

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).

* 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	
AREA 1: RESOURCES & MEMBERSHIP 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%
AREA 2: INVOLVEMENT IN POLITICS 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%
AREA 3: SCOPE OF BARGAINING 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%
AREA 4: STATE POLICIES 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		
AREA 5: PERCEIVED INFLUENCE 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.² 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. 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.³ 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

² 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).

³ 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; 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.⁴

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.⁵

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

⁴ See the National Center for Education Statistics, <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2006865>.

⁵ 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.⁹ 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.¹⁰ 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 9.¹¹ States are ranked and divided into quintiles; those with the smallest percentages receive “0,” while those with the largest percentages receive “4.”

⁹ Data provided to authors by staff at the National Institute on Money in State Politics, 2011.

¹⁰ 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.

¹¹ 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).¹² 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.⁶ 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).⁷

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.

⁶ 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.

⁷ 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.⁸

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%)

⁸ 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.

¹² 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.¹³ 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.¹⁴ We aggregate union donations for the campaign seasons between 2003 and 2010, inclusive.¹⁵

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

¹³ 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.

¹⁴ 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.

¹⁵ 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.¹⁶ 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.¹⁷

¹⁶ 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.

¹⁷ 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.)¹⁸ 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.

¹⁸ 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.

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 2012.¹⁹ 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.²⁰

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.

¹⁹ 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.

²⁰ 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."²¹

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.²² 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.²³

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.

²¹ 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.

²² This is the classic "free-rider problem," a familiar concept in labor economics, psychology, and political science.

²³ 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.²⁴

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.²⁵ 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

²⁴ 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.

²⁵ 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.²⁶ 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.²⁷

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,

²⁶ 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.

²⁷ 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."²⁸

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.

²⁸ 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.²⁹ 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."

²⁹ 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.³⁰ 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

³⁰ 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.

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."³¹ 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

³¹ 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.