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How do Teachers' Unions Influence Education Policy? What We Know and What We Need to Learn

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I. Introduction

Teachers' unions have been in existence for more than one-hundred and fifty years. State teachers' associations began organizing in the 1850s and the first national teachers' organization, aptly called the National Teachers' Association, was created in 1857. These early groups were formed to serve as professional and political advocates for teachers, helping educators to elevate the profession of teaching and expand and strengthen public education in America (Holcombe 2006). In later years, teachers' unions also took on the role of collective bargaining agent, representing teachers in negotiations with school district officials. The American Federation of Teachers (AFT) was formed in 1916 with the expressed intent of representing the interests of classroom teachers in bargaining negotiations and other interactions with district and state administrators, and the first public employee collective bargaining law passed in 1959. The first collective bargaining agreement (CBA, or contract) between a teachers' union and district administrators was signed in 1962 in New York City, the result of a teachers' union strike two years earlier. (Loeb and Miller 2007). In the decades since, teachers' unions have gained in stature, both in terms of size and resources. The two major teachers' unions, the National Education Association (NEA) and the AFT, today boast a combined membership of over 4 million educators and education support providers, and spend more than any other public sector union on federal lobbying activities.¹

In spite of, or perhaps in part due to unions' presence in the political arena, many recent reform efforts intended to improve the quality of teaching in American public schools have targeted the influence of teachers' unions at both state and local levels of decision-making. For instance, states have begun to weaken teacher job security and change seniority provisions that have historically guided teacher assignment and transfer. Traditional tenure protections are also being weakened across the country: 11 states now make teaching effectiveness (rather than experience) the preponderant criterion for attaining tenure and nine more states are including student performance among those criteria. Teacher ineffectiveness is now grounds for dismissal in 20 states (National Council on Teacher Quality 2014a). Where legislative action has failed to materialize, reformers are turning to the judiciary. In California, for example, a group of students backed by school reformers has sued the state in a case that, if successful, would remove teachers unions' seniority protections during layoffs and limit their due process and tenure protections (Medina 2014). More fundamentally, 25 states now limit teachers' unions' ability to collect membership dues (National Council on Teacher Quality 2014b), and the U.S. Supreme Court is currently deliberating on a case that would remove public employee labor unions' rights to require employees to pay membership dues (*Harris v. Quinn*, Case No. 11-681). More states have placed restrictions on the provisions over which teachers' unions can engage in collective bargaining. In just the last four years, three states have removed teachers' unions' express rights to collectively bargain and two

¹ Data retrieved February 2014 from the Center for Responsive Politics, www.opensecrets.org

additional states have actively prohibited collective bargaining (Workman 2011; Winkler, Scull and Zeehandelaar 2012; National Council on Teacher Quality 2014b).²

At the federal policy level, large initiatives such as waivers to the Elementary and Secondary Education Act, Race to the Top and the Teacher Incentive Fund have incorporated requirements that directly counter long-held union protections. Elements of these three federal programs require the creation of large data systems that link teachers to their students, teacher evaluation systems that expressly calculate teacher performance in part based upon their students' achievement, and systems that tie teacher compensation to their classroom performance rather than solely to experience and educational credentials. In short, teachers' unions face something of an assault not only on closely held policy priorities but on their existence itself.

The immediate result of these changes is that, although collective bargaining is still legally required in 32 states including the District of Columbia, and permitted in all but five more, unions operate across an increasingly diverse set of policy and political conditions (Winkler, Scull and Zeehandelaar 2012). This variety comes at a moment when scholarship on the question of teachers' unions has developed into an important sub-field of the literature on teacher quality and educational governance, with economists, political scientists, sociologists and experts in public or educational administration contributing studies based on a rich array of methodological and theoretical perspectives.

At this confluence of policy change and the development of new literature on teachers' unions, there is opportunity to assess the evidence available to decision-makers and scholars alike as they consider what these organizations do and what their expected impacts on outcomes may be. As in other controversial questions to which analysts have attempted to bring rigorous examination, the availability of empirical results on unions' roles can confuse as well as clarify answers, particularly in a dynamic policy context that can alter as quickly as new studies appear and are disseminated. This is particularly true when evidence is drawn from a multi-disciplinary field within which scholars themselves risk working around and in tandem to each other rather than in partnership or dialogue.

The most recent review of the research on the impact of teachers' unions on student achievement, published in 2006, made clear that the body of research to date has left the normative debate about unions on "shaky empirical ground" (Goldhaber 2006, p.157). Since then, the literature on teacher union impacts has developed considerably, but such impacts remain difficult to explore in a way that leads to firm causal conclusions. Further, we argue that the time is ripe to leverage shifting conditions regarding teachers' unions and collective bargaining into new studies that can better inform future policy. This paper is intended to provide a framework for this inquiry by directing the discussion toward the interrelated roles of unions as political actors and agents at the bargaining table.

² Authors' calculations based on information provided in Winkler, Scull and Zeehandelaar (2012) and National Council on Teacher Quality (2014).

In what follows, we first review the extant literature on the relationship between unions and student and district outcomes in light of the prevailing economic theory that has guided such explorations. We next elaborate on what we believe is the more germane focus of research on the influence of specific union activities on important educational outcomes. Specifically, we focus on the teachers' unions' roles as collective bargaining agents and political actors ostensibly on behalf of their members. We close with implications for research and policy.

II. Do Unions Impact District Expenditures and Student Outcomes?

From one perspective, that most closely associated with the fields of labor and public economics, unions essentially play a role in the market for educational production. From this standpoint, unions are rent-seekers, looking to gain from their involvement in public education through increases in salaries and in working conditions, exhibited through provisions such as class size (smaller classes are easier for teachers to manage, but also provide greater membership for unions), longer planning periods, shorter work days and school years, and the like. The rent-seeking model of teachers' unions, best outlined by Hoxby (1996), suggests that teachers' unions extract rent from school districts by negotiating increases in their own salaries and working conditions while providing no commensurate benefit to school districts as measured by increases in educational outcomes. A set of studies, mostly undertaken by economists, attempt to assess the rent-seeking proposition by measuring the impact of unions on achievement and other outcomes as the relationship between a simple measure of unionization (e.g., whether or not the state or district is unionized or the proportion of unionized teachers in a district) and the outcome of interest. In general, these studies are not focused on how unions operate—either at the bargaining table or in the political arena—but rather on asserting the empirical evidence in support of, or contrary to, the union-driven effects that rent-seeking theory predicts.

Evidence from these studies shows that average teacher salaries and payments for fringe benefits may be higher in unionized districts (Kasper 1970; Baugh and Stone 1982; Eberts 1984; Eberts and Stone 1984, 1986; Freeman 1986; Duplantis, Chandler and Geske 1995; Hoxby, 1996; Zigarelli, 1996; Cowen 2009; Brunner and Squires 2013; Lott and Kenny 2013), and at the very least unionization raises overall levels of district spending even if salaries themselves are not notably increased (Easton 1988; Kleiner and Petree 1988; Lovenheim 2009). Other work has suggested that union-associated increases in salaries and expenditures may vary by the distribution of bargaining districts within a given state (Zwerling and Thomason 1995) or region (Chambers 1977), or by the overall budget flexibility of the district (Gallagher 1979).

Regardless of absolute level of pay, unionization does appear to promote compensation systems that reflect rent-seeking behaviors. For instance, West and Mykerezi (2011) show that unionization leads to compensation on the basis of credentialing and experience rather than student outcomes. Similarly, Goldhaber et al. (2008) find unionization reduces the likelihood that districts employ such schemes as pay-for-performance. Grissom and Strunk (2012) find that unionized school districts favor

salaries that reward veteran teachers above novices, even when such salary schemes do not appear to produce increases in student achievement outcomes. All of these salary structures may limit district capacity to recruit teachers via higher salaries for higher ability (Figlio 2002). Indeed, Hoxby and Leigh (2004) argue that, due to a union-related compression of the salary scale in which pay is not determined by job performance, highly qualified teachers—especially women—face opportunity costs to entering the profession.

When taken together, extant research on the relationship between unions or unionization and education outcomes, usually measured by some indicator of student achievement, substantiates – or at least fails to refute – the rent-seeking hypothesis. Although the studies of the relationship between unions and achievement generally indicate that unionized school districts perform better on average while students at the tails of the performance distribution have worse outcomes (lower test scores and higher dropout rates) (Kasper 1970; Baugh and Stone 1982; Eberts 1984; Eberts and Stone 1984, 1986; Freeman 1986; Easton 1988; Kleiner and Petree 1988; Hoxby 1996), the two studies with the most rigorous methodologies paint a different picture. In particular, Hoxby (1996) shows that unionized, and “stronger” unionized districts have higher dropout rates. In a 2009 replication of Hoxby’s work in a single-state context, Lovenheim finds that unionized districts in fact have no impact on student outcomes (Lovenheim 2009). When taken in conjunction with the research reviewed above that shows that unionized districts spend more, likely due to the provision of higher salaries and better working conditions for teachers, it seems that the rent-seeking hypothesis may be justified.

Although the attention given to labor unions from the economics perspective provides some theoretical rigor to the ongoing scholarly debate and a framing for a productive policy discussion, the mere question of “are unions rent-seeking?” or “do unions impact district spending and student achievement?” may no longer be the most important one. Teachers’ unions have been around since the mid 1800s, and will likely remain in at least some form or another for the foreseeable future. Even in the five states in which teachers’ unions are not permitted to collectively bargain on behalf of their teachers, state and local chapters still exist to provide political and professional services to teachers. Moreover, the majority of districts in states in which unions are permitted to represent teachers are unionized. In short, it is likely that unions are here to stay. In this context, more fruitful endeavors may use multiple theoretical lenses in attempts to explain union activity within districts and states and to examine exactly what unions *do* to impact expenditures, achievement and other relevant outcomes.

For the present discussion, we focus on what scholars and other policy analysts have learned about such union activity. We organize this discussion according to teachers’ unions’ two main functions as addressed in the policy-oriented empirical scholarship: that of a bargaining agent for member teachers and as a political organization serving as a special interest group advocating for teachers. Teachers’ unions’ first critical function lies in a union’s role as its members’ legal representative in bargaining with their school districts. Here we consider the extent to which the literature has identified the systematic components of teacher contracts, the sources of variation in those contracts, and the

relationship between teacher contracts, district policy, and school administration. Teachers' unions' second important role – as a political organization – has them act as an interest group, active not only in promoting or opposing particular pieces of legislation or administrative policy, but also as a force in national, state and local elections. A third role—that of a professional organization that provides support to individual teachers—is not widely explored in the literature in relation to the determinants of union activity or the impacts of unions in this role on outcomes such as student achievement and district resources (exceptions include Bascia 1994, 1998, 2000; Kerchner 2003, 2004; Kerchner and Koppich 1993, 1999, 2000; Kerchner, Koppich and Weeres 1997, 1998; and Fowles and Cowen 2014). As such we do not discuss it in this review, but we note that this is an important and understudied role of teachers' unions and encourage further systematic study of the topic.

III. Unions as Bargaining Agents

Unions' role as the bargaining agents for their members allows and/or requires them to negotiate with local district school boards and administrators and results directly in the collective bargaining agreements (CBAs, or contracts) that govern district and school operations. Given the importance and visibility of this role, there has been relatively little work that explores the contents of CBAs. Even less attention has been given to the relationship between these CBAs and important district outcomes such as student achievement and district spending. Work that does examine CBAs does so in an attempt to push beyond the studies that explore relationships between indicators of union strength or existence to better understand *how* unions impact outcomes via these important policy documents. In what follows we review the research that examines the content of CBAs, the extent to which CBAs constrain administrator autonomy, factors that may influence the content and restrictiveness of CBAs, and the impacts of contract restrictiveness on relevant outcomes. As above, many of these studies seek ultimately to estimate the impact of unions on key outcomes, but these differ materially in an emphasis on the role played by bargaining provisions themselves.

The Content of CBAs

Empirical research examining the contents of CBAs has been conducted over the last three and a half decades. The resulting body of literature, however, remains relatively sparse. This work has focused on as few as 11 and as many as 639 provisions within CBAs, spanning time periods from some of the earliest CBAs in 1975 to more recent contracts in 2009, and focusing on nationally representative samples as well as state samples from Massachusetts, California and New York (Eberts 1983; Eberts and Stone 1984; Goldschmidt and Stuart 1986; McDonnell and Pascal 1979, 1988; Ballou 2000; Hess and Loup 2008; Moe 2009, 2011; Strunk and Grissom 2010; 2010a, Strunk and Reardon 2010; Strunk 2011; Strunk and McEachin 2011; Strunk 2012; Strunk In Press). In general, this research shows that CBAs vary widely across districts even within states, but for the most part regulate far more than just compensation and basic work schedules. CBAs regulate education policy regarding teacher assignment and transfers, teacher evaluation, class size, grievance procedures, leaves, association rights, student placement,

instruction and curriculum, layoffs, preparation periods and non-instructional duties and more. Nearly every aspect of teachers' work and school operations is negotiated into teachers' union contracts, leading one scholar to note that union contracts are the most important policy document governing school district operations (Hill 2006).

The three and a half decades of study of CBAs allow for the observation of some trends in the evolution of teachers' union contracts. It is clear that in early days of teacher unionization, unions worked to solidify protections for teachers' compensation (salary and fringe benefits), generating salary schedules that allowed for raises based solely or mostly on experience and credentials. Once unions accomplished these protections, they turned to negotiations over critical "bread and butter" working conditions such as limits on the length of the school day, guaranteed preparation periods and well-specified Reduction in Force procedures (McDonnell and Pascal 1979). Unions that were successful in obtaining these protections then turned to securing additional privileges such as ensuring that grievances would be subject to arbitration, allowing teachers to respond formally to administrators' evaluations, and allowing only seniority and credentials to determine promotion and transfers (McDonnell and Pascal 1979, 1988). In their later work, McDonnell and Pascal (1988) note that the lack of evidence of growth in contract protections for teachers' professional working conditions may have resulted from unions' relative lack of focus on protecting teachers as professionals until the mid-1980s. Before that, they argue, unions were focused on obtaining employee rights. Although McDonnell and Pascal (1988) note few substantial increases in protections for teachers' non-compensation working conditions or professional teaching conditions after initial rounds of bargaining in the 1970s, more recent studies show that high proportions of CBAs include regulations surrounding teacher evaluation, placement, layoffs, class sizes and other policies in later years (Ballou 2000; Hess and Loup 2008; Moe 2009; Strunk 2012). These indicate that, in fact, unions continued to gain ground in enhancing protections for their teachers over time. Moreover, evidence suggests that while few early CBAs addressed matters of instructional policy or curriculum, an increasing number of CBAs did so in later years (McDonnell and Pascal 1979; Goldschmidt and Stuart 1986).

Basic economic theory might suggest unions work to maximize their preferences in negotiations with district administrators such that they will trade improvements in working conditions for increases in salary as long as they remain along their preference curve. If this is the case, we might expect to find that unions negotiate for higher salaries at the expense of better working conditions, or vice versa. This would assume, however, that district administrators are able to similarly negotiate along their own preference function and that they have a desire to maintain lower expenditures. For many reasons, some of which we will outline in the section below about unions' political activity, administrators' preferences in union negotiations may be skewed in ways that enable unions to negotiate for both salaries and working conditions.³ Early empirical evidence

³ As we discuss at length in the next section, school boards may be influenced by unions' political activity to make decisions that align with unions' interests. Although little studied, it is also possible that school and district administrators have vested interests in maintaining the status quo and providing contractual benefits to teachers. See Moe (2011) for a more thorough treatment of this discussion.

suggests that the latter case may prevail: McDonnell and Pascal (1979) found that gains in working conditions were made in conjunction with gains in compensation. In other words, as unions were first negotiating CBAs, they were not forced to substitute working conditions for compensation in some sort of grand bargain. Rather, contracts that contained substantial salary protections also contained protections for teachers' working conditions. However, examining a different nationally representative set of districts in 1977, Woodbury (1985) finds evidence that teachers may trade class size for salary. The particular example of class size may be explainable simply because of limited resources. Although class size is a key working condition protected by unions, it may simply be that in situations with less budget flexibility trade-offs are inevitable: to hire more teachers (and thus reduce class sizes) requires lower salaries for the increased quantity of teachers. Other working conditions may not require the same trade-offs. To that end, Goldhaber, Lavery and Theobald (2012) find recent evidence to support McDonnell and Pascal's early findings. They show that Washington state district contracts that contain many provisions in one area of the contract tend to also contain many provisions that regulate other areas of policy.

Do CBAs Constrain District Administrators?

It is particularly important to understand what policies are actually dictated by CBAs in light of the recent debates regarding the ways in which the contracts negotiated between teachers' unions and local districts impact administrators' autonomy. Specifically, regardless of the content of CBAs, to what extent do these contracts actually restrict school and district administrators' ability to manage their schools and districts in the best interest of students? In some sense, the question is redundant, as the base intent of CBAs is to constrain administrators' authority over school and district working conditions – especially those that impact teachers (McDonnell and Pascal 1979; Johnson and Kardos 2000; Perry and Wildman 1970; Koppich 2006). But if such constraints are inherent to collective bargaining, we may still examine the degree to which the contents of CBAs restrict administrators in potentially harmful ways, as opposed to ways that serve to enhance the working conditions and voice of teachers. It also possible, as Moe (2011) notes, that even such changes to teachers' experience inhibit rather than promote effective district organization.

Evidence suggests that CBAs do restrict administrators' abilities to operate their school districts and campuses. Goldschmidt and Stuart (1986) argue that the extensive regulation over policy included in contracts reduces the capacity of many school districts to respond to changing expectations for public education. McDonnell and Pascal (1979) note that, "because of contractual provisions regulating teacher working conditions, principals have less latitude than before in managing their own buildings" (p. ix). Susan Moore Johnson and Susan Kardos (2000) write that, "by all accounts collective bargaining for teachers meant more standardized schools, leaving principals with less latitude to run their schools. Not only could they not tell teachers what to do, but uniform, district-wide rules limited their management options and thus reduced their schools' responsiveness and independence" (p. 18). Hess and Loup (2008), in their study of the fifty largest school districts' CBAs in 2007, give only ten percent of these districts a rating of "flexible" on a

scale that goes from “highly restrictive” to “highly flexible,” and give none of the districts a “highly flexible” rating. Fifteen CBAs in their sample are rated as “restrictive” or “highly restrictive.” In the most recent examination of the ways in which CBAs may limit administrator discretion in policy setting, Strunk (In Press) highlights how specific CBA provisions in California contracts that regulate activity during the 2008-9 school year may constrain administrators’ ability to implement teacher evaluation reforms and the use of technology in schools.

On the other hand, many researchers have noted that there is substantial flexibility within CBAs, and perhaps administrators are simply not utilizing what autonomy is there (Ballou 2000; Hess and Kelly 2006; Koski and Horng 2007; Cohen-Vogel and Osborne-Lampkin 2007; Hess and Loup 2008; Strunk 2012, In press). Ballou (2000) notes that there are likely cultural and structural reasons for complying with a worst-case/most-restrictive version of a contract provision, such as high workloads for principals, concern about creating confrontational situations with teachers, and concerns in generating sufficient evidence to support decisions that are challenged by teachers. In addition, Johnson (1984), in an in-depth qualitative study of six case districts, finds that while CBAs provide teachers with greater authority, principals and district administrators do not report feeling constrained in their policymaking as a result. In fact, district contracts were implemented quite differently across schools within the districts, and site administrators and teachers established and maintained their own labor relationships.

Although examinations of the individual provisions contained within CBAs can highlight particular provisions and document patterns of the ways in which CBAs may constrain administrators, until recently there has been little attention paid to the ways in which the contracts as a whole, or how subareas of contracts made up of a set of provisions, might limit administrator flexibility. This lack of attention to the whole contract is due, in part, to the methodological challenges associated with attempting to define contract “restrictiveness” (variously called “strength” or “determinativeness”). Four sets of researchers have attempted to use statistically-based approaches to compile multiple CBA items into a single measure of contract restrictiveness. Eberts (1983) and Eberts and Stone (1984) were the first to do so, using a Guttman scaling technique to generate a measure of contract strength based on the difficulty of negotiating each of a set of 18 items within New York union contracts in the late 1970s. Moe (2009) generates a measure of California school districts’ contract restrictiveness, taken from the 1998-9 school year, using a factor analytic approach that incorporates a selection of 41 contract items into 15 factors. Strunk and Reardon (2010) expand on these techniques using a larger set of 639 provisions from California contracts in place during the 2005-6 school year, selected objectively rather than due to any particular rationale regarding their likelihood of impacting district and school operations. Strunk and Reardon’s (2010) measure uses a Partial Independence Item Response (PIIR) model to model the entire contract as a function of a contract-specific latent level of restrictiveness. This method has since been replicated in Washington State by Goldhaber and colleagues, who have confirmed its internal validity as a measure of contract restrictiveness or strength (Goldhaber, et al. 2013). In later work, Strunk and Grissom (2010) also confirmed the external validity of Strunk and Reardon’s (2010) PIIR-based measure of contract

restrictiveness in a study that shows that contract strength is associated with board-reported union strength.

In general, the research suggests that, while CBAs do restrict administrators in ways that likely constrain their abilities to enact educational reforms and to structure school and district operations, these contracts are not as restrictive as many may suggest. Moreover, it may be that CBAs constrain administrators while at the same time protecting teachers in important ways and enhancing teachers' professional working conditions (McDonnell and Pascal 1979; Strunk 2012). However, with the addition of new and novel methods to measure the level of constraint inherent in CBAs, new evidence is just now emerging about overall levels of contract restrictiveness, what predicts stronger contracts, and the relationship between contract restrictiveness and outcomes of interest.

What Predicts the Content of Contracts and Contract Restrictiveness?

Regardless of how restrictive or flexible individual contracts are, there are still many examples of particular contracts that greatly constrain administrator autonomy. Moreover, while there are clearly spaces of flexibility and openness within contracts and certain provisions may be negotiated into place to protect teachers' professional working conditions, many provisions exist that restrict administrators' abilities to enact school policies that they believe are in the best interest of students (e.g., seniority protections in transfers and assignments, restrictions on administrators' abilities to evaluate teacher practice, strict compensation schedules). The question remains, then, as to what factors make certain contracts more restrictive than others.

There is consensus in the literature that district size is associated with more restrictive contracts or contract outcomes (i.e., smaller class sizes or higher teacher salaries). This is true nationally (McDonnell and Pascal 1979; Brunner and Squires 2013) and in individual states such as California (Rose and Sosntelie 2010; Moe 2011; Strunk 2012) and Washington (Goldhaber, Lavery and Theobald, forthcoming). In addition, Strunk (2012) shows that many of the "hardest-to-staff" districts (large districts, those with high proportions of minority and low-income students and those in urban areas) have particularly restrictive CBA provisions. However, these same districts are also more likely to have CBAs that include some of the most flexibility-enhancing provisions, or as McDonnell and Pascal (1988) labeled them, protections enabling professional teaching conditions. As a result, Strunk (2012) argues that districts and teachers' unions may negotiate CBAs both to help protect teachers in already difficult working conditions and to provide administrators with at least some recourse in policy-setting.

Contract strength appears to be tied to more than just observable district characteristics like size, urban location and student makeup. Two studies have found neighborhood effects in the content of CBAs (Eberts and Stone 1984; Goldhaber, Lavery and Theobald forthcoming). Eberts and Stone (1984) find that the primary determinant of select bargaining outcomes in New York school districts is the proportion of districts within the county that possess a similar provision. In very recent work in Washington State, Goldhaber, Lavery and Theobald (forthcoming) also show that spatial relationships play

an important role in determining bargaining outcomes as measured by CBA restrictiveness. However, it appears less important that districts are geographically close to each other than that they share institutional bargaining structures. In short, when unions are aided in negotiations by the same groups (Uniserve groups in Washington State) and when districts are similarly aided in negotiations by the same organizations (Education Service Districts in Washington State), CBAs are more similar. This suggests that bargaining outcomes in one district have spillover effects on the CBAs of similarly-serviced and nearby districts.

In addition, there is a link between political context and contents of CBAs. For instance, McDonnell and Pascal (1979) find that local political and organizational factors such as public attitudes towards teacher collective bargaining can determine the tenor of negotiations and the substance of negotiated CBAs. In addition, Strunk and Grissom (2010) show that districts with more powerful unions, as measured by school board members' evaluations of union power and union support of board members in recent elections, negotiate more restrictive contracts that allow school district administrators less flexibility than do contracts in districts with weaker, less active unions. Strunk and Grissom (2010) also show that enhanced union power is associated with increases in the likelihood that certain restrictive transfer and vacancy, evaluation, association rights and class size provisions are included in contracts and with lower probabilities that provisions that limit union flexibility are included in the contract. Moreover, at times state regulations dictate policies that may have been negotiated into CBAs, allowing the CBAs themselves to be less restrictive while the ultimate result for school and district administrators is an equal or greater level of constraint. For example, the California state Education Code dictates that layoffs (for the most part) occur in reverse seniority order, leaving local district CBAs silent on the topic. As we will discuss in Section IV, below, teachers' unions have the ability to indirectly impact the content of CBAs through influencing the content of state policies, as well as to directly affect the substance of CBAs through influencing district-level governance.

The Impacts of Collective Bargaining Agreements on Relevant Outcomes

The degree to which CBAs actually affect relevant outcomes such as classroom, school and district operation, teacher practice and student achievement has similarly received relatively little empirical attention. In their qualitative examination of a subset of 15 districts in their national sample, McDonnell and Pascal (1979) find that collective bargaining in the 1970s did not significantly impact classroom operations or the quality of teachers' instruction. However, a growing body of research has explored how contracts as a whole or how particularly high-profile aspects of contracts influence school and district outcomes. These studies have found somewhat conflicting evidence.

First, only five studies have used multiple CBA provisions to examine how CBAs – and particularly the degree to which CBAs are determinative of policy in ways that constrain administrators' autonomy – are associated with district outcomes (Eberts 1983; Eberts and Stone 1984; Moe 2009; Strunk 2011; Strunk and McEachin 2011). These studies use the statistically-generated measures of contract restrictiveness discussed above. Three of

these studies examine the relationship between contract provisions or contract strength and district resource allocation (Eberts 1983; Eberts and Stone 1984; Strunk 2011). Eberts (1983) and Eberts and Stone (1984) use data from New York State and show that contract strength and the existence of specific provisions – especially those regulating reductions in force and dismissal procedures – are associated with the ways in which districts allocate resources. Specifically, they spend more money on instruction, benefits, salaries, and average salary but less on other areas of the budget that they speculate may not be preferred by teachers. Conversely, Strunk (2011), using data from California nearly three decades later, shows that more restrictive California CBAs have greater overall expenditures, but that this spending does not seem to be driven by the increased allocation of resources to teachers' salaries or benefits. Rather, the increase in total spending is partly driven by increased funds for administrators' salaries, classified personnel benefits and instruction-related functions that include training, support and evaluation of classroom teachers. Districts with stronger contracts spend less on textbooks and other instructional materials, as well as less on school board-directed activities.

Only a sparse set of studies have explored the relationship between the determinativeness of CBAs in constraining administrator autonomy and student outcomes – all in California (Moe 2009; Strunk 2011; Strunk and McEachin 2011). Strunk (2011) and Strunk and McEachin (2011) find that more restrictive contracts are negatively associated with multiple measures of student achievement: an aggregate district-level measure of student achievement (the Academic Performance Index, API), math and English language arts proficiency levels, and graduation rates. They also show that contract strength is positively associated with the likelihood that schools and districts are in Program Improvement and at higher levels of Program Improvement under the *No Child Left Behind Act*. In addition, Strunk and McEachin (2011) show that the negative relationship between contract strength and student achievement is amplified in schools and districts that have higher proportions of minority, low-income and low-achieving students. However, while Strunk (2011) does not find evidence of a relationship between CBA strength and two-year *growth* in student achievement (API), Moe (2009) finds that stronger contracts are associated with smaller API growth over the ensuing five years. The discrepancy in results between Strunk (2011) and Moe (2009) may occur because the two authors' studies differ in the sample of districts and CBAs included, the methods they use to assess the relationship between contract strength and achievement growth, and the measures of contract restrictiveness themselves. Given these differences in methods, measures and sample, and the focus on contracts in only one state, more research is clearly needed on this topic.⁴ In addition, Moe (2009) finds that the relationship between CBA strength and achievement growth varies greatly with district size. In large districts, contract strength is significantly and substantially associated with

⁴ In particular, they use distinct samples of district CBAs taken from two different years (Moe's sample includes some smaller districts whereas Strunk's sample focuses on districts with four or more schools), different econometric specifications (Moe examines five-year API growth and controls for a lagged API measure whereas Strunk uses two-year API growth), and include measures of contract restrictiveness generated using different methods and contract provisions.

achievement growth, whereas in small districts this relationship is close to zero. No studies to date have examined the relationship between overall contract restrictiveness and the distribution of teachers across schools and districts. However, a number of researchers have focused on the impact of restrictive seniority provisions on the distribution of teachers across schools (Levin, Mulhern and Schunck 2005; Koski and Horng 2007; Cohen-Vogel and Osborne-Lampkin 2007; Cohen-Vogel, Feng and Osborne-Lampkin 2013; Anzia and Moe 2014). Levin, Mulhern and Schunck (2005) find that districts with more restrictive seniority provisions have greater inequity in their distribution of experienced and qualified teachers across schools. Similarly, Anzia and Moe (2014) find that, in a sample of California school district, CBAs in districts in which transfer rights are guided by seniority exacerbate the quality gap (as measured by the proportion of inexperienced teachers in a school) between high- and low-minority and high- and low-income schools. They note, however, that this impact is driven by a quality gap in large districts, whereas there is no impact of transfer provision reliance on seniority in small districts (see also Moe 2005a). Conversely, Koski and Horng (2007) do not find that more restrictive transfer provisions exacerbate teacher quality gaps between high- and low-minority schools in California. Bridging the divide, Cohen-Vogel, Feng and Osborne-Lampkin (2013) show that Florida districts with more determinative CBAs have teachers with less experience and lower proportions of certified and board-certified teachers, but do not find that CBA determinativeness amplifies the teacher quality gap between districts with greater or lesser proportions of high-needs students.

Altogether, the research that explores the relationship between contracts and fiscal and achievement outcomes is as yet inconclusive. It is hard to say if this is the result of the studies execution during very different time periods when unions and contracts were very new versus quite mature, their use of disparate measures of contract restrictiveness, their differing methodological choices, or their diverse geographic locations. However, the current state of research does not allow us to draw certain conclusions about the directionality of CBAs impact on resource distribution or student achievement.

However, research on the contents of CBAs, the determinants of contract restrictiveness, and the impacts of contract strength on outcomes of interest is experiencing a sort of resurgence. This appears to be fueled both by a renewed policy interest in teachers' unions and CBAs as well as by the emergence of new methods through which to study CBAs and their impacts. Given the relatively nascent stage of this research, it is no surprise that the majority of studies that examine relationships between contract determinativeness and relevant predictors or outcomes lack strong causal inference. As more scholars continue to delve into issues of teachers' unions and contracts and build longitudinal and cross-state datasets, ideally more work will emerge that can identify cause-and-effect relationships. Beyond the analytical hurdles inherent to nearly any such causal framework, the additional difficulty in discerning union bargaining impacts is that such activity is tied—perhaps inextricably so—to efforts that stem directly from the other major function that unions serve: acting as the political agent for their members in lobbying and other activities.

IV. Unions as Political Agents

“In the grand scheme of things,” argues Terry Moe (2011, p. 275) “the power [teachers unions] wield in politics may be even more consequential than the power they wield in collective bargaining.” Moe and others have contended that teachers’ unions’ power stems from more than their legal role as representative in collective bargaining negotiations with school district administrators. Unions’ power also results from their role as political agent, acting as an interest group advocating for policies that favor their members and the union itself. Teachers’ unions have considerable resources to play in the political field, drawn for the most part from the sheer size of the teachers’ union and from the dues each of these members pays. In this section we first examine the research about the three main ways that teachers’ unions exhibit their political power: 1) union influence over state and national elections 2) union influence on policy and opposition to reform; and 3) union influence over local school boards. We then highlight how the extant research has shown how union power varies by district characteristics – predominately by district size and urban location.

Unions’ influence over state and national elections

Unions play a major role in both national and state politics. A recent study found that informants in 20 states reported that the teachers’ unions were more influential, on average, than all other entities that influence state education policy (Winkler, Scull & Zeehandelaar, 2012). Money provides much of the explanation. Affiliates of the National Education Association or the American Federation of Teachers have made enormous political expenditures on political candidates and union-friendly causes, which have been among the highest contributors to state and federal election candidates (Moe 2011; Winkler, Scull and Zeehandelaar 2012). Other evidence indicates that unions similarly influence elections to state legislatures and governorships, as well as ballot initiatives directly pertaining to reform agendas (Hess and Leal 2005; Moe 2011; Lott and Kenny 2013), and at least one study has linked higher rates of union resources and expenditures at the state level to lower levels of student performance (Lott and Kenny 2013). Importantly, the strategic use of these resources is not uniform across the national organizations. The NEA and AFT draw on somewhat different power bases, with the NEA heavily organized in suburbs and rural areas and the AFT maintaining an urban, central city power base (Koppich 2005). At key moments of national reform, these differences have translated into separate paths of influence.

As with other labor organizations, teachers’ unions’ lobbying efforts have been largely one-sided with respect to political party. The NEA and AFT combined spent more than \$59 million on federal elections between 1989 and 2010—more than any other organizational contributor—and 95 percent of these contributions went to Democratic efforts (Moe 2011). During the same time period, teachers’ unions ranked first among the top 25 donors to federal election efforts and were the only education-related interest group. Their expenditures were only marginally less directed toward Democratic coffers in state elections: between 2002 and 2008, affiliates with the NEA or AFT spent nearly

\$260 million on state or local elections, with an average of 82 percent going to Democrats.⁵

Whether these efforts have been successful is difficult to quantify, in part because of the sheer number of elections at each jurisdiction that occur. Qualitatively, however, and whether for reasons of sheer financial effort or sustained ideological alignment, teachers unions remain highly visible interests within the Democratic political network. During the most recent contested Democratic presidential primary, both Barack Obama and Hillary Clinton actively sought endorsements from the NEA and AFT, whose annual conferences both candidates addressed. Beyond monetary resources, the unions offered a network of campaign volunteers, and union members were active participants in the primary process as delegates to the national nominating convention (Bombardieri 2007). This influence notwithstanding, Obama won the nomination despite losing the endorsement of both the NEA and AFT, and after the general election nominated Chicago school superintendent Arne Duncan, a vocal supporter educational reforms often considered unfriendly to union preferences, as the U.S. Secretary of Education.

Unions influence on policy and opposition to reform

Apart from unions' influence on national and state elections, much discussion has centered on teachers' unions' role in setting policy, and particularly in opposing education reforms. The rationale for teachers' unions' championing the status quo and blocking reforms stems from their relative position of advantage in the current operation of school districts (Moe 2001a, 2003a-c; 2006a, 2006b; 2011, 2013). To that end, Moe argues that teachers' unions in particular have a vested interest in working against reforms to maintain the status quo, and that they will exert "negative" leadership in opposition to particular reform strategies (Moe 2003b, 2006a, 2006b, 2011, 2013)—many of which may undermine member interests by adding additional performance pressures, threatening the loss of jobs or lending uncertainty to otherwise fixed workplace attributes like pay scales or transfer/layoff policies.

Unions' opposition to change can not only inhibit reforms from their inception, but can also restrict the ability of administrators to respond to and ultimately implement initiatives that have become law (Cowen and Fowles 2013, Strunk In press). It can also explain why prominent aspects of the teacher contract—seniority provisions and the lack of performance-based evaluation chief among them—have remained central to public school operations for decades (Cowen and Fowles 2013). Such restrictions are central to unionization and to the teacher side of the bargaining process. In so far as administrative changes may inhibit teachers' own classroom decisions, impede employee-friendly conditions of the teaching workplace, or erode job security, opposition to reform may be a natural position for unions to take (e.g. McDonnell and Pascal 1979,1988; Johnson 1984; Strunk 2012).

However, whether or not unions' act as "legislation blockers" is still the subject of empirical debate. For instance, the evidence is mixed regarding the role of teachers

⁵ Source: author tabulations of data in Moe (2011) Table 9.1, p. 281

unions in the most wide-ranging reform in decades, the federal No Child Left Behind Act (e.g. c 2011 p. 323). NCLB was passed in no small measure because traditional liberal stalwarts like Rep. George Miller (D-CA) and Sen. Edward Kennedy (D-MA) supported the efforts of George W. Bush to implement the new accountability regime. The law itself says little about collective bargaining, per se, except for a short provision that stipulates that the new provisions would not override locally agreed contracts. Although the national unions—and in particular the NEA—took credit in communication with its members for vigorously defending that provision, some observers have suggested that union influence was actually overstated, and that the focus on explicit provisions pertaining to bargaining shifted union efforts away from the more substantive changes regarding teacher quality (Manna 2006). During the law's implementation stage, both the NEA and AFT lobbied—apparently successfully—to prevent an unfriendly regulatory interpretation of the bargaining provision by the U.S. Department of Education (Manna 2006). More generally, the two national unions' responses to the law were characteristically divergent, even if both sought to influence its scope both before and after implementation. The AFT focused more explicitly on rule and regulation change within the law's framework, while the NEA emphasized wholesale denunciation of the law itself (Koppich 2005)

If on the whole union influence on the eventual language and interpretation of NCLB was limited—and if Democratic support of the bill's final passage at first glance suggests a strategic defeat at the federal level, a more nuanced reading of their efforts on this watershed reform may simply reflect unions' more general approach to wielding influence on policy. Fundamentally, the question of union success may by definition be counterfactual. As Terry Moe (e.g. 2001; 2003b; 2006a, 2006b; 2011; Forthcoming) has argued most prominently, much of unions' influence at state and national levels appears directed toward blocking particular reform efforts or specific pieces of reform, so any discussion of union power necessarily concerns what did not occur as much as what did. More to the point, as the passage of NCLB itself indicates, and despite the NEA's post-implementation position on NCLB, teachers unions may succeed in their core objectives without taking the entirety of reform head on. Indeed, the unions remained active at state and local levels on NCLB provisions relating to teacher testing and certification as these became effective several years beyond the law's passage (Manna 2006).

The role of teachers' unions in the design and implementation of NCLB can be partly explained by the way unions may exercise power. McDonnell and Pascal (1988) and Moe (e.g. 2003b; 2011; Forthcoming) have argued that successfully challenging reforms directly is not necessary and is even detrimental to the union cause, in part because certain reforms like standards and test-based accountability are generally popular. Instead, Moe argues, unions work more subtly to undermine confidence in specific mechanisms—using tests and standards to evaluate individual teachers, for example—rather than more general reform strategies (e.g. Moe 2003b; 2006a, 2006b; 2011; Forthcoming). Unions have also acceded to and/or partnered in particular reform efforts as a way of remaining relevant. Such efforts include organizational restructuring in the early 1990s (e.g. Rauth 1990; Cowen and Fowles 2013), accountability reforms in the late 1990s and early 2000s (Jacoby 2011) and charter schools today (Cooper and Sureau

2008). However, recent policies directed explicitly at teachers may limit union cooperation, and perhaps engender outright resistance. In particular is the development of test-based teacher evaluation systems in many districts and states, and efforts to reform or even rescind the teacher tenure system (see, for example, Strunk, Weinstein, Makkonnen and Furedi 2012). To that end, teachers' unions have taken actions that caused districts to be unable to implement policies and systems that are counter to union preferences. For instance, the United Teachers of Los Angeles twice refused to cooperate with Los Angeles Unified School District in its application for a Race to the Top grant, which would have provided the district with much-needed financial resources in exchange for the implementation of data systems and programs that would enable the multiple measure evaluation of teacher effectiveness (Jones 2013). Similarly, the Milwaukee Public Schools and Chicago Public Schools were forced to return parts of their 2010 Teacher Incentive Fund grants due to their failure to obtain the teachers' unions' cooperation (McCann 2012).

Although the literature above suggests very real applications of union power in national, state and local education governance, the extant research suggests that it is not entirely clear that teachers' unions are as powerful as opponents have argued, nor as aligned against changes to the status quo in American schools. The notion of unions as obstacles to educational reform may be partly a function of negative portrayal by media, including mainstream media outlets where unions tend to receive more favorable coverage in instances in which they worked with rather than in opposition to particular reforms (Goldstein 2011). On the other side of the equation, unions may retain much of their support from real or perceived threats to individual teacher careers and the public school system at large (Cooper and Sureau 2008). For example, teachers' unions may retain some of their power simply from the mere threat of strike, which, although legal in 14 states only occurs very infrequently (Hess and West 2006; Winkler, Scull and Zeehandelaar, 2012). Even apart from outside portrayal, perception does matter. Principals who perceive unions to have a direct influence on areas of district policy—curriculum, teacher hiring, salary, and so on—are likely to view their own influence on these areas as correspondingly diminished (Hannaway 1993). Such perceptions may in turn provide administrators with their own explanations for inaction, especially in an environment where unions receive much of the blame for a failure to innovate in America's public schools (Hess and Kelly 2006).

Recent empirical evidence suggests, however, that perceptions of union strength are highly correlated with differences in district policy—at least in so far as policy is reflected in the provisions of specific contracts. Drawing on surveys of school administrators, as well as the results of local board elections, Strunk and Grissom (2010) have shown that districts with stronger unions (as reported by local school board members) tend to operate under bargaining agreements that are the most restrictive with respect to staffing policies, working conditions like class size, and teacher evaluation.

Unions Influence over local school board elections

At the local level, where bargaining occurs, unions can influence negotiations not simply by stressing particular contract provisions, but by determining at least in part the priorities of school district itself. As Moe and others have argued, unions are active players in the election of local school board officers who oversee them (Moe 2005b, 2006b, 2006c). Because school board elections typically see very low voter turnout, the fact that individual teachers tend to vote at high rates in districts where they live and work (e.g. Moe 2005b, 2006b, 2006c) suggests that teachers have a large hand in selecting the school board that employs them. Strunk and Grissom (2010) lay out two likely venues for teachers' unions to influence school board elections: through campaign activity in favor of supported candidates, such as providing union endorsements and working on behalf of favored candidates to fundraise and mobilize voters, and through mobilizing union members themselves to vote in board elections.

Extant research suggests that unions are effective at both sets of activities. On elections and related ballot initiatives, unions' ability to organize members and other supporters may be especially important. Hess and Leal (2005) find that the role of union money in local district governance may be overstated, but that unions retain their dominant presence in board electoral activity through mobilization and other forms of activism. Similarly, Moe (2006) finds that teachers are far more likely than non-teachers to vote in board elections, and that this is especially the case when they live in the district in which they work. Importantly, union activity in board elections seems to matter for election outcomes: Moe (2005b, 2006b, 2006c) finds that union-endorsed candidates won board seats over three-quarters of the time, and union support is more important than incumbency advantage. In addition, Moe (2005b) finds that, subsequent to election, union-endorsed candidates policy preferences are better aligned with union preferences. Union participation in board elections may not only affect the makeup, and thus the priorities of the board overall, it may also serve union interests by limiting agreement within the governing organization, thus maintaining a status quo (Grissom 2010). In addition, there appear to be returns to union efforts in board elections. The evidence suggests that boards with more members traditionally sympathetic to teachers (such as former educators themselves) negotiate contracts that limit administrative flexibility, while more flexible contracts are negotiated by boards with members less aligned with union interests (such as Republican members and those with ties to the business community; Strunk and Grissom 2010).

Variation in Union Organizing Power

The above discussion has made clear that teachers' unions do exhibit political power in local governance structures. It is not clear, however, that union power is similarly distributed across different school districts. Theory suggests unions to be more influential in large, urban areas—a hypothesis confirmed in recent empirical work (Rose and Sonstelie 2010; Brunner and Squire 2013; Anzia and Moe In Press). On the other hand, Moe (2005b, 2006c) also has stressed that although electoral and financial mechanisms may be more readily available to unions in larger, urban districts, unions may ultimately be just as influential in smaller districts, where activities like strategic endorsement of particular candidates may carry additional weight. Unions may be particularly influential

in districts where there are few cohesive alternatives to their organization. However, school boards and school administrators that are entrepreneurial in their efforts to involve parents and other voices within the district may ultimately limit the extent of union influence in part by drawing on other community resources and directing them toward organizational priorities (Nicholson-Crotty, Grissom and Nicholson-Crotty 2012). To that end, Hess and Leal (2005) have argued that union effects on district politics are highly context-specific, and may be less prominent in areas with strong race-based interest groups that pursue their own educational agendas.

Taken together, the body of scholarship on the political influence of teachers' unions suggests well-organized and highly resourceful groups operating within local, regional and national policy contexts. Although some union efforts are targeted toward major initiatives in education—accountability plans, school choice programs, and teacher evaluation among them—much of their influence is exerted in more parochial settings where ballot initiatives, school board elections and other issues with direct bearing on teacher working environments, salaries and staffing concerns are decided. The work we have considered here has generally focused on documenting or measuring union activities in these contexts. New theoretical frameworks, empirical strategies for testing hypotheses and data resources may all be increasingly possible as new legal and policy changes affect the scope and strength of union efforts moving forward.

V. Current Policy Debates: A Path for Future Research

Public debate about teachers' unions tends to divide the question in normative terms: are teachers' unions "good" or "bad" for American education? Although scholarship over the past three decades has tended to frame the question in more nuanced and analytical terms, the literature as a whole has until quite recently faced a tradeoff between measuring union impacts on key educational outcomes, in general, and explaining union activity, objectives, and organizational attributes. This tradeoff was present in large part because teachers' unions have either operated in or been absent from schools and school districts in which few of the major policy areas—teacher compensation, credentialing, job security, evaluation, and measures of student and school performance—varied between them.

Only very recently are observers of American education seeing meaningful changes to policies that teachers' unions have long protected, implementation of reforms that unions have historically opposed, and limitations on unions' ability to garner political resources. These policy reforms, particular those relating to the retention and compensation of teachers, in turn have direct implications for other areas of state and local policy. Whatever the normative implications of such changes, from a research standpoint they mark this time as one in which new and potentially fruitful avenues for inquiry can now begin. Similarly, these changing contexts can enable researchers to assess and refine economic, political and institutional theories that can guide thinking and policymaking about unions and their role in district operations and policymaking.

The most recent research that we review here has shown collectively that unionization represents more than simply a binary distinction that marks most of (though not all) public school districts. Across the policy landscape is a variety of union activity, separate points of emphasis among union priorities, and differences in the extent to which collective bargaining includes many of the longstanding targets of school reformers. There are strong unions and those that are less influential. There are contracts that govern nearly every aspect of teacher employment, and others that provide only broad guidance for administrative action. In some districts, school boards govern nearly hand-in-hand with union leaders, while in others there are members that are downright hostile to the idea of unions themselves.

Rather than stressing an inherent or even normative problem with unionized teachers *per se*, we view the scholarship in this area today as underscoring the need to articulate which policies resulting from or at least associated with unionization require reform if educational outcomes are to improve. Similarly, the extant literature has not yet produced systematic evidence that unions are in their own right necessary to improve the experiences of either students or teachers in American classrooms. In both the political arena and at the bargaining table, more careful consideration of the benefits and limitations of union activity is now possible. Simply put, analysts, reformers and advocates alike can do better than consigning teachers' unions to categories of good or bad.

Over the last decade, many of the efforts to curb or eliminate union strength have been directed at the level of state legislation. Some of these reforms—fundamental changes to teacher certification and evaluation, for example—are policies that teachers' unions have influenced but also represent concerns about the teacher labor market apart from the question of unionization. Other changes such as those limiting bargaining scope in states like Indiana, Michigan, Tennessee and Wisconsin (Workman 2011), changes to seniority and salary schedule provisions, and implementations of Right-to-Work laws, are more overtly directed at unions and union strength. State law represents the primary jurisdiction not only for labor relations but for education itself. Moreover, state laws heavily influence the flexibility with which districts can set local, context-specific regulations and contracts. It is at this local level that unions may be particularly influential—particularly in large urban districts, where teachers can help elect sympathetic school board members who agree to restrictive contracts. These conditions help explain reform focus at the state level of decision-making.

From the standpoint of policy analysis, however, we have little evidence for what the expected outcomes of these reforms should be. What it means for teachers to work as members of a union and what it means to learn in conditions imposed by collective bargaining differs so widely between and within states that analysts now have what amounts to a set of different experiments in the way districts are organized and administered. Although we do not suggest that uncertainty over outcomes from these experiments is enough to warrant a halt to all teacher-related reform efforts until the results come into focus, we do note that whole-scale attempts to remove unions entirely

from the education system may be too blunt for the work of improving more specific areas where improvement is possible.

In this we conclude not simply with the usual call for more research, but for more research of a certain kind. The variation in union strength identified in recent literature, the new policy experiments occurring in states across the country, and the sheer availability of large-N data that link individual students to teachers in school across the country now allow a new field of highly focused questions that link educational outcomes to rules, regulations and conditions directly attributable to union efforts. We do not expect the results of this work to end all controversy on the topic, but perhaps the debate may shift from one that assigns blame to one that identifies particular, evidence-based solutions.

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