

VIRGINIA

OVERALL RANK: 47TH¹
TIER 5 (WEAKEST)

STRONGER WEAKER

OVERALL					47
1. RESOURCES AND MEMBERSHIP					40
2. INVOLVEMENT IN POLITICS					50
3. SCOPE OF BARGAINING					48
4. STATE POLICIES	4				
5. PERCEIVED INFLUENCE				33	

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 40TH

The NEA-affiliated Virginia Education Association (VEA) predictably does not see high membership or generate large resources in this state where bargaining is prohibited: Just 51.1 percent of Old Dominion teachers are association members (the 45th-highest rate of 51 jurisdictions), and the VEA brings in just \$194 annually per teacher in the state (41st). Spending on K-12 education is also toward the bottom of the national list: 17.3 percent of state expenditures go to education (37th), and total per-pupil expenditures (from local, state, and federal sources) amount to \$10,095 (also 37th). Still, 57.1 percent of those dollars go toward teacher salaries and benefits (9th), quite a large slice of a relatively small pie.

AREA 2: INVOLVEMENT IN POLITICS² 50TH; LAST PLACE

Over the past decade, teacher unions were less involved in Virginia state politics than in any other state. Their donations amounted to just 0.22 percent of contributions received by candidates for state office (41st) and 0.17 percent of contributions to state political parties (47th).³ The union voice was not well-represented at the Democratic and Republican national conventions either: only 6.7 percent of Virginia delegates identified as members of teacher unions (43rd).⁴

*AREA 3: SCOPE OF BARGAINING
TIED FOR 48TH; LAST PLACE*

Virginia is one of just five states that prohibit collective bargaining in education, and professional associations cannot automatically collect agency fees from non-members. Further, teachers are not allowed to strike.

*AREA 4: STATE POLICIES
4TH*

State policies are more closely aligned with traditional teacher union interests in Virginia than they are in nearly every other state. (Clearly this presents a paradox: no bargaining, little political involvement, but favorable policies. The state constitution offers a partial explanation. It specifies that “The supervision of schools in each school division shall be vested in a school board,” which has apparently been interpreted over the years as meaning that the local school board has total control over key areas.)⁵ The state does not articulate consequences for unsatisfactory evaluations, nor does it mandate that districts consider teacher performance when making layoffs, and it recommends, but does not require, student achievement data to be factored into teacher evaluations and tenure decisions. Its weak charter laws are as union-friendly as its employment policies: While there is no cap on the number of charters, only local school boards may authorize them and—perhaps as a result—there is little charter activity in the state. Charters are not automatically exempt from any state laws (and all their teachers must be certified), and are held to all district regulations and personnel policies (although they can apply for waivers from the former).

*AREA 5: PERCEIVED INFLUENCE
33RD*

Stakeholders in Virginia perceive that its state teacher association has limited clout. They rank its influence on education policy behind that of the state board, governor’s office, and school boards association. They note that state education leaders are only sometimes aligned with association positions, and that the association typically compromises to ensure that its preferred policies are enacted (versus having the clout to avoid compromise). Still, stakeholders agree that the association is effective in warding off proposals with which it disagrees, and in protecting dollars for education even in times of cutbacks.⁶

*OVERALL
47TH*

Though Virginia’s teacher association operates without many resources and with low levels of membership, and though it is a minor donor to state politics, it has a stronger reputation than unions in many other states (including those where bargaining is permitted or required) and enjoys a very favorable state policy climate.

VIRGINIA IS FOR (TENURE) LOVERS

While union armor in other states has been dented by reformers, the Virginia Education Association (VEA) has done an impressive job side-stepping some major policy overhauls. True, it could not stop a 2012 law granting tax credits to donors to private school scholarship programs. Nor could it defeat a revised pension plan requiring all teachers to pay into the retirement system despite a recent reduction in benefits for new teachers (but the measure also required that teachers get raises to offset the increased contributions—and that local districts should foot the bill).⁷

But the VEA claimed victory when a bill died in committee that would have allowed state funding to follow the child into virtual schools. Furthermore, Virginia's teacher evaluation guidelines are much less stringent than in other states: When initially passed in 2011, they recommended (but did not require) that only 40 percent of a teacher's rating be based on student achievement as determined by "multiple measures," not necessarily just standardized test scores.⁸ The 40 percent became mandatory only after the weak evaluations put the state's NCLB waiver request in danger, with the Department of Education expressing concern that "because the weightings [for Student Academic Progress] are determined locally, it will likely produce a fragmented system that will have limited impact on student learning...[and] it can easily be watered down."⁹

Finally, in early 2012, the VEA helped defeat HB 576, which threatened teacher job security. Proposed by Republican Governor Robert F. McDonnell as a way to root out ineffective teachers, that bill would have extended the probationary period for new teachers from three to five years, replaced permanent contracts with ones that administrators would decide whether to renew (or not) every three years, and removed the requirement for pre-dismissal improvement plans and appeal procedures for sub-par teachers.¹⁰ The VEA felt the bill gave administrators far too much power and left teachers defenseless against arbitrary firing. When the measure failed in the senate, VEA lobbyist Robley Jones breathed a little easier: "We're very, very relieved. What was proposed was just overkill."¹¹ Governor McDonnell called the vote a "disappointing" rejection of a "bipartisan, national movement underway to bring more accountability to our schools," foreshadowing, "Today's vote is a delay. It is not a defeat."¹² As yet, McDonnell's hopes for improvements to the state's teacher employment policies remain unfulfilled. And Virginia was awarded an NCLB waiver anyway—which may signal that the status quo rests comfortably again.

VIRGINIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 47TH			
Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 40	Membership	By rank, what percentage of public-school teachers in the state are union members?	45th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	41st
	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?	37th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	37th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	9th
AREA 2: INVOLVEMENT IN POLITICS 50	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	41st
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	47th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	44th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	43rd
AREA 3: SCOPE OF BARGAINING 48	Legal scope of bargaining	What is the legal status of collective bargaining?	Prohibited
		By rank, how broad is the scope of collective bargaining?	47th*
	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?	Bargaining is not allowed
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 4	Performance pay	Does the state support performance pay for teachers?	State-sponsored initiatives offered in select districts
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	24th
	Evaluations	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	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
	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	16th	
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 4 (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?	Start-ups and conversions only
		How many charter authorizing options exist? How active are those authorizers?	Single option; No or limited 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?	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?	No; No allowable exemptions

AREA 5: PERCEIVED INFLUENCE^c 33	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?	**
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	**
	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?	Agree
		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?	**
		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 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?	Compromise

* 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, Virginia has the 45th-highest percentage of teachers who are union members. Otherwise, we report a status: In Virginia, collective bargaining is prohibited, and teacher strikes are also 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 Virginia are shown in the table, *Virginia 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, Virginia is ranked 40th 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). Virginia is an exception because the NEA and AFT gave as much (or in some years, more) to Virginia candidates and parties than did the VEA.

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 See Article VIII, Section 7 of the Virginia State constitution. Further, Virginia courts have upheld the rights of local school boards to decide matters of employment and educational policy such that consequences for unsatisfactory evaluations cannot be mandated by the state, nor can the state require student achievement results be a component of teacher evaluations. Moreover, as indicated, charter schools are solely authorized by school boards and charter school employees "supervised" by them.

⁶ One insider indicated that the "VEA has the ability to push the 'send' button and generate hundreds and thousands of communications to the General Assembly demanding a 'yes' or 'no' vote on this or that. In a very short legislative session, this gives them the capacity to exercise outsized influence in the legislative process. They are also helped greatly by the alliance with VSBA (school boards) and VASS (school superintendents). I've found that school superintendents have a very powerful influence on General Assembly members, largely because—particularly in rural areas—they are frequently the area's largest employer... As an elected official, wouldn't you listen carefully to someone who employed 25,000+ constituents?"

⁷ Michael Martz, "General Assembly: Legislators Approve Far-Reaching State Pension Reforms," *Richmond Times-Dispatch*, March 11, 2012, <http://www2.timesdispatch.com/news/virginia-politics/2012/mar/11/tmain01-general-assembly-legislators-approve-far--ar-1756593/>.

⁸ Virginia Department of Education, http://www.doe.virginia.gov/teaching/performance_evaluation/#teachers; most states require a higher percentage and place a pre-determined weight on standardized test scores.

⁹ "ESEA Flexibility Peer Panel Notes," U.S. Department of Education, March 16, 2012, <http://www2.ed.gov/policy/eseaflex/panel-notes/va.pdf>.

¹⁰ Emma Brown, "Tenure Proposal Revived In VA Senate," *Washington Post*, February 23, 2012, http://www.washingtonpost.com/local/education/bill-to-end-teacher-tenure-protections-revived-in-va-senate/2012/02/23/gIQAARbVWR_story.html.

¹¹ Emma Brown, "Bill To Cut Tenure For Virginia Teachers Is Shelved," *Washington Post*, March 8, 2012, http://www.washingtonpost.com/local/education/bill-to-cut-tenure-for-virginia-teachers-is-shelved/2012/02/27/gIQAEMaLOR_story.html.

¹² *Ibid.*