

STRONGER
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 WEAKER

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**AREA 1: RESOURCES AND MEMBERSHIP
TIED FOR 20TH**

Ohio’s teacher unions enjoy broad resources from their members, but do not see high spending on K-12 education in general as compared with other states. Despite the fact that collective bargaining is optional in the Buckeye State, a full 91.5 percent of teachers are union members (the 15th-highest unionization rate of 51 jurisdictions). Ohio’s NEA and AFT state affiliates bring in \$587 per Ohio teacher (14th). But just 19.1 percent of state expenditures go to K-12 education in Ohio (28th) and total per-pupil expenditures (a combination of local, state, and federal funds) are moderate, too, at \$11,382 per year (25th). Of those dollars, just 50.2 percent go toward teacher salaries and benefits (47th).

**AREA 2: INVOLVEMENT IN POLITICS²
17TH**

In the past decade, Ohio’s teacher unions have been more active in politics than unions in other states (and are among the most active in the fourteen bargaining-permitted states). Their contributions amounted to 1.0 percent of total donations received by candidates for state office (17th) and 10.0 percent of donations to candidates from the ten highest-giving sectors in the state (13th). Further, they contributed 3.0 percent of the money received by state political parties (7th). The unions are not, however, particularly well-represented among Ohio’s delegates to the Democratic and Republican national conventions, only 7.9 percent of whom identified as teacher union members (40th).³

AREA 3: SCOPE OF BARGAINING 10TH

While bargaining is allowed but not required in Ohio, the remainder of the state's bargaining laws are highly permissive compared with other states. Should a district choose to negotiate a collective bargaining agreement with its employee organization, it must negotiate four of the twenty-one provisions we examined: wages, hours, terms and conditions of employment, and grievance procedures. Bargaining over five more items is explicitly permitted, and at the time we calculated our metric, the remaining twelve were implicitly allowed because the state is silent on them. (The state has since taken evaluations off the table—see sidebar.) Further, the state allows unions to automatically collect agency fees from non-member teachers (a key source of union revenue), and permits teacher strikes.

AREA 4: STATE POLICIES 23RD

While some of Ohio's teacher-employment policies align with traditional union interests, many do not (and those that do are changing). Ohio does not grant tenure easily—non-tenured teachers licensed before 2011 must go through a five-year probationary period, and those licensed after 2011 face a seven-year probationary period (the national norm is three). And, student achievement must be the preponderant criteria in teacher evaluations. On the other hand, there is no statewide system of performance pay, teacher effectiveness is not considered in tenure decisions, and at the time we calculated our metric, seniority (not teacher performance) was the primary consideration in layoffs. (By press time,

however, legislation prohibited seniority as a layoff criterion unless it was the deciding factor between two teachers with identical evaluations and may have laid the foundation for statewide performance pay via approval of the Cleveland Plan—see sidebar.) The state's charter laws are equally mixed. They allow new, virtual, and conversion schools and give operators multiple authorizing options. Ohio education leaders can cap the total number of charters that each authorizer may approve, but the cap is not a part of state law and incorporates room for growth. The state automatically exempts start-up charters (only) from collective bargaining agreements.

AREA 5: PERCEIVED INFLUENCE 35TH

Ohio stakeholders perceive the influence of teacher unions to be somewhat limited. On average, respondents place the unions as the third- or fourth-most influential entity in the state in shaping education policy, behind the governor, state association of school administrators, and education advocacy organizations. They neither agree nor disagree that teacher unions are effective in protecting dollars for education or in warding off proposals with which they disagree—and report that both proposals and outcomes of the latest legislative session were mostly *not in line* with teacher union priorities (likely due to the near-elimination of collective bargaining rights for public employees—see sidebar).⁴ But teacher unions have been and remain an active force in the state, if not necessarily an effective one: Stakeholders note that they fought hard, given recent budgetary constraints, to prevent reductions in pay and benefits.

OVERALL
12TH

Ohio's teacher unions are fairly influential compared with those in all states, and are the most influential among the bargaining-permitted states. They do not rate particularly low in any of the five areas examined here; however, the state is not a particularly friendly place for organized labor in general (see sidebar).

MONEY TALKS

In November 2011, Ohio voters repealed SB 5, and unions in the Buckeye State popped the champagne. Originally passed in the same month that Wisconsin stripped collective bargaining rights from its public-sector employees (March 2011), SB 5 prohibited public-sector strikes, eliminated binding arbitration for employee-management disputes, and drastically narrowed the scope of collective bargaining.⁵ In one of the most expensive campaigns ever waged over a state ballot initiative, teacher unions (both state and national) joined forces with the influential police and fire fighter associations, and the highly organized (and well-funded) political action group *We Are Ohio*. The Ohio Education Association (OEA), Ohio Federation of Teachers (OFT), and National Education Association (NEA) contributed some \$7 million to the successful campaign to repeal the law.^{6,7} AFT President Randi Weingarten boasted after the vote, "Those who would dare try to strip collective bargaining rights away from hard-working citizens will now think twice"; OEA President Patricia Frost-Brooks chimed in, declaring that "Ohioans refused to turn their backs on the people who guard our safety and teach our children."^{8,9}

But it's not the same when the OEA and OFT do not have their heavyweight interest group allies. For example, the biennial budget passed in 2011, as originally proposed by the governor (covering school years 2011-13) contained many provisions in the same spirit as SB 5. After three months of wrangling among the House, Senate, and governor, the version that passed omitted the language that would have barred collective bargaining over salaries and would have increased employee pension contributions. Still the OEA was not happy: "Despite these victories in the substitute bill, a number of changes to the bill represent significant steps backwards," reported the union to its members.¹⁰ Among other items, the OEA objected to provisions opening the door to performance pay, reducing tenure protections, and requiring that half of a teacher's evaluation be based on student growth as measured by standardized test scores. They were furious, too, when, a year later, lawmakers proposed that evaluations be removed from the scope of collective bargaining entirely. OEA Director of Education Policy Randy Flora argued to the House Education Committee that "the best teacher evaluation systems are those created collaboratively through the [local] collective bargaining process."¹¹ But once again, it could not stop the bill from becoming law, and evaluations are now entirely off the bargaining table.

Perhaps the OEA might learn from the OFT that resisting reform is not the best strategy in Ohio. During the budget debate, OFT staff did not object to the state's evaluation mandates: "Those are things we pretty much agreed make a teacher a good, solid teacher," commented OFT leader Deb Tully.¹² The OFT even supported elements of Cleveland Mayor Frank Jackson's reform plan, which, among other provisions, ties pay to teacher (and student) performance, eliminates seniority as a primary determinant for transfers and assignments, and allows the district to circumvent the union contract when intervening in failing schools. Its most vociferous objections pertained to "the precedent of local levy money going to support charter schools," said OFT president Melissa Cropper.^{13,14} It appears that Ohio unions must choose their battles carefully.

OHIO RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 12TH			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 20	Membership	By rank, what percentage of public-school teachers in the state are union members?	15th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	14th
	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?	28th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	25th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	47th
AREA 2: INVOLVEMENT IN POLITICS 17	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	17th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	7th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	13th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	40th
AREA 3: SCOPE OF BARGAINING 10	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	8th*
	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?	Permitted
AREA 4: STATE POLICIES 23	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?	21st
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Teacher improvement plan
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment ^c	How long before a teacher earns tenure?	Five 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?	30th
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 23 (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?	Yes
		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; Full automatic exemption for some schools

AREA 5: PERCEIVED INFLUENCE^d 35	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Third- or fourth-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
	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
		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
	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, Ohio has the 15th-highest percentage of teachers who are union members. Otherwise, we report a status: Ohio permits collective bargaining, and union agency fees are also 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 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 Ohio are shown in the table, *Ohio 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, Ohio is ranked 20th 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 Michael Scott, "Issue 2 Defeated: Million Votes Are In And 63 Percent Say No, AP Says," *Plain Dealer*, November 8, 2011, http://www.cleveland.com/politics/index.ssf/2011/11/issue_2_early_ohio_election_re.html.

⁶ Glenn Thrush, "Ohio Senate Bill 5's Repeal Buys Dems," Politico.com, October 8, 2011, 2012, <http://www.politico.com/news/stories/1111/67918.html>.

⁷ Sean Cavanagh, "Unions, Businesses Spend On Ohio Collective-Bargaining Fight," *Education Week*, November 1, 2011, http://blogs.edweek.org/edweek/state_edwatch/2011/11/money_flows_into_ohio_fight_over_collective_bargaining.html.

⁸ Sean Cavanagh, "Ohio Voters Reject Law Limiting Teachers' Collective Bargaining," *Education Week*, November 8, 2011, http://blogs.edweek.org/edweek/state_edwatch/2011/11/ohio_1.html?qs=ohio+collective+bargaining.

⁹ "OEA Thanks Ohio For Defeating Issue 2," Ohio Education Association, accessed July 19, 2012, <http://www.ohea.org/victory-for-collective-bargaining>.

¹⁰ "OEA Legislative Watch," Ohio Education Association, April 29, 2011, <http://www.ohea.org/Document/Get/21361> (for details of the modifications of the bill, see the OEA's Legislative Watch Archive, <http://www.ohea.org/legislative-watch-archive>).

¹¹ "Ohio Education Association Senate Bill 316 Testimony To House Education Committee," Ohio Education Association, May 16, 2012, http://aces.ohea.org/site/DocServer/SB_316_Testimony_-_House_Education_Committee_Testimony_-_pdf?docID=661.

¹² Patrick O'Donnell, "Ohio Teachers To Be Watched And Graded On Classroom Performance—And Many Are Ok With That," *Plain Dealer*, January 2, 2012, http://blog.cleveland.com/metro/2012/01/ohio_teachers_to_be_watched_an.html.

¹³ Harry Graver, "Cleveland's Education-Reform Plan," *National Review*, July 23, 2012, <http://www.nationalreview.com/articles/310205/cleveland-s-education-reform-plan-harry-graver?pg=1>.

¹⁴ Reginald Fields, "Ohio Sen. Nina Turner At Odds With State Teachers Union," *Plain Dealer*, May 10, 2012, http://www.cleveland.com/open/index.ssf/2012/05/ohio_sen_nina_turner_at_odds_w.html.