

NEW YORK

OVERALL RANK: 9TH¹
TIER 1 (STRONG)

STRONGER WEAKER

OVERALL	9				
1. RESOURCES AND MEMBERSHIP	1				
2. INVOLVEMENT IN POLITICS		13			
3. SCOPE OF BARGAINING			19		
4. STATE POLICIES				24	
5. PERCEIVED INFLUENCE				21	

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 1ST

New York’s state teacher union has substantial internal resources and its members benefit from generous funding levels. Fully 98.4 percent of teachers are unionized in the Empire State, and the joint NEA-AFT New York State United Teachers (NYSUT) brings in \$536 annually per teacher (the 20th-highest revenue among 51 jurisdictions). New York also spends more of its budget on K-12 education than do many other states (20.9 percent; 20th). These funds, combined with local and federal dollars, amount to per-pupil expenditures of \$15,862 annually (5th), of which a full 63.5 percent goes toward teacher salaries and benefits (by a considerable margin the highest percentage in the nation).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 13TH

Over the past decade, New York’s teacher unions have been more involved in politics than those in many other states.³ Their donations accounted for 0.68 percent of total contributions received by candidates for state office (22nd), and 5.0 percent of the contributions to candidates from the ten highest-giving sectors in the state (26th). They are also prominent donors to state political parties, contributing 3.4 percent of total party funds (5th). Moreover, unions were comparatively well-represented at the Democratic and Republican national conventions, with eighteen percent of New York delegates identifying as teacher union members (13th).

*AREA 3: SCOPE OF BARGAINING
19TH*

New York is one of twenty-one states that require collective bargaining *and* allow unions to automatically collect agency fees from non-member teachers. But the state limits the scope of that bargaining: Just four of the twenty-one items examined in our metric are required subjects of bargaining: wages, hours, terms and conditions of employment, and grievance procedures. Of the remaining seventeen, New York prohibits bargaining over tenure and pensions, lets districts decide whether to bargain over class size, and implicitly includes the other fourteen items in the scope of bargaining by not addressing them in state law. The state prohibits teacher strikes—though it must be noted that some of the country’s largest and longest teacher strikes have occurred there.

*AREA 4: STATE POLICIES
TIED FOR 24TH*

Many New York policies align with traditional teacher union interests. For example, the state does not support performance pay for teachers and seniority is the sole factor in layoff decisions. In addition, employers pay a greater share of employee pensions (relative to teacher contributions) than in many other states. However, teacher evaluations must be significantly informed by student achievement, and teachers are automatically eligible for dismissal after unsatisfactory ratings. Charter law is an equally mixed bag: the state caps the number of schools (but there is room for ample growth under the gap), allows new and conversion charters (but not virtual schools), and partially (but not fully) exempts charters from state laws, district regulations, and collective bargaining provisions.

*AREA 5: PERCEIVED INFLUENCE
21ST*

Stakeholders in New York perceive teacher unions to be an active, but not necessarily effective, presence in policymaking. Respondents rank teacher unions among the most influential entities in education policy (along with the board of regents and education advocacy organizations). But they also note that the policies proposed by the governor in the latest legislative session were mostly *not* in line with teacher union priorities, and outcomes of the session were only somewhat in line.⁴ (Likely because the policy landscape is in flux; see sidebar.) Further, they report that state education leaders only sometimes align with teacher union priorities, and that teacher unions need to compromise to see some of their preferred policies enacted.

*OVERALL
9TH*

New York is the birthplace of the teacher union movement, and its state teacher union ranks as one of the strongest in the country. Bargaining laws and teacher employment policies are union-favorable (especially those codified during New York’s decades of labor-friendly leadership), and the union has significant resources from its members. It falls short of garnering a strong reputation, however—likely because it faces stiff competition from high-profile education reformers and a governor with extensive powers over education policy (see sidebar).

New York City is home to some of the biggest names in education reform—Joel Klein, Geoffrey Canada, Eva Moskowitz, and Michael Bloomberg, to name a few—yet in 2012, the most significant progress in New York came from Albany. When the state passed legislation in 2010 guaranteeing that it would implement a statewide high-quality teacher evaluation system as part of its \$700 million Race to the Top application, Governor Andrew Cuomo had no idea that it would take education leaders so long to work out the details. But after more than two years, and with millions of dollars at risk, the New York State United Teachers (NYSUT) and state education officials had yet to agree on what those evaluations would look like. So Cuomo gave them a deadline, and an ultimatum: Decide, or else he would decide for them.⁵ After an all-night negotiating session, New York had new teacher evaluations: 40 percent of a teacher's score would be based on student achievement (measured at least in part by growth on state standardized tests), and 60 percent on classroom observations and other subjective measures.⁶ Cuomo called the agreement “a victory for all New Yorkers” and NYSUT President Richard Iannuzzi conceded (or simply put on a brave face) when he said it is “good for students and fair to teachers.”⁷ Iannuzzi's comments were a stark contrast to those he made less than a year earlier when the state board initially proposed increasing the role of state test scores from the previously-mandated 20 percent to up to 40 percent: “[the Board] chose politics over sound educational policy and the cheap way over the right way, doubling down on high-stakes tests of dubious worth.”⁸ Perhaps Cuomo's ultimatum changed his mind, or perhaps Iannuzzi didn't want to be left holding the bag if the state, and its teachers, lost their RTTT award.

Not a week after the agreement, New York City Mayor Bloomberg released the performance rankings of 18,000 individual teachers (the city had been using value-added evaluations for four years). NYC's United Federation of Teachers (UFT) had tried legal avenues to block the disclosure, but to no avail, and now everyone in the city, and the nation, could see teachers' names and ratings in the *Wall Street Journal*.⁹ Outraged, the UFT turned to state lawmakers and Cuomo, pressing for legislation to protect its members' privacy. The NYSUT joined the fray, calling the release “a betrayal of the essential purpose of evaluations” and worrying that publicizing the ratings would undermine the new statewide system;¹⁰ even Bill Gates wrote in a *New York Times* editorial that “the surest way to weaken [evaluations] is to twist it into a capricious exercise in public shaming.”¹¹ The result: Cuomo proposed a bill that allowed parents to see individual teachers' rankings but blocked districts from releasing that information to the public—although the measure would not stop parents from sharing the scores themselves. Bloomberg opposed the bill outright, while the NYSUT wanted even stricter privacy measures; in the end, each took what they could get as lawmakers overwhelmingly approved the measure. “I'm glad it's over,” said Iannuzzi.¹² Considering the amount of time state leaders and the union have spent debating the evaluations, so is everybody else.

NEW YORK RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 9TH

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?	2nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	20th
	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?	20th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	5th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	1st
AREA 2: INVOLVEMENT IN POLITICS 13*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	22nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	5th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	26th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	13th
AREA 3: SCOPE OF BARGAINING 19	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	28th
	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 24*	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?	9th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Significantly informs evaluation
	Terms of employment	How long before a teacher earns tenure?	Three years
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Included as one of multiple criteria
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Required; Sole factor
		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?	14th
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 24 (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 ample room for growth
		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?	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?	Yes
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	Partially; All schools receive automatic exemptions for some teachers
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for some schools

AREA 5: PERCEIVED INFLUENCE^c 21	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	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?	Sometimes/Often
		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?	Neutral
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Neutral
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Sometimes/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
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Mostly not in line/ Somewhat 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?		Generally compromise	

* 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, New York has the 2nd-highest percentage of teachers who are union members. Otherwise, we report a status: New York 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 New York are shown in the table, *New York 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 York 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 While our overall metric reports the strength of state teacher unions, this area also captures contributions to state campaigns and parties from other NEA- and AFT-affiliated state and local organizations. In New York, the NEA-affiliated New York State Council of Educational Associations was also a significant donor to state politics (albeit not at the level of the NYSUT), although it is officially a professional association/advocacy group and not a teacher union.

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 Lisa Fleisher, "Deal Clears Way For Teacher Evaluations In New York," *Wall Street Journal*, February 16, 2012, <http://blogs.wsj.com/metropolis/2012/02/16/deal-clears-way-for-teacher-evaluations-in-new-york/>.

⁶ Fernando Santos and Winnie Hu, "A Last-Minute Deal On Teacher Evaluations," *School Book*, February 16, 2012, <http://www.schoolbook.org/2012/02/16/as-deadline-nears-a-compromise-on-teacher-evaluations/>.

⁷ Ibid.; "NYSUT says Teacher Evaluation Agreement Is 'Good For Students And Fair To Teachers,'" New York State United Teachers, February 16, 2012, http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases_17505.htm.

⁸ Yoav Gonen, "Teachers Sue Over New State Ratings System," *New York Post*, June 29, 2011, http://www.nypost.com/p/news/local/teachers_sue_over_new_state_ratings_Gx09N5GyGyXxcjNA0xfMI.

⁹ Fernanda Santos and Sharon Otterman, "City Teacher Data Reports Are Released," *School Book*, February 24, 2012, <http://www.schoolbook.org/2012/02/24/teacher-data-reports-are-released/>.

¹⁰ "NYSUT: Publicizing Teacher Ratings 'Deplorable,'" New York State United Teachers, February 27, 2012, http://www.nysut.org/cps/rde/xchg/nysut/hs.xsl/mediareleases_17564.htm.

¹¹ Bill Gates, "Shame Is Not The Solution," *New York Times*, February 22, 2012, http://www.nytimes.com/2012/02/23/opinion/for-teachers-shame-is-no-solution.html?_r=2&ref=opinion.

¹² Thomas Kaplan, "Albany To Limit The Disclosure Of Teacher Evaluations," *New York Times*, June 21, 2012, <http://www.nytimes.com/2012/06/22/nyregion/albany-to-limit-disclosure-of-teacher-evaluations.html>.