

1

The Union Debate

Teachers matter. Policy-makers, parents, even pundits know instinctively that having Ms. Diaz rather than Mr. York might alter an individual student's test scores, choice of career, or ability to work and live independently. Since the late 1990s and early 2000s, a cross-disciplinary cohort of scholars have been examining the empirical connection between teaching and learning. By combining multiple years of test-score data from thousands of students and linking each student with a classroom teacher, these scholars conclude that having a strong teacher for several years in a row can greatly alter an individual's achievement trajectory. (For example, Tennessee third-graders placed with strong teachers for three years in a row scored 52 percentile points higher when they were sixth-graders than peers with comparable achievement histories but poor year-on-year classroom placements. Having a higher-performing teacher for even one year can help a student outperform his or her peers for years to follow. Unfortunately, placement in the classroom of a poor-quality teacher can have the opposite effect).¹ In quantifying teacher effects, recent work also suggests that teacher assignment matters more than class size, school leadership, curricular change, or the composition of

a student body. In sum, teachers are *the* most important *school-based* predictor of student achievement.

Policy-makers, parents, and pundits also know that persistent achievement gaps between students of color and white students and between low- and high-income students plague the public schools, impeding potential economic and social gains.

What we know about teachers, achievement gaps, and the general state of American schools is informed, in part, by the outsized influence of philanthropy in policy debates. For example, in 2009, the Bill and Melinda Gates Foundation announced a \$575 million, six-year study to tease out the relationship among such coexisting conditions. Gates Foundation researchers asked what makes an effective teacher and how policy-makers and school administrators can ensure teacher talent and equitable distribution of effective practice. Consensus that careful teacher placement, training, and/or transfer might combat stagnant achievement fueled not just the Gates Foundation study but also a related wave of scholarship. Research throughout the 2000s highlights a plethora of policies and practices that might be altered to increase achievement (e.g., seniority preference in teacher hiring and transfer, late hiring time lines in large urban districts, mismatches between school needs and teacher preferences, skill-based professional development). New scholarship, however, also amplifies critiques of teachers' unions and mutes measured concerns that a focus on *in-school* factors can go only so far in addressing disparities in achievement, given the strong links among family, community, income, segregation, and student learning.²

Teachers' unions are the organizations responsible for safeguarding the conditions of teachers' employment. Unions collect dues from teacher members to service a contract (ensure due process in employment disputes, bargain for cost-of-living salary increases, and counter cuts to employee benefits). Unions also lobby for broader education-related reforms, such as increased funding from federal, state, and local elected leaders for causes ranging from special education services to updates to internet service and building maintenance. Teachers' unions, as the institutional home of teacher voice, are the subject of much education reform debate.

Union critics blame unions for what the critics view as stagnant and dismal realities. They insist that teachers' stance in collective

bargaining reduces administrators' power to move teachers to the classrooms where their skills are most necessary, remove incompetent practitioners from classrooms, and reward and retain excellent teachers. Critics also lambaste unions' influence on electoral politics. Union foes argue that strong teacher turnout in local off-cycle elections may result in school boards being composed of members who feel beholden to the teachers they are charged with managing.³

Teachers' unions and their supporters counter that teachers' interests are students' interests. According to union advocates, through contract negotiations teachers gain increases in salary and fringe benefits that serve multiple purposes. Increased pay and solid health and retirement plans attract higher-caliber applicants to our nation's classrooms, reduce employee turnover, and contribute to superior instruction.⁴ Job security provisions encourage teachers to advocate for a wide scope of reforms backed by parents and community members. For example, unionized teachers bargain for more time to prepare lessons or smaller class sizes so they can individualize instruction and better meet the needs of an increasingly diverse student body.⁵ Unionized teachers use negotiations to advocate for additional English language and special education support, more school counselors and librarians, and increased investments in technology. At the bargaining table, teachers show up as education experts keyed into the relationship between this variety of support services and outcomes in the classroom and well beyond.

Education reform battles of the twenty-first century may center on teachers' unions and appear specific to school personnel, policy, and practice, but they also rage on a second front that encompasses much broader economic and political concerns—for example, wage and wealth inequality and institutional racism, immigration, and integration, to name a few.

The focus on personnel policy is just the latest iteration of a standards and accountability-based reform movement spurred by the National Commission on Excellence in Education's 1983 report, *A Nation at Risk*, and encouraged by President William (Bill) Clinton's Improving America's Schools Act, President George W. Bush's No Child Left Behind (NCLB) program, and President Barack Obama's Race to the Top (RTTT) grant-funding program. Each of these federal attempts to increase achievement has failed to close achievement gaps or significantly increase test scores, and each has contributed to a variety

of concerning outcomes. NCLB and RTTT encouraged growth of the charter sector by proposing charter schools as a remedy for public schools' struggles despite a lack of evidence that charter schools were any better suited to meet students' needs. Both NCLB and RTTT encouraged cash-strapped districts to invest in test preparation materials and consultants rather than critical personnel and infrastructure. Both NCLB and RTTT contributed to a narrowed curriculum as testing drills took the place of art, history, civics, and science. Both NCLB and RTTT perpetuated the runaway myth that teachers can singlehandedly overcome "the influence of family, poverty, disability status, language proficiency, and students' own level of interest and ability."⁶ Both NCLB and RTTT encouraged attacks on teachers' unions in state legislatures and federal lawsuits.

Both the realization of anti-collective bargaining legislation and the recent U.S. Supreme Court decision to overturn a forty-year precedent on bargaining finance are of consequence far beyond education policy circles and student outcomes. In attacks on teachers' unions, struggles against immigration-, integration-, and equity-based institutions are apparent. Though a broader public may or may not support union critics' stance on this full range of issues, the danger here, is that many are encouraged to join the education reform bandwagon and related campaigns by a broadly felt sense that everyday Americans are being left behind.⁷

Public-sector organizing reached its zenith in the late 1960s and early 1970s. In collective bargaining agreements of that era, teachers won promises of job security, professional wages, and generous health and retirement benefits. Since then, political, economic, and demographic trends have combined to chip away at labor gains. In today's cutthroat, wildly inequitable economy, most individuals find themselves increasingly vulnerable to corporate and consumer whims. Where support for labor once stood and ushered in solid wages and benefits, essential to building up and driving a high-quality public education enterprise, jealousy and resentment now flow.⁸ Today, when teachers advocate for their livelihood through the collective bargaining process, their campaigns are viewed as narrow, self-interested, and opportunistic. The only way forward seems to be a deliberate effort to highlight the link between education policy and practice and broader economic and political concerns.⁹

In this book I highlight union work, both specific and encompassing. I examine contract negotiations across sectors (public and charter); nascent unionization efforts; ongoing union work to build and maintain formal institutional relationships; unions' appeals about livelihood to current and potential members; and member-initiated efforts to build community by showing that today's teachers' unions are at once fighting old and new battles whose outcomes are of consequence far beyond the unions' membership.

My Argument

Teachers' unions today are increasingly in the spotlight, largely because of their critics' successes. With their every action watched and illuminated, teachers who make up these unions now face a difficult choice. On the one hand, teachers can cower from their critics and fight narrow, defensive, battles, relying on contract negotiations to secure cost-of-living salary adjustments while they defer student loan payments, take on additional roommates, and ignore the inadequacy of school resources and increasing demands on their attention as education reformers continue to chip away at the most direct highway to the American Dream. Or, on the other hand, teachers can directly attack critics' reductive narratives and fight for themselves, their livelihood, and their communities through common-good bargaining tactics, circuit courts, and state legislatures.

The bolder route offers few assurances. When teachers take professional concerns to the political arena—placing stagnant wages in context and highlighting the severity of student needs and the pressures on overcrowded classrooms—critics easily assert that educators have stepped out of their lane. Teachers expend greater energy moving advocacy beyond the walls of their classrooms, only to face more personal and prolific attacks. Yet, stuck between poor options, teachers' unions have recently signaled an increased willingness to embrace the bolder vision.

In 2012, Chicago teachers staged a seven-day strike in protest of Mayor Rahm Emanuel's efforts to institute longer school days and encourage charter school expansion. The mayor's efforts sat alongside the state legislature's new statute raising the threshold for a strike authorization vote to 75 percent (counting members who do not vote

as “no” votes).¹⁰ The Chicago teachers put their reputation on the line and ended the standoff via compromise. In the contract eventually secured, both sides agreed to merit-based evaluations and pay, school-day extensions, and holds on cuts to health plans. In negotiations two years later, union leaders held their ground on these issues and pushed forward, securing promises to increase student access to mental health services and expand after-school programs.¹¹

In December 2018, hundreds of teachers from Chicago’s Acero charter school network walked off the job over negotiations for more favorable terms on class sizes, the length of the school day and year, staffing, and pay scales. The first charter school teachers in the nation to strike, Acero educators also took a stand on much larger concerns, according to Professor Robert Bruno at the University of Illinois at Urbana-Champaign. Charter school teachers are “no longer going to serve as this escape hatch for big-city mayors and school boards or investors or people who are critical of the public schools. It isn’t going to be a low-wage workplace. It isn’t going to be a place where teachers don’t have a voice.”¹²

In Minnesota, union work strikes a similar tone. In this book, I highlight teachers’ recent unionization efforts in two Saint Paul (hereafter abbreviated as “St. Paul”) charter schools and describe concurrent work by union leaders from the Minneapolis Federation of Teachers (MFT) to become an independent charter school authorizer responsible for its own portfolio of charter schools. I then detail recent negotiations among urban, suburban, and rural educators throughout southeastern Minnesota. The picture I paint challenges anti-union narratives, which tend to privilege *either* teachers and unions *or* parents and autonomous schools. These narratives claim that unions are an anachronism, born of an earlier era of less economic competition and more primitive learning technology, when educated women lacked opportunities for good jobs outside of teaching. Unionization efforts and union work in both the charter sector and a range of traditional public schools show that today’s unions offer services both vital and varied.¹³

St. Paul charter school teachers’ unionization campaigns highlight teachers’ desire to shape their working conditions. These campaigns also accentuate the essential roles that competitive salary and benefits and sustainable working conditions (e.g., predictable and limited

classroom hours, dedicated preparation time, limits on class size) play in maintaining strong schools.

St. Paul's traditional public school teachers' union, the St. Paul Federation of Teachers (SPFT), has been "bargaining for the common good" since the lead-up to its 2012 contract. *Author's Note: The St. Paul Federation of Teachers has since changed its name to the St. Paul Federation of Educators. We have retained its former name in this book to preserve the historical context.*

In concert with parents and community leaders, SPFT has worked toward "the schools St. Paul students deserve." SPFT members staged walk-ins, organized social media campaigns, and threatened to strike to secure guarantees of reduced class size ranges and testing, support for a new approach to student discipline (restorative justice), and promises of greater access to nurses, librarians, counselors, and social workers.¹⁴ In acknowledgment of the burdens that St. Paul families faced, St. Paul teachers, in their 2016 contract, pushed the district to halt business with banks that foreclosed on district families throughout the school year.

Teachers in suburban and rural districts throughout southeastern Minnesota have also pursued creative solutions to shared challenges. In one rural district, teachers paid for several staff members through union dues, to ensure high-quality coaching and professional development. In several other districts, teachers and administrators worked together to develop plans for self-insurance to combat rising health-care costs and safeguard essential benefits. In a wide variety of districts, "by expanding their bargaining demands beyond wages and benefits, unions are recognizing that they can more fully support, and engage their community partners—and get those community groups to support them in return."¹⁵

Teachers in 2019 are asked to meet an ever-growing list of demands—performing the work of nurse, counselor, mentor, coach, and parent figure—with inadequate and stagnant resources. In many districts throughout the country, a majority of students are eligible to receive free or reduced-price lunch.¹⁶ In districts large and small, racial isolation appears to be replacing decades of work toward integration.¹⁷ Teachers are asked to overcome these obstacles even though public investment in schools trails pre-recession (2008) support.¹⁸

In this crippling context, unions face an existential threat. Because of the Supreme Court's 2018 *Janus v. AFSCME* decision, unions no longer have legal recourse to discourage free-riding, fair-weather friends. Now, union leaders at all levels of government will have to reroute limited resources toward member recruitment, and away from campaigns for living wages, restorative justice, and the technology and public health services that their student populations demand.

Some union members will withdraw support for their local union affiliate because they disagree with their union's stance on a variety of issues. More potential hemorrhaging will come down to basic economics. Teachers are not wealthy. They pay or take out costly student loans to work toward professional degrees that earn them slim paychecks. Their health and retirement benefits, like those of most Americans, are in perpetual decline. Newcomers to the profession or those struggling to support a family may instinctively hold tight to every dollar and find it easier to buttress take-home pay than to engage the larger collective endeavor I describe here.

But those who hope that union decline is a foregone conclusion of the high court's recent ruling ignore teachers' base motivation. When educators enter their profession, they know about stagnant wages, large class sizes, and frozen and disappearing benefits. They do not sign employment contracts in declining districts in the hope of earning six-figure salaries. They enter public schools because they care about kids. They prepare lesson plans, grade papers on nights and weekends, and reach out to support students and families because they believe in creating systems that meet the needs of all students and communities. And the majority of teachers support their local union's work.¹⁹

If teachers can continue on the trajectory established in 2012, when Chicago educators took to the streets to demand better learning conditions for the diverse students they served, they can regain the support of communities across the country. Richard Kahlenberg, an authority on teachers' unions and labor organizing, writes:

Teachers' unions are by no means perfect, but they are an essential instrument for democratizing the inner workings of schools, and . . . for fending off efforts to privatize our system of public education. For most Americans, pursuing those

democratic goals is not incompatible with effective schooling, but rather a crowning glory of our educational system.²⁰

If unions can engage the communities they serve, together the unions and communities can push for the schools students deserve.

My Background and Biases

In August 2005, I graduated from college and signed on as a Teach for America (TFA) corps member, somewhat inadvertently joining a new push in the standards and accountability reform movement. When I walked into my own second-grade classroom for the first time, there were no books on the shelves, and the walls were bare. There were no desks, no chairs, and nothing else that would distinguish the space from a storage closet. Suddenly, I felt dizzy, unprepared, and overwhelmed.

In the weeks and months that followed, I drove all over the California Bay Area in search of free or affordable books to stock a classroom library and wrote thousands of dollars' worth of grants to buy basic essentials, such as pencils, paper, crayons, and glue (I also splurged on paleontology kits for a unit on dinosaurs). I found myself at my wits' end in January 2006, when I ran out of the seven hundred photocopies I was allotted to differentiate instruction throughout the spring semester and was forced to continually dip into my personal budget to meet the demands of my scripted curriculum and the individual needs of my emergent readers. I sought help and support from my students' parents, only to discover that they would need to pay \$75 each to get their fingerprints taken to qualify as classroom volunteers. Every single one of my students qualified for free breakfast and lunch, and most of their parents worked two or three jobs just to get by. What may have seemed like insignificant obstacles elsewhere were treacherous mountain ranges for members of this community to overcome. With no resources, support, or clout, I began to understand that the issues and problems my students and I faced were issues of policy and power.

As a University of Wisconsin–Madison (UW–Madison) Ph.D. student in political science, I explored policy design, school choice mechanisms, and then, through an Institute for Education Sciences

fellowship, teachers and their unions. At the University of Washington's Center for Education Data and Research, I assisted in teacher assignment for the Gates Foundation's Measurement of Effective Teaching (MET) project—the \$575 million endeavor (mentioned at the beginning of this chapter) aimed at creating data systems to identify and reward the teachers who were most effective at improving student academic achievement. Next, I began a long-term collaboration designed to assess the relationship between teachers' contract provisions and the distribution of teacher talent. Each of these experiences—teaching in my own second-grade classroom, my University of Wisconsin–Madison education, and my research opportunities—has paved the way for the current exploration, but local events proved the ultimate catalyst.

In the fall of 2012, I joined the Macalester College faculty as an assistant professor of political science. A year and a half later, as I was preparing to teach a survey course on education policy, teachers at a small charter school nearby mustered the votes to form a union. Within six months, another local charter school registered an intent to organize, and just an hour north, the nation's first union-sponsored charter school authorizers opened their first elementary school's doors. Though I had a new infant and several research projects underway, I could not ignore the serendipitous merger between what I had always viewed as separate research portfolios—teachers' unions and school choice.

I began by concurrently questioning local union catalysts and collecting and objectively assessing the contents of local charter schools' collective bargaining agreements on the basis of precedent set by colleagues in economics, political science, and law. Initial conversations with teachers and a review of contracts prompted a broader analysis of union work. So I methodically developed interview materials and shepherded them through my college's Institutional Review Board, recruited and scheduled interviews with teachers throughout Minnesota's southeastern corner, and carefully and objectively searched for patterns and themes in interview transcripts. I combed through newspaper articles and white papers to recreate time lines and broaden perspective on the events I highlight in the chapters that follow.

In the months, then years, in which these interviews and analyses unfolded, I felt impelled to move beyond an objective supplement to the dominant characterization of unions. In tracking interview subjects and engaging diverse conversations, I have learned that the items on

my professional resume—Teach for America, Gates Foundation, policy think tank, doctorate—signal a skeptical, neoliberal education reformer. But my personal experiences—K–12 public school attendant, daughter of a public health nurse, student and teacher at a liberal arts college, public elementary school teacher, graduate of UW-Madison (the site of the most successful union backlash in modern U.S. history), parent of public school children in St. Paul—add important nuance to this perspective.

The 2016 presidential election and the 2018 Supreme Court *Janus v. AFSCME* decision led to the reversal of a forty-year precedent enabling fair-share collective bargaining fees in the name of labor peace. These political events, along with the conversations and study noted in the paragraphs above, have forced me to carefully consider both the feasibility and consequences of “objective” scholarship.

Union critics would have us believe that we can invest limited resources either in higher pay and better working conditions for teachers or more directly in students (I am not sure what this looks like, since so much of what schools can accomplish is based on relationships, socialization, and human services), but I believe we can and must invest in the people and structures that support student learning and engagement. Deep cuts in public school funding following the 2008 great recession, alarming levels of racial segregation, rising income inequality, and unstoppable demographic trends put increasing pressure on public school districts, classrooms, and teachers.²¹ We know that labor has played an invaluable role in leveling the playing field for working Americans. Teachers’ working conditions are children’s learning conditions, and when we show that we value and believe in teachers, we reinvest in the idea that public education can be a great equalizer—a path to prosperity.²²

This book is a diagnosis and a prescription that I make as both a trained social science researcher and a concerned citizen. My claims are inevitably shaped by my experiences and the structures and institutions through which they unfold.

Plan of the Book

Those unfamiliar with the nuances of union activity and organization often assume that the teachers’ union is a single entity—a large, well-resourced body that represents the views of all teachers, if not

nationwide, at least state-by-state. Even some teachers do not realize that today two separate organizations—the National Education Association (NEA) and the American Federation of Teachers (AFT)—sponsor thousands of state and local affiliates that represent rank-and-file educators in contract negotiations and in the political arena.

In Chapter 2, which completes Part I, I introduce the NEA and the AFT, the nation's largest teachers' unions. The work of these organizations and the campaigns of their leaders and affiliates show that "the union" is a collection of nebulous and dynamic entities attempting to advance members' desire for professional recognition and status in often large, unwieldy bureaucracies struggling to balance excellence, equity, and efficiency.

In Part II (Chapters 3–5), I pivot to an exploration of unionization efforts and union influence in Twin Cities charter schools that challenges the public's common understanding of both unions and reform. In Chapter 3, I contrast unionization efforts in two St. Paul charter schools. Teachers at the Twin Cities German Immersion School (TCGIS) voted to form a bargaining unit in 2014. These teachers' efforts were initially dismissed as those of "German-born educators who enjoyed better working conditions in their home country," but six months later, teachers at a predominantly Hmong St. Paul charter school (Community School of Excellence) "that has faced allegations of financial misdeeds and retaliatory employment practices" also voted overwhelmingly to unionize.²³ Interviews with teachers at both sites reveal institutions in which administrative flexibility trumps teacher voice. Teachers in the charter sector, like their traditional public school peers, express a desire for opportunities to innovate, job security, a voice in school operations, and decent pay.

In Chapter 4, I offer an in-depth analysis of the collective bargaining agreements from the two recently unionized St. Paul charter schools. The contracts bargained in both locations reflect teachers' bargaining context and priorities. Teachers at each St. Paul charter school work to secure voice, stability, and professional compensation, priorities long held by traditional public school teachers. They do so, however, through relatively "thin" contracts that may either represent an initial bargaining point in what will become a more expansive document or a more flexible approach to administrative purview than that taken in traditional public schools.

I close out my exploration of unionization in the charter sector in Chapter 5 with an examination of the nation's first charter school authorizer fueled by union contributions. Most early charter school laws throughout the country allowed only school districts and state boards of education to sponsor charter schools.²⁴ Today, a variety of entities—universities, nonprofits, and single-purpose boards—are eligible to approve and monitor charter schools in over a third of states with charter school statutes. In 2011, a pair of MFT leaders received financial backing from the AFT, the nation's second-largest teachers' union, to form the Minnesota Guild. The Guild endeavored to support union leaders' original vision of charter schools as teachers' laboratories of innovation, but interviews with board members and Guild school teachers suggest that authorizers were ill-positioned to influence the people and practices necessary to encourage teacher-centered reform. Each of these chapters complicates reductionist views that suggest unionization and education reform are incompatible and privilege the latter over the former.

In Part III (Chapters 6–9), I entertain broader questions about the role of the union. My assessment of the “state of the union” begins in Chapter 6. There, I dissect and augment coverage of the Saint Paul Federation of Teachers (SPFT) near strike in early 2018 and share highlights from discussions with local union leaders from suburban and rural districts throughout southeastern Minnesota. My interviews and analysis demonstrate that union work is often driven by a long-run vision of sustainable public systems. Teacher organization extends well beyond labor rights. Many teachers bargain for support as professionals and for social justice, with the communities they serve.

In Chapter 7, I explain the financial context in which teachers work. I begin with a primer on school finance and then describe several waves of finance reform in Minnesota. Next, I describe the Saint Paul Federation of Teachers' multifaceted attempts (state-level lobbying, corporate lobbying, nonprofit pressuring, and collective bargaining) to bridge long-standing funding chasms and challenge state and local leaders' “scarcity myth.” SPFT's work illustrates the obstacles teachers across the country confront in the face of stagnant public investments in schools.

Minnesota consistently ranks near the top of the country when it comes to student achievement in reading and math, but it also

registers some of the largest racial achievement gaps in the country.²⁵ In Minnesota, students of color are expelled at higher rates than their non-minority peers, African American boys are enrolled in special education at alarming rates, and far fewer than expected minority students are placed in gifted and talented programs that might offer pathways to higher education and steady employment.

In Chapter 8, I highlight the union role in several critical moments in the complicated history of race and American public schools. I then compare and contrast well-intentioned proposals by both the St. Paul school district leaders and unions to confront “the problem we all live with.” My account exposes the enormous and systemic difficulties inherent in teachers’ and the public’s commitments to equity, sustainability, and professionalism.

In Chapter 9, I conclude by describing and acknowledging the Supreme Court’s recent about-face in *Janus v. AFSCME*. I discuss possible solutions to a “collective action problem of nightmarish proportions” and opine on union prospects to pivot toward the political arena, drawing strength from the communities and families teachers serve.²⁶