

HOW STRONG ARE U.S. TEACHER UNIONS?

A STATE-BY-STATE COMPARISON

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FOREWORD

Everyone knows that teacher unions matter in education politics and policies, but it's hard to determine just how much they matter—and whether they wield greater influence in some places than in others.

There's plenty of conventional wisdom on this topic, mostly along the lines of, “unions are most powerful where they represent most teachers and least consequential where their bargaining rights and revenues are restricted.”

But is that really true? And even if it is, does it oversimplify a much more complex and nuanced situation?

Veterans of the ed-policy wars—including our own trustee Rod Paige, who is both a former U.S. Secretary of Education and a former local superintendent in the biggest district in the biggest state that bans collective bargaining—insisted to us that teacher unions exert influence in many ways at many levels, not just at the bargaining table.

This deserved deeper investigation, particularly since union critics (many of them also ardent education reformers) generally assert that unions are the greatest obstacle to needed changes in K-12 schooling, while union defenders (and supporters of the education status quo) insist that these organizations are bulwarks of professionalism and safeguards against untested innovation.

So we resolved to dig deeper, determined to parse the differences in strength across state-level unions in the fifty states plus the District of Columbia.

We were delighted and appreciative when Education Reform Now—an affiliate of Democrats for Education Reform—agreed to join, co-sponsor, and help fund this endeavor.

Which turned into one of the most challenging research projects we have ever undertaken at the Fordham Institute.

Let us acknowledge at the outset that it's not a perfect study. (We offer some thoughts as to how we and others might approach this thorny topic in the future.) Let us admit that its conclusions are more nuanced, even equivocal, than we're accustomed to. And let us recognize that, just as we were gathering and analyzing reams of data, multiple factors—economic difficulties, political shifts, court decisions, changing policy agendas, the arrival of many new players—conspired to produce enormous flux in precisely the realms that we were examining. Sometimes we found that a mere month could render part of our laboriously-assembled data obsolete; we adjusted where we could, but eventually had to cease collecting and start making sense of our data.

In the end, we learned a ton—about individual states, about national patterns,

about unexpected relationships, and surprising exceptions.

Here are a few highlights:

- Teacher strikes, like the one recently concluded in Chicago, are legal in fourteen states and illegal in thirty-seven.
- Thirty-two states *require* local school boards to bargain collectively with their teachers, fourteen states *permit* local boards to do this, and five states *prohibit* collective bargaining altogether (Georgia, North Carolina, South Carolina, Texas, and Virginia).
- Twenty-three states are “right to work” states, which prohibit unions from collecting agency fees from non-members.* Twenty-eight jurisdictions allow agency fees.
- In the 2010 state election cycle, teacher unions in twenty-two states were among the top ten overall donors (excluding individual donations) to candidates for governor and other executive positions, legislature, high court, and elected education positions. In twenty-one states, they were among the top five highest-giving interest groups (including Colorado and Indiana, where they ranked first).
- In just two states (Pennsylvania and New Jersey) did our survey of insiders unanimously deem teacher unions to be the most influential entities in shaping education policy over a recent three-year period. But informants

in twenty states found the teacher unions to be generally more influential, on average, than all other entities (including the state school board, state superintendent, governor, legislators, business interests, and advocacy groups).

- The unions’ influence may be waning at the state level. For the three years prior to the 2011 legislative session, education policies in most states reflected union priorities. But in 2011, a growing number of legislatures were enacting policies that were *less* in line with union priorities.

Note that we did not link our overall rankings to state-level student achievement. Of all the data included in our metric, only a few of them (like teacher employment policies) might affect student achievement. Others, like state spending on education, could “touch” students indirectly, but there’s no strong evidence to support their link to student performance. We also have a timing problem since many state policies are in flux and don’t align with point-in-time snapshots of achievement. Plus, we know that many other factors at both the state and local level could impact students, so theorizing that a relationship exists between state-level union activity and student achievement strikes us as short-sighted.

Still, we can’t resist eyeballing whether policies in a few high-performing states are more in line with the positions of reformers or traditional unions (without pointing fingers either way). Massachusetts, the highest-achieving state in the land, is a

* Something else we learned: The proper definition of “right-to-work” has nothing to do with denying unions the right to bargain collectively. Right-to-work states stop unions from requiring union membership (and payment of dues or other union fees) as a condition of employment. In *any* state, teachers are free *not* to join their local union, but in non-right-to-work states the union can still charge “agency fees” to non-member teachers. In right-to-work states, unions cannot charge agency fees, only membership dues. While just five states ban collective bargaining by teachers, twenty-three are right-to-work states that prohibit agency fees.

mixed bag—some policies are aligned to union goals, others not. Two other high achievers, Virginia and Colorado, part ways: In the Old Dominion, policies are highly aligned to union interests, but that's not the case in the Centennial State. And education policies in California, with its dismal achievement record, largely do *not* reflect union interests, while those in Mississippi, another notorious low performer, are more aligned to them than nearly anywhere else.* All of that to say that no one on either side of the ed-reform divide should be glib about this topic.

Plenty more is waiting to be learned about teacher unions, how to gauge their strength in the many venues and mechanisms by which they exert it, and their role in education policy. View this study as adding another powerful lens to a telescope that's still being assembled. But peer through that lens and you will see a lot—including some surprises, paradoxes, and mysteries.

ACKNOWLEDGMENTS

This big study was the product of many hands and heads. We're grateful to the Bodman Foundation, the Lynde and Harry Bradley Foundation, and Education Reform Now for their financial support, as well as to our sister organization, the Thomas B. Fordham Foundation.

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We also appreciate the time and care that stakeholders in each state took to complete our survey during summer 2011. These included state legislators, chief state school officers and school board members, staff in governors' offices, charter school

* See 2011 NAEP state averages on 4th and 8th grade reading and math assessments, available <http://nces.ed.gov/nationsreportcard/naepdata/dataset.aspx>

organizations, and education advocacy organizations, as well as knowledgeable journalists.

At Fordham, Matt Richmond assisted in report writing and oversaw production. Daniela Fairchild and Chris Irvine (former Fordham policy and operations associate) assisted in survey administration and Tyson Eberhardt and Joe Portnoy managed dissemination. Numerous Fordham interns and others also lent their capable hands: Amanda Olberg, Remmert Dekker, Marena Perkins, Gerilyn Slicker, Josh Pierson, Alicia Goldberg, Keith McNamara (TFA Fellow), Laura Johnson, Michael Ishimoto, Layla Bonnot, Lisa Gibes, Anthony Shaw, Kai Filipczak, and Ben Bennett. Special thanks to current interns Asa Spencer and Pamela Tatz for research assistance, proofreading, and copy editing. Shannon Last served as copyeditor and Bittersweet Creative as layout designer and cover illustrator.

But the heaviest of heavy lifting on this ambitious project was done by report authors Amber Winkler, Fordham's vice president for research, her recently arrived deputy and research manager, Dara Zeehandelaar, and Janie Scull, former research analyst and production manager. We bow in admiration and gratitude to the trio.

By Chester E. Finn, Jr. and Michael J. Petrilli

EXECUTIVE SUMMARY

In recent years, debates over school reform have increasingly focused on the role of teacher unions in the changing landscape of American K-12 education. On one hand, critics argue that these unions, using their powerful grip on education politics and policy to great effect, bear primary responsibility for blocking states' efforts to put into place overdue reforms that will drive major-league gains in our educational system. Such critics contend that the unions generally succeed at preserving teacher job security and other interests, and do so at the expense of improved opportunities for kids.

On the other side, we find union defenders who stoutly maintain that these organizations are bulwarks of professionalism in education, that their power is greatly exaggerated, that their opposition to misguided reforms is warranted, and that they couldn't possibly account for achievement woes—considering that highly unionized states perform at least as well as any others (and better than many) on the National Assessment of Educational Progress (NAEP) and other indicators.

This debate has taken on an international aspect, too, as critics of U.S. reform initiatives (and defenders of unions) point out that teachers are unionized all over the world, including nearly all the countries that surpass us on comparative achievement measures such as the Trends in International Mathematics and Science

Study (TIMSS) and Programme for International Student Assessment (PISA).

Both sides agree that, for better or worse, teacher unions look out for teacher interests. This study sheds light on how they use politics to do this, by measuring teacher union strength, state by state, more comprehensively than any other study to date. It sought answers to three questions:

1. What elements are potential sources of a union's strength (i.e., inputs)?
2. How might unions wield power in terms of behavior and conduct (i.e., processes and activities)?
3. What are signs that they have gotten their way (i.e., outcomes)?

We do not limit the answers to those questions to routinely-studied channels of union strength such as membership density and bargaining status, though we do include those. We also include such other measures as alignment between state policies and traditional union interests, union contributions to political campaigns, and the impressions of union influence held by knowledgeable participant-observers within the states. We chose to focus on state-level unions rather than local ones, because the state organizations are apt to affect education policy on a large scale.

OUR APPROACH

To gauge union strength at the state level, we gathered and synthesized data for

thirty-seven different variables across five broad areas:

Area 1: Resources and Membership

Internal union resources (members and revenue), plus K-12 education spending in the state, including the portion of such spending devoted to teacher salaries and benefits.

Area 2: Involvement in Politics

Teacher unions' share of financial contributions to state candidates and political parties, and their representation at the Republican and Democratic national conventions.

Area 3: Scope of Bargaining

Bargaining status (mandatory, permitted, or prohibited), scope of bargaining, right of unions to deduct agency fees from non-members, and legality of teacher strikes.

Area 4: State Policies

Degree of alignment between teacher employment rules and charter school policies with traditional union interests.

Area 5: Perceived Influence

Results of an original survey of key stakeholders within each state, including how influential the unions are in comparison to other entities in the state, whether the positions of policymakers are aligned with those of teacher unions, and how effective the unions have been in stopping policies with which they disagree.

Using these data, we rank the relative strength of state-level teacher unions in fifty-one jurisdictions as compared to one another (fifty states plus Washington, D.C.). To do this, we score the state separately on each of the five areas and rank the states according to those scores. We then average the five area scores and re-rank the states accordingly.

RANKINGS

Table ES-1 displays the overall and area ranks of each state.

TABLE ES-1. TEACHER UNION STRENGTH BY STATE

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Alabama	20	24*	1*	45*	18*	25
Alaska	15	13*	36*	4*	21*	36
Arizona	51	40*	49	45*	49*	48
Arkansas	48	50	47*	45*	20	37
California	6	20*	18*	1	37	1
Colorado	35	37*	18*	25	48	29
Connecticut	17	9*	29*	13	13	27
Delaware	19	9*	29*	15	36	18
District of Columbia	33	17	N/A	21	49*	41
Florida	50	47*	36*	35*	46*	50
Georgia	45	35*	36*	48*	26	45

<i>State</i>	<i>Overall Rank</i>	<i>Area 1: Resources & Membership</i>	<i>Area 2: Involvement in Politics</i>	<i>Area 3: Scope of Bargaining</i>	<i>Area 4: State Policies</i>	<i>Area 5: Perceived Influence</i>
Hawaii	1	3*	1*	9	9	23
Idaho	36	30	4*	42	45	42*
Illinois	8	18*	12	3	39	28
Indiana	31	9*	13*	39	44	32
Iowa	27	27	23*	32	11	31
Kansas	32	33*	18*	31	14	30
Kentucky	28	35*	26*	26	10	11*
Louisiana	42	40*	44*	24	33	44
Maine	22	20*	44*	16	7*	11*
Maryland	23	26	40*	20	16	4
Massachusetts	21	13*	40*	12	21*	16
Michigan	16	6*	4*	22	51	20
Minnesota	14	3*	32*	2	46*	19
Mississippi	46	49	40*	43*	7*	51
Missouri	38	33*	47*	23	40	24
Montana	3	20*	10*	6	6	5
Nebraska	26	18*	13*	37	27	38
Nevada	25	28*	18*	27	28	10
New Hampshire	30	24*	40*	14	17	40
New Jersey	7	1*	26*	17*	5	2
New Mexico	37	46	32*	35*	29	8
New York	9	1*	13*	19	24*	21
North Carolina	40	47*	29*	48*	12	11*
North Dakota	24	28*	23*	33*	2*	14
Ohio	12	20*	17	10	23	35
Oklahoma	43	44*	26*	40	43	46
Oregon	2	9*	8*	4*	34*	3
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
South Carolina	49	51	35	43*	38	47
South Dakota	34	40*	1*	33*	34*	49
Tennessee	41	37*	18*	38	42	42*
Texas	44	44*	36*	48*	30*	34
Utah	39	37*	25	28*	30*	39
Vermont	11	6*	44*	8	2*	22
Virginia	47	40*	50	48*	4	33
Washington	10	3*	32*	11	18*	9
West Virginia	13	31*	4*	28*	1	6
Wisconsin	18	13*	8*	41	24*	17
Wyoming	29	31*	13*	28*	30*	26

* Indicates that a state is tied with one or more other states for this rank.

TABLE ES-2. TEACHER UNION STRENGTH BY RANK AND TIER

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

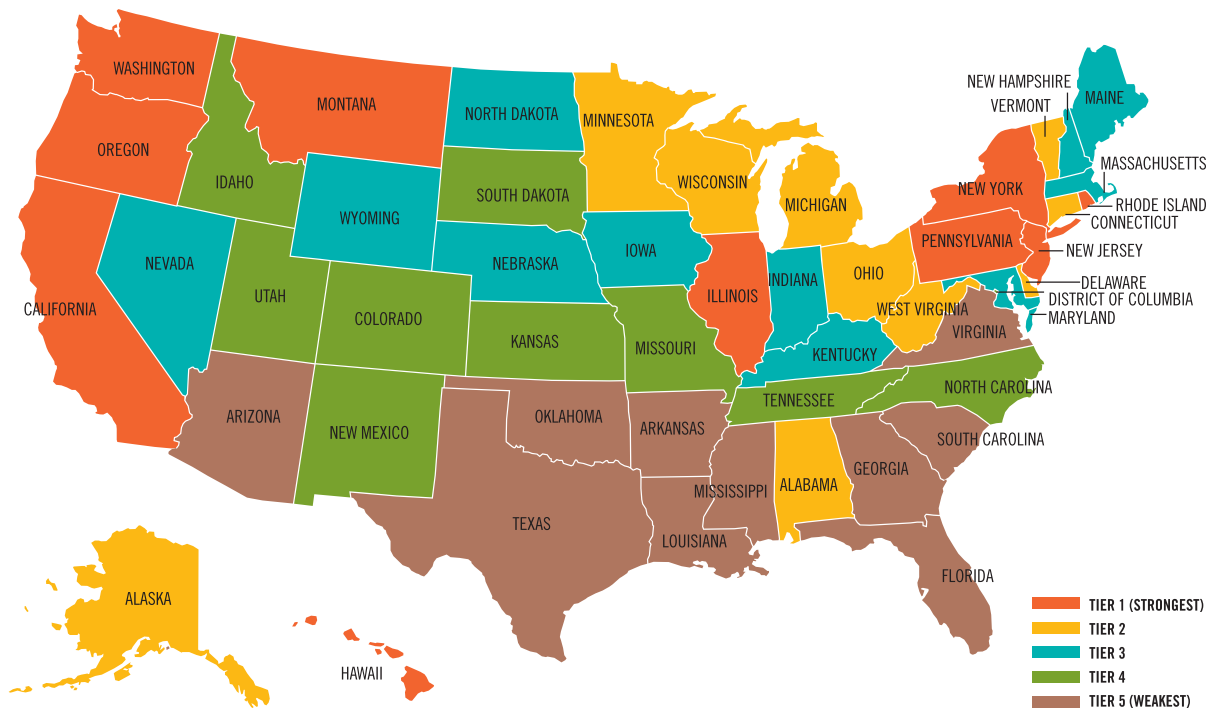
TABLE ES-3. TEACHER UNION STRENGTH BY RANK, TIER, BARGAINING STATUS, AND AGENCY FEES

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

MANDATORY BARGAINING PERMITTED BARGAINING PROHIBITED BARGAINING AGENCY FEES PROHIBITED

FIGURE ES-1. MAP OF TEACHER UNION STRENGTH BY TIER



We divided the fifty-one jurisdictions into five tiers, from strongest to weakest. Table ES-2 (page 11) shows the overall rank and tier for each state.

Many of the states whose teacher unions rank in the strongest tier—such as California, New Jersey, and Washington—are widely recognized for their powerful teacher unions. Likewise, in many of the weakest Tier 5 states, unions have suffered some major defeats (Louisiana and Arizona) or do not have much of a presence at all.

To be sure, bargaining status and agency fees help define—but not completely determine—the rankings (see Table ES-3, which adds these variables). Mandatory bargaining states are shaded in tan, permitted-bargaining states are shaded in green, and bargaining-prohibited states in yellow. Red text indicates that the state does not allow agency fees.

Most of the twenty strongest states (Tiers 1 and 2) require collective bargaining. But so does Florida (Tier 5), ranked next-to-last. Three of the twenty-strongest—Ohio, West Virginia, and Alabama—permit but do not require bargaining. Most of the twenty weakest states (Tiers 4 and 5) prohibit agency fees (red text), but three allow this practice (Washington, D.C., New Mexico, and Missouri). Nor do bargaining-prohibited states invariably land in the weakest tier; North Carolina, for instance, is in Tier 4.

GEOGRAPHY

Figure ES-1 maps states by tier. As is evident, there are strong regional associations. The West Coast and the Northeast have nearly all of the strongest unions in the nation (shaded light orange and red), while southern states have the weakest (in brown).

Obviously there is nothing inherent to geography that dictates union strength. But it is correlated with factors that do—the history of collective bargaining, the rhetoric of unionism, and overall political or ideological orientation. Places where unions have long been regarded as necessary and valuable parts of the economy and polity are more apt to mandate bargaining and to allow the collection of agency fees. Employees are also more likely to join unions themselves in areas with long-standing favorable attitudes toward organized labor. And in places that are ideologically liberal, voters are more prone to hold favorable views of unions and to elect Democrat leaders, who in turn tend to be more receptive to union interests.

The states with the strongest teacher unions (Tier 1, mapped in red) are in the Northeast and on the West Coast. All of these states have mandatory bargaining, allow agency fees, and have high membership rates. They are politically and ideologically liberal, and unions there rank highly in perceived influence. The Tier 2 states in light orange are mostly in the Midwest, which is also historically (and currently) pro-labor but politically more moderate. These states allow agency fees, and the unionization rate is high even though some permit rather than mandate bargaining. Unions there tend to be politically active, since elections and policy outcomes are less predictable than in the Tier 1 states.

In contrast, the western and central states are largely rural and politically conservative, with little history of unionism. They generally rank in Tiers 3 and 4 (blue and green). Many of them bar agency fees and have low unionization rates, even where bargaining is mandated. But unions there, as well as most in New England, benefit

from the value placed on local control over restrictive state mandates. As a result, the policy environment tends to be aligned with union interests because there aren't many statewide education policies as such. Finally, the South is home to the Tier 5 states with the weakest unions, mapped in brown. These jurisdictions are both ideologically conservative and historically anti-union. Here bargaining is either prohibited or permitted, but not mandatory; union membership is low, even where bargaining is allowed; and education policy is not aligned with union interests.

FOUR KEY TAKEAWAYS

1. **Mandatory bargaining appears to tilt the playing field in favor of stronger unions.** At the very least, it is a sufficient (though not an essential) condition by which unions are made strong. Where bargaining is optional or prohibited, unions tend to score “weaker” on our overall metric.
2. **Resources make a difference.** Dollars and members are both important. With higher revenue, a state union can not only better finance its lobbying and advocacy efforts, but also increase its capacity to support the activities of its local affiliates. Greater membership means more union representation at the ballot box, more letters and calls to state leaders, and more boots on the ground during rallies and campaigns—and in turn, more revenue from member dues.
3. **The scope of bargaining matters a lot, too, as does the right (or not) to strike.** Local unions can and do use collective bargaining to protect teacher interests, which can (among other things) result in iron-clad job protections for

ineffective teachers. When a wide scope of bargaining combines with ill-defined, timid, or absent state policies, local unions have more room to negotiate contracts that serve their goals. And local bargaining isn't the only way to secure teachers interests; sometimes such protections are written directly into state law.

4. **The fact that a state has mandatory, permissive, or broad bargaining laws—or its unions enjoy abundant resources—does not mean that state policies are union-favorable and vice-versa.** Many states in our top two tiers have education policies that are *not* particularly favorable to teacher unions. Conversely, states without strong collective bargaining rights nonetheless have union-friendly policies. That's because other factors matter, too, sometimes greatly—beginning with state leadership (both past and present), federal policy, the condition of the economy, the influence of other key stakeholders, and the state's own macro-politics.

INTRODUCTION

HOW STRONG ARE U.S. TEACHER UNIONS? A STATE-BY-STATE COMPARISON

In recent years, debates over school reform have increasingly focused on the role of teacher unions in the changing landscape of American K-12 education. On one hand, critics argue that these unions, using their powerful grip on education politics and policy to great effect, bear primary responsibility for blocking states' efforts at reforms that would otherwise drive major-league gains in our educational system by preserving teacher job security at the expense of improved opportunities for kids.¹ Their defenders maintain that teacher unions are bulwarks of professionalism in education, that their power is greatly exaggerated, and that highly unionized states perform at least as well as any others—and better than many—on the National Assessment of Educational Progress (NAEP) and other indicators.²

This debate has taken on an international aspect, too, as critics of U.S. reform initiatives (and defenders of unions) point out that teachers are unionized all over the world, including in nearly all the countries that surpass us on measures such as the Trends in International Mathematics and Science Study (TIMSS) and Programme for International Student Assessment (PISA).

What to believe?

A few facts are indisputable, beginning with the fact that teacher unions are most definitely large and highly visible. (Consider recent goings-on in Chicago, for example.) Education employs more unionized staff than does any other profession in either the public or private sector.* Between them, the National Education Association (NEA) and American Federation of Teachers (AFT) have some 4.6 million members, a combination of active teachers and other public school employees, college faculty and staff, retirees, and students.³ AFT President Randi Weingarten (much like the man who built her union, Albert Shanker) is among the most-quoted education commentators in the land. Washington watchers peer closely into the latest federal policy or proposal for evidence of changing relations between the Obama White House and the unions. And their activities are not just limited to the national level, with teacher unions receiving widespread attention for their battle to protect bargaining rights in Wisconsin and Ohio, their position as political and financial heavyweights in California, and their dogged struggle (and strike) against change in Chicago.

* As reported by the Bureau of Labor Statistics. The BLS also reports that of the active "education, training, and library occupations" workforce, 37 percent comprise members of unions or employee associations similar to a union. A total of 41 percent of that workforce are either union members or covered by a union/association contract. BLS does not disaggregate K-12 public school teachers from its figures (see Bureau of Labor Statistics, United States Department of Labor, "Economic News Release: Union Membership 2011 (Table 3)," January 27, 2012). Further, as of 2007, 65 percent of school districts nationwide had either a collective bargaining agreement (54 percent) or meet-and-confer agreement (11 percent) (see National Center for Education Statistics, "Characteristics of Public School Districts in the United States (NCES 2009-320)," June 30, 2009).

Much ink is spilled over the influence that these organizations do or do not wield on the federal, state, and local levels. And there's little doubt that they do their utmost to influence policy on behalf of their members. In many a capital, the teacher union office building looms large on the streetscape within a block or two of the statehouse. In many a city, the first question asked of any proposed education change is "will the teacher union be okay with it?"

Serious books have been written about the political power of teacher unions, of which the most prominent recent example is by Stanford political scientist Terry Moe.⁴ Much of their focus is on the local collective bargaining process and its capacity to frustrate change (and raise costs) by writing requirements and prohibitions "into the contract." Also typically meriting chapters in such books are the effects of contract provisions on teacher quality, the various ways that unions engage in political activity by running, endorsing, financing, supporting—and opposing—candidates for public office, and examples of clashes between union and education leaders over reform.

Yet while we know that unions have multiple channels through which they can exert strength—including but not limited to bargaining, striking, lobbying, and participating in political campaigns—most research to date uses hazy or overly narrow definitions of such "strength." What proportion of teachers are unionized? Is collective bargaining mandatory, permitted, or illegal? Can unions collect agency fees from teachers who choose not to be

members? It's a good start—but it's not enough. Answers to these questions alone don't accurately reflect a union's power; they merely frame the context in which it works. It is like trying to determine whether a runner is fast by measuring his shoe size.

So when we (and our colleagues at Education Reform Now, an affiliate of Democrats for Education Reform) wanted to know which teacher unions are more (or less) influential in their respective states, we knew we had to do better. We asked ourselves: What data do we need to more accurately gauge union strength? What else, besides bargaining status, agency fees, and the ability to strike might make a union strong, and on what scale? (Veteran ex-superintendents from states that don't mandate bargaining tend to chortle when we ask whether their teacher unions are less "powerful," almost instantly replying that "what they can't get at the bargaining table they get at the statehouse," or words to that effect.) And once we devised a better measure of strength, how would the unions stack up? Is it possible that in some places they are indeed eight-hundred-pound gorillas, but in others more like hamsters?

We were aware going in, and are more aware today, that "teacher union strength" comes in many forms and can be wielded—and measured—in many ways. (That's true of strength in general, of course. Ask yourself: Who is stronger, the person who can lift one hundred pounds while standing still or the one who can run around the block while carrying fifty pounds?) Carrying out such measures in comparable,

* While states that prohibit collective bargaining are often casually referred to as "right-to-work" states, this is not a correct use of the term. "Right-to-work" specifically refers to laws that prohibit union membership as a condition of employment; under such legislation, unions cannot automatically collect "agency fees" in lieu of dues from non-members and employers need not consider whether an individual belongs to the union or not. Bargaining status and right-to-work are different, and independent, concepts. For example, Florida requires bargaining but is nevertheless a right-to-work state. Should employees wish to form a union, the district must recognize them, but that union cannot collect agency fees from teachers who choose not to join. (See sidebar, *Getting the Terminology Straight*.)

defensible ways is no small undertaking, however. On-point and contemporary data are extremely hard to come by and, while we wanted opinions and impressions from knowledgeable folks on the ground, as well as “hard” information, it’s no simple thing to determine whom to ask, and what to ask them—much less to get them to respond.

So we acknowledge at the outset that this is a pioneering study, fraught with methodological challenges, data difficulties, and judgment calls. We’re wary of drawing simplistic conclusions from a large and complex body of data and loath to slice and dice the inter-state comparisons too finely. (You will find, for example, that Illinois is exactly one notch above New York in terms of the “strength” of its teacher unions, 8th versus 9th in the national rankings. One would, we think, be crazy to make a huge deal of such a difference.)

Accordingly, we are humbler than usual in the conclusions that we distill from this investigation. We hope that this is a start to future work, and we look forward to feedback and commentary from others and for access to better and newer data that we can use to refine future analyses. But this research is a necessary step toward answering the Big Questions: How is union strength related to securing more funding for teachers and education? To the promulgation or obstruction of reform? To student achievement? We can’t begin to answer such questions with accuracy until we have a better definition and index of “strength.”

Nothing that we learned, however, changed the impression with which we began: Love ‘em or hate ‘em, teacher unions must be taken seriously by educators, reformers, and policymakers. Such folks may decide, whether out of expediency or earnest

conviction, to woo or placate union leaders, to compromise with them, or to ride roughshod over them (insofar as that’s possible to do), but they cannot avoid paying attention to them.

Nor should they. Public education in the United States is an exercise in democratic decision making. Indeed, nearly every significant decision about the organization and operation of American schools is established through the political process.⁵ Moreover, public education in the United States is governed by an intricate web of overlapping institutions and decision-making mechanisms spread over multiple levels of a federal political system.⁶ Teacher unions—like other interest-based membership organizations—use power to try to influence decisions made within this policy-making maze, and they, like other stakeholders in the system, have every right to do so. Others entering that maze must contend with those who already inhabit it. The more new entrants know about the methods, strengths, and weaknesses of existing inhabitants, the better they are apt to fare.

ORGANIZATION

This study compares the strength of state teacher unions via a systematic examination of how these organizations wield power, examining them from multiple angles, including the obvious—such as alignment of state policies to traditional union interests—and some that are less obvious, such as the perceptions of local insiders.

We start with the background research relevant to teacher union influence; Part I explains the five areas in which we chose to gauge union strength and the methods we used for doing so; Parts II and III present the findings—first the overall state results,

GETTING THE TERMINOLOGY STRAIGHT

The language surrounding organized labor is often confusing and misunderstood. We define a few essential terms below.

Employee organizations: professional associations vs. unions

An association is simply a group of individuals united under a common interest. If these individuals have the same occupation and see their purpose as advocating for and maintaining the legitimacy of that occupation, then they are a *professional association*. Regardless of where they work, teachers can always form a professional association. An association is a *union* only if it has bargaining rights, meaning that terms and conditions of teacher employment must be negotiated between the group and the school district, should the employees wish to do so. (Most unions *do* use their bargaining rights, but they don't have to.)

The vast majority of local teacher unions, and most local teacher associations, are affiliated with a larger state association. Most of these in turn are affiliated with either the National Education Association or the American Federation of Teachers.

Types of agreements: collective bargaining vs. meet-and-confer

A *collective bargaining agreement* (CBA) is a binding contract between a union and a school district or other employing entity. The contract can contain only certain provisions, as defined by state law (or allowed by virtue of silent state law), and is open for negotiation only at certain times, typically every three years. Disputes over the contract are settled by outside arbitration. Only unions can negotiate CBAs—although some may choose not to. A *meet-and-confer agreement* is a non-binding memorandum of understanding between an employee organization and a district. Under its terms, a dispute must get worked out locally, and the district can override the agreement in the event of a conflict. The agreement can be discussed, and altered, at any time, and the contents are not limited to certain provisions. Both unions and associations can enter into meet-and-confer agreements.*

Bargaining status: mandatory, permitted, or prohibited

Bargaining status refers to the district's relationship to the employee organization. Three types of bargaining status are possible: In *mandatory bargaining* states, all employee organizations have bargaining rights. In these states, it is up to the employees if they want to organize; if they want to be a union or an association; and if they want to negotiate a CBA, enter into a meet-and-confer agreement, or work under no agreement at all. The law requires that if employees wish to organize and use their bargaining rights to negotiate a contract, the district must recognize them as a union—and bargain with them. The employer must accept the employees' choice.

In *permitted bargaining* states, districts may decide to grant employee organizations bargaining rights, to enter into a meet-and-confer agreement, or not recognize the employee organization at all. In these states it is still up to employees whether to organize. If they then wish to negotiate a CBA, they must first request recognition as a union—but districts are not obligated to recognize them as such. Even if the employees seek a non-binding meet-and-confer agreement, the district is not required to grant that request. The employees must accept the district's choice.

In *prohibited bargaining* states, districts may not grant bargaining rights to employee organizations. Employees may still organize, but those organizations are associations, not unions. In such states, a district may still enter into non-binding meet-and-confer agreements with the association if it wishes to; the employees must accept the employer's choice.

* For multiple and diverse examples of district CBAs, see the National Council on Teacher Quality's Teacher Rules, Roles, and Rights (TR3) database, <http://www.nctq.org/tr3/home.jsp>.

GETTING THE TERMINOLOGY STRAIGHT**Right-to-work status and agency fees vs. automatic payroll deductions of member dues**

Right-to-work refers to the union-employee relationship in states where unions are allowed (mandatory or permitted bargaining states). (Prohibited bargaining states are right-to-work by default, because they have no unions.) Right-to-work laws stipulate that no union can require membership as a condition for employment. They also dictate that, should employees choose not to be members (which they are free to do, in any state, at any time), the union cannot charge them involuntary *agency fees* in lieu of membership dues. In states where unions are allowed, right-to-work status is independent from (and often confused with) bargaining status. Bargaining status describes the district-employee organization relationship; right-to-work status describes the union-employee relationship. So a mandatory bargaining state can also be right-to-work (for example, Nevada, Iowa, Indiana, and Florida), and a permitted bargaining state does not have to be right-to-work (permitted bargaining states Missouri, Kentucky, West Virginia, Ohio, and Colorado do not have right-to-work laws).

Regardless of right-to-work status, employee organizations are allowed to charge membership dues to those teachers who want to be members. Most organizations collect these dues via *automatic payroll deductions*—they subtract member dues from each teacher's paycheck. In a handful of states, employee organizations are barred by state law from doing this if those deductions (or portions thereof) are used for political purposes.

then by each of the five areas; Part IV sets forth the conclusions and takeaways as we interpret them; and Part V presents the state-level profiles. The appendices include a full explanation of our scoring metric and data sources, as well as the rationale for each indicator, and a list of state-level NEA and AFT affiliates.

BACKGROUND

SUMMARY OF RESEARCH ON TEACHER UNION INFLUENCE

Scholars and education policy observers acknowledge that teacher unions are active players in education policymaking and decision making. Historically, research has focused on a few key questions: How do unions influence spending on education? How do they shape policies (and other political processes, like elections)? And how do they influence student achievement?

The quest for a link between union strength and education spending—particularly on teacher wages—has received the most attention.* Studies have generally concluded that districts with strong unions pay their teachers more.⁷ Other work explored the relationship between union strength and larger policy outcomes, like NCLB-style accountability, teacher merit pay, per-pupil expenditures, and the adoption of charter school laws.⁸

Some research has focused not on policy outcomes but rather on the political activity of teacher unions as they lobby for congenial policies and work to elect candidates that are sympathetic toward union interests. One study found that most legislators rank teacher unions as the most active lobbying organization in the state

capital, while another found that school board candidates who are endorsed by teacher unions win 76 percent of their elections, compared with just 31 percent of candidates who do not receive such endorsements.^{9, 10}

A host of studies has looked beyond policy to probe for an association between teacher union strength and student achievement outcomes. These analyses are complicated by the fact that teacher unions cannot be randomly assigned to some students or districts in the same way that a new curriculum or instructional strategy can, and so it is difficult to assign causal credit or blame to teacher unions for student achievement outcomes. While some studies have found a generally positive correlation between the presence of a teacher union and student performance on standardized tests, unions are also associated with a widening gap between low- and high-achieving students.¹¹ Additional studies have linked unions with standardizing education practices and driving additional dollars into public education and classroom instruction.¹²

The majority of existing studies rely on narrow measures of union strength, either the legality of collective bargaining or the percentage of teachers who belong

* It is notoriously difficult to establish a cause-and-effect relationship between union membership and teacher salaries. For example, does a high membership rate better enable a union to negotiate for higher salaries, or are high membership rates and high wages the result of some other variable, such as a union-friendly political climate? We recognize this limitation in our own report and mitigate it by not limiting our definition of union influence to one variable (teacher salaries, for example, or union-favorable policies) but rather including multiple measures of potential union strength.

to a union (also known as “unionization density” or the “unionization rate”). Neither, however, captures the nexus between union power and the processes and outcomes of policymaking. Worse, each is potentially misleading: union density is often simply a proxy for bargaining status (or geography and history—some areas of the country are simply more unionized than others). In turn, bargaining status (which applies at the local level) has not stopped many state-level unions from exerting substantial power in the capital. Given the narrow scope of these measures, some scholars have questioned the findings of studies that use them to define and gauge strength, while others have called for more robust, inclusive measures of union influence.¹³

Luckily, a more recent wave of research on union influence has heeded that call, recognizing that existing (and limited) approaches have yielded an incomplete and inconclusive picture of how unions affect policymakers, education spending, and ultimately, students. One study measured union strength by combining bargaining status, union density, and union campaign contributions and found that higher rates of union political giving correlate with the adoption of fewer education reform policies.¹⁴ A handful of researchers have quantified local union strength by measuring how much a district’s collective bargaining agreement constrains the unilateral authority of its leaders; their findings suggest that restrictive labor agreements have a negative impact on student achievement (the most likely cause being a contract that limits the principal’s authority to manage and allocate personnel for student benefit).¹⁵

Still, a common dilemma pervades all of these recent studies. Resolving how teacher unions influence salaries, political

outcomes, and student achievement is impossible without an accurate definition of what an “influential” union actually means—and that definition is currently lacking. Undaunted by this challenge (others might say naïve!), we set out to bridge this gap, assuming up front that a single variable is a poor proxy for union strength. We posit that the whole is greater than the sum of its parts, and instead combine a number of variables—thirty-seven, to be exact—to rank the relative strength of state teacher unions. Some of these variables, like bargaining status and union density, are familiar from earlier analyses. But we’ve added many more—some publicly available information but also new data of our own design. (To our knowledge, this dataset comprises the most data points to date relative to the assets and activities of and perspectives on state-level unions.) In the end, we explain what this complex data quilt tells us. But we’re getting ahead of ourselves. Let’s turn to an explanation of those data next.

PART I: EVALUATING TEACHER UNION STRENGTH

This study attempts to measure teacher union strength at the state level by answering three broad questions. First, what elements are potential sources of a union's strength (i.e., inputs)? Second, how might unions wield power in terms of behavior and conduct (i.e., processes and activities)? And third, what are potential signs that they have gotten their way (i.e., outcomes)?

Note that we do not attempt to *separate* inputs, such as membership, from outcomes, such as blocked legislation. We count them both. Our rationale is simple: It is nearly impossible to draw a line between the two. Union-friendly state education policies, for instance, are likely viewed as outcomes—yet they also infuse a union with additional strength (an input), whether or not the union had a strong hand in creating them. More revenue received by a union (frequently viewed as an input) may bolster its political giving (a process) and thus give it more allies among state leaders (an outcome of activities, but also now a source of union strength)—who in turn may favor policies that help the union gather more revenue. High membership gives a union a broader support base from which to fight for legislation, for example, that might limit the growth of charter schools—which in turn may help maintain those high membership numbers. The sources of union strength (inputs) and the effects of a strong union are simply inseparable.

No single attribute of teacher unions defines their strength. Rather, strength results from a blend of resources, leadership, initiative, relationships, and earlier effectiveness. Each of these characteristics functions on a continuum; each affects and is affected by the others. Nor can one assume that the balance or mix of these characteristics is uniform across the country. The importance of a union's resources or relationships, its leadership and initiative, or its effectiveness in open versus behind-the-scenes political debates, is largely related to the context in which it operates. Teacher unions in states that allow agency fees, for example, may be able to amass greater financial resources than their counterparts in other states, and direct those resources toward campaigning openly—even confrontationally—for politicians and/or policies. A union without extensive revenue may instead work on building relationships through quiet conversations behind closed doors—but ultimately enjoy as much success, demonstrating equivalent power on the outcomes side. Likewise, a teacher union in a state where few stakeholders introduce reform initiatives, or even criticize the status quo, need not invest copious time and money rebuffing challenges, whether they have adequate resources or not; moreover, that lack of challengers itself may—or may not—indicate the union's influence. Thus, we've attempted in this study to capture both visible and invisible (some may say “hard” and “soft”) elements

A NOTE ABOUT DICTION

In our metric, we use “teacher union” to connote *state-level* affiliates of either the National Education Association (NEA) or the American Federation of Teachers (AFT). In the strictest of terms, these are professional associations, not unions, since state associations do not have bargaining rights themselves—and unions do (see sidebar, *Getting the Terminology Straight*, page 18). That said, local affiliates often ask a representative of the state association to negotiate on its behalf or advise it as the negotiation proceeds. While conventionally state-level NEA and AFT affiliates are called “unions” (and we maintain that convention here), they are technically *all* professional associations or teaching federations, not unions, regardless of whether the state allows collective bargaining or not. (The only exception is the Washington Teachers’ Union in the District of Columbia, which has bargaining rights.)

We refer to district-level employee organizations as “local unions” (for those that have bargaining rights) and “local associations” (for those that do not).

Every state is home to at least one NEA or AFT state-level teacher union; thirty states have two. They are largely advocacy and political action groups, helping organize teachers and gather resources to influence state policy and protect the interests of education professionals. Additionally, they provide support, training, and resources to their local affiliates, which in turn negotiate contracts or other agreements with school district leaders. Some also offer teacher professional development, health and liability insurance, legal and financial services, discounts, travel, and retiree resources. In some states, there also exist “independent professional associations” not affiliated with either the NEA or AFT. Most of these do not engage in political activity, and some simply provide insurance, teacher professional development, or other services. We do not include data for any state-level organization not affiliated with the NEA or AFT.

of strength, such as annual revenues and how insiders view the union’s status.

Taken together, these inputs, processes, and outcomes paint a reasonably comprehensive picture of power. In this report, we consider indicators of power in five categories: Resources and Membership, Involvement in Politics, Scope of Bargaining, State Policies, and Perceived Influence. Below we describe each.

Area 1: Resources and Membership

This area measures the internal resources on which unions rely (members and revenue), and the financial resources dedicated to education in the state. While size and funds do not automatically make one union more powerful than another, the ability to amass people—to lobby lawmakers, volunteer in campaigns, sign

petitions, vote in elections—and to bring in more money are, in many cases, an indicator of influence. Thus we examine teacher union membership and revenues relative to all public school teachers in the state, judging that a critical mass of membership and high revenue per teacher build a necessary foundation for strong unions. We also examine K-12 education spending, including allocations by the state, total per-pupil expenditures, and the percentage of spending that goes to teacher salaries and benefits.

Area 2: Involvement in Politics

State teacher unions do not negotiate contracts. Their local affiliates do. The state union’s place is in the state capital, lobbying for or against (or helping design, alter, or dismantle) policies that run the legislative gamut: state budgets and

expenditures, revenue streams and taxes, pensions and benefits, public employee and education bargaining rules, charter school and voucher laws, and teacher employment policies. One way that unions work for policies aligned with their interests is by ensuring that elected officials favor those interests—or at least do not actively oppose them. Political giving is a key tactic that unions use to support candidates who champion their priorities, eliminate candidates who do not, and encourage incumbent office-holders to remain true to their campaign promises. If a significant proportion of donations to candidates and parties comes from teacher unions, those unions function as key political players and thereby possess significant sway.

This category measures the extent to which unions are positioned to influence policymaking, including but not limited to K-12 schooling. The majority of data in this category represents teacher unions' political contributions to state candidates and political parties. Due to time and resource constraints, we could not investigate more nuanced data such as union contributions to winning candidates or union support of one candidate in an effort to remove his competitor. Rather, this category gauges giving to all candidates for state office, regardless of political party or election outcome. We examine giving both to candidates and to political parties, and we compare teacher union contributions to contributions from other politically active sectors and industries in the state. We also examine the percentage of delegates to national political conventions that were teacher union members; those data are another reasonable clue as to the union's influence on the political process.

Area 3: Scope of Bargaining

This area links union strength to state laws

directly related to collective bargaining. Is such bargaining mandatory, permitted, or prohibited? How broad is the scope of that bargaining (i.e., which issues can or must be negotiated in a collective bargaining agreement? Which are barred from consideration?)? And do unions have legally protected revenue sources, like the right to collect agency fees from non-members, or do right-to-work laws stop them from doing so?

Bargaining status and agency fees measure state union strength because both affect the resources, status, and leverage of unions at all levels. Not only can bargaining bring a union increased membership and revenue from those members, it also gives a union visibility and status. And with high membership, a state union can more credibly claim that it represents teachers as a constituency, which in turn lends weight to its lobbying and advocacy campaigns and increases state-leader receptivity to its efforts. Mandatory bargaining laws facilitate (and/or signal) a strong union presence, and with that presence unions can better use their political muscle to influence state policy. Agency fees allow unions to collect revenue from all teachers, not just union members, which in turn can be used to fund political (and other) activities.

Many past observers have assumed that bargaining status and agency fees were the only important indicators of union strength, with strong unions in mandatory bargaining states and in places where they can collect agency fees. (These two ideas—bargaining status and right-to-work laws—are separate from one another but often conflated. See *Getting the Terminology Straight*, page 18.) While limited ability to secure funds from non-members (part of the right-to-work definition) might weaken a union, we also found that many teacher unions in such

states are able to amass resources and exert authority using other channels of influence. Likewise, we found a number of unions in permitted-bargaining states that ranked higher (on our overall metric) than their counterparts in mandatory-bargaining states. That's because bargaining status alone did not determine their might.

In addition to bargaining status and agency fees, we examine the scope of bargaining, the legality of teacher strikes, and whether or not unions can automatically deduct dues from the paychecks of their members. States that limit the scope of bargaining, prohibit strikes, and prevent automatic payroll deductions are limiting unions' financial resources and leverage.

Area 4: State Policies

This area measures teacher union strength by the degree of alignment between state education policies and certain traditional union priorities. The indicators examine two types of policies in which unions have shown considerable interest: teacher employment rules and charter school laws. The former policies include teacher evaluations, tenure, layoffs, class size, pensions, and performance pay. The latter include laws related to the number and variety 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.

By including these policies in our metric, we do not assume that teacher unions shaped them. Even if "union-preferred" policies are not direct outcomes of union activity, a favorable policy climate nevertheless represents a status quo that protects the union. For example, to the degree that school choice is constrained

within a state, teacher unions need not fear that district schools will lose market share or, by extension, that teachers will sever their union ties while working in the charter or private school sectors. Even if the unions did not influence the policy, they still benefit from the status quo—and preserving that is a lot easier than changing it.

Note, though, that our indicators are neutral as to the policies and reforms themselves. In other words, rather than measure whether a union's support of a certain policy or reform is "good" or "bad," the metric assumes that teacher unions will take a particular stance on each of the policies, and simply measures the extent to which existing policies align or do not align with that stance. Yes, it oversimplifies a bit to assume that all teacher unions share the same stance on a given policy. Across the nation, a handful of teacher unions have bucked national trends—and the National Education Association and the American Federation of Teachers differ somewhat in their policy positions. But while some state unions may take a more nuanced or multifaceted view toward certain policies, teacher unions do act in the interest of their members; hence, most will react similarly to the same policies.

Area 5: Perceived Influence

This area gauges the unions' perceived influence through the eyes of knowledgeable observers in the state. Resources may give a union leverage, but in some states revenue and members do not equate to influence. Campaign contributions reflect teacher-union behavior but do not guarantee that a union has real sway with candidates once (and if) they are elected. Permissive bargaining laws give unions room to maneuver and may yield a key source of revenue, but

they do not, in and of themselves, impact state policy outcomes. Further, a union-favorable policy environment may be the result of a strong, active union, or of long-time public allegiance to an establishment-friendly culture—allowing labor to lay low rather than needlessly devoting financial or political capital to further an agenda that’s already reasonably satisfactory. Or vice versa: The unions are major donors to campaigns—but the state is already predisposed against them or their interests. In such circumstances, a union that gives heavily to campaigns may be more desperate than powerful.

Given these complexities, we use data from an original survey of key stakeholders within each state to capture perceived influence: How much sway do these insiders believe the teacher unions carry in their state and in what ways? The survey asks whether the positions of policymakers are aligned with those of teacher unions, how effective the unions have been in stopping policies with which they disagree, and how influential the unions are in comparison to other entities in the state, among other areas.

Table 1 summarizes each area and indicator examined, as well as the percentage of the total score that each represents. We discuss the indicators (and data sources for each) and the weighting system broadly below, and with much greater detail in Appendix A.

METHODOLOGY

Designing the Metric

To develop a metric that measured potential sources, processes, and outcomes of union influence, we first examined the existing research on union activity, asking how others quantified “strength”

and measured its manifestations. We paid special attention to researchers’ reflections on future work needed, as many acknowledged the limitations of their methods and offered recommendations to others in the field. We also assembled an expert team of study advisors (see Acknowledgments, page 5), some of whom are prolific researchers on the topic, and solicited their input on recommended measures of union strength (and the data we might gather to measure it).

Combining research, advisor input, and our own experience, we devised the five general areas described above. Next we examined potential data sources, and divided each area into “indicators” of strength. Each major indicator is comprised of one or more specific “sub-indicators” that represent individual data points. For example, Area 4 encompasses “State Policies”; major indicator 4.4 constitutes “Employment Policies”; and sub-indicators 4.4.1, 4.4.2, and 4.4.3 measure the degree to which state policies on teacher tenure, layoffs, and dismissal, respectively, align with traditional union interests. (More on the weighting of indicators below.)

For the full rationale behind the inclusion of each indicator, see Appendix A.

Data Sources

Data for this study were collected in two ways. First, we drew extant data from both public and proprietary sources. Sources are listed alongside each indicator in Appendix A, and include the National Center for Education Statistics, the National Institute on Money in State Politics, the National Council on Teacher Quality, and the National Alliance for Public Charter Schools. These data informed indicators in Areas 1–4.

TABLE 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 <i>proposed</i> 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 <i>outcomes</i> 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

Second, to capture those unseen aspects of influence and power, we fielded a survey of key stakeholders in each state in Summer 2011. These data were used to calculate Area 5. Stakeholders were asked only to respond for the state in which they reside/are most knowledgeable. We reached out to state legislators, chief state school officers and school board members, governors' offices, state-level charter-schooling organizations, education advocacy organizations, and education journalists in each state. These stakeholders are not meant to be representative of all state residents, but rather of a targeted group of nearly six hundred key policy movers and shakers with direct knowledge or experience with unions in their respective states; hence, they hold more informed perceptions than the general public. For each state, data are only included for those individual survey questions for which we received

at least three responses ("not applicable" and "don't know" were counted as non-response). We acknowledge that this threshold response rate is low; but given that our survey targeted specific knowledgeable stakeholders in each state (and we asked only an average of eleven persons per state to participate), this small sample is not as problematic as it would be in a large-scale survey. Further, survey data comprise only 20 percent of our metric—and these stakeholder responses showed a high degree of alignment with the indicators used to compile the other 80 percent.

Note that 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 the education policy sector has undergone significant change

METHODS HOUSEKEEPING

Four points related to our methods merit special attention.

First, state ranks are reported *relative to each other*, not on an absolute scale. Our work is premised on the assumption that there is no objective definition of “strong” and “weak” against which unions can be compared, and creating an absolute scale requires that very definition. As such, a state’s final score is a combination of measures of potential union influence *in that state*. Using that score to then rank states against each other gives meaning to the raw numbers—we can say a state with a higher score has unions that are “stronger” within that state as compared to unions in a state with a lower score.

Second, the education policy is dynamic, but our data are static. As a result, the rankings might lag behind current conditions. This has the potential to affect some areas more than others. Data in Area 4, State Policies, reflect teacher employment and charter policies through the end of 2011. This captures most of the policies recently enacted by states, many of which were motivated by the federal Race to the Top competition and in anticipation of applying for waivers to the No Child Left Behind Act, and some of which are consequences of the 2010 election. Similarly, our stakeholder survey (Area 5) reflects conditions at the end of summer 2011. Some data are older, however. For example, the most recent available numbers on teacher union membership are from 2009. Including multiple measures mitigates this lag, but given the rapidly changing nature of politics and policy, we realize that what was true on the day this report goes to press might not be true the day after.

Third, the indicators in Areas 3 and 4, related to bargaining, teacher employment, and charter laws, reflect what is codified in state law (and, in a handful of cases, decided by the courts). However, a state’s constitution (and its interpretation by the courts) can also have a significant (or negligible) impact on education laws in that state. We discuss this more specifically in Appendix A.

Finally, while our measures are commonsensical, they nonetheless represent an inexact science. Further, sometimes only small numerical differences separate the states. Thus, after we ranked the states, we divided them into five broad “tiers” of union strength, from strongest to weakest. We report the tier in which each state falls, along with its overall ranking, area scores, and indicator scores. The use of tiers is meant to acknowledge the imprecision of the data. As with any exploratory analyses, we invite others to tweak our metric and weighting—and update our data sources—to craft potentially more accurate and robust methods.

of late, particularly given the federal Race to the Top competition, applications for No Child Left Behind waivers, and state elections (in 2010 and 2011) that ushered in many new faces, often Republicans eager to overhaul particular policies (see *Methods Housekeeping* sidebar). We asked respondents to focus on teacher union strength in these more recent years, rather than historically, to capture current trends. (This is not to say that their responses were not shaped by their overall perspective on

union strength, apt to have been formed over many years.) But given the pace of change in just the last year or two, policy over a three-year period is not as static as one would assume. Further, recent changes do in many ways reflect a new weakening of teacher union influence over education policy in some states; whether that waning of teacher union strength will last is another question entirely. As in any research study, our data reflect a moment in time—and the current national and state policy climate

made that moment more temporal than most. That said, we note recent education policy changes in the state profile reports—and indicate whether our data were able to accommodate them as of press time.

In addition to the data sources noted above, the state profiles (Part V) include brief essays about recent policy-related union activity (typically occurring in 2011–12). These narratives, which appear at the end of each profile, serve as additional context for the more static quantitative data. They are informed by both online and print media, and in a few cases we contacted state insiders when news reports were conflicting.

Data Analysis: Grading and Ranking

After we gathered data for each sub-indicator described in Table 1, we graded them on a 0 to 4 scale, much like a traditional college GPA scale, with “0” reflecting an attribute of a weak teacher union and “4” representing an attribute of a strong one. To score a sub-indicator that used continuous quantitative data—for example, unionization rate, per-pupil expenditures, or union donations to candidates—we put the states in rank order from greatest to least and divided that list into quintiles. The states in the highest quintile were scored “4,” in the next-highest “3,” in the middle “2,” near the bottom “1,” and in the lowest quintile “0.” For example, on sub-indicator 1.1.1: Membership, we ordered states based on the proportion of their teachers who are unionized. The highest quintile—the ten states that had the highest unionization rate—scored “4.”

The ten with the lowest unionization rate scored “0.”*

We translated qualitative information into categorical data by assigning a grade from 0 to 4 to particular outcomes. For example, sub-indicator 4.1.1: Performance Pay was drawn from the National Council on Teacher Quality’s 2011 State Teacher Policy Yearbook. In response to NCTQ’s question, “Do states support performance pay?” a state received “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.” In cases where there were not five possible outcomes, not all scale points were used. When no data were available for a state, or when a given indicator did not apply to a particular state, scores were coded as “N/A.”†

To calculate the overall rank of each state, we first averaged the sub-indicators within a major indicator; then major indicators within the same area; and finally all five areas (with each area thus comprising 20 percent of the overall score), resulting in a final 0 to 4 score. States were then ranked according to their final score, and the list was again divided into quintiles. The ten states with the highest scores—those closest to “4”—were those with the strongest unions. We call these “Tier 1” states. The ten states with the lowest scores—those closest to “0”—were those

* With fifty-one jurisdictions overall, each quintile comprises ten jurisdictions, except the quintile scored as “2”—the middle quintile—which comprises eleven.

† We did not count the absence of a charter law in the metric because doing so required us to make an assumption we knew to be false: that unions had a hand in that absence in all nine states without charter laws. For example, neither Washington State nor North Dakota is home to a charter school law. The union role in each state is markedly different: In Washington, teacher unions have fought tooth and nail against a charter law for over a decade; but in North Dakota, other realities—such as the state’s overwhelmingly rural population—are stronger impediments to a charter law than teacher unions. Because we could not assign these states’ teacher unions (and those in the other seven without charter laws) a uniform score relative to their influence on the absence of a state charter law, we graded these states as “N/A” for those particular data points.

with the weakest unions, which we term “Tier 5.”

Before finalizing the rankings, we used the data to conduct a preliminary evaluation of our measure: Did including multiple indicators truly give us a more robust definition of union strength? Or were they all so tightly correlated that any union that scored highly in one area was scoring highly in all of them? Our analysis indicated that it was the former. Unions that ranked highly in one area did not necessarily rank high (or low) in the others. The highest significant correlation (0.7) was between Area 1: Resources and Membership and Area 3: Scope of Bargaining. This is not surprising, because bargaining status is tied to membership and agency fees to union revenue. But the other significant correlations ranged from 0.2 to 0.5, and some areas were not significantly correlated at all.* This reinforced our contention that strong unions do not look the same everywhere and that it is 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 determining more of the final score than another.

*Of the ten possible pairings among areas 1-5, only six showed significant correlations. Data available upon request.

PART II: FINDINGS

OVERALL RANKS

Table 2 displays the overall rank and area scores of each state.

We divided our fifty-one jurisdictions into five tiers, from Tier 1 (the strongest) to Tier 5 (the weakest). Table 3 shows the overall rank and tier for each state.

Many of the states whose teacher unions fall into our top tier—such as California, New Jersey, and Washington—are widely recognized for having powerful teacher unions. But others—such as Oregon, Montana, and Rhode Island—may come as a surprise. Further, the rankings are only partially aligned to bargaining status (widely used as a proxy for union strength). All of the Tier 1 states mandate

collective bargaining, but so does Florida, which ranked next-to-last. Restrictions on bargaining likewise do not automatically determine that a union is weak—not all five states that prohibit collective bargaining are in Tier 5 (North Carolina is in Tier 4), and bargaining is only permitted, not mandated, in three of the twenty strongest (Ohio, West Virginia, and Alabama).

We saw this pattern of trends and exceptions across not just bargaining status but every variable we examined. This emphasizes our core assumption: bargaining status, agency fees, and unionization rate alone do not determine what makes a strong union. But a few key factors appear to have a heavy hand in how unions operate in each state. We expand on those factors in the text that follows.

TABLE 2. TEACHER UNION STRENGTH BY STATE

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Alabama	20	24*	1*	45*	18*	25
Alaska	15	13*	36*	4*	21*	36
Arizona	51	40*	49	45*	49*	48
Arkansas	48	50	47*	45*	20	37
California	6	20*	18*	1	37	1
Colorado	35	37*	18*	25	48	29
Connecticut	17	9*	29*	13	13	27
Delaware	19	9*	29*	15	36	18
District of Columbia	33	17	N/A	21	49*	41
Florida	50	47*	36*	35*	46*	50
Georgia	45	35*	36*	48*	26	45

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Hawaii	1	3*	1*	9	9	23
Idaho	36	30	4*	42	45	42*
Illinois	8	18*	12	3	39	28
Indiana	31	9*	13*	39	44	32
Iowa	27	27	23*	32	11	31
Kansas	32	33*	18*	31	14	30
Kentucky	28	35*	26*	26	10	11*
Louisiana	42	40*	44*	24	33	44
Maine	22	20*	44*	16	7*	11*
Maryland	23	26	40*	20	16	4
Massachusetts	21	13*	40*	12	21*	16
Michigan	16	6*	4*	22	51	20
Minnesota	14	3*	32*	2	46*	19
Mississippi	46	49	40*	43*	7*	51
Missouri	38	33*	47*	23	40	24
Montana	3	20*	10*	6	6	5
Nebraska	26	18*	13*	37	27	38
Nevada	25	28*	18*	27	28	10
New Hampshire	30	24*	40*	14	17	40
New Jersey	7	1*	26*	17*	5	2
New Mexico	37	46	32*	35*	29	8
New York	9	1*	13*	19	24*	21
North Carolina	40	47*	29*	48*	12	11*
North Dakota	24	28*	23*	33*	2*	14
Ohio	12	20*	17	10	23	35
Oklahoma	43	44*	26*	40	43	46
Oregon	2	9*	8*	4*	34*	3
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
South Carolina	49	51	35	43*	38	47
South Dakota	34	40*	1*	33*	34*	49
Tennessee	41	37*	18*	38	42	42*
Texas	44	44*	36*	48*	30*	34
Utah	39	37*	25	28*	30*	39
Vermont	11	6*	44*	8	2*	22
Virginia	47	40*	50	48*	4	33
Washington	10	3*	32*	11	18*	9
West Virginia	13	31*	4*	28*	1	6
Wisconsin	18	13*	8*	41	24*	17
Wyoming	29	31*	13*	28*	30*	26

* Indicates that a state is tied with one or more other states for this rank.

TABLE 3. TEACHER UNION STRENGTH BY RANK AND TIER

Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
		Indiana		Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

FIGURE 1. MAP OF TEACHER UNION STRENGTH BY TIER

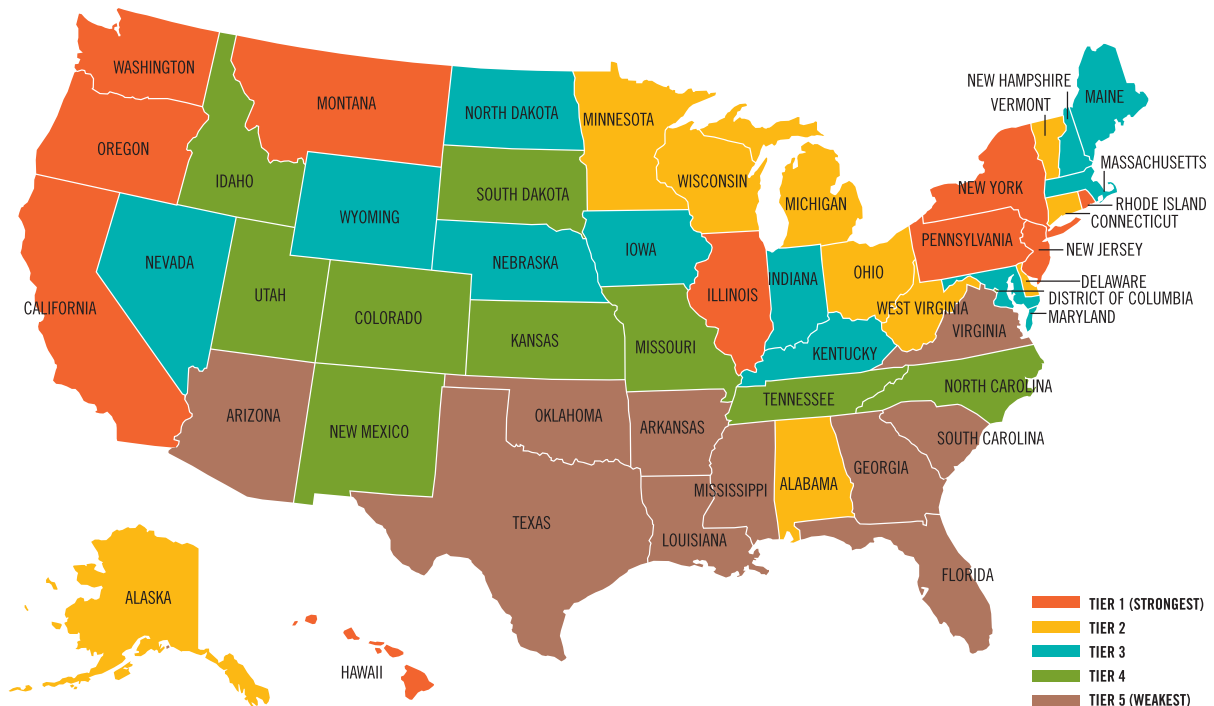


Figure 1 maps each state's overall rank by shaded tiers. As shown, there are strong regional trends. The West Coast and the Northeast have nearly all of the strongest unions in the nation (shaded red and light orange), while southern states have the weakest (in brown).

What might be the cause of these trends? There is nothing inherent to geography that dictates union strength, whether we're talking about teaching or other lines of work. But geography is correlated with factors that do: the history of collective bargaining, the rhetoric of unionism, and overall political or ideological orientation. Places where unions have long been regarded as necessary and valuable parts of the economy will mandate bargaining, and allow unions to collect agency fees to do their work. The scope of bargaining will be wide, because at some point state leaders believed unions should have leeway to negotiate with their employers. Workers are more likely to be unionized if organized labor is part of the state culture, and as a result the unionization rate will be high. Places where the rhetoric and public opinion surrounding unionism is favorable are more likely to trust and value union positions rather than challenge them; these values in turn are reflected in state policies. And in places that are ideologically more liberal, voters are more apt to hold favorable views toward unions and to elect Democrat leaders, who in turn tend to be more receptive to the interests of organized labor.

These factors are highly aligned with geography. Organized labor in America began with workers in the factories of the Northeast and the railroads of the West, and soon spread to manufacturing in the Midwest. (Compare the economies of these areas to the agrarian economy of

the South, which did not have corporatist structures that facilitated organizing and employee participation.) These same areas tend to have long-standing favorable views toward organized labor as a necessary means to protect workers' rights. They are also the parts of the country that in recent years have been lumped together as "blue states." The opposite is true in the South and central parts of the United States—the "red states." Employers rejected organized labor in the South and in the rural central states there was not much need for it. Neither history nor rhetoric nor ideology favors unions in these parts of the country.

Given this alignment of geography with factors that contribute to union strength in general, the correlation between location and our rankings shown in Figure 1 is not surprising. The Tier 1 states with the strongest teacher unions, mapped in red, are in the West and Northeast—areas with a history of organized labor, pro-union sentiment, and a liberal ideology. All of these states have mandatory bargaining and allow agency fees, and all ranked highly in Area 5 (Perceived Influence). The Tier 2 states in light orange are mostly in the Midwest, which is also historically (and currently) pro-labor but generally more moderate politically. These states also allow agency fees and, while some permit rather than mandate bargaining, the unionization rate is high regardless. Further, unions tend to be politically active there (Area 2), where political and policy outcomes are somewhat less predictable than in the Tier 1 states. The Tier 3 and Tier 4 states (blue and green) in the West and central parts of the country are largely rural, with little history of unionism, and often fairly conservative in ideology. As such, most of these states prohibit agency fees and have low membership rates, even where bargaining is mandated. On the other hand,

TABLE 4. TIER 1 (STRONGEST) TEACHER UNIONS

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Hawaii	1	3*	1*	9	9	23
Oregon	2	9*	8*	4*	34*	3
Montana	3	20*	10*	6	6	5
Pennsylvania	4	13*	10*	7	41	7
Rhode Island	5	6*	4*	17*	15	15
California	6	20*	18*	1	37	1
New Jersey	7	1*	26*	17*	5	2
Illinois	8	18*	12	3	39	28
New York	9	1*	13*	19	24*	21
Washington	10	3*	32*	11	18*	9

* Indicates that a state is tied with one or more other states for this rank

in many such states local control is valued over restrictive state mandates, and as a result we see the policy environment (Area 4) aligned with union interests because there aren't many statewide education policies as such. Finally, the Tier 5 states with the weakest unions, mapped in brown, are in the South, where states are both ideologically conservative and historically anti-union. In these states, bargaining is either permitted or prohibited, membership is very low even in states where bargaining is allowed, and education policy is not aligned with union interests.

In the pages that follow, we present the overall strongest and weakest of the bunch. Then we examine the strength of state unions by each of the five major areas that we analyzed: Resources and Membership, Involvement in Politics, Scope of Bargaining, State Policies, and Perceived Influence.

AMERICA'S STRONGEST TEACHER UNIONS

Table 4 lists the ten states with the strongest teacher unions according to our analysis, both the state's overall rank and its rank within each of the five areas of our metric. As the table shows, even states with Tier 1 teacher unions vary widely across those areas. Hawaii's teacher unions, for example, can claim the greatest political involvement among the top ten states (though Hawaii is tied in that category with Alabama and South Dakota, which fall into Tiers 2 and 4, respectively); New Jersey and New York boast the most significant membership and resources; and California is home to the broadest scope of bargaining and the strongest perceived influence.

What do these strong teacher unions have in common?*

* It is not surprising that "top" states do well on the indicators that we chose to include, but there is no expectation that they will share commonalities. Sometimes they did (for instance, relative to high membership, high revenue, and strong reputation) and sometimes they did not (e.g., mixed policy environments).

THREE SURPRISING HEAVYWEIGHTS

Hawaii (Tier 1), Montana (Tier 1), and Alabama (Tier 2) are seeming outliers. Although Hawaii is now politically liberal, organized labor could not gain a foothold in the state until the 1950s (despite decades of trying). Yet it has some of the most permissive bargaining laws and union-favored education policies in the nation, and the state union has more resources—and is more politically active—than nearly anywhere else. Montana is a politically conservative, rural state surrounded by others in the midst of enacting anti-teacher-union legislation by the fistful—yet it mandates collective bargaining, gives it a wide scope, and allows agency fees. Unions are highly active in politics there, and state policies are highly aligned to union interests. Alabama prohibits agency fees and is firmly in the anti-labor, socially conservative south, yet its union is the most politically active in the nation, has one of the highest unionization rates in the permitted bargaining states, and generates a significant amount of revenue per teacher. What might explain the high ranking for these states?

Hawaii has only one school district, Alabama only 133. Having fewer local affiliates may allow an otherwise weak state union to direct more of its resources up to the statehouse instead of down to the districts, to mobilize its members more efficiently, and to present a unified front.

Hawaii and Montana unified early. The “unification date” is when local unions were required to affiliate with, and pay dues to, the state and national association. The three strongest state unions in this report—Hawaii, Oregon, and Montana—were among the first three NEA affiliates to unify, doing so between 1944 and 1946. Early unification gives state unions time to build infrastructure, develop leaders, amass resources, gain allies, and establish a position within the political culture.

Alabama is socially conservative but politically liberal. While Alabama voters have supported Republican presidential candidates for 50 years, the Alabama legislature was dominated by Democrats for more than a century (2010 marked the first time in 136 years that Republicans were the majority in both houses). This, coupled with the Alabama Education Association’s position as a storied cultural institution, led to a number of labor-friendly policies in what is generally perceived to be a “red” state.*

The ability to amass people and money, and maneuver within wide legal rights

It’s unlikely that a teacher union would have much clout if it lacked a strong base in at least one of the following: money, members, or strong collective bargaining rights. Table 4 shows this to be true. Every state that falls into the top tier can claim teacher unions with strong resources and membership (Area 1); none of these states ranks below 20th in this area. In New Jersey and New York, for example, nearly all teachers are unionized (97.1 and

98.4 percent, respectively). No other state spends more of its K–12 dollars on teacher salaries and benefits than New York, at 63.5 percent; and New Jersey’s unions collect the third-highest yearly revenue per teacher, at \$935.62. Washington State, meanwhile, claims both the tenth-largest yearly revenue per teacher (\$633.59) and the tenth-largest proportion of its state budget spent on K–12 education (24.3 percent).

*Of course, there are exceptions to the exceptions. Florida and Louisiana (Tier 5) have fewer than eighty districts each. Idaho (Tier 4) and Arizona (Tier 5) unified early too. Mississippi (Tier 5) is also socially conservative but politically liberal. We explore these, and other apparent contradictions, in the individual state reports in Section V.

Similarly, every state with teacher unions in the top tier has permissive bargaining laws (Area 3). Once again, none of these states ranks below 20th on this indicator. All ten are mandatory bargaining states and allow unions to collect agency fees, a key source of union revenue. California, which ranks first overall in this area, ranks second in terms of the number of items that fall within the scope of negotiations: wages, hours, transfers, layoffs, evaluations, fringe benefits, leave, class size, and class load are all mandatory subjects of bargaining (along with others). The state also allows teachers to strike. Illinois, Oregon, Montana, Pennsylvania, and Hawaii are also among the top ten most permissive bargaining states.

A state's scope of bargaining is likely both an input and an outcome of union strength. The ability to bargain and collect agency fees is an input that confers greater resources and leverage to local unions. This is passed along to the state organizations, which in return infuse their local affiliates with additional strength by which to expand bargaining rights—or to use the other tools in their toolkit more effectively. (See Part II: Evaluating Teacher Union Strength.)

A strong perception of influence among insiders

All of the states whose teacher unions fall into the strongest tier score relatively high in terms of perceived influence (Area 5). Six are perceived to be among the ten strongest in the nation, and only one (Illinois) falls below 25th in this area. With a strong foundation in people and dollars (Area 1), unions maintain a visible presence in the state; and even if they are not always successful in advocating for policies they favor, they are routinely at the table (or very close by). In eight of

the Tier 1 states, for example, stakeholders unanimously agreed that teacher unions had fought hard to prevent any reductions in pay and benefits during the recent period of budgetary constraint, rather than conceding that reductions were inevitable. (Only in Illinois and Rhode Island did some stakeholders indicate otherwise.)

This does not necessarily demonstrate that the unions were successful, but another set of survey responses suggests that Tier 1 unions do have a voice in the policy design process, even if they could not prevent policies from being introduced. We asked stakeholders whether the education policies *proposed* by the governor in the last legislative session were in line with union priorities, and also whether the *outcomes* of that session were in line with union priorities. The answers to both questions were mixed. In Montana and Washington, the proposed policies were fairly in line with union priorities, while in Pennsylvania, New Jersey, and New York they were not. In Oregon and Illinois, the legislative outcomes aligned with union goals. But one thing most Tier 1 states had in common is that the legislative outcomes were *more* in line with union priorities than were the policies initially proposed. This was the case in Hawaii, California, New Jersey, Illinois, and New York. New Jersey stakeholders reported the biggest difference that we found anywhere (see New Jersey state profile for more), and the change in all five of those states was larger than the national average. In Washington, there was no change between the proposed and enacted policies.

Further, when we asked stakeholders to select and rank the five most influential entities in education policy in their state, the national average put the teacher unions third. No Tier 1 state fell below that

average, and all but Hawaii ranked their unions as one of the top two major players in education policy. So while unions might not be successful everywhere—and in many places, they were not—they still serve as visible and active authorities in the thick of policy debates.

A mixed state policy environment

Despite these perceptions of union influence, however, many of the states in the top tier have policies that are not particularly favorable to those unions (Area 4). Only three—Hawaii, Montana and New Jersey—rank in the top quintile in this area and four rank in the bottom half nationally. We learn from this that abundant resources, permissive bargaining laws, and a strong reputation do not necessarily yield a favorable state policy environment. For example, Pennsylvania’s teacher unions are strong in every other area, ranking among the fifteen strongest on resources and membership, political activity, scope of bargaining, and perceived influence. Yet the state is 41st for its policy environment: It has in place many charter laws that teacher unions typically oppose. Similarly, Illinois’s teacher unions, which enjoy permissive bargaining laws and a relatively high level of political involvement, reside in a state with several policies that unions typically spurn: student achievement must be the preponderant criterion in teacher evaluations, some evidence of student learning is considered in tenure decisions, and districts must consider performance when determining layoffs.*

A mixed level of political activity

The strongest teacher unions also vary in their generosity to political campaigns (Area 2). Some, such as those in Illinois and Oregon, contribute a great deal, with 3 percent or more of all contributions to state candidates coming from teacher unions. But others, such as those in New Jersey and California, donate less than 1 percent of all contributions to state candidates. This does not mean that the unions are not major players—in California, between 2003 and 2010, they donated \$7.3 million dollars to candidates, the second-most in the nation (Illinois was first at \$17.2 million). But in California, the total donations to candidates exceeded *\$1 billion*, meaning that the union’s dollars made up a very thin slice (just 0.7 percent) of that enormous pie. Compare California’s Area 2 rank of 18th to Hawaii (1st), Rhode Island (4th), and Montana (10th), all of which gave less than \$650,000 to candidates (in Montana, only \$42,000). In those states, candidates simply do not receive that much campaign money, which gives the union dollars relatively greater heft. Perhaps the most impressive entry on this list is Illinois, where elections are among the most expensive in the nation (\$474 million, third-most after California and Texas) and unions donated \$17.2 million of that to state candidates—a percentage ranking them 1st on that particular sub-indicator.

It may seem paradoxical that state teacher unions could be perceived as influential without proving successful—or even participating—in the state policy realm.

* Note that two Tier 1 states—Montana and Washington—do not have charter legislation at all and thus received “NA” on those indicators. They, along with the seven other states without such laws (Alabama, Kentucky, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia) may see a slight bump in their scores since fewer indicators comprise their total score for Area 4. A plausible argument can be made that the absence of a charter school law is itself evidence of strong unions that have successfully deterred charter legislation. Washington State is an example of this. Yet it is also true that charter schools have simply been a non-issue in some states. The Center for Education Reform, for instance, reports that West Virginia has been “silent” about charter schools and “even the state’s teacher union recognized the need for alternatives.” And South Dakota “has not heard much discussion of charter schools...so a debate on [them] would be new.” (See “The Final Ten: How The States Without Charter Schools Can Make It To The Goal Line,” the Center for Education Reform, February 1, 2007, http://www.theparentsnetwork.org/_upload/CER_FinalTenCharterStates.pdf). For these reasons (and others detailed in Appendix A), we deemed “NA” the appropriate mark for non-charter states.

But keep in mind that state-level education policy is just one arena where unions can exert strength; equally, if not more important to them, are their local affiliates' capacity to affect district rules through involvement in school board elections, collective bargaining agreements, and such collective actions as rallies, marches, and lobby campaigns to pressure a district's board or superintendent. Unfortunately, measuring local union activity exceeded this project's scope (see Appendix A)—and a lot of what state unions do is train their local affiliates on bargaining and organizing, and advocate on their behalf.

Further, we're more mindful than ever that that influence and strength do not always get manifested in public. Often what happens behind the scenes can be more consequential. We're also aware that the absence of visible activity or influence can itself be an illustration of strong influence. In some places, the unions have been so influential for so long that they do not face challenges to their power; thus, they need not fork over sizeable contributions to parties or candidates in order to preserve a favorable status quo. This is most prevalent in states that have consistently had Democratic leadership, although we saw it elsewhere as well (see state profiles, Part V). Similarly, unions that enjoy wide collective bargaining rights already may not need to engage in state politics, inasmuch as their local affiliates can protect teacher interests at the district level instead.

We're mindful, too, that it's impossible to tally everything that active unions do, even when they do it publicly. Some activities simply cannot be quantified.

Unions encourage their members to write letters and make phone calls to legislators in support of (or opposition to) certain policies. They have "lobby days" where union leaders and members meet with state lawmakers, or rally at the state capitol—and will often provide transportation so that their numbers are large. During elections, state unions organize their members to volunteer for campaigns, walking precincts and staffing phone banks. Union members and their families represent a sizeable block of voters themselves. But our analyses in Area 2 also taught us a frustrating lesson—campaign finance law simply does not allow us to track every dollar that unions spend on politics. We can track their reported donations to candidates and political parties. But we can't account for what they spend on *behalf* of a candidate (or *against* another candidate)—for example, in advertising and mail campaigns, on member mobilization, or on general advocacy and lobbying.

Yet, while some unions see favorable policies but don't visibly participate much in politics, others engage intensely, though state policies are not in their favor. Perhaps their activities are an indication of their attempts to reverse existing policies. Or perhaps they are spending sizable sums not in support of a candidate who will embrace their interests, but simply to defeat one whom they know will act against those interests.*

* Likely, it is a bit of both. The *New York Times* recently reported that nationwide, union donations to Republican candidates have doubled since the 2010 election cycle (see Motoko Rich, "Seeking Allies, Teachers' Unions Court G.O.P., Too," *New York Times*, September 24, 2012, <http://www.nytimes.com/2012/09/25/us/politics/challenged-by-old-allies-teachers-unions-court-gop.html>). In our state reports, we found evidence for this as well.

TABLE 5. TIER 5 (WEAKEST) TEACHER UNIONS

State	Overall Rank	Area 1: Resources & Membership	Area 2: Involvement in Politics	Area 3: Scope of Bargaining	Area 4: State Policies	Area 5: Perceived Influence
Louisiana	42	40*	44*	24	33	44
Oklahoma	43	44*	26*	40	43	46
Texas	44	44*	36*	48*	30*	34
Georgia	45	35*	36*	48*	26	45
Mississippi	46	49	40*	43*	7	51
Virginia	47	40*	50	48*	4	33
Arkansas	48	50	47*	45*	20	37
South Carolina	49	51	35	43*	38	47
Florida	50	47*	36*	35*	46*	50
Arizona	51	40*	49	45*	49	48

* Indicates that a state is tied with one or more other states for this rank

AMERICA'S WEAKEST TEACHER UNIONS

Table 5 lists the ten states with the weakest teacher unions, again showing each state's rank on every one of the five areas in our metric. As before, no single measure dictates the overall ranking of a state's teacher unions: South Carolina claims the least amount of resources; Mississippi the frailest perception of influence; and Georgia, Texas, and Virginia tie for the least permissive bargaining laws.

Still, we can see several patterns—pretty much the converse of those discussed above—across the ten states.

Limited people and resources, and restricted legal rights

Not surprisingly, these unions have restricted legal rights. Few would expect unions in states that prohibit collective

bargaining to amass as many people and dollars as their counterparts in union-friendly states, and here we see that teacher unions that rank among the weakest overall tend to have the fewest members and thinnest resources. Six of the ten states in Tier 5 are among the bottom ten in unionization rates and the other four fall in the bottom twenty. South Carolina has the lowest membership rate—just 26.9 percent of the state's teachers are union members.* The Palmetto State union also collects the least revenue per teacher in the state—just \$51.75 annually, versus a high of \$1,370.77 in Alaska. Together, this lack of human and financial resources amounts to feeble power for the state's teacher unions.

Table 6 groups states by bargaining status, and shows this to be the case: nine of the ten Tier 5 states either permit or prohibit—rather than require—collective bargaining. (Only Florida mandates it.) Further, all ten states in Tier 5 prohibit

* Even if bargaining is prohibited, recall that teachers are always free to form a local professional association, and to affiliate with the state-level union. And teachers may also join the state association directly if their district does not have an employee organization. So while prohibiting bargaining does not render it impossible for a state to have a high unionization rate, it certainly makes it substantially more difficult for a state union to amass (and subsequently unify and mobilize) members.

TABLE 6. BARGAINING STATUS, AGENCY FEES, AND OVERALL RANKING

<i>Bargaining Mandatory</i>				<i>Bargaining Permitted</i>		<i>Bargaining Prohibited</i>	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Delaware	19	Ohio	12	North Carolina	40
Oregon	2	Massachusetts	21	West Virginia	13	Texas	44
Montana	3	Maine	22	Alabama	20	Georgia	45
Pennsylvania	4	Maryland	23	Kentucky	28	Virginia	47
Rhode Island	5	North Dakota	24	Wyoming	29	South Carolina	49
California	6	Nevada	25	Colorado	35		
New Jersey	7	Nebraska	26	Idaho	36		
Illinois	8	Iowa	27	Missouri	38		
New York	9	New Hampshire	30	Utah	39		
Washington	10	Indiana	31	Louisiana	42		
Vermont	11	Kansas	32	Oklahoma	43		
Minnesota	14	District of Columbia	33	Mississippi	46		
Alaska	15	South Dakota	34	Arkansas	48		
Michigan	16	New Mexico	37	Arizona	51		
Connecticut	17	Tennessee	41				
Wisconsin	18	Florida	50				

Bold red type indicates right-to-work states, which prohibit the automatic collection of agency fees.

the automatic collection of agency fees.* These states are indicated in red. While this study demonstrates that many factors can affect—or reflect—the overall influence of a teacher union, residing in a state that allows unions to collect funds from non-members bodes well for that influence.

The perception of weak influence

With limited ability to collect resources and members, and restricted bargaining rights, it comes as no surprise that the

weakest teacher unions carry little weight in the eyes of observers. Seven of the Tier 5 unions rank in the bottom ten states in perceived influence (Area 5). Stakeholders in all of these states routinely report that other entities—such as school boards, governors, and business roundtables—are more influential in shaping education policy. Many note that their state’s teacher unions, particularly those in Mississippi, are not effective in protecting dollars for education, nor are they effective in

* While states that prohibit collective bargaining are often casually referred to as “right-to-work” states, this is not a correct use of the term. “Right-to-work” specifically refers to laws prohibiting union membership as a condition of employment; under such legislation, unions cannot automatically collect “agency fees” in lieu of dues from non-members. Bargaining status and right-to-work are different, and independent, concepts. For example, Florida both requires bargaining and is a right-to-work state. Should employees wish to form a union, the district must recognize and bargain with that union, but that union cannot collect agency fees from teachers who choose not to join. Note, too, that barring agency fees is not the same as prohibiting automatic payroll deductions of members’ dues; in the latter case, unions cannot automatically deduct dues from the paychecks of their own members. (See sidebar, *Getting the Terminology Straight*.)

warding off education proposals with which they disagree—particularly in Arizona, Florida, and Louisiana. Stakeholders likely perceive this weakness for a number of reasons: little financial involvement in elections (unions in Mississippi, Arkansas, and South Carolina do not give much to campaigns even though elections are relatively inexpensive); an active union donating heavily but facing competition (unions in Florida, Texas, Georgia, and Virginia all donate a lot of money, but so do many other organizations); strong Republican governors (Jeb Bush in Florida, Bobby Jindal in Louisiana, and Jan Brewer in Arizona); and Republican legislative majorities (all but Arkansas and Virginia).

A mixed state policy environment

As with the strongest teacher unions, the weakest unions are not necessarily found in states with the most union-unfavorable policy environments. Two of them—Mississippi and Virginia—are indeed in states with extremely union-friendly policies.* In both places, teacher evaluations need not include student achievement data; evaluations need not inform dismissal policies; and tenure is conferred virtually automatically (after three years in Virginia, and after just one year in Mississippi).

But other teacher unions in Tier 5 inhabit states with policies that don't align nearly so well with traditional union interests. In Oklahoma and Florida, student achievement must serve as the preponderant criterion in teacher evaluations; evidence of student learning must be the major consideration in tenure decisions; and administrators must consider performance in determining layoffs. Further,

Oklahoma dismisses teachers at a higher rate due to poor performance than nearly every other state—3.7 percent annually, compared to Arkansas, which dismisses just 0.2 percent. The policy paradoxes we discussed above apply in these states as well.

* Observers in Virginia, for instance, tell us that the state constitution is interpreted as granting control over all education issues to local school boards; thus the legislature is constrained when it comes to changing existing establishment-friendly policies. See Virginia state profile for more.

PART III: TAKING A CLOSER LOOK— TEACHER UNION INFLUENCE BY AREA

As we've already seen, teacher union influence varies greatly across the dimensions that we examined. Strong unions are not strong in the same ways, and weak unions are not necessarily weak on all fronts. This variation underscores the fact that teacher unions are rarely uniform in how they derive influence—and where they direct it. They also differ in their goals and the extent to which they strive to shape policy in public (and quantifiable) ways. In this section, we take a closer look at the teacher unions that ranked strong and weak in each of our five areas.

AREA 1: RESOURCES AND MEMBERSHIP

This area measures the internal resources on which unions rely (members and revenue), and the financial resources dedicated to education in the state. While size and funds do not automatically make one union more powerful than another, the ability to amass people and money is, in many cases, an indicator of influence. Thus we examine teacher union membership in each state (relative to all public school teachers) and revenues of each state-level teacher union, judging that a critical mass of membership and high revenue per teacher build a necessary foundation for strong unions. Though we have no way of knowing whether high spending in a state is the direct result of union influence, it is nonetheless a source of union strength, because unions—and the teachers they

represent—certainly benefit from it. Thus we also examine K-12 education spending, by the state and by the districts in the state, and the percentage of that spending that goes toward teacher salaries and benefits. Table 7 shows the strongest and weakest states in this area.

The strongest unions in this area uniformly boast high membership densities—all five rank in the top ten nationally on this single indicator, with the lowest—Minnesota—ranking 9th, with 95.7 percent of its teachers unionized. They also bring in substantial revenues per teacher in the state—all rank in the top twenty nationally here, with New Jersey collecting \$935.62 per teacher (3rd-highest), and New York pulling in \$536.38 per teacher (20th). (Compare that to Alaska with the highest revenue, \$1370.77 per teacher, and South Carolina with the lowest, \$51.75.)

These states also boast high overall spending on education. Most see either high spending on education writ large or a large proportion of per-pupil expenditures going toward salaries and benefits. Few states, however, spend copious dollars on education and direct a large proportion of those funds toward salaries and benefits. For example, New Jersey only directs 52.5 percent of K-12 spending toward teacher salaries and budgets (just eleven jurisdictions direct less), yet overall K-12 spending in the Garden State is large:

TABLE 7. RESOURCES AND MEMBERSHIP

<i>Strongest Unions</i>	<i>Area 1 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 1 Rank</i>	<i>Overall Rank</i>
New Jersey	1	7	Florida	47	50
New York	1	9	North Carolina	47	40
Hawaii	3	1	Mississippi	49	46
Minnesota	3	14	Arkansas	50	48
Washington	3	10	South Carolina	51	49

\$15,116 per pupil (6th-highest).^{*} On the other hand, Minnesota directs a high percentage of its K-12 expenditures to teacher salaries and benefits (59.4 percent; 3rd), but disburses less money per pupil (\$11,472; 24th). New York is noteworthy because annual per-pupil expenditures total \$15,863 (5th) *and* a high percentage of those generous expenditures goes to teacher salaries and benefits (63.5 percent; 1st).

Conversely, the weakest unions in this area report thin membership and low revenues per teacher. As previously noted, South Carolina posts the smallest figures for both. Even Florida, which posts the highest figures on these measures among the bottom five states, has a unionization rate of just 55.8 percent and annual revenues of only \$181.56 per teacher. Still, there are a few surprises in this area. A substantial percentage of K-12 expenditures in North Carolina go to teacher salaries and benefits (58.5 percent; 4th). In real dollars, however, that does not amount to much, considering that the Tarheel State spends just \$9,024.13 annually per pupil (44th). Florida ranks in the middle, rather than at the bottom, in terms of state spending on education (20.1 percent of state expenditures; 22nd). And

Arkansas falls in the middle when it comes to per-pupil expenditures, with \$10,756.66 (30th).

AREA 2: INVOLVEMENT IN POLITICS

This category measures ways in which a state union might influence laws, policies, and budgets. Because many forms of influence are impossible to quantify and compare, most of the data in this category represent the unions’ financial donations to candidates and political parties (their share of total contributions, and how they stack up against other sectors like police and firefighter unions, farm bureaus, and major oil and gas producers). And we tally how many delegates to the Democratic and Republican National Conventions were themselves teacher union members.

Two methodological notes warrant mention—the first regarding what we counted and the second what we compared—because our report of unions’ share of financial contributions is apt to strike the reader as low. First, for the years examined, we combine direct contributions from any national, state, or local teacher union (and the political action committees

^{*}States like New Jersey that do not spend large fractions of their K-12 funds on teacher salaries and benefits tend to spend more money on support services—including administration, operations and management, and instructional staff support—than other states.

connected to those unions) to candidates or parties in a particular state. This is not to say that unions did not spend money in other ways. However, campaign finance law does not require unions to tabulate every dollar they spend on politics and how it was spent. Reporting requirements are even more lax for corporations, so the only way to calculate unions' *share* of political spending is by comparing donations to candidates and political parties. We cannot report or compare spending on behalf of candidates (on advertising, for example, or electioneering communications), spending on member communications (meaning unions advertise to their own members, encouraging them to vote), and support not quantifiable by a dollar amount (such as providing volunteers to walk precincts or make telephone calls). For the same reasons, we must also omit union spending on lobbying and general advocacy.* Further, while we were able to link union-*connected* political action committees (PACs) with their associated union, we could not do so for single-issue/ideologically-oriented PACs that were only union-*supported*; these non-connected PACs donate to candidates (or again, spend on their behalf) but we cannot tabulate those dollars.†

Second, when we compared union contributions with total donations to candidates and parties, the "total" amount included both inside and outside money. "Inside money" for candidates are those funds provided by the candidate himself, donations from individuals to the

candidate's political action committee (PAC), and contributions from political parties. "Outside money" 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 to 60 percent of candidates' total finances).‡ Likewise, political parties are funded by "inside money"—in this case, donations to parties' PACs from individuals—and "outside money" (see above). Between 2003 and 2010, parties raised \$1.6 billion, nearly equally divided between inside and outside sources. Because inside money is such a large share of campaign funds, when we divide union contributions to candidates/parties by total dollars amassed by candidates/parties, the union's share (and that of any outside donor) will seem disproportionately small. For further details, see Appendix A.

Table 8 shows the strongest and weakest teacher unions in this area.

The seven unions that rank strongest in this area vary greatly. Alabama is the only one with teacher unions that donate large proportions to both political candidates and parties: they supplied 2.8 percent of all contributions to candidates (4th) and 9.7 percent of all contributions to parties (1st).

* A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with union expenditures on member mobilization and advocacy. Even the AFT agreed, arguing 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.

† Contributions are self-reported by donors. Most union-affiliated PACs (meaning the PAC is simply the political arm of the union) report that affiliation on their donor forms, and we include donations from these PACs with those of their related union. But unions are free to support any PAC they choose, and campaign finance law and the record-keeping that aligns with it do not permit us to track the way that those donations eventually make their way to candidates.

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

TABLE 8. INVOLVEMENT IN POLITICS

<i>Strongest Unions</i>	<i>Area 2 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 2 Rank</i>	<i>Overall Rank</i>
Hawaii	1	1	Vermont	44	11
Alabama	1	20	Maine	44	22
South Dakota	1	34	Louisiana	44	42
Michigan	4	16	Missouri	47	38
Rhode Island	4	5	Arkansas	47	48
Idaho	4	36	Arizona	49	51
West Virginia	4	13	Virginia	50	47

Note: Due to ties in the ranking, more than five teacher unions are represented among both the top and bottom five teacher unions.

(Compare this to Maine’s teacher unions, which contributed just 0.02 percent of total contributions to state-office candidates, and Alaska’s, which contributed no money at all to state political parties—both ranked in last place in those respective categories.) Most teacher unions targeted either political candidates or parties. For example, Hawaii’s unions gave the 9th-largest percentage to candidates (1.5 percent) but the 26th-largest percentage to parties (1 percent); conversely, Michigan’s teacher unions gave 0.9 percent to candidates (18th) but 4.2 percent to parties (3rd).

The strongest state teacher unions all gave significant amounts to candidates vis-a-vis the highest-giving outside sources (grouped by economic sector) in their states, although their percentages varied. Teacher union contributions in Hawaii equaled 15.4 percent of the total contributed by the ten highest-giving sectors (7th), highest among the top states in Area 2. (Compare this to teacher union contributions in Colorado, which equaled 25.8 percent (1st); and to those in Maine, which only equaled 0.03 percent, the smallest.) It bears repeating, however, that

strong unions sometimes have the luxury of *not* spending money on politics.

The strongest unions in this area also sent lots of delegates to the national conventions. In Rhode Island, a full 33.3 percent of delegates were members of teacher unions (compare this to Kentucky, in which no delegates identified as teacher union members). Among the seven strong teacher unions in Area 2, only West Virginia fell below the top ten for this particular measure. (It ranked 19th with 15.2 percent of its delegates identifying as teacher union members.)

Teacher unions ranking weakest in this category were not necessarily uninvolved in politics—sometimes they faced competition. This was the case in Virginia, where the union did give a substantial amount of money, but total campaign spending from all sources was high as well. Other unions faced a similar situation—expensive elections—and chose not to give much (Louisiana, Missouri, Arkansas). Then, there were those that stayed out of the game all together—unions in Vermont, Maine, and Arizona did not give much,

TABLE 9. SCOPE OF BARGAINING

<i>Strongest Unions</i>	<i>Area 3 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 3 Rank</i>	<i>Overall Rank</i>
California	1	6	Alabama	45	20
Minnesota	2	14	Arkansas	45	48
Illinois	3	8	Arizona	45	51
Oregon	4	2	North Carolina	48	40
Alaska	4	15	Georgia	48	45
			Texas	48	44
			Virginia	48	47

Note: Due to a tie in the ranking, more than five states are represented among the bottom five teacher unions shown above.

even though elections in their respective states were not particularly expensive. Regardless of the context, however, donations from these unions amounted to a very small share of both total money and contributions from the sectors representing the ten highest-giving outside sources; nearly all of the weak teacher unions ranked in the bottom quintile in both of these categories.*

AREA 3: SCOPE OF BARGAINING

Here we examine bargaining status (mandatory, permitted, or prohibited); the scope of subjects that can (or must) be addressed through bargaining; the union’s legal right to collect agency fees automatically and/or to collect member dues via automatic payroll deductions; and the legality of teacher strikes. Table 9 shows the strongest and weakest states in this area.

The teacher unions that rank among the strongest in this area all reside—unsurprisingly—in states that require collective bargaining, permit agency fees to be collected automatically, and allow teachers to strike. Where they differ is in the range of items that can be negotiated under local collective bargaining. California’s unions enjoy the second-broadest scope of bargaining in the nation. Of the twenty-one items that we examined, eleven must be bargained in the Golden State: wages, hours, terms and conditions of employment, grievance procedures, transfers, layoffs, evaluations, fringe benefits, leave, class load, and class size. (Nevada had the broadest scope, requiring fourteen.†) The remaining ten items may also be bargained, at the discretion of the districts. None of the provisions we examined is explicitly excluded from negotiations. Minnesota, with the next broadest scope, mandates that seven

*A few did, however, contribute above-average proportions to political parties: Teacher unions in Maine, Louisiana, and Arizona gave 1.14 percent (23rd-largest), 1.09 percent (24th-largest), and 0.95 percent (25th-largest) of all party contributions, respectively. These teacher unions also varied in their representation at national party conventions, from those in Missouri, which comprised 12.1 percent of delegates (31st-largest), to Vermont, which only comprised 5.0 percent (47th-largest).

† While Nevada allows its teacher unions the broadest scope of bargaining in the nation, it does not rank among the top five states in this category because it prohibits its unions from automatically collecting agency fees, and also prohibits teacher strikes.

TABLE 10. STATE POLICIES

<i>Strongest Unions</i>	<i>Area 4 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 4 Rank</i>	<i>Overall Rank</i>
West Virginia	1	13	Minnesota	46	14
North Dakota	2	24	Florida	46	50
Vermont	2	21	Colorado	48	35
Virginia	4	47	District of Columbia	49	33
New Jersey	5	7	Arizona	49	51
			Michigan	51	16

Note: Due to a tie in the ranking, more than five states are represented among the bottom five teacher unions shown above.

items be negotiated through collective bargaining, explicitly permits two, and does not address the remaining twelve (implicitly allowing their inclusion in the scope of bargaining as well).

The four weakest unions in this area—North Carolina, Georgia, Texas, and Virginia—all prohibit collective bargaining, agency fees, and teacher strikes. Alabama, Arkansas, and Arizona—tied for second-to-last place—do not address collective bargaining in education in state law. Districts, then, may decide whether to negotiate with employee organizations, and what may be bargained. These three states do, however, prohibit agency fees.*

AREA 4: STATE POLICIES

This area gauges the extent of alignment between state-level education policies and traditional union interests. The indicators address policy issues largely considered to be important to unions, including teacher

employment policies (performance pay, retirement benefits, evaluations, tenure, and dismissal), class size, and charter school policies (limits on the number and variety of charters, the range of authorizers, and collective bargaining exemptions from state laws, district policies, and local collective bargaining agreements).[†] Where state policies align with traditional teacher union interests, we rank those unions as strong; where policies are not aligned, they are rated weaker. (See Appendix A for rationale.)

Table 10 shows the strongest and weakest states in this area.

The strongest teacher unions in Area 4 reside in states with teacher policies that align well with traditional union interests. Teacher employment policies in West Virginia, North Dakota, and Vermont are very much in line with union priorities. In all three, the state does not support performance pay; does not require that

* The degree to which bargaining *occurs* in bargaining-permitted states varies greatly. As of 2008, no Alabama districts were covered by a collective bargaining agreement, while 43.5 percent had meet-and-confer agreements (and 56.5 percent had no agreement at all). In Arkansas, 1.5 percent of districts had a CBA, 9.7 percent a meet-and-confer agreement, and 88.7 percent no agreement. And in Arizona, 0.4 percent had a CBA, 14.4 percent a meet-and-confer agreement, and 85.2 percent no agreement. Compare these with other bargaining-permitted states such as Ohio, where 75.5 percent of districts have CBAs. See National Center for Education Statistics, Schools and Staffing Survey (SASS), 2007-08.

[†] States without charter school laws are coded as “N/A” for those data points and thus have fewer indicators in this area. See Appendix A.

student achievement data factor into teacher evaluations; and does not require tenure or layoff decisions to weigh teacher effectiveness. North Dakota grants tenure after only two years, West Virginia and Vermont after three (the national norm). In all three states, there is no mandate that ineffective teachers be immediately eligible for dismissal. In North Dakota and Vermont, the state articulates no consequences for unsatisfactory evaluations, and in West Virginia such teachers must be put on an improvement plan first. All three also have K-3 class size restrictions (whereas twenty-four states do not), and none of the three has a charter school law. West Virginia has the further distinction of having employers that contribute more, relative to teachers, to employee pensions than every other state save Louisiana. In 2011, West Virginia employers were responsible for contributing to teacher pensions at a rate of 29.2 percent of salary (35.4 percent including social security), while the employee only contributed at a rate of 6.0 percent (12.2 percent including social security).

Virginia and New Jersey do have charter laws, but they drastically limit the expansion and autonomy of the charter sector. In New Jersey, only the state commissioner of education can authorize charters, while local districts cannot. And in Virginia, both the local district and the state board of education must approve charter applications—the fact that the Old Dominion is home to just four charter schools is evidence of this constraint. Both states limit charter autonomy as well: charters fall under all state laws and district regulations, including those which require full teacher certification, and cannot apply for exemptions. Further, in Virginia, all charters fall under their authorizing district's collective bargaining agreement,

and in New Jersey only charter start-ups are exempt (conversion schools are not). Both states also have union-favored teacher employment laws nearly identical to those in West Virginia, North Dakota, and Vermont.

Weak teacher unions in Area 4 are found in states where employment law does not offer blanket job security for teachers (that is, without consideration of their performance), and in states where charter law promotes the expansion and autonomy of the sector. In Florida and Michigan, the state requires that performance be factored into teacher pay; that student achievement be the preponderant criterion in evaluations; and that districts consider teacher performance when making layoff decisions. In Arizona, employees are required to contribute to their pension plans at a higher rate than employers (through 2011, just four other states did likewise). Further, Idaho and Minnesota both dismiss relatively high proportions of teachers due to poor performance relative to other states—3.5 and 3.7 percent annually, respectively. Finally, four of these five states have no class size restrictions (Florida does), four permit the widest variety of charter-school types (all but Michigan), and all five exempt charter schools from collective bargaining agreements.

AREA 5: PERCEIVED INFLUENCE

To capture the “invisible” side of teacher union strength, we surveyed key stakeholders in each state. We had them rank a number of influential entities in their state, teacher unions included, and asked them the degree to which unions affected policy (both education and financial), influenced elections, and had allies in the

TABLE 11. PERCEIVED INFLUENCE

<i>Strongest Unions</i>	<i>Area 5 Rank</i>	<i>Overall Rank</i>	<i>Weakest Unions</i>	<i>Area 5 Rank</i>	<i>Overall Rank</i>
California	1	6	South Carolina	47	49
New Jersey	2	7	Arizona	48	51
Oregon	3	2	South Dakota	49	34
Maryland	4	23	Florida	50	50
Montana	5	3	Mississippi	51	46

capital. We also asked whether existing policies, policies recently proposed by the governor, and policies recently enacted by the legislature, aligned with their state union's priorities.

Table 11 shows the strongest and weakest states in this area.

It is not surprising that California and New Jersey top the list; both states' teacher unions are famous for the extent of their political and policy influence. Four of the five strongest state unions (not Maryland) are also in the top ten strongest overall. According to stakeholders, in all five of these states teacher unions are either the most or second-most influential entities on education policies (more so than other key players such as superintendent associations, school boards, and governors). Unions in all five states fought hard to prevent cuts in pay and benefits during the recent period of budgetary constraint. And respondents in all five states agreed that the unions generally succeeded in preventing or minimizing cuts. In most of these states, the union benefitted from allies inside government: Respondents in every state but New Jersey indicated that the priorities of state education leaders tend to align with the positions held by teacher unions. And for every state but Montana, respondents

noted that, more often than not, their unions need *not* compromise to ensure that their preferred policies are enacted at the state level. Finally, respondents in all five states agreed that Democrats often need teacher union support to get elected; in Maryland and Montana, Republicans sometimes do, too.

One thing the top-five states have in common is that Democrats tend to be in charge. In California, Maryland, and Oregon, that party has a majority in the legislature and also controls the governorship. Montana has a Republican legislature and a Democrat governor, and in New Jersey it is the reverse. But this does not guarantee that the top-five unions in Area 5 have a strong command over recent education policies—which may reflect a wave of challenges to teacher union authority initiated by Race to the Top competitions and No Child Left Behind waiver applications. Stakeholders noted that *existing* policies in all five states largely aligned with union priorities. But stakeholders also said that the policies *proposed* by governors during the latest legislative session were less aligned with union priorities than the existing ones. New Jersey stood out among the five; there, stakeholders reported that education policies proposed by Governor Christie were not at all in line with the priorities

held by teacher unions, although existing policies often were. Yet respondents went on to indicate that the *outcome* or fate of those proposals after legislative action *were* mostly in line with union priorities in that state.

For those teacher unions with the weakest perceived influence, respondents uniformly rank the unions as the fourth- or fifth-most influential entity in the state when it came to education policy. In these states, neither proposals nor outcomes of the recent legislative session were in line with union priorities, nor were existing policies. In some states, however, this was not from lack of trying. South Dakota tied for first on its involvement in politics (Area 2), Arizona unions have been fighting tooth and nail against a spate of anti-union legislation (see Arizona's state profile, page 72), and stakeholders in Florida, Mississippi, and South Dakota noted that their unions have struggled forcefully to prevent cuts in teacher pay and benefits. Respondents in Florida and Arizona agreed that Democrats in their states need union support to get elected, but those states, as well as the other three, have Republican governors and legislative majorities.

PART IV: CONCLUSIONS AND TAKEAWAYS

We conducted this analysis during a period of change, even turmoil, in education policies and politics. The Race to the Top (RTTT) competition, the advent of NCLB waivers, state elections (in 2010 and 2011) that ushered in Republican candidates eager to overhaul particular policies, anti-union sentiment—all of these drove reform in many of the states, even in jurisdictions (such as California and Michigan) where unions have traditionally enjoyed safe shelter. The arrival on the scene of pro-reform Democrats (most visibly in the form of Democrats for Education Reform and its many state-level affiliates, as well as Secretary of Education Arne Duncan’s spirited leadership of federal policy in this realm) has half-erased the old truism that Democrats can be counted upon to do the unions’ bidding. In response to these and other changes in the political landscape, the unions are compromising, trading, sometimes conceding on things that they wouldn’t have before. For them, these are uncertain and unpredictable times, particularly in the face of epochal reforms such as the universalizing of school choice, the demand for results-based accountability, and the widening use of student achievement in teacher evaluations. In many cases, the unions cannot stop such developments, so instead they are mobilizing to shape (some might say weaken) them. We found this kind of behavior in many places, including New Jersey, Arkansas, Minnesota, Nevada, and Kentucky.

Labor policy itself has also undergone massive change in the past few years. Wisconsin is the most visible case in point here, but other states have had similar battles. In Ohio, for example, voters repealed S.B. 5 in November 2011 after vigorous union campaigning against the bill. It would have prohibited public-sector strikes, eliminated binding arbitration for employee-management disputes, and narrowed the scope of bargaining. Across the state line in Indiana, Governor Mitch Daniels signed a 2011 bill that restricted the scope of bargaining to wages and benefits. A year later, the Hoosier State became the first right-to-work state in the rust belt (thus prohibiting unions there from collecting agency fees from non-members).

The fiscal crunch of the past four years has also imperiled some long-standing assumptions and earlier teacher-union victories. Despite the cushion of federal “stimulus” money, states and districts have raised class sizes, closed schools, cut programs, laid off teachers, frozen salaries, reduced health benefits (or required teachers pay more for them), and propped up shaky pension systems by a combination of diminished benefits and increased employee contributions.

Recognizing the fluidity of the present situation and acknowledging that our data are a snapshot in time—in some cases an earlier time—we nevertheless leave this analysis with four over-riding impressions. We make no causal claims, nor are any of

these assertions free from exceptions, but it would be irresponsible not to share with readers the picture that these data have drawn in our minds.

1. Mandatory bargaining appears to tilt the playing field in favor of stronger unions.

Where bargaining is optional or prohibited, unions tend to rank “weaker” on our overall metric.*

Consider Table 12. Seventeen of the top twenty strongest unions are in mandatory bargaining states. Nine of the weakest ten are in states where bargaining is prohibited

altogether or permitted but not required.

But what about the four states that don’t follow this pattern? Why are unions in Ohio, West Virginia, and Alabama strong (even though bargaining is *not* mandatory), and in Florida weak (even though bargaining is mandatory in the Sunshine State)? On to our next point...

2. Resources make a difference. It’s no surprise, but it needs to be underscored. Funding (from member dues and agency fees) and membership matter. Revenue is important to unions, as it is to other

TABLE 12. TEACHER UNION STRENGTH BY RANK, TIER, BARGAINING STATUS, AND AGENCY FEES

TABLE 12. TEACHER UNION STRENGTH BY RANK, TIER, BARGAINING STATUS, AND AGENCY FEES									
Tier 1 Strongest		Tier 2 Strong		Tier 3 Average		Tier 4 Weak		Tier 5 Weakest	
STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK	STATE	OVERALL RANK
Hawaii	1	Vermont	11	Massachusetts	21	Kansas	32	Louisiana	42
Oregon	2	Ohio	12	Maine	22	District of Columbia	33	Oklahoma	43
Montana	3	West Virginia	13	Maryland	23	South Dakota	34	Texas	44
Pennsylvania	4	Minnesota	14	North Dakota	24	Colorado	35	Georgia	45
Rhode Island	5	Alaska	15	Nevada	25	Idaho	36	Mississippi	46
California	6	Michigan	16	Nebraska	26	New Mexico	37	Virginia	47
New Jersey	7	Connecticut	17	Iowa	27	Missouri	38	Arkansas	48
Illinois	8	Wisconsin	18	Kentucky	28	Utah	39	South Carolina	49
New York	9	Delaware	19	Wyoming	29	North Carolina	40	Florida	50
Washington	10	Alabama	20	New Hampshire	30	Tennessee	41	Arizona	51
				Indiana	31				

Note: With fifty-one total jurisdictions, each tier comprises ten except Tier 3—the middle tier—which comprises eleven.

MANDATORY BARGAINING PERMITTED BARGAINING PROHIBITED BARGAINING AGENCY FEES PROHIBITED

* While this seems tautological given that the calculation of overall rank includes bargaining status, recall that the metric also includes thirty-six other sub-indicators, not all of which are related, even indirectly, to whether local districts must, may, or cannot negotiate binding contracts with teacher associations.

organizations—regardless of whether they use it to donate to political campaigns, lobby policymakers, finance public relations and advertising campaigns, mobilize members to write letters and rally, or train their local affiliates to bargain and organize. (Indeed, the more money they have, the less they are forced to choose among such power-enhancing activities.) Likewise, membership is important, not only as a source of revenue but also because members themselves are key to boots-on-the-ground efforts. And agency fees allow unions to collect dollars from non-members, enabling them to continue their work (and gain visibility and policy victories, which in turn encourage more teachers to join). This iterative relationship between fees, membership, and revenues virtually guarantees the organizational health of unions in many states.

The ability to collect agency fees is especially crucial for unions in states with a low percentage of dues-paying members. Permitted bargaining status can reduce the unionization rate because districts are not required to recognize employee organizations as unions (77 percent of all districts in mandatory bargaining states have unions, compared to 17 percent in permitted bargaining states). Bargaining status alone is not the only contributing factor to low unionization—recall that permitted bargaining states are mostly located in parts of the nation where organized labor is not particularly popular. In *all* states, regardless of bargaining status, teachers can choose not to organize, or opt to operate as an employee association

rather than a union.* Further, in all states, individual teachers can opt out of union membership (and thus union dues).

When states allow unions to collect agency fees from non-members, it lessens the effects of decreased membership (and member dues) owing to bargaining status or other factors. Unions in mandatory bargaining states collect an average of \$581 annually per *teacher* in the state; in permitted bargaining states, \$296. The nearly \$300 difference isn't surprising—mandatory bargaining states have more unionized teachers (83 compared to 61 percent). But the average union revenue in mandatory bargaining states that allow agency fees is a whopping \$650, compared to \$405 in mandatory states that do not.¹⁶ The fiscal advantage gained by unions in mandatory bargaining states is nearly completely lost if they cannot collect agency fees—especially if mandatory bargaining does not translate into higher unionization.†

Now back to the four states that rank differently than their bargaining status seems to indicate that they should. Ohio, West Virginia, and Alabama do not mandate collective bargaining but do allow agency fees. Not all Tier 5 states prohibit bargaining (Florida requires it, and five others permit it), but they *all* forbid agency fees. And 18 of the 20 weakest states restrict union revenue in some way, either by prohibiting agency fees (sixteen of them) or barring unions from automatically collecting dues from members' paychecks (Colorado and New Mexico). That's

* For example, New York and Michigan are both mandatory bargaining states, with about 700 districts each. In New York, approximately 80 percent of districts have unions, while in Michigan only 65 percent do. Compare this to Ohio, where bargaining is only permitted, yet 75 percent of 600 districts have unions, while only one percent of nearby Missouri's 525 districts are unionized despite the fact that it permits bargaining as well.

† Florida is a prime example: Although bargaining is mandatory, only 56 percent of Florida teachers actually belong to unions, and because the state forbids agency fees the state association collects only \$182 in annual revenue per teacher. Compare this to Kentucky, where bargaining is permitted. The unionization rate is nearly comparable to Florida, at 58 percent. Yet the state permits agency fees, and the state association there sees annual revenue of \$521 per teacher.

more decisive than mandatory collective bargaining, which we found in thirty-two states—but six of these end up in the bottom two tiers (Kansas, Washington, D.C., South Dakota, New Mexico, Tennessee, and Florida). The message for union opponents is fairly clear: If you want to weaken unions politically, focus on prohibiting agency fees and/or mandatory payroll deductions (via “paycheck protection” measures), not just on ending the right to bargain collectively.

3. The scope of bargaining matters a lot, too, as does the right (or not) to strike.

Consider this observation by Michelle Rhee, former chancellor of the District of Columbia school system, who now heads the StudentsFirst reform-advocacy group:¹⁷

Collective bargaining for wages and benefits is not the reason American schools fail. Even in...states that do not have collective bargaining, we still see many of the problems that hurt our schools: bureaucratic inertia, red tape limits on parent choice, seniority-based layoffs, and fiscal irresponsibility. Overseas, many countries see teachers unions drive high standards and expectations for all teachers.

The problem is not collective bargaining. The problems arise when unions use collective bargaining to push for policies that devalue great teachers, such as insisting that all teachers should be treated as interchangeable in terms of performance and pay.

Unions should have every right to continue representing their members, speaking up for teachers as they negotiate salaries, professional development and benefits. But they should not actually be co-managing school systems, and many decisions do not belong on the bargaining table. For example, it would present a huge conflict

of interest for unions to be negotiating performance evaluations when unions have to represent effective and ineffective teachers alike. Districts should be able to create evaluations, reward teachers' success, empower parents with more choices, and run the school system while held to high standards for accountability and success.

The problem, of course, is that in many states the scope of local bargaining is nearly boundless, often including relentless protection of the jobs of ineffective teachers. This is a matter within the purview of state policy, however. In fact, Lorraine McDonnell and Anthony Pascal concluded that the scope of provisions of a state law were “significant predictors” of what contracts included.¹⁸

When permissive bargaining rules combine with ill-defined state policies, local unions have a lot of wiggle room to negotiate contracts that serve their goals more than those of their pupils. Moreover, some state laws protect union interests outright, making bargaining unnecessary. For example, when laying off teachers, only Idaho and Utah prohibit districts from considering seniority, and just eight states allow districts to impose their own layoff rules without negotiations. Contrast this to the sixteen states where the law protects teacher interests (seniority is the sole criteria for layoffs in five states and must be considered as one of several factors in eleven) and the remaining twenty-five, where the state sets no rules at all and layoffs are within the scope of local collective bargaining.

The recent Chicago teacher strike illustrates the impact of strong local collective bargaining policies that intersect with permissive state laws. Illinois law requires

that student growth be a “significant factor” in teacher evaluations, but does not specify further.* Districts are free to develop their own evaluation systems, or can opt-in to a system designed by the state (in which student achievement counts for half of a teacher’s overall evaluation). State law also implicitly allows bargaining over evaluations, meaning that each district can decide whether it will negotiate over the issue, and Chicago Public Schools (CPS) agreed to do so. (Insiders assert that the Chicago Teachers Union, or CTU, refused to negotiate with the district over health care and other benefits unless CPS agreed to negotiate over evaluations.)†

During those negotiations, the CTU insisted that no more than 30 percent of a teacher’s evaluation be based on student scores, while CPS wanted 45 percent. When labor and management could not come to an agreement on evaluations, the teachers went on strike, which is legal under Illinois law. (Ostensibly, the walkout was over salaries, since technically teachers cannot strike over evaluations.) Facing intense pressure to resolve the dispute, CPS leaders agreed on 30 percent. But had the state defined and mandated evaluation criteria (rather than suggested it), not included evaluations within the scope of bargaining, and/or not given teachers the right to strike, CPS would likely have been able to impose its own standards. (Of course, whether 0 percent, 10 percent, 30 percent, or some other percentage is the “right” proportion allocated to student results has been, and continues to be, open to vigorous debate.)

Contrast the Illinois situation with the present state of play in Wisconsin, where Act 10 limited collective bargaining to wage increases only. Existing legislation also banned teacher strikes in the Badger State and barred teacher evaluations from the scope of bargaining. That meant Wisconsin districts had the power unilaterally to impose higher health premium shares on employees, to shift pension contributions to workers, and to cut other personnel costs. In fact, raising eligibility for retiree health benefits and redesigning health plans—changes made possible by Governor Walker’s reforms—was estimated to save Milwaukee Public Schools \$117 million in 2012 alone.¹⁹ (Subsequently, a Wisconsin judge struck down the limitations on bargaining; Walker has vowed to appeal.)

4. The fact that a state has mandatory, permissive or broad bargaining laws—or its unions enjoy abundant resources—does not mean that state policies are union-favorable, and vice-versa. Many of the states in our top two tiers are home to state-level policies that are not particularly favorable to teacher unions. Take California, Illinois, and Minnesota (overall ranks: 6th, 8th, and 14th). They have the widest scopes of bargaining in the country. Sundry areas must be bargained, spanning salary and benefits to teacher evaluations to working conditions. Agency fees are allowed, and teachers are permitted to strike. Nearly all teachers are union members, and state unions there see some of the highest revenue in the nation. Yet, education policies in those same three states are less aligned with traditional union positions than in many other states (37th, 39th, and 46th, respectively). All three have charter

*Incidentally, the Illinois Education Association played a central role in shaping the state law on evaluation.

† Further, once a topic has been negotiated in the past, that precedent stands for the future. So CTU’s approach was not unusual.

caps with room for growth or no cap at all. All allow a variety of public charter schools (new charter school startups, public school conversions, and virtual schools) and automatically exempt them from most state laws and district regulations, including local collective bargaining agreements. Two (Minnesota and Illinois) require that teacher evaluations be significantly informed by student achievement or growth measures, and two (Minnesota and California) support performance pay. Minnesota also requires that teacher performance be considered before granting tenure. Clearly, these are not the policies that unions tend to advocate.

Conversely, states without strong collective bargaining rights may nonetheless have union-friendly policies. Take Mississippi and North Carolina. The former does not address collective bargaining in state law and the latter prohibits it; both have low membership and revenue. Yet policies in both states are generally favorable to teacher union interests. Mississippi has some of the strictest due-process laws in the nation, thanks to the state's *Education Employment Procedures Law*, so teacher jobs rest secure. And North Carolina's teacher association has a strong ally in Democratic governor Beverly Perdue (not to mention that twenty-seven of the last thirty governors in the Tar Heel state have been Democrats). Negotiating rights and resources, then, become less critical when unions have other aprons to hide behind.

All of which goes to say, collective bargaining is far from the whole story when it comes to shaping education policy at the state level and the role of unions therein.

Other factors—and players—obviously matter, too, often greatly, beginning with state leadership (past and present), federal

policy, the condition of the economy, the influence of other key education stakeholders, and the state's own macro-politics.

Why do some state unions (Pennsylvania, Minnesota, and Michigan) have what look like vital elements of power—bargaining is mandatory, agency fees are allowed, and union membership is high—yet fail to enjoy policy environments aligned with their interests (at least in this study's current snapshot)? How is it that state policies are so union-friendly in states like West Virginia and Kentucky, despite the fact that bargaining is permitted or prohibited and/or agency fees banned?

A closer look reveals an unsurprising insight. What did most of the “should-be-weak-but-aren't” unions have in common? Democratic governors and legislative majorities. What did most of the “should-be-strong-but-aren't” unions share? Republican state leadership. Indeed the political climate can do much to constrain the influence of resource-rich unions and magnify the strength of those without ample resources of their own.

The bottom line? Unions do not have *carte blanche* at the statehouse even if they do wield enormous influence over pay and working conditions on the ground. Historically, they were dominant voices in state-level debates over education because particular issues of enormous interest to them and their members were not high priorities for most other interest groups.²⁰ On other issues, teacher unions could easily find allies among other sectors of organized labor, thus adding to their clout. Moreover, elected state education board members (and local board members, too) typically gain office in low turnout elections that can be swayed relatively easily by

organized groups with keen interest in who wins them. With the recent explosion of education reform advocacy groups, however, teacher unions now have more adversaries and rivals, and fewer automatic allies, in statehouse politics and policy decisions.^{21, 22}

The venue is changing, too, as hard-fought policies move from statehouse to schoolhouse. One recent study actually found that states with strong unions appeared more likely to pass teacher evaluation measures with union support, because their unions were confident they could shape the terms by which such programs would actually function.²³ Another focused on teacher performance pay and found that unions have just as much influence in the implementation phase of reform as they did in the design of the bill that eventually became law. In some cases, unions shaped proposals for merit pay so drastically that the resulting law was impossible to implement, and in other cases they undermined implementation such that the laws were reduced to token reforms.²⁴

For the future: This kind of research is hard—but more of it needs to be done. We found previous efforts to gauge teacher union strength to be in the ballpark, but imprecise. Most of the states we ranked on the “stronger” side of the distribution will come as no surprise to veteran observers of the education-policy wars. Most are known to be strongholds of union influence. Many are in the old industrial Northeast, and several others would be termed “deep blue” by political analysts. Similarly, the “weak” side of the distribution displays a lot of predictable states. But there are surprises, too.

For those who tackle this complicated topic in the future, we suggest three improvements.* First, include indicators of a state’s political climate: What is the party affiliation of the governor, legislators, and education leaders (e.g., the state superintendent, the members of state board of education), and how many were endorsed by the union? Second, mindful of the complexity and inconsistency of state election laws, it would be enormously valuable to obtain a complete accounting of the union’s share of all types of political spending—not just donations, but also advertising, member mobilization, lobbying, and advocacy. Finally, a revised measure would account for political brick walls—provisions of state constitutions (although in theory these can be amended); long-standing labor-friendly policies that may be regarded as sacred (although such cattle may be slaughtered); and seemingly permanent elements of a state’s political culture (although these, too, may turn out to be malleable). Surely there are other methodological and data improvements to be made. We trust that readers won’t be shy in sharing them with us.

* Raw data are available upon request. Send email to uniondata@edexcellence.net.