

STRONGER
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 WEAKER

OVERALL					39
1. RESOURCES AND MEMBERSHIP					37
2. INVOLVEMENT IN POLITICS			25		
3. SCOPE OF BARGAINING				28	
4. STATE POLICIES				30	
5. PERCEIVED INFLUENCE					39

**AREA 1: RESOURCES AND MEMBERSHIP
TIED FOR 37TH**

The internal resources of Utah’s state teacher unions are limited, and teachers do not enjoy high levels of spending on K-12 education in the state. Bargaining between districts and unions is permitted, but not required in the Beehive State, and 63.6 percent of its teachers belong to unions (the 32nd-highest unionization rate among 51 jurisdictions). The low membership rate, combined with low dues, contributes to low revenues for the NEA and AFT state-level affiliates, which bring in just \$170 annually per Utah teacher (43rd). K-12 education accounts for a relatively large share of state spending (22.1 percent; 14th), although total per-pupil funds (a combination of state, local, and federal dollars) amounts to only \$7,217 per pupil annually, the lowest in the

nation. Of these dollars, a full 58.1 percent go to teacher salaries and benefits (6th).

**AREA 2: INVOLVEMENT IN POLITICS²
25TH**

The political involvement of Utah’s teacher unions places them in the middle of the national pack. In the past decade, 1.2 percent of donations to candidates for state office (14th) and 0.66 percent of donations to political parties (32nd) came from teacher unions. In addition, 8.8 percent of Utah’s delegates to the Democratic and Republican national conventions were teacher union members (38th).³

*AREA 3: SCOPE OF BARGAINING
TIED FOR 28TH*

Utah law explicitly permits, but does not require, collective bargaining in education (but it takes no position on bargaining over any specific provision, implicitly permitting all twenty-one we examined for our report). However, no union may automatically collect agency fees from non-members and teacher strikes are neither allowed nor prohibited.

*AREA 4: STATE POLICIES
TIED FOR 30TH*

While some Utah policies align with traditional union interests, others do not. Teachers earn tenure after three years (the national norm) and student learning is not a required factor in tenure decisions; while student achievement data must be considered in teacher evaluations, how much weight those data carry is at the discretion of each district. However, when making layoffs, districts must consider teacher performance, and may not consider seniority at all. Furthermore, the state does not restrict class size (which is generally large). State charter laws are also a mixed bag. Unions traditionally support laws that limit the expansion and autonomies of charters, yet the state provides multiple charter authorizers, allows all three kinds of charter schools (new, conversion, virtual) and automatically exempts charters from the collective bargaining agreements of districts that have them. Yet charters are not automatically exempt from state laws and district regulations and, while they may seek waivers from some of them, they are bound by the state teacher certification rules.

*AREA 5: PERCEIVED INFLUENCE
39TH*

Stakeholders report that the state's teacher unions are not particularly strong, and their responses rank Utah fairly low on the national list. Teacher unions are described as less influential than education advocacy groups, the state school board, and the legislature. Respondents note that state education leaders are often aligned with positions held by teacher unions, but that the unions typically need to compromise to see their preferred policies enacted. Finally, respondents report that, while policies *proposed* by the governor during Utah's latest legislative session were mostly *in line* with teacher union priorities, *enacted* policies were mostly *not in line* with those priorities (although union influence in the capitol appears to have strengthened in 2012—see sidebar).⁴

*OVERALL
39TH*

Utah's teacher unions do not rank particularly high in any area of strength. They also land in the middle of the unions in permitted-bargaining states.

STILL THE SCAPEGOAT?

In early 2011, Utah Education Association (UEA) President Sharon Gallagher-Fishbaugh was concerned that lawmakers would target her organization, seeking payback for the union's involvement in Utah politics (and perhaps they hadn't forgotten UEA's hand in defeating a 2007 voucher law in a fierce battle that received national attention). "We have become the scapegoat," she said. "We are being blamed for a situation we did not create."^{5,6} So when Republican Senator Aaron Osmond, chair of the Senate Education Committee, announced later that year that he wanted to spearhead a massive overhaul to teacher employment policies in the upcoming 2012 legislative session, alarms went off for the UEA. Osmond explained that his (as-yet unwritten) plan would eliminate tenure and make all employees "at-will," limit the scope of bargaining to salaries and benefits (and force all negotiations to occur in public), eliminate due process protections from state law, and require that 25 percent of teachers' base salary be contingent on their performance.

But Osmond then took an unprecedented step: he asked educators for feedback on his ideas. First, he toured schools around the state. Then, he sat down with the UEA, representatives of the state school boards and superintendents associations, and state education leaders to design the actual policy that he would propose to the legislature.⁷ "For the first time that I can remember, UEA was at the table and an integral partner in the creation of a major reform bill," said Gallagher-Fishbaugh, "...[and] being part of the process allowed us to focus on student learning while protecting teacher rights."⁸ And protect those rights they did: teachers kept tenure, bargaining, due process, and their seniority-based salary schedule. As passed, the bill did require that evaluations include (yet-to-be-specified) measures of student growth but allowed districts to develop their own evaluation systems. Teachers would lose their automatic yearly pay increases if they received poor evaluations, but they would not be eligible for immediate dismissal either (instead they first go through remediation). Administrators, not teachers, would see their base salaries affected by poor evaluations.⁹ And if that weren't enough, lawmakers' enthusiasm for this bill consigned other union-opposed bills—student-based "backpack" funding, vouchers, performance pay, the elimination of automatic payroll deductions, and more restrictions on collective bargaining—to failure.^{10,11}

The media heralded Osmond as a "courageous lawmaker," the state superintendent called the bill "a step forward," and Senate President Michael Waddoups heralded the compromise as "a great kumbaya moment."^{12,13} Others were skeptical—including Senator Stuart Adams, who worried that the union voice dominated discussions—but their criticism went unheard amidst the accolades showered on Osmond.¹⁴ In the end, it was unclear whether Osmond had experienced a true change of heart or whether he determined that a political turnaround was in his best interests. Still, with its new alliance with Osmond, the UEA's recent successes in the state capital may be a sign that they have gone from sacrificial lamb to political lion.

UTAH RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 39TH

Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 37	Membership	By rank, what percentage of public-school teachers in the state are union members?	32nd
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	43rd
	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?	14th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	51st
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	6th
AREA 2: INVOLVEMENT IN POLITICS 25	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	14th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	32nd
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	17th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	38th
AREA 3: SCOPE OF BARGAINING 28	Legal scope of bargaining	What is the legal status of collective bargaining?	Permitted
		By rank, how broad is the scope of collective bargaining?	38th*
	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?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Neither prohibited nor permitted
AREA 4: STATE POLICIES 30	Performance pay	Does the state support performance pay for teachers?	State supports/encourages
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	4th
	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?	Evidence of student "learning" 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?	Not considered
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	9th	
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 30* (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?	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 39	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?	Generally 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?	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?	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?	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?	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, Utah has the 32nd-highest percentage of teachers who are union members. Otherwise, we report a status: In Utah, collective bargaining is permitted, 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 Utah are shown in the table, *Utah 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, Utah is ranked 37th 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 Sara Lenz, "Teacher Unions Under Attack Nationally And In Utah," *Deseret News*, March 6, 2011, <http://www.deseretnews.com/article/700116124/Teacher-unions-under-attack-nationally-and-in-Utah.html?pg=all>.

⁶ Glen Warchol, "Vouchers Go Down In Crushing Defeat," *Salt Lake Tribune*, November 7, 2007, http://www.sltrib.com/ci_7392263.

⁷ Aaron Osmond, "Seeking Input And Perspective From Our Educators: Comments And Thoughts On The Education Employee Reform Act Proposal," UtahPublicEducation.org, November 4, 2011, <http://utahpubliceducation.org/2011/11/04/seeking-input-and-perspective-from-our-educators/>.

⁸ "Politics and Legislation," Utah Education Association, accessed August 29, 2012, http://www.myuea.org/politics_legislation/uea_under_the_dome/2012_issue_public_education_employment_reform.aspx.

⁹ Ibid.

¹⁰ Ibid.

¹¹ "Utah Bill Would Give Public Education Money Directly To Student 'Savings Accounts,' Not Schools," HuffingtonPost.com, March 4, 2012, http://www.huffingtonpost.com/2012/02/15/utah-bill-would-give-publ_n_1279978.html.

¹² Frank Pignatelli and LaVarr Webb, "In A Quiet Year, Here Are Some Courageous Lawmakers," *Deseret News*, March 4, 2012, <http://www.deseretnews.com/article/765556047/In-a-quiet-year-here-are-some-courageous-lawmakers.html?pg=all>.

¹³ Benjamin Wood, "Public Education Stakeholders Endorse Evaluation Bill," *Deseret News*, February 27, 2012, <http://www.deseretnews.com/article/865551046/Public-education-stakeholders-endorse-evaluation-bill.html?pg=all>.

¹⁴ Lisa Schencker, "Utah Teacher Employment Bill Gets Early Nod, But Only After Debate," *Salt Lake Tribune*, February 28, 2012, <http://www.sltrib.com/sltrib/politics/53601824-90/adams-administrators-bill-education.html.csp>.