

NEW MEXICO

OVERALL RANK: 37TH¹
TIER 4 (WEAK)

STRONGER WEAKER

OVERALL				37	
1. RESOURCES AND MEMBERSHIP					46
2. INVOLVEMENT IN POLITICS				32	
3. SCOPE OF BARGAINING				35	
4. STATE POLICIES			29		
5. PERCEIVED INFLUENCE	8				

AREA 1: RESOURCES AND MEMBERSHIP 46TH

New Mexico’s teacher unions have few internal resources, and the state’s districts commit relatively little money to teacher salaries and benefits. With just 41.0 percent of its teachers unionized, the Land of Enchantment has by far the lowest unionization rate of any state in which bargaining is mandatory (and is 48th of 51 jurisdictions overall). Low membership contributes to low annual revenue—the state-level NEA and AFT affiliates bring just \$236 for every New Mexico teacher (37th). Compared to other states, per-pupil expenditures are middling, \$11,101 annually (28th), and just 52.0 percent of those dollars goes toward teacher salaries and benefits (42nd).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 32ND

Union involvement in the past decade of New Mexico politics puts the state near the middle of the national pack.³ Union contributions accounted for 0.90 percent of total donations to candidates for state office (20th), and 4.6 percent of the donations to candidates from the ten highest-giving sectors in the state (28th). Teacher unions also gave 0.78 percent of the contributions received by state political parties (29th). Finally, just 5.9 percent of all of New Mexico’s delegates to the Democratic and Republican national conventions were teacher union members (only five states had fewer).⁴

*AREA 3: SCOPE OF BARGAINING
TIED FOR 35TH*

New Mexico is one of thirty-two states that require collective bargaining. The scope of bargaining is not particularly narrow or permissive: Of twenty-one items examined in our metric, New Mexico mandates that four be bargained: wages, hours, terms and conditions of employment, and grievance procedures. Only one item is excluded—pension/retirement benefits. Bargaining over management rights is explicitly permitted, and state law implicitly includes the remaining fifteen items in the scope of bargaining by not addressing them at all. The state allows teacher unions to collect agency fees from non-members, but they cannot automatically deduct dues from member paychecks unless they first negotiate with their district to do so. Teacher strikes are prohibited.

*AREA 4: STATE POLICIES
29TH*

While some of New Mexico's teacher employment policies align with traditional union interests, many do not. The state does not support performance pay, does not require student achievement data to factor into teacher evaluations or tenure decisions, and does not compel districts to consider performance in determining which teachers are laid off. But teachers pay a greater share of their retirement contributions than their employers do—the same is true in only four other states. And, teachers are automatically eligible for dismissal after unsatisfactory evaluations. The state's charter laws are equally mixed. While charter schools must abide by the state's teacher certification requirements, they are automatically exempt from collective bargaining agreements.

*AREA 5: PERCEIVED INFLUENCE
8TH*

Despite low indications of strength in the other four areas, New Mexico's teacher unions have a strong reputation among education stakeholders. Our survey respondents rank the unions one of the top two most influential entities in state education policy (the association of school administrators is the other), and note that Democrats (often) and Republicans (sometimes) need teacher union support to be elected. According to stakeholders, teacher unions fight rather than concede to prevent reductions in pay and benefits, although they are neither effective nor ineffective in protecting dollars for education in general. Interestingly, while stakeholders report that the policies *proposed* by the governor in the latest legislative session were mostly *not* in line with union priorities, the policies *enacted* in the latest session were mostly *in line* with those priorities, and existing policies frequently reflect union priorities. This is perhaps a sign that the unions' power lies in their ability to shape the outcomes of state politics, since it appears that legislators are open to union input on measures related to education (see sidebar).

*OVERALL
37TH*

While New Mexico's unions ranked among the least powerful in four of the five areas reported here, stakeholders perceived that their actual influence is quite substantial.

PLAYING BY HER OWN RULES

New Mexico's new evaluation system may be a tool to evaluate the teachers, but the state's teacher unions give it an F and called the state's education leader a cheater.

With 87 percent of the state's schools failing to meet federal accountability requirements for student achievement, in February 2012 state Secretary-Designate of Education Hanna Skandera sought a waiver from provisions of the *No Child Left Behind* act. She wanted to reward schools for growth, even if they were unable to bring students up to the required proficiency levels. The waiver touted a new evaluation system, jointly developed by a task force of teachers, administrators, parents, and teacher union representatives, under which half of a teacher's rating would be based on student test scores—an evaluation system that had not actually been passed yet by the state legislature.^{5,6} After working with the NEA-NM to ensure due process for teachers was protected, the House approved the new system, but the Senate did not.⁷

Skandera was left with two choices: put the future of the waiver at risk, or take matters into her own hands. With the blessing of Governor Susana Martinez, Skandera opted for the latter. Using an executive order rather than statute, the state moved ahead with a standardized-test-based evaluation system (this time with test results comprising 35 percent, not 50 percent, of the total).⁸ In explaining why the Public Education Department circumvented the legislative process, Skandera stated bluntly, "We just can't wait."⁹ Predictably, her action incensed the state's unions. Albuquerque Teachers Federation (ATF) president Ellen Bernstein called Skandera's and Martinez's policies "slogan reform," image-boosting ploys with no real benefits for students.¹⁰ They issued a "no confidence" vote for Skandera in May 2012.

In July 2012, the ATF and the American Federation of Teachers New Mexico organized a massive rally, during which president Stephanie Ly proclaimed, "the state needs to go back to the drawing board."¹¹ But despite the conflict, it appears that New Mexico unions are more open to reform than their counterparts in other states—their objection, they say, is not to the inclusion of test scores in teacher evaluations, but that state education leaders steamrolled what began as a collaborative process.¹²

NEW MEXICO RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 37TH			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 46	Membership	By rank, what percentage of public-school teachers in the state are union members?	48th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	37th
	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?	23rd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	28th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	42nd
AREA 2: INVOLVEMENT IN POLITICS 32	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	20th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	29th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	28th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	45th
AREA 3: SCOPE OF BARGAINING 35	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th*
	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?	Automatic payroll deduction must be negotiated
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 29	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?	45th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Not required
	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
	Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	26th
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 29 (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?	State cap with some room for growth
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Start-ups and virtual schools only
		How many charter authorizing options exist? How active are those authorizers?	Two or more active/available options
	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?	Yes

AREA 5: PERCEIVED INFLUENCE^c 8	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Most- or second-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
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	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?	Mostly not in line/ Somewhat 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?	**
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

** Insufficient number of responses to this particular question

^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 Mexico has the 48th-highest percentage of teachers who are union members. Otherwise, we report a status: New Mexico has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to uniondata@edexcellence.net.

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

ENDNOTES

¹ A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for New Mexico are shown in the table, *New Mexico 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 Mexico is ranked 46th 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 The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). New Mexico is an exception: combined donations from the NEA, the AFT, and the AFT-affiliated Albuquerque Teachers Federation nearly matched the donations from the state unions.

⁴ At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

⁵ Hailey Heinz, "Education Waiver Needs Work," *Albuquerque Journal*, February 1, 2012, <http://www.abqjournal.com/main/2012/02/01/news/education-waiver-needs-work.html>.

⁶ Robert Nott, "Trio Of Bills Push For New Teacher Evaluation System," *New Mexican*, February 2, 2012, <http://www.santafenewmexican.com/localnews/2012-Legislature-Bills-push-for-teacher-evaluation-system>.

⁷ "Legislative Advocacy Update," National Education Association New Mexico, February 16, 2012, <http://www.nea-nm.org/2002legislature/2012/2012%20current.html>.

⁸ Milan Simonich, "Face-Off Looms On NM Teacher Evaluation," *El Paso Times*, July 19, 2012, http://www.elpasotimes.com/news/ci_21107108/face-off-looms-teacher-evaluation.

⁹ Ibid.

¹⁰ Eddie Garcia, "Report Shows Decline In New Mexico Graduation Rates," *New Mexico Eyewitness News*, March 19, 2012, <http://www.kob.com/article/stories/S2544887.shtml>.

¹¹ Andra Cernavskis, "Protesters Rally Against Proposed Teacher Evaluation System," *New Mexican*, July 18, 2012, <http://www.santafenewmexican.com/localnews/071912teacherrally>.

¹² Hailey Heinz, "'No Confidence' Vote for Skandera," *Albuquerque Journal*, May 9, 2012, <http://www.abqjournal.com/main/2012/05/09/news/no-confidence-vote-for-skandera.html>.