

MARYLAND

OVERALL RANK: 23RD¹
TIER 3 (AVERAGE)

STRONGER WEAKER

OVERALL			23		
1. RESOURCES AND MEMBERSHIP			26		
2. INVOLVEMENT IN POLITICS				40	
3. SCOPE OF BARGAINING			20		
4. STATE POLICIES		16			
5. PERCEIVED INFLUENCE	4				

AREA 1: RESOURCES AND MEMBERSHIP 26TH

Maryland posts moderate financial and membership resources for its teacher unions. On the one hand, collective bargaining is mandatory in the Old Line State, and 84.8 of Maryland’s teachers are union members (the 20th-highest rate of 51 jurisdictions). Yet its NEA and AFT state-level affiliates generate annual revenues of just \$329 per teacher in the state (33rd). Spending on education is also moderate: 20.6 percent of the state’s expenditures go to K-12 education (21st), and funds from local, state, and federal sources amount to \$12,703 per pupil each year (17th) with 56.0 percent of those dollars dedicated to teacher salaries and benefits (12th).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 40TH

Compared with their counterparts nationwide, Maryland’s teacher unions do not have a strong financial presence in state elections. In the past ten years, only 0.43 percent of the donations to candidates to state office came from teacher unions (32nd); those contributions amounted to 4.2 percent of the donations from the top ten highest-contributing sectors in the state (31st). Teacher unions gave at a slightly higher rate to state political parties—1.3 percent of all contributions (20th). But only 5.4 percent of delegates to the Democratic and Republican national conventions were teacher union members (46th).³

*AREA 3: SCOPE OF BARGAINING
20TH*

Maryland is one of thirty-two states that require collective bargaining for public-school teachers, and the scope of that bargaining is wider than most. Of twenty-one possible contract items examined in this report, Maryland requires that four—wages, hours, terms of employment, and transfers/reassignments—be negotiated. By not addressing them, the state implicitly includes fifteen additional provisions in the scope of bargaining. Only two items are explicitly prohibited: length of the school year and class size. Further, unions are allowed to automatically collect agency fees from non-member teachers, a key source of union revenue. Still, the state limits the strength of its unions by prohibiting teacher strikes.

*AREA 4: STATE POLICIES
16TH*

Maryland teacher policies generally align with traditional teacher union interests. The state does not articulate consequences for unsatisfactory evaluations, and districts need not consider student achievement when awarding tenure (although they must include it as the preponderant criterion in teacher evaluations). Layoff decisions are at the discretion of the district, and they are not required to include teacher performance in those decisions. The state's charter laws are also mostly in line with the typical union position. While there is no cap on the number of charters in the state, and new, conversion, and virtual schools are all allowed, only local school boards can authorize charters. Further, charter schools are bound by state laws, district regulations, and collective bargaining agreements (although schools may apply for exemptions to all three, save for state teacher certification rules).

*AREA 5: PERCEIVED INFLUENCE
4TH*

Based on stakeholder perceptions, Maryland teacher unions are among the strongest in the nation. Stakeholders agree that teacher unions are effective in warding off proposals with which they disagree, and that they need not compromise to see their preferred policies enacted at the state level. They also note that the state board of education and state education chief are often in line with union policy positions. In addition—and unlike many other states—respondents in Maryland agreed that policies both proposed by the governor and enacted in the latest legislative session were mostly in line with teacher union priorities (not surprising given the overwhelming Democrat majority in the capitol—see sidebar).⁴

*OVERALL
23RD*

Maryland's teacher unions may not spend a lot of money on political campaigns, but they may not need to. They enjoy a strong reputation and a relatively favorable policy climate. Given that education policies in Maryland are more closely aligned with traditional union interests than in most states, perhaps the state unions are exhibiting power quietly, or perhaps the favorable climate permits them to stay uninvolved unless threatened.

In 2010, Maryland unions had an ally in Democrat Governor Martin O'Malley. He has publically praised his partnerships with organized labor, and the National Education Association (NEA) even gave him its "America's Greatest Education Governor Award."^{5,6} In April of that year, O'Malley signed the Education Reform Act as part of the state's bid for Race to the Top (RTTT) money. He promoted the Act (which increased the pre-tenure probationary period from two to three years—the national norm—and incorporated a student growth component into teacher evaluations) as a compromise with state teacher unions because it did not detail how student performance would be incorporated in the evaluations. Instead, the details were left to local districts and their unions.^{7,8} Education reformers were unimpressed: "It's still a pretty tame, modest proposal compared to what other states have done," said Matthew Joseph, director of Maryland's Advocates for Children and Youth.⁹

The Maryland Department of Education agreed. Its RTTT application ignored the Act's requirement that student growth be no more than 35 percent of a teacher's evaluation. Instead, it promised that growth would comprise 50 percent.¹⁰ Local unions were livid, and only two out of twenty-four signed the application.¹¹ Maryland State Education Association (MSEA) President Clara Floyd tried to smooth over the schism, remarking in a press release that "the Governor and his staff worked tirelessly to improve the application. While the decision whether or not to sign on to the application was a local one, we can all join together in thanking the Governor for his work."¹² But she also expressed concerns to the state Department of Education that the proposed evaluation rules "usurp the authority granted to local boards of education through the Education Reform Act and existing collective bargaining statutes."¹³

Despite the union opposition, Maryland's RTTT application was accepted, and Maryland unions rallied in Annapolis against former ally O'Malley to fight a proposed increase in pension contributions from 5 to 7 percent (they lost). Further salt in the wound: Only one-third of the increased revenue was allocated to the pension fund; the other two-thirds went to plug holes in the state's general budget.¹⁴ Districts also took a hit with a 2012 law requiring they take on \$130 million of state pension costs for teachers.¹⁵ With O'Malley torn between labor demands, financial constraint, and pressure from reformers, the union may soon second-guess that commemorative plaque.

MARYLAND RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 23RD			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 26	Membership	By rank, what percentage of public-school teachers in the state are union members?	20th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	33rd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	21st
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	17th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	12th
AREA 2: INVOLVEMENT IN POLITICS 40*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	32nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	20th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	31st
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	46th
AREA 3: SCOPE OF BARGAINING 20	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	29th*
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Permitted
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 16	Performance pay	Does the state support performance pay for teachers?	State does not support
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	15th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	No consequences articulated
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Not included
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; Weighted at district discretion
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Not required
		By rank, what percentage of the teaching workforce was dismissed due to poor performance?	31st
	Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	No restriction

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 16 (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; Some activity
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	No; Schools can apply for exemptions

AREA 5: PERCEIVED INFLUENCE^c 4	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Second- or third-most influential
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Sometimes/Often
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Agree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Somewhat/Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not generally concede

* Tied with another state

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

^b Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Maryland has the 20th-highest percentage of teachers who are union members. Otherwise, we report a status: Maryland has mandatory collective bargaining, and union agency fees are permitted. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

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

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Maryland are shown in the table below, *Maryland Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order. For example, in Area 1: Resources and Membership, Maryland is ranked 26th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

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

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

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

⁵ Mike Hall, "Workers And Their Unions Key To Economic Turnaround, Election outcome," AFL-CIO Now, June 17, 2012, <http://www.aflcio.org/Blog/Political-Action-Legislation/Workers-and-Their-Unions-Key-to-Economic-Turnaround-Election-Outcome>.

⁶ Aaron C. Davis, "NEA Names O'Malley Education Governor Of The Year," *Washington Post*, June 30, 2010, http://voices.washingtonpost.com/annapolis/2010/06/nea_omalley_education_governor.html.

⁷ "Governor Martin O'Malley To Introduce Education Reform Legislation," Office of Governor Martin O'Malley, February 15, 2010, <http://www.governor.maryland.gov/pressreleases/100215.asp>.

⁸ Michael Birnbaum, "Bill Targets 'Race To Top' Contest's Goals," *Washington Post*, April 13, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/12/AR2010041204264.html>.

⁹ Ibid.

¹⁰ Andrew Ujifusa, "O'Malley Eyes Compromise On State Teacher Evaluations," *Maryland Gazette*, November 18, 2010, http://ww2.gazette.net/stories/11182010/prinsch175028_32542.php.

¹¹ "Race To The Top Application Assurances," U.S. Department of Education, May 27, 2010, <http://www2.ed.gov/programs/racetothetop/phase2-applications/maryland.pdf>.

¹² "MSEA Applauds Governor O'Malley's Work On Maryland's Race To The Top Application," Maryland State Education Association, June 2, 2010, <http://www.marylandeducators.org/detail.aspx?id=928>.

¹³ Erica Green, "Teachers Union Challenges Race To The Top Application," May 7, 2012, *Baltimore Sun*, http://articles.baltimoresun.com/2010-05-07/news/bs-md-msea-letter-20100507_1_teachers-union-million-in-federal-race-maryland-state-education-association.

¹⁴ Andrew Schotz, "Part Of Maryland Pension Hike To Go Toward Balancing State Budget," *Herald-Mail*, April 14, 2011, http://articles.herald-mail.com/2011-04-14/news/29419953_1_pension-system-pension-fund-maryland-state-retirement.

¹⁵ David Hill, "MD Senate Approves Tax Hike, Pension Shift," *Washington Times*, May 15, 2012, <http://www.washingtontimes.com/news/2012/may/15/md-senate-approves-tax-hike-pension-shift/?page=all>.