

INDIANA

OVERALL RANK: 31ST¹
TIER 4 (AVERAGE)

STRONGER
←
→
 WEAKER

OVERALL			31	
1. RESOURCES AND MEMBERSHIP	9			
2. INVOLVEMENT IN POLITICS		13		
3. SCOPE OF BARGAINING			39	
4. STATE POLICIES				44
5. PERCEIVED INFLUENCE			32	

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 9TH

Indiana's state teacher unions have substantial internal resources, and see that K-12 education (and teacher salaries and benefits) accounts for a high percentage of spending in the state. With 73.7 percent of its teachers belonging to unions, the Hoosier State posts the 29th-highest unionization rate of 51 states. The NEA and AFT state-level affiliates bring in \$679 annually per Indiana teacher (8th of 51). Further, a hefty 30.1 percent of state expenditures to go K-12 education (2nd; only Vermont allocates a higher percentage toward education).² While total per-pupil expenditures are right around the national mean (\$10,419 annually; 33rd), teachers benefit from a large share of those dollars—55.3 percent goes toward their salaries and benefits (19th).

AREA 2: INVOLVEMENT IN POLITICS³ TIED FOR 13TH

Indiana's teacher unions have been a larger presence in state politics than their counterparts in most other states. In the past decade, 2.8 percent of contributions to candidates for state office came from teacher unions (3rd). Of the donations originating from the top ten highest-giving sectors in the state, 16.7 percent were from the unions (5th). The unions focused on candidates rather than state political parties, however, contributing only 0.2 percent of all donations to Indiana parties (45th). And 14.3 percent of all Indiana delegates to the Democratic and Republican national conventions were teacher union members (22nd).⁴

AREA 3: SCOPE OF BARGAINING
39TH

Indiana is one of thirty-two states that require collective bargaining, but on this indicator it ranks lower than every other mandatory-bargaining state except Wisconsin (and lower even than seven of the fourteen states where bargaining is permitted but not required—see sidebar). The low rank is largely due to state law that sharply limits the number of issues that can be bargained: Indiana explicitly prohibits bargaining over sixteen of the twenty-one items examined in this report. Only four must be bargained—wages, and insurance, pension/retirement, and fringe benefits—and bargaining over grievance procedures is permitted but not required. Unions' legal rights were further limited by recently enacted right-to-work legislation that stops them from collecting agency fees, a key source of revenue, from non-member teachers. The new law will likely diminish the now-abundant financial resources discussed in Area 1. Indiana also does not permit teacher strikes.

AREA 4: STATE POLICIES
44TH

Indiana policies are less aligned with traditional union interests than those in nearly every other state. Per recent legislation, Indiana is one of only three states with a state-supported mandatory system of merit pay for all teachers. Further, evidence of student learning must significantly inform teacher evaluations, and teachers are automatically eligible for dismissal after unsatisfactory evaluations. Indiana charter laws are also contrary to the typical union position, which looks to limit charter expansion and autonomy. Indiana allows new, conversion, and virtual charter schools, offers multiple authorizing

options for school operators, and does not cap the total number of charters. Nor are charters required to participate in district collective bargaining agreements. They can also apply for exemptions to state teacher certification requirements. The unfavorable bargaining (Area 3) and state policy (Area 4) environments may account for the high level of teacher union campaign donations (Area 2), as unions try to change existing conditions.

AREA 5: PERCEIVED INFLUENCE
32ND

Indiana's stakeholders view teacher unions as active players in state policy debates, but agree that unions have not pulled much sway of late. While they strongly agree that Democrats need teacher union support to get elected, they rank teacher unions as less influential in shaping state policy than education advocacy organizations and the governor. Further, their responses indicate state education leaders are the least aligned with the union position than they are in any other state, and the unions have not seen much success of late in this Republican-dominated state (see sidebar). In fact, respondents report that policies proposed by the governor and enacted in the latest legislative session were mostly not in line with teacher union priorities.⁵

OVERALL
31ST

Indiana teacher unions are stronger than those in some states but weaker than those in many others—and Indiana ranks low among the states in which bargaining is mandatory (27th of 33). They have considerable internal resources (and contribute relatively generously to candidates for state office), but while the state dedicates a high proportion of its

money to K-12 education, the laws that limit the scope of bargaining, prescribe teacher employment policies, and set forth charter school policies show little alignment with traditional union interests. Their resources and already-weak reputation will likely diminish due to new legislation and a Republican-led legislature (again, see sidebar).

FROM BAD TO WORSE

2011 was not a good year for the Indiana State Teachers Association (ISTA). Mirroring his 2005 executive order that eliminated collective bargaining for state workers, Republican Governor Mitch Daniels signed a bill that restricted the scope of teachers' bargaining to wages and benefits. With evaluations, transfers, and dismissals off the negotiating table, Daniels and State Superintendent of Education Tony Bennett proposed SB 1, which Republican lawmakers quickly passed. The law mandates that teacher evaluations be based in part on student growth, and requires merit pay while lessening the weight of seniority and advanced degrees on salaries (although, in a nod to local autonomy, district leaders may choose their own evaluation model).^{6,7} The ISTA organized a boisterous rally at the statehouse in what ISTA director Heidi Miller called "an indication of how serious, how concerned, our teachers are about how the so-called education reform is going to impact their students."⁸ The protest saw no success, although it did prompt Daniels to issue a written statement saying "as always, the union's demand is more money, no change... Their priority is their organization, not the young people of Indiana."⁹ In the same session, the legislature removed the state's cap on charter schools, expanded the number of charter authorizers, and required that district schools share transportation funds with charters. This was immediately followed by HB 1003, which created a publicly funded voucher program, implemented tax deductions for private school tuition, and expanded tax credits for organizations offering private school scholarships.¹⁰ Bennett praised lawmakers for their work, and sent a message to the unions: "I commend the committee members... for their courage to do what is right in the face of considerable opposition from those whose primary objective seems to be protecting a system of school buildings rather than advocating for all Indiana children."¹¹

As if 2011 weren't bad enough, in 2012 another resounding piece of anti-union legislation made Indiana the first right-to-work state in the Rust Belt.¹² The ISTA also discovered that it couldn't rely on the courts for protection against anti-union state leaders: Although it filed a successful lawsuit against a portion of SB 1 on grounds that it violated Indiana labor law, the overall restrictions on collective bargaining still stand.¹³ The union also supported a lawsuit to stop HB 1003, claiming that it violated the state constitution by directing taxpayer money to religious institutions, but a Superior Court judge upheld the measure.¹⁴ With Bennett up for re-election in November 2012 in a race receiving national attention (and out-fundraising his union-supported Democrat challenger nearly ten-to-one), the union might not have allies in the capitol any time soon.¹⁵ So while nearby Wisconsin has received national attention for its anti-labor stance, the wide range of education-specific policies in Indiana may actually make it a better contender for most teacher-union-unfriendly state in the nation.

INDIANA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 31ST

Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 9*	Membership	By rank, what percentage of public-school teachers in the state are union members?	29th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	8th
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	2nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	33rd
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	19th
AREA 2: INVOLVEMENT IN POLITICS 13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	3rd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	45th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	5th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	22nd
AREA 3: SCOPE OF BARGAINING 39	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	45th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 44	Performance pay	Does the state support performance pay for teachers?	Required for all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	19th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	25th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 44 (cont.)	Charter school structural limitations ^c	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	Charter school exemptions ^c	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

AREA 5: PERCEIVED INFLUENCE^c 32	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Sometimes compromise, sometimes do not need to concede

* Tied with another state

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

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Indiana has the 29th-highest percentage of teachers who are union members. Otherwise, we report a status: Indiana has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

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

ENDNOTES

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

² Readers may be aware that Indiana passed legislation in 2009 that required all of a school district's general-fund revenue come from directly from the state, therefore eliminating local property taxes and by necessity increasing K–12 education's share of overall state expenditures. See Robert S. Michael, Terry E. Spradlin, and Fatima R. Carson, "Changes in Indiana School Funding," Center for Evaluation and Education Policy, Summer 2009, accessed August 28, 2012, http://ceep.indiana.edu/projects/PDF/PB_V7N2_Summer_2009_EPB.pdf.

³ 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.

⁴ 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.

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

⁶ Elle Moxley, "How Districts Are Preparing For State-Mandated Teacher Evaluations," StateImpact Indiana, May 16, 2012, <http://stateimpact.npr.org/indiana/2012/05/16/how-school-districts-are-preparing-for-mandatory-teacher-evaluations/>.

⁷ Maureen Hayden, "Gov. Daniels Signs 'Landmark' Education Bill," *Herald Bulletin*, April 30, 2011, <http://heraldbulletin.com/local/x833654119/Seniority-degrees-lose-value-under-new-plan>.

⁸ Mark Peterson, "Charter School Bill Passes Test," WNDU Indiana, February 12, 2011, http://www.wndu.com/localnews/headlines/Charter_school_bill_passes_test_115983179.html.

⁹ Kent Erdahl, "Teachers Fill Statehouse, Rally Against Proposed Education Reforms," WXIN-TV (Fox59.com), February 9, 2011, <http://www.fox59.com/news/wxin-education-reform-indiana-educators-packed-the-statehouse-on-tuesday-to-voice-their-concerns-about-education-reforms-proposed-by-governor-mitch-daniels-and-making-their-way-through-20110208,0,7282343.story>.

¹⁰ Sean Cavanagh, "Indiana Education Package Bears Conservative Stamp," *Education Week*, Issue 31, <http://www.edweek.org/ew/articles/2011/05/12/31indiana.h30.html>.

¹¹ Indiana Department of Education press release, "Bennett Statement Of Education Bills Passing Committee," February 16, 2011, <http://www.doe.in.gov/news/bennett-statement-education-bills-passing-committee>.

¹² Mary Beth Schneider and Chris Sikich, "Indiana Becomes Rust Belt's First Right-To-Work State," *Indianapolis Star*, February 2, 2012, <http://www.usatoday.com/news/nation/story/2012-02-01/indiana-right-to-work-bill/52916356/1>.

¹³ NSBA Legal Clips, "Indiana Court Preliminarily Enjoins State Department Of Education From Requiring School Districts To Use Teacher Contract Form," National School Boards Association, August 25, 2011, <http://legalclips.nsba.org/?p=8296>.

¹⁴ Associated Press, "Judge Upholds Indiana School Voucher Law," January 13, 2012, <http://www.ibj.com/judge-upholds-indiana-school-voucher-law/PARAMS/article/31962>.

¹⁵ Kyle Stokes, "Interactive Map: Who's Giving Money In The Campaign For State superintendent," StateImpact Indiana, August 2, 2012, <http://stateimpact.npr.org/indiana/2012/08/02/interactive-map-whos-giving-money-in-the-campaign-for-state-superintendent/>.