

# DELAWARE

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

STRONGER  WEAKER

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

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

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

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

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

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

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

*AREA 4: STATE POLICIES*  
*36TH*

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

*AREA 5: PERCEIVED INFLUENCE*  
*18TH*

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

*OVERALL*  
*19TH*

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

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

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

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

# DELAWARE RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 19TH

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

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

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

\* Tied with another state

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

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

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

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## ENDNOTES

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

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

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

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

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

<sup>6</sup> Ibid.

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

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

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