

# CALIFORNIA

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

STRONGER —————> WEAKER

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

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

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

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

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

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

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

*AREA 4: STATE POLICIES*  
*37TH*

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

*AREA 5: PERCEIVED INFLUENCE*  
*1ST*

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

*OVERALL*  
*6TH*

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

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

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

# CALIFORNIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 6TH

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

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

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

\* Tied with another state

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

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

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

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

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## ENDNOTES

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

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

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

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

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

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

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

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

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

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

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

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

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