



Terry Moe's
Special Interest:
Teachers Unions and
America's Public Schools

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Terry Moe's *Special Interest: Teachers Unions and America's Public Schools*

Public Interest Institute (PII) was given permission by the author to bring you a summary of the key points of Moe's path-breaking work. The study that follows is our summary of Terry Moe's book; the passages below are his words. We encourage you to read this and other books by Terry Moe. This summary was compiled by Amy K. Frantz, PII Vice President.

Executive Summary

Why are America's schools falling so short of the mark and failing so many of our kids? Why are they organized in perverse ways that are so clearly unsuited to effective education? Why have they proven so resistant to change and so difficult to improve? These are the kinds of questions, along with many others, that naturally arise when we try to comprehend the reality in which we live.

If one central thesis arises from this book, it is that the answers to these questions have a lot to do with the teachers unions. It is a fact that they are incredibly powerful, far more so than any other groups with a stake in public education. And it is abundantly clear that the job interests that drive their behavior, and are woven into the fabric of their organization and leadership, prompt them to *use* their power in ways that often come into conflict with what is best for kids and schools.

The teachers unions have more influence on the public schools than any other group in American society. They shape the schools from the bottom up, through collective bargaining activities so broad in scope that virtually every aspect of school organization bears the distinctive imprint of union design. They impose bizarre forms of organization on the public schools that no one in their right mind would favor if they were simply concerned with what works best for children. The schools are organized mainly to benefit the adults who work there.

They also shape the schools from the top down, through political activities that give them unrivaled influence over the laws and regulations imposed on public education by government, and that allow them to block or weaken governmental reforms they find threatening. This is obviously true for major and eminently sensible reforms, such as accountability and choice, which, if seriously pursued, would bring fundamental change to the system. But it is also true

for extremely simple, easy-to-accomplish reforms, such as getting bad teachers out of the classroom.

Think about this last point for a moment. Why is it, after decades and decades, that the nation has done almost nothing to get bad teachers out of the classroom? What possible excuse could there be for inaction on something so incredibly basic and obvious? There isn't any excuse. There is only a reason: the teachers unions are extraordinarily powerful, and they are in the business of protecting the jobs of their members. That kids lose out when bad teachers remain in the classroom is just collateral damage, a cost of doing business.

The long-standing alliance between the teachers unions and the Democrats is absolutely central to this nation's politics of education, and any effort to understand what happens in the political process and why the era of reform has proved such a deep disappointment needs to pay serious attention to it. The failure of reform can't be attributed to a "lack of political will" or the complexity of the school system or too little money. It is, at its heart, a problem of power and self-interest. Reform has failed mainly because powerful interests, the teachers unions, *want* it to fail – and those interests are faithfully represented by the Democrats, who cast the official votes.

The Democrats ought to be the party of education reform. Their history and ideals are progressive: they are the party of the New Deal, of civil rights, of Medicare, of poverty programs, of universal health care. They have always prided themselves, quite rightly, on standing up for the working class and disadvantaged....In education...it is...[the] disadvantaged kids and families who are stuck in the nation's worst schools and desperate for reform. But while the Democrats have been champions of the disadvantaged in virtually every other area of public policy, education is a glaring exception.

Children should always come first. But in America's system of public education, governed as it is by power and special interests, they simply do not. In the present, many children are sitting in classrooms and learning nothing. Or at least not nearly enough. These kids have only one opportunity to get a good education, and a good education is essential if they are to have productive careers, build promising futures, and contribute to the economic and social well being of the nation as a whole. As the minutes tick by and the years drag on, they are being denied the educations they so desperately need and have a right to. Lives are being ruined. Generations are being lost. In a globalized world of competition, high technology, and demanding work requirements – for independence, autonomy, creativity – kids without good educations are increasingly left behind. And their nations are left behind too.

My purpose in this book is to bring the unions fully into view, and to shed light on the pivotal roles they play in public education generally....With the teachers unions so clearly powerful in public education, there is *no excuse* for not studying them. How can we expect to understand the public schools – and the nation's deeply rooted education problems – if the teachers unions are

routinely ignored? Yet, for decades...education researchers have done next to nothing to make them a focus of serious, sustained inquiry. This book is an attempt to change that.

Chapter 1 – The Problem of Union Power

Janet Archer painted watercolors. Gordon Russell planned trips to Alaska and Cape Cod. Others did crossword puzzles, read books, played chess, practiced ballet moves, argued with one another, and otherwise tried to fill up the time....these were public school teachers passing a typical day in one of the city's Rubber Rooms – Temporary Reassignment Centers – where teachers were housed when they were considered so unsuited to teaching that they needed to be kept out of the classroom, away from the city's children.¹

Each school day [the Rubber Room teachers] went to “work.” They arrived in the morning at exactly the same hour as other city teachers, and they left at exactly the same hour in the afternoon. They got paid a full salary. They received full benefits, as well as all the usual vacation days, and they had their summers off. Just like real teachers. Except they didn't teach.

All of this cost the city between \$35 million and \$65 million a year for salary and benefits alone²....And the total costs were even greater, for the district hired substitutes to teach their classes, rented space for the Rubber Rooms, and forked out half a million dollars annually for security guards to keep the teachers safe (mainly from one another, as tensions ran high in these places)....Mayor Michael Bloomberg and Chancellor Joel Klein wanted to move bad teachers out of the system and off the payroll. But they couldn't.

While most of their teachers were doing a good job in the classroom, the problem was that all teachers – even the incompetent and the dangerous – were protected by state tenure laws, by restrictive collective bargaining contracts, and by the local teachers unions, the United Federation of Teachers (UFT). Because of the union power...the city's children were being denied tens of millions of dollars every year: money that should have been spent on them, but wasn't. It is virtually impossible to get rid of bad teachers in New York City, but it's also virtually impossible in other districts too, regardless of where they are.³

The teachers unions have more influence on the public schools than any other group in American society. Their influence takes two forms. They shape the schools from the bottom up, through collective bargaining activities so broad in scope that virtually every aspect of school organization bears the distinctive imprint of union design. They also shape the schools from the top down, through political activities that give them unrivaled influence over the laws and regulations imposed on public education by government, and that allow them to block or weaken governmental reforms they find threatening.

The long-standing alliance between the teachers unions and the Democrats is absolutely central to this nation's politics of education, and any effort to understand what happens in the political process and why the era of reform has proved such a deep disappointment needs to pay serious attention to it. The failure of reform can't be attributed to a "lack of political will" or the complexity of the school system or too little money. It is, at its heart, a problem of power and self-interest. Reform has failed mainly because powerful interests, the teachers unions, *want* it to fail – and those interests are faithfully represented by the Democrats, who cast the official votes.

The Democrats ought to be the party of education reform. Their history and ideals are progressive: they are the party of the New Deal, of civil rights, of Medicare, of poverty programs, of universal health care. They have always prided themselves, quite rightly, on standing up for the working class and disadvantaged....In education...it is...[the] disadvantaged kids and families who are stuck in the nation's worst schools and desperate for reform. But while the Democrats have been champions of the disadvantaged in virtually every other area of public policy, education is a glaring exception.

A struggle is going on within the Democrat Party. Key constituencies – notably, groups that represent the disadvantaged – have become fed up. Fed up with perpetually abysmal schools for disadvantaged kids. As Newark Mayor Cory Booker explained to a huge crowd at the 2008 Democrat National Convention, "We have to understand that as Democrats we have been wrong on education, and it's time to get it right."⁴

My purpose in this book is to bring the unions fully into view, and to shed light on the pivotal roles they play in public education generally....With the teachers unions so clearly powerful in public education, there is *no excuse* for not studying them. How can we expect to understand the public schools – and the nation's deeply rooted education problems – if the teachers unions are routinely ignored? Yet, for decades...education researchers have done next to nothing to make them a focus of serious, sustained inquiry. This book is an attempt to change that.

Chapter 2 – The Rise of Teachers Unions

As any close observer of American education is well aware, the nation's public schools are heavily unionized, and the unions are superbly organized and enormously powerful. This is the reality of our times – but it is also a reality that, in historical terms, is a rather recent development. The public school system began to emerge in roughly its present form a little over 100 years ago, and for most of its history it was a union-free zone: hardly any teachers belonged to unions, there was no collective bargaining, and neither teachers nor their unions had much political power. Large numbers of teachers across the country did belong to the NEA, and it was a powerful presence at all levels of government; indeed, it was widely recognized as the vanguard of the education establishment. But the NEA of that earlier time was a professional

association run by administrators, and it was avowedly opposed to unions and collective bargaining. Things are different now. Very different.

... [T]he rise of the teachers unions was not simply due to conditions unique to the public education system – for example, that teachers were subject to arbitrary treatment, horrible working conditions, insecure jobs, and the like, and, as a result, became militant and sought out unions. Lots of workers across all industries, public and private, had similar complaints about their jobs, especially in the late nineteenth and early-to-middle twentieth centuries, and there is no reason to think that teachers were especially victimized. Nor is there any reason to think that these job-related dissatisfactions led to large-scale unionization, whether by teachers or most other workers. The key event that promoted unionization and collective bargaining is that the *laws changed*. They changed for private sector workers with the enactment of new labor statutes in most states during the 1960s and 1970s. Whatever the frustrations of teachers and other workers, they did not find expression in unions on a massive scale until the laws made such expression possible.

Percent of teachers covered by collective bargaining in Iowa

1968	1970	1972	*1975	1976	1977
0	0	4	43	70	80

*1975 is the year that Iowa's collective bargaining law took effect.

As a historical movement, then, the unionization of teachers was not somehow special, and it cannot be explained in a satisfactory way by focusing on education alone. Teachers unions arose when *other* public sector unions did: in the 1960s and 1970s. And they arose because they were empowered by new laws that, thanks to their Democrat allies and their union brethren in the private sector, were purposely designed to promote unionization and collective bargaining.

The rise of the teachers unions, then, is a story of triumph for employee interests and employee power. But it is not a story of triumph for American education.

Chapter 3 – Teachers and Their Unions

Teachers are connected to unions in a host of ways....The locals are the bedrock of union organization. Virtually all union members, whether Democrat or Republican, see their membership in the local as entirely voluntary and are highly satisfied with what they are getting. It is what happens at the local level that securely binds teachers to their unions: tying them into state and national organizations that they might not otherwise be willing to join and dominating their perspective on what the union is and how satisfied they are with it. The locals are the key to union power and success.

Collective bargaining, in turn, is the basis for strong locals and the unions' major source of unity among the members. In overwhelming numbers, collective bargaining is supported by Democrats and Republicans alike, attracting them to their unions and knitting them together into cohesive units based on common occupational interests. It is also supported by teachers who don't already have it, and is enormously popular even in the southern and border states.

Especially among union members, moreover, collective bargaining is an exercise in self-interest that teachers embrace without moral qualms. They see it as benign in its larger consequences for schools and the quality of education, and they believe, as their leaders constantly claim, that what is good for teachers is good for kids.

Politics is more divisive. But teachers do not associate it with their locals. They associate it with the state and (especially) national organizations, which are the sources of almost all the internal political dissatisfactions among members – particularly Republican members, most of whom say they would drop out of the national unions if they could. The unions cannot do much about this disunity. If they want to achieve their education policy objectives – which include, I should emphasize, protecting their collective bargaining rights – they are wise to support Democrat political candidates and participate actively in the liberal coalition. Without these allies, they would be much weaker in the political process. Internally, moreover, the center of political gravity among the membership is Democrat and liberal, and this is true in the extreme for the activist members....The deck is stacked: leaders have strong incentives to craft their organizations in a liberal Democrat mold, and Republicans just aren't going to like it.

Yet it doesn't really matter. Republicans may often be politically dissatisfied, but their dissatisfaction only attaches to higher levels of their unions....At the center are *common interests* – in job security, wages and benefits, working conditions – and here, partisanship and ideology are largely irrelevant....Extraneous political issues – abortion rights, gay rights, and other planks of the liberal agenda – stand to excite partisan passions precisely because they are *not* about education. But when policies bear on education and its reform, which are the unions' main concerns by orders of magnitude, the common interests of teachers take hold....On the issues that matter most for their occupational lives and are related most directly to the public schools, teachers are largely in agreement.

It is true that the teachers unions are special interest organizations. And like the National Rifle Association, the trial attorneys, and all other interest groups, they pursue those special interests with a laser-like focus. But the kicker is that *this is what teachers want them to do*, because those special interests are *their* interests. If the unions are taking actions at variance with the best interests of kids and effective schools, the ultimate explanation – the real story – is not simply that the unions are special interest groups. It is that they are acting on behalf of the special interests of teachers themselves – and doing precisely what the great majority of teachers want.

Chapter 4 – Unions and School Boards

There is little research on the politics of school board elections and even less on the role of teachers unions. This is unfortunate, because what happens on these scores is fundamental to an understanding of America's public schools....To understand school board elections, we need to think about which groups have the *incentives* to get actively involved in them and, of these, which have the *resources* to do it with real power. In both respects, the teachers unions clearly stand out from all other groups.

Their incentives to get involved in local elections are strong indeed. Teachers, after all, work in the school districts, and their material interests are deeply rooted in how the districts operate, how they are organized, how they spend their money, and, in general, how they are governed. In states...where collective bargaining is prohibited...it is even *more* imperative for the unions to flex their political muscles, because, lacking the power of collective bargaining, it is their only avenue of influence. Fortunately for them, it couldn't be more available: democracy literally invites them to choose the very public leaders who will be making the personnel, financial, and policy decisions they care about.

The unions in...districts [with collective bargaining] also have compelling incentives to elect district leaders. Collective bargaining...is *not* just a matter of negotiations between two independent sides, one representing labor and one representing management, because the "management" sitting on the other side of the table is chosen through the electoral process – and can be literally *chosen by the unions themselves* if they have sufficient political power. Although "management" is supposed to represent the interests of ordinary people, democracy gives the unions every opportunity to see that this doesn't happen and that their own interests take priority.

In both respects, incentives and resources, the most reasonable expectation...is that the teachers unions will normally be the most powerful of all groups that might care about public education. Parents certainly have strong incentives, but in most districts they are not organized (outside the PTA), not funded, not active – and not powerful. Business groups, ethnic groups, and other community organizations have resources...but their social agendas are broad and diverse, and this gives the unions a huge incentive advantage – for the unions *only* care about public education. This incentive advantage, in turn, should ultimately translate into a huge resource advantage: because they not only have massive resources to begin with (compared to most other groups), but also incentives to invest *more* of their resources in education-related politics and do it more regularly....These expectations apply to school board politics in California. But they apply just as well to school board politics in Illinois or Florida or Tennessee.

We should expect the teachers unions to be extraordinarily powerful in school board elections – but we need to recognize as well that there are basic forces at work that constrain what they can do. One is the presence of pluralism, which, particularly in large urban districts, may sometimes generate group competitors. Another is political culture, which prompts the unions to endorse

less sympathetic candidates in conservative districts. A third is incumbency, which also compels them to endorse candidates that they are less than enthusiastic about.

The bottom line is not that the teachers unions consistently dominate their local school boards. They are constrained. Things don't always go their way. Nonetheless, they are by far the most powerful groups in the local politics of American education. And they are quite successful at tilting the "democratic" governance of the local schools in favor of their own special interests.

It is not an accident, then, that school boards have been pushed aside in a number of major American cities and that mayors have stepped in. The fact is, school boards have often been weak and ineffective at bringing real improvement to local school systems. They cannot make change. They cannot lead. And a big reason is that they are beholden to powerful interest groups – especially the teachers unions – that *don't want* them to make change and *don't want* them to lead. Mayors have bigger, more diverse constituencies, are able to act with greater independence and strength, and are simply better suited and thus a better bet for doing what is necessary in the face of union opposition. . . . It is important to remember, however, that mayoral control is the exception. Almost all of this nation's school districts are governed by school boards. That is the reality, and the implications for kids and schools are hardly inspiring.

Chapter 5 – Are Teachers Underpaid?

"Teachers are underpaid." Union leaders and their public relations experts have been hammering the point home, working it into stump speeches, and enshrining it as among the most serious problems of American education for several decades now. Most Americans – including those in influential positions – seem to have gotten the message, making it part of the conventional wisdom of modern American culture.

But the salary numbers the unions roll out are invariable based on *annual* salaries, and they conveniently ignore the *other* components of the compensation package. The fact is, teachers are compensated in many ways: through salaries, yes, but also through defined-benefit pension programs, health care insurance for active employees, health care insurance for retirees, tenure, summers off, flexible work schedules, health care buy-outs, and more. Taken together, these components add up to a compensation package that is clearly very valuable. While exact estimates of its monetary value are not currently possible, it is surely *much* higher than annual salary figures suggest. It is higher than most academic studies suggest as well, for the research on the subject ignores or understates important aspects of how teachers really get "paid." The value of tenure, for instance, which is clearly substantial, is never taken into account at all, nor is the underfunding of pensions and retiree health benefits, nor is the insulation from risk that defined-benefit pensions and retiree health benefits provide.

I am not saying that teachers are rich. The thrust of my argument is simply this: teachers are much better compensated than people tend to think. Most aspects of teacher compensation are overlooked, and they need to be recognized if citizens and policymakers are to have a good sense of how well teachers are actually “paid.”

Whether teachers *should* be better compensated is another question. It does no good to stare at salary levels, or even estimates of total compensation, and complain that they are “too low” – because there are no criteria or standards of comparison to allow for such a conclusion. Too low compared to what? And if we put the focus on how teachers compare to other professionals, not much is really gained. Those professions involve different skills and educational backgrounds from teaching and are typically occupations that few teachers could transfer into anyway. Moreover, it is well documented that, over the last few decades, the people going into teaching have increasingly been drawn from the lower strata of college graduates – as measured, for instance, by scores on the Scholastic Assessment Test – and thus, in terms of intelligence and academic achievement, they lag behind the people who go into many of these other fields (on average).⁵ Why should a teacher get paid that same as a computer programmer? There is little rationale for claiming that she should.

The appropriate way to approach compensation is in terms of productivity. In economic analysis, an organization allocates its resources efficiently by paying its workers based on their productivity – that is, based on how much they contribute to the organization’s goals (in the case of business firms, profit). The greater an employee’s value added, the greater the pay. If the same reasoning were applied to schools – and it should be – then the proper level of teacher compensation, taking all of its components into account, would depend on how much individual teachers contribute to student learning and other educational goals. It is difficult to monetize those goals, of course, but the principle is clear: compensation needs to be hooked to productivity if schools are to use their resources efficiently in the best interests of children. Highly productive teachers should be better compensated than less productive teachers (many of whom should be dismissed). And overall spending on compensation needs to be assessed in terms of other ways the money could be spent (on buildings, computers, books, distance learning opportunities, and so on) and the relative contributions these options might make to productivity. More compensation for teachers may have positive outcomes for children – research on the subject is in fact mixed and suggests that the connection is weak⁶ – but spending the money in *other* ways may be more productive still. The idea is not to single-mindedly pour money into salaries and benefits. It is to find the right balance, so that school resources are allocated across alternative uses to yield the most efficient outcome for kids.

This kind of reasoning, however, is foreign to the way teacher compensation is actually handled. In the real world of public education, it is handled through power. The unions use their power in collective bargaining and legislatures to push for as much teacher compensation – in all its forms – as they can get. And they try to see to it that resources are not used in other ways.

Productivity has nothing to do with it. For any type of organization, this is a formula for poor performance.

Chapter 6 – Collective Bargaining

In American public education, labor contracts are filled with rules that are adopted for reasons that have *nothing to do with what is best for children*. Whether the provisions establish a single salary schedule, seniority rights in transfers and layoffs, caps on faculty meetings, prep time requirements, expansive sick leave, or whatever, they are clearly intended to advance the occupational interests of teachers, and it is easy to see that they often come into conflict with what is best for kids.

These rules, moreover, are not something separate from the organization of schooling. They *are* the organization of schooling. And to the extent that unions are successful in collective bargaining, the public schools have organizations imposed on them that are simply *not designed* to promote the academic achievement of students and that make it *more difficult* for the schools to be effective.

Ask yourself these questions. If it were possible to go back to square one and design schools from scratch, aiming to build organizations that are maximally effective at getting students to learn, would well-intentioned designers choose to adopt seniority rules that give senior teachers their choice of jobs, regardless of their competence? Would they adopt seniority rules that, in layoff situations, force talented junior teachers to be fired while mediocre senior teachers remain in the schools? Would they adopt rules making it impossible to dismiss bad teachers? Would they adopt onerous evaluation (and dismissal) procedures that give principals incentives to give all teachers, however incompetent, satisfactory ratings? Would they pay teachers on the basis of educational credentials that are irrelevant to student achievement? Would they pay good teachers exactly the same as bad teachers?

The answer in all these cases – and many, many more – is obviously no. *No one who wants what is best for children would organize the schools as they are currently organized*. The schools are only organized as they are because *other* interests have been in the driver's seat: the interests of adult employees. And these interests are brought to bear through the exercise of union power in collective bargaining.

Chapter 7 – Small Victories for Sanity

Teachers unions are playing a lot of defense these days. Among people in the public arena who follow education closely – journalists, policymakers, think tank types – their popularity has sunk to an all-time low. New York City and Washington, D.C., are more than just districts whose

leaders have aggressively taken on unions. They are districts whose leaders have become *famous* and *widely admired* for taking them on.

But does [their lack of popularity] really matter? The brute fact is that the teachers unions are powerful. And whether they are popular or not among people in the know, they can still use their power to resist change, protect jobs, and maintain labor contracts that make a joke of effective organization....In general, the local picture for the last decade had been one of *stability*, not innovation and change...despite all the pressures – from accountability and charter schools – for districts to be more aggressive in pressuring their unions for major changes in their labor contracts.

Yet...in New York City and Washington, D.C.,...the stars lined up to provide a best-case scenario for real reform: with mayors and school chancellors totally committed to change, unafraid of challenging their unions, and willing to do whatever was necessary in the pursuit of effective organization.

[Chancellor of the Washington, D.C., public schools] Michelle Rhee and [Chancellor of the New York City Department of Education] Joel Klein became rock stars because, unlike almost all other superintendents in the country, they were courageous enough to launch all-out assaults on restrictive work rules, and they won important victories on seniority, performance pay, and teacher evaluations....They [along with then-Mayors Adrian Fenty of Washington, D.C., and Michael Bloomberg of New York City] pushed the envelope and showed the rest of the nation what is possible when a district is truly committed to effective organization and student achievement.

But we shouldn't get carried away here....Their victories were indeed remarkable under the circumstances – circumstances of powerful resistance and grossly bad starting points. But they were victories that took many agonizing years of perpetual struggle to achieve. They were also incredibly expensive, because “reform” is really a process in which the unions hold a near veto and only agree to make work rule changes if they receive enormous financial payments for doing it.

Sol Stern [a journalist with *City Magazine*], had it right. These reforms were “small victories for sanity.” They were small because they could not fully jettison the accumulated weight of their organizational past, which remains debilitating. And they struck a blow for sanity because they were establishing organizational practices that are simply common sense and that should have been in place a long time ago if the system were actually run to benefit children and deliver quality education.

The key players here – Bloomberg and Klein, Fenty and Rhee – won their victories precisely because they and their situations [were] so unusual. But their situations [were] not long for this world. Fenty [lost the Democrat primary to Vincent Grey in September 2010] and Rhee

[resigned within a month]. In New York City, Klein stepped down after fighting the good fight for eight years. Bloomberg [has left office]. The union, [however,] will remain. It will be the same, and it will use its still-considerable political power to try to regain the ground it has lost – and return the district[s] to normal.

Chapter 8 – Reform Unionism

It is fair to say that many who are directly involved in school reform...recognize that the teachers unions are standing in the way of effective schools. But recognizing the problem is one thing. Doing something about it is quite another. What do they think can be done?

That's the rub. Many of these same movers and shakers also see the unions as legitimate "stakeholders" in the system. They believe that teachers need representation, that unions in general are a good thing, and that, at any rate, the teachers unions are permanent fixtures in the institutional makeup of American education. If the nation's schools are to be successfully reformed, so the conventional wisdom goes, the key to progress is not to try to do away with the unions or even to diminish their power, but rather to encourage what is sometimes called "reform unionism" – a new, more enlightened approach in which the teachers unions would get genuinely involved in the reform movement itself and voluntarily begin doing what is best for children and effective schools. Productive collaboration would become the new order.

To skeptics, this may sound like a joke. It isn't. The ideas behind reform unionism are widely embraced and influential...Reform unionism is among the most influential and seductive forces in American education. It is also one of the most misleading....With so many believers in reform unionism out there, reformers and policymakers are jumping out of their skins with excitement – and with hope. Now, finally, the unions seem to be getting on board, and the nation can make enormous progress....When the unions are pressured to embrace reform, [Randi] Weingarten [President of the American Federation of Teachers and former President of the United Federation of Teachers,] is the one on camera, arguing her openness to change and tantalizing a reform community desperate to see the unions become partners in progress.

The fact is, the fundamentals are the same. The unions are still unions. Their leaders – including Randi Weingarten – are still heavily constrained in what they can do, and they still have strong incentives to give top priority to the occupational interests of their members. Self-interest is still in the driver's seat, determining what they do in collective bargaining, in politics, and in their collaboration with reformers and policymakers.

If...you still wonder what the unions really want, ask yourself a simple question: why did the AFT, under Weingarten's enlightened leadership, spend \$1 million to defeat Mayor Adrian Fenty in Washington, D.C. – and get rid of Michelle Rhee? This is what reform unionism looks like in

reality. This is what Randi Weingarten's "support" for reform amounts to, when push comes to shove.

The pragmatists might say, yes, Weingarten and almost all other union leaders aren't fully on board – but because the environment is so bad for them right now, they are willing to go along with important reforms (linking teacher evaluations to student performance, for example), and these are positive steps forward. We should link arms with the unions, bring them into the decision process, and move forward together.

This has a nice sound to it. Cooperation always does....But it is important to maintain perspective and see this for what it is. The unions are not in the business of representing children....They have strategic reasons, in this current environment, for making concessions and "embracing" change....But as long as the unions remain powerful, that progress will inevitably be limited. And the reform movement *will never get where it aims to go*. It will never be able to build a school system that is organized for effective performance. It will never be able to simply do what's best for children. It will be caught up in a grand compromise – and in the end, children and effective schools will be shortchanged.

Chapter 9 – The Politics of Blocking

The teachers unions exercise power over America's schools in two ways. They do it through collective bargaining. And they do it through politics....The power they wield in politics may be even *more* consequential than the power they wield in collective bargaining....The public schools, after all, are government agencies. Virtually everything about them is subject to the authority of local, state, and national governments – and public officials in all of these governments make their decisions through the political process. The public schools are therefore the *products* of politics.

By law and tradition, the public schools are governed mainly by the states. The enduring American myth is one of "local control" through school districts. But the school districts are actually state creations, and all of their essential features – their boundaries, their organizations, their funding, their programs, their involvement (or not) in collective bargaining – are subject to state authority. Any group that hopes to wield power over the public schools, therefore, needs to wield power in state politics.

The national government has also gotten much more involved since mid-century. Its main vehicle has been the Elementary and Secondary Education Act (ESEA), first adopted in 1965, which authorizes a variety of programs – particularly for disadvantaged children – and funnels billions of dollars through the states to children. In 2001 the feds moved aggressively into the reform era with No Child Left Behind (NCLB): a groundbreaking revision of ESEA that created

a nationwide system of school accountability (although the design left much discretion to the states).

For teachers unions, politics can be enormously advantageous – but it can also be enormously threatening. Governments (especially state governments) are in a position to adopt virtually *any* work rules, education programs, or funding arrangements they want for the public schools, and the decisions automatically apply to *all* the districts and schools in the relevant jurisdictions.... But the downside is that reformers can do the same thing: by pushing for greater accountability, more school choice, pay for performance, and other reforms the unions find threatening – and turning them into the law of the land.

In either case, the stakes are huge. Because the unions know this, getting thoroughly involved in state and national politics is more than just an attractive option for them. They really don't have any choice. They need to invest in political resources and organization and to be active and powerful in the political process. And that is exactly what they've done.

The teachers unions are a political money machine. In national elections, despite enormous numbers and types of interest groups and their great diversity, they have doled out so much money to candidates and parties that they top the list as the number one contributors to campaigns over the last few decades. In state elections, especially outside the South, their dominance is ever more clear-cut: they are almost always among the very largest contributors to candidates and parties, they regularly out-contribute general business associations (even when the latter are aggregated into one giant “group”), and in ballot campaigns they are consistently the political leaders and top contributors on their side of the issue....Money is no guarantee of power. But it surely gives top-spending interest groups real advantages in the political process.

[However,] money is just *one* dimension of power for the teachers unions....In the eyes of many candidates, the teachers unions loom large not simply because of their campaign contributions, but because they can unleash an army of political activists at election time. What other groups can do that? This is something that requires numbers, organization, experience, and leadership – all of which the unions have assiduously cultivated over the years and that almost all other groups lack.

It is a fact that the teachers unions have vested interests in preserving the existing education system, regardless of how poorly it performs. It is a fact that [the unions] are more powerful – by far – than any other groups involved in the politics of education. And it is a fact that, in a government of checks and balances, they can use their power to block or weaken most reforms they do not like....Major reforms that attempt to address the fundamentals of poor performance and inject strong, performance-based incentives into the heart of the system have been resisted and undermined at every turn.

After a quarter century of reform, the nation has made scant progress. Indeed, most of its reforms are not worthy of the name. Its accountability and choice systems are too weak to do their jobs well and are under constant attacks intended to weaken them further. And the mainstream reforms that make up most of what the policy process actually produces – more spending, across-the-board pay raises, more teacher training, reductions in class size – have little to do with student achievement, but a lot to do with why the American school system gets more and more expensive without gaining in productivity.

Thankfully, this is not the end of the story. The downside is that the fundamentals that have driven it – the ever-present logic of power and self-interest, the uniquely American political system that favors blocking over reform – are not going to go away. They help us to understand the past, they will help us to understand our present and our future, and they are surely sobering. But the story, as it continues to unfold, is about to change considerably – because new forces are beginning to enter the equation, and they are destined over a period of years to break the unions' iron grip on America's public schools. And to make education reform a reality.

Chapter 10 – A Critical Juncture

I didn't write this book to offer a solution to the problem of union power. I wrote it to describe and document the problem – and to try to understand it. As it happens, there is a solution, at least over the long haul. But it is only a solution because of an accident of history. The accident is that we live in a very special time: we are caught up in a historic revolution in information technology. This is a monster development, entirely beyond the realm of normal reform activity, that is being thrust upon the education system from the outside.

I think it is quite likely that, were it not for this bombshell from without, there would be no solution. As I've observed several times before, power is its own protection. Under normal conditions, the Catch-22 of union power would guarantee the stability of today's system, along with the stability of union power itself, well into the distant future. Reformist efforts to address the problem through new legislation would tend to fall short, because the unions would typically be able to block. The wistful hopes of reform unionism would fail too, because the unions are simply not going to set aside their fundamental interests and do what's best for kids and schools. And a pragmatic reliance on compromise, collaboration, and cooperation – while a reasonable path to incremental progress – is inherently quite limited and will never allow the nation to get where it needs to go.

If there is a nascent solution in the works, technology aside, it might possibly emerge from the accumulated effects of accountability and choice, Race to the Top, and the shifting political tides that have given reformers considerably more support and clout in the policy process. These are exciting developments, and they may well grow in strength and intensity. But they still leave the teachers unions with enormous power and, without a big boost from technology, are likely to

prove insufficient over time to take education reform anywhere near the goal line. Small victories for sanity are beneficial and much-needed. But they are still small, and we shouldn't pretend otherwise.

In any event, the future is difficult to know with certainty. And in the long run, as Lord Keynes so famously put it, we are all dead. The fact is, we live in the present, and it is our current situation that we most need to understand. That is what I've tried to do in this book.

In the present, many children are sitting in classrooms and learning nothing. Or at least not nearly enough. These kids have only one opportunity to get a good education, and a good education is essential if they are to have productive careers, build promising futures, and contribute to the economic and social well being of the nation as a whole. As the minutes tick by and the years drag on, they are being denied the educations they so desperately need and have a right to. Lives are being ruined. Generations are being lost. In a globalized world of competition, high technology, and demanding work requirements – for independence, autonomy, creativity – kids without good educations are increasingly left behind. And their nations are left behind too. This was precisely the concern that motivated *A Nation at Risk* in 1983. The very same worry is at least as pressing today, despite decades of effort to do something about it.

Why are America's schools falling so short of the mark and failing so many of our kids? Why are they organized in perverse ways that are so clearly unsuited to effective education? Why have they proven so resistant to change and so difficult to improve? These are the kinds of questions, along with many others, that naturally arise when we try to comprehend the reality in which we live.

If one central thesis arises from this book, it is that the answers to these questions have a lot to do with the teachers unions. It is a fact that they are incredibly powerful, far more so than any other groups with a stake in public education. And it is abundantly clear that the job interests that drive their behavior, and are woven into the fabric of their organization and leadership, prompt them to *use* their power in ways that often come into conflict with what is best for kids and schools.

In collective bargaining, they impose bizarre forms of organization on the public schools that no one in their right mind would favor if they were simply concerned with what works best for children. The schools are organized mainly to benefit the adults who work there. In the political process, the unions block or weaken reforms they find threatening, however helpful those reforms might be for schools and kids. This is obviously true for major and eminently sensible reforms, such as accountability and choice, which, if seriously pursued, would bring fundamental change to the system. But it is also true for extremely simple, easy-to-accomplish reforms, such as getting bad teachers out of the classroom.

Think about this last point for a moment. Why is it, after decades and decades, that the nation has done almost nothing to get bad teachers out of the classroom? What possible excuse could there be for inaction on something so incredibly basic and obvious? There isn't any excuse. There is only a reason: the teachers unions are extraordinarily powerful, and they are in the business of protecting the jobs of their members. That kids lose out when bad teachers remain in the classroom is just collateral damage, a cost of doing business.

Children should always come first. But in America's system of public education, governed as it is by power and special interests, they simply do not. And in the near term, they will not. As things now stand, we have an education system that is not organized to be effective for children, can't be productively reformed in their best interests, and is powerfully protected to ensure that the interests of adults prevail. This is our reality. And in the realm of public education, it is the great dilemma of our time. Technology is likely to resolve this dilemma, many years down the road. But that is little comfort to the children of today – who deserve much more than they are getting, but don't have enough power to do anything about it.

¹ Steven Brill, "The Rubber Room: The Battle over New York City's Worst Teachers," *New Yorker*, August 31, 2009. Except where noted, my account follows Brill. To protect the confidentiality of individual teachers, I have substituted fictitious names for real names.

² See, for example, Erin Einhorn, "Teachers in Trouble Spending Years in 'Rubber Room' Limbo that Costs \$65M," *New York Daily News*, May 4, 2008; Angela Montefinise and Melissa Klein, "Why is the City Paying 757 People to Do Nothing?" *New York Post*, September 30, 2007.

³ See, for example, Daniel Weisberg, Susan Sexton, Jennifer Mulhern, and David Keeling, "The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness" (New York: New Teacher Project, 2009), available at www.tntp.org.

⁴ Quote is from Greg Toppo, "Democrats, Teachers Unions Now Divided on Many Issues," *USA Today*, September 2, 2008.

⁵ See, for example, Caroline M. Hoxby, "What Has Changed and What Has Not," in *Our Schools and Our Future*, edited by Paul E. Peterson (Stanford, Calif.: Hoover Institution Press, 2003); Sean Corcoran, William Evans, and Robert Schwab, "Changing Labor Market Opportunities for Women and the Quality of Teachers, 1957-1992," NBER Working Paper 9180 (Cambridge, Mass.: National Bureau of Economic Research, 2002); Caroline M. Hoxby and Andrew Leigh, "Pulled Away or Pushed Out? Explaining the Decline of Teacher Aptitude in the United States," *American Economic Review* 94, no. 2 (May 2004): 236-40; Eric A. Hanushek and Steven Rivkin, "Teacher Quality," in *Handbook of the Economics of Education*, edited by Eric A. Hanushek and Finis Welch, pp. 1051-78 (Amsterdam: North-Holland, 2006).

⁶ Hanushek and Rivkin, "Teacher Quality"; Brian A. Jacob and Lars Lefgren, "The Impact of Teacher Training on Student Achievement: Quasi-Experimental Evidence from School Reform Efforts in Chicago," *Journal of Human Resources* 39, no. 1 (2004): 50-79; Eric A. Hanushek, John F. Kain, Daniel M. O'Brien, and Steven Rivkin, "The Market for Teacher Quality," NBER Working Paper 11154 (Cambridge, Mass.: National Bureau of Economic Research, February 2005). For evidence of positive teacher-pay effects on student outcomes (although the data are aggregated to the state level), see Susanna Loeb and Marianne Page, "Examining the Link between Teacher Wages and Student Outcomes: The Importance of Alternative Labor Market Opportunities and Non-Pecuniary Variation," *Review of Economics and Statistics* 82, no. 3 (2000): 393-408. But see also Dale Ballou and Michael Podgursky, *Teacher Pay and Teacher Quality* (Kalamazoo, Mich.: W.E. Upjohn Institute for Employment Research, 1997).