE POLICIES 23RD

While some of Ohio's teacher-employment policies align with traditional union interests, many do not (and those that do are changing). Ohio does not grant tenure easily—non-tenured teachers licensed before 2011 must go through a five-year probationary period, and those licensed after 2011 face a seven-year probationary period (the national norm is three). And, student achievement must be the preponderant criteria in teacher evaluations. On the other hand, there is no statewide system of performance pay, teacher effectiveness is not considered in tenure decisions, and at the time we calculated our metric, seniority (not teacher performance) was the primary consideration in layoffs. (By press time,

however, legislation prohibited seniority as a layoff criterion unless it was the deciding factor between two teachers with identical evaluations and may have laid the foundation for statewide performance pay via approval of the Cleveland Plan—see sidebar.) The state's charter laws are equally mixed. They allow new, virtual, and conversion schools and give operators multiple authorizing options. Ohio education leaders can cap the total number of charters that each authorizer may approve, but the cap is not a part of state law and incorporates room for growth. The state automatically exempts start-up charters (only) from collective bargaining agreements.

### AREA 5: PERCEIVED INFLUENCE 35TH

Ohio stakeholders perceive the influence of teacher unions to be somewhat limited. On average, respondents place the unions as the third- or fourth-most influential entity in the state in shaping education policy, behind the governor, state association of school administrators, and education advocacy organizations. They neither agree nor disagree that teacher unions are effective in protecting dollars for education or in warding off proposals with which they disagree—and report that both proposals and outcomes of the latest legislative session were mostly *not in line* with teacher union priorities (likely due to the near-elimination of collective bargaining rights for public employees—see sidebar).<sup>4</sup> But teacher unions have been and remain an active force in the state, if not necessarily an effective one: Stakeholders note that they fought hard, given recent budgetary constraints, to prevent reductions in pay and benefits.



OVERALL  
12TH

Ohio's teacher unions are fairly influential compared with those in all states, and are the most influential among the bargaining-permitted states. They do not rate particularly low in any of the five areas examined here; however, the state is not a particularly friendly place for organized labor in general (see sidebar).

MONEY TALKS

In November 2011, Ohio voters repealed SB 5, and unions in the Buckeye State popped the champagne. Originally passed in the same month that Wisconsin stripped collective bargaining rights from its public-sector employees (March 2011), SB 5 prohibited public-sector strikes, eliminated binding arbitration for employee-management disputes, and drastically narrowed the scope of collective bargaining.<sup>5</sup> In one of the most expensive campaigns ever waged over a state ballot initiative, teacher unions (both state and national) joined forces with the influential police and fire fighter associations, and the highly organized (and well-funded) political action group *We Are Ohio*. The Ohio Education Association (OEA), Ohio Federation of Teachers (OFT), and National Education Association (NEA) contributed some \$7 million to the successful campaign to repeal the law.<sup>6,7</sup> AFT President Randi Weingarten boasted after the vote, "Those who would dare try to strip collective bargaining rights away from hard-working citizens will now think twice"; OEA President Patricia Frost-Brooks chimed in, declaring that "Ohioans refused to turn their backs on the people who guard our safety and teach our children."<sup>8,9</sup>

But it's not the same when the OEA and OFT do not have their heavyweight interest group allies. For example, the biennial budget passed in 2011, as originally proposed by the governor (covering school years 2011-13) contained many provisions in the same spirit as SB 5. After three months of wrangling among the House, Senate, and governor, the version that passed omitted the language that would have barred collective bargaining over salaries and would have increased employee pension contributions. Still the OEA was not happy: "Despite these victories in the substitute bill, a number of changes to the bill represent significant steps backwards," reported the union to its members.<sup>10</sup> Among other items, the OEA objected to provisions opening the door to performance pay, reducing tenure protections, and requiring that half of a teacher's evaluation be based on student growth as measured by standardized test scores. They were furious, too, when, a year later, lawmakers proposed that evaluations be removed from the scope of collective bargaining entirely. OEA Director of Education Policy Randy Flora argued to the House Education Committee that "the best teacher evaluation systems are those created collaboratively through the [local] collective bargaining process."<sup>11</sup> But once again, it could not stop the bill from becoming law, and evaluations are now entirely off the bargaining table.

Perhaps the OEA might learn from the OFT that resisting reform is not the best strategy in Ohio. During the budget debate, OFT staff did not object to the state's evaluation mandates: "Those are things we pretty much agreed make a teacher a good, solid teacher," commented OFT leader Deb Tully.<sup>12</sup> The OFT even supported elements of Cleveland Mayor Frank Jackson's reform plan, which, among other provisions, ties pay to teacher (and student) performance, eliminates seniority as a primary determinant for transfers and assignments, and allows the district to circumvent the union contract when intervening in failing schools. Its most vociferous objections pertained to "the precedent of local levy money going to support charter schools," said OFT president Melissa Cropper.<sup>13,14</sup> It appears that Ohio unions must choose their battles carefully.

# OHIO RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 12TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20	Membership	By rank, what percentage of public-school teachers in the state are union members?	15th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	14th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	28th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	25th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	47th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  17	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	17th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	7th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	13th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	40th
<b>AREA 3: SCOPE OF BARGAINING</b>  10	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	8th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  23	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	21st
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment <sup>c</sup>	How long before a teacher earns tenure?	Five years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	30th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>23</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>35</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Ohio has the 15th-highest percentage of teachers who are union members. Otherwise, we report a status: Ohio permits collective bargaining, and union agency fees are also permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See Area 4 above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Ohio are shown in the table, *Ohio Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Ohio is ranked 20th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Michael Scott, "Issue 2 Defeated: Million Votes Are In And 63 Percent Say No, AP Says," *Plain Dealer*, November 8, 2011, [http://www.cleveland.com/politics/index.ssf/2011/11/issue\\_2\\_early\\_ohio\\_election\\_re.html](http://www.cleveland.com/politics/index.ssf/2011/11/issue_2_early_ohio_election_re.html).

<sup>6</sup> Glenn Thrush, "Ohio Senate Bill 5's Repeal Buys Dems," Politico.com, October 8, 2011, 2012, <http://www.politico.com/news/stories/1111/67918.html>.

<sup>7</sup> Sean Cavanagh, "Unions, Businesses Spend On Ohio Collective-Bargaining Fight," *Education Week*, November 1, 2011, [http://blogs.edweek.org/edweek/state\\_edwatch/2011/11/money\\_flows\\_into\\_ohio\\_fight\\_over\\_collective\\_bargaining.html](http://blogs.edweek.org/edweek/state_edwatch/2011/11/money_flows_into_ohio_fight_over_collective_bargaining.html).

<sup>8</sup> Sean Cavanagh, "Ohio Voters Reject Law Limiting Teachers' Collective Bargaining," *Education Week*, November 8, 2011, [http://blogs.edweek.org/edweek/state\\_edwatch/2011/11/ohio\\_1.html?qs=ohio+collective+bargaining](http://blogs.edweek.org/edweek/state_edwatch/2011/11/ohio_1.html?qs=ohio+collective+bargaining).

<sup>9</sup> "OEA Thanks Ohio For Defeating Issue 2," Ohio Education Association, accessed July 19, 2012, <http://www.ohea.org/victory-for-collective-bargaining>.

<sup>10</sup> "OEA Legislative Watch," Ohio Education Association, April 29, 2011, <http://www.ohea.org/Document/Get/21361> (for details of the modifications of the bill, see the OEA's Legislative Watch Archive, <http://www.ohea.org/legislative-watch-archive>).

<sup>11</sup> "Ohio Education Association Senate Bill 316 Testimony To House Education Committee," Ohio Education Association, May 16, 2012, [http://aces.ohea.org/site/DocServer/SB\\_316\\_Testimony\\_-\\_House\\_Education\\_Committee\\_Testimony\\_-\\_pdf?docID=661](http://aces.ohea.org/site/DocServer/SB_316_Testimony_-_House_Education_Committee_Testimony_-_pdf?docID=661).

<sup>12</sup> Patrick O'Donnell, "Ohio Teachers To Be Watched And Graded On Classroom Performance—And Many Are Ok With That," *Plain Dealer*, January 2, 2012, [http://blog.cleveland.com/metro/2012/01/ohio\\_teachers\\_to\\_be\\_watched\\_an.html](http://blog.cleveland.com/metro/2012/01/ohio_teachers_to_be_watched_an.html).

<sup>13</sup> Harry Graver, "Cleveland's Education-Reform Plan," *National Review*, July 23, 2012, <http://www.nationalreview.com/articles/310205/cleveland-s-education-reform-plan-harry-graver?pg=1>.

<sup>14</sup> Reginald Fields, "Ohio Sen. Nina Turner At Odds With State Teachers Union," *Plain Dealer*, May 10, 2012, [http://www.cleveland.com/open/index.ssf/2012/05/ohio\\_sen\\_nina\\_turner\\_at\\_odds\\_w.html](http://www.cleveland.com/open/index.ssf/2012/05/ohio_sen_nina_turner_at_odds_w.html).

# OKLAHOMA

OVERALL RANK: 43RD<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER  WEAKER

<b>OVERALL</b>					<b>43</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>44</b>
<b>2. INVOLVEMENT IN POLITICS</b>			<b>26</b>		
<b>3. SCOPE OF BARGAINING</b>					<b>40</b>
<b>4. STATE POLICIES</b>					<b>43</b>
<b>5. PERCEIVED INFLUENCE</b>					<b>46</b>

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 44TH

Oklahoma’s state teacher unions do not have substantial resources from their members, nor do they see a significant dedication of funds to K-12 education in the state. First, a relatively low proportion of Sooner State teachers are union members—57.5 percent (39th of 51 jurisdictions). The NEA and AFT state-level affiliates bring in just \$233 annually per Oklahoma teacher (38th). Moreover, education spending in Oklahoma is comparatively low. The state directs just 14.3 percent of its own budget into K-12 education, and total per-pupil spending (from all sources, state, federal and local) is \$9,369 per pupil per year, with 52.0 percent of that dedicated to teacher salaries and benefits. Oklahoma ranks among the

bottom ten states in the nation on all three of those spending measures.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 26TH

Compared with unions in other states, Oklahoma teacher unions rank in the middle of the pack in terms of their political involvement over the past ten years. Their contributions accounted for 0.42 percent of total donations received by candidates for state office (33rd), and 0.18 percent of the total donations to state political parties (46th). However, the unions had a strong presence at the Democratic and Republican national conventions, with 24.2 percent of Oklahoma’s delegates being teacher union members (only three states ranked higher).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
40TH*

Oklahoma unions have limited, and shrinking, freedom to bargain. Recently the state repealed the law that mandated collective bargaining; in major cities, bargaining is now permitted, but not required (see sidebar). The law also prohibits teacher strikes and prevents unions from automatically collecting agency fees, a key source of union revenue, from non-members. The state is fairly permissive, however, on the scope of bargaining. Of twenty-one items examined in this report, Oklahoma mandates that four be negotiated should districts choose to bargain collectively with unions—wages, hours, terms and conditions of employment, and fringe benefits—and implicitly permits all of the remaining items.

*AREA 4: STATE POLICIES  
43RD*

Compared with other states, Oklahoma policies are largely out of line with traditional teacher union priorities. By law, student achievement is the preponderant criterion in both teacher evaluations and tenure decisions. Teachers are eligible for dismissal after multiple unsatisfactory evaluations, and districts must consider teacher performance (rather than seniority alone) when making layoffs. Likely related, Oklahoma dismisses teachers due to poor performance at the fourth-highest rate in the country. The unfavorable policy environment extends to charter school laws as well: Oklahoma's charters are automatically exempt from collective bargaining agreements, state teacher certification rules, and many other state and district laws and regulations.

*AREA 5: PERCEIVED INFLUENCE  
46TH*

Stakeholders in Oklahoma perceive that the teacher unions are relatively weak. On average, survey respondents rate the teacher unions as less influential than the business roundtable/chamber of commerce, superintendent, and education advocacy organizations. They report that unions are not effective in protecting dollars for education or in warding off reform proposals with which they disagree. Stakeholders also observe that policies proposed by the governor and enacted in the latest legislative session were mostly *not in line* with teacher union priorities.<sup>4</sup>

*OVERALL  
43RD*

Oklahoma's teacher unions are weaker than those in most other states: They claim only limited membership and financial resources, few favorable policies at the state level, and a relatively weak reputation among stakeholders. Like many other states, Oklahoma is experiencing a high degree of flux among state leaders—and their positions—with respect to both unions and education reforms (see sidebar), and its position on any of these indicators is far from certain.

In spring 2012, Oklahoma teacher unions avoided a veritable knockout punch. Anti-labor legislators had already landed a powerful blow the previous year, replacing the law that mandated collective bargaining in public education with one that permitted, but did not require, bargaining in the state's 13 largest cities.<sup>5</sup> Then, in early 2012, the senate passed SB 1530, also known as the “deregulation bill,” which gave traditional public schools in all cities the same autonomies granted to the state's charter schools—including allowing local school boards to void their existing collective bargaining agreements if they so choose.<sup>6</sup>

Worried that districts would reduce teacher salaries, take away sick and personal leave, and eliminate special-duty pay, the Oklahoma Education Association (OEA) mobilized against the bill.<sup>7</sup> At the union's annual “Lobby Day,” members bent the ear of Rep. Todd Thomsen, who then asked fellow representatives during the hearing for the bill, “Can you name one thing the legislature has done for teachers' best interest?”<sup>8</sup> Lawmakers may have been considering those teacher interests instead of the best interests of the students when SB 1530 died in House committee. One superintendent pointed out the negative consequences of the defeat: “[My district] receives about \$30,000 for textbooks...I would rather spend this money on technology and use online books that are a small fraction of the cost”—a sensible solution that would have been possible under SB 1530.<sup>9</sup>

In the wake of this fight, however, the OEA found its image tarnished (a problem made more urgent by the fact that it was losing membership due both to the new bargaining law and to net teacher job losses).<sup>10,11</sup> The union began a massive “Stand Up for Public Education” campaign, aimed at improving the unions' own public image, preserving the rights of teachers, and increasing funding for the traditional education system. The success of the campaign remains to be seen, but the tide seems to be turning against labor in Oklahoma; ironic for a state whose motto is *Labor Omnia Vincit*: “Labor Conquers All Things.”

# OKLAHOMA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 43RD

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  44*	Membership	By rank, what percentage of public-school teachers in the state are union members?	39th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	38th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	44th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	41st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	41st
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  26*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	33rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	46th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	34th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	4th
<b>AREA 3: SCOPE OF BARGAINING</b>  40	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  43	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	18th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	48th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>43</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only w/ limited jurisdiction
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>46</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Oklahoma has the 39th-highest percentage of teachers who are union members. Otherwise, we report a status: In Oklahoma collective bargaining is permitted, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Oklahoma are shown in the table, *Oklahoma Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Oklahoma is ranked 44th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Sean Murphy, "Oklahoma Senate Panel Votes To Ax City Union Rights," *Associated Press*, March 28, 2011, <http://normantranscript.com/archive/x10256592/Okla-Senate-panel-votes-to-ax-city-union-rights>.

<sup>6</sup> Victor Skinner, "Oklahoma's Teachers Unions Determined To Preserve Collective Bargaining," *News Blaze*, April 3, 2012, <http://newsblaze.com/story/20120403111136zzzz.nb/topstory.html>.

<sup>7</sup> Rob Anderson, "School 'Deregulation' Bill Controversial," *Tahlequah Daily Press*, March 21, 2012, <http://tahlequahdailypress.com/local/x715444021/School-deregulation-bill-controversial>.

<sup>8</sup> Kandis West, "Inspired Members Help Kill SB 1530," in "The Education Focus," Oklahoma Education Association, April/May 2012, <http://okea.org/assets/files/2012%20April%20May%20Focus%20for%20web.pdf>.

<sup>9</sup> Anderson.

<sup>10</sup> *Ibid.*

<sup>11</sup> Stacy Martin and Patrick B. McGuigan, "Oklahoma's Largest Teachers' Union Losing Members," *CapitolBeatOK.com*, June 21, 2011, <http://capitolbeatok.com/reports/oklahomas-largest-teachers-union-losing-members>.

# OREGON

OVERALL RANK: 2ND<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER  WEAKER

OVERALL	2				
1. RESOURCES AND MEMBERSHIP		9			
2. INVOLVEMENT IN POLITICS		8			
3. SCOPE OF BARGAINING	4				
4. STATE POLICIES				34	
5. PERCEIVED INFLUENCE	3				

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 9TH

While Oregon’s state teacher unions benefit from substantial internal resources from their members, they and their members do not see generous spending on education overall. A high percentage of teachers in the Beaver State—95.2 percent of them—belong to unions (the 10th-highest unionization rate of 51 jurisdictions). The NEA and AFT state affiliates bring in the second-largest annual revenues, a very substantial \$984 for each teacher in the state. The state does not contribute much of its own budget (12.8 percent) to K-12 education (46th), and while total spending (from state, federal, and local sources) is in the middle of the national pack at \$10,517 per pupil per year (32nd), just 52.2 percent of those dollars go to teacher salaries and budgets (40th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 8TH

Teacher unions have been highly active in Oregon politics over the past decade. Of the total donations to candidates for state office, 3 percent came from the unions; only in Illinois did candidates receive a higher percentage from unions. Contributions from unions accounted for 15.3 percent of the donations to candidates from the ten highest-giving sectors in the state (8th). Unions also gave to the state’s political parties, although not quite as heavily—1.2 percent of party donations in Oregon came from teacher unions (21st). Finally, 18.1 percent of Oregon delegates to the Democratic and Republican national conventions were teacher union members, ranking the state 12th.<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 4TH*

Oregon bargaining laws are more permissive and union-friendly than in nearly every other state. The state requires collective bargaining, allows unions to automatically collect agency fees from non-member teachers (a key source of union-revenue), and permits teacher strikes. The state also has a broad scope of bargaining: Of twenty-one items examined in this analysis, Oregon explicitly requires or permits ten to be included in bargaining (wages, hours, terms and conditions of employment, grievance procedures, insurance benefits, pension/retirement benefits, fringe benefits, leave, curriculum, and extracurricular duties). State law is silent on another seven provisions, implicitly opening them for bargaining, and prohibits only four (evaluation process/instruments, length of the school year, class load, and class size).

*AREA 4: STATE POLICIES  
TIED FOR 34TH*

Oregon's teacher employment policies are relatively in line with traditional union interests: Oregon does not require that teacher evaluations or tenure decisions include student achievement data, nor does it mandate that layoff decisions take teacher performance into account. Employers contribute 1.7 times more to pensions than teachers do, a higher proportion than in many other states. However, while unions usually favor limiting charter schools, Oregon law encourages them. The state does not cap the number of such schools, which may be virtual schools, new charters, or conversions. All charters are automatically exempt from most state and district laws and regulations, and they are not required to participate in district collective bargaining agreements.

*AREA 5: PERCEIVED INFLUENCE  
3RD*

Oregon stakeholders identify teacher unions as very strong. Respondents rank them as one of the two most influential entities on education policy (along with education advocacy organizations), and note that they are effective in protecting dollars for education and warding off education proposals with which they disagree. According to stakeholders, between 2009 and 2011 the position of state education leaders *always* aligned with those of the teacher union, and Democrats often needed teacher union support to get elected. But while stakeholders report that state-level education policies often reflect teacher union priorities, the outcomes of the latest legislative session were mostly *not* in line with those priorities—indicating that the unions may be facing more opposition than they have in the past (see sidebar).<sup>4</sup>

*OVERALL  
2ND*

Oregon's teacher unions have substantial internal resources, are active donors to politicians and parties, and enjoy highly favorable bargaining rules. But other state policies (especially related to charter schools) do not align with traditional union interests. Still, stakeholders report that they are a strong force in the state.

What a difference two years makes. In 2010, the Oregon Education Association (OEA) enthusiastically endorsed Democrat John Kitzhaber's run for governor.<sup>5</sup> His election looked to be a boon for the already-strong OEA: Teacher unions had consistently had a powerful presence with Oregon's lawmakers, and the 2011 legislative session was shaping up to be no exception. As in years past, the unions gave generously to Democratic candidates and already counted many legislators as allies.<sup>6</sup>

But something went awry. Only 13 of 31 bills that the state union supported passed in 2011; moreover, 11 of the 37 measures they opposed actually passed.<sup>7</sup> Worse, the OEA saw former allies turn into foes. Kitzhaber endorsed GOP-sponsored laws to increase parental choice and expand charter schools in return for Republican support on measures that would increase his financial oversight and decision-making authority over education.<sup>8</sup> Even Democratic legislators were no longer sure bets: In its traditional end-of-session report card, the OEA gave Fs to 8 Democrats (and 40 Republicans) out of 90 legislators. No senator, Democrat or Republican, earned higher than a C.<sup>9</sup>

With Oregon's 2012 assembly session open for business, it is unclear how lawmakers will react to the OEA's report card. Representative Matt Wingard, the author of last year's Republican education bills, thinks the report card undermines the union's position: "It hurts their credibility."<sup>10</sup> (That said, Wingard later had some credibility issues of his own.<sup>11</sup>) Currently, Oregon teacher unions are among the strongest in the nation. But with potentially damaged credibility, and evidence from other states that lawmakers' sentiments are turning against union interests, it remains to be seen whether 2011 was a blemish on a strong record or indicative of things to come.

# OREGON RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 2ND			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  9*	Membership	By rank, what percentage of public-school teachers in the state are union members?	10th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	2nd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	46th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	32nd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	40th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  8*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	2nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	21st
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	8th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	12th
<b>AREA 3: SCOPE OF BARGAINING</b>  4*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	10th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  34*	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	13th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	13th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>34</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>3</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Always
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Oregon has the 10th-highest percentage of teachers who are union members. Otherwise, we report a status: Oregon has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Oregon are shown in the table, *Oregon Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Oregon is 9th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> OEA Leader Letter, "OEA-PIE Recommends Kitzhaber For Governor," Oregon Education Association, accessed July 17, 2012, <http://www.oregoned.org/site/apps/nlnet/content2.aspx?c=9dKKKYMDH&b=5186993&ct=8519601>.

<sup>6</sup> Jeff Mapes, "Oregon Teachers Union Hands Out Harsh Grades, Even To Longtime Legislative Allies," *Oregonian*, August 18, 2011, [http://blog.oregonlive.com/mapesonpolitics/2011/08/oregon\\_teachers\\_union\\_hands\\_ou.html](http://blog.oregonlive.com/mapesonpolitics/2011/08/oregon_teachers_union_hands_ou.html).

<sup>7</sup> 2011 Legislative Summary, Oregon Education Association, accessed July 18, 2012, [http://www.oregoned.org/atf/ct/%7B3F7AF7EC-F984-4631-A411-148CD1FB8421%7D/2011\\_OEA\\_legislative\\_summary.pdf](http://www.oregoned.org/atf/ct/%7B3F7AF7EC-F984-4631-A411-148CD1FB8421%7D/2011_OEA_legislative_summary.pdf).

<sup>8</sup> Mapes.

<sup>9</sup> 2011 Legislative Summary.

<sup>10</sup> Mapes.

<sup>11</sup> Jeff Mapes, "Matt Wingard Leaves Oregon House Leadership Post After Allegations of Misconduct," *Oregonian*, June 13, 2012, [http://www.oregonlive.com/politics/index.ssf/2012/06/matt\\_wingard\\_leaves\\_oregon\\_hou.html](http://www.oregonlive.com/politics/index.ssf/2012/06/matt_wingard_leaves_oregon_hou.html).



# PENNSYLVANIA

OVERALL RANK: 4TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER  WEAKER

OVERALL	4				
1. RESOURCES AND MEMBERSHIP		13			
2. INVOLVEMENT IN POLITICS		10			
3. SCOPE OF BARGAINING	7				
4. STATE POLICIES				41	
5. PERCEIVED INFLUENCE	7				

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 13TH

Pennsylvania’s teacher unions benefit from relatively high membership, ample resources, and generous public education funding. The Keystone State has the 12th-highest rate of teacher union membership in the nation (93.4 percent). In addition, its state-level NEA and AFT affiliates bring in the 19th-highest annual revenue, at \$538 per teacher. Funding for K-12 education in Pennsylvania is also substantial with 19.6 percent of state expenditures going toward K-12 education (24th). Per-pupil spending, a combination of local, state, and federal funds amounts to \$12,906 per year (14th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 10TH

For at least the last ten years, teacher unions have been quite active in Pennsylvania state politics. Union donations made up 1.5 percent of the total contributions to candidates for state office (10th-highest among states). Their contributions also accounted for 7.4 percent of direct donations from the ten highest-giving sectors in Pennsylvania (19th). The teacher unions prioritized giving to candidates rather than parties, however, giving the latter just 0.04 percent of total monies received (less than everywhere but Alaska). Further, a full 20.0 percent of Pennsylvania delegates to the Democratic and Republican national conventions identified as members of teacher unions—a proportion ranking 10th-largest nationwide.<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
7TH*

Pennsylvania is one of thirty-two states that require collective bargaining for public school teachers, and one of twenty-five that permit the automatic collection of agency fees from all such teachers (a key source of union revenue). The state also allows for a relatively broad scope of bargaining: Of twenty-one items examined in this metric, Pennsylvania law explicitly requires or permits four as subjects of bargaining: wages, hours, terms and conditions of employment, and management rights. Its laws are silent on the remaining seventeen items, implicitly permitting them all. Pennsylvania also permits teachers to strike.

*AREA 4: STATE POLICIES  
41ST*

While a handful of Pennsylvania policies are aligned with traditional teacher union interests, many others, particularly those bearing on charter schools, are not. Relative to those that unions traditionally support: The state does not require that student achievement factor into teacher evaluations, nor does it require that districts consider teacher performance when determining layoffs. Further, Pennsylvania dismisses a smaller percentage of teachers due to poor performance than all but two other states. Yet many other policies do not parallel traditional union interests: The Keystone State's charter school law does not cap charter growth (although some districts have restrictions), provides automatic exemptions for charters from many state and district laws and regulations, and does not require that charters participate in district collective bargaining agreements. Further, the state does not limit K-3 class sizes.

*AREA 5: PERCEIVED INFLUENCE  
7TH*

Stakeholders perceive teacher unions in Pennsylvania to be quite strong, unanimously rating them as the most influential entity in the state on matters of education policy. They also strongly agree that unions are effective in warding off education proposals with which they disagree and that, in a time of budgetary constraints, they fought hard to protect dollars for education. Further, they indicate that Democrats seeking office almost always need union support to be elected. Still, stakeholders note that, despite the unions' past successes, education policies proposed by the governor in the latest legislative session were mostly *not in line* with their priorities.<sup>4</sup>

*OVERALL  
4TH*

Pennsylvania's teacher unions enjoy broad financial resources and membership, are highly involved in politics, and wield considerable influence at the state level. The state's NEA and AFT affiliates are some of the most powerful in the nation.

A recent survey of Pennsylvania districts concluded that school finances will descend from “difficult” to “desperate” in 2012-13—prompting cuts “unheard of since the Great Depression.”<sup>5</sup> District leaders are not simply being fatalistic: On top of austerity cuts, the districts’ share of employee pension obligations will reportedly rise by 45 percent this year. When Governor Tom Corbett asked local unions to take a one-year salary freeze to lighten the fiscal load, James Testerman, the president of the Pennsylvania State Education Association, encouraged members to “seriously consider” the request.<sup>6</sup> But they didn’t take the bait. In fact, one survey found that just 140 of the state’s 500 school districts froze employee pay in 2011-12—and freezes included teachers in just 83 districts.<sup>7</sup> Teachers did not escape completely unscathed, however, as districts enacted other cuts (including layoffs) and state leaders are calling for even more belt-tightening in the years ahead.<sup>8</sup>

Pennsylvania’s teacher unions have had diminishing success in fending off school choice in its various forms, and state laws are relatively charter-friendly. In addition, in June 2012 the governor signed a new educational tax credit program into law while also bolstering the state’s existing system. AFT Pennsylvania calls the programs, which give tax credits to businesses that contribute to private school scholarship funds, “stealth vouchers” for kids in low-performing schools.<sup>9</sup> Governor Corbett made vouchers his top priority coming into office in January 2011, and so far has triumphed over union objections.<sup>10</sup> Still, given the unions’ record of success in staving off other reforms that threaten their members’ pay and job security, it could be that vouchers will be Corbett’s only victory.

# PENNSYLVANIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 4TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  13*	Membership	By rank, what percentage of public-school teachers in the state are union members?	12th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	19th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	24th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	14th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	30th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  10*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	10th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	49th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	19th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	10th
<b>AREA 3: SCOPE OF BARGAINING</b>  7	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  41	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	48th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	3rd
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>41</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>7</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	**
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	**
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Does not generally concede	

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Pennsylvania has the 12th-highest percentage of teachers who are union members. Otherwise, we report a status: Pennsylvania has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Pennsylvania are shown in the table, *Pennsylvania Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Pennsylvania is ranked 13th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Associated Press, "Pa. School Groups' Survey Sees Grimmer Finances," *Sentinel*, May 22, 2012, [http://cumberlink.com/news/local/state-and-regional/pa-school-groups-survey-sees-grimmer-finances/article\\_baacda5e-a41e-11e1-bb89-0019bb2963f4.html](http://cumberlink.com/news/local/state-and-regional/pa-school-groups-survey-sees-grimmer-finances/article_baacda5e-a41e-11e1-bb89-0019bb2963f4.html).

<sup>6</sup> Tony Rhodin, "PA Teachers Union Urges Members To 'Seriously Consider' Wage Freeze," *Express-Times*, March 16, 2011, [http://www.lehighvalleylive.com/breaking-news/index.ssf/2011/03/jim\\_testerman\\_head\\_of\\_pennsylv.html](http://www.lehighvalleylive.com/breaking-news/index.ssf/2011/03/jim_testerman_head_of_pennsylv.html).

<sup>7</sup> Charles Thompson, "In Pennsylvania, Most Teachers Rejected Gov. Corbett's Urging Of Pay Freezes In Face Of Budget Cuts," *Patriot News*, September 5, 2011, [http://www.pennlive.com/midstate/index.ssf/2011/09/in\\_pennsylvania\\_most\\_teachers.html](http://www.pennlive.com/midstate/index.ssf/2011/09/in_pennsylvania_most_teachers.html).

<sup>8</sup> "PSEA President Responds To Governor's Call For A One-Year Pay Freeze," Pennsylvania State Education Association, March 16, 2011, <http://www.psea.org/general.aspx?id=7903>.

<sup>9</sup> "Governor Signs \$27.7m Budget; Flat Funding, New Teacher Evaluation, Stealth Vouchers," AFT Pennsylvania, accessed July 11, 2012, <http://pa.aft.org/index.cfm?action=article&articleID=e6ec35b0-f50b-4b23-b816-7b0bcae3138b>.

<sup>10</sup> "Governor Corbett Cites School Vouchers As Priority For Fall Legislative Session," *CBS Philadelphia*, September 19, 2011, <http://philadelphia.cbslocal.com/2011/09/19/governor-corbett-cites-school-vouchers-as-priority-for-fall-legislative-session/>.

# RHODE ISLAND

OVERALL RANK: 5TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER  WEAKER

OVERALL	5				
1. RESOURCES AND MEMBERSHIP	6				
2. INVOLVEMENT IN POLITICS	4				
3. SCOPE OF BARGAINING			17		
4. STATE POLICIES			15		
5. PERCEIVED INFLUENCE			15		

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 6TH

Rhode Island’s teacher unions benefit from resources from its members, as well as from spending on K-12 education in the state. First, the Ocean State has one of the highest membership rates in the nation with 97.4 percent of its teachers belonging to unions. Rhode Island’s NEA and AFT state-level affiliates bring in \$552 annually per teacher in the state (17th out of 51 jurisdictions). What’s more, the unions see high per-pupil expenditures (\$14,567; 8th), and 54.5 percent of those funds go toward teacher salaries and benefits (22nd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 4TH

Rhode Island’s teacher unions have been extensively involved in state politics in the past ten years.<sup>3</sup> Donations from them amounted to 1.2 percent of all donations to candidates for state office (15th). Those contributions made up 8.3 percent of the money donated by the ten highest-giving sectors in the state (16th), making unions a major player in campaign seasons. They gave to political parties at a similar level, with 3.7 percent of total donations to Rhode Island parties coming from teacher unions (4th). In addition to money, the unions had another source of influence: A whopping one out of three Rhode Island delegates to the Democratic and Republican national conventions were teacher union members (no state was higher on this metric).<sup>4</sup>

### AREA 3: SCOPE OF BARGAINING TIED FOR 17TH

Rhode Island is one of thirty-two states that require collective bargaining, and one of twenty-five that permit unions to automatically collect agency fees—a valued source of union revenue—from non-member teachers. But despite its supportive stance toward bargaining in general, state law is fairly neutral about the specifics. Of twenty-one items examined in this report, the state requires only three to be subject to mandatory bargaining (wages, hours, and terms and conditions of employment, including benefits) and is silent on the remaining eighteen (implicitly including them all in the scope of bargaining). The state does not permit teacher strikes.

### AREA 4: STATE POLICIES 15TH

While many Rhode Island policies align with teacher union interests, others do not. Rhode Island's charter school laws, in particular, mirror traditional union positions by restricting how many such schools may operate in the state, prohibiting virtual charter schools, and allowing only the state board of regents to authorize charters. It also restricts charter autonomy—state law requires all that charter teachers are certified, and automatically exempts some but not all schools from collective bargaining agreements. District employment policies, however, are less in line with union interests: Rhode Island requires that student achievement be the preponderant criterion in teacher evaluations, and teachers are eligible for dismissal after multiple unsatisfactory ratings. Still, not all employment policies are union-averse. In Rhode Island, teachers are dismissed due to poor performance at a lower rate than in almost every other state.

And, compared to most other states, in the past Rhode Island employers contributed a higher proportion to pensions than employees did—although that may soon change (see sidebar).

### AREA 5: PERCEIVED INFLUENCE 15TH

Stakeholders in Rhode Island perceive that their teacher unions are relatively strong. Respondents rate them as the second or third most-influential entity in state education politics, behind the board of regents and alongside education advocacy groups. They agree that, at a time of budgetary constraint, unions are effective in protecting state dollars for education, and in warding off proposed reforms with which they disagree. Further, they note that Democrats running for state office always need teacher union support to be elected (see Area 2). Still, stakeholders report that policies *proposed* by the governor in the latest legislative session were only *somewhat* in line with union priorities, and those *enacted* were mostly *not* in line with them, showing that the union's power in Rhode Island may be in flux—especially when it comes to lawmakers.<sup>5</sup>

### OVERALL 5TH

Rhode Island's teacher unions enjoy robust resources. Although they are active and powerful participants in state politics, state policies on teacher employment and the scope of bargaining are not completely union-favorable and recent defeats seem to indicate that the unions, while still strong, face a political environment that has become more contentious of late, or at least more divided (see sidebar).



## A SHORT-LIVED TRUCE

After its first Race to the Top (RTTT) proposal was rejected in March 2010, Rhode Island education commissioner Deborah Gist knew she had to have the unions on board. “Every point is going to count, so [we were] very concerned and really wanted that sign-on,” she said.<sup>6</sup> While she didn’t get universal support—the National Education Association of Rhode Island (NEARI) refused to endorse the second proposal—Rhode Island’s AFT affiliate, and many of its local unions, fell in line after their demands to rehire laid-off teachers were met.<sup>7</sup> The state’s revised RTTT application was ultimately accepted in September 2010.<sup>8</sup>

The tenuous harmony between labor and management shattered in November 2011 when lawmakers overhauled the state’s troubled pension system. The Retirement Security Act forced state workers and teachers to move a portion of pension funds to a 401(k)-style account and suspended cost-of-living adjustments for current retirees.<sup>9</sup> Democratic State Treasurer Gina Raimondo maintained that the law was “carefully designed by the General Assembly in an effort to save our state-administered retirement system” amid escalating costs to an already-underfunded pension.<sup>10</sup> But in June 2012 the state’s major unions filed a suit against the Act, declaring that, under the law, benefits must be negotiated.<sup>11</sup> Bob Walsh, president of NEARI, is confident that the courts will overturn the Act, declaring that the changed pension system “is going to be short lived—because it was illegal.”<sup>12</sup> Now we’ll see if the courts agree...and if they don’t, who is going to foot the bill.

# RHODE ISLAND RANKINGS BY AREA AND INDICATOR

**OVERALL RANK: 5TH**

<i>Area and Rank<sup>a</sup></i>	<i>General Indicator</i>	<i>Sub-Indicator</i>	<i>Sub-Indicator Rank/Status<sup>b</sup></i>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  6*	Membership	By rank, what percentage of public-school teachers in the state are union members?	5th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	17th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	45th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	8th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	22nd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  4*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	15th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	4th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	16th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	1st
<b>AREA 3: SCOPE OF BARGAINING</b>  17*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	24th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  15	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	5th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	6th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>15</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools, others must apply for waivers

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>15</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely/Sometimes
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Does not concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Rhode Island has the 5th-highest percentage of teachers who are union members. Otherwise, we report a status: Rhode Island has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Rhode Island are shown in the table, *Rhode Island Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Rhode Island is ranked 6th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> A large number of local NEA and (especially) AFT affiliates in Rhode Island contributed nearly as much to state politics as did the Rhode Island Education Association and the Rhode Island Federation of Teachers, making those unions significant players at the state level as well.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Michelle R. Smith, "More Teachers' Unions Throw Support Behind R.I.'S Race To Top," *Associated Press*, May 25, 2010, [http://articles.boston.com/2010-05-25/news/29307687\\_1\\_teachers-unions-broad-stakeholder-support-districts](http://articles.boston.com/2010-05-25/news/29307687_1_teachers-unions-broad-stakeholder-support-districts).

<sup>7</sup> Ibid.

<sup>8</sup> Jennifer D. Jordan, "NEARI Declines To Sign On To Race to the Top," *Providence Journal*, May 27, 2010, <http://news.providencejournal.com/breaking-news/2010/05/neari-declines-to-sign-on-to-r-1.html>.

<sup>9</sup> Michael Corkery, "Rhode Island Public Workers To See Reduced Benefits," *Wall Street Journal*, November 18, 2011, <http://online.wsj.com/article/SB10001424052970203611404577045132098830806.html>.

<sup>10</sup> David Klepper, "RI Unions Sue To Block State Pension Overhaul; Chafee, Raimondo Say State Ready For Challenge," *The Republic*, June 22, 2012, <http://www.therepublic.com/view/story/d1e1076843934123abf565d26fe7ef57/RI--Pension-Lawsuit>.

<sup>11</sup> Ibid.

<sup>12</sup> Ted Nesi, "Unions To RI: Negotiate A Pension Deal Before You Lose In Court," WPRI.com, February 7, 2012, <http://blogs.wpri.com/2012/02/07/unions-to-ri-negotiate-a-pension-deal-before-you-lose-in-court/>.

# SOUTH CAROLINA

OVERALL RANK: 49TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER  WEAKER

<b>OVERALL</b>					<b>49</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>51</b>
<b>2. INVOLVEMENT IN POLITICS</b>			<b>35</b>		
<b>3. SCOPE OF BARGAINING</b>				<b>43</b>	
<b>4. STATE POLICIES</b>			<b>38</b>		
<b>5. PERCEIVED INFLUENCE</b>					<b>47</b>

## AREA 1: RESOURCES AND MEMBERSHIP 51ST

South Carolina’s teacher association claims fewer resources and a smaller membership base than unions in any other state. Collective bargaining between local districts and teacher associations is prohibited in the Palmetto State, and only 26.9 percent of its teachers—the lowest rate in the nation—belong to the state association. The state-level NEA affiliate brings in the smallest annual revenue in the country, just \$52 per South Carolina teacher. Teachers see scant spending on education. Only 15.5 percent of state expenditures are directed to K-12 education (only nine states allocate less). Total dollars for education (a combination of local, state, and federal funds) are low as well: \$10,237 per pupil, per year, with 52.9 percent of those dollars going toward teacher salaries and benefits (both 35th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> 35TH

Given the low revenue and membership of South Carolina’s teacher association, it comes as no surprise that its involvement in state politics over the past decade has been limited. Donations from the association accounted for just 0.16 percent of the total received by candidates for state office (unions in few states contribute less), and those donations equaled only 1.32 percent of the donations from the ten highest-giving sectors in the state (46th). The association did, however, contribute 1.2 percent of the total funds received by state political parties, the 22nd-largest proportion across states. Boosting the state’s ranking in political involvement is the fact that 16.4 percent of South Carolina delegates to the Democratic and Republican national conventions identified as teacher union members, 17th in the nation.<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 43RD*

South Carolina is one of only five states that prohibit collective bargaining, and employee associations may not automatically collect agency fees from non-members. Teacher strikes are neither authorized nor prohibited by state law.

*AREA 4: STATE POLICIES  
38TH*

State policies in South Carolina are generally not aligned with traditional union interests. Bonuses based on performance must be available to all teachers. The state's charter law does not limit the number of schools allowed to operate; provides for two viable authorizing entities; and allows automatic exemptions for charters from many state and district laws, regulations, and personnel policies. The union does, however, benefit from two favorable policies regarding teacher job security: Student achievement need not factor into teacher evaluations, and tenure is conferred virtually automatically after two years (the national norm is three). The ratio of employer to employee pension contributions and the dismissal rate due to poor teacher performance rank in the middle of the pack.

*AREA 5: PERCEIVED INFLUENCE  
47TH*

Stakeholders in South Carolina perceive teacher association strength to be very limited. Survey respondents rank its influence on education policy below that of numerous other entities, such as the state school board association, charter school association, business roundtable/chamber of commerce, and education advocacy organizations; stakeholders in just two

other states ranked their teacher unions as less influential. Respondents also note that policies proposed by the governor and enacted during the latest legislative session were mostly not in line with teacher association priorities. Further, they observe that in a time of budgetary constraint, the association conceded from the outset that some reductions for pay and benefits were inevitable.

*OVERALL  
49TH*

With few resources, limited involvement in state politics, and no legal authority, South Carolina's teacher association carries a relatively weak reputation and faces many unfavorable policies at the state level.

State Superintendent Mick Zais has been a very unpopular guy with the South Carolina Education Association (SCEA). In 2011, he refused to apply for \$50 million in Race to the Top funds, calling it a “losing game. . . offering pieces of silver in exchange for more strings attached by Washington.”<sup>4</sup> For the same reason, later that year he did not seek \$144 million in federal “stimulus” money, making South Carolina the only state not to do so. SCEA president Jackie Hicks lamented “I think it’s sad that today we’re not keeping our children first in public education.” According to the SCEA, the funding could have provided salaries for 2,880 teachers and reduced class size as a result.<sup>5</sup> Two SCEA briefs entitled “Superintendent of Education Mick Zais: Dead-Beat Dad” and “Superintendent is Derelict in His Duty” fanned the anti-Zais flames.<sup>6</sup>

The superintendent has instead focused on reforms to increase choice and offer schools regulatory relief. Zais’s chief legislative priority for 2012 has been charter schools, which he describes as “a tremendous step [on] the way to providing a personalized and customized education for every student.”<sup>7</sup> In May 2012, the state passed a bill that more than doubles the number of charter schools.<sup>8</sup> The law also requires district schools to host charter students for extracurricular activities when those activities are not provided by the charters themselves, and allows universities to sponsor their own schools. While the SCEA says that it does not object to charters overall, it stands firm that charter funding should not diminish funds for traditional district schools. The SCEA did block a voucher bill before the close of the 2012 legislative session, and worked doggedly to secure state funds to give teachers a 2 percent pay raise after four years of freezes and cuts.<sup>9,10</sup> But it could not diminish the momentum of Zais and other charter-school supporters.<sup>11</sup> The SCEA might not be pleased with its state superintendent, but school-choice advocates give him a gold star.

# SOUTH CAROLINA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 49TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  51	Membership	By rank, what percentage of public-school teachers in the state are union members?	51st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	51st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	41st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	35th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	35th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  35	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	47th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	22nd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	46th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	17th
<b>AREA 3: SCOPE OF BARGAINING</b>  43	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Prohibited
	Right to strike	What is the legal status of teacher strikes?	Neither prohibited nor permitted
<b>AREA 4: STATE POLICIES</b>  38	Performance pay	Does the state support performance pay for teachers?	Available to all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	30th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	20th
Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?		Yes; Higher	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>38</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more options but must be pre-approved
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>47</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fifth-most influential or below
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, South Carolina has the 51st-highest percentage of teachers who are union members. Otherwise, we report a status: In South Carolina, collective bargaining is prohibited, and teacher strikes are neither prohibited nor permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator scores for South Carolina are shown in the table, *South Carolina Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, South Carolina is ranked 51st of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> Mick Zais, "Race to Top' Is A Losing Game," *Post and Courier*, June 1, 2011, <http://www.postandcourier.com/article/20110601/ARCHIVES/306019940>.

<sup>5</sup> Adam Pinsker, "Educators Rally For More Funding," MidlandsConnect.com, August 15, 2011, <http://www.midlandsconnect.com/news/story.aspx?id=651622#.T9GbZuYua4>.

<sup>6</sup> Jackie Hicks, "Superintendent Of Education Mick Zais: Dead-Beat Dad," South Carolina Education Association, August 10, 2011, [http://www.thescea.org/assets/document/Superintendent\\_of\\_Education\\_Mick\\_Zais.pdf](http://www.thescea.org/assets/document/Superintendent_of_Education_Mick_Zais.pdf).

<sup>7</sup> Staff and wire report, "Governor Nikki Haley Signs Charter Bill Into Law," *Post and Courier*, May 15, 2012, <http://www.postandcourier.com/article/20120515/PC16/120519503/1177>.

<sup>8</sup> Ibid.

<sup>9</sup> Associated Press, "SC Senate Overrides Budget Veto Of \$10 Million To Help Districts Increase Teacher Salaries," July 18, 2012, <http://www.therepublic.com/view/story/aa2e446856434adba2f60bcd8ad4b16a/SC-XGR--Veto-Session-Education>.

<sup>10</sup> "2012 Legislative Session Updates," South Carolina Education Association, accessed July 2, 2012, <http://www.thescea.org/home/1524.htm>.

<sup>11</sup> Ibid.

# SOUTH DAKOTA

OVERALL RANK: 34TH<sup>1</sup>  
TIER 4 (WEAK)

STRONGER —————> WEAKER

OVERALL				34	
1. RESOURCES AND MEMBERSHIP					40
2. INVOLVEMENT IN POLITICS	1				
3. SCOPE OF BARGAINING				33	
4. STATE POLICIES				34	
5. PERCEIVED INFLUENCE					49

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

South Dakota's state teacher union has limited resources from its members, and does not see a large commitment of dollars to K-12 education in general, or to teacher salaries and benefits in particular. Only 54.1 percent of teachers are unionized in the Mount Rushmore State (an unusually low percentage compared to the other states that also require collective bargaining, and only the 43rd-highest membership rate of all 51 jurisdictions nationwide). Its state NEA affiliate brings in \$370 annually South Dakota per teacher (31st of 51). Further, while South Dakota schools, many of them rural, spend a fair amount of money on K-12 education—\$11,232 annually per student (26th)—just half of those funds go toward teacher salaries and benefits (only three states spend a smaller percentage).

## AREAS 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 1ST

The teacher union has been a significant contributor to South Dakota politics over the past ten years. It ties with Alabama and Hawaii for most active union involvement. Specifically, 1.4 percent of the donations to candidates for state office came from the South Dakota Education Association (12th).<sup>3</sup> Those contributions amounted to roughly 14 percent of total donations from the ten highest-giving sectors in the state (10th). Unions donated to political parties as well: 1.54 percent of total party donations came from them (18th). (These high rankings do not appear to make sense given that the South Dakota Education Association (SDEA) is relatively resource-poor (see Area 1), until we consider that the sum of donations from any source

to state candidates and parties in South Dakota is one of the smallest totals in the nation. Thus, the SDEA is able to be heavily involved in state politics, without actually giving much money.) The union voice was also represented at the Democratic and Republican national conventions—23.1 percent of South Dakota’s delegates were union members (6th).<sup>4</sup>

### *AREA 3: SCOPE OF BARGAINING TIED FOR 33RD*

South Dakota is one of thirty-two states that mandate collective bargaining and it is relatively permissive regarding the scope of negotiations. Of twenty-one items examined in this report, South Dakota law dictates that four must be subject to bargaining: wages, hours, terms and conditions of employment, and grievance procedures. The state is silent on the remaining seventeen items, implicitly permitting them. South Dakota does limit the strength of its unions, however, by prohibiting them from automatically collecting agency fees from non-member teachers, and teachers are not allowed to strike.

### *AREA 4: STATE POLICIES TIED FOR 34TH*

While some of South Dakota’s state policies align with traditional teacher union interests, others do not. South Dakota does not have a charter school law.<sup>5</sup> Neither teacher evaluations nor tenure decisions must include student achievement data (although the former may soon change, see sidebar), and there are no articulated consequences for teachers who receive unsatisfactory evaluations—all policies that unions typically support. Despite its tenure and evaluation policies, however, South Dakota dismisses teachers due to poor

performance at a higher rate than any other state. And the state does not require that class size be restricted.

### *AREA 5: PERCEIVED INFLUENCE 49TH*

Despite (or perhaps motivating) the union’s involvement in state politics, stakeholders in South Dakota report that it is relatively weak. They indicate that several other organizations have greater sway over education policy: the state school board, the school board association, and the association of school administrators. South Dakota is the only state in which stakeholders report that Democrats *rarely* need teacher union support to get elected (elsewhere, Democrats at least sometimes need that support). Respondents also note that teacher unions are not effective in protecting dollars for education or warding off education reforms with which they disagree, and that policies enacted in the state’s latest legislative session were mostly *not in line* with teacher union priorities.<sup>6</sup>

### *OVERALL 34TH*

Despite its perceived ineffectiveness, the South Dakota teacher union is highly active in state politics. Such activity may well illustrate the union’s effort to alter unfavorable policies and hostile legislative environments (see sidebar).

The South Dakota Education Association (SDEA) has no love for a massive education-reform bill signed into law in February 2012. HB 1234 provides a \$5,000 one-year bonus for up to 20 percent of every school's top teachers, bases half of teacher evaluations on quantitative data (such as test scores), requires uniform teacher evaluations, and gradually phases out teacher tenure.<sup>7</sup>

Unable to stop legislators from passing the measure, the SDEA took it to the voters, collecting nearly 26,000 signatures (fewer than 16,000 were needed) to put its repeal on the November 2012 ballot. Union leaders insist that the bill will create unnecessary competition among teachers, undermining their work without addressing the real problem: Teachers do not have enough resources to do their job well. SDEA leader Amanda Mack lamented: "This bill is not the solution to the problems facing education in South Dakota. If we were able to fund the formula properly and able to give schools the resources that they need to determine what teachers to hire, what textbooks they need, [and] what supplies they need, we'd be in a much better position than we are."<sup>8</sup>

To prove its point that overall, not selective, funding will do more for South Dakota students, the SDEA took to door knocking again—and this time gathered 34,000 signatures to put another measure on the ballot. The "Penny Tax" would add one cent to the state sales tax and is projected to yield \$90 million for education.<sup>9</sup> SDEA President Sandy Arseneault is pleased with the campaign thus far: "What a wonderful example of what we can accomplish if we come together with one voice."<sup>10</sup> Come November, voters will decide whether their voices harmonize with the union or the legislature.

# SOUTH DAKOTA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 34TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  40*	Membership	By rank, what percentage of public-school teachers in the state are union members?	43rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	31st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	39th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	26th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	48th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  1*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	12th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	18th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	10th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	6th*
<b>AREA 3: SCOPE OF BARGAINING</b>  33*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	15th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  34*	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	42nd*
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	51st	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>34</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>49</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Rarely
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely/Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
	Influence over key stakeholders	To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat in line
		On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes
	Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, South Dakota has the 43rd-highest percentage of teachers who are union members. Otherwise, we report a status: South Dakota has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> South Dakota does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for South Dakota are shown in the table, *South Dakota Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, South Dakota is ranked 40th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> South Dakota is one of just four states where local teacher associations did not contribute to candidates and political parties. In South Dakota, the SDEA was the lone union donor to candidates, while the SDEA along with the NEA and AFT gave to state political parties.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or no role.

<sup>6</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>7</sup> Associated School Boards of South Dakota Issue Briefs, accessed June 7, 2012, <http://www.asbsd.org/page174.aspx>.

<sup>8</sup> Jill Johnson, "SD Teacher Bonus Bill On November Ballot," *KDLT News*, July 2, 2012, [http://www.kdl.com/index.php?option=com\\_content&task=view&id=18666&Itemid=57](http://www.kdl.com/index.php?option=com_content&task=view&id=18666&Itemid=57).

<sup>9</sup> "Penny Sales Tax Vote Coming in November," *The Educator's Advocate*, December 2011/January 2012, [http://sdea.org/assets/document/Advocate\\_DecJan\\_2011-2012.pdf](http://sdea.org/assets/document/Advocate_DecJan_2011-2012.pdf).

<sup>10</sup> *Ibid.*



# TENNESSEE

OVERALL RANK: 41ST<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>					<b>41</b>
<b>1. RESOURCES AND MEMBERSHIP</b>				<b>37</b>	
<b>2. INVOLVEMENT IN POLITICS</b>		<b>18</b>			
<b>3. SCOPE OF BARGAINING</b>				<b>38</b>	
<b>4. STATE POLICIES</b>					<b>42</b>
<b>5. PERCEIVED INFLUENCE</b>					<b>42</b>

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 37TH

Tennessee’s state teacher union contends with relatively low financial resources and membership. Only 58.7 percent of teachers in the Volunteer State are unionized (the 36th-highest percentage out of 51 jurisdictions), and its NEA state affiliate sees just \$211 annually per Tennessee teacher (39th). The state directs just 17.7 percent of its expenditures toward K-12 education (32nd). Total per-pupil spending is low (just \$8,695 per student annually, 46th), although 55.8 percent of those funds go toward teacher salaries and benefits (15th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 18TH

Tennessee’s teacher union is in the middle of the pack compared with those in other states when it comes to involvement in politics. Over the past ten years, donations from the union accounted for 0.59 percent of the total contributions received by candidates for state office (26th), with 5.5 percent of the funds going to such candidates from the ten highest-giving sectors in the state (23rd). The union gave to state political parties at a similar level: 0.89 percent of total donations to Tennessee’s parties came directly from its teacher union (27th). And 15.0 percent of Tennessee’s delegates to the Democratic and Republican national conventions were teacher union members (tied for 20th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
38TH*

While Tennessee is one of thirty-two states that require collective bargaining by teachers, it restricts the scope of that bargaining fairly severely.<sup>4</sup> The state explicitly prohibits negotiations over eight of the twenty-one items examined in this metric: management rights, tenure, teacher transfers/reassignments, layoffs, dismissal, evaluations, pension/retirement benefits, and curriculum. State law requires six items must be bargained, and implicitly permits the remaining seven by taking no position. The state also prohibits the automatic collection of agency fees from non-member teachers, a key source of union revenue. Tennessee teachers are not permitted to strike.

*AREA 4: STATE POLICIES  
42ND*

Many state education policies do not align with traditional teacher union interests. State law permits performance pay, requires that student achievement be the preponderant criterion in teacher evaluations, and renders teachers eligible for dismissal after multiple unsatisfactory ratings (the most stringent possible consequence). Tenure is conferred after five years (three is standard) and depends primarily on evidence of student learning. Districts must also consider teacher performance, not only seniority, in determining teacher layoffs. Tennessee law does not cap the number of charters that can operate in the state, and charter teachers do not have to participate in collective bargaining agreements. However, authorizing options are limited and charters are not automatically exempt from state and district laws (although the schools may apply for such exemptions).

*AREA 5: PERCEIVED INFLUENCE  
TIED FOR 42ND*

Stakeholders in Tennessee currently perceive teacher union strength as limited. Survey respondents rank union influence on education policy behind that of the state's education advocacy organizations, business roundtable/chamber of commerce, and school board association, among others. They note that the union is not effective in warding off education proposals with which it disagrees, and indicate that the priorities of state education leaders only *sometimes* align to teacher union positions. Finally, stakeholders report that policies *proposed* by the governor during the latest legislative session were *mostly not* in line with teacher union priorities, while the *outcomes* of that session were not at all in line.<sup>5</sup>

*OVERALL  
41ST*

Tennessee's state teacher union is relatively weak across the board: While it is moderately involved in state politics, it faces thin resources and membership, an unfriendly state policy environment, and a restricted scope of bargaining. These, taken together, have likely contributed to its weakened reputation among state stakeholders. Of the unions in states where bargaining is mandatory, Tennessee's is one of the weakest.

The Tennessee Education Association (TEA) is trying to recover from a major re-write of Tennessee's collective bargaining laws. While negotiations between a district and its teachers are still mandatory, the 2011 law calls for "collaborative conferencing," where teachers can choose to be represented by a union—or not—and instead bargain as an organization of non-unionized professionals. The statute also prevents any union revenue garnered from employee payroll deductions from being used for political purposes.<sup>6</sup> Lieutenant Governor Ron Ramsey touted the act as a defeat of the TEA: "For years upon years, one union has thwarted the progress of education in Tennessee... The barrier that has prevented us from putting the best possible teacher in every classroom will soon be removed."<sup>7</sup> TEA government relations director Jerry Winters declared that Ramsey's interpretation went too far and that he "is beating his chest for political reasons."<sup>8</sup> Yet many Tennessee teachers agreed with Ramsey. Looking to escape what J.C. Bowman, the executive director of the Professional Educators Association of Tennessee (PEAT), calls the "partisan climate that created the political environment Tennessee teachers have faced in recent years," hundreds left the TEA (and its local affiliates) for PEAT, its non-union rival.<sup>9,10</sup>

Despite its losses of membership and clout, the TEA rebounded somewhat in 2012, securing a 2.5 percent state-funded pay raise for teachers and a requirement that lawmakers must get comprehensive input from teachers before making any changes to the existing teacher evaluation system. It also defeated licensure changes, voucher legislation, and Governor Haslam's controversial proposal to completely eliminate the state-mandated teacher salary schedule.<sup>11</sup> However, with the traditional role, and power, of the Tennessee union now in flux, it's difficult to say whether the TEA will make a full recovery.

# TENNESSEE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 41ST

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  37*	Membership	By rank, what percentage of public-school teachers in the state are union members?	36th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	39th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	32nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	46th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	15th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  18*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	26th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	27th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	23rd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	20th*
<b>AREA 3: SCOPE OF BARGAINING</b>  38	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	36th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  42	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	35th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Five years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	10th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>42</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>42*</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fifth-most influential or below
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Tennessee has the 36th-highest percentage of teachers who are union members. Otherwise, we report a status: Tennessee has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Tennessee are shown in the table, *Tennessee Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Tennessee is ranked 37th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> While Tennessee law mandates collective bargaining, it does not require that districts bargain with teacher unions, only with professional organizations—which may or may not be a union, at the discretion of the local employees (see sidebar).

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> "Professional Educators Collaborative Conferencing Act of 2011 Frequently Asked Questions," Tennessee Department of Education, accessed July 20, 2012, [http://www.tn.gov/education/doc/PECCAFAQ\\_June17.pdf](http://www.tn.gov/education/doc/PECCAFAQ_June17.pdf).

<sup>7</sup> Tim Ghianni, "Tennessee Limits Collective Bargaining Rights For Teachers," Reuters.com, June 1, 2011, <http://www.reuters.com/article/2011/06/01/us-unions-states-tennessee-idUSTRE75071I20110601>.

<sup>8</sup> Ibid.

<sup>9</sup> J. C. Bowman, "A Note From The Executive Eirector," Professional Educators of Tennessee, accessed July 20, 2012, <http://www.proedtn.org/displaycommon.cfm?an=1&subarticlenbr=40>.

<sup>10</sup> Chas Sisk, "TN Teachers Union Gets Mixed Grades," *Tennessean*, February 27, 2011, <http://www.wbir.com/news/article/159016/0/TN-teachers-union-gets-mixed-grades>.

<sup>11</sup> "Many Wins For Teachers in 2012 Legislative Session," Tennessee Education Association, accessed July 16, 2012, <http://www.teateachers.org/news/many-wins-teachers-2012-legislative-session>.

# TEXAS

OVERALL RANK: 44TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER 
←
→
 WEAKER

<b>OVERALL</b>					<b>44</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>44</b>
<b>2. INVOLVEMENT IN POLITICS</b>				<b>36</b>	
<b>3. SCOPE OF BARGAINING</b>					<b>48</b>
<b>4. STATE POLICIES</b>			<b>30</b>		
<b>5. PERCEIVED INFLUENCE</b>				<b>34</b>	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 44TH

Texas’s teacher associations have limited membership and revenue, and do not see high spending on education in the state. Collective bargaining in education is prohibited in the Lone Star State, and 62.7 percent of its teachers belong to professional associations (still the 33rd-highest percentage out of 51 states). But even then, Texas’s state-level NEA and AFT affiliates see just \$53 annually per teacher in the state—only the state association in South Carolina takes in less. The state does direct 29.8 percent of its total expenditures toward K-12 education (3rd). But overall K-12 expenditures are low: At \$8,654 per student per year, they are lower in just two other states. And, 53.4 percent of those expenditures go toward teacher salaries and benefits (32nd).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 36TH

In the past decade, teacher associations participated less in state politics in Texas than did unions in many other states (although their involvement was comparable to that in the four other states in which bargaining is prohibited). Contributions from independent, NEA-affiliated, and AFT-affiliated associations accounted for just 0.60 percent of the total donations received by candidates for state office (24th of 51).<sup>3</sup> Their share of contributions to state political parties was equally small—0.47 percent (38th). Further, 9.2 percent of all of Texas’s delegates to the Democratic and Republican national conventions were teacher union members (36th).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 48TH; LAST PLACE*

Texas is one of five states that prohibit collective bargaining, and associations are not allowed to collect agency fees. The state does not permit teacher strikes.

*AREA 4: STATE POLICIES  
TIED FOR 30TH*

A number of Texas policies align with traditional teacher union interests—but not all. Some union-friendly policies relate to teacher evaluations and job security: The state does not require that student achievement data factor into teacher evaluations, and confers tenure on teachers virtually automatically after three years (the national norm). Further, unions typically support policies that limit the expansion of charter schools, and Texas places a cap on some (but not all) types of charter schools. In addition, while it allows both the state and local school boards to authorize charters, the state essentially serves as the only viable authorizing option. On the union-averse side, state law requires districts to consider performance in determining teacher layoffs, permits performance pay, does not require charter school teachers to be certified, and exempts state-authorized charters from district personnel policies.

*AREA 5: PERCEIVED INFLUENCE  
34TH*

Stakeholders in Texas report that the reach of their state teacher associations is somewhat limited. Survey respondents rank their influence on education policy alongside that of education advocacy organizations but behind the business roundtable/chamber of commerce. They note that state policies only sometimes

reflect association priorities, and that Texas education leaders only sometimes align with those priorities. While they report that the associations fought hard given recent budgetary constraints to prevent reductions in pay and benefits, they also report that policies proposed by the governor during the state's latest legislative session were mostly *not in line* with association priorities, and that policies actually enacted were only *somewhat* in line with those priorities.<sup>5</sup>

*OVERALL  
44TH*

Texas prohibits collective bargaining, and its NEA and AFT affiliates have little in the way of financial or membership resources. While the state's teacher associations participate to a limited extent in state politics and enjoy some favorable policies at the state level, overall, Texas teacher associations are comparatively weaker than unions in nearly every other state.



Texas teachers don't seem to mind that collective bargaining is prohibited in the Lone Star State. To the contrary, many of them have chosen to avoid the politics, and the conflict, that traditionally follows teacher unions. The state's two largest independent teacher professional associations boast more combined revenue than the NEA-affiliated Texas State Teachers Association (TSTA) and AFT-affiliated Texas Federation of Teachers.<sup>6</sup> The Association of Texas Professional Educators (ATPE) explains, "collective bargaining and exclusive consultation policies create an adversarial relationship between employees and employers that compromise students' education."<sup>7</sup> With over 100,000 dues-paying members of the ATPE alone, it's apparently a popular opinion.

The voice of labor is not completely silent in Texas, but it is louder in the state's capital than in its districts. In 2011, Texas lawmakers slashed \$4 billion in education over two years to help close a state budget shortfall, and the TSTA reacted by imploring Governor Rick Perry to dip into the state's rainy day fund. Perry reluctantly agreed to a one-time use of the funds to stave off an impending budget crisis, but vowed, "I remain steadfastly committed to protecting the remaining balance."<sup>8</sup> A year later, he stayed true to his word. The TSTA called for a special legislative session, requesting another bailout for 2012-13: With an estimated 12,000 teacher jobs already lost and 8,200 elementary classes above legal class size limits,<sup>9</sup> TSTA President Rita Haecker argued that "[u]ltimately, these cuts and crowded classrooms harm our students' learning environment."<sup>10</sup> Governor Rick Perry responded, "I understand that [using the fund] seems like a logical answer for them...[but] the reality is everybody's got to give and education's the biggest part of [the state] budget."<sup>11</sup> Apparently his mind is made up, and this time the TSTA's pleas fell on deaf ears.

# TEXAS RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 44TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  44*	Membership	By rank, what percentage of public-school teachers in the state are union members?	33rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	50th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	3rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	49th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	32nd
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  36*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	24th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	38th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	36th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	36th
<b>AREA 3: SCOPE OF BARGAINING</b>  48*	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Bargaining is not allowed
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  30*	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	38th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	19th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>30*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>34</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Sometimes compromise, sometimes do not need to concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Texas has the 33rd-highest percentage of teachers who are union members. Otherwise, we report a status: In Texas, collective bargaining is prohibited, and teacher strikes are also prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Texas are shown in the table, *Texas Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Texas is ranked 44th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> Major donors in Texas include the state-level NEA and AFT associations, the national AFT and a handful of AFT-affiliated local associations, and two large, active professional associations not affiliated with either the NEA or AFT (see sidebar).

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Revenue calculated using publicly-available tax returns, downloaded from <http://www.irs.gov/taxstats/charitablestats/article/0,,id=97186,00.html>.

<sup>7</sup> "Collective Bargaining/Exclusive Consultation," Associated of Texas Professional Educators, accessed July 18, 2012, <http://www.atpe.org/advocacy/issues/ColBarExcCon.asp>.

<sup>8</sup> Reuters, "Rick Perry Reverses Course on Rainy Day Fund," *HuffingtonPost.com*, March 16, 2011, [http://www.huffingtonpost.com/2011/03/15/rick-perry-rainy-day-fund\\_n\\_836339.html](http://www.huffingtonpost.com/2011/03/15/rick-perry-rainy-day-fund_n_836339.html).

<sup>9</sup> "TSTA Urges Special Session On Rainy Day Fund," Texas State Teachers Association, February 1, 2012, <http://www.tsta.org/sites/default/files/RainYDayFund.pdf>.

<sup>10</sup> "TSTA Calls For Special Session," *Coleman Chronicle*, February 6, 2012, <http://colemannews.com/tsta-calls-for-special-session/>.

<sup>11</sup> Allison Morrison, "TSTA Urges Governor Perry To Call Special Session," *EverythingLubbock.com*, February 3, 2012, [http://everythinglubbock.com/fulltext/?nxd\\_id=97992](http://everythinglubbock.com/fulltext/?nxd_id=97992).

STRONGER —————> WEAKER

<b>OVERALL</b>					<b>39</b>
<b>1. RESOURCES AND MEMBERSHIP</b>					<b>37</b>
<b>2. INVOLVEMENT IN POLITICS</b>			<b>25</b>		
<b>3. SCOPE OF BARGAINING</b>				<b>28</b>	
<b>4. STATE POLICIES</b>				<b>30</b>	
<b>5. PERCEIVED INFLUENCE</b>					<b>39</b>

**AREA 1: RESOURCES AND MEMBERSHIP  
TIED FOR 37TH**

The internal resources of Utah’s state teacher unions are limited, and teachers do not enjoy high levels of spending on K-12 education in the state. Bargaining between districts and unions is permitted, but not required in the Beehive State, and 63.6 percent of its teachers belong to unions (the 32nd-highest unionization rate among 51 jurisdictions). The low membership rate, combined with low dues, contributes to low revenues for the NEA and AFT state-level affiliates, which bring in just \$170 annually per Utah teacher (43rd). K-12 education accounts for a relatively large share of state spending (22.1 percent; 14th), although total per-pupil funds (a combination of state, local, and federal dollars) amounts to only \$7,217 per pupil annually, the lowest in the

nation. Of these dollars, a full 58.1 percent go to teacher salaries and benefits (6th).

**AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup>  
25TH**

The political involvement of Utah’s teacher unions places them in the middle of the national pack. In the past decade, 1.2 percent of donations to candidates for state office (14th) and 0.66 percent of donations to political parties (32nd) came from teacher unions. In addition, 8.8 percent of Utah’s delegates to the Democratic and Republican national conventions were teacher union members (38th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 28TH*

Utah law explicitly permits, but does not require, collective bargaining in education (but it takes no position on bargaining over any specific provision, implicitly permitting all twenty-one we examined for our report). However, no union may automatically collect agency fees from non-members and teacher strikes are neither allowed nor prohibited.

*AREA 4: STATE POLICIES  
TIED FOR 30TH*

While some Utah policies align with traditional union interests, others do not. Teachers earn tenure after three years (the national norm) and student learning is not a required factor in tenure decisions; while student achievement data must be considered in teacher evaluations, how much weight those data carry is at the discretion of each district. However, when making layoffs, districts must consider teacher performance, and may not consider seniority at all. Furthermore, the state does not restrict class size (which is generally large). State charter laws are also a mixed bag. Unions traditionally support laws that limit the expansion and autonomies of charters, yet the state provides multiple charter authorizers, allows all three kinds of charter schools (new, conversion, virtual) and automatically exempts charters from the collective bargaining agreements of districts that have them. Yet charters are not automatically exempt from state laws and district regulations and, while they may seek waivers from some of them, they are bound by the state teacher certification rules.

*AREA 5: PERCEIVED INFLUENCE  
39TH*

Stakeholders report that the state's teacher unions are not particularly strong, and their responses rank Utah fairly low on the national list. Teacher unions are described as less influential than education advocacy groups, the state school board, and the legislature. Respondents note that state education leaders are often aligned with positions held by teacher unions, but that the unions typically need to compromise to see their preferred policies enacted. Finally, respondents report that, while policies *proposed* by the governor during Utah's latest legislative session were mostly *in line* with teacher union priorities, *enacted* policies were mostly *not in line* with those priorities (although union influence in the capitol appears to have strengthened in 2012—see sidebar).<sup>4</sup>

*OVERALL  
39TH*

Utah's teacher unions do not rank particularly high in any area of strength. They also land in the middle of the unions in permitted-bargaining states.

## STILL THE SCAPEGOAT?

In early 2011, Utah Education Association (UEA) President Sharon Gallagher-Fishbaugh was concerned that lawmakers would target her organization, seeking payback for the union's involvement in Utah politics (and perhaps they hadn't forgotten UEA's hand in defeating a 2007 voucher law in a fierce battle that received national attention). "We have become the scapegoat," she said. "We are being blamed for a situation we did not create."<sup>5,6</sup> So when Republican Senator Aaron Osmond, chair of the Senate Education Committee, announced later that year that he wanted to spearhead a massive overhaul to teacher employment policies in the upcoming 2012 legislative session, alarms went off for the UEA. Osmond explained that his (as-yet unwritten) plan would eliminate tenure and make all employees "at-will," limit the scope of bargaining to salaries and benefits (and force all negotiations to occur in public), eliminate due process protections from state law, and require that 25 percent of teachers' base salary be contingent on their performance.

But Osmond then took an unprecedented step: he asked educators for feedback on his ideas. First, he toured schools around the state. Then, he sat down with the UEA, representatives of the state school boards and superintendents associations, and state education leaders to design the actual policy that he would propose to the legislature.<sup>7</sup> "For the first time that I can remember, UEA was at the table and an integral partner in the creation of a major reform bill," said Gallagher-Fishbaugh, "...[and] being part of the process allowed us to focus on student learning while protecting teacher rights."<sup>8</sup> And protect those rights they did: teachers kept tenure, bargaining, due process, and their seniority-based salary schedule. As passed, the bill did require that evaluations include (yet-to-be-specified) measures of student growth but allowed districts to develop their own evaluation systems. Teachers would lose their automatic yearly pay increases if they received poor evaluations, but they would not be eligible for immediate dismissal either (instead they first go through remediation). Administrators, not teachers, would see their base salaries affected by poor evaluations.<sup>9</sup> And if that weren't enough, lawmakers' enthusiasm for this bill consigned other union-opposed bills—student-based "backpack" funding, vouchers, performance pay, the elimination of automatic payroll deductions, and more restrictions on collective bargaining—to failure.<sup>10,11</sup>

The media heralded Osmond as a "courageous lawmaker," the state superintendent called the bill "a step forward," and Senate President Michael Waddoups heralded the compromise as "a great kumbaya moment."<sup>12,13</sup> Others were skeptical—including Senator Stuart Adams, who worried that the union voice dominated discussions—but their criticism went unheard amidst the accolades showered on Osmond.<sup>14</sup> In the end, it was unclear whether Osmond had experienced a true change of heart or whether he determined that a political turnaround was in his best interests. Still, with its new alliance with Osmond, the UEA's recent successes in the state capital may be a sign that they have gone from sacrificial lamb to political lion.

# UTAH RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 39TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  37	Membership	By rank, what percentage of public-school teachers in the state are union members?	32nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	43rd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	14th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	51st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	6th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  25	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	14th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	32nd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	17th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	38th
<b>AREA 3: SCOPE OF BARGAINING</b>  28	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Neither prohibited nor permitted
<b>AREA 4: STATE POLICIES</b>  30	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	4th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Not considered
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	9th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>30*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>39</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Utah has the 32nd-highest percentage of teachers who are union members. Otherwise, we report a status: In Utah, collective bargaining is permitted, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Utah are shown in the table, *Utah Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Utah is ranked 37th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>5</sup> Sara Lenz, "Teacher Unions Under Attack Nationally And In Utah," *Deseret News*, March 6, 2011, <http://www.deseretnews.com/article/700116124/Teacher-unions-under-attack-nationally-and-in-Utah.html?pg=all>.

<sup>6</sup> Glen Warchol, "Vouchers Go Down In Crushing Defeat," *Salt Lake Tribune*, November 7, 2007, [http://www.sltrib.com/ci\\_7392263](http://www.sltrib.com/ci_7392263).

<sup>7</sup> Aaron Osmond, "Seeking Input And Perspective From Our Educators: Comments And Thoughts On The Education Employee Reform Act Proposal," UtahPublicEducation.org, November 4, 2011, <http://utahpubliceducation.org/2011/11/04/seeking-input-and-perspective-from-our-educators/>.

<sup>8</sup> "Politics and Legislation," Utah Education Association, accessed August 29, 2012, [http://www.myuea.org/politics\\_legislation/uea\\_under\\_the\\_dome/2012\\_issue\\_public\\_education\\_employment\\_reform.aspx](http://www.myuea.org/politics_legislation/uea_under_the_dome/2012_issue_public_education_employment_reform.aspx).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> "Utah Bill Would Give Public Education Money Directly To Student 'Savings Accounts,' Not Schools," HuffingtonPost.com, March 4, 2012, [http://www.huffingtonpost.com/2012/02/15/utah-bill-would-give-publ\\_n\\_1279978.html](http://www.huffingtonpost.com/2012/02/15/utah-bill-would-give-publ_n_1279978.html).

<sup>12</sup> Frank Pignatelli and LaVarr Webb, "In A Quiet Year, Here Are Some Courageous Lawmakers," *Deseret News*, March 4, 2012, <http://www.deseretnews.com/article/765556047/In-a-quiet-year-here-are-some-courageous-lawmakers.html?pg=all>.

<sup>13</sup> Benjamin Wood, "Public Education Stakeholders Endorse Evaluation Bill," *Deseret News*, February 27, 2012, <http://www.deseretnews.com/article/865551046/Public-education-stakeholders-endorse-evaluation-bill.html?pg=all>.

<sup>14</sup> Lisa Schencker, "Utah Teacher Employment Bill Gets Early Nod, But Only After Debate," *Salt Lake Tribune*, February 28, 2012, <http://www.sltrib.com/sltrib/politics/53601824-90/adams-administrators-bill-education.html.csp>.

# VERMONT

OVERALL RANK: 11TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER  WEAKER

OVERALL	11			
1. RESOURCES AND MEMBERSHIP	6			
2. INVOLVEMENT IN POLITICS				44
3. SCOPE OF BARGAINING	8			
4. STATE POLICIES	2			
5. PERCEIVED INFLUENCE			22	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 6TH

Vermont’s teacher unions benefit from substantial resources from their members, who in turn enjoy generous education funding. A substantial 82.4 percent of teachers in the Green Mountain State belong to unions (the 24th-highest rate of 51 jurisdictions), and the NEA and AFT state-level affiliates bring in \$672 annually per Vermont teacher (9th). Further, 33.2 percent of state expenditures go to K-12 education, the highest such proportion in the nation. Per-pupil spending (a combination of state, federal, and local funds) amounts to \$17,847 annually, the 2nd-highest nationwide (behind Wyoming). Although only 52.8 percent (38th) of those dollars go to teacher salaries and benefits, the pie itself is quite large.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 44TH

Vermont’s teacher unions are relatively uninvolved in state politics, at least on the metrics we examined. In the past decade, their donations amounted to just 0.08 percent of all contributions to candidates for state office (49th) and accounted for only 0.72 percent of contributions to state political parties (30th). These low levels of financial involvement are particularly interesting considering that it’s possible to be a major donor in Vermont without actually giving much money (the total of all donations to candidates and parties is one of the smallest in the nation). The teacher unions’ low level of activity in this regard may indicate that they are satisfied with the status quo (see sidebar). Note, too, that just 5 percent of the state’s delegates to

the Democratic and Republican national conventions were teacher union members (47th).<sup>3</sup>

### *AREA 3: SCOPE OF BARGAINING 8TH*

Vermont is one of thirty-two states that require collective bargaining in education, and its bargaining laws are more union-friendly than in most other states. Unions can automatically collect agency fees (a key source of their revenue) from non-members, and teacher strikes are permitted. Vermont also grants unions a broad scope of bargaining: Of twenty-one items examined in this analysis, wages, hours, and grievance procedures are mandatory subjects of bargaining; the state is silent on the remaining eighteen, implicitly permitting negotiations on all of them.

### *AREA 4: STATE POLICIES TIED FOR 2ND*

State policies in Vermont are more closely aligned with traditional teacher union interests than in any other state save West Virginia. Vermont does not support performance pay, does not require student achievement data to be factored into teacher evaluations or tenure decisions, and does not articulate consequences for unsatisfactory evaluations. Further, teachers earn tenure after two years (the national norm is three), and districts need not consider teacher performance when making layoffs. Vermont has no charter school law.<sup>4</sup>

### *AREA 5: PERCEIVED INFLUENCE TIED FOR 22ND*

Vermont's teacher unions enjoy only a fair reputation for political influence when compared with unions in other states. Survey respondents rank their influence behind that of the state school board and legislature, but agree that they are effective in warding off education proposals with which they disagree and in protecting dollars for education. They note that while policies *proposed* by the governor during the latest legislative session were only *somewhat* in line with union priorities, *enacted* policies were *mostly in line* with those priorities (especially noteworthy given their lack of involvement in state politics). But they also observe that the positions of state education leaders are only sometimes aligned to those of teacher unions, and that unions typically compromise to see some of their favored policies enacted.

### *OVERALL 11TH*

Vermont's teacher unions benefit from permissive bargaining laws and abundant resources. With state policies that are strongly aligned with their interests, and education leaders who show no strong appetite for changing the current state of affairs (see sidebar), they are strong without having to be major donors to state politics.

## IF IT AIN'T BROKE...

Not every state is pressing for drastic education reform. In fact, lawmakers in the Green Mountain State—known for its long history of local control—don't seem to be seeking much change at all. In 2010, Education Commissioner Armando Vilaseca expressed little desire to overhaul current policies to meet federal Race to the Top (RTTT) guidelines: “What we're hearing from [Secretary of Education Arne Duncan] is a pretty strong line: [no] charter schools, you lose points. You don't have a teacher evaluation system that is tied into student outcomes, you lose points.”<sup>5</sup> Rather than pass a charter law or change its evaluation system, Vermont did not apply (although in a letter to Duncan, Vilaseca attributed the choice to RTTT's seeming bias against rural states, critically noting that “based on the culture and demographics of our communities, some states [like Vermont] may take a different approach to accomplishing the same goals of ensuring each student is given the education they need to thrive in the 21st century.”)<sup>6</sup> That same year, lawmakers and the Vermont-NEA agreed on a pension plan that saved the state \$15 million per year—after considerable horse trading. “What we've all produced is better: teachers working a bit longer, paying a bit more, but getting more when they retire,” says Vermont-NEA president Martha Allen.<sup>7</sup>

Vermont's “thanks but no thanks” attitude to RTTT persisted when, in June 2012, the state board rescinded its NCLB waiver application, citing heavy constraints—especially the requirement that teacher evaluations be tied to yearly test results. “We feel it should be left up to districts as to how much they want to do that and make sure they have multiple indicators,” said Allen.<sup>8</sup> John Fischer, deputy commissioner of the Vermont Department of Education, also expressed confidence in Vermont schools and the seeming irrelevance of waivers: “Generally, in Vermont, we've got great schools. We [are] looking at a continuous improvement cycle, not turning around failing schools.”<sup>9</sup> While it is true that student performance rankings consistently put Vermont near the top of the country, it's also true that their students are some of the more advantaged in the land.<sup>10,11</sup>

# VERMONT RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 11TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  6*	Membership	By rank, what percentage of public-school teachers in the state are union members?	24th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	9th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	1st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	2nd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	38th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  44*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	49th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	30th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	38th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	47th
<b>AREA 3: SCOPE OF BARGAINING</b>  8	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	24th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Permitted
<b>AREA 4: STATE POLICIES</b>  2*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	31st
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Two years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	7th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>2*</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>22</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
	Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Vermont has the 24th-highest percentage of teachers who are union members. Otherwise, we report a status: Vermont has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> Vermont does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Vermont are shown in the table, *Vermont Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Vermont is ranked 6th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none.

<sup>5</sup> John Dillon, "Education Chief Says Vermont A Longshot For Federal Grant," *VPR News*, April 19, 2010, [http://www.vpr.net/news\\_detail/87803/education-chief-says-vermont-longshot-for-federal/](http://www.vpr.net/news_detail/87803/education-chief-says-vermont-longshot-for-federal/).

<sup>6</sup> Armando Vilaseca, "Commissioner Villaseca's Letter to Secretary Duncan," August 25, 2009, [http://education.vermont.gov/new/pdfdoc/dept/recovery\\_act/vilaseca\\_duncan\\_letter\\_082809.pdf](http://education.vermont.gov/new/pdfdoc/dept/recovery_act/vilaseca_duncan_letter_082809.pdf).

<sup>7</sup> Stephen C. Fehr, "Unlike Some States, Vermont Works With Teachers Union To Solve Pension Problems," *NewJerseyNewsroom.com*, March 25, 2010, <http://www.newjerseynewsroom.com/nation/unlike-some-states-vermont-works-with-teachers-union-to-solve-pension-problems>.

<sup>8</sup> Lisa Rathke, "Vermont Opts Out Of No Child Left Behind Waiver," *Associated Press*, June 3, 2012, [http://www.boston.com/news/education/articles/2012/06/03/vermont\\_opts\\_out\\_of\\_no\\_child\\_left\\_behind\\_waiver/](http://www.boston.com/news/education/articles/2012/06/03/vermont_opts_out_of_no_child_left_behind_waiver/).

<sup>9</sup> *Ibid.*

<sup>10</sup> "NAEP State Comparisons," National Center for Education Statistics, accessed August 15, 2012, <http://nces.ed.gov/nationsreportcard/statecomparisons/>.

<sup>11</sup> The demographics in Vermont reveal that 95.5 percent of its population is white, with an above-average per-capita income and one of the lowest levels of inequality in the country (<http://www.census.gov/prod/2011pubs/acs-16.pdf>). This may be one of the reasons why Vermont lacks a charter law, as there is a common public sentiment that middle-class children do not need more schooling options.



# VIRGINIA

OVERALL RANK: 47TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER  WEAKER

OVERALL					47
1. RESOURCES AND MEMBERSHIP					40
2. INVOLVEMENT IN POLITICS					50
3. SCOPE OF BARGAINING					48
4. STATE POLICIES	4				
5. PERCEIVED INFLUENCE				33	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

The NEA-affiliated Virginia Education Association (VEA) predictably does not see high membership or generate large resources in this state where bargaining is prohibited: Just 51.1 percent of Old Dominion teachers are association members (the 45th-highest rate of 51 jurisdictions), and the VEA brings in just \$194 annually per teacher in the state (41st). Spending on K-12 education is also toward the bottom of the national list: 17.3 percent of state expenditures go to education (37th), and total per-pupil expenditures (from local, state, and federal sources) amount to \$10,095 (also 37th). Still, 57.1 percent of those dollars go toward teacher salaries and benefits (9th), quite a large slice of a relatively small pie.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> 50TH; LAST PLACE

Over the past decade, teacher unions were less involved in Virginia state politics than in any other state. Their donations amounted to just 0.22 percent of contributions received by candidates for state office (41st) and 0.17 percent of contributions to state political parties (47th).<sup>3</sup> The union voice was not well-represented at the Democratic and Republican national conventions either: only 6.7 percent of Virginia delegates identified as members of teacher unions (43rd).<sup>4</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 48TH; LAST PLACE*

Virginia is one of just five states that prohibit collective bargaining in education, and professional associations cannot automatically collect agency fees from non-members. Further, teachers are not allowed to strike.

*AREA 4: STATE POLICIES  
4TH*

State policies are more closely aligned with traditional teacher union interests in Virginia than they are in nearly every other state. (Clearly this presents a paradox: no bargaining, little political involvement, but favorable policies. The state constitution offers a partial explanation. It specifies that “The supervision of schools in each school division shall be vested in a school board,” which has apparently been interpreted over the years as meaning that the local school board has total control over key areas.)<sup>5</sup> The state does not articulate consequences for unsatisfactory evaluations, nor does it mandate that districts consider teacher performance when making layoffs, and it recommends, but does not require, student achievement data to be factored into teacher evaluations and tenure decisions. Its weak charter laws are as union-friendly as its employment policies: While there is no cap on the number of charters, only local school boards may authorize them and—perhaps as a result—there is little charter activity in the state. Charters are not automatically exempt from any state laws (and all their teachers must be certified), and are held to all district regulations and personnel policies (although they can apply for waivers from the former).

*AREA 5: PERCEIVED INFLUENCE  
33RD*

Stakeholders in Virginia perceive that its state teacher association has limited clout. They rank its influence on education policy behind that of the state board, governor’s office, and school boards association. They note that state education leaders are only sometimes aligned with association positions, and that the association typically compromises to ensure that its preferred policies are enacted (versus having the clout to avoid compromise). Still, stakeholders agree that the association is effective in warding off proposals with which it disagrees, and in protecting dollars for education even in times of cutbacks.<sup>6</sup>

*OVERALL  
47TH*

Though Virginia’s teacher association operates without many resources and with low levels of membership, and though it is a minor donor to state politics, it has a stronger reputation than unions in many other states (including those where bargaining is permitted or required) and enjoys a very favorable state policy climate.

## VIRGINIA IS FOR (TENURE) LOVERS

While union armor in other states has been dented by reformers, the Virginia Education Association (VEA) has done an impressive job side-stepping some major policy overhauls. True, it could not stop a 2012 law granting tax credits to donors to private school scholarship programs. Nor could it defeat a revised pension plan requiring all teachers to pay into the retirement system despite a recent reduction in benefits for new teachers (but the measure also required that teachers get raises to offset the increased contributions—and that local districts should foot the bill).<sup>7</sup>

But the VEA claimed victory when a bill died in committee that would have allowed state funding to follow the child into virtual schools. Furthermore, Virginia's teacher evaluation guidelines are much less stringent than in other states: When initially passed in 2011, they recommended (but did not require) that only 40 percent of a teacher's rating be based on student achievement as determined by "multiple measures," not necessarily just standardized test scores.<sup>8</sup> The 40 percent became mandatory only after the weak evaluations put the state's NCLB waiver request in danger, with the Department of Education expressing concern that "because the weightings [for Student Academic Progress] are determined locally, it will likely produce a fragmented system that will have limited impact on student learning...[and] it can easily be watered down."<sup>9</sup>

Finally, in early 2012, the VEA helped defeat HB 576, which threatened teacher job security. Proposed by Republican Governor Robert F. McDonnell as a way to root out ineffective teachers, that bill would have extended the probationary period for new teachers from three to five years, replaced permanent contracts with ones that administrators would decide whether to renew (or not) every three years, and removed the requirement for pre-dismissal improvement plans and appeal procedures for sub-par teachers.<sup>10</sup> The VEA felt the bill gave administrators far too much power and left teachers defenseless against arbitrary firing. When the measure failed in the senate, VEA lobbyist Robley Jones breathed a little easier: "We're very, very relieved. What was proposed was just overkill."<sup>11</sup> Governor McDonnell called the vote a "disappointing" rejection of a "bipartisan, national movement underway to bring more accountability to our schools," foreshadowing, "Today's vote is a delay. It is not a defeat."<sup>12</sup> As yet, McDonnell's hopes for improvements to the state's teacher employment policies remain unfulfilled. And Virginia was awarded an NCLB waiver anyway—which may signal that the status quo rests comfortably again.

# VIRGINIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 47TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  40	Membership	By rank, what percentage of public-school teachers in the state are union members?	45th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	41st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	37th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	37th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	9th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  50	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	41st
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	47th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	44th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	43rd
<b>AREA 3: SCOPE OF BARGAINING</b>  48	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Bargaining is not allowed
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  4	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	24th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	16th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>4</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; No allowable exemptions

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>33</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	**
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	**
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	**
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Virginia has the 45th-highest percentage of teachers who are union members. Otherwise, we report a status: In Virginia, collective bargaining is prohibited, and teacher strikes are also prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Virginia are shown in the table, *Virginia Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Virginia is ranked 40th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Virginia is an exception because the NEA and AFT gave as much (or in some years, more) to Virginia candidates and parties than did the VEA.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> See Article VIII, Section 7 of the Virginia State constitution. Further, Virginia courts have upheld the rights of local school boards to decide matters of employment and educational policy such that consequences for unsatisfactory evaluations cannot be mandated by the state, nor can the state require student achievement results be a component of teacher evaluations. Moreover, as indicated, charter schools are solely authorized by school boards and charter school employees "supervised" by them.

<sup>6</sup> One insider indicated that the "VEA has the ability to push the 'send' button and generate hundreds and thousands of communications to the General Assembly demanding a 'yes' or 'no' vote on this or that. In a very short legislative session, this gives them the capacity to exercise outsized influence in the legislative process. They are also helped greatly by the alliance with VSBA (school boards) and VASS (school superintendents). I've found that school superintendents have a very powerful influence on General Assembly members, largely because—particularly in rural areas—they are frequently the area's largest employer... As an elected official, wouldn't you listen carefully to someone who employed 25,000+ constituents?"

<sup>7</sup> Michael Martz, "General Assembly: Legislators Approve Far-Reaching State Pension Reforms," *Richmond Times-Dispatch*, March 11, 2012, <http://www2.timesdispatch.com/news/virginia-politics/2012/mar/11/tmain01-general-assembly-legislators-approve-far--ar-1756593/>.

<sup>8</sup> Virginia Department of Education, [http://www.doe.virginia.gov/teaching/performance\\_evaluation/#teachers](http://www.doe.virginia.gov/teaching/performance_evaluation/#teachers); most states require a higher percentage and place a pre-determined weight on standardized test scores.

<sup>9</sup> "ESEA Flexibility Peer Panel Notes," U.S. Department of Education, March 16, 2012, <http://www2.ed.gov/policy/eseaflex/panel-notes/va.pdf>.

<sup>10</sup> Emma Brown, "Tenure Proposal Revived In VA Senate," *Washington Post*, February 23, 2012, [http://www.washingtonpost.com/local/education/bill-to-end-teacher-tenure-protections-revived-in-va-senate/2012/02/23/gIQAnRbVWR\\_story.html](http://www.washingtonpost.com/local/education/bill-to-end-teacher-tenure-protections-revived-in-va-senate/2012/02/23/gIQAnRbVWR_story.html).

<sup>11</sup> Emma Brown, "Bill To Cut Tenure For Virginia Teachers Is Shelved," *Washington Post*, March 8, 2012, [http://www.washingtonpost.com/local/education/bill-to-cut-tenure-for-virginia-teachers-is-shelved/2012/02/27/gIQAEmaLOR\\_story.html](http://www.washingtonpost.com/local/education/bill-to-cut-tenure-for-virginia-teachers-is-shelved/2012/02/27/gIQAEmaLOR_story.html).

<sup>12</sup> *Ibid.*

# WASHINGTON

OVERALL RANK: 10TH<sup>1</sup>  
TIER 1 (STRONGEST)

STRONGER —————> WEAKER

OVERALL	10			
1. RESOURCES AND MEMBERSHIP	3			
2. INVOLVEMENT IN POLITICS			32	
3. SCOPE OF BARGAINING	11			
4. STATE POLICIES		18		
5. PERCEIVED INFLUENCE	9			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 3RD

Washington’s teacher unions benefit from high membership and substantial member-based revenue. Fully 98.0 percent of the Evergreen State’s teachers are union members, the 4th-highest rate of 51 jurisdictions. The NEA and AFT state-level affiliates bring in \$634 annually per Washington teacher (10th). About one-quarter (24.3 percent) of Washington’s expenditures are directed toward K-12 education (10th), despite the fact that overall K-12 spending is not particularly high—\$9,320 annually per student (from federal, state, and local sources; 42nd). In addition, 54.2 percent of total education dollars go toward teacher salaries and benefits (24th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 32ND

Even with their ample financial resources, Washington’s teacher unions are not heavy donors to state politics. In the past decade, their donations amounted to only 0.49 percent of all contributions to candidates for state office (29th), and 5.0 percent of the donations to candidates contributed by the ten highest-giving sectors in the state (25th). Still, they contributed 2.0 percent of the total donations received by state political parties (15th). Union representation among Washington’s delegates to the Democratic and Republican national conventions was also thin at 4.3 percent (48th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
11TH*

Washington is one of twenty-one states that both require collective bargaining and allow unions to automatically collect agency fees, a key source of revenue, from non-members. State law does not address teachers' (or any public employees') right to strike. The law is, however, quite permissive when it comes to the scope of bargaining for teachers: Of twenty-one items examined in this analysis, Washington requires bargaining over four (wages, hours, terms and conditions of employment, and insurance benefits) and explicitly permits another (retirement benefits and pensions). Only management rights are excluded from bargaining, which means the remaining fifteen items are implicitly open to bargaining.

*AREA 4: STATE POLICIES  
TIED FOR 18TH*

Washington's teacher employment policies tend to align with traditional union interests. The state does not support performance pay for teachers. Further, at the time we calculated our rankings, the state did not require student achievement data be part of teacher evaluations, nor did districts need to consider teacher performance when making layoffs. (By press time, however, the state enacted, but had not yet implemented, SB 5895, requiring that student data be used in teacher evaluations and allowing teacher performance to factor in layoff decisions). Still, not all employment policies are favorable to unions. For example, the state does not mandate class size restrictions and teachers are eligible for dismissal after unsatisfactory evaluations, as opposed to first being placed on an improvement plan. Nevertheless, Washington teachers

were dismissed due to poor performance at one of the lowest rates in the country. Washington does not have a charter school law.<sup>4</sup>

*AREA 5: PERCEIVED INFLUENCE  
9TH*

Stakeholders in Washington perceive their teacher unions to be quite strong (especially when compared with perceptions of union influence in other states). They rank the unions the most influential entity in shaping education policy (with education advocacy groups as a close second). Respondents agree that teacher unions are effective in warding off proposals with which they disagree and in protecting dollars for education. They note that policies proposed by the governor and enacted in the latest legislative session were mostly in line with teacher union priorities, *and* that the positions of state education leaders are often aligned with those of teacher unions.<sup>5</sup>

*OVERALL  
10TH*

Washington's teacher unions benefit from a strong membership and resource base, a broad scope of bargaining, and favorable teacher employment policies. While they don't contribute large sums to political campaigns, stakeholders report that they are active (and typically successful) in shaping state policy. With such a strong reputation, the teacher unions may find that their dollars are better spent elsewhere—such as trying to influence voters (see sidebar).



## FOURTH TIME'S THE CHARM?

School choice proponents in the Evergreen State are nothing if not persistent—and deep-pocketed. Voters rejected charter-school initiatives in 1996, 2000, and 2004, but choice advocates hope they've changed their mind: An initiative slated for the November 2012 ballot would allow up to forty charter schools to open in the next five years. Sponsors amassed about 350,000 signatures (100,000 more than necessary to be put on the ballot) and a whopping \$3.3 million war chest from Bill Gates and others.<sup>6</sup> Lawmakers such as Eric Pettigrew, D-Seattle, agree that the bill is necessary: "This initiative will finally bring Washington into the 21st century in terms of educational opportunities for public school students."<sup>7</sup>

Voters aren't the only ones in Washington talking about charters. In 2004, the legislature passed ESSHB 2295, which permitted charters so long as they were under contract with local school districts, but opponents brought the measure to referendum where it was soundly rejected by popular vote.<sup>8,9</sup> In 2012, lawmakers once again debated a charter measure but, concerned that these schools would hire nonunion teachers and divert funds from already-strapped district schools, they never actually voted on the issue.<sup>10</sup> With the fate of charters back in the hands of voters this autumn, the Washington Education Association (WEA)—which refers to charters as a "failed concept"—is bent on again blocking the reform.<sup>11</sup> Citing the state's already "numerous innovative public schools" and pointing out that charters would "siphon already limited dollars from existing public schools" but can show no proven record of success, the WEA has the money and members to ensure that it will remain a major force in this heated, and expensive, ongoing battle.<sup>12</sup>

# WASHINGTON RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 10TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  3*	Membership	By rank, what percentage of public-school teachers in the state are union members?	4th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	10th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	10th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	42nd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	24th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  32*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	29th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	15th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	25th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	48th
<b>AREA 3: SCOPE OF BARGAINING</b>  11	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Neither prohibited nor permitted
<b>AREA 4: STATE POLICIES</b>  18*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	22nd
	Evaluations <sup>c</sup>	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment <sup>d</sup>	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	11th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>18</b>  (cont.)	Charter school structural limitations <sup>d</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>d</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A

<b>AREA 5: PERCEIVED INFLUENCED<sup>e</sup></b>  <b>9</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		Sometimes compromise, sometimes do not need to concede	

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Washington has the 4th-highest percentage of teachers who are union members. Otherwise, we report a status: Washington has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See explanation in Area 4 above.

<sup>d</sup> Washington does not have a charter school law.

<sup>e</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Washington are shown in the table, *Washington Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Washington is ranked 3rd of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none. However, in Washington, the state union can take substantial credit for the absence of a charter law (see sidebar).

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Brian M. Rosenthal, "Latest Big Gift To Charter Schools Initiative: \$600,000 From Wal-Mart Heiress," *Seattle Times*, July 17, 2012, <http://blogs.seattletimes.com/politicsnorthwest/2012/07/17/latest-eye-popping-gift-to-charter-school-initiative-600k-from-wal-mart-heiress/>.

<sup>7</sup> Schrader, Jordan, "Charter School Advocates Make Last-Minute Attempt To Reach 2012 Ballot," *News Tribune*, May 22, 2012, <http://blog.thenewstribune.com/politics/2012/05/22/charter-school-advocates-make-last-minute-attempt-to-reach-2012-ballot/>.

<sup>8</sup> "General Election," Stevens County, Washington, January 25, 2006, <http://www.co.stevens.wa.us/auditor/election/election/Ballot%20Titles/2004/110204.htm>.

<sup>9</sup> "R-55 Is Losing, But Hope Is Still Alive!" Washington Charter School Resource Center, November 3, 2004, <http://www.wacharterschools.org/learn/history-nov04r55.htm>.

<sup>10</sup> Brian M. Rosenthal, "Well-Funded Charter School Initiative Has Nearly Enough Signatures To Make Ballot," *Seattle Times*, July 2, 2012, [http://seattletimes.nwsourc.com/html/localnews/2018585780\\_charterschools03m.html](http://seattletimes.nwsourc.com/html/localnews/2018585780_charterschools03m.html).

<sup>11</sup> *Ibid.*

<sup>12</sup> "Charter Schools Drain Money From Already Underfunded Public Schools," Washington Education Association, accessed August 16, 2012, [http://www.washingtonea.org/index.php?option=com\\_content&view=article&id=3343:charter-schools-drain-money-from-already-underfunded-public-schools&catid=180](http://www.washingtonea.org/index.php?option=com_content&view=article&id=3343:charter-schools-drain-money-from-already-underfunded-public-schools&catid=180).

# WEST VIRGINIA

OVERALL RANK: 13TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER 
←
→
 WEAKER

OVERALL		13			
1. RESOURCES AND MEMBERSHIP				31	
2. INVOLVEMENT IN POLITICS	4				
3. SCOPE OF BARGAINING			28		
4. STATE POLICIES	1				
5. PERCEIVED INFLUENCE		6			

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 31ST

The resources and union membership of West Virginia’s teacher unions ranks them in the middle of the national pack. Roughly 68 percent of teachers in the Mountain State are unionized, the 31st-highest rate of 51 jurisdictions. Its NEA and AFT state-level affiliates post annual revenues of \$325 per teacher in the state (34th of 51). Further, K-12 education accounts for just 10.5 percent of state spending, the smallest percentage in the nation. Despite this low allocation by the state, total per-pupil expenditures (a combination of state, local, and federal funds) are fairly high at \$12,780 annually (16th), of which 55.3 percent goes toward teacher salaries and benefits (18th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 4TH

In the past ten years, West Virginia’s teacher unions were more involved in state politics than their counterparts in nearly every other state. Their donations accounted for 1.6 percent of all contributions to candidates for state office (8th); those donations amount to 14.3 percent of contributions from the ten highest-giving sectors in the state (9th), demonstrating the unions’ significant financial role in political campaigns. They also contributed 1.5 percent of total donations to state political parties (19th)—and 15.2 percent of West Virginia’s delegates to the Democratic and Republican national conventions identified as teacher union members (19th).<sup>3</sup>

*AREA 3: SCOPE OF BARGAINING  
TIED FOR 28TH*

West Virginia state law does not address collective bargaining in education; districts may decide whether to negotiate with employee organizations. The scope of bargaining is likewise left to the local districts, should they choose to negotiate with their employees. The state is also silent on agency fees. Although public employee strikes are not addressed by the state, the courts have deemed them illegal.

*AREA 4: STATE POLICIES  
1ST*

West Virginia's policies are better aligned with traditional union interests than those in any other state. (Predictably, its first Race to the Top application failed. Equally predictably, all fifty-five local unions had endorsed it, and there was no second attempt—see sidebar). The state does not support performance pay and does not require student achievement data to factor into either teacher evaluations or tenure (which is granted after three years, the national norm). Seniority is the sole factor in layoff decisions, while teacher performance is not considered at all. Further, employers contribute nearly three times more to teacher pensions than employees do—only in Louisiana do teachers give comparatively less to their pensions. Nor does West Virginia have a charter school law.<sup>4</sup>

*AREA 5: PERCEIVED INFLUENCE  
6TH*

Although West Virginia has voted for Republicans in the last three presidential elections, it is traditionally Democratic and pro-labor, particularly at the local level—conditions reflected in the teacher

unions' strong reputation among education stakeholders. Survey respondents rank them as one of the two most influential entities in shaping education policy, behind only the state board of education. They note that Democrats running for state-level office need teacher union support to get elected, and that the positions of state education leaders are often aligned with those of the union. Further, stakeholders agree that teacher unions are effective in protecting dollars for education even in times of cutbacks, and in warding off education reform proposals with which they disagree. Finally, while they report that policies *proposed* by the governor during the latest legislative session were only *somewhat aligned* with teacher union priorities, those that were *enacted* were *mostly aligned* with union priorities (perhaps a sign that much of the unions' strength lies in their ability to change proposals already on the table rather than determine the policy agenda—see sidebar).

*OVERALL  
13TH*

Despite the absence of mandatory collective bargaining and moderate financial resources, West Virginia's teachers unions have a strong presence in politics, enjoy favorable state policies, and have garnered a reputation for influence. Unions in West Virginia join those in neighboring Ohio (12th) as the strongest in permitted-bargaining states.

## THE NUMBERS JUST DON'T ADD UP

Labor unions have been a strong presence in the Mountain State since the 1870s, and its teacher unions—even without mandatory collective bargaining—share in that tradition. “The unions in West Virginia . . . are some of the most powerful state teachers unions in the nation,” said Marc Oestreich of the Heartland Institute, a conservative research group.<sup>5</sup> Former Governor Joe Manchin agreed: After lawmakers could not agree on a slate of reform measures required for its second Race to the Top application (the first was rejected), he lamented, “The protection of [state] law gives our unions a much better comfort level than sitting down bargaining with the facts.”<sup>6</sup> The state dropped its application, and subsequently convened a special committee of senators and outside members, including union representatives; not surprisingly, the special education legislative session that followed did not amount to much.<sup>7</sup>

In 2012, with the help of the West Virginia Education Association (WVEA), lawmakers again showed their resistance to change. In search of an NCLB waiver, in March the legislature passed what seemed like a watershed teacher evaluation bill, but was actually a watered-down version of the evaluation systems in many other states.<sup>8</sup> After the WVEA successfully lobbied for amendments, HB 4236 now specifies that 80 percent of a teacher’s evaluation be based on adherence to teaching standards and 20 percent on student growth. That 20 percent is further broken down: 15 percent from evidence determined by the teacher and just 5 percent tied to student assessment results at the school-wide level.<sup>9</sup> A report from the National Council on Teacher Quality gave the state’s new evaluation procedures a D+.<sup>10</sup> WVEA President Dale Lee nonetheless apologized to his members: “I understand many people will question the student growth component in the evaluation bill. I am not crazy about it either, but it is a requirement if we are to get a waiver of NCLB and continue to receive some of our federal funds . . . some states are including student growth components of as much as 50 percent.”<sup>11</sup> With West Virginia’s student performance among the lowest in the nation—the 2011 NAEP results place the state in the bottom 10 percent for math and the bottom 5 percent for reading—it would surely benefit youngsters if unions focused more on their achievement and less on teacher comfort.

# WEST VIRGINIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 13TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  31*	Membership	By rank, what percentage of public-school teachers in the state are union members?	31st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	34th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	50th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	16th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	18th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  4*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	8th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	19th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	9th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	19th
<b>AREA 3: SCOPE OF BARGAINING</b>  28*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Neither required nor prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  1	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	2nd
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	39th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	



Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>1</b>  (cont.)	Charter school structural limitations <sup>c</sup>	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions <sup>c</sup>	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>6</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?		**	

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, West Virginia has the 31st-highest percentage of teachers who are union members. Otherwise, we report a status: In West Virginia, collective bargaining is neither required nor prohibited, and teacher strikes are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> West Virginia does not have a charter school law.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for West Virginia are shown in the table, *West Virginia Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, West Virginia is ranked 31st of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>4</sup> We do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none.

<sup>5</sup> Walt Williams, "Few happy with state's shot at school reform," West Virginia Education Association, July 29, 2010, <http://www.wvea.org/News---Events/2010-Archive/July/Few-happy-with-state-s-shot-at-school-reform.aspx>.

<sup>6</sup> Ibid.

<sup>7</sup> Kallie Cart, "Manchin Drops Request For Federal School Grants; Ends Special Session," *Associated Press*, May 20, 2010, <http://www.wsaz.com/news/headlines/94284889.html>.

<sup>8</sup> "2011 State Teacher Policy Yearbook: National Summary," National Council on Teacher Quality, 2011, accessed July 25, 2012, [http://www.nctq.org/stpy11/reports/stpy11\\_national\\_report.pdf](http://www.nctq.org/stpy11/reports/stpy11_national_report.pdf).

<sup>9</sup> "H.B. 4236 – Annual Evaluations for Teachers and Administrators," West Virginia Education Association, Final Legislative Update, March 14, 2012, <http://www.wvea.org/Legislative-Action-Center/Legislative-Update.aspx>.

<sup>10</sup> National Council on Teacher Quality.

<sup>11</sup> Ibid.

# WISCONSIN

OVERALL RANK: 18TH<sup>1</sup>  
TIER 2 (STRONG)

STRONGER —————> WEAKER

OVERALL		18		
1. RESOURCES AND MEMBERSHIP		13		
2. INVOLVEMENT IN POLITICS	8			
3. SCOPE OF BARGAINING				41
4. STATE POLICIES			24	
5. PERCEIVED INFLUENCE		17		

Note: As of this writing, collective bargaining nationwide was experiencing a high degree of unpredictability and, in some cases, volatility. Nowhere was that more apparent in 2012 than in Wisconsin, where major transformations to collective bargaining laws portend significant changes in the resources and strength of its public employee unions. As such, we present Wisconsin rankings, and those of all the states, as a snapshot at the time of publication. (See main report for additional discussion.)

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 13TH

Wisconsin's teacher unions currently have abundant resources and high membership totals, and their members enjoy a larger public investment in K-12 education than

in many other states. A full 98.3 percent of Wisconsin teachers belong to unions, the 3rd-highest rate of 51 jurisdictions. Further, the Badger State's NEA and AFT state affiliates bring in \$520 annually per teacher (21st of 51). In Wisconsin, K-12 education expenditures account for 18.0 percent of state spending (31st). Total funds for education (a combination of local, state, and federal dollars) amount to \$11,783 per pupil (23rd), with 56.9 percent going toward teacher salaries and benefits (10th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 8TH

Wisconsin's teacher unions have been active donors over the past decade.<sup>3</sup> Not only did their contributions amount to 1.0 percent of donations to candidates for state office (16th), but those donations equaled

a whopping 22.7 percent of all donations to candidates from the ten highest-giving sectors in the state (2nd), indicating that the unions were real heavyweights in Wisconsin politics. They also gave 1.9 percent of the donations received by state political parties (16th). Finally, 17.2 percent of all Wisconsin delegates to the Democratic and Republican national conventions identified as teacher union members (15th).<sup>4</sup>

### *AREA 3: SCOPE OF BARGAINING 41ST*

Wisconsin is one of thirty-two states that require collective bargaining. Although 2011's Act 10 severely limited the scope of bargaining to cost-of-living wage increases, the Wisconsin court struck down the law in September 2012 (see sidebar); Governor Scott Walker vowed to appeal the outcome. (Unfortunately, the court's decision came too close to our publication date for us to take it into account when calculating our metric.) Further, teacher unions may collect agency fees from non-members and automatically deduct dues from members' paychecks. (As passed, Act 10 also prohibited automatic payroll deductions, but the court ruled that specific provision unconstitutional in March 2012. The state appealed, and as of September 2012, the Seventh Circuit Court of Appeals was hearing the matter.) Wisconsin does not permit teacher strikes.

### *AREA 4: STATE POLICIES TIED FOR 24TH*

While Wisconsin's teacher employment policies generally align with traditional teacher union interests, its charter laws are less aligned. The state does not require student achievement data to factor into teacher evaluations or tenure decisions,

does not articulate consequences for unsatisfactory evaluations, and does not support statewide performance pay. Further, seniority is the sole consideration in teacher layoffs. Charter law, on the other hand, allows new, conversion, and virtual schools and multiple authorizers. While charter teachers must be certified, their schools are automatically exempt from many other state laws. Schools authorized by entities other than local districts receive additional exemptions, and regardless of where they are located, they are not bound by district regulations and collective bargaining agreements.

### *AREA 5: PERCEIVED INFLUENCE 17TH*

While Wisconsin stakeholders generally perceive teacher unions to be strong, recent challenges to both state bargaining laws and the historically pro-labor environment have weakened their foundations. On the one hand, survey respondents rank teacher unions as the entity with the greatest influence on education policies. (Education advocacy groups, the school boards association, and the association of school administrators also rank high, but not as high.) They also note that state education leaders always align with teacher union positions. On the other hand, they report that policies proposed by the governor and enacted in the latest legislative session were *not at all in line* with teacher union priorities, showing the widening gap between the union's reach on *education* policies specifically, as opposed to *state* policies in general. Further, respondents do not believe unions are effective in warding off education proposals with which they disagree and in protecting dollars for education—unsurprising in a state where teacher unions, like those in Arizona and Indiana, have seen their power significantly curtailed.

OVERALL  
18TH

Wisconsin teacher unions currently have substantial resources from their members and have been an active force in Wisconsin state politics. But recent legislation, which sharply erodes their collective bargaining rights, likely heralds an era of diminished strength for public unions in general, and teacher unions in particular in the Badger State.

WEATHERING THE STORM

The nation witnessed firsthand the legislative blow dealt to public unions in the Badger State—and then their failure to recall the governor who landed that blow. In March 2011, Governor Scott Walker and his legislative allies limited the scope of public-sector bargaining to cost-of-living wage increases only. Act 10 also stopped local teacher unions from automatically collecting dues from their members and required that they hold a yearly vote in which the majority of all eligible employees must agree to recertify the union as their official bargaining agent. But public-safety unions such as those for police and firefighters were exempt, which ultimately proved to be the law's undoing.<sup>5</sup> The Wisconsin Education Association Council (WEAC) filed a lawsuit against the ban on payroll deductions and the recertification requirement, asserting that it violated workers' equal-protection rights and their First Amendment right to organize. In March 2012, a federal judge agreed that teachers were being unfairly singled out—noting that the unions receiving exemptions were those that had endorsed Walker in 2010—and removed both provisions from the law.<sup>6</sup> The ruling came just in time: twenty-eight local teacher unions were about to lose their bargaining status because they fell short of the required approval from the majority of bargaining-unit members.<sup>7,8</sup> In spite of the court's decision, however, in the fifteen months since Act 10 passed, the AFT-Wisconsin lost 6,000 of its 17,000 members; the NEA-affiliated WEAC refused to comment on its losses.<sup>9</sup>

Organized labor also sued to stop Act 10's bargaining limitations, asserting that it unfairly singled out unionized public-sector workers and violated the "home rule" charter of the Wisconsin constitution that bans the state from imposing pension contribution rates on Milwaukee city workers. That suit was successful as well; as of September 2012, no part of the Act remained in effect, and unions hurried back to the negotiating table to bargain new contracts.<sup>10</sup>

In addition, organized labor backed the 2012 attempt to unseat Walker, with AFT-Wisconsin's president Bryan Kennedy warning that failure to oust him "spells doom."<sup>11</sup> When the recall failed, he forced a smile: "We are disappointed, but not defeated."<sup>12</sup> In some respects, he was correct. Not only did the courts overturn Act 10, but the unions defended the traditional pension system and stopped further expansion of private school vouchers.<sup>13,14</sup> They also revealed themselves to be open to teacher-quality reforms: AFT-Wisconsin helped education leaders develop a new evaluation system under which half of a teacher's score is based on student growth and test scores.<sup>15</sup> The WEAC then supported using those evaluations as a basis for merit pay.<sup>16</sup> Of course, the unions' motivations may not be entirely altruistic—with substantial losses in membership and bargaining power and the rulings to overturn Act 10 currently under appeal, it is more likely they are seeing the writing on the (classroom) wall.

# WISCONSIN RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 18TH

Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  13*	Membership	By rank, what percentage of public-school teachers in the state are union members?	3rd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	21st
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	31st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	23rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	10th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  8*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	16th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	16th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	2nd
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	15th
<b>AREA 3: SCOPE OF BARGAINING</b>  41	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	46th <sup>c</sup>
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Automatic payroll deductions prohibited <sup>c</sup>
Right to strike	What is the legal status of teacher strikes?	Prohibited	
<b>AREA 4: STATE POLICIES</b>  24*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	47th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	29th	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>24</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap (but authorizers are capped)
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Full automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Full automatic exemption for some schools

<b>AREA 5: PERCEIVED INFLUENCE<sup>d</sup></b>  <b>17</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Always
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Wisconsin has the 3rd-highest percentage of teachers who are union members. Otherwise, we report a status: Wisconsin has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> See notes in Area 3 and sidebar, above.

<sup>d</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Wisconsin are shown in the table, *Wisconsin Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Wisconsin is ranked 13th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Wisconsin is an exception because the sum of the donations from local affiliates is comparable to the total from the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> "Wisc. Governor Officially Cuts Collective Bargaining," *NBC News*, March 11, 2011, [http://www.msnbc.msn.com/id/41996994/ns/politics-more\\_politics/t/wis-governor-officially-cuts-collective-bargaining/#.UBFms2FDzlc](http://www.msnbc.msn.com/id/41996994/ns/politics-more_politics/t/wis-governor-officially-cuts-collective-bargaining/#.UBFms2FDzlc).

<sup>6</sup> Clay Barbour and Mary Spicuzza, "Federal Court Strikes Down Parts Of Collective Bargaining Law," *Wisconsin State Journal*, March 31, 2012, [http://host.madison.com/wsj/news/local/govt-and-politics/federal-court-strikes-down-parts-of-collective-bargaining-law/article\\_562c581e-7a9f-11e1-9aea-0019bb2963f4.html](http://host.madison.com/wsj/news/local/govt-and-politics/federal-court-strikes-down-parts-of-collective-bargaining-law/article_562c581e-7a9f-11e1-9aea-0019bb2963f4.html); Brendan Fischer, "Federal Court Strikes Down Key Provisions Of Walker's Act 10 As Unconstitutional," *PRWatch*, March 30, 2012, <http://www.prwatch.org/news/2012/03/11404/federal-court-strikes-down-key-provisions-walkers-act-10-unconstitutional>.

<sup>7</sup> Tom Tolan and Erin Richards, "Majority Of Education Unions Vote To Recertify," *Milwaukee Journal Sentinel*, December 8, 2011, <http://www.jsonline.com/news/education/education-unions-vote-to-recertify-sd3caui-135285458.html>.

<sup>8</sup> Matthew DeFour, "Nearly All State Teachers Unions Without Pact Seek Recertification," *Wisconsin State Journal*, October 13, 2011, [http://host.madison.com/wsj/news/local/education/local\\_schools/article\\_14750bca-f51e-11e0-b9d0-001cc4c002e0.html](http://host.madison.com/wsj/news/local/education/local_schools/article_14750bca-f51e-11e0-b9d0-001cc4c002e0.html). Teachers in 148 districts voted to recertify their unions, twelve opted not to vote, and only one district had a majority of its teachers vote against recertification. For the other twenty-seven unions about to lose their bargaining status, a majority of the teachers who chose to vote wanted to recertify as a union, but to keep bargaining status the vote required approval from a majority of all eligible employees whether they voted or not.

<sup>9</sup> Douglas Belkin and Kris Maher, "Wisconsin Unions See Ranks Drop Ahead of Recall Vote," *Wall Street Journal*, May 30, 2012, <http://online.wsj.com/article/SB10001424052702304821304577436462413999718.html>

<sup>10</sup> Judge Colas ruled that the law violated the rights of freedom of speech and freedom of assembly, essentially creating a separate class of workers with different rules based only on their decision to join the union. See Mark Guarino, "Court Decision Produces Twist in Wisconsin Union Fight," *Christian Science Monitor*, September 24, 2012, <http://www.csmonitor.com/USA/Politics/2012/0924/Court-decision-produces-twist-in-Wisconsin-union-fight>.

<sup>11</sup> Belkin and Maher.

<sup>12</sup> "We Are Disappointed, But Not Defeated,' Says AFT-Wisconsin President," AFT-Wisconsin, June 6, 2012, <http://www.aft-wisconsin.org/>.

<sup>13</sup> "Moving Education Forward: Bold Reforms," Wisconsin Education Association Council, February 2011, <http://www.weac.org/Libraries/PDF/WEACBoldReformsPlatform.sflb.aspx> (on WEAC "Take Action" page, accessed August 14, 2012, [http://www.weac.org/Issues\\_Advocacy.aspx](http://www.weac.org/Issues_Advocacy.aspx)).

<sup>14</sup> "News Headlines," Wisconsin Education Association Council, accessed July 19, 2012, [http://www.weac.org/News\\_and\\_Publications.aspx](http://www.weac.org/News_and_Publications.aspx).

<sup>15</sup> Erin Richards, "Student Results Would Account For Half Of Teacher Evaluations," November 7, 2011, <http://www.jsonline.com/news/education/133412398.html>.

<sup>16</sup> Tony Galli, "Largest Teacher Union Backs Merit Pay," *WKOW Madison*, February 8, 2011, <http://www.wkow.com/Global/story.asp?S=13993642>.



# WYOMING

OVERALL RANK: 29TH<sup>1</sup>  
TIER 3 (AVERAGE)

STRONGER  WEAKER

OVERALL			29	
1. RESOURCES AND MEMBERSHIP			31	
2. INVOLVEMENT IN POLITICS	13			
3. SCOPE OF BARGAINING			28	
4. STATE POLICIES			30	
5. PERCEIVED INFLUENCE			26	

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 31ST

Though Wyoming’s state-level teacher union has sparse membership, the state’s teachers benefit from a fairly substantial public investment in K-12 education. Just 53.2 percent of teachers in the Equality State are unionized. (Only seven states have lower rates; most other states where bargaining is permitted but not required are in the same range as Wyoming.) Despite the underwhelming level of membership, however, the Wyoming Education Association (WEA) posts \$573 in annual revenue per teacher in the state (16th; while not included in this metric, it also has one of the three highest per *member* revenues in the nation as well). Per-pupil expenditures are the highest of any state in the nation at \$18,068 annually, more than

double that of last-place Utah. Further, 53.7 percent of those dollars goes toward teacher salaries and benefits (29th).

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 13TH

Wyoming’s teacher union is more involved in state politics than are its counterparts in most other states.<sup>3</sup> Over the past ten years, its donations amounted to 1.3 percent of all contributions to candidates for state office (13th) and 10.7 percent of the money donated by the ten highest-giving sectors in the state (12th). Its high rankings on those measures are likely aided by the union’s considerable revenues (see Area 1) and the fact that candidates and parties in Wyoming generally receive little money—candidates get fewer total dollars

than in any other state, making entry into the political arena fairly low-cost. Finally, 17.9 percent of Wyoming's delegates to the Democratic and Republican national conventions were teacher union members (14th).<sup>4</sup>

### *AREA 3: SCOPE OF BARGAINING TIED FOR 28TH*

Wyoming is one of fourteen states that permit, but do not require, collective bargaining (seven of those states, Wyoming included, explicitly allow it, while the other seven permit it by omission). The law does not outline the scope of collective bargaining for districts that choose to negotiate with their local unions, nor does it address the legality of teacher strikes. Wyoming does limit the revenue potential of its unions by preventing them from automatically collecting agency fees from non-members; the fact that the WEA *still* posts high revenue despite low membership rates and no agency fees shows its ability to generate significant financial resources from its existing members.

### *AREA 4: STATE POLICIES TIED FOR 30TH*

While Wyoming's teacher employment policies are reasonably well aligned with traditional union interests, its charter laws are less so. At the time our data were analyzed, the state did not support performance pay for teachers, nor did it set forth consequences for unsatisfactory evaluations. (By press time, the state had passed measures in support of performance pay and consequences for poor teacher evaluations, yet actual plans and implementation remain unresolved; assuming these questions are resolved, they will take effect in 2013—see sidebar.)

Further, districts do not have to consider teacher performance when making layoffs, and student learning does not factor into tenure (which teachers earn after three years, the national norm). Districts must consider evidence of student learning when evaluating their teachers, but the law does not stipulate what that evidence is or how much weight it must carry. On the other hand, unions typically seek to limit the number, the variety and the autonomy of charter schools, but Wyoming does not cap the number of schools and allows new, conversion, and virtual schools. However, it provides only a single authorizing option—local districts—and there is little authorizing activity (out of 344 public schools in the state, only four are charters). Charter schools are automatically exempt from district collective bargaining agreements where such exist, but they must follow all other state laws and district regulations unless they receive waivers from them and all charter teachers must be certified.

### *AREA 5: PERCEIVED INFLUENCE 26TH*

While stakeholders perceive Wyoming's teacher union to be active in shaping policy, they also report that it is not always successful in achieving its goals. Respondents say it is one of the most influential entities on education policy in the state, along with the school board association and association of school administrators. They note that the union is effective in warding off education proposals with which it disagrees, but indicate that it often must compromise with policymakers. (Such compromises are evident in the state's new evaluation system, which the union agreed to in principle. See sidebar.) Stakeholders observe that the union also makes concessions to prevent reductions in pay and benefits, and that the outcomes of the latest legislative session were only *somewhat* in line with teacher union priorities.<sup>5</sup>

OVERALL  
29TH

Wyoming's teacher union is squarely in the middle of the national pack in terms of political clout, compared to all states and to states in which bargaining is permitted but not mandatory. Its revenues afford it a significant presence in state politics, although it does not have a reputation among stakeholders as a political heavyweight and state policies themselves are not particularly aligned with union interests.

PLANS ON PAPER ONLY

In February 2011, it seemed like teacher tenure in Wyoming would become history. Yet to the relief of the Wyoming Education Association (WEA), the legislature eventually defeated a bill to make all teachers at-will employees. Lawmakers' reasons ranged from support for teachers to fear of lawsuits from dismissed educators.<sup>6</sup> The WEA's position: better teacher evaluations, not the elimination of tenure, would improve education. Next came SF 114, an attempt to put video cameras in every classroom to evaluate teachers; given privacy and cost concerns, however, the idea did not make it past the Senate floor.<sup>7</sup>

Lawmakers did pass three related reform-oriented bills in 2011, but these amounted more to plans than actions. They established measures of student performance, required districts use performance-based evaluation systems (but did not specify what those systems were), and made recommendations on how to link evaluations to pay (but did not require districts do so). The WEA endorsed all three.<sup>8,9</sup> Finally, SF 57, passed in 2012, outlined how accountability-based evaluations would actually work—but only applied to schools, not teachers. Significantly amended from the original proposal with the help, and ultimately blessing, of the WEA, the new legislation required that schools be evaluated using a combination of state standardized tests and non-test measures like graduation rates and credit accumulation. Individual teachers will not be evaluated until 2013, at which point unsatisfactory evaluations could lead to suspensions or dismissals.<sup>10</sup> But the nuts and bolts of the teacher evaluation system—what exactly will comprise the evaluations and how much weight student performance will be given—remain to be developed. As a result, Wyoming did not follow through on its stated intent to apply for an NCLB waiver (since waiver applications require performance-based evaluations for teachers). Cindy Hill, Wyoming's Superintendent of Public Instruction, was less than optimistic about whether the state will ever meet that requirement: "While efforts are ongoing to link student performance to teacher evaluation, it has not been successfully demonstrated elsewhere nor can I promise when it could be in Wyoming."<sup>11</sup> So plans remain just that for now in the Equality State, and with state leaders not pressing for more reforms, the WEA can rest easy for now.

# WYOMING RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 29TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  31*	Membership	By rank, what percentage of public-school teachers in the state are union members?	44th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	16th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	48th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	1st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	29th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	13th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	40th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	12th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	14th
<b>AREA 3: SCOPE OF BARGAINING</b>  28*	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	38th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Neither prohibited nor permitted
<b>AREA 4: STATE POLICIES</b>  30*	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	40th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Evidence of student "learning" required
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	22nd	
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>30</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>26</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Sometimes/Often
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Generally concede
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	**
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Generally compromise

\* Tied with another state

\*\* Insufficient number of responses to this particular question

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Wyoming has the 44th-highest percentage of teachers who are union members. Otherwise, we report a status: In Wyoming, collective bargaining is permitted, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net)

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Wyoming are shown in the table, *Wyoming Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Wyoming is ranked 31st of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> Wyoming is one of just five states where local teacher associations did not contribute to candidates and political parties, and the *only* state in which the state association was the lone donor to both (in the other four states, the NEA and/or AFT gave money as well).

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Joan Barron, "Wyoming Senate Keeps Teacher Tenure," *Casper Star-Tribune*, February 9, 2011, [http://trib.com/news/state-and-regional/govt-and-politics/wyoming-senate-keeps-teacher-tenure/article\\_b3224066-7ed9-529d-9bb8-1e25733795dc.html](http://trib.com/news/state-and-regional/govt-and-politics/wyoming-senate-keeps-teacher-tenure/article_b3224066-7ed9-529d-9bb8-1e25733795dc.html).

<sup>7</sup> Becky Orr, "Bill To Install Classroom Cameras Fails In Senate," *Wyoming Tribune Eagle*, February 10, 2011, [http://www.wyomingnews.com/articles/2011/02/03/news/20local\\_02-03-11.txt](http://www.wyomingnews.com/articles/2011/02/03/news/20local_02-03-11.txt).

<sup>8</sup> Joan Barron, "Wyoming House Committee Endorses Expanded School Year Bill," *Casper Star-Tribune*, January 15, 2011, [http://trib.com/news/state-and-regional/govt-and-politics/article\\_bb0ceae9-b1a3-57e0-b873-bd3a090a255c.html](http://trib.com/news/state-and-regional/govt-and-politics/article_bb0ceae9-b1a3-57e0-b873-bd3a090a255c.html).

<sup>9</sup> Joan Barron, "Education Accountability Bills Clear Wyoming Senate," *Casper Star-Tribune*, February 10, 2011, [http://trib.com/news/state-and-regional/govt-and-politics/article\\_d308a8d4-cd68-5a70-bcb2-f8b63995e7b3.html](http://trib.com/news/state-and-regional/govt-and-politics/article_d308a8d4-cd68-5a70-bcb2-f8b63995e7b3.html).

<sup>10</sup> Wyoming Education Association, <http://www.wyoea.org/home/539.htm>; <http://wyoea.org/home/537.htm>.

<sup>11</sup> Elysia Conner, "Wyoming Department Of Education Seeks Waiver Of Federal Progress Requirements," *Casper Star-Tribune*, July 5, 2012, [http://trib.com/news/state-and-regional/article\\_79e95b82-23d8-5d64-a3af-69868297f9c1.html](http://trib.com/news/state-and-regional/article_79e95b82-23d8-5d64-a3af-69868297f9c1.html).

# **APPENDIX A:**

## **DETAILED METHODOLOGY AND RATIONALE**

The methodology for this report comprises numerous data sources and multiple discrete data points. This appendix provides a detailed account of each. We also include a short rationale for the inclusion of all data relative to their role in elucidating teacher union strength.

### *INDICATORS AND WEIGHTING*

To calculate a state's overall rank, we scored it in five areas: Resources and Membership, Involvement in Politics, Scope of Bargaining, State Policies, and Perceived Influence. Each area is comprised of multiple sub-indicators, explained below. To get from sub-indicator to area rank to overall rank, we take a weighted average of the sub-indicators in each of the five areas (for example, Area 1, Resources and Membership, comprises five sub-indicators that report various aspects of union revenues and membership, as well as overall spending on K-12 education). We use that average to place the states in rank order in that area. To generate a state's overall rank, we average the five area ranks together, then order the states based on that average. Table A-1 shows the sub-indicators in each area and how much weight each is given when calculating the overall rank. (For clarity, we do not show the weight of each indicator in the area rank. However, each major indicator carries equal weight in its area. For example, 1.1 Membership, 1.2 Revenue, and 1.3 Spending on Education are one-third of the Area 1 score. Likewise, each sub-indicator carries equal weight in its major indicator.)

Preliminary analyses found that unions that ranked high in one area did not necessarily rank high (or low) in the others. The highest significant correlation among the areas (0.7) was between Area 1 (Resources and Membership) and Area 3 (Scope of Bargaining), not a surprising result because bargaining status is tied to membership and agency fees to union revenue. The other significant correlations ranged from 0.2 to 0.5, and some areas were not significantly correlated at all.\* This reinforced our guiding principle that strong unions do not look the same everywhere and that it's therefore important to incorporate different measures when defining "strength." This is also why the five areas are weighted equally: We could not justify any one of them dictating more of the final score than another.

In Table A-1, we explain the indicators and sub-indicators that comprise each of the five areas. Text highlighted in tan describes the data, data sources, and methods. The rationale for inclusion of those data follows (in teal).

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\* Of the ten possible pairings among Areas 1-5, only six showed significant correlations. Data available upon request.

**TABLE A-1: WEIGHTING OF INDICATORS AND SUB-INDICATORS**

Area	Major Indicator and % of Total Score		Sub-Indicator and % of Total Score	
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  20%	1.1: Membership	6.7%	1.1.1: What percentage of public school teachers in the state are union members?	6.7%
	1.2: Revenue	6.7%	1.2.1: What is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	6.7%
	1.3: Spending on education	6.7%	1.3.1: What percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	2.2%
			1.3.2: What is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	2.2%
			1.3.3: What percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	2.2%
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  20%	2.1: Direct contributions to candidates and political parties	6.7%	2.1.1: What percentage of the total contributions to state candidates was donated by teacher unions?	3.3%
			2.1.2: What percentage of the total contributions to state-level political parties was donated by teacher unions?	3.3%
	2.2: Industry influence	6.7%	2.2.1: What percentage of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	6.7%
	2.3: Status of delegates	6.7%	2.3.1: What percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	6.7%
<b>AREA 3: SCOPE OF BARGAINING</b>  20%	3.1: Legal scope of bargaining	6.7%	3.1.1: What is the legal status of collective bargaining?	3.3%
			3.1.2: How broad is the scope of collective bargaining?	3.3%
	3.2: Automatic revenue streams	6.7%	3.2.1: What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	6.7%
	3.3: Right to strike	6.7%	3.3.1: What is the legal status of teacher strikes?	6.7%
<b>AREA 4: STATE POLICIES</b>  20%	4.1: Performance pay	2.9%	4.1.1: Does the state support performance pay for teachers?	2.9%
	4.2: Retirement	2.9%	4.2.1: What is the employer versus employee contribution rate to the teacher pension system?	2.9%
	4.3: Evaluations	2.9%	4.3.1: What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	1.4%
			4.3.2: Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	1.4%
	4.4: Terms of employment	2.9%	4.4.1: How long before a teacher earns tenure? Is student/teacher performance considered in tenure decisions?	1.0%
			4.4.2: How are seniority and teacher performance considered in teacher layoff decisions?	1.0%
			4.4.3: What percentage of the teaching workforce was dismissed due to poor performance?	1.0%
	4.5: Class size	2.9%	4.5.1: Is class size restricted for grades 1-3? If so, is the restriction larger than the national average (20)?	2.9%
	4.6: Charter school structural limitations	2.9%	4.6.1: Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	1.0%
			4.6.2: Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	1.0%
			4.6.3: How many charter authorizing options exist? How active are those authorizers?	1.0%
	4.7: Charter school exemptions	2.9%	4.7.1: Are charter schools automatically exempt from state laws, regulations, and teacher certification requirements (except those that safeguard students and fiscal accountability)?	1.4%
			4.7.2: Are charter schools automatically exempt from collective bargaining agreements (CBAs)?	1.4%



Area	Major Indicator and % of Total Score	Sub-Indicator and % of Total Score		
<b>AREA 5: PERCEIVED INFLUENCE</b>  20%	5.1: Relative influence of teacher unions	4.0%	5.1.1: How do you rank the influence of teacher unions on education policy compared with other influential entities?	4.0%
	5.2: Influence over campaigns	4.0%	5.2.1: How often do Democrat candidates need teacher union support to get elected?	2.0%
			5.2.2: How often do Republican candidates need teacher union support to get elected?	2.0%
	5.3: Influence over spending	4.0%	5.3.1: To what extent do you agree that, even in times of cutbacks, teacher unions are effective in protecting dollars for education?	2.0%
			5.3.2: Would you say that teacher unions generally make concessions to prevent reductions in pay and benefits, or fight hard to prevent those reductions?	2.0%
	5.4: Influence over policy	4.0%	5.4.1: To what extent do you agree that teacher unions ward off proposals in your state with which they disagree?	1.0%
			5.4.2: How often do existing state education policies reflect teacher union priorities?	1.0%
			5.4.3: To what extent were state education policies proposed by the governor during your state's latest legislative session in line with teacher union priorities?	1.0%
			5.4.4: To what extent were legislative outcomes of your state's latest legislative session in line with teacher union priorities?	1.0%
	5.5: Influence over key stakeholders	4.0%	5.5.1: How often have the priorities of state education leaders aligned with teacher union positions in the past three years?	2.0%
			5.5.2: Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	2.0%

Note: Percentages may not add to 100 due to rounding

## DETAILED METRIC AND RATIONALE

### Area 1. Resources and Membership (20%)

This first area captures two quantitative measures of union resources. We examine a union's membership rate and revenue to determine the human and financial reserves on which it can draw, which presumably augments or constrains its influence. While a larger union (relative to the number of teachers in the state) with more funds is not inherently more powerful than another, the ability to amass people (to lobby lawmakers, volunteer in campaigns, sign petitions, and vote in elections) and monies is, in many cases, a precursor to larger influence. So, then, greater spending on education does not necessarily imply a strong union (and we have no way of determining whether high spending in a particular state is the direct result of union influence). However, it is certainly in the unions'—and their members'—best interest if the state makes a substantial investment in education.

We examine teacher union membership and revenues of each state-level teacher union. We also examine the financial resources dedicated by the state and its districts to K-12 education in general, and to teacher salaries and benefits in particular.

#### **Indicator 1.1:** Teacher union membership (6.7%)

**Sub-indicator 1.1.1:** What percentage of public school teachers in the state are union members? (6.7%)

Membership percentages are drawn from the National Center for Education Statistics' *Schools and Staffing Survey* (2009) for 2007-08. Teachers were asked, "Are you a member of a teachers' union or an employee association similar to a union?" States are ranked and divided into quintiles; those with the lowest membership ratios receive "0," while those with the highest membership ratios receive "4."

**Rationale:** If a large proportion of a state's teachers are unionized, unions can make a powerful argument to lawmakers that they represent the collective needs of teachers.<sup>2</sup> They are also better able to mobilize a visible and widespread advocacy force. This is a key source of leverage during policy battles fought at the ballot box as well as in the state capital; a large membership can lobby lawmakers and state leaders, volunteer during campaigns, rally and protest, circulate petitions and collect signatures for ballot measures, canvass and engage in media campaigns for or against those measures, and mobilize its members to vote.

**Indicator 1.2:** Teacher union revenue (6.7%)

**Sub-indicator 1.2.1:** What is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s) (adjusted by the NCES Comparable Wage Index)? (6.7%)

Revenue data are drawn from state-level teacher unions' 990 forms submitted between July 1, 2009 and June 30, 2010, collected by GuideStar, Inc. at [www.guidestar.org](http://www.guidestar.org). Federally tax-exempt organizations such as unions file 990 forms with the IRS every twelve months, but their reporting period does not necessarily coincide with the fiscal year, which begins July 1. We therefore counted 990 forms that had a start date within the Fiscal Year 2010 period.<sup>3</sup> Union revenue (Part I, line 12) includes program service revenue (membership dues, fees from local affiliates, and support from national unions) plus income from investments, contributions, grants, and fundraising. Revenues for NEA and AFT state affiliates are combined when both exist in the same state. (For a full list of state-level affiliates, see Appendix B.)

We then divide total revenue by the total number of teachers in the state, drawn from the NCES Common Core of Data for 2009-10. (Unions often argue that they work on behalf of every teacher in the state, regardless of whether each teacher pays dues or is a union member.) Dollar amounts are normed against the NCES Comparable Wage Index from 2005, which adjusts financial data by geographical

<sup>2</sup> For more information on the median voter theorem, see Randall G. Holcombe, "An empirical test of the median voter model," *Economic Inquiry* 18, no. 2 (1980): 260-274 and Roger D. Congleton, "The Median Voter Model," in *The Encyclopedia of Public Choice* (1st edition), eds. C. K. Rowley and F. Schneider, (New York, NY: Kluwer, 2003).

<sup>3</sup> The Georgia Federation of Teachers' 990 forms for FY2010 and FY2009 were not available from GuideStar, nor were FY2010 990 forms for AFT Oregon, AFT Pennsylvania, the Ohio Federation of Teachers, and AFT Utah. Instead, we use Georgia's FY2008 form, FY2009 forms for Oregon and Pennsylvania, and Ohio's and Utah's FY2010 revenues (drawn from the Exempt Organizations Business Master File Extract at [www.irs.gov/taxstats](http://www.irs.gov/taxstats); posting data February 2, 2012). Further, the Idaho Federation of Teachers and Tennessee Federation of Teachers are not required to file a standard 990 because their annual incomes fall below \$25,000; thus, we count those unions' incomes as \$0.

differences in wages and cost of living in order to better make comparisons across states.<sup>4</sup>

States are ranked and divided into quintiles; those with the lowest revenue per teacher receive “0,” while those with the highest revenue per teacher receive “4.”

**Rationale:** Like membership, a large yearly income does not ensure a strong teacher union. But it does allow a teacher union to invest in political campaigns, advocacy, and public relations (among other activities). We acknowledge that local affiliates sometimes play a role in state politics, especially in large urban districts such as Chicago, New York City, and Los Angeles. But we do not include their revenue here because doing so risks double-counting: State unions usually do not collect dues directly from teachers. Rather, local unions collect dues, then direct a portion of that money to the state (and national) affiliate. We account for locals’ financial capital by including their direct contributions to political campaigns and parties in Area 2.

**Indicator 1.3:** Spending on education (6.7%)

**Sub-indicator 1.3.1:** What percentage of the state’s total expenditures (of state general funds, state restricted funds, state bonds, and federal “pass-through” funds) go toward to K-12 education? (2.2%)

We report state spending on K-12 education as a portion of total state expenditures. These funds are derived from four sources: state general funds, state restricted funds, state bonds, and federal funds for education passed through a state to its districts. Data are drawn from the National Association of State Budget Officers’ *State Expenditure Report* (2010). We average the 2009, 2010, and projected 2011 percentages.<sup>5</sup>

States are ranked and divided into quintiles; those with the smallest proportions of expenditures on K-12 education receive “0,” while those with the largest proportions receive “4.”

**Rationale:** A state is responsible for distributing money to K-12 education from two sources. First, it allocates its own funds (the state general fund and state restricted funds specifically earmarked for education and/or specific education programs) to provide districts with general formula assistance, as well as money for compensatory programs, special education, vocational programs, and transportation. These funds are also used for expenses not affiliated with

<sup>4</sup> See the National Center for Education Statistics, <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2006865>.

<sup>5</sup> We include two important notes to the reader when interpreting this indicator. First, the National Association of State Budget Officers (NASBO) asked states to report K-12 education expenditures as a portion of state general, state restricted, state bond, and federal pass-through funds. However, K-12 spending is sometimes reported in relation to the state operating budget, which does not include restricted or capital project funds. K-12 expenditures as a portion of the operating budget will be larger than those same expenditures as a portion of total funds, as reported here. Second, “operating expenditures” are self-reported by the states. NASBO indicated that states should include employer contributions to current employees’ pensions and health benefits, student transportation, adult literacy programs, handicapped education programs, gifted and talented programs, vocational education, capital spending, and expenditures to support the state’s department of education. However, some states excluded (in whole or part) certain types of expenditures. For more information, see the National Association of State Budget Officers, “State Expenditure Report 2010,” <http://www.nasbo.org/publications-data/state-expenditure-report>.

districts, such as charter schools, voucher programs, and state-level department of education operations and administration. Second, the state is responsible for passing federal funds on to districts; these funds are for compensatory (Title I) programs, special education, and nutrition (free- and reduced-price federal lunch programs). Districts, in turn, receive these state allocations, plus local funds and direct federal aid.

Indicator 1.3.1 measures the state to district funding channel—state general funds, state restricted funds, and federal money passed through the state. Many competing forces affect the amount that a state spends on education: States have multiple financial obligations, and state political leaders, voters, and interest groups all influence how much money the state allocates to education and to other areas of its budget. As labor organizations, teacher unions work to protect and further the interests of their members within an employment context—securing dollars for K-12 education (or at least preventing or minimizing cuts) is a first step toward higher salaries, better benefits, smaller class sizes, fewer layoffs or furlough days, and better working conditions for teachers. To that extent, one measure of union strength is its ability to influence state leaders to direct a large proportion of overall expenditures toward K-12 education.

It is well known that some states opt to shoulder more of the K-12 budget themselves, reducing the local share. We address this by including local funds in sub-indicators 1.3.2 and 1.3.3. We also acknowledge that a large percentage of overall expenditures directed to K-12 education might not translate into a high dollar amount for K-12 education, if the state does not spend much money overall. Indicator 1.3.1 reflects the way a state prioritizes education spending with respect to its other financial obligations. Indicator 1.3.2 (below) captures the actual dollars spent per pupil, and 1.3.3 indicates what percentage of those dollars goes to teacher salaries and benefits.

**Sub-indicator 1.3.2:** What is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state (adjusted by NCES Comparable Wage Index)? (2.2%)

Per-pupil expenditure data are drawn from the National Center for Education Statistics' (NCES) *National Public Education Finance Survey* (2011) for 2008-09. NCES reports expenditures by all the Local Education Agencies (LEAs) in the state on instruction and instruction-related activities (salaries and benefits for teachers and teaching assistants, teacher training, instructional supplies, curriculum development, student assessment, instructional technology, and libraries), student support (guidance, social work, attendance, health and psychological services, speech pathology, and audiology), administration (at the district and school level), and operations (facilities, maintenance, transportation, and food services). It does not include expenditures on capital outlay, interest on long-term debt, or programs not part of public elementary and secondary education such as adult education, community colleges, private schools, and community services. NCES then divides

total expenditures by the number of students in the state.

Dollar amounts are normed against the NCES Comparable Wage Index from 2005, which adjusts financial data by geographical differences in wages and cost of living in order to better make comparisons across states.

States are ranked and divided into quintiles; those with the smallest per-pupil expenditures receive “0,” while those with the largest per-pupil expenditures receive “4.”

**Rationale:** Districts *spend* funds received from three principal sources: state allocations of state and federal money (as described in indicator 1.3.1), direct federal aid, and local funds.<sup>9</sup> District expenditures are reported as total per-pupil spending (total expenditures divided by the number of students).

While 1.3.1 captures the way a state prioritizes education in relation to its other financial obligations, 1.3.2 reflects the actual dollars spent by LEAs on educating students. In general, teachers benefit from higher per-pupil expenditures: More dollars per student can translate into higher teacher salaries and benefits, smaller class sizes, greater spending on instructional programs, materials, support staff, and other potential improvements to teacher capacity, working conditions, and resources. A union that can generate high per-pupil expenditures is indeed strong.<sup>10</sup> This sub-indicator reflects that ability (as well as other influences on per-pupil spending). Further, unlike 1.3.1 above, this indicator includes local monies, which is important since state unions also lobby for increases in local funds (for example, pressuring the state to allow counties to enact property taxes or raise local sales taxes). Also, some states do not invest heavily in education because local districts do; this indicator captures that.

Still, while higher per-pupil expenditures likely create favorable working conditions for teachers, they do not necessarily translate into greater spending on teacher salaries and benefits—data that comprise our next indicator.

**Sub-indicator 1.3.3:** What percentage of total annual per-pupil expenditures is on teacher salaries and benefits? (2.2%)

Data for 2008-09 are drawn from the National Center for Education Statistics’ *National Public Education Finance Survey* (2011), Tables 2 and 9.<sup>11</sup> States are ranked and divided into quintiles; those with the smallest percentages receive “0,” while those with the largest percentages receive “4.”

<sup>9</sup> Data provided to authors by staff at the National Institute on Money in State Politics, 2011.

<sup>10</sup> Recall that state and national teacher unions are not technically unions—they do not have bargaining rights—but, rather, trade associations called “unions” by convention. Depending on state law, true unions (such as local teacher unions) are allowed to donate to state candidates and parties directly.

<sup>11</sup> State unions may donate to PACs and interest groups with ideological or single-issue missions, using money from member dues and agency fees. Some question the legality of such donations, given that members’ dues are ultimately being used for political purposes without members’ direct consent. Unions maintain that these contributions fall under the umbrella of their advocacy work.

**Rationale:** As labor organizations, teacher unions seek to ensure (and protect) competitive pay commensurate with similarly-educated professionals in other industries. Therefore, one potential indicator of union strength is the degree to which K-12 expenditures in a state are directed to teacher salaries and benefits.

At first glance, indicator 1.3.3 reflects what appears to be a district-level rather than a state-level decision. In all but five states (and the District of Columbia), salaries are within the scope of bargaining between local districts and their unions. Benefits are within the scope of bargaining in all but seven. Still, state unions play an important role in how districts allocate money. First, they impact state policy on, among other areas, retirement (including employer contributions to pensions, retirement age, and benefits), class size (which in turn affects district staffing ratios), and statewide cost-of-living adjustments to teacher salaries. All of these, in turn, affect how many teachers a district hires and how much it spends on their salaries and benefits. Second, state unions devote much time and energy at the local level, advising their affiliates during negotiations (or even conducting negotiations on their behalf). High allocations for teacher salaries and benefits at the local level can therefore reflect a strong state union that is equipped—and motivated—to help its local affiliates.

## **Area 2. Involvement in Politics (20%)**

This category measures ways in which a state union might influence state laws, policies, and budgets. Many forms of influence are impossible to quantify and compare, so most of the data in this category represent teacher unions' financial contributions to candidates and political parties, capturing their influence among state lawmakers, executives such as the governor, and education leaders (should these be elected officials in that particular state). We also measure union representation in a state's delegation to the Republican and Democratic national conventions.

But first, a brief explanation of how state elections are financed is in order. (See *A Lesson in Campaign Finance* sidebar for details on union political spending in general and during elections in particular.) Campaign funds can be divided into two categories, depending on the source: "inside money" and "outside money." The former refers to funds provided by the candidate himself, donations from individuals to the candidate's political action committee (PAC), and contributions from political parties. The latter refers to donations from external PACs, lobbyists, interest groups, and (depending on state election laws) labor unions and corporations. Between 2003 and 2010, inclusive, candidates for state office raised over \$8 billion, with about 36 percent originating from "outside money" (from state to state, outside money ranged anywhere from 5 percent to 60 percent of candidates' total finances).<sup>12</sup> Likewise, political parties are funded by "inside money"—in this case, donations to parties' PACs from individuals—and "outside money" (see above).

## A LESSON IN CAMPAIGN FINANCE

We know that unions devote a lot more resources to politics than the amount they and their PACs donate during elections. Campaign finance law makes it possible to compare union donations with those from other organizations to (very roughly) gauge their *relative* influence OR to get a (somewhat) complete idea of what unions, but not any other organization, spend on *all* political activities—but not both. We chose the former. Here's why, and here's what we're missing.

### What Is Political Spending?

There are five general types of political spending. First, individuals and groups may make direct donations to state candidates, political parties, and ballot measures. Second, individuals and groups use independent expenditures to fund electioneering—for example, an advertising campaign on behalf of a candidate. Third, organizations engage in member communications to relay endorsements and policy positions to members and to mobilize members to volunteer and vote. Finally, organizations spend on non-electoral politics—activities like rallies, letter-writing campaigns, and petitions. Such expenditures are *lobbying* if they are related to a specific piece of legislation and *advocacy* if they support general union interests.

### What Are State Teacher Unions Allowed and Not Allowed to Do?

As a federal tax-exempt nonprofit organization, a state union is not allowed to “influence the selection, nomination, election, or appointment of any person to any Federal, state, or local public office or to an office in a political organization.” As such, it cannot endorse candidates, donate to candidates or parties (or candidate and party PACs), or distribute campaign materials for or against a particular candidate via electioneering.<sup>6</sup> The only way a state union can participate in partisan politics is through member communications—that is, it may encourage its members to vote a certain way or mobilize them on behalf of a candidate. Otherwise, its efforts must be non-partisan: It can lobby for or against issues (so long as it does not connect those issues to candidates) and give money to ideological/single issue PACs and advocacy groups that are not connected with candidates or parties. It can also advocate on its members' behalf. Funds for these activities come from member dues (and agency fees, in states where they are legal).<sup>7</sup>

### How Do We Track Union Political Spending?

There are two ways to track union spending on state politics. Candidates and parties file recipient disclosures with their state's election agency, listing how much money they receive and from whom. Although the details of disclosures vary from state to state, they are a fairly uniform way of both tracking donations (not just from unions but from all individuals and groups) and comparing a union's share of donations with those from other sources across states. For these reasons, we use recipient disclosures in our calculations. However, the disadvantage is that disclosures capture only direct donations from unions but not all political spending by them. They don't include independent expenditures by the union-connected PAC, nor do they include spending on member communications, lobbying, or advocacy by the union itself.

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<sup>6</sup> Some also receive monies from non-public sources, such as grants from philanthropic organizations or private donations—although tracking and comparing these funds among states is difficult (or in some cases, impossible) because of the variation in state accounting policies.

<sup>7</sup> Further, the inclusion of sub-indicator 1.3.2 is premised on research showing that strong state teacher unions do help increase district per-pupil expenditures. See Michael Berkman and Eric Plutzer, *Ten Thousand Democracies* (Washington, D.C.: Georgetown University Press, 2005).

**A LESSON IN CAMPAIGN FINANCE**

The other way to track union spending on state politics is through expenditure reporting. While these reports give a more complete picture of political spending, they do not allow us to compare unions to other organizations, nor do they allow us to compare unions across states (because precise reporting requirements vary). For example, in forty-four states, individuals and organizations (such as the union-connected PAC) must report independent electioneering expenditures to state election agencies. But what gets reported and when is roughly comparable in only twenty states. The IRS also requires expenditure reporting: Federal tax-exempt nonprofits, state unions included, must file their lobbying expenses (usually spent on advertising, rallies, and consultants) plus donations to ideological/single issue PACs. But these are simply line-items, not traceable to a particular recipient or activity. We also can't use IRS reports to compare union spending to that of organizations which are not nonprofits. And neither the state-agency reports nor the IRS reports include all types of political spending.

There is one type of expenditure report that does include all political spending: that required by the U.S. Department of Labor. Unfortunately, only unions must file these, so we cannot compare union political spending to that of any other organization in the state. And again, expenditures are line-items, so we cannot trace them to a particular recipient or activity.<sup>8</sup>

Between 2003 and 2010, parties raised \$1.6 billion, nearly equally divided between inside and outside sources. This inside-outside distinction is important as it applies to our indicators below.

**Indicator 2.1:** Direct contributions to candidates and political parties (6.7%)

**Sub-indicator 2.1.1:** What percentage of total contributions to state candidates was donated by teacher unions? (3.3%)

**Sub-indicator 2.1.2:** What percentage of the total contributions to state-level political parties was donated by teacher unions? (3.3%)

<sup>8</sup> The Census Bureau, which collects fiscal data on behalf of NCES, cautions that “the characteristics of elementary-secondary school finance data are influenced by accounting requirements mandated by each state education agency. The level of financial detail that school systems must maintain varies from state to state. Different state financing methods, such as making payments on behalf of school systems to fund teacher retirement, and the use of different accounting handbooks also cause variation.” However, they take great care to make adjustments to improve accuracy and comparability across states. See <http://www.census.gov/govs/school/> for further details.

<sup>12</sup> The Department of Labor requires unions with more than \$250,000 in annual receipts to report donations and lobbying expenditures (the same information that they file with the IRS), plus the cost of member communications and advocacy and any internal expenses associated with political activities—for example, the salaries of union employees who engage in member mobilization or money spent organizing a pro-labor rally. By including member communications and advocacy, these reports capture two crucial ways that unions influence elections and policy writ large. While we cannot compare unions to other organizations, a recent *Wall Street Journal* report found that donations and lobbying account for only a small share of union political spending compared to member mobilization and advocacy. Even the AFT agreed, arguing that given its mission of organizing and activism, it will naturally spend money on these activities. See: Tom McGinty and Brody Mullins, “Political Spending by Unions Far Exceeds Direct Donations,” *Wall Street Journal*, July 10, 2012; Jeff Hauser, “Wall Street Journal Compares Union Political Spending to Corporate Donations,” AFL-CIO, July 10, 2012.



For sub-indicators 2.1.1 and 2.1.2, data are drawn from the National Institute on Money in State Politics, which collects recipient disclosure forms.<sup>13</sup> These forms report direct union-to-candidate and union-to-party donations (including donations from union-connected PACs), but they do not include other types of political spending.<sup>14</sup> We aggregate union donations for the campaign seasons between 2003 and 2010, inclusive.<sup>15</sup>

To calculate 2.1.1, for each state, we combine direct contributions from any national, state, or local teacher union and their connected PACs to all candidates running for state office, including those running for governor, legislature, high and appellate court, state executive (attorney general, treasurer, secretary of state, etc.), and education leadership positions (state board of education and chief state school officer). Total union donations to candidates are then divided by the total contributions to candidates (both inside and outside sources).

To calculate 2.1.2, for each state we combine direct union contributions from any national, state, or local teacher union and their connected PACs to political parties in that state. We then divide by the total contributions to parties (both inside and outside sources).

States are ranked and divided into quintiles; those states in which teacher unions gave the smallest percentages of all contributions receive “0,” while those in which teacher unions contributed the largest percentages of all contributions receive “4.”

**Rationale:** Political giving is a key way that unions support candidates who align with their interests, handicap candidates who do not, and encourage incumbent candidates to remain true to their campaign promises. If a significant proportion of donations to candidates and parties come from teacher unions via their connected PACs, those unions can act as key political players and possess significant sway.

We include candidate and party donations as separate indicators because states often strictly limit direct PAC-to-candidate donations. But union-connected PACs can also support candidates indirectly by donating to parties instead; most state laws make this an appealing option because PAC-to-party and party-to-candidate

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<sup>13</sup> The National Institute on Money in State Politics collects campaign finance reports filed by candidates to state (but not to local) office. As such, we could not calculate sub-indicators 2.1.1, 2.1.2, and 2.2.1 for Washington, D.C.

<sup>14</sup> Union-connected PACs register their affiliations with state election agencies, and we include donations from them in union-to-candidate and union-to-party contributions. But state unions are free to support any ideological/single-issue PAC they choose, and campaign finance law does not permit us to track those dollars—thus, they are not included here.

<sup>15</sup> By including these eight years, we were able to capture two presidential-election seasons—though national-level contributions were not included in our measures, presidential-election seasons tend to be more active politically at the state level—as well as two off-year elections for the majority of states. In some states, state elections occur in odd years, rather than in even years; and in other states, state elections are held every single year. By adding contributions across all eight years and then dividing, we ensured that we did not unfairly weight states with different election cycles.

caps are much less tight than PAC-to-candidate limits.<sup>16</sup> Unions may also contribute to parties for reasons other than indirect candidate support. By including donations to candidates and parties as two separate measures, we present a more accurate (although, admittedly, still incomplete) picture of union spending on elections.

A note on the donors: For these indicators (and 2.2.1, below), we count donations to state-level candidates and parties from state-level unions and their connected PACs, plus those from national and local unions. Local unions are affiliated with their state union, and state unions with their parent national association; as such, they frequently have similar political interests. Local and national unions may be motivated to enter state politics to bolster general union interests at the state level and/or if state issues are of particular importance to local districts.

A note on the recipients: For indicator 2.1.1 (and 2.2.1, below), we include candidates to all state offices rather than only education positions because every state leader has a hand in influencing, and in some cases virtually dictating, a state's education policy agenda—see the state profiles for countless examples. Further, in no state are both the board and chief school officer elected. In some states, the chief school officer is elected; in others, he is appointed by the governor; and in still others, he is appointed by the board. Likewise, in some states, the board itself is elected; in others, it is appointed by the governor. By including contributions to all candidates for state office, we take this into account.

A note on the results: Observers may find that the percentages we report for these sub-indicators are sometimes dubiously small. In thirty-three states, for example, unions gave less than 1 percent of the total funds received by candidates for state office. These small percentages belie the fact that “inside money”—from the candidate's party PAC, his own PAC, and his personal funds—accounts for a significant percentage of candidate and party funds. (Nationally, 64 percent of candidate campaign funds were inside money, while 36 percent were outside.) We include inside money in 2.1.1 and 2.1.2 to measure the union's role in the election writ large, but we excluded it in 2.2.1, as indicated below.

Finally, due to time and resource limitations, we did not investigate more nuanced data such as union contributions to winning candidates or union attempts to force out one candidate by supporting his or her opponent. Rather, these indicators gauge the unions' overall presence in state-level political activity.<sup>17</sup>

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<sup>16</sup> Parties can donate much more to candidates than can PACs. In twenty-two states, there are no (or virtually no) limits on party-to-candidate donations, and in twenty states, the party-to-candidate limit is at least twice (but up to one hundred times) higher than the PAC-to-candidate limit. PAC-to-candidate and party-to-candidate limits are the same in only eight states. In addition, PACs can easily donate much more to parties than they can to candidates. In twenty-eight states, there is no PAC-to-party limit. In most others, the PAC-to-party limit is two- to five-times higher than the PAC-to-candidate limit.

<sup>17</sup> Research shows, however, that teacher union endorsement does increase a candidate's chance of winning, at least in school board elections. See Terry M. Moe, “Political Control and the Power of the Political Agent,” *Journal of Law, Economics, & Organization* 22, no. 1 (2006): 1-29.

**Indicator 2.2:** Industry influence (6.7%)

**Sub-indicator 2.2.1:** What percentage of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions? (6.7%)

Data are drawn from the National Institute on Money in State Politics. As in sub-indicator 2.1.1, for the campaign seasons between 2003 and 2010 (inclusive), we combine direct contributions in each state from any national, state, or local teacher union and their affiliated PACs to state-level candidates. We compare total union donations with the contributions from the ten highest-giving outside sectors in the state, where a sector is defined as a group of organizations within the same donor class—for example, energy producers, attorneys and law firms, construction unions, chambers of commerce, etc. Sectors are assigned by the National Institute on Money in State Politics and are closely modeled after designations used by the federal government for classifying industry groups. Where teacher unions are one of the top ten sectors in a given state, the eleventh-ranked sector is included as well.

The highest-giving sectors do not include any source of “inside money” (state party committees, candidate PACs, and personal candidate funds).

States are ranked and divided into quintiles; those states in which teacher unions have the smallest contributions relative to the top ten sectors receive “0,” while those in which teacher unions have the largest relative contributions receive “4.”

**Rationale:** Here we compare contributions from teacher unions against the highest-giving sectors in the state. The sectors compete with one another for resources, benefits, and the attention of policymakers (among other things) at the state level, hoping that legislators will prioritize their interests and allocate accordingly. We exclude donations from parties and candidate PACs (whose purpose is candidate-driven rather than interest-oriented) to measure how powerful teacher unions are relative to other interest groups. We can also ascertain whether political activity is concentrated among a few power players in a given state. As sectors compete over the entire legislative agenda, if unions are big donors compared to other interests, they can nudge education policy toward the top of a legislator’s or governor’s agenda; this is a sign of a strong union.

One additional note: In indicators 2.1.1, 2.1.2, and 2.2.1, we do not include teacher union contributions to ballot measures. Although ballot measures are an important vehicle through which teacher unions can help enact (or stop) legislation aligned with their interests, states vary wildly in the way that ballot measures are proposed, certified, and voted on—and some states do not allow them at all. Hence, we could not compare this aspect fairly across states, and we do not include it in the metric. Nor can we include electioneering, member communications, lobbying, and advocacy expenditures by unions and their PACs, because campaign finance law prohibits us from tracking and comparing these

data (see sidebar: *A Lesson in Campaign Finance*). However, we acknowledge that there are other channels through which unions exert political influence, and in our state profiles, we note instances in which the unions were particularly involved in politics (such as supporting a ballot measure, lobbying or electioneering, or turning to the courts to stop a piece of legislation) in ways not captured by our indicators.

**Indicator 2.3:** Status of delegates (6.7%)

**Sub-indicator 2.3.1:** What percentage of the state's delegates to the Democratic and Republican National Conventions were members of teacher unions? (6.7%)

Data are drawn from the Inter-university Consortium for Political and Social Research's *2000 Convention Delegate Survey*. Democratic and Republican convention percentages are averaged for each state. States are ranked and divided into quintiles; those states in which teacher union members represent the smallest percent of delegates receive "0," while those in which they represent the largest percent receive "4."

At the time of publication, the *2000 Convention Delegate Survey* was the most recent report in which such detailed data were available in forms that met rigorous standards. The 2000 survey is routinely used by researchers in work similar to ours. In addition, 2008 data provided by the Democratic National Committee were highly correlated with the reliable figures from 2000. We did not use the 2008 figures because they did not have information on Republican delegates and contained some errors and ambiguities. As of yet, no data have been released regarding delegates to the 2012 conventions. And, to our knowledge, there are no comparable data on delegates to state-level conventions (which not all states have).

**Rationale:** If teacher unions represent a vital constituency to one party (or both), those unions will have greater sway over public officials—legislators, education leaders and state school board members, and the governor—and over the decisions that they make. Examining a state's proportion of national convention delegates who are teacher union members is one proxy for measuring how vital a constituency the unions are to their respective parties in that state; and, in turn, this measurement can illustrate the influence that unions have over politics in general, particularly in ways not captured by direct donations (see Indicator 2.1).

**Area 3. Scope of Bargaining (20%)**

This area links union strength to state laws directly related to collective bargaining. Like many analysts, we see bargaining status as a measure of union strength: In some states, teachers are not permitted by law to bargain collectively with their employers. In others, such bargaining is permitted but not required by state law. In still others, it is mandatory. We also include the legality of agency fees and other payroll deductions for dues as measures of unions' strength—barring unions from collecting agency fees from non-

member teachers and/or from automatically deducting dues from the paychecks of their members cuts off key sources of union revenue. We examine these areas, as well as the scope of bargaining and the legality of teacher strikes.

**Indicator 3.1:** Legal scope of bargaining (6.7%)

**Sub-indicator 3.1.1:** What is the legal status of collective bargaining? (3.3%)

Data are drawn from the National Council on Teacher Quality's Teacher Rules, Roles, and Rights (TR3) database, accessed in February 2012. For the TR3 indicator listed as "legality of collective bargaining," a state receives "0" for "collective bargaining is explicitly illegal," "2" for "collective bargaining is permissible" (meaning state law either explicitly permits bargaining or implicitly allows it by not addressing bargaining at all), or "4" for "state requires collective bargaining."

**Rationale:** While it is at the discretion of the teachers in a given district whether they want to organize, in mandatory-bargaining states, the district must recognize such an organization as a union and negotiate a binding contract with it per teachers' request. (And in mandatory-bargaining states, an average of 75 percent of districts operate under such contracts.)<sup>18</sup> In permitted-bargaining states, the district can decide whether to recognize the teacher association as a union or not and then bargain with it; in prohibited states, teachers may still organize into employee associations, but districts may not recognize them as bargaining units or negotiate binding contracts with them.

The ability of teacher unions to engage in collective bargaining is an obvious and powerful gauge of state union strength because mandatory bargaining means unions at all levels have more resources. Not only is mandatory bargaining apt to bring increased membership and revenue, it also gives teacher unions status, which gives weight to their lobbying and advocacy campaigns and increases the receptivity of state policymakers to their efforts. If teacher unions are a strong presence in the state in general, they can better use their political muscle to influence state policy.

<sup>18</sup> National Center for Education Statistics Schools and Staffing Survey (SASS) 2007-08, Table 7, [http://nces.ed.gov/surveys/sass/tables/sass0708\\_2009320\\_d1s\\_07.asp](http://nces.ed.gov/surveys/sass/tables/sass0708_2009320_d1s_07.asp).

**Sub-indicator 3.1.2:** How broad is the scope of collective bargaining? (3.3%)

Data are again drawn from the National Council on Teacher Quality's TR3 database, accessed in February 2012.<sup>19</sup> A state's overall score represents its average across twenty-one potential elements that could be collectively bargained.

The twenty-one provisions are wages; hours; terms and conditions of employment; grievance procedures; management rights; probationary period (tenure); transfer/teacher reassignment; layoffs/reduction in force; dismissal; evaluation process/instruments; insurance benefits; pension/retirement benefits; fringe benefits; leave; length of the teacher school year; course content, curriculum, and textbook selection; class load; class size; length of preparation periods; number of parent teacher conferences; and extracurricular duties.

Each provision is scored according to its bargaining status. Provisions receive "0" if bargaining over that provision is explicitly prohibited, meaning that the district may decide that issue unilaterally without negotiations or the state can impose the provision on its districts. In states that do not allow collective bargaining at all, all provisions are scored "0." Provisions that receive scores of "1," "2," or "3" are open to negotiation between local districts and unions, to varying degrees. Areas are scored with "1" if "there is no state statute regarding collective bargaining," and thus all provisions are implicitly within the scope of bargaining. The area is scored "2" if bargaining in general is allowed but that specific provision is "not addressed in state law or administrative code." The issue receives "3" if it is explicitly a "permissive subject of bargaining," meaning districts may (but do not have to) bargain it. Finally, contract provisions are scored "4" if they are a "mandatory subject of bargaining," meaning that a district must negotiate it with its teacher union.<sup>20</sup>

**Rationale:** The fewer items that a state or district can impose unilaterally, the more leverage the union has. The twenty-one items included here, while not all of equal importance in the eyes of teacher unions, provide a snapshot of that leverage for teacher unions across our fifty-one jurisdictions.

<sup>19</sup> NCTQ notes, "The data represent a comprehensive analysis of state statutes. We do not systematically include other sources of legal authority, such as case law, attorney general opinions, or decisions made by labor relations boards. Where we know of relevant case law on an issue we include it, but the exhaustive nature of case law precluded a systematic search. References to case law that are found in the database have been generously provided to us by the National Education Association." As such, NCTQ does not consider policies that cover an entire state which are not enacted into law. The difference between statute and policy is semantic because state leaders must use statute in order to mandate policies at the district level—except in Washington, D.C. There, the state, city, and district are concurrent—and only in recent years has there even been a "state" office of education. As such, education policy can be mandated in one of three ways: via D.C. code (passed by the City Council and approved by the United States Congress); through D.C. Municipal Regulations (rules and regulations from the city's executive and administrative agencies); and by the chancellor of D.C. Public Schools (the District of Columbia Public Education Reform Amendment Act of 2007, part of D.C. code, states that "The Mayor shall govern the public schools of the District of Columbia" (Section 105.a) and "DCPS shall be administered by a Chancellor" whose duties are outlined in Section 105.c). (Only in Washington, D.C. does municipal code (enacted by the City Council) cover the same geographical area as state code.) Thus, for all indicators in Area 3, as well as Area 4, we consider policy mandates from all three sources, not only those codified by D.C. law. As such, we modified NCTQ's data for Washington, D.C.; we also made minor changes to their data to correct for errors.

<sup>20</sup> If a state prohibits bargaining, or if there is no state statute regarding collective bargaining, we cannot disaggregate the scope of bargaining by provision. This is noted where relevant in the state profiles.

**Indicator 3.2:** Automatic revenue streams (6.7%)

**Sub-indicator 3.2.1:** What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions? (6.7%)

Data are again drawn from the National Council on Teacher Quality's TR3 database, accessed in February 2012.

For the TR3 indicator listed as "agency fees permitted," a state receives "0" for "no" or "collective bargaining prohibited," "2" for "neither authorized, nor prohibited," or "4" for "yes."<sup>21</sup>

**Rationale:** Automatically collecting revenue is a vital way that a union can build large reserves of funds and amass dollars to spend on political campaigns and advocacy. There are two available streams of automatic revenue: agency fees and member payroll deductions.

In any state, any teacher may decide that he or she does not want to belong to the local union. Unions argue, however, that they represent all employees in a district whether those individuals all choose to be union members or not—for example, all district teachers, not just union members, benefit if the union negotiates for higher teacher salaries. Unions therefore face a problem: If teachers choose not to be members (and, therefore, do not have to pay membership dues), they receive the benefits of union representation without having to pay for such benefits. And if enough teachers choose not to be members, the union is forced to operate with little revenue.<sup>22</sup> To address this issue, the law in some states permits unions to automatically charge "agency fees" to non-member teachers. Even if a teacher opts not to belong to the local union, that union can still deduct the agency fees from the teacher's paycheck, thereby securing its revenue.<sup>23</sup>

State law may also prohibit unions from automatically deducting dues from the paychecks of teachers who are union members. Instead, members must authorize such deductions, and reauthorize them periodically as the law requires. Should a member choose not to authorize those deductions, the union can still charge them dues, but has no way of actually collecting them. Recently, lawmakers have enacted (or failed in the attempt to enact) measures prohibiting automatic payroll deductions as a way to curtail union power in states where agency fees are legal.

<sup>21</sup> NCTQ included in its variable for "agency fees permitted" whether or not unions can charge agency fees to non-members and whether they can automatically deduct dues from the paychecks of its own members. The question included in sub-indicator 3.3.1 reflects both of these conditions, although the variable name used by NCTQ does not.

<sup>22</sup> This is the classic "free-rider problem," a familiar concept in labor economics, psychology, and political science.

<sup>23</sup> Agency fees are one part of states' right-to-work legislation. "Right-to-work" specifically means that union membership cannot be a condition of employment. As such, right-to-work status dictates that a union cannot automatically charge all teachers membership dues because not all teachers need be union members. However, there is a legal loophole that would still allow a local union to collect money from all teachers in a district: charge dues to its members, and automatically collect so-called "agency fees" from the paychecks of non-members. Right-to-work states close this loophole by prohibiting agency fees. While right-to-work and prohibiting agency fees are in spirit the same concept (and are often used interchangeably), we refer to agency fees specifically because they are a source of union revenue.

**Indicator 3.3:** Right to strike (6.7%)**Sub-indicator 3.3.1:** What is the legal status of teacher strikes? (6.7%)

Data are drawn from the National Council on Teacher Quality's TR3 database, accessed in February 2012. For the TR3 indicator listed as "can teachers strike," a state receives "0" for "no," "2" for "neither authorized, nor prohibited," or "4" for "yes."

**Rationale:** Where teachers can legally strike, their unions have the benefit of a straightforward and powerful method of publicly protesting unfavorable policies. Of course, teachers do sometimes strike in states that do not legally permit it—which may reflect an even stronger and bolder teacher union. But because such cases are difficult to evaluate systematically, we limit this sub-indicator to identifying state-level policies regarding striking. (We recognize another limitation, too: Some public-employee strike laws pre-date teacher unionization.)

**Area 4. State Policies (20%)**

This area measures teacher union strength as the degree of alignment between state-level education policies (as of late 2011) and traditional union interests. The indicators address two types of policies in which unions have shown considerable interest: teacher employment rules and charter school laws. The former relate to teacher evaluations, tenure, layoffs, class size, pensions, and performance pay. The latter include laws related to the allowable number and types of charter schools, the ease with which they are authorized, and whether or not charters are exempt from state laws (including teacher certification requirements), district regulations, and collective bargaining agreements.

The indicators take a neutral stance on the policies themselves; the metric assumes that teacher unions will take a particular stance on each of them, however, and simply measures the extent to which an established policy aligns or does not align with that stance. The indicator does not rank the state policy against a normative standard of whether it is "good" or "bad." We're mindful that not all teacher unions share the same stance on the same issues at the same time. But while some state unions may take a more nuanced view toward certain policies, teacher unions exist to act in the interest of their members; hence, most teacher unions will react to policies in similar ways.

The inclusion of these policies in our metric does not necessarily mean that teacher unions shaped (or failed to shape) them. Even if union-favored policies are not directly linked with union activity, a favorable policy climate nevertheless helps to protect the union and its interests. For example, if state policy constrains charter schools, teacher unions need not fear that district schools—their members' principal employers—will lose much market share to charters. Even if the union did not influence the policy, it and (it presumes) its



members benefit from that policy—and preserving the status quo is generally much easier than changing it.<sup>24</sup>

**Indicator 4.1:** Performance pay (2.9%)

**Sub-indicator 4.1.1:** Does the state support performance pay? (2.9%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Indicator 4-F.2 asks, "Do states support performance pay?" A state receives "0" for "performance included in salary schedule for all teachers"; "1" for "performance bonuses required to be available to all teachers"; "2" for "performance pay permitted/encouraged by the state"; "3" for state-sponsored performance-pay initiatives offered in select districts"; or "4" for "does not support performance pay." The closer the policy is to the typical union position, the higher the score.

**Rationale:** Tying teacher pay to student performance is one of the most hotly contested teacher policies of late, and teacher unions play a significant role in the debate. Some performance pay systems give teachers bonuses on top of their base salaries; others tie a portion of a teacher's base salary to performance (and give her a raise if she is judged to be effective in the classroom) or prevent a teacher from receiving automatic yearly salary increases, also called "step increases," if she is deemed ineffective.

While education reformers often push districts and states to adopt performance pay, pushing is sometimes the best they can do. If teacher salaries are mandated elements of collective bargaining, the state cannot impose a pay scale (unless the law contains a specific provision that lets the state determine any wages and bonuses not tied to training and/or experience, as in California, for example). Where state lawmakers are allowed to enact merit pay, they typically encounter staunch opposition from teacher unions—the NEA and its affiliates take a particularly hard line against any policy, merit pay included, which treats teachers differently on the basis of their performance.<sup>25</sup> In the handful of states where merit pay has become state law, the union was not strong enough to block it.

**Indicator 4.2:** Retirement (2.9%)

**Sub-indicator 4.2.1:** What is the employer versus employee contribution rate to the teacher pension system? (2.9%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Indicators 4-H.7 and 4-H.9 list employer and employee

<sup>24</sup> The state profiles record several instances in which lawmakers did not pursue reforms—not because of the union, but because they themselves did not want them. This was the case in Vermont, for example, where the state wanted to maintain local district control and therefore eschewed any policies that increased the power of the state at the expense of districts.

<sup>25</sup> The NEA's 2011-12 Policy Handbook, Resolution F-8: "Collective bargaining agreements between education employees... and their employers should contain certain standard contractual concepts. These concepts include (section Q): Salary schedules that are equitable, regardless of the age level of the students being taught, and are based upon preparation, professional growth, and length of service, and that exclude any form of merit pay." See <http://www.nea.org/assets/docs/nea-handbook.pdf>.

**POLICIES IN FLUX**

Our data reflect state-level teacher employment and charter school policies as of December 2011. We're well aware that this moment in time reflects a good deal of very recent legislation. Many states enacted major reforms in these areas during 2010 and 2011, motivated by the federal Race to the Top competition, changes in state leadership (especially if the occupants of key policy roles changed from one party to the other, as happened in many places in November 2010), and in anticipation of applying for an NCLB waiver. These reforms sometimes altered long-standing policies or provided state officials with greater control over issues that had previously been at the discretion of districts. It's reason to suppose that some—maybe many—of these recent changes signal that unions are weaker than they once were, or at least weaker than other forces now engaged in state-level education policy. And our deep dives into individual states indicate that in many cases this is correct: Policies are being enacted due to forces other than—or stronger than—the teacher unions.

But our examination also shows that unions typically have a great deal of influence over the design of some reform policies, even if they cannot keep reforms off the policy agenda. Many states, for example, enacted new laws requiring that districts include student achievement data in teacher evaluations. But the design of these laws varies from state to state, and some are significantly more demanding than others. Some laws mandate, for example, that half of the evaluation be based on student test scores—but some require far less, or leave the weighting to individual districts. Some allow for district-created or even teacher-created assessments to be used rather than statewide assessments. And some are only plans or declarations of intent, indicating that at some point in the future, the state will implement a yet-to-be-designed system. Given this reality, we asked not only whether a state had a particular policy such as a statewide evaluation system, but also the degree to which the design of that policy aligns with union interests (e.g., how does it treat the role of student achievement in such evaluations?).

That said, we offer two important caveats. First, our state-level investigations reveal the volatility of state-level education policy circa 2011-12 and a large number of places where it is very much in flux. States are rapidly, and drastically, enacting policies, and our calculations reflect the state of state policies at a certain point in time. Many states are currently altering long-standing policies and some have done so since we gathered our data. (Where possible, we note this in the state profile reports.) Second, the indicators in this metric reflect only the policies codified in state law. We're mindful that a state's constitution (and the subsequent interpretation of that document by courts) can also have a significant impact on education laws in that state. In Virginia, for example, the legislature cannot mandate that teacher evaluations include student achievement data or permit entities other than local school boards to authorize charter schools because both actions are prohibited by the state constitution (or at least *interpreted* as prohibited). (This is not to say that legislatures have not passed laws that are unconstitutional, and that unions have not filed lawsuits to stop them!) However, the state code contains the bulk, if not the entirety, of what is commonly termed "education policy" in each state.

contribution rates, respectively. We use these data to calculate the ratio of employer-to-employee contribution rates for each state. (For those states in which teachers participate in Social Security, the flat employer/employee contribution rate of 6.2 percent is added onto both the state employer and employee contribution rates before calculating the ratio.) States are ranked and divided into quintiles; those with the lowest employer-to-employee contribution ratios receive "0," while those with the highest ratios receive "4."

Data were not available for Michigan (which began a new system in 2010 and is not yet reporting employer contributions) or New Jersey (which reports contributions as dollar amounts rather than percentages). This indicator was omitted from the metric calculations for these states.

**Rationale:** Teacher pensions are a significant avenue through which unions can boost benefits for their members—and pension policy, with a few exceptions nationwide, is exclusively the domain of the state.<sup>26</sup> At the same time, many states have massively underfunded pensions, and raising employee contributions is one way to decrease their liability. However, lawmakers may be reluctant to raise employee contributions because the repercussions are immediate and tend to provoke a highly public reaction from the union (and the teachers they represent). So lawmakers may turn to less visible measures like reducing future benefits, or choose to do nothing at all, passing the buck to the next generation of legislators (and taxpayers). Given this context, if a state mandates that districts pay a significantly greater share of pension contributions than their employees, a strong labor constituency is likely behind the decision.

**Indicator 4.3:** Evaluations (2.9%)

**Sub-indicator 4.3.1:** What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)? (1.4%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Indicator 5-B.2 asks, "What are the consequences for veteran teachers who receive unsatisfactory evaluations?" A state receives "0" for "eligible for dismissal after multiple unsatisfactory ratings"; "2" for "improvement plan after a single unsatisfactory rating" or "other consequences" (if not superseded by "eligible for dismissal after multiple unsatisfactory ratings"); or "4" for "no articulated consequences."

**Rationale:** Teacher evaluations have recently emerged as one of the most hotly contested teacher policies, especially given the Race to the Top push that evaluations be used to "remov[e] ineffective tenured and untenured teachers and principals after they have had ample opportunities to improve" and the No Child Left Behind waiver application, which requires that evaluations should be used to inform personnel decisions.<sup>27</sup>

Teacher unions have played a significant role in these debates. Because their primary role is to protect members' jobs, they are particularly concerned with dismissal rules tied to those evaluations. Standard practice is to remediate teachers who receive unsatisfactory evaluations, putting them through cycles of "improvement plans" and offering them multiple channels to appeal poor ratings, while requiring administrators to gather copious documentation before they can be dismissed. However, reformers criticize this process as protecting ineffective teachers and have pushed for more streamlined dismissal procedures—procedures that teacher unions stoutly resist because they reduce teacher job security (and,

<sup>26</sup> In some states, teachers have their own pension funds, and in others they share a fund with all public employees. However, teachers represent a significant proportion of those employees. See Josh Barro and Stuart Buck, "Underfunded Teacher Pension Plans: It's Worse Than You Think," Manhattan Institute for Policy Research, 2010, [http://www.manhattaninstitute.org/html/cr\\_61.htm](http://www.manhattaninstitute.org/html/cr_61.htm).

<sup>27</sup> U.S. Department of Education, "Race to the Top Program Executive Summary," Section (D)(2)(iv)(d), <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>; U.S. Department of Education, "ESEA Flexibility Frequently Asked Questions," Section 3(6), <http://www.ed.gov/esea/flexibility>.

they say, threaten due process, leaving teachers vulnerable to baseless firings by capricious or vindictive administrators). Where reformers have successfully reduced job protections for ineffective teachers, it has typically been because teacher unions could not stop them.

**Sub-indicator 4.3.2:** Is teacher classroom effectiveness included in teacher evaluations? If so, how is it weighted? (1.4%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Indicator 3-B.2 asks, "Do states consider classroom effectiveness as part of teacher evaluations?" A state receives "0" for "requires that student achievement/growth is the preponderant criterion in teacher evaluations"; "1" for "specifies that teacher evaluations are to be significantly informed by student achievement/growth"; "3" for "requires that teacher evaluations include objective evidence of student learning"; or "4" for "student achievement data not required."

**Rationale:** The Race to the Top competition and the ESEA waiver process both emphasized evaluating teachers based on their effectiveness. Race to the Top requires that states "design and implement rigorous, transparent, and fair evaluation systems for teachers and principals that differentiate effectiveness using multiple rating categories that take into account data on student growth as a significant factor." The criteria for an NCLB waiver are more flexible, acknowledging the (union-supported) argument that teacher effectiveness can be measured in multiple ways; as such, the waiver requires that teacher evaluations "use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities) and other measures of professional practice."<sup>28</sup>

Reformers generally push for evaluation systems that include objective measures of student achievement. And not surprisingly, the unions push back. Their objections are numerous: Districts, rather than the state, should dictate the terms of teacher evaluations (and teachers themselves should have a hand in developing the evaluations). Measuring student achievement using standardized measures (usually scores on state tests, but also by SAT scores or graduation rates) is unfair—evaluations need to include (and heavily weigh) more subjective measures like adherence to professional standards and classroom observations. If a state insists on using test scores to measure student achievement, it should use teacher-developed assessments, not just standardized exams. Where states require that teacher evaluations include student achievement data AND that those data are the preponderant evaluation criteria, teacher unions were typically not strong enough to keep such policies out of state law.

<sup>28</sup> U.S. Department of Education, "Race to the Top Program Executive Summary," Section (D)(2)(ii), <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>; U.S. Department of Education, "ESEA Flexibility," Section 3(2), <http://www.ed.gov/esea/flexibility>.

**Indicator 4.4:** Terms of employment (2.9%)

**Sub-indicator 4.4.1:** How long before a teacher earns tenure? Is student/teacher performance considered in tenure decisions? (1.0%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Two NCTQ indicators, 3-D.2 and 3-D.3, inform this question.

3-D.2 asks, "How long before a teacher earns tenure?" A state receives "0" for "state only rewards annual contracts" or "no policy"; "1" for "5 years"; "2" for "4 years"; "3" for "3 years"; or "4" for "2 years" or "1 year." In other words, once again, the closer the policy is to what the union would favor, the higher the score.

3-D.3 asks, "How are tenure decisions made?" A state receives "0" for "evidence of student learning is the preponderant criterion"; "2" for "some evidence of student learning is considered"; or "4" for "virtually automatically."

Final scores are the average of the two indicators for each state.

**Rationale:** As labor organizations, teacher unions focus on job security, and tenure is the bedrock of that security. Once a teacher earns tenure, it can be extremely difficult—in some states, according to reformers, all but impossible—to dismiss them. Thus, reformers normally push for longer pre-tenure probationary periods (or no tenure at all) to ensure that ineffective teachers are not ushered into ironclad protection before districts can intervene. They also want districts to ensure that only effective teachers receive tenure, noting that many existing systems offer tenure virtually automatically at the end of the probationary period, without considering teacher performance. Race to the Top also pushed states to use evaluations when making tenure decisions.<sup>29</sup> Where tenure is prohibited or granted only after a long probationary period and/or tied to measures of performance, teacher job protection (and union strength, we hypothesize) is weaker.

**Sub-indicator 4.4.2:** How are seniority and teacher performance considered in teacher layoff decisions? (1.0%)

Data are drawn from the National Council on Teacher Quality's *2011 State Teacher Policy Yearbook*. Two NCTQ indicators, 5-D.3 and 5-D.4, inform this question.

5-D.3 asks, "Do states prevent districts from overemphasizing seniority in layoff decisions?" A state receives "0" for "yes, seniority cannot be considered"; "1" for "yes, seniority can be considered among other factors"; "2" for "no, layoff criteria left to district discretion"; "3" for "no, tenure status must be considered" or "no, seniority must be considered"; or "4" for "no, seniority is the sole factor."

<sup>29</sup> U.S. Department of Education, "Race to the Top Program Executive Summary," Section (D)(2)(iv)(c), <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>.

5.D-4 asks, “Do districts have to consider performance in determining which teachers are laid off?” A state receives “0” for “yes” or “4” for “no.”

Final scores are the average of the two indicators for each state.

**Rationale:** As teacher evaluation and tenure policies have come under scrutiny nationwide, layoff policies are also under review—and have become more significant in a time of tight or declining district budgets. Traditionally, when districts let go teachers for reasons outside of the teachers’ control (for example, increased class sizes, cuts to programs, school closures, and/or declining enrollment), they do so using a “last in, first out” system. Probationary teachers get laid off before tenured teachers. Tenured teachers with less seniority get laid off before those with more. Unions favor such a system because it is uniform, but reformers argue that it is completely counterproductive to student interests: Districts should be able to keep their most effective teachers in the classroom regardless of tenure/seniority considerations. Layoffs tied to performance (not seniority) run counter to traditional union interests, however, and if state lawmakers enact such a policy, it signals that union efforts to stop them were not enough.

**Sub-indicator 4.4.3:** What percentage of the teaching workforce was dismissed due to poor performance? (1.0%)

Dismissal rates for 2007-08 are drawn from the National Center for Education Statistics’ *Schools and Staffing Survey* (2009), Table 8, “Average number of public school teachers who were dismissed in the previous year or did not have their contracts renewed based on poor performance.” A state’s dismissal rate is the average number of dismissed teachers per district divided by the average number of teachers per district. States are ranked and divided into quintiles; those with the highest dismissal rates receive “0,” while those with the lowest rates receive “4.”

**Rationale:** Some states have policies requiring that layoffs and dismissals be based at least in part on teacher performance, as well as on seniority and/or tenure status. But the policies themselves might not have teeth, perhaps because lawmakers are disinclined to fight with unions and other stakeholders. Other states do not have these policies, allowing districts to determine layoff criteria. A high rate of dismissal due to poor performance may, then, be a sign of a weak union, one that could not prevent lawmakers from enacting performance-based employment statutes and/or could not deter districts from using such policies.

**Indicator 4.5:** Class size (2.9%)

**Sub-indicator 4.5.1:** Is class size restricted for grades 1-3? If so, is the restriction limit larger than the national average (20)? (2.9%)

Data on class size restrictions are drawn from the National Council on Teacher Quality's TR3 database, accessed in January 2012. For each state, three NCTQ indicators ask "what is the class size restriction" for grade 1, grade 2, and grade 3, respectively.

We compare the average class size restriction for grades 1-3 in each state against the national average class size in elementary school, which is listed as twenty students per class in 2007-08 by the Digest of Education Statistics (2010). A state receives "0" if class size "is not addressed in the scope of NCTQ reviewed documents"; "2" if the average class size restriction for grades 1-3 is larger than or equal to the national average size, or if the state encourages, but does not mandate, a policy smaller than the national average class size; or "4" if the average class size restriction for grades 1-3 is smaller than the national average class size.

**Rationale:** State-mandated class size restrictions are beneficial to teacher unions for two reasons: it creates favorable working conditions for their teachers and it ensures that districts must hire a certain number of teachers. The latter is especially important in times of fiscal crisis, when one of the first things districts do to cut costs is increase class sizes (whereupon they do not need to employ as many teachers). But if the state puts a cap on class size, districts can only raise class sizes so far. State policies that restrict class size are favorable to union interests; therefore, we see these policies as an indicator of a strong union.

**Indicator 4.6:** Charter school structural limitations (2.9%)

**Sub-indicator 4.6.1:** Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools? (1.0%)

Data are drawn from the National Alliance for Public Charter School's *Measuring Up to the Model: A Ranking of State Charter School Laws* (2012). The report rates state charter laws against the standard "No caps: No limits are placed on the number of public charter schools or students (and no geographic limits); if caps exist, there is adequate room for growth." For the report's "no caps" indicator, each state is scored as follows:

0 = The state does not have a cap.

1 = The state has a cap with room for ample growth. OR The state does not have a cap, but allows districts to restrict growth.

2 = The state has a cap with room for adequate growth.

3 = The state has a cap with room for limited growth.

4 = The state has a cap with no room for growth.

N/A = The state does not have a charter school law.

**Sub-indicator 4.6.2:** Does the state allow a variety of charter schools (start-ups, conversions, and virtual schools)? (1.0%)

Data are drawn from the National Alliance for Public Charter School's *Measuring Up to the Model: A Ranking of State Charter School Laws* (2012). The report rates state charter laws against the standard "A variety of public charter schools is allowed, including new start-ups, public school conversions, and virtual schools." For the report's "a variety of public charter schools allowed" indicator, each state is scored as follows:

0 = The state allows new start-ups, public school conversions, and virtual schools.

1 = The state allows new start-ups and virtual schools, but not public school conversions.

2 = The state allows new start-ups and public school conversions, but not virtual schools. OR The state allows only new start-ups.

4 = The state allows only public school conversions.

N/A = The state does not have a charter school law.

**Sub-indicator 4.6.3:** How many charter authorizing options exist? How active are those authorizers? (1.0%)

Data are drawn from the National Alliance for Public Charter School's *Measuring Up to the Model: A Ranking of State Charter School Laws* (2012). The report rates state charter laws against the standard "Multiple authorizers available: Two or more viable authorizing options for each applicant with direct application allowed to each authorizing option." For the report's "multiple authorizers available" indicator, each state is scored as follows:

0 = The state allows two or more viable authorizing options for each applicant.

1 = The state allows two or more viable authorizing options for each applicant, but requires applicants to get preliminary approval from a state charter school advisory committee.

2 = The state has only a single viable authorizer option available, and there is considerable authorizing activity. OR The state allows two or more viable authorizing options for applicants in some but not all jurisdictions. OR The state allows two or more viable authorizing options for applicants but the authorizing activities of such entities is limited.

3 = The state has only a single viable authorizer option available, and there is some authorizing activity.

4 = The state has only a single viable authorizer option available, and there is no or almost no authorizing activity.

N/A = The state does not have a charter school law.



**Rationale:** Teacher unions ordinarily object to policies that encourage the expansion and autonomy of charter schools.<sup>30</sup> A system that fosters charter school growth and grants these schools significant autonomy threatens union interests for two reasons. First, a robust charter sector endangers the job security of unionized teachers because students (and money) leave district schools for charters. Second, as the number of charters increases, so does the number of public school teachers who are not unionized, jeopardizing the unions' near-monopoly on representing educators. The unions argue that this is bad for teachers—if they are not working under a union contract, they risk unfair or capricious working conditions. Choice supporters argue that union opposition has nothing to do with teachers and everything to do with the union's self-interest (fewer members mean less money and less political weight) and that teachers are choosing to work at charters expressly because they feel that unions protect adults to the detriment of students.

The three sub-indicators under “charter school structural limitations” measure charter expansion policies (autonomy is examined below).

With sub-indicator 4.6.1, we ask whether the state caps the number of charters allowed to operate and whether that cap allows the sector to grow. A high cap, with ample room underneath it for charter expansion, is counter to union interests; thus, we see these policies as an indicator of a weak union.

With sub-indicator 4.6.2, we examine the diversity of charters allowed by the state. Unions prefer that states permit only charters that have been converted from district schools. The reasoning is pragmatic (allowing only conversions limits the total number of charters because there are only so many eligible schools) but also ideological: Conversion implies charters are a last-resort solution rather than a promising practice that should be encouraged to grow. Unions object to opening up the sector to include new schools and especially virtual schools—both permit the sector to grow, but virtual schools are particularly distasteful because they challenge the traditional role of the teacher and typically operate with fewer (often non-union) teachers per student. State policies that allow a diversity of charters are counter to union interests; thus, we see these policies as an indicator of a weak union.

With sub-indicator 4.6.3, we examine charter school authorizing options. It is difficult for the sector to grow if would-be charter operators have only one route to authorize the school. Some states allow only local school boards to authorize charters, while others permit county and/or state boards, a state charter commission, colleges and universities, and/or other education agencies to authorize as well. Likewise, it is difficult for the sector to grow if the available

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<sup>30</sup> Specifically, that “unions focus their attention on certain clusters of [charter school] provisions,” which include “requiring local school districts to approve charters, adherence to existing district collective bargaining agreements, and preventing charters from hiring/firing teachers without district oversight.” See Francis X. Shen and Kenneth K Wong, “Beyond Weak Law, Strong Law: Political Compromise and Legal Constraints on Charter School Laws” (paper prepared for the annual meeting of the American Political Science Association, Philadelphia, PA) August 31 - September 3, 2006, [http://www.fxshen.com/Shen&Wong\\_APSA-2006\\_CharterLaws.pdf](http://www.fxshen.com/Shen&Wong_APSA-2006_CharterLaws.pdf).

authorizer(s) are not actually active in authorizing schools (usually due to restrictive authorizing processes, again determined by the state). State policies that allow for multiple authorizers and permit those entities to be active are counter to union interests; thus, we see these policies as an indicator of a weak union.

**Indicator 4.7:** Charter school exemptions (2.9%)

**Sub-indicator 4.7.1:** Are charter schools automatically exempt from state laws, regulations, and teacher certification requirements (except those that safeguard students and fiscal accountability)? (1.4%)

Data are drawn from the National Alliance for Public Charter School's *Measuring Up to the Model: A Ranking of State Charter School Laws* (2012). The report rates state charter school laws against the standard "Automatic exemptions from many state and district laws and regulations: Exemptions from all laws, except those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information, and generally accepted accounting principles; exemption from state teacher certification requirements."<sup>31</sup> For the report's "automatic exemptions from many state and district laws and regulations" indicator, each state is scored as follows:

0 = The state law provides automatic exemptions from many state and district laws and regulations and does not require any of a school's teachers to be certified.

1 = The state law provides automatic exemptions from many state and district laws and regulations and requires some of a school's teachers to be certified.

2 = The state law provides automatic exemptions from many state and district laws and regulations and requires all of a school's teachers to be certified. OR The state law provides automatic exemptions from many state and district laws and regulations and requires all of a school's teachers to be certified for some charters and requires some of a school's teachers to be certified for other charters. OR The state law allows schools to apply for exemptions from state and district laws and requires some of a school's teachers to be certified. OR The state law allows schools to apply for exemptions from state and district laws, including from certification requirements. OR The state law provides automatic exemptions from many state and district laws and regulations for some schools but not others and requires all of a school's teachers to be certified but provides exceptions. OR The state law provides some flexibility from state and district laws and regulations for some schools but less for others and does not require any of a school's teachers to be certified.

3 = The state law allows schools to apply for exemptions from state and district laws and requires all of a school's teachers to be certified. OR The state law does not provide automatic exemptions from many state and district laws and regulations and does not require any of a school's teachers to be certified. OR The

<sup>31</sup> In this sub-indicator, we consider all state laws (including certification) together, while in our state profiles we present exemptions from teacher certification laws separately for clarity.

state law allows schools to apply for exemptions from state and district laws and requires some of a school's teachers to be certified.

4 = The state law does not provide automatic exemptions from state and district laws and regulations, does not allow schools to apply for exemptions, and requires all of a school's teachers to be certified.

N/A = The state does not have a charter school law.

**Sub-indicator 4.7.2:** Are charter schools automatically exempt from collective bargaining agreements (CBAs)? (1.4%)

Data are drawn from the National Alliance for Public Charter Schools' *Measuring Up to the Model: A Ranking of State Charter School Laws* (2012). The report ranks state charter laws against the standard "Automatic collective bargaining exemption: Charter schools authorized by non-local board authorizers are exempt from participation in district collective bargaining agreements; charter schools authorized by local boards are exempt from participation in district collective bargaining agreements." For the report's "automatic collective bargaining exemption" indicator, each state is scored as follows:

0 = The state law does not require any charter schools to be part of district collective bargaining agreements.

1 = The state law exempts some schools from existing collective bargaining agreements, but not others (but allows those not exempted to apply for exemptions).

2 = The state law exempts some schools from existing collective bargaining agreements, but not others.

3 = The state law requires all charter schools to be part of existing collective bargaining agreements, but schools can apply for exemptions. OR The state law requires all charter school staff to be employees of the local school district, but exempts the staff from state education employment laws.

4 = The state law requires all charter schools to be part of existing collective bargaining agreements, with no opportunity for exemptions.

N/A = The state does not have a charter school law.

**Rationale:** These two sub-indicators measure state policies that grant charter schools autonomy by automatically exempting them from state laws, district regulations, and collective bargaining agreements.

With sub-indicator 4.7.1, we examine the degree to which state law exempts charters both from the state's own regulations (including teacher certification requirements) and from district regulations, except those relating to student safety and fiscal accountability. Some states automatically exempt charters from all state laws and district regulations; some allow all charters to apply for waivers for all of them; still others permit no exceptions from certain policies but provide automatic exemptions from others (or allow schools to apply for such exemptions). In other

jurisdictions, only some (but not all) schools are eligible for exemptions. State policies that allow the broadest exemptions with the fewest conditions are counter to union interests ;thus, we see these policies as an indicator of a weak union.

With sub-indicator 4.7.2, we measure the degree to which charter schools are bound by the collective bargaining agreements of the districts in which they are located. Unions push for states to require that charters operate under the same bargaining agreements which constrain district schools. State policies specifying that charters have no obligation to do so are counter to union interests; thus, we see these policies as an indicator of a weak union.

### **Area 5. Perceived Influence (20%)**

This category seeks to capture the “invisible” side of teacher union influence. For example, campaign contributions are tangible, if indirect, measures of union influence. But there are intangible measures as well. Perhaps the union does not contribute to campaigns because it already has the ear of state leaders and need not expend financial capital to further its agenda. Perhaps existing policies are already aligned with union interests, and the state has leaders who are not inclined to change them. Or perhaps the union is a major donor to campaigns—but the state is already predisposed against teacher unions (or organized labor in general) and a union that gives heavily to campaigns is more desperate than powerful.

To capture such “invisible” influence, we gathered the perceptions of state insiders via a stakeholder survey in each state. To ensure that we had a reasonably accurate gauge of union strength, we included a diverse group of key state-level insiders in our respondent pool: legislators, chief state school officers, school board members, officials from the governor’s office, leaders of charter and other education advocacy organizations, and education journalists. (We asked them to respond only for the states in which they worked.) The survey asked about current and recent activities of the state-level teacher union(s) in that state only; it did not ask respondents whether they view teacher unions favorably or unfavorably. We invited 578 individuals to participate in the survey in August-September 2011; we received responses from 191 of them, for a response rate of 33 percent. Their responses are averaged to the state level.

Preliminary analyses showed that respondents from any given state tended to agreed with one another. We also found that their responses generally correlated with conditions on the ground. For example, a higher overall rank in perceived influence was highly correlated to a high rate of union membership (sub-indicator 1.1.1) and with a high level of political activity (Area 2). Still, while we found many of the associations we expected, we also witnessed a high degree of variation (perhaps due to the shifting political winds—see *Moving Targets* sidebar). Sometimes stakeholders disagreed with the data in surprising, and enlightening, ways, revealing contradictions in perceived and actual influence. In the state profiles, we illustrate where this was the case.

**Indicator 5.1:** Relative influence of teacher unions (4.0%)

**Sub-indicator 5.1.1:** How do you rank the influence of teacher unions compared with other influential entities in the state? (4.0%)

Participants were asked to “select and rank the five most important entities in terms of their influence in shaping education policy in your state over the last three years.” The list we placed before them consisted of business roundtable/chamber of commerce; parent coalitions; education-reform advocacy organizations/school-reform political action committees; civil rights groups; state school board/board of regents; state association of elementary and secondary school principals; state association of school administrators (superintendents); teacher unions/teacher associations; textbook companies; state school board association; state charter school association; and other (write-in).

Each response receives “0” if teacher unions are listed fifth or not at all; “1” if teacher unions are listed fourth; “2” if listed third; “3” if listed second; or “4” if listed first. To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Indicator 5.2:** Influence over campaign outcomes (4.0%)

**Sub-indicator 5.2.1:** How often do Democratic candidates need teacher union support to get elected? (2.0%)

Participants were asked to rank how often “Democrats running for state-level office (e.g., governor, legislator, etc.) need teacher union/teacher association support to get elected” on a five-point Likert scale.

Each response receives “0” for “never”; “1” for “rarely”; “2” for “sometimes”; “3” for “often”; or “4” for “always.” To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.2.2:** How often do Republican candidates need teacher union support to get elected? (2.0%)

Participants were asked to rank how often “Republicans running for state-level office (e.g., governor, legislator, etc.) need teacher-union/teacher-association support to get elected” on a five-point Likert scale.

Each response receives “0” for “never”; “1” for “rarely”; “2” for “sometimes”; “3” for “often”; or “4” for “always.” To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Indicator 5.3:** Influence over spending (4.0%)

**Sub-indicator 5.3.1:** To what extent are teacher unions effective in protecting dollars for education? (2.0%)

**MOVING TARGETS**

Many of the survey questions asked respondents to characterize teacher union activity over the last three years or during the most recent legislative session. As with the state policies included in Area 4, we recognize that U.S. education policy has undergone significant change of late, particularly given the federal Race to the Top competition, applications for No Child Left Behind (NCLB) waivers, and state elections (in 2010 and 2011) that ushered in many Republicans eager to overhaul particular policies. We asked respondents to focus on teacher union strength in these more recent years, rather than historically, to capture current trends. But given the pace of change over just the last year or two, three years is a moving target. Further, recent changes do in many ways reflect a new weakening of teacher union influence over education policy in some states—weakening that is not apt to be fully reflected in opinions voiced in late summer 2011. (Whether that waning of teacher union strength will last is another question entirely.)

We're mindful, too, that even when respondents are asked to reflect on recent teacher union influence, what's in their minds may well reflect their impressions over a longer period of time. Thus teacher unions may be described as influential because historically they were, even if today they're less so. The converse is also possible.

We also recognize that policy contexts vary greatly across the states. Some states, for example, have cut education spending despite strong union pushback. So our questions address both intent and action. For example, sub-indicators 5.3.1 and 5.3.2 both address budget cuts. While the former gauges union success in fighting budget cuts, the latter probes the extent to which teacher unions were engaged in the debate at all.

Participants were asked (on a five-point Likert scale) whether they agree or disagree with the following statement: "Even in times of recession and cutbacks, teacher unions/teacher associations in my state are effective in protecting dollars for education, whether by preventing or minimizing cuts in the education budget."

Each response receives "0" for strongly disagree"; "1" for "disagree"; "2" for "neutral"; "3" for "agree"; or "4" for "strongly agree." To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.3.2:** Do unions generally make concessions to prevent reductions in pay and benefits, or fight hard to prevent those reductions? (2.0%)

Participants were asked "Which of these two statements best describes teacher unions/teacher associations in your state?" They chose between the following responses:

- Given recent budgetary constraints, teacher unions/teacher associations in my state have conceded from the outset that some budgetary reductions for pay and benefits are inevitable.

- Given recent budgetary constraints, teacher unions/teacher associations in my state have fought hard to prevent reductions in pay and benefits (whether or not their efforts have proven successful).

Each response receives “0” for the former or “4” for the latter. To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Indicator 5.4:** Influence over policy (4.0%)

**Sub-indicator 5.4.1:** How effectively do teacher unions ward off proposals with which they disagree? (1.0%)

Participants were asked (on a five-point Likert scale) whether they agree or disagree with the following statement: “Teacher unions/teacher associations in my state are effective in warding off education-reform proposals with which they disagree.”

Each response receives “0” for strongly disagree; “1” for “disagree; “2” for “neutral”; “3” for “agree”; or “4” for “strongly agree.” To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.4.2:** How often do existing state education policies reflect teacher union priorities? (1.0%)

Participants were asked (on a five-point Likert scale) to rank how often “state-level education policies reflect teacher unions/teacher association priorities.”

Each response receives “0” for “never”; “1” for “rarely”; “2” for “sometimes”; “3” for “often”; or “4” for “always.” To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.4.3:** To what extent were state education policies proposed by the governor during your state’s latest legislative session in line with teacher union priorities? (1.0%)

Using a five-point Likert scale, participants were asked to rank “To what extent were education policies proposed by the governor during your state’s latest legislative session in line with the priorities held by teacher unions/teacher associations?”

Responses receive “0” for “not at all in line”; “1” for “mostly not in line”; “2” for “somewhat in line”; “3” for “mostly in line”; or “4” for “totally in line.” To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.4.4:** To what extent were legislative outcomes of your state's latest legislative session in line with teacher union priorities? (1.0%)

Using a five-point Likert scale, participants were asked to rank "To what extent were legislative outcomes of your state's latest legislative session in line with the priorities held by teacher unions/teacher associations?"

Each response receives "0" for "not at all in line"; "1" for "mostly not in line"; "2" for "somewhat in line"; "3" for "mostly in line"; or "4" for "totally in line." To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Indicator 5.5:** Influence over key stakeholders (4.0%)

**Sub-indicator 5.5.1:** How often have the priorities of state education leaders aligned with teacher union positions in the past three years? (2.0%)

Using a five-point Likert scale, participants were asked to rank "How often have the priorities of the state board of education or the state education chief aligned with the positions held by teacher unions/teacher associations in your state in the last three years?"

Each response receives "0" for "never"; "1" for "rarely"; "2" for "sometimes"; "3" for "often"; or "4" for "always." To generate the value of this indicator for each state, we average the responses from all informants from that state.

**Sub-indicator 5.5.2:** Do unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions? (2.0%)

Participants were asked, "Some degree of compromise typically occurs in policymaking. Understanding that, which statement do you think best describes teacher unions/teacher associations in your state?" They chose between the following responses:

- Teacher unions/teacher associations in my state typically compromise with policymakers to ensure that their preferred policies are enacted at the state level.
- More often than not, teacher unions/teacher associations in my state need not make concessions to ensure that their preferred policies are enacted at the state level.

Each response receives "0" for the former or "4" for the latter. To generate the value of this indicator for each state, we average the responses from all informants from that state.



**Rationale for Area 5:** How teacher unions are perceived by informed observers on the ground offers us a unique window into their influence. Those perceptions speak to how much influence the union wields behind the scenes and whether policymakers (some of whom do not support union interests on principal) are inclined to accede to union demands. All of our questions relate to state policies, both because this study targets the activity of state level unions and because our respondents have in-depth knowledge of politics in their jurisdictions. We chose to query them about comparative influence; the union's ability to protect and direct dollars to their cause; and the extent to which existing, proposed, and enacted policies reflect their priorities, among other areas.

# APPENDIX B:

## STATE LEVEL NEA AND AFT AFFILIATES

Every state is home to at least one state-level affiliate of either the National Education Association (NEA) or the American Federation of Teachers (AFT), often both. (Four states are home to *joint* NEA-AFT affiliates: Florida, Montana, Michigan, and New York; the District of Columbia has only an AFT affiliate.) Below we list these affiliates by state. In this report, we include data only for these affiliated unions/associations, not for independent professional associations unaffiliated with either the NEA or AFT.

NATIONAL EDUCATION ASSOCIATION	AMERICAN FEDERATION OF TEACHERS
Alabama Education Association	n/a
NEA Alaska, Inc.	Alaska Public Employees Association AFT
Arizona Education Association	Arizona Federation of Teachers Union
Arkansas Education Association	n/a
California Teachers Association	California Federation of Teachers
Colorado Education Association	American Federation of Teachers Colorado
Connecticut Education Association, Inc.	American Federation of Teachers CT
Delaware State Education Association, Inc.	n/a
n/a	Washington Teachers' Union (District of Columbia)
<b>JOINT: Florida Education Association</b>	
Georgia Association of Educators, Inc.	Georgia Federation of Teachers
Hawaii State Teachers Association	n/a
Idaho Education Association	Idaho Federation of Teachers
Illinois Education Association	Illinois Federation of Teachers
Indiana State Teachers Association	Indiana Federation of Teachers
Iowa State Education Association	n/a
Kansas National Education Association	AFT Kansas
Kentucky Education Association	n/a
Louisiana Association of Educators, Inc.	Louisiana Federation of Teachers
Maine Education Association	AFT Maine
Maryland State Education Association	AFT Maryland
Massachusetts Teachers Association	AFT Massachusetts
Michigan Education Association	AFT Michigan
<b>JOINT: Education Minnesota</b>	
Mississippi Association of Educators	AFT Mississippi

Missouri National Education Association	AFT Missouri, AFL-CIO
<b>JOINT: Montana Education Association-Montana Federation of Teachers</b>	
Nebraska State Education Association	n/a
Nevada State Education Association	n/a
NEA - New Hampshire	AFT - New Hampshire
New Jersey Education Association	AFT New Jersey, AFL-CIO
National Education Association of New Mexico	AFT New Mexico
<b>JOINT: New York State United Teachers</b>	
North Carolina Association of Educators, Inc.	n/a
North Dakota Education Association	North Dakota Public Employees Association
Ohio Education Association	Ohio Federation of Teachers
Oklahoma Education Association	Oklahoma Federation of Teachers
Oregon Education Association	AFT Oregon
Pennsylvania State Education Association	AFT Pennsylvania
National Education Association Rhode Island	Rhode Island Federation of Teachers
South Carolina Education Association	n/a
South Dakota Education Association	n/a
Tennessee Education Association	n/a
Texas State Teachers Association	Texas AFT
Utah Education Association	AFT Utah
Vermont - NEA	United Professions AFT Vermont
Virginia Education Association	n/a
Washington Education Association	AFT Washington
West Virginia Education Association	AFT West Virginia
Wisconsin Education Association Council	AFT Wisconsin
Wyoming Education Association	n/a

# ENDNOTES

- <sup>1</sup> See Terry M. Moe, *Special Interest: Teachers Unions and America's Public Schools* (Washington, D.C.: Brookings Institution Press, 2011).
- <sup>2</sup> See Randi Weingarten, "The states that actually have lots of teachers in teacher unions tend to be the states that have done the best in terms of academic success in this country," quotation taken from ABC's *This Week*, August 29, 2010. See also Diane Ravitch, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (New York: Basic Books, 2010).
- <sup>3</sup> EIA Online, "Official NEA State Affiliate Membership Numbers for 2010-11," July 11, 2012, accessed September 19, 2012, <http://www.eiaonline.com/intercepts/2012/07/11/official-nea-state-affiliate-membership-numbers-for-2010-11/> and "Could AFT Membership Really Be Up?" July 31, 2012, accessed September 19, 2012, <http://www.eiaonline.com/intercepts/2012/07/31/could-aft-membership-really-be-up/>.
- <sup>4</sup> Moe, *Special Interest*. See also the earlier work of Myron Lieberman, who has written prolifically on the topic, including *The Teacher Unions: How the NEA and AFT Sabotage Reform and Hold Students, Parents, Teachers, and Taxpayers Hostage to Bureaucracy* (Free Press, 1997).
- <sup>5</sup> See John Chubb and Terry Moe, *Politics, Markets, and America's Schools* (Washington, D.C.: Brookings Institution Press, 1990).
- <sup>6</sup> See Noel Epstein, ed., *Who's in Charge Here? The Tangled Web of School Governance and Policy* (Washington, D.C.: Brookings Institution Press, 2004).
- <sup>7</sup> See, for example, Michael Berkman and Eric Plutzer, *Ten Thousand Democracies: Politics and Public Opinion in America's School Districts* (Washington, D.C.: Georgetown University Press, 2005); Henry S. Farber, "Union Membership In The United States: The Divergence Between The Public And Private Sectors," in *Collective Bargaining in Education: Negotiating Change in Today's Schools*, eds. Jane Hannaway and Andrew J. Rotherham (Cambridge: Harvard Education Press, 2006), 27-51; Barry T. Hirsch, David A. Macpherson, and John V. Winters, "Teacher Salaries, State Collective Bargaining Laws, And Union Coverage" (paper presented at the Association for Education Finance and Policy (AEFP) Meetings, Seattle, March 26, 2011); Caroline Minter Hoxby, "How Teachers' Unions Affect Education Production," *Quarterly Journal of Economics* 111, no. 3 (1996): 671-718; and Heather Rose and Jon Sonstelie, "School Board Politics, School District Size, and the Bargaining Power of Teachers Unions," *Journal of Urban Economics* 67, no.3 (2010): 438-450.
- <sup>8</sup> See, for example, studies examining NCLB-style accountability (Bryan Shelly, "Rebels And Their Causes: State Resistance To No Child Left Behind," *Publius: The Journal of Federalism* 38, no. 3 (2008): 444-468); factors that led states/districts to embrace charter schools (Michael Mintrom, "Policy Entrepreneurs And The Diffusion Of Innovation," *American Journal of Political Science* 41, no. 3 (1997): 738-770; Francis K. Shen and Kenneth K. Wong, "Beyond Weak Law, Strong Law: Political Compromise And Legal Constraints On Charter School Laws" (paper presented at the annual meeting of the American Political Science Association (APSA), Philadelphia, PA, August 31-September 3, 2006); Arnold F. Shober, Paul Manna, and John F. Witte, "Flexibility Meets Accountability: State Charter Laws And Their Influence On The Formation Of Charter Schools In The United States," *Policy Studies Journal* 34, no. 4 (2006): 563-587); additional school spending (Berkman and Plutzer, *Ten Thousand Democracies: Politics and Public Opinion in America's School Districts*); and teacher merit pay (Dan Goldhaber, Daniel Player, Michael DeArmond, and Hyung-Jai Choi, "Why Do So Few Public School Districts Use Merit Pay?" *Journal of Education Finance* 33, no. 3 (2008): 262-289).
- <sup>9</sup> See Ronald J. Hrebener and Clive S. Thomas, "Interest Groups In The States," in *Politics in the American States*, eds. Virginia Gray and Russell L. Hanson (Washington, D.C.: CQ Press, 1996), 100-128.
- <sup>10</sup> Terry M. Moe, "Political Control And The Power of Agent," *Journal of Law, Economics, and Organization* 22, no. 1 (2006): 1-29.
- <sup>11</sup> R. M. Carini, "Teacher Unions And Student Achievement," in *School Reform Proposals: The Research Evidence*, ed. A. Molnar (Information Age Publishing, 2002), 197-216.
- <sup>12</sup> See Carini, "Teacher Unions And Student Achievement," 197-216; Randall W. Eberts and Joe A. Stone, *Unions and Public Schools: The Effect of Collective Bargaining on American Education* (Lexington, MA: Lexington Books, 1984); Robert M. Carini, Brian Powell, and Lala Carr Steelman, "Do Teacher Unions Hinder Educational Performance? Lessons Learned From State SAT And ACT Scores," *Harvard Educational Review* 70, no. 4 (2000): 437-466.
- <sup>13</sup> See Michael Lovenheim, "The Effect Of Teachers' Unions On Education Production: Evidence From Union Election Certifications In Three Midwestern States," *Journal of Labor Economics* 27, no. 4 (2009): 2009; Terry M. Moe, "Collective Bargaining And The Performance Of The Public Schools," *American Journal of Political Science* 53, no. 1 (2009): 156-174; Katharine O. Strunk, "Are Teachers' Unions Really To blame? Collective Bargaining Agreements And Their Relationships With District Resource Allocation And Student Performance In California," *Education Finance and Policy* 6, no. 3 (2011): 354-397.
- <sup>14</sup> See Michael Hartney and Patrick Flavin, "From The Schoolhouse To The Statehouse: Teacher Union Political Activism And The U.S. State Education Reform Policy," *State Politics and Policy Quarterly* 11, no. 3 (2011): 251-258.
- <sup>15</sup> See William S. Koski and Eileen L. Hornig, "Facilitating The Teacher Quality Gap? Collective Bargaining Agreements, Teacher Hiring And Transfer Rules, And Teacher Assignment Among Schools In California," *Education Finance and Policy* 2, no. 3 (2007): 262-300.
- <sup>16</sup> Author's own calculations, based on revenue data drawn from state-level teacher unions' 990 forms submitted between July 1, 2009 and June 30, 2010, collected by GuideStar, Inc. at <http://www.guidestar.org>.
- <sup>17</sup> Michelle Rhee, "Why Students First Supports Teachers' Right To Collective Bargaining," Huffington Post, March 29, 2011, [http://www.huffingtonpost.com/michelle-rhee/why-students-first-support\\_b\\_842220.html](http://www.huffingtonpost.com/michelle-rhee/why-students-first-support_b_842220.html).
- <sup>18</sup> Lorraine M. McDonnell, Anthony H. Pascal, "Organized Teachers in American Schools," RAND Corporation, February 1979, <http://www.rand.org/pubs/reports/R2407.html>; Andrew P. Kelly, Frederick M. Hess, "Scapegoat, Albatross, Or What?: The Status Quo In Teacher Collective Bargaining," in *Collective Bargaining in Education*, ed. Jane Hannaway, et al. (Harvard Education Press, 2006).

<sup>19</sup> Allysia Finley, "Wisconsin's School Choice," *Wall Street Journal*, September 19, 2012, [http://professional.wsj.com/article/SB10000872396390443995604578004392726892824.html?lpe=WSJ\\_PRO&mg=com-wsj](http://professional.wsj.com/article/SB10000872396390443995604578004392726892824.html?lpe=WSJ_PRO&mg=com-wsj).

<sup>20</sup> Hrebenar and Thomas.

<sup>21</sup> "Who's Who In A Growing Education Reform Movement," Final Working Draft, PIE network, September 2012.

<sup>22</sup> Emily Cohen, Kate Walsh, RiShawn Biddle, "Invisible Ink In Collective Bargaining: Why Key Issues Are Not Addressed," National Council on Teacher Quality, July 2008, [http://www.nctq.org/p/publications/docs/nctq\\_invisible\\_ink\\_20080801115950.pdf](http://www.nctq.org/p/publications/docs/nctq_invisible_ink_20080801115950.pdf).

<sup>23</sup> Allison Kimmel, "A New Politics Of Education? The Enactment And Implementation Of Teacher Effectiveness Legislation," BA Thesis, Harvard College, March 2012 [advisor: Prof. Martin West].

<sup>24</sup> Stuart Buck and Jay P. Greene, "Blocked, Diluted, And Co-Opted," *Education Next*, Spring 2011, <http://educationnext.org/blocked-diluted-and-co-opted/>.