

Union Power and the Education of Children

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Between the 1960s and the early 1980s, the American system of public education was transformed by a dramatic shift in its balance of power. In earlier times the system's key power holders were the administrative professionals charged with running it. Teachers had little power, and they were unorganized aside from their widespread membership in the National Education Association (NEA), which was controlled by administrators. But in the 1960s states began to adopt laws that, for the first time, promoted collective bargaining for public employees. And when the American Federation of Teachers (AFT) launched an aggressive campaign to organize teachers, the NEA turned itself into a labor union to compete, and the battle was on in thousands of school districts. By the time the dust settled in the early 1980s, virtually all districts of any size (outside the South) were successfully organized, collective bargaining was the norm, and the teachers unions—with millions of members and loads of money—were by far the most powerful force in American education.¹

This new system, defined and protected by union power, has been in equilibrium now for more than 20 years. On the surface it looks very much like the system of school boards, superintendents, and local democracy bequeathed us by Progressive reformers nearly a century ago.² But the Progressives did not bequeath us a system of union power. This is a modern development, one with profound consequences that make the modern system qualitatively different from the one it replaced.³

The unions now shape the public schools from the bottom up through collective bargaining agreements that affect virtually every aspect of school organization and operation. They also shape the schools from the top down by influ-

encing the education policies of government and blocking reforms they find threatening to their interests. It is difficult to overstate how extensive a role they play in making today's schools what they are, and in preventing them from being something different.⁴

With few exceptions, education scholars take this pervasive union influence as one of the great givens of public education. They don't challenge or question it. They don't even study it. This is a serious mistake with far-reaching consequences, and not simply because the unions are too important to overlook. For there are persuasive reasons to think that the power of the teachers unions is in many ways quite bad for public education and ultimately works to the disadvantage of children.

I will be arguing that the problems associated with union power are inherent to the unions as organizations, are very much to be expected, and cannot be eliminated by some sort of "reform unionism" that relies on the unions themselves to adopt a more enlightened, public-spirited approach. It follows that, if public education is to escape the stultifying drag of the unions' grip on the system—and if the system, therefore, is to evolve into a new form that is better suited to providing a quality education to children—it will happen only through reforms that weaken or eliminate union power over the schools.

INTERESTS AND ORGANIZATION

The teachers unions are often misunderstood. Their friends think about them in much the same way they think about teachers: as caring deeply about kids, promoting quality education, and fighting for important social principles. Their enemies see them as nothing short of malevolent: as oligarchic organizations that force unwilling teachers to join and are unconcerned about the best interests of kids. Neither is an adequate characterization. To understand the teachers unions, we have to get beyond stereotypes and think about them as social scientists might think about any organization.

Consider business firms, for example. Economists have done an excellent job of understanding these organizations by recognizing that profit is the fundamental interest that drives their behavior. Thus, economists fully expect firms to pollute the water and air when polluting is less costly than not polluting, and they are right. This is why we have laws against pollution. The problem is not that firms are malevolent and out to destroy the environment. The problem is that their interests are different from the public's interest in a clean environment.

Teachers unions can be understood in much the same way, except they are not driven by profits. Their survival and well-being depend on their ability to attract members and resources, and these define their fundamental interests. It

follows that the unions have an interest in pushing for stronger collective bargaining laws, because these enhance their success in gaining members and resources. Similarly, they have an interest in protecting member jobs. They have an interest in fighting for higher salaries, more valuable health and retirement benefits, better working conditions, and other job-related things that their members want. They have an interest in pressing for reduced class sizes, and in other ways increasing the demand for teachers. They have an interest in fighting for higher education budgets and higher taxes. And so on.⁵

None of this has anything to do, at least directly, with what is best for children. It is possible, of course, that some union objectives—higher spending and smaller classes, for example—are actually good for kids. Yet there is no strong evidence that this is so;⁶ and even if there were, any benefits for children would be accidental by-products of what the unions do in their own self-interest. It is quite clear, on the other hand, that self-interest often leads them to do things that are *not* good for kids, such as protecting the jobs of incompetent teachers. Just as business firms knowingly pollute if it is in their self-interest to do so, so the teachers unions knowingly pursue objectives that are bad for kids. They don't do it because they are malevolent. They do it because they are normal organizations guided by their own interests.

The unions' critics sometimes argue, in addition, that the unions pursue their own interests at the expense of *teachers* too. Indeed, it is commonly claimed—even by observers much more mainstream in their views—that to the extent the unions are problems for public education, the problems are due to the unions themselves and not the teachers. Teachers are viewed more sympathetically, and sometimes as victims who are simply being used.⁷

It is reasonable to wonder whether the unions actually do represent their members. After all, in order to overcome the collective action problem that has plagued the union movement from the beginning—namely, that employees have incentives to free-ride rather than contribute to the collective effort—the unions' solution has essentially been coercive. They have fought for collective bargaining laws that, in effect, force employees to join a union (or to pay agency fees, which are considered their “fair share” of the group effort) if a majority votes the union in.⁸ For some teachers, therefore, membership in the union is not voluntary and not an indication that they support the union in collective bargaining or politics. Regardless of why they join, moreover, teachers are generally unable to drop out of the union (or stop paying their “fair share”) if the union pursues objectives they disagree with. The union has them trapped, along with their money, and this is true whether the union represents them or not. So why should it represent them?⁹

This situation is less problematic than it seems, however. Teachers may dif-

fer from one another in many respects, but they are all employees of the school system, and as employees they have certain interests in common. They have an interest in job security. They have an interest in better salaries, health plans, and retirement packages. They have an interest in taking time off. They have an interest in smaller classes. They have an interest in gaining rights in the workplace. When teachers join unions, *these* are the interests they want represented—job-related interests. The teachers who are forced to join have basically the same job-related interests as the teachers who join voluntarily.

Two properties of union organization have a lot to do with how member interests find expression in union behavior. One is that union leaders are elected, and thus can be thrown out of office if they fail to represent members. The second is that the unions are more likely to be effective, whether in collective bargaining or politics, if members are cohesive and support the unions' efforts. Both these properties—the mechanisms of democracy and the requirements of effectiveness—are imperfect. But they do give leaders incentives to respond to what their members want.

If we focus on local unions and their core function of collective bargaining, there is good evidence that teachers do indeed feel represented. In a national survey of 3,328 teachers that I carried out in 2003, 94 percent of teachers in districts with collective bargaining said that, if membership were purely voluntary, they would still choose to join and pay dues to their local union. When asked how well their union represents their interests in collective bargaining, 83 percent indicated that they are satisfied.¹⁰ A study by Public Agenda of a national sample of 1,345 teachers points to similarly positive conclusions of a more general nature: 84 percent believe that it is “absolutely essential” or “important” for teachers to have unions, 81 percent agree that “without collective bargaining, the working conditions and salaries of teachers would be much worse,” and 81 percent agree that “without unions, teachers would be vulnerable to school politics or administrators who abuse their power.”¹¹

These findings reflect favorably on the unions. But they also tell us something very basic about union power: that when the unions wield power in their own self-interest, they wind up promoting the job-related interests of teachers, who support them for it. Moreover, just as union interests are not the same as the interests of children, so teacher interests are not the same as the interests of children. Teachers expect their unions to press for more benefits, to get them more time off, to protect them from administrators, to impose restrictive work rules, and in a host of other ways to promote their job-related interests—and none of this is premised on what is best for children.

When the unions engage in behavior that is contrary to the best interests of children, then, teachers are complicit in what they are doing. It is a mistake to

think that the unions are the source of these problems, and that teachers are somehow not responsible and are even victims themselves. Exceptions aside, teachers *are* responsible and they are *not* victims. As things now stand, the unions do the teachers' bidding in a powerful way. But if the unions did not exist, teacher interests would continue to be the same employee interests that they are now, and they would still come into conflict with the interests of children. In the final analysis, the real problem here is not union power per se, but *employee power* exercised on behalf of *employee interests*.

COLLECTIVE BARGAINING AND LOCAL POLITICS

Collective bargaining is the core function of the teachers unions and the bedrock of their well-being, because it is through collective bargaining that they attract members, get resources, and wrest benefits from "management." But there is also a symbiotic relationship between collective bargaining and politics. The members and money they gain from collective bargaining can be, and routinely are, converted into political resources—campaign contributions, campaign workers, full-time lobbyists—that generate political power. And by exercising that power in the political process, they are able to strengthen labor laws, boost their membership (e.g., by lobbying for smaller classes), win new job rules and teacher benefits, and in other ways promote their organizational interests. Success in collective bargaining boosts success in politics. Success in politics boosts success in collective bargaining. This being so, the teachers unions—indeed, all public-sector unions—have strong incentives to be more than just bargaining organizations, and to invest resources in gaining and exercising political power.

Collective Bargaining and School Board Politics

At the local level, where collective bargaining actually takes place, this symbiotic connection to politics is readily apparent. The teachers unions are blessed with a situation that private-sector unions can only dream of: the "management" team (the school board) is elected by the public.¹² So by taking part in electoral campaigns, the unions can help select the very people they will be bargaining with. These same people, moreover, will make official decisions on issues ranging from budgets to curriculum.¹³

Union clout in local elections is likely to be substantial, especially when elections are held at off times with few citizens voting, as is often the case. In many districts the teachers unions may be the only organized force in electoral campaigns. They have money to make contributions to candidates, generate publicity, and the like. And they can field activists to make phone calls, ring door bells, and otherwise help ensure that friends are elected and enemies defeated.

Even in large districts with many organized groups, the teachers unions are likely to be the only real players who focus single-mindedly on education—in contrast to business and community groups, for example, which have many different policy concerns.¹⁴ Parents, meantime, tend to be wholly unorganized outside (perhaps) the PTA—which is a parent-teacher organization, not simply a parent organization, and almost always an ally of the unions.¹⁵

There is almost no empirical research on the role of teachers unions in school board elections. But three recent studies of my own, all of California school districts, shed useful light on the subject. The first investigates one of many possible mechanisms of union influence: teacher voting.¹⁶ It shows that teachers who live in the districts where they work (and thus are eligible to vote there) vote at much higher rates—anywhere from two to seven times higher—than ordinary citizens. Because the average turnout in these off-year elections is a mere 9 percent, the turnout differential alone is often enough to shift outcomes in the unions' favor. And this is quite apart from all the *other* resources that unions are able to mobilize on their candidates' behalf.

This same study also provides important evidence on teachers' political motivation. It does so by showing that teachers who live and work in a given district, and thus have an occupational stake in its electoral outcomes, consistently vote at much higher rates than teachers who live in the same district but don't work there and thus do *not* have an occupational stake in the outcome. The latter, in fact, vote at low rates not much higher than those of average citizens. The upshot is that teacher participation in politics appears to be highly self-interested.

The second study cuts to the chase, investigating union impact on the outcomes of school board elections.¹⁷ It shows that, for candidates who are not incumbents, union support increases the probability of winning by .56—an astounding level of impact. For incumbents, who are already likely to win (and cannot have their probability boosted a lot higher), union support increases the probability of victory by .20. Clearly, unions are quite successful at putting “their” people on local school boards, and this ensures that they will often be bargaining with friends—elected officials who are supposed to be representing the public (and children) but in fact are beholden to the unions.

The third study, based on a survey of school board candidates, looks at the dynamics of school board elections in greater detail.¹⁸ It finds, among other things:

- The unions are typically the most powerful participants in school board elections.
- The unions are about equally powerful in districts of all sizes. Union power is not just a phenomenon of large, urban districts.

- The unions are quite successful at seeing to it that the winning candidates are those with the more sympathetic attitudes toward collective bargaining.
- The unions are the major players in these elections, but they are constrained and do not always get everything they want. First, they sometimes face opposition from other organized groups, especially in large districts. Second, because incumbents are more difficult to defeat, the unions sometimes support incumbents who are not as pronoun as they would like in order not to alienate an eventual winner. Third, because voting patterns are shaped by the political culture of a district, unions in conservative districts sometimes find themselves supporting candidates who are less pronoun than they would like in order not to lose. Fourth, when people are elected to the school board, the experience of being on the board—and part of “management”—seems to make them less pronoun over time; as a result, the unions cannot count on gaining complete control of school boards even when they are continually successful in elections.

It would be extreme, then, to say that unions totally dominate their school boards—but there is still a serious problem here. School board elections are supposed to be the democratic means by which ordinary citizens govern their own schools. The board is supposed to represent “the people.” But in many districts it really doesn’t. For with unions so powerful, employee interests are given far more weight in personnel and policy decisions than warranted, and school boards are partially captured by their own employees. Democracy threatens to be little more than a charade, serving not as a mechanism of popular control but as means by which employees promote their own special interests.

The problem of employee power would be less consequential if school districts operated in a competitive environment. For then, were the unions to push their own interests at the expense of school performance, parents could easily take their kids elsewhere—and the unions would find that fewer people wanted to attend their schools, teacher employment would drop, and membership rolls and financial resources would suffer. Faced with competition, unions would have to moderate their demands to protect their own interests.

But school districts do not operate in a competitive environment. And this gives unions another advantage in pursuing their own interests: they can impose costs and work rules that their members want, without regard for the impacts on school performance. Because parents and students have nowhere to go, the unions suffer no penalties. Indeed, the unions come out ahead: making their members happy, demonstrating their potency, and maintaining their membership and finances.

The problem of employee power would also be less serious if districts, schools, and teachers were held accountable for their performance. In a true accountability system, there would be consequences for poor performance: unproductive employees would lose their jobs, pay and resources would be affected, the public would be informed about who is and is not doing the job, and so on. The unions would then have to think twice about imposing costs and work rules without regard for their effects on performance. They would have to moderate their demands.

Yet districts, schools, and teachers have never really been held accountable for their behavior. Recent reforms are trying to change this. But the tradition is that performance is not systematically measured or put to use for evaluative purposes, and there are no consequences when student learning is inadequate. No one loses a job. Schools do not close. Resources and pay are not used as incentives. The unions therefore have no reason to worry about the connection between their self-interested demands and the performance of the schools. If their exercises of power make the schools worse, they suffer no negative consequences.¹⁹

All things considered, then, the teachers unions are free to approach collective bargaining with a singular concern for their own special interests. And that is what we should expect of them. To say as much is not to launch an ideological attack on the unions, but simply to recognize the reality of the situation—as people directly involved in collective bargaining do. Here is an account from a basic practitioner-oriented (and entirely nonideological) text on the subject:

The bargaining agent representing teachers exists solely to articulate and try to achieve the goals determined to be in the self-interest of its members. The welfare of the school as an institution may, in fact, be advanced by teacher organizations seeking to achieve the interests of teachers. But that is a by-product. The bargaining agent represents teachers and their interests. The collective bargaining process is predicated upon the union or association being an advocate of a special-interest group—the members of the bargaining unit.²⁰

Contracts and Work Rules

It is too bad all Americans cannot just sit down and read a few collective bargaining contracts that school districts have to live by. Most people, I hazard to guess, would be absolutely shocked. When my Stanford students—who are quite educated, and mostly liberal Democrats—first take a look at some of these contracts, they can't believe what they are seeing. These documents tend to include:

- Rules that require that teachers be paid on a salary schedule, based only on their years of experience and education, not on their performance.

- Rules that make it virtually impossible to dismiss teachers for poor performance.
- Rules that limit the discretion of principals in assigning teachers to classes, with limits based on teacher seniority.
- Rules that allow teachers to make voluntary transfers to other schools, and to resist being transferred away from their existing schools, based on seniority.
- Rules that require principals to give advance notice to teachers before visiting their classrooms to evaluate their performance.
- Rules that prohibit the use of standardized student tests for evaluating teacher performance.
- Rules that give teachers guaranteed preparation times of a specified number of minutes per day.
- Rules that limit the number of faculty meetings and their duration.
- Rules that limit the number of parent conferences and other forums in which teachers meet with parents.
- Rules that limit how many minutes teachers can be required to be on campus before and after school.
- Rules that limit class size.
- Rules that limit the number of courses, periods, or students a teacher must teach.
- Rules that limit the nonteaching duties that teachers can be asked to perform, such as yard duty, hall duty, or lunch duty.
- Rules that allow teachers to take paid sabbaticals.
- Rules that give teachers liberal options for time off with pay (such as “personal” leave days).
- Rules that put important decisions—about school policy, assignments, transfers, noninstructional duties—in the hands of committees on which teachers participate and may have a majority.
- Rules that allow teachers to accumulate unused sick leave for years, and eventually to convert it into cash windfalls.
- Rules that provide for complicated, time-consuming grievance procedures.
- Rules that give teachers who are union officials time off (which means their classes must be taught by substitutes) for performing union duties.
- Rules that give the union access to school mailboxes, bulletin boards, classrooms, and other facilities to use for its own purposes.^{xxi}

For every contract rule, the unions are quick to give reasons why it is good not only for teachers but also for children. Their theme, invariably, is that there

is no conflict between the interests of teachers and the interests of children. Teacher transfer rights are good, for example, because they limit the unfairness of managerial discretion, and they allow teachers to seek out (or remain in) the jobs for which they are best suited, all of which benefits kids. Limits on faculty meetings, parent conferences, and noninstructional duties are good because scarce teacher time can be devoted instead to the education of kids. And so on.²¹

The unions also make a more general claim to justify their proliferation of rules. They say that they are dedicated to professionalizing the occupation of teaching, and that the point of collective bargaining and all its rules is to ensure that teachers are treated like professionals. The more professional teachers are, the higher their overall quality and the better off kids are.²²

On the surface these arguments seem plausible. There is some truth to them, and because collective bargaining is so rarely studied there is usually no research to contradict them with hard evidence. Closer scrutiny, however, suggests that there is a substantial downside to these collective bargaining rules—and even to professionalization—that the unions simply do not talk about.

Consider seniority-based transfer rules. These rules are fundamental to any assessment of collective bargaining, and reformers are increasingly objecting to them. When Philadelphia's abysmally performing school system was recently taken over by the state, for example, the state-appointed administrator wanted to eliminate union transfer rights, arguing that they made it impossible for him to assign good teachers to needy schools. The union fiercely resisted any change, and its spokesman used (among other things) the prevailing lack of evidence to justify its position. "There's not a single study," he said, "to show that seniority [rights] are detrimental to education."²³

This claim about the research literature was true at the time. But hard evidence or no, there are compelling reasons for thinking that transfer rights should have profoundly negative effects on the schools. The simplest reason is the one given by the Philadelphia administrator: these rules make it impossible for the district to allocate teachers to their most productive uses—which could hardly be more basic to effective organization. We can also take the logic further by looking at it from the standpoint of teacher choice: transfer rights give senior teachers much more latitude in choosing where to teach, and they can be expected to use it to leave the schools they find undesirable—schools filled with disadvantaged kids—in favor of schools they find more desirable.²⁴ In districts with transfer rules, then, disadvantaged schools should find themselves burdened with even more inexperienced teachers than they otherwise would. And because research has shown that inexperienced teachers tend to be lower in quality than experienced teachers, this means that transfer rules should have the unintended effect of undermining the quality of education for the neediest children.²⁵

This line of reasoning is clear, coherent, and leads to simple expectations. In a recent study, I subjected it to an empirical test using evidence from a sample of California districts and schools.²⁶ The statistical model in this analysis is designed to explain the within-district distribution of teachers across schools, and the estimation shows that transfer rules do in fact have a considerable impact. In particular, it shows that a school's level of disadvantage, as measured by the minority composition of its student body, has far more impact than any other factor in determining the school's percentage of inexperienced teachers—and that the magnitude of this impact increases substantially as transfer rights increase in strength. The stronger the transfer rights in a district, the more latitude its senior teachers have in choosing where to teach, and the more serious the problems that disadvantaged schools are burdened with.

Because the empirical literature is so limited, we usually cannot evaluate collective bargaining with such direct evidence. Even so, there are compelling reasons for expecting certain outcomes. Any objective observer should expect transfer rules to create quality problems for disadvantaged schools, simply by virtue of the way these rules expand the choices of senior teachers. Similar arguments can be made—and expectations derived—for other contract rules too. Here, briefly, are a few of the general arguments that need to be made.

(1) Most generally, any notion that contract rules simultaneously promote the interests of both teachers and children, and that there is no conflict between the two, is simply false. This is not to say that contract rules never have consequences that are positive for children. It is to say that they clearly have some consequences that are negative.

(2) These negative consequences happen to be profoundly important for the operation of schools. Because of restrictive work rules, the most consequential of all educational inputs—teachers—cannot be allocated to their most productive uses, administrators are denied the discretion to manage their schools, costs are higher than they should be, and schools are buried in excessive bureaucracy. These problems are fundamental, and they can only be expected to undermine the effectiveness of school organization.

(3) The positive consequences are not in the same league. Consider four areas of impact that the unions trumpet as profoundly positive: professionalism, teacher compensation, teacher involvement in decisionmaking, and limitations on class size. Enhancing teacher professionalism sounds good, but in practice it typically boils down to an emphasis on certification, master's degrees, and staff development, none of which has been shown to be important for student learning.²⁸ Increasing teacher compensation also sounds good, but unions demand across-the-board raises for all teachers, regardless of their competence or productivity, which is a grossly inefficient way to spend scarce resources.²⁹

Increasing teacher involvement in decisionmaking sounds good too, but it means that employee interests are given even more weight in the policies and practices of schools, and these interests are often in conflict with what is best for kids.³⁰ And finally, limitations on class size sound good and may sometimes be good, but they involve enormous costs, and evidence suggests that the benefits for student learning are very small by comparison.³¹

(4) There should be no mystery why the negatives far outweigh the positives. The negative effects are to be expected, because the unions use their power in collective bargaining to pursue teacher (and union) interests that are not the same as the interests of children. The positive effects come about accidentally, only when these interests happen to coincide.

(5) Moreover, the negative effects are genuinely due to collective bargaining: they are forced on the districts by the unions and thus are usually practices the districts would *not* follow if they did not have to. The same is typically not true of positive effects: if the districts seek to promote quality education, they need not be forced into adopting rules or expenditures that help them do that. To the extent there are positives associated with union-imposed requirements, therefore, they are positives that the districts would tend to pursue *on their own*. It follows that, in calculating the net impact of unionization, we surely need to count the negatives, but the same is not true of the positives, many and perhaps all of which would be adopted by districts in the absence of collective bargaining.

(6) As monopolies run by elected politicians, the districts may not be as strongly motivated by quality education as we would like, and there may indeed be occasions on which they must be forced to take actions that are good for kids. But the solution to this problem is not collective bargaining, which generates profoundly negative consequences along with any good ones, and which empowers actors who are less concerned with quality education than the districts are. The solution is to push for reforms that give the districts the right incentives, and to make sure they can act on them without the self-interested constraints imposed by unions.

Given these expectations, well-designed empirical research ought to show that collective bargaining is—on the whole—detrimental to quality education. As I said, this line of research is very limited. But a small literature does exist that, beginning in the 1980s, has attempted to determine whether collective bargaining per se has an impact on how much students learn—and this, in the end, is the question that needs to be answered.

Unfortunately, it is difficult to extract solid evidence from these studies.³² Most of them base their analysis on comparisons between jurisdictions that have collective bargaining and those that do not, and this is problematic. When states are being compared, the states without collective bargaining are almost

all southern and border states, which are different from the collective bargaining states in many ways—culturally, ethnically, politically, economically—that doubtless affect their schools. When comparisons are across districts, the same sorts of biases arise. There are other problems as well. Studies at the state level, for example, require such a gross level of data aggregation—with a single test score representing student achievement for the whole state, and so on—that there is little hope of discovering causes and effects at the lower (district) levels; these studies, moreover, sometimes measure student performance by means of SAT and ACT scores, which are taken by select students and are not good measures of learning among students generally.

Not surprisingly, this literature yields mixed findings on the impact of collective bargaining. Some studies say it leads to better performance, some say it leads to worse performance, but we cannot be confident that they are telling us anything valid. It is perhaps worth noting that these studies agree on the nonacademic effects of collective bargaining: that it increases pay and fringe benefits, the teacher-student ratio, and the overall costs of education. We have to be cautious about these results, given the underlying problems; but their uniformity is heartening, and the findings are what ought to be expected.

One study stands apart from all the others. This is an analysis by Caroline M. Hoxby that assesses the impact of collective bargaining by looking at districts before and after the unions gain bargaining rights—a unique design that only she has employed.³³ What she shows, through a highly sophisticated statistical analysis, is that the agreed-on conclusions of the rest of the literature are borne out: collective bargaining increases district spending, teacher salaries, and teacher-student ratios. But she also shows that, even though collective bargaining increases school inputs, it actually *decreases their productivity*, and the unions' overall impact on school performance is *negative* (as measured by the dropout rate). Her bottom line is that collective bargaining is bad for schools.

I think it is no accident that Hoxby's innovative analysis, published in one of the most prestigious peer-reviewed journals in economics, arrives at negative conclusions about the impact of collective bargaining. It is unfortunate that we don't have more good studies and a bigger, more sophisticated literature for bringing evidence to bear. But we just don't. We can only hope that more scholars pursue this kind of research and begin to fill the evidence gap.

UNION POLITICS AND EDUCATION REFORM

Through collective bargaining, the teachers unions shape the organization and performance of the public schools from the bottom up. Yet the unions also

influence the schools from the top down by taking political action to influence public policy.

Given their core interests, the unions are compelled to seek political power. Their members are government employees whose salaries, fringe benefits, and retirement packages are all funded through government budgets and taxes. New and expanded education programs mean more money and more jobs. Stronger collective bargaining laws translate into easier organizing. Virtually every kind of workplace rule can be imposed through new legislation. And so can reforms that threaten the unions' interests—and need to be stopped.

The teachers unions have responded to these incentives by developing formidable political organizations. The NEA and AFT together have more than four million members nationwide, massive financial resources, and networks designed for coordinated political action. In elections they spend huge sums on campaign contributions, almost always in support of Democrats, and in many states they are routinely among the top few contributors; they also put troops on the ground in virtually every political district in the country—again, in support of Democrats—and these troops can prove far more potent than money. Between elections, they exercise power through active, well-financed lobbying organizations. And they are active as well in administrative arenas and the courts.³⁴ Throughout American society, few other interest groups can claim such political clout. Indeed, a long-running study of state-level politics found the teachers unions to be the single most powerful interest group *in the entire country* throughout the 1990s, and in 2002 ranked them a close second behind general business organizations.³⁵

The unions' remarkable power does not mean they can simply have what they want from state and national governments. Part of the reason is that, at these levels, the unions have more opponents than they do locally. But the larger reason is that, in a separation of powers system, the policymaking process is filled with veto points that any proposal must overcome to achieve passage. Getting a major proposal enacted is very difficult, and the unions will often fail or be forced into compromises—although their batting average is likely to be higher than that of other groups. The flip side is that blocking legislation is very easy by comparison—for success at just one veto point is all that is needed—and this means that the unions can use their power to great effect when all they want to do is block.

Given the ground we have covered, here is what we should expect from the teachers unions in the politics of education:

(1) They will use their political power to pursue their core interests—in attracting members and resources and promoting the job-related interests of

teachers—regardless of what is best for children or the broader public.

(2) Because they are uniquely powerful within their sector, the unions will be the de facto leaders of public education in the political process, and their interests will heavily influence how the interests of public education are defined and pursued.

(3) They will be quite successful at blocking or watering down education proposals they do not like, particularly those involving major reforms that—however beneficial to children—seriously threaten their core interests.

(4) They will be less successful at getting favorable legislation or funding.

(5) In an era of constant demands for reform, therefore, the main impact of the teachers unions will be to block or weaken promising reforms, and thus to protect the status quo.

These expectations are a virtual playbook of how the politics of education has actually unfolded in recent decades. To get a sense of this, let's look at three realms of education policy. The first consists of mainstream efforts to improve the schools through incremental change. The second and third have to do with reform efforts that involve major changes in the system—accountability and school choice.

Mainstream Politics

Just as the teachers unions were completing their rise to power in the early 1980s, they were confronted with one of the signature events of modern American education: the publication of *A Nation at Risk*, which highlighted the urgent need for reform and generated a national movement for change that has continued to the present day.³⁶ The unions have been threatened by some aspects of this movement. But with powerful groups and politicians eager to improve the public schools, it has also given them attractive opportunities to push for the things they would otherwise want.

The unions' actions have been entirely predictable. Year in and year out, they pressure tirelessly for more money (and higher taxes) regardless of the problem being addressed. If the focus is on low-performing inner-city schools, their solution is more money—arguing that these schools do not have the resources needed to do a good job. If the focus is on teacher quality, their solution is to raise salaries dramatically for all existing teachers, and to spend additional money on training and professional development. If children with special needs are lagging, the solution is to create huge, big-budget programs that funnel money to the schools and teachers of those kids.³⁷

The unions are also intensely concerned with increasing the number of teaching jobs (and union members), which only fuels their push for more money.

When money is pumped into low-performing schools, or when it is pumped into special-education programs, more jobs are created for teachers. The same is true for the most popular mainstream reform of our day, class size reduction. The unions are enthusiastic supporters of smaller classes, arguing that they allow for more effective teaching and are thus beneficial for children.³⁸ It is not coincidental, however, that class size reduction can be achieved only by hiring new teachers and is among the most expensive approaches to reform the states could possibly adopt. The unions have also begun pushing for all-day kindergarten and for publicly provided preschool—which, they say, are necessary if kids (especially poor kids) are to be prepared for elementary schools, but which would also require huge numbers of new teachers, vastly expand the ranks of union membership, and cost untold billions of dollars.³⁹

Another strand of union “reform” has to do with workplace rules—which, through political action, the unions can win for all teachers in an entire state, rather than relying on the usual district-by-district approach. Any examination of state education codes reveals all sorts of laws that look like they came right out of collective bargaining contracts. They might require, for example, that every teacher get a 30-minute lunch break, that layoffs and rehiring be based on seniority, that standardized tests not be used for teacher evaluations, or that teachers can accumulate sick leave up to specified amounts. Indeed, education codes are often just as eye opening as collective bargaining contracts for their detail, restrictiveness, and promotion of teacher self-interest.

The unions also argue for “reforms” under the rubric of professionalization. They use this language when they press for higher pay and restrictive work rules. But it is also central to their justifications for other objectives—for example, stronger certification criteria, more time (and compensation) for professional development, and extra compensation for teachers with advanced degrees and certificates. They also argue that, as professionals, teachers should be self-regulating; and they have pushed for regulatory mechanisms that are controlled by teachers—and thus by the unions themselves. For example, they want teachers to have the option of getting national certification (and to be paid more for it), and this certification process is controlled by the National Board for Professional Teaching Standards, which in turn is colonized by the unions. They also argue that teachers should be trained at education schools accredited by the National Council for Accreditation of Teacher Education, in which the unions have heavy influence.⁴⁰

The unions have been fairly successful at shaping education policy and weaving their interests into the fabric of the system. They have been less successful at getting the funding and teacher pay that they want, but this is not surprising.

K-12 education is already soaking up nearly half of state education budgets, and many other groups are fighting over the same money in what are essentially zero-sum battles. Without significantly higher taxes, which voters resist, the states literally cannot afford to spend a great deal more on the schools or across-the-board pay increases for teachers.

The more telling question is whether the unions' objectives in mainstream politics are ultimately good for kids. The answer is essentially the same as for collective bargaining. The unions pursue their own interests in politics, and policies good for the unions are often bad for kids. This is surely true for many restrictive work rules that find their way into state education codes, because these are simply special-interest provisions that make schools more difficult to manage and more costly to operate. They were never intended to be good for kids. It might seem that a better case can be made for the unions' larger political goals—more spending (and taxes), higher pay, smaller classes—but these are problematic as well. Consider the following:

(1) Research suggests that increases in spending do not have much impact on student performance. While money is necessary to operate schools, and while more money could in principle be put to good use, it is not put to good use now. Extra funds are used unproductively and do little to improve the schools.⁴¹ It is worth remembering that Washington, D.C., which has among the worst schools in the nation, spends about 70 percent more than the national average on each of its students.⁴²

(2) In teaching, as in any occupation, increases in pay should attract higher-quality people. But across-the-board pay raises for all teachers are an enormously costly and unproductive way to do this.⁴³ Kids are the losers if unproductive teachers are paid more than they are worth, and kids are the losers if productive teachers are paid less than they are worth. Kids are better off, and the system is better able to attract good teachers and shed bad ones, if pay is linked to productivity—which, of course, it isn't.

(3) Research indicates that lowering class size by the amounts normally considered—say, from 30 to 25 or from 22 to 20—does not have much impact on student learning.⁴⁴ Because it is so expensive to carry out, we get very little bang for our buck with this approach to reform. There should be other, far more productive ways of getting kids to learn more.

These reforms are not in themselves bad for kids. Children are not worse off because a state spends more money on the schools or pays teachers more or lowers its class size. Even so, children *are* worse off when the opportunity costs of these reforms are taken into account. For when reforms are pursued that are unproductive, there are other ways the resources could be allocated that would

be more beneficial to kids, and kids are worse off in the sense that better alternatives are forgone in favor of inferior ones. This is the right way to think about the issue.

Many alternatives to the usual mainstream reforms are never seriously considered, even though they require no major restructuring of the system. One reason is that alternatives that threaten union interests have no chance of passing, so they do not make it onto the agenda—or even into people’s minds when they entertain possibilities. Consider the following thought experiment. Suppose the unions really were concerned first and foremost about the best interests of kids and were not driven by their own self-interest. All sorts of reforms would suddenly become possible. Most obviously, the unions (and their Democratic allies) would take aggressive action to ensure that mediocre and incompetent teachers are identified and removed from the classroom. They would favor requiring veteran teachers to pass rigorous tests of substantive competence. They would favor making the removal process quick and easy. They would take all steps necessary to ensure that children are not trapped in classrooms with teachers who cannot teach—for what could be worse?

But this whole line of reform, so obvious it is embarrassing, is off the table. Far from taking aggressive action to weed out low-performing teachers, the unions *protect* them and do everything they can to ensure that no member ever loses a job. They also make it clear to politicians that they will block any reforms that threaten teacher jobs, and that they will punish anyone supporting such efforts. The explanation is simple: the unions act in their own self-interest, not in the interests of kids.

The Politics of Accountability

Accountability is not a mainstream reform. In a true accountability system, clear standards indicate what children are expected to know, tests reliably measure whether children are learning the material, and consequences attach to whether the standards are being met. The point is to measure what is going on, but also to give everyone involved—students, teachers, administrators—incentives to perform.⁴⁵

The idea of accountability is new to public education. Traditionally, teachers have had substantial autonomy in the workplace, they have had total job security, and they have been paid without regard for how productive they are. This is what most of today’s teachers expect and want, and it is the deal they thought they were accepting when they became teachers in the first place. The accountability movement threatens to take that deal away from them. It threatens to erode their autonomy, to shake up their comfortable arrangements for jobs and

pay, and to demand that they work differently, work harder, and produce more. These changes are not welcome.⁴⁶

Although the teachers unions will not say it outright, they are opposed to true accountability. This position squares with member opinion, but there are other reasons for it as well. The unions know that, if performance is routinely measured, the data can lead to threatening consequences. Publicity that the schools are underperforming, for instance, is likely to put teachers in a bad light and generate pressures for change. Performance data also provide objective grounds for having unproductive teachers fired, which is the last thing the unions want, and for creating a system in which teacher pay is linked to productivity, which threatens to create competition among members, undermine solidarity, and give administrators more discretion.

Politically, the unions have their hands full on this issue. Accountability is common sense, and it is broadly popular with the general public—which means that most politicians, including the unions' Democratic allies, find it difficult to oppose. It has focused the reformist energies of business leaders, who strongly believe that accountability is necessary for effective performance. And it has been embraced by governors and presidents—who, unlike legislators, are held directly responsible for improving the schools and have broad constituencies that make them less susceptible to special-interest groups (including unions). Every governor now wants to be the education governor, every president the education president.

The accountability movement emerged in the late 1980s as it became clear that mainstream reforms were not doing much good. And it picked up steam during the 1990s, gaining ground in virtually all 50 states—especially, and not coincidentally, in some of the right-to-work states, such as Texas and North Carolina. In 2001 it marked its greatest victory with congressional passage of the No Child Left Behind Act (NCLB), which for the first time imposed a uniform set of accountability requirements on all of the nation's schools.⁴⁷

Throughout this period, the unions could have followed an outright blocking strategy. But this would have been difficult due to the impressive power arrayed on the other side. And it would have been damaging to the unions' public image (and ultimately to their political clout) had they positioned themselves as unyielding opponents of a broadly popular reform. So they settled on a more sophisticated strategy: of “supporting” accountability, participating in the design of the new accountability systems, and using their power to promote designs that don't hold teachers accountable in any meaningful way.⁴⁸

The key elements of any accountability system are standards, testing, and consequences. Standards alone need not be threatening to union interests, so

over the past decade the unions have been enthusiastic proponents of standards-based reform and have played up this aspect of accountability—as though standards are what accountability is all about. Yet they do not favor true academic rigor or high passing bars, because student failure reflects badly on teachers. Unions favor standards that are relatively easy to meet, and they react to poor test results by claiming that the standards and passing bars are themselves poorly conceived and need to be changed (by weakening them).⁴⁹

Tests can be more problematic than standards, in the unions' eyes, but they can also be quite acceptable under the right conditions. Until recently they were rarely a threat because their results were essentially secret. They were used internally by the school system and passed along to parents, but they were not made public or used to judge school or teacher performance. Accountability changed all that. Today it is common for the states to publicize test scores, and these scores provide an objective basis on which schools and teachers can—in principle—be held accountable for their performance.

The unions cannot flat-out oppose testing, because testing is too popular and too obviously necessary for accountability. So they pursue their opposition in more subtle ways. They argue, for example, that the tests currently in use (whatever they might be) are deeply flawed, need revision, and cannot provide valid measures of student or teacher performance; that testing and test preparation eat into valuable teaching time; and that teachers wind up teaching to the test rather than teaching a balanced curriculum.⁵⁰ What they support, as alternatives to tests, are methods that involve the teachers' own subjective judgments: course grades, assessments of student portfolios, assessments of student effort. Because these assessments of student performance are ultimately the basis for evaluating the teachers themselves, such a system essentially allows the teachers to write their own performance evaluations. Needless to say, this is hardly a reliable means of determining how much students are really learning or how well teachers are really teaching them. It is simply a method of supporting a nonthreatening version of accountability—while opposing the real thing.⁵¹

Standards and testing create problems for the unions, but they are even more concerned about having consequences attached to performance. Most important, no member should ever lose a job, and there should be no weeding-out process by which the schools rid themselves of low-performing teachers. Other kinds of sanctions—pay cuts, reductions in funding—are verboten as well. So are commonsense policies that might lead to such sanctions: for example, the testing of veteran teachers to ensure competence in the classroom. And so are pay-for-performance plans that would link teacher compensation to how much their students learn.⁵²

If consequences are to be adopted, the unions insist that they take the form of rewards: bonuses for high-performing teachers or, far preferable, bonuses for high-performing schools (with the unions deciding how rewards are distributed among teachers). A union-preferred accountability system, then, would exercise accountability—if at all—entirely through a system of positive inducements. There would only be winners. No losers.

None of this is motivated by what is best for kids. Virtually anyone who studies organizations—or for that matter, almost anyone who is responsible for running an organization—would agree that some form of accountability system is essential if organizations are to do their jobs effectively.⁵³ And since children are the beneficiaries of school effectiveness, this is another way of saying that a serious, well-functioning accountability system for the public schools is good for children. What the unions are doing in opposing true accountability, and in distorting the way standards, tests, and consequences are designed within the policymaking process, is *not* good for children.

The Politics of School Choice

Public education has always been a top-down system in which public officials and bureaucrats (including teachers) directly provide educational services to children. This system has taken almost no advantage of markets—which is unfortunate, for perhaps the best-confirmed canon of social science is that markets are powerful means of promoting efficiency and making people better off. To note as much is not to argue for a “free market” in education. It is to say that, just as our economy is highly productive because it is a mixed system of government and markets, and just as many spheres of social policy—from Medicare to food stamps to public housing—have benefited from reliance on both, so the education system would benefit by moving away from its extreme top-down model toward a mixed system that takes greater advantage of choice and competition. The task is to settle on the right structures—the right designs—for creating a productive balance. But there is no reason that well-intentioned people who care only about children could not do that.⁵⁴

A greater role for markets would do two basic things. First, it would allow children and parents to choose their own schools and thus, most important, to leave low-performing schools for better ones—an option especially valuable for children who are poor or minority, as they are disproportionately stuck in bad schools. Second, precisely because families are empowered to leave bad schools, all schools and teachers are put on notice that, if they don’t do their jobs well, they are likely to lose children, money, and jobs—and this gives them incentives to perform and innovate. Thus, choice is immediately beneficial to the children

exercising it. But it also changes incentives at the very heart of the system and in this way radiates improvement throughout public education.

It should be obvious why choice is threatening to the unions. Because of choice, some schools lose children, money, and jobs, and the teachers in those schools are faced with cutbacks and pressures to change. More generally, when children move to charter schools or use vouchers to attend private schools, the regular public schools as a whole have smaller enrollments, less money (in the aggregate), and fewer jobs, and the unions stand to lose members and resources. In the process, because choice puts competitive pressure on the public schools to adopt performance-enhancing reforms, the inefficiencies imposed through collective bargaining become vulnerable to scrutiny and criticism, as does union power generally. Little wonder, then, that since the choice movement first gained momentum during the 1980s, the teachers unions have been fierce opponents.⁵⁵

That self-interest is driving their opposition is nowhere more apparent than in their relentless fight against vouchers. Consider what happened in inner-city Milwaukee when, in 1990, local parents and advocates for the poor rose up to demand vouchers so that disadvantaged children could escape failing public schools. What the children needed, and were obviously being denied, was a good education. And they needed it right away, not in 10 or 20 years, when public school reform might possibly (but probably would not) turn the schools around, and when these children would be permanently behind. What did the unions do? Did they work with parents and advocates to get these kids into good schools right away, even if the schools happened to be private? No way. The unions *went to war against them* and unleashed all their political weapons to ensure that not one child or one dollar found its way out of the public system. In the end, the poor—aided by Republican and conservative allies (because abandoned by their usual allies)—won a small pilot program. But the unions had shown their true stripes, and they had done what they could (with much success) to hobble a program for disadvantaged kids.⁵⁶

In the years since, the unions have not changed their position on vouchers by even an inch. The voucher movement has focused its energies on seeking vouchers for disadvantaged kids, and the unions have used all their power to prevent change and keep these kids right where they are. In a few cases, the voucher side has won limited programs—in Cleveland, Florida, Colorado, Washington, D.C., Pennsylvania, Arizona. But for every victory there have been many more defeats, and countless battles were never even fought because union opposition made them hopeless. For each of the voucher victories, moreover, the unions have continued the fight in the courts, and have had a good deal of success at plumbing state constitutions to find provisions—including blatantly anti-

Catholic Blaine amendments written 100 years ago—on which judges can declare the voucher programs unconstitutional.⁵⁷

Throughout this period researchers have tried to study the impact of vouchers. The results have been mixed, although the best of these studies show that vouchers have had positive effects for African American children.⁵⁸ The unions have acted aggressively to play up any negative findings, to debunk positive ones, and to use these arguments in political battles to convince the public and politicians that vouchers do not benefit children.⁵⁹ But the evidence itself, pro or con, has nothing to do with the unions' opposition. They were opposed to vouchers before there were any studies. The studies are simply additional weapons in the war.

Charter schools are also threatening to the unions, but not as much as vouchers are. At least charters are within the public sector, they are somewhat under the control of districts, and there are political means of keeping them at bay. The problem is that they allow children, money, and jobs to flow out of the regular public schools—where union members work—and into charter schools, where teachers usually need not be unionized or covered by collective bargaining contracts. Charters also put pressure on the regular schools to be more effective and to change, which in turn leads to pressure on collective bargaining. So the proliferation of charters only generates a proliferation of problems for teachers unions.⁶⁰

There is a big demand among urban constituents for alternatives to the regular schools, so Democrats have good reasons to be tolerant toward charters—and indeed, to use charters as a fallback means of fighting vouchers.⁶¹ This has been their strategy, and it explains why there are now approximately 3,400 charter schools nationwide, attended by roughly 1 million children. The unions are realists, and they publicly claim to support charter schools too.⁶² But they privately oppose them, and they use their power to push for highly restrictive designs—demanding, for example, that there be low ceilings on the number of allowable charters, that the districts (which have incentives to limit competition) have sole chartering authority, that charters have less funding than the regular schools, that they have no access to public school buildings, and that charter teachers must be union members and covered by the contract.⁶³ Unions also do what they can to publicize any research that reflects negatively on charters, and they have even done their own “research”—which showed up recently on the front page of the *New York Times*—to show that charters are outperformed by the regular public schools.⁶⁴

The unions' role in the politics of choice is a graphic demonstration of their single-minded pursuit of self-interest. Surely many children can benefit by leaving bad schools for better ones, whether the schools are public or private. Surely the incen-

tives that choice generates in schools and teachers—incentives to perform, to innovate, to be responsive—can be put to good, healthy use in improving the schools generally, to the benefit of all kids. This is not rocket science. All it requires is a serious effort to take advantage of what markets can contribute to the education of children—which is not everything, but something—and the good intentions to find specific forms of choice that, when embedded in a well-designed governmental structure, can give positive results. But the unions are not even remotely serious about putting choice to good use, and they are not well intentioned in seeking what is best for kids. To them, choice is simply a threat to be defeated.

LOOKING TO THE FUTURE

The teachers unions think of themselves as progressive, but in fact they are the most conservative force in American education. They use their power to protect the status quo and to prevent the adoption of changes that, if wisely designed, could improve the schools and benefit children. Portraying the unions this way is not a matter of ideology or union bashing. It is a simple matter of realism and honesty. For people whose first loyalty is to children, there is no avoiding the conclusion that the unions are an enormous problem for public education.

What can be done? The best-known strategy goes under the label “reform unionism,” which has attracted quite an audience within the education community. The idea is that teachers unions have long been following the industrial model of blue-collar unionism, with its focus on material benefits and contract rules, while the requirements of a modern, fast-changing “knowledge society”—for highly educated workers, for truly effective schools—call for a more flexible, professional approach to teaching and a different model of unionism.⁶⁵ Adherents believe that, once union leaders are enlightened about all this, they will be persuaded to embrace the new model, under which a dramatically reformed version of teacher unionism will:

- Actively promote what is best for children and quality education, not just the material interests of teachers.
- Move away from the formal rules and rigidities of collective bargaining contracts.
- Promote teacher professionalism and pursue the kind of influence compatible with it—namely, collaborative partnerships between teachers and administrators, with teachers playing an integral role in school governance and policymaking.

“Reform unionism” is an exercise in wishful thinking. It assumes that unions can be persuaded to forgo their fundamental interests—and they are never

going to do that. Their fundamental interests are not choices but are deeply rooted in the determinants of organizational survival and well-being, and they necessarily take precedence over everything else. It would be nice to believe that enlightened, reform-minded leaders can turn the unions around; and indeed, some self-proclaimed union reformers have formed an organization of their own—the Teachers Union Reform Network (TURN)—based on just those principles. But this group will never have much impact. Reform leaders cannot help but find themselves heavily constrained by the requirements of their own organizations—that they represent the job-related interests of their members and protect their membership rolls and resources—and if they don't toe the line in these respects, they won't last long. Union reformers usually talk a good game, and they may well believe what they say. But when push comes to shove, they *behave* in ways that promote the fundamental interests of their unions.

Without intending to be, “reform unionism” is also dangerous. It is dangerous because it is fanciful, making claims that are unfounded and encouraging expectations that will never be borne out. It is also dangerous for a more substantive reason: it argues that the way to improve education is to forgo industrial-style work rules and involve teachers as true professionals in the governance of their schools. This is an out-of-the-frying-pan-into-the-fire kind of proposal. The underlying presumption is that teachers can be motivated by what is best for kids and that there is no conflict between the teachers' own interests and those of children. But this simply isn't true. And because it isn't, involving teachers in school governance ensures that the interests of children will be given even *less* priority than they are now, and teacher interests more. In the end, the school-governance aspirations of “reform unionism” can lead only to greater union power over schools, which is exactly the opposite of what needs to happen.

How, then, can the power of the unions be reduced? Two approaches offer the greatest promise. They fit together nicely and can be employed at the same time. But given the unions' political clout, progress is likely to be slow and episodic.

The first approach involves the expansion of accountability and choice. By insisting that performance be measured and made public, accountability inevitably brings pressure on the unions to stop protecting low-performing teachers, imposing unproductive work rules, increasing costs, and making the schools bureaucratic. Such pressure may convince the unions to moderate their demands somewhat, simply as a matter of strategy. But it can also convince voters and public officials, including some of the unions' own allies, that something needs to be done to curb their power. The recent, much-publicized hearings on collective bargaining in New York City, a bastion of liberal Democratic

power, are just one indication of how other elites can turn on the unions when performance becomes a critical issue.⁶⁶

School choice is more subversive still. By allowing kids and resources to leave the regular public schools, and by forcing these schools to compete with nonunion schools, the expansion of choice ensures that the unions will lose members and resources and thus become smaller and less politically powerful. It also forces them to behave more moderately, because to the extent they resist reforms that would make public schools more productive, they will be slitting their own throats.

So far, the choice and accountability movements have not gone far enough to make a real dent in union power. And using that power, the unions have seen to it that both reforms are but pale versions of what they ought to be. But these movements continue to make incremental progress. As they do, the unions will be faced with mounting challenges, and their power is likely to ebb.

The second and more direct approach is simply to press for legislation designed to undermine union power. Progress will not come easily, as the unions will unleash every last weapon in their arsenal to prevent such bills from passing. But if they are somewhat weakened in the future, or if there are windows of opportunity in states where they are relatively weak right now, these legislative changes can actually succeed.

The most drastic measure would be to prohibit collective bargaining in public education. This would be difficult to accomplish, but I think it is the right thing to do if one is solely concerned about children and schools. Short of this home-run measure, here are some other proposals that make good sense:

- Prohibit unions from spending a member's dues on politics unless that member has given explicit prior consent in writing.
- Make teacher strikes illegal, backed by swift and heavy penalties, and require that they be strictly enforced.
- Limit the scope of bargaining to issues of compensation and working conditions, narrowly construed, so that most aspects of schooling are not subject to union negotiations.
- Do away with seniority rights in assignments and transfers, and give administrators the authority to allocate teachers to their most productive uses.
- Make it quick and easy, based on evidence of low performance, to get rid of teachers who are not doing their jobs well.
- Do away with the traditional salary schedule, require that teacher pay be linked to performance, and allow districts to respond to market considerations (e.g., by raising the pay of math and science teachers).

Most people in the education community, and most scholars and researchers who study public education, are sympathetic to the teachers unions, and they are sure to be outraged at suggestions for undermining union power and collective bargaining. But this kind of sympathy is misplaced.

The purpose of the public education system is to educate children. Teachers are employees of the system, hired to carry out this purpose—and when things are done right, this is the only reason they are hired. Teachers and their unions may want total job security. They may want lots of time off. They may want the right to transfer out of disadvantaged schools. They may want protective work rules. They may want power over education policy. And more. But important as teachers are to the provision of quality education—and they are clearly the most important single ingredient—the interests of children are the main criterion by which all inputs, including human inputs, should be judged. Whether teachers should have any job security at all, and exactly what types of job security they should have, is properly determined by what is best for children. The same calculation applies for work rules, transfer rights, and all other issues that bear on the role of teachers in public education—including the power of their unions. The education system is not a jobs program. It does not exist for the benefit of the adults who run it. It exists to educate children.

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27. David Kusnet, *Finding Their Voices: Professionals and Workplace Representation* (Washington, DC: Albert Shanker Institute, 2000).
28. Thomas Kochan, "Building a New Social Contract at Work" (presidential address delivered at the 52nd annual meeting of the Industrial Relations Research Association, n.d.).
29. The six participating locals were Albuquerque, Denver, Minneapolis, Montgomery County (MD), Seattle, and Syracuse. The project operated under the auspices of TURN, the Teacher Union Reform Network, and was directed by Julia Koppich.
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CHAPTER TEN Union Power and the Education of Children (Moe)

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11. Public Agenda, *Stand by Me* (New York: Public Agenda, 2003). The three sets of quotes and figures are from pages 46, 47, and 48, respectively. Note that these Public Agenda figures include teachers from states and districts without collective bargaining. The support percentages would be still higher if these teachers were excluded.
 12. More accurately, it usually takes place between unions and administrators hired by the board. But because board members are the authorities and ultimately responsible for whatever bargain is struck, I will frame the discussion as though it is the board itself doing the bargaining.
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 17. Moe, “Political Control and the Power of the Agent.” To clarify: both studies are presented in the same paper.
 18. Moe, “Teachers Unions and School Board Politics.”
 19. Terry M. Moe, “Politics, Control, and the Future of School Accountability,” in *No Child Left Behind? The Politics and Practice of School Accountability*, ed. Paul E. Peterson and Martin R. West (Washington, DC: Brookings Institution Press, 2003).
 20. Robert L. Walker, *The Teacher and Collective Bargaining* (Lincoln, NE: Professional Educators Publications, 1975), p. 29.
 21. Dale Ballou, *Teacher Contracts in Massachusetts* (Boston: Pioneer Institute, 2000); Pamela Riley, *Contract for Failure* (San Francisco: Pacific Research Institute, 2002).
 22. See, for example, Lieberman, *The Teacher Unions*.
 23. See, for example, Robert Chase, “The Union as a Professional Lifeline,” in *Shaping the Profession That Shapes the Future*, ed. American Federation of Teachers (Washington, DC: American Federation of Teachers, 1999); Sandra Feldman, “Teacher Quality and Professional Unionism,” in *Shaping the Profession that Shapes the Future*, ed. American Federation of Teachers (Washington, DC: American Federation of Teachers, 1999). In more general terms, here is how the NEA describes its mission: “NEA has a long, proud history of advocating for its members, America’s children, and public schools. . . . In pursuing its mission, the NEA has determined that it will focus the energy and resources of its 2.7 million members on improving the quality of teaching, increasing student achievement, and making schools safer, better places to learn.” NEA, “What Is NEA’s Mission?” available online at <http://www.nea.org/aboutneaq/index.html>.
 24. Bess Keller, “Community Tries to Influence Teacher’s Pact,” *Education Week*, April 28, 2004, p. 5.
 25. For evidence that teachers do indeed tend to find jobs at disadvantaged schools undesirable, and that they use whatever flexibility they have to move to more advantaged schools, see Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, “Why Public Schools Lose Teachers,” *Journal of Human Resources* 39, no. 2 (Spring 2004): 326-354.
 26. Steven G. Rivkin, Eric A. Hanushek, and John F. Kain, “Teachers, Schools, and Academic Achievement,” Working Paper No. 6691, National Bureau of Economic Research, revised 2001.
 27. Terry M. Moe, “Bottom-Up Structure: Collective Bargaining, Transfer Rights, and the Education of Disadvantaged Children,” Working Paper, Stanford University, February 2005.
 28. Kate Walsh, *Teacher Certification Reconsidered* (Baltimore: Abell Foundation, 2001).
 29. Dale Ballou and Michael Podgursky, *Teacher Pay and Teacher Quality* (Kalamazoo, MI: W. E. Upjohn Institute for Employment Research, 1997).

30. Lieberman, *The Teacher Unions*.
31. Hanushek, "The Evidence on Class Size."
32. Randall W. Eberts and Joe A. Stone, *Unions and Public Schools: The Effect of Collective Bargaining on American Education* (Lexington, MA: Lexington Books, 1984); Randall W. Eberts and Joe A. Stone, "Teachers Unions and the Productivity of Public Schools," *Industrial and Labor Relations Review* 40 (1986): 355-363; Martin I. Milkman, "Teachers Unions, Productivity, and Minority Student Achievement," *Journal of Labor Research* 18 (1997): 137-150; F. Howard Nelson and Michael Rosen, "Are Teachers Unions Hurting American Education? A State-by-State Analysis of the Impact of Collective Bargaining among Teachers on Student Performance" (Milwaukee: Institute for Wisconsin's Future, 1996); Sam Peltzman, "The Political Economy of the Decline of American Public Education," *Journal of Law and Economics* 36 (1993): 331-370; Laura M. Argyris and Daniel I. Rees, "Unionization and School Productivity," *Research in Labor Economics* 14 (1995): 49-68; Paul W. Grimes and Charles A. Register, "Teachers Unions and Student Achievement in High School Economics," *Journal of Economic Education* 21 (1990): 297-308; Michael M. Kurth, "Teachers Unions and Excellence in Education: An Analysis of the Decline in SAT Scores," *Journal of Labor Research* 8 (1987): 351-367; Lala Carr Steelman, Brian Powell, and Robert M. Carini, "Do Teacher Unions Hinder Educational Performance? Lessons Learned from State SAT and ACT Scores," *Harvard Educational Review* 70 (Winter 2000): 437-465.
33. Caroline Minter Hoxby, "How Teachers Unions Affect Education Production," *Quarterly Journal of Economics* 111 (1996): 671-718.
34. Lieberman, *The Teacher Unions*.
35. Clive S. Thomas and Ronald J. Hrebemar, "Interest Groups in the States," in *Politics in the American States*, 8th ed., ed. Virginia Gray and Russell L. Hanson (Washington, DC: CQ Press, 2004); Clive S. Thomas and Ronald J. Hrebemar, "Interest Groups in the States," in *Politics in the American States*, 7th ed., ed. Virginia Gray, Russell L. Hanson, and Herbert Jacob (Washington, DC: CQ Press, 1999).
36. National Committee on Excellence in Education (NCEE), *A Nation at Risk* (Washington, DC: NCEE, 1983).
37. See, for example, Thomas Toch, *In the Name of Excellence* (New York: Oxford University Press, 1991); Terry M. Moe, "The Politics of the Status Quo," in *Our Schools and Our Future*, ed. Paul E. Peterson (Stanford, CA: Hoover Press, 2003).
38. National Education Association, "Class Size," 2005, available online at <http://nea.org/classize>. Also American Federation of Teachers, "The Benefits of Small Class Size," 2005, available online at <http://www.aft.org/topics/classize>.
39. See, for example, John Gehring, "State Preschool Efforts Vary across Country, AFT Report Concludes," *Education Week*, March 5, 2003, p. 21.
40. See, for example, Chase, "The Union as a Professional Lifeline"; Feldman, "Teacher Quality and Professional Unionism"; American Federation of Teachers, *Shaping the Profession That Shapes the Future* (Washington, DC: Author, 1999); Dale Ballou and Michael Podgursky, "Gaining Control of Professional Licensing and Advancement," in *Conflicting Missions? Teachers Unions and Educational Reform*, ed. Tom Loveless (Washington, DC: Brookings Institution Press, 2000).
41. Hanushek, "The Economics of Schooling" and "Assessing the Effects of School Resources on Student Performance."
42. National Center for Education Statistics, *Digest of Education Statistics 2003* (Washington, DC: Author, 2004).
43. Ballou and Podgursky, *Teacher Pay and Teacher Quality*.
44. Hanushek, "The Evidence on Class Size."
45. Williamson M. Evers and Herbert J. Walberg, eds., *School Accountability* (Stanford, CA: Hoover Press, 2002).
46. Moe, "Politics, Control, and the Future of School Accountability."
47. Peterson and West, *No Child Left Behind?*; Evers and Walberg, *School Accountability*.
48. For detailed accounts of how the teachers unions have tried to defeat accountability proposals in the

- states, see Paul T. Hill and Robin J. Lake, "Standards and Accountability in Washington State," in *Brookings Papers on Education Policy 2002*, ed. Diane Ravitch (Washington, DC: Brookings Institution Press, 2002), pp. 199-234; Frederick M. Hess, "Reform, Resistance . . . Retreat? The Predictable Politics of Accountability in Virginia," in *Brookings Papers on Education Policy 2002*, ed. Diane Ravitch (Washington, DC: Brookings Institution Press, 2002); and Michele Kurtz, "Testing, Testing: School Accountability in Massachusetts," Working Paper 1 (Cambridge, MA: Kennedy School of Government, Rappaport Institute for Greater Boston, 2001).
49. Both the NEA and the AFT publicly support standards. The AFT, in particular, has moved aggressively to be a leading voice on this score. But the fact is that both groups are opposed to any meaningful consequences. See National Education Association, "NEA 2001-2002 Resolutions," available online at <http://www.nea.org>; and American Federation of Teachers, *Making Standards Matter* (New York: American Federation of Teachers, 2001). For empirical accounts of union efforts to weaken standards, see Hill and Lake, "Standards and Accountability in Washington State"; Hess, "Reform, Resistance . . . Retreat?"; and Kurtz, "Testing, Testing."
 50. Some of their arguments have merit and are the kinds of points that need to be taken into account in the well-intentioned pursuit of appropriate measures. But even if these issues were entirely resolved, the unions would still be against testing because it is ultimately threatening to their interests. They would simply find other reasons for carrying on the fight. See the more detailed discussion in Moe, "Politics, Control, and the Future of School Accountability."
 51. For union complaints about testing, as well as arguments for relying on the subjective judgment of teachers, see National Education Association, "NEA 2001-2002 Resolution"; and American Federation of Teachers, *Making Standards Matter*. For their political activities in opposition to testing, see Hill and Lake, "Standards and Accountability in Washington State"; Hess, "Reform, Resistance . . . Retreat?"; and Kurtz, "Testing, Testing."
 52. For evidence on the political activities to weaken or eliminate consequences, refer again to Hill and Lake, "Standards and Accountability in Washington State"; Hess, "Reform, Resistance . . . Retreat?"; and Kurtz, "Testing, Testing." Regarding pay for performance specifically: the national unions are opposed, but they have tried to respond to pressures for change by saying that some forms of differential pay—and thus some modifications of the traditional salary schedule—might be okay. These include extra compensation for things like additional responsibilities (e.g., mentoring), National Board certification, teaching in hard-to-staff areas, and the like. The unions do not support paying teachers on the basis of how well their own students perform. See, for example, American Federation of Teachers, "Real Incentives for Professionals: AFT Tackles Professional Pay for Teachers," *American Teacher*, April 2000. For specific examples of union opposition to pay for performance, see Linda Jacobson, "Plan for Merit Pay in Conn. Faces Union Opposition," *Education Week*, November 17, 2004, p. 20; Michelle R. Davis, "Teacher-Evaluation Plan Unlikely to Fly in Delaware," *Education Week*, September 1, 2004, p. 30. At this writing, a pay-for-performance plan is in the process of adoption in Denver with the support of the local union. But this is an unusual departure from the national pattern, and it is not nearly as big a move as it is being made out to be. It relies mainly on "performance" factors *other* than student performance, it is voluntary for all existing teachers, and it is accompanied by a huge increase in money for the additional compensation—no one will be paid less, but some may be paid more. In effect, the teachers have been bought off, agreeing to modest pay-for-performance arrangements in return for a 12 percent increase in pay for teachers as a whole. See Bess Keller, "Denver Teachers Approve Pay-for-Performance Plan," *Education Week*, March 23, 2004, available online at <http://www.edweek.org>.
 53. See, for example, Edward P. Lazear, *Personnel Economics for Managers* (New York: Wiley and Sons, 1998).
 54. For a detailed treatment of these issues, see Terry M. Moe, "The Structure of School Choice," in *Choice with Equity*, ed. Paul T. Hill (Stanford, CA: Hoover Press, 2002).
 55. On the choice movement, see Paul E. Peterson, "Choice in American Education," in *A Primer on America's Schools*, ed. Terry M. Moe (Stanford, CA: Hoover Press, 2001); R. Kenneth Godwin and Frank R. Kemerer, *School Choice Tradeoffs* (Austin: University of Texas Press, 2002); and Hubert

- Morken and Jo Renee Formicola, *The Politics of School Choice* (Lanham, MD: Rowman and Littlefield, 1999).
56. See the discussion and analysis in Terry M. Moe, *Schools, Vouchers, and the American Public* (Washington, DC: Brookings Institution Press, 2001). See also John F. Witte, *The Market Approach to Education: An Analysis of America's First Voucher Program* (Princeton, NJ: Princeton University Press, 2000); and Daniel McGroarty, *Break These Chains* (Rocklin, CA: Prima, 1996).
 57. See Moe, *Schools, Vouchers, and the American Public*.
 58. William G. Howell and Paul E. Peterson, *The Education Gap* (Washington, DC: Brookings Institution Press, 2002).
 59. See, for example, National Education Association, "School Vouchers: The Emerging Track Record," available online at <http://www.nea.org/vouchers>; and American Federation of Teachers, "The Many Names of School Vouchers," available online at <http://www.aft.org/topics/vouchers>.
 60. Ironically, Al Shanker, the longtime leader of the AFT, was the first to promote the idea of charter schools in a 1988 speech. See American Federation of Teachers, *Do Charter Schools Measure Up? The Charter School Experiment after Ten Years* (New York: Author, 2002). His vision was one of unionized teachers essentially running their own schools, free to try alternative approaches and curricula. But in the almost two decades since he made this proposal, the unions have done virtually nothing—even under Shanker himself—to pursue this vision. One can certainly imagine that teachers, as experts on education and schooling, would have a comparative advantage in starting and running successful charter schools. But whether these advantages can be realized when the unions are actually in charge, and union rules and interests get in the way of student learning, is another matter entirely—and may explain why the unions have done nothing to show the world that unionized schools are indeed more productive than nonunion ones. The United Federation of Teachers is currently seeking to set up a charter school in Brooklyn, touting this new development as an example of its support for the right kinds of charters. But if the UFT really supports charters, where has it been for nearly two decades? And why are unions all over the country not setting up charter schools and demonstrating their productivity?
 61. On the charter movement, see Chester E. Finn, Bruno V. Manno, and Gregg Vanourek, *Charter Schools in Action* (Princeton, NJ: Princeton University Press, 2000).
 62. Gregg Vanourek, *State of the Charter School Movement 2005* (Washington, DC: Charter School Leadership Council, 2005).
 63. See, for example, National Education Association, "Charter Schools," available online at <http://www.nea.org/charters>; and American Federation of Teachers, *Do Charter Schools Measure Up?* For concrete examples of union opposition, see Christina A. Samuels, "Ohio Coalition Fighting to Keep Charter Cap," *Education Week*, April 6, 2005, p. 21; and Andrew Trotter, "Charter Resistance," *Education Week*, June 23, 2004, p. 24.
 64. Diana Jean Schemo, "Charter Schools Trail in Results, U.S. Data Reveal," *New York Times*, August 17, 2004, p. 1.
 65. See especially Charles Taylor Kerchner and Julia E. Koppich, *A Union of Professionals* (New York: Teachers College Press, 1993); and Charles Taylor Kerchner, Julia E. Koppich, and Joseph G. Weeres, *United Mind Workers* (San Francisco: Jossey-Bass, 1997).
 66. See, for example, Jeff Archer, "NYC Unions on Hot Seat at Hearings," *Education Week*, November 26, 2003.