

NEW JERSEY

OVERALL RANK: 7TH¹
TIER 1 (STRONGEST)

STRONGER WEAKER

OVERALL	7				
1. RESOURCES AND MEMBERSHIP	1				
2. INVOLVEMENT IN POLITICS			26		
3. SCOPE OF BARGAINING		17			
4. STATE POLICIES	5				
5. PERCEIVED INFLUENCE	2				

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 1ST

New Jersey's state teacher unions benefit from abundant internal resources: With 97.1 percent of its teachers unionized, the Garden State has the 6th-highest membership rate of 51 jurisdictions. On top of that, the NEA and AFT state-level affiliates post \$936 in annual revenue per teacher (3rd of 51). Further, New Jersey teachers see an unparalleled financial commitment to K-12 education: 24.3 percent of state expenditures are devoted to this domain (10th) and annual per-pupil spending is high at \$15,116 (6th).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 26TH

Despite ample revenues, the political activity of New Jersey state teacher unions ranks them in the middle of the national pack. In the past decade, 0.58 percent of total donations to candidates for state office, and 0.68 percent of the donations to state political parties, came from teacher unions (27th and 31st, respectively). Fifteen percent of the state's delegates to the Democratic and Republican national conventions were teacher union members (20th).³

*AREA 3: SCOPE OF BARGAINING
TIED FOR 17TH*

New Jersey is one of twenty-one states that both require collective bargaining in education and allow unions to automatically collect agency fees, a key source of revenue, from non-member teachers. The state slightly limits the breadth of that bargaining: Of twenty-one items examined in our metric, New Jersey requires that six (more than most states) be bargained—wages, hours, terms and conditions of employment, grievance procedures, leave, and class load. It prohibits three (also more than most states) items from inclusion—teacher transfer/reassignment, layoffs/reductions in force, and pension/retirement benefits. The remaining twelve are implicitly permitted because the state does not address them. In addition, teacher strikes are not permitted.

*AREA 4: STATE POLICIES
5TH*

At the time we calculated our metric, New Jersey's teacher employment policies were closely aligned with traditional union interests, and its charter laws were only slightly less so. The state does not support performance pay and, up until June 2012, it did not require student achievement to factor into either teacher evaluations or tenure decisions (which teachers received after three years, the national norm). In addition, there were no articulated consequences for unsatisfactory evaluations. This is changing, however. S-1455, enacted but not yet implemented as of press time, requires that tenure decisions be informed by evidence of student learning, makes ineffective teachers eligible for dismissal, and extends the probationary period from three to four years (see sidebar). As for charter laws, the state

does not cap the number of such schools and allows all forms (new, conversion, and virtual). Charters are automatically exempt from district laws and state regulations, with the exception of teacher certification requirements, and start-up charters are fully exempt from collective bargaining agreements as well. However, only the state commissioner of education may authorize charters of any kind.

*AREA 5: PERCEIVED INFLUENCE
2ND*

New Jersey's teacher unions rank behind only California's in their reputation for influence in state education policy. Indeed, stakeholders unanimously rate them as the most important shapers of such policy. They also agree that the unions are effective in protecting dollars for education (even in times of cutbacks), and strongly agree that they are effective in warding off policy proposals with which they disagree. Though they report that policies *proposed* by the governor during the latest legislative session were not at all in line with teacher union priorities, they counter that the session's policy *outcomes* were mostly in line with union priorities—a likely example of the union's power.⁴ Finally, they note, again unanimously, that teacher unions need not make concessions to ensure that their preferred policies are enacted.

*OVERALL
7TH*

New Jersey's teacher unions have leveraged their robust resources and membership to build a strong reputation and maintain favorable policies at the state level. It is likely because their reputation is so strong that they need not contribute significantly to state political campaigns (although they do spend significant dollars on their own political advertising—see sidebar).

A TRUE WIN-WIN?

Republican Governor Chris Christie is not exactly a fan of unions. Exhibit A: In 2011, he co-authored a bill with Senate president (and Democrat) Steve Sweeney that raised pension contributions from current employees and eliminated cost-of-living increases in retiree benefits.⁵ As passed, the law also stripped teachers and other public employees of the right to bargain over those provisions in the future.⁶ In response, New Jersey Education Association (NJEA) President Barbara Keshishian rebuked state leaders: “A legislature and governor who will raid the pension checks of retirees and the paychecks of middle-class workers but lack the courage or integrity to ask the very wealthy to share the sacrifice of even a modest tax increase are not the representatives of the people who elected them.”⁷ (The NJEA also launched a million-dollar ad campaign against Sweeney, who won re-election anyway.)⁸

Exhibit B: After a year-and-a-half of debate on teacher tenure, in May 2012 Christie admonished the Democrat-led legislature—with his trademark charm and subtlety—“Do not send me watered down B.S. tenure reform.”⁹ Whether they followed instructions is arguable. The bill did extend the pre-tenure probationary period from three to four years, link tenure to teacher performance, and make ineffective teachers eligible for dismissal. The NJEA declared the overhaul a “win-win,” however, and praised Christie for including the union when crafting the bill.¹⁰ It’s not surprising that the union supported it: “last in, first out” layoffs remained untouched, and firing a tenured teacher first requires the approval of an independent arbitrator.¹¹ Perhaps more surprising is that Christie included the NJEA at all, considering his comments on *Face the Nation* a year earlier: “the teachers of New Jersey deserve a union as great as they are...and they don’t have it.”¹² Could this be a sign of a kinder, gentler Christie? Unlikely. It’s more like the mark of a governor who knows that bipartisan collaboration plays well: Christie boasted at the 2012 Republican National Convention that “They said it was impossible to touch the third rail of politics, to take on the public-sector unions and to reform a pension and health benefits system that was headed to bankruptcy. But with bipartisan leadership...we did it. [And] they said that it was impossible to speak the truth to the teachers’ union, [they said that real teacher tenure reform] would never happen. But for the first time in 100 years, with bipartisan support, you know the answer. We did it.”¹³ Seems like everyone in New Jersey is claiming a victory.

NEW JERSEY RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 7TH

Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 1*	Membership	By rank, what percentage of public-school teachers in the state are union members?	6th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	3rd
	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?	10th*
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	6th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	39th
AREA 2: INVOLVEMENT IN POLITICS 26*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	27th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	31st
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	27th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	20th*
AREA 3: SCOPE OF BARGAINING 17*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	24th*
	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 5	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?	**
	Evaluations ^c	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?	Not required
	Terms of employment ^c	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?	Required; Considered among other factors
		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?	27th
Class size	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Higher	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
AREA 4: STATE POLICIES 5 (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?	Yes
		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?	Yes
		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?	Partially; Full automatic exemption for some schools

AREA 5: PERCEIVED INFLUENCE^d 2	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	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
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/Sometimes
	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?	Strongly agree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Often/Always
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Sometimes/Often
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Does not concede

* Tied with another state

** Insufficient data; see Appendix A.

^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, New Jersey has the 6th-highest percentage of teachers who are union members. Otherwise, we report a status: New Jersey 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 See note in Area 4, above.

^d 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 New Jersey are shown in the table, *New Jersey 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, New Jersey is ranked 1st 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 Sean Cavanagh, "N.J. Latest State To Move On Pension, Health Care Changes," *Education Week*, June 24, 2011, http://blogs.edweek.org/edweek/state_edwatch/2011/06/new_jersey_latest_state_moving_forward_with_pension_changes.html.

⁶ Mark J. Magyar, "Collective Bargaining A Casualty Of The Christie-Sweeney Deal," *NewJerseySpotlight.com*, June 16, 2011, <http://www.njspotlight.com/stories/11/0616/0319/>.

⁷ Barbara Keshishian, "Assembly Vote Strips Public Employees Of Rights," June 23, 2011, <http://www.njea.org/news/2011-06-23/assembly-vote-strips-public-employees-of-rights>.

⁸ Magyar.

⁹ Maryann Spoto, "Christie To Dems: No 'Watered-Down' Teacher Tenure Bill," *NorthJersey.com*, May 8, 2012, http://www.northjersey.com/news/Christie_to_Dems_No_watered-down_tenure_bill.html.

¹⁰ "A Win-Win For Students, Teachers, And The Public," *New Jersey Education Association*, August 6, 2012, <http://www.njea.org/news/2012-08-06/a-win-win-for-students-teachers-and-the-public>.

¹¹ Ben Velderman, "Despite Spin, Unions Win And Students Lose In Jersey," *EAGnews.org*, June 19, 2012, <http://eagnews.org/despite-spin-unions-win-and-students-lose-in-jersey/>.

¹² Sharon Harris-Zlotnick, "Gov. Christie Says NJ Teachers Deserve Better Than NJEA," *NewJerseyNewsroom.com*, March 2, 2011, <http://www.nje3.org/?p=5105>.

¹³ "Transcript Of Chris Christie's Speech At The Republican National Convention," August 28, 2012, <http://www.foxnews.com/politics/2012/08/28/transcript-chris-christie-speech-at-republican-national-convention/>.