

# Bipartisan, But Unfounded

## The Assault on Teachers' Unions



BY RICHARD D. KAHLENBERG

**T**eachers' unions are under unprecedented bipartisan attack. The drumbeat is relentless, from governors in Wisconsin and Ohio to the film directors of *Waiting for "Superman"* and *The Lottery*; from new lobbying groups like Michelle Rhee's StudentsFirst and Wall Street's Democrats for Education Reform to political columnists such as Jonathan Alter and George Will; from new books like political scientist Terry Moe's *Special Interest* and entrepreneurial writer Steven Brill's *Class Warfare* to even, at times, members of the Obama administration. The consistent message is that teachers' unions are the

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central impediment to educational progress in the United States.

Part of the assault is unsurprising given its partisan origins. Republicans have long been critical, going back to at least 1996, when presidential candidate Bob Dole scolded teachers' unions: "If education were a war, you would be losing it. If it were a business, you would be driving it into bankruptcy. If it were a patient, it would be dying." If you're a Republican who wants to win elections, going after teachers' unions makes parochial sense. According to Terry Moe, the National Education Association (NEA) and the American Federation of Teachers (AFT) gave 95 percent of their contributions to Democrats in federal elections between 1989 and 2010.<sup>1</sup> The nakedly partisan nature of Wisconsin Governor Scott Walker's attack on public sector collective bargaining was exposed when he exempted from his legislation two unions that supported him politically: one representing police officers and the other representing firefighters.

What's new and particularly disturbing is that partisan Republicans are now joined by many liberals and Democrats in attacking teachers' unions. Davis Guggenheim, an avowed liberal who

directed Al Gore's anti-global warming documentary *An Inconvenient Truth* and Barack Obama's convention biopic, was behind *Waiting for "Superman."* Normally liberal *New York Times* columnist Nicholas Kristof regularly attacks teachers' unions, as does Steven Brill, who contributed to the campaigns of Hillary Clinton and Barack Obama, yet compares teachers' union leaders to Saddam Hussein loyalists and South African apartheid officials. A string of current and former Democratic school superintendents (including New York City's Joel Klein and San Diego's Alan Bersin) have blamed unions for education's woes. Even President Obama strongly supports nonunionized charter schools and famously applauded the firing of every single teacher in Central Falls, Rhode Island.

The litany of complaints about teachers' unions is familiar. They make it "virtually impossible to get bad teachers out of the classroom," says Moe.<sup>2</sup> Critics claim they oppose school choice, oppose merit pay, and oppose efforts to have excellent teachers "assigned" to high-poverty schools where they are needed most.

Growing Democratic support of these criticisms has emboldened conservatives to go even further and call for the complete abolition of collective bargaining for teachers a half-century after it started.\* Conservative education professor Jay Greene pines for a "return to the pre-collective bargaining era."<sup>3</sup> Teachers' unions "are at the heart" of our education problems, Moe says.<sup>4</sup> "As long as the teachers' unions remain powerful," he writes, the "basic requirements" of educational success "cannot be met."<sup>5</sup> The idea that policymakers can work with "reform" union leaders is, in his view, "completely wrong-headed,"<sup>6</sup> "fanciful and misguided."<sup>7</sup>

Critics suggest that collective bargaining for teachers is stacked, even undemocratic. Unlike the case of the private sector, where management and labor go head-to-head with clearly distinct interests, they say, in the case of teachers, powerful unions are actively involved in electing school board members, essentially helping pick the management team. Moreover, when collective bargaining covers education policy areas—such as class size or discipline codes—the public is shut out from the negotiations, they assert. Along the way, the interests of adults in the system are served, but not the interests of children, these critics suggest.

## Criticisms Abound, Evidence Does Not

The critics' contentions, which I'll sum up as collective bargaining and teachers' unions being undemocratic and bad for schoolchildren, have no real empirical support. Democratic societies throughout the world recognize the basic right of employees to band together to pursue their interests and secure a decent standard of living, whether in the private or public sector. Article 23 of the 1948 Universal Declaration of Human Rights provides not only that workers should be shielded from discrimination but also that "everyone has the right to form and to join trade unions for the protection of his interests."<sup>8</sup>

Collective bargaining is important in a democracy, not only to advance individual interests, but to give unions the power to serve as a countervailing force against big business and big government. Citing the struggle of Polish workers against the Communist regime, Ronald Reagan declared in a Labor Day speech in 1980:

"Where free unions and collective bargaining are forbidden, freedom is lost."<sup>9</sup>

In the United States, 35 states and the District of Columbia have collective bargaining by statute or by state constitution for public school teachers; the rest explicitly prohibit it, are silent on the matter, or allow the decision to be made at the local level.<sup>10</sup> It is no accident that the states that either prohibit collective bargaining for teachers, or by tradition have never had it, are mostly in the Deep South, the region of the country historically most hostile to extending democratic citizenship to all Americans.

The argument that collective bargaining is undemocratic fails to recognize that in a democracy, school boards are ultimately accountable to all voters—not just teachers, who often live and vote outside the district in which they teach, and who in any event represent a small share of total voters. Union endorsements matter in school board elections, but so do the interests of general taxpayers, parents, and every-one else who makes up the community. If



school board members toe a teachers' union line that is unpopular with voters, those officials can be thrown out in the next election.

The title of Moe's most recent book, *Special Interest: Teachers Unions and America's Public Schools*, invokes a term historically applied to wealthy and powerful entities such as oil companies, tobacco interests, and gun manufacturers, whose narrow interests are recognized as often colliding with the more general public interest in such matters as clean water, good health, and public safety. Do rank-and-file teachers, who educate American schoolchildren and earn about \$54,000 on average, really fall into the same category?

Former AFT President Albert Shanker long ago demonstrated that it was possible to be a strong union supporter and an education reformer, a tradition carried on today by President Randi Weingarten. Local unions are sometimes resistant to necessary change, but the picture painted by critics of unions is sorely outdated. Unions today support school choice within the public school system, but oppose private school vouchers that might further Balkanize the nation's students. Unions in New York City, Pittsburgh, and elsewhere favor teacher merit pay so long as it includes school-wide gains to reward effort while also encouraging cooperation among teachers. While unions disfavor plans to allow administrators to "allocate" teachers to high-poverty schools against their will (a policy that is reminiscent of forced student assignment for racial balance during the days of busing),

\*Ironically, a half-century ago, Wisconsin became the first state in the nation to pass legislation allowing collective bargaining for public employees, including educators.

both the NEA and the AFT favor paying teachers bonuses to attract them to high-poverty schools.

On the issue that arouses the most controversy, getting rid of bad educators, many teachers' unions today also favor weeding out those who are not up to the job, *not* based strictly on test scores or the subjective judgment of principals, but through multiple measures of performance, including "peer review" plans. In peer review, expert teachers come into a school and work with struggling educators; many of those educators improve, but when the expert teachers do not see sufficient improvement, they recommend termination (and the final decision rests with the superintendent and/or school board). The average fifth-grade teacher has a powerful self-interest in getting rid of an incompetent fourth-grade colleague, which is part of why peer review programs in places like Toledo, Ohio, and Montgomery County, Maryland,

suffers from lots of other impediments to high achievement, such as higher levels of poverty, a history of segregation, and lower levels of school spending. Well, yes, but this response begs a question: If factors like poverty and segregation matter a great deal more to student achievement than the existence of collective bargaining, why not focus on those issues instead of claiming that the ability of teachers to band together and pursue their interests is the central problem in American education? Moreover, a 2002 review of 17 studies by researcher Robert Carini finds that when demographic factors *are* carefully controlled for, "unionism leads to modestly higher standardized achievement test scores."<sup>13</sup>

Critics of unions point out that teacher interests "*are not the same* as the interests of children."<sup>14</sup> That's certainly true, but who are the selfless adults who think only about kids? For-profit charter school operators whose allegiance is to shareholders? Principals who send troublemakers back into the classroom because they don't want school suspension numbers to look bad? Superintendents who sometimes junk promising reforms instituted by predecessors because they cannot personally take credit? Mayors

who must balance the need to invest in kids against the strong desire of many voters to hold down taxes?

Do the hedge fund billionaires who bankroll charter schools have only the interests of children at heart? Might not it be in the self-interest of very wealthy individuals to suggest that expensive efforts at reducing poverty aren't necessary, and that a nonunion teaching environment will do the trick? When hedge fund managers argue that their income should be taxed at a 15 percent mar-

ginal rate, they limit government revenue and squeeze funds for a number of public pursuits, including schools. Is that putting the interests of kids ahead of adults, as the reformers suggest we should always do? Moreover, is the bias of Wall Street—that deregulation is good and unions distort markets—really beneficial for low-income children? Why aren't union critics more skeptical of deregulation in education, given that the deregulation of banking, also supported by Wall Street, wreaked havoc on the economy? And is the antipathy of hedge fund managers toward organized labor generally in the interests of poor and working-class students, whose parents can't make ends meet in part because organized labor has been eviscerated in the United States over the past half-century?

On many of the big educational issues—including levels of investment in education—the interests of educators who are in the classroom day in and day out do align nicely with the interests of the children they teach. Unlike the banks that want government money to cover for their reckless lending, teachers want money for school supplies and to reduce overcrowded classes. Yes, teachers have an interest in being well compensated, but presumably kids benefit too when higher salaries attract more talented educators than might otherwise apply.

Overall, as journalist Jonathan Chait has noted, politicians, who

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have resulted in increases in teacher terminations compared with previous systems in which administrators were in charge. In Montgomery County, for example, administrators dismissed just one teacher due to performance issues between 1994 and 1999, but during the first four years of the district's peer review program, 177 teachers were dismissed, were not renewed, or resigned.<sup>11</sup>

Moreover, there is no strong evidence that unions reduce overall educational outcomes or are, as Moe and other critics suggest, at "the heart" of our education problems. If collective bargaining were really a terrible practice for education, we would see stellar results in the grand experiments without it: the American South and the charter school arena. Why aren't the states that have long forbidden collective bargaining for teachers—Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia—at the top of the educational heap? Why did the nation's most comprehensive study of charter schools (88 percent of which are non-union), conducted by Stanford University researchers and sponsored by pro-charter foundations, conclude that charters outperformed regular public schools only 17 percent of the time, and actually did significantly worse 37 percent of the time?<sup>12</sup> Why, instead, do we see states like Massachusetts, and countries like Finland, both with strong teachers' unions, leading the pack?

Union critics like Moe reply, reasonably enough, that the South

have short-term horizons, are prone to underinvesting in education, and teachers' unions "provide a natural bulwark" against that tendency.<sup>15</sup> Because most voters don't have kids in the public school system, parents with children in public schools need political allies. The fact that teachers have, by joining together, achieved some power in the political process surely helps explain why the United States does a better job of investing in education than preventing poverty. The child poverty rate in the United States is 21.6 percent, the fifth highest among 40 Organisation for Economic Co-operation and Development (OECD) nations. Only Turkey, Romania, Mexico, and Israel have higher child poverty rates. Put differently, we're in the bottom eighth in preventing child poverty.<sup>16</sup> By contrast, when the interests of children are directly connected with the interests of teachers—as they are on the question of public education spending—the United States ranks close to the top third.

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Among 39 OECD nations, the United States ranks 15th in spending on primary and secondary education as a percentage of gross domestic product.<sup>17</sup>

Moreover, the United States would probably rank even worse on the poverty score were it not for the influence of teachers' unions and the American labor movement generally. Education reformers like Michelle Rhee have adopted the mantra that poverty is just an "excuse" for low performance, blithely dismissing decades of evidence finding that socioeconomic status is by far the biggest predictor of academic achievement. If we could just get the unions to agree to stop protecting bad teachers and allow great teachers to be paid more, Rhee says, we could make all the difference in education. The narrative is attractive because it indeed would be wonderful if student poverty and economic school segregation didn't matter, and if heroic teachers could consistently overcome the odds for students. But educators like Albert Shanker, the head of the AFT from 1974–1997, knew better. He believed strongly that teachers' unions should be affiliated with the AFL-CIO, in part because teachers could do a much better job of educating students if educators were part of a coalition that fought to reduce income inequality and to improve housing and health care for children. Teachers know they will be more effective if children have full stomachs and proper eyeglasses, which is a central reason why the AFT remains an active part of the broader labor movement in trying to help rebuild the middle class.

While many divide the world between teachers' unions and reformers, the truth is that unions have long advocated a number of genuine reforms—inside and outside the classroom—that can have a sustained impact on reducing the achievement gap. They back early childhood education programs that blunt the impact of poverty and have been shown to have long-lasting effects on student outcomes. They back common academic standards of the type used by many of our successful international competitors. And in places like La Crosse, Wisconsin, Louisville, Kentucky, and Raleigh, North Carolina, teachers have backed public school choice policies that reduce concentrations of school poverty, thereby placing more low-income students in middle-class schools and increasing their chances of success.

Moreover, by democratizing education and giving teachers voice, unions can strengthen schools by tapping into the promising ideas teachers have for reform. At the same time, giving teachers greater voice reduces frustration and turnover. It is well documented that while teacher turnover is high in regular public schools, it is even higher in the largely nonunionized charter sector. As researchers David Stuit and

Thomas M. Smith have found: "The odds of a charter school teacher leaving the profession versus staying in the same school were 130 percent greater than those of a traditional public school teacher. Similarly, the odds of a charter school teacher moving to another school were 76 percent greater."<sup>18</sup> Some charter advocates have tried to spin the higher turnover rates as a virtue, but

according to researcher Gary Miron, "attrition from the removal of ineffective teachers—a potential plus of charters—explains only a small portion of the annual exodus."<sup>19</sup>

Critics of unions also fail to understand that the union leaders benefit immeasurably from the insights of their members. In a much-discussed twist in his book *Class Warfare*, Steven Brill suggests that Randi Weingarten be appointed chancellor of New York City's public schools: once liberated from her obligation to represent teachers, she could use her savvy and smarts to improve education. But this suggestion misses the crucial point that much of a union leader's strength comes from the fact that she or he constantly interacts with teachers and learns from them how education reform theories actually work in practice.

Other union critics also try, unfairly, to drive a wedge between teachers and their elected union leaders. Columnist Jonathan Alter, for example, claims: "It's very, very important to hold two contradictory ideas in your head at the same time. Teachers are great, a national treasure. Teachers' unions are, generally speaking, a menace and an impediment to reform."<sup>20</sup> Interestingly, Moe, citing extensive polling data, concludes that his fellow critics like Alter are wrong on this matter. Moe finds that among teachers, "virtually all union members, whether Democrat or Republican, see their membership in the local as entirely voluntary and are highly satisfied with what they are getting."<sup>21</sup> In a 2009 survey, 80 percent of teachers agreed that "without collective bargaining,

the working conditions and salaries of teachers would be much worse,” and 82 percent agreed that “without a union, teachers would be vulnerable to school politics or administrators who abuse their power.”<sup>22</sup>

Finally, teachers’ unions, more than any other organizations, preserve the American system of public schools against privatization proposals. Other groups also oppose private school vouchers—including those advocating on behalf of civil liberties and civil rights, school boards associations, and the like. But only teachers’ unions have the political muscle and sophistication to stop widespread privatization. Today, vouchers and similar schemes serve one-third of 1 percent of the American school population. This fact infuriates union critics, including those who see large profit potential in priva-

direction opposite from the one advocated by Michelle Rhee, Governor Scott Walker, and other Democratic and Republican union critics.

As Shanker noted years ago, restricting bargaining to the issue of wages (as many states are now trying to do) is a clever trap in which critics can suggest that teachers care only about money. Collective bargaining should be broadened, not constrained, to give teachers a voice on a range of important educational questions, from merit pay to curriculum. This could help improve the battered image of teachers’ unions. But, more important, it could help students. □

## Endnotes

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tization, and delights a majority of the American public.

Most of the public also supports collective bargaining for teachers and other public employees. A *USA Today*/Gallup survey found that by 61 to 33 percent, Americans oppose ending collective bargaining for public sector employees.<sup>23</sup> An NBC News/*Wall Street Journal* poll found that while most Americans want public employees to pay more for retirement benefits and health care, 77 percent said unionized state and municipal employees should have the same rights as union members who work in the private sector.<sup>24</sup> In November, Ohio voters overwhelmingly supported the collective bargaining rights of public employees, voting to repeal an antibargaining law by a margin of 61 to 39 percent.

The public is right on this question. Teachers should not have to go back to the pre-collective bargaining era, when they engaged in what Shanker called “collective begging.”<sup>25</sup> Educators were very poorly compensated; in New York City, they were paid less than those washing cars for a living. Teachers were subject to the whims of often autocratic principals and could be fired for joining a union.

Many states are facing dire budget crises, and unions need to be smart about advocating strategies that keep fiscal concerns in mind. That means moving beyond traditional efforts to pour more money into high-poverty schools. Magnet schools, which give low-income students a chance to be educated in a middle-class environment, are an especially promising investment. But this kind of engagement in education policy involves moving in a