

WEST VIRGINIA

OVERALL RANK: 13TH¹
TIER 2 (STRONG)

STRONGER WEAKER

OVERALL		13			
1. RESOURCES AND MEMBERSHIP				31	
2. INVOLVEMENT IN POLITICS	4				
3. SCOPE OF BARGAINING			28		
4. STATE POLICIES	1				
5. PERCEIVED INFLUENCE		6			

AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 31ST

The resources and union membership of West Virginia’s teacher unions ranks them in the middle of the national pack. Roughly 68 percent of teachers in the Mountain State are unionized, the 31st-highest rate of 51 jurisdictions. Its NEA and AFT state-level affiliates post annual revenues of \$325 per teacher in the state (34th of 51). Further, K-12 education accounts for just 10.5 percent of state spending, the smallest percentage in the nation. Despite this low allocation by the state, total per-pupil expenditures (a combination of state, local, and federal funds) are fairly high at \$12,780 annually (16th), of which 55.3 percent goes toward teacher salaries and benefits (18th).

AREA 2: INVOLVEMENT IN POLITICS² TIED FOR 4TH

In the past ten years, West Virginia’s teacher unions were more involved in state politics than their counterparts in nearly every other state. Their donations accounted for 1.6 percent of all contributions to candidates for state office (8th); those donations amount to 14.3 percent of contributions from the ten highest-giving sectors in the state (9th), demonstrating the unions’ significant financial role in political campaigns. They also contributed 1.5 percent of total donations to state political parties (19th)—and 15.2 percent of West Virginia’s delegates to the Democratic and Republican national conventions identified as teacher union members (19th).³

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

West Virginia state law does not address collective bargaining in education; districts may decide whether to negotiate with employee organizations. The scope of bargaining is likewise left to the local districts, should they choose to negotiate with their employees. The state is also silent on agency fees. Although public employee strikes are not addressed by the state, the courts have deemed them illegal.

*AREA 4: STATE POLICIES
1ST*

West Virginia's policies are better aligned with traditional union interests than those in any other state. (Predictably, its first Race to the Top application failed. Equally predictably, all fifty-five local unions had endorsed it, and there was no second attempt—see sidebar). The state does not support performance pay and does not require student achievement data to factor into either teacher evaluations or tenure (which is granted after three years, the national norm). Seniority is the sole factor in layoff decisions, while teacher performance is not considered at all. Further, employers contribute nearly three times more to teacher pensions than employees do—only in Louisiana do teachers give comparatively less to their pensions. Nor does West Virginia have a charter school law.⁴

*AREA 5: PERCEIVED INFLUENCE
6TH*

Although West Virginia has voted for Republicans in the last three presidential elections, it is traditionally Democratic and pro-labor, particularly at the local level—conditions reflected in the teacher

unions' strong reputation among education stakeholders. Survey respondents rank them as one of the two most influential entities in shaping education policy, behind only the state board of education. They note that Democrats running for state-level office need teacher union support to get elected, and that the positions of state education leaders are often aligned with those of the union. Further, stakeholders agree that teacher unions are effective in protecting dollars for education even in times of cutbacks, and in warding off education reform proposals with which they disagree. Finally, while they report that policies *proposed* by the governor during the latest legislative session were only *somewhat aligned* with teacher union priorities, those that were *enacted* were *mostly aligned* with union priorities (perhaps a sign that much of the unions' strength lies in their ability to change proposals already on the table rather than determine the policy agenda—see sidebar).

*OVERALL
13TH*

Despite the absence of mandatory collective bargaining and moderate financial resources, West Virginia's teachers unions have a strong presence in politics, enjoy favorable state policies, and have garnered a reputation for influence. Unions in West Virginia join those in neighboring Ohio (12th) as the strongest in permitted-bargaining states.

THE NUMBERS JUST DON'T ADD UP

Labor unions have been a strong presence in the Mountain State since the 1870s, and its teacher unions—even without mandatory collective bargaining—share in that tradition. “The unions in West Virginia . . . are some of the most powerful state teachers unions in the nation,” said Marc Oestreich of the Heartland Institute, a conservative research group.⁵ Former Governor Joe Manchin agreed: After lawmakers could not agree on a slate of reform measures required for its second Race to the Top application (the first was rejected), he lamented, “The protection of [state] law gives our unions a much better comfort level than sitting down bargaining with the facts.”⁶ The state dropped its application, and subsequently convened a special committee of senators and outside members, including union representatives; not surprisingly, the special education legislative session that followed did not amount to much.⁷

In 2012, with the help of the West Virginia Education Association (WVEA), lawmakers again showed their resistance to change. In search of an NCLB waiver, in March the legislature passed what seemed like a watershed teacher evaluation bill, but was actually a watered-down version of the evaluation systems in many other states.⁸ After the WVEA successfully lobbied for amendments, HB 4236 now specifies that 80 percent of a teacher’s evaluation be based on adherence to teaching standards and 20 percent on student growth. That 20 percent is further broken down: 15 percent from evidence determined by the teacher and just 5 percent tied to student assessment results at the school-wide level.⁹ A report from the National Council on Teacher Quality gave the state’s new evaluation procedures a D+.¹⁰ WVEA President Dale Lee nonetheless apologized to his members: “I understand many people will question the student growth component in the evaluation bill. I am not crazy about it either, but it is a requirement if we are to get a waiver of NCLB and continue to receive some of our federal funds . . . some states are including student growth components of as much as 50 percent.”¹¹ With West Virginia’s student performance among the lowest in the nation—the 2011 NAEP results place the state in the bottom 10 percent for math and the bottom 5 percent for reading—it would surely benefit youngsters if unions focused more on their achievement and less on teacher comfort.

WEST VIRGINIA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 13TH

Area and Rank ^a	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status ^b
AREA 1: RESOURCES & MEMBERSHIP 31*	Membership	By rank, what percentage of public-school teachers in the state are union members?	31st
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/or AFT affiliate(s)?	34th
	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?	50th
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	16th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	18th
AREA 2: INVOLVEMENT IN POLITICS 4*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	8th
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	19th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	9th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	19th
AREA 3: SCOPE OF BARGAINING 28*	Legal scope of bargaining	What is the legal status of collective bargaining?	Neither required nor prohibited
		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?	Neither required nor prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
AREA 4: STATE POLICIES 1	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?	2nd
	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?	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?	Required; Sole factor
		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?	39th
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 1 (cont.)	Charter school structural limitations ^c	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?	N/A
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	N/A
		How many charter authorizing options exist? How active are those authorizers?	N/A
	Charter school exemptions ^c	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?	N/A
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	N/A
AREA 5: PERCEIVED INFLUENCE^d 6	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
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Rarely/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?	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/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 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?	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?	**

* 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, West Virginia has the 31st-highest percentage of teachers who are union members. Otherwise, we report a status: In West Virginia, collective bargaining is neither required nor prohibited, and teacher strikes 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 West Virginia does not have a charter school law.

^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 West Virginia are shown in the table, *West 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, West Virginia is ranked 31st 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 do not include data for sub-indicators pertaining to charters when calculating the ranking of states that do not have charter school laws. While some might argue that the lack of such a law is in itself evidence for union strength, we do not have sufficient data to link that absence to union activity. The nine states without charter laws are home to very different contexts—while teacher unions in some states may have played a significant role in keeping charter laws at bay, in others, they played little or none.

⁵ Walt Williams, "Few happy with state's shot at school reform," West Virginia Education Association, July 29, 2010, <http://www.wvea.org/News---Events/2010-Archive/July/Few-happy-with-state-s-shot-at-school-reform.aspx>.

⁶ Ibid.

⁷ Kallie Cart, "Manchin Drops Request For Federal School Grants; Ends Special Session," *Associated Press*, May 20, 2010, <http://www.wsaz.com/news/headlines/94284889.html>.

⁸ "2011 State Teacher Policy Yearbook: National Summary," National Council on Teacher Quality, 2011, accessed July 25, 2012, http://www.nctq.org/stpy11/reports/stpy11_national_report.pdf.

⁹ "H.B. 4236 – Annual Evaluations for Teachers and Administrators," West Virginia Education Association, Final Legislative Update, March 14, 2012, <http://www.wvea.org/Legislative-Action-Center/Legislative-Update.aspx>.

¹⁰ National Council on Teacher Quality.

¹¹ Ibid.