

ALABAMA

OVERALL RANK: 20TH¹
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 POLITICS² 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).³

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.⁴

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).⁵ 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.⁶

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.⁷ Bentley was a relatively unassuming two-term legislator who defeated the third-place candidate by only 200 votes to force the run-off.⁸ 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.”⁹ 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.”¹⁰ Thus, the AEA spent \$3 million on advertising against Byrne and gave hundreds of thousands of dollars more to PACs which supported Bentley.¹¹ 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.¹²

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.¹³ Riley and his supporters said this measure would curtail undue lobbying influence.¹⁴ 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.”¹⁵ Not surprisingly, it sued the state, where federal courts are now deciding the matter.¹⁶ 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.¹⁷

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.¹⁸ 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.^{19,20} 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).^{21,22,23} 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 ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 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
AREA 2: INVOLVEMENT IN POLITICS 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
AREA 3: SCOPE OF BARGAINING 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
AREA 4: STATE POLICIES 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
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	47th	
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
AREA 4: STATE POLICIES 18* (cont.)	Charter school structural limitations ^c	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 ^c	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
AREA 5: PERCEIVED INFLUENCE^d 25	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

^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, 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.

^c Alabama does not have a charter school law.

^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.

ENDNOTES

¹ 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.

² 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.

³ 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.

⁴ 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).

⁵ 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.

⁶ 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>.

⁷ 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.

⁸ 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>.

⁹ Chandler.

¹⁰ 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.

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

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

¹³ 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.

¹⁴ 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>.

¹⁵ Cavanagh.

¹⁶ 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.

¹⁷ 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.

¹⁸ Ibid.

¹⁹ 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.

²⁰ 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>.

²¹ 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>.

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

²³ 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.