

Teachers Unions in America: Are they Helping or Hurting Our Education System?

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I. INTRODUCTION

One of the largest and most controversial topics in our nation has been and will continue to be education, primarily what is wrong with education in America and how do we fix it. It is no surprise that there are many problems with our education system in America. It seems that the problems with our education system have become more publicized in recent years. We have always known that there are common problems with education such as lack of funding, bad teachers, overcrowding, low test and comprehension scores, high dropout rates etc. However, in recent years we have been made aware of several reasons why these problems exist and why they have gotten worse. I realized that there was a reoccurring theme when talking about the problems of education in this country and the impediments to national reform- teachers unions. I was astounded to learn that teachers' unions were one of the largest problems with our education system and hesitant to believe that organizations theoretically entrusted to improve our education system was in fact hurting it. The number of active teacher unions in this country is astonishing. Every major city or school district has their own union which is usually an affiliate of a larger national union. Every union varies from city to city and state to state in their specific objectives and membership goals. However, the primary goals and ideals of those unions are adopted and centralized in the nation's two largest teachers' unions- the National Education Association and the American Federation of Teachers. This paper will focus on these two specific unions. This paper will first provide a background of how these unions began and how they have come to shape education in our nation today. Secondly, this paper will discuss how these teacher unions are affecting education today and whether it is aiding or hindering education reform. Lastly, I

will offer several recommendations I believe will alter, and hopefully improve, the relationship between teacher unions and school districts in order to better improve the quality of education in America.

II. HISTORY OF TEACHERS UNIONS IN AMERICA AND HOW THEY HAVE EVOLVED

A. THEIR INCEPTION

The National Education Association (NEA) began in 1857 with the intent of uniting several teachers' associations across the country under one voice.¹ That voice was guided by the teachers' message to reform and expand education.² The NEA successfully lobbied Congress to establish a federal Department of Education in 1867.³ The association reflected the growing changes that were occurring in our country at the time. For example, in 1866 it allowed women membership to the NEA and helped raise federal aid to rebuild schools in the southern states after the civil war.⁴ The NEA at that time was called the National Teachers Association but was changed to NEA in 1870.⁵ The NEA also addressed serious societal and educational issues at the time by advocating against child labor and the isolation and compelled assimilation of American Indian children in reservation schools.⁶ One of the biggest issues that NEA advocated for during the early 1900's was increased teacher salaries, tenures, and pensions.⁷ Teacher salaries were extremely low but their roles as educators continued to grow through expanded curriculums, increased paperwork and testing, and expanded multicultural and multilingual classrooms.⁸

¹ Sabrina Holcomb, *Answering the Call: A History of the National Education Association Part I*, NEA TODAY MAGAZINE, Jan. 2006, available at <http://www.nea.org/home/11608.htm>.

² *Id.*

³ Sabrina Holcomb, *Answering the Call: A History of the National Education Association Part II*, NEA TODAY MAGAZINE, Feb. 2006, available at <http://www.nea.org/home/12172.htm>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Sabrina Holcomb, *Answering the Call: A History of the National Education Association Part III*, NEA TODAY MAGAZINE, Mar. 2006, available at <http://www.nea.org/home/12241.htm>.

Many teachers left the profession for these reasons and the NEA sought ways to keep retain their teachers and protect their interests.⁹ The NEA continued however to advocate for integrated schools and equality of education for all students throughout the 20th century leading the way for hallmark cases such as *Brown v. Board of Education*.¹⁰ The NEA merged with the American Teachers Association (ATA) in 1966.¹¹ The ATA had long been established as an organization dedicated to improving black schools and held some of the most notable black educators in the nation.¹² This merger paved the way for the NEA to become one of the largest and most influential teacher unions in the country.¹³

The American Federation of Teachers (AFT) began in 1916 and grew quickly despite teacher intimidation to resign from the union by school boards.¹⁴ The AFT fought for tenure laws and the protection of teachers' academic freedom following World War I.¹⁵ The AFT, like the NEA, also strongly advocated for increased teacher salaries, equality of education among all students and job security because teachers were being dismissed for their association with the union or for their personal political beliefs.¹⁶ The AFT became a leader in collective bargaining agreements between teachers and school boards and advocated extensively for teacher tenure.¹⁷ Since the time of their inception, the AFT has focused on reasonable hours and pay for teachers, tenure, collective bargaining, civil rights and education reform.¹⁸

⁹ *Id.*

¹⁰ *Id.*

¹¹ Sabrina Holcomb, *Answering the Call: A History of the National Education Association Part IV*, NEA TODAY MAGAZINE, Apr. 2006, available at <http://www.nea.org/home/12372.htm>.

¹² National Education Association, *The American Teachers Association*, <http://www.nea.org/home/11174.htm> (last visited May 9, 2012).

¹³ See Holcomb *supra* note 11.

¹⁴ American Federation of Teachers, *AFT History*, <http://www.aft.org/about/history/> (last visited May 9, 2012).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ American Federation of Teachers, *AFT History*, <http://www.aft.org/about/history/page3.cfm> (last visited May 9, 2012).

B. TEACHER UNIONS TODAY

Teacher unions have drastically grown in membership and political influence over the past decades. They have acquired a vast amount of resources that they have learned to use to their advantage such as using their funds to affect political elections and influence the agendas of those key decision makers and school districts.¹⁹ Through the years these unions have reached membership numbers in the millions, with the NEA reporting 3.2 million members.²⁰ The reach of these two primary teacher unions is seen in the fact that together they represent more than 80 percent of public school teachers in America.²¹ Teacher unions have become one of, if not the most, influential forces in American education.²²

With an expanded membership and increased political influence the objectives of the NEA and the AFT have also evolved over the decades. The rise of collective bargaining among unions shifted perspective for teachers' by giving them the opportunity to obtain their interests, and specifically those of its educators, through negotiations with school administrators. Collective bargaining issues in the mid-20th century were primarily focused on working conditions and equal pay.²³ While these issues remain on the forefront of teacher contract negotiations today, an emphasis has shifted from equality to security. There is an emphasis now for teachers to maintain their jobs as educators as evidenced through the demand for a continuance of teacher tenure.²⁴ Tenure began, and seemed necessary, in the early 20th century when well qualified and quality educators were at risk of losing their teaching credentials for any

¹⁹ Thomas Toch, *Teacher Unions Are Dead! Long Live Teacher Unions!*, 92 PHI DELTA KAPPAN 72 (2010).

²⁰ National Education Association, *NEA's Vision, Mission, and Values*, <http://www.nea.org/home/19583.htm> (last visited May 9, 2012).

²¹ Julia E. Koppich, *Teacher Unions and New Forms of Teacher Compensation*, 91 PHI DELTA KAPPAN 22, 23 (2010).

²² Toch, *supra* note 19.

²³ Timothy D. Edmonds, *Contracting Away Success: The Way Teacher Collective Bargaining Agreements Are Undermining the Education of America's Children*, 2 COLUM. J. RACE & L. 199, 207-08 (2012).

²⁴ Rose Garrett, *What Is Teacher Tenure?*, EDUCATION.COM, <http://www.education.com/magazine/article/what-is-teacher-tenure/> (last visited May 10, 2012).

unjustifiable reason such as their political affiliations, racial and personal biases or even their research and teaching curricula.²⁵ For a professor to be granted tenure they must undergo an intensive process of thorough review after several years teaching with a university.²⁶ Not so with a public school educator who can receive tenure after a few short years with a school regardless of whether they have been properly evaluated beforehand.²⁷

The relationship that teacher unions have with school districts nowadays is adverse to say the least.²⁸ There are mandatory bargaining issues that teachers and school districts must decide on beforehand such as compensation, hours of working, teacher assignment, class size, pension, and healthcare benefits.²⁹ States that prohibit collective bargaining, such as Texas, limit administrative discretion when forming teacher contracts on important issues such as minimum salaries and probationary clauses.³⁰ In recent years, perhaps due to the rising tension between school administration and the teacher unions, eight states have passed laws allowing student achievement to affect teacher evaluation, seven states placed additional conditions on teacher tenure and six limited the role of seniority in layoff decision making.³¹

III. AN OBJECTIVE WEIGHING OF TEACHERS UNIONS AND THEIR IMPACT ON EDUCATION

A. HOW TEACHERS UNIONS ARE ADVANCING EDUCATION REFORM

A lot has been circulated in recent years about how teachers' unions have stalled education reform by constantly coming at odds with school district about teacher wages, accountability and tenure. However, these unions have been able to mobilize and influence education reform in past decades in ways that are astounding. Teacher unions advance student

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ William S. Koski, *Teacher Collective Bargaining, Teacher Quality, and the Teacher Quality Gap: Toward a Policy Analytic Framework*, 6 HARV. L. & POL'Y REV. 67, 68-69 (2012).

²⁹ *Id.* at 71.

³⁰ *Id.* at 72.

³¹ *Id.*

success by creating a fairly paid, stable and satisfied work force that encourages teacher participation and training.³² The NEA for example, is advocating for relaxing state guidelines and ultimately abolishing No Child Left Behind³³ and has been outspoken about the recent federal cuts in education funding.³⁴ They have taken on current problems within our schools such as bullying³⁵ and have long advocated to make college more affordable by lowering tuition costs and lobbying to reduce college loan interests rates from climbing in recent years.³⁶ The positive work these unions do for advancing education in this country is evident and anything short of a triumphant success for the students they teach.

B. HOW TEACHERS UNIONS ARE HINDERING EDUCATION REFORM

Teachers' unions can also be said to hinder education reform by misallocating the scarce resources of schools into teachers and their contracts and by protecting bad teachers through the grant of teacher tenures.³⁷ Teacher unions advance the notion of mandating teacher tenure within public schools.³⁸ This is problematic and controversial because it severely inhibits many school districts from effectively evaluating their teachers and from dismissing them for performing poorly.³⁹ No one should feel as if they are entitled to their jobs even if their ability to perform well at it is subpar. In this current economic climate, individuals are required even more to earn their jobs and demonstrate that they have the necessary skills to perform well and succeed. Teachers especially need to understand that teaching children is a privilege, that

³² *Id.* at 76.

³³ National Education Association, *No Child Left Behind Act (NCLB)*, <http://www.nea.org/home/NoChildLeftBehindAct.html> (last visited May 9, 2012).

³⁴ National Education Association, *Education Funding*, <http://www.nea.org/home/1019.htm> (last visited May 9, 2012).

³⁵ National Education Association, *NEA's Bully Free: It Starts With Me*, <http://www.nea.org/home/NEABullyFreeSchools.html> (last visited May 9, 2012).

³⁶ National Education Association, *College Affordability*, <http://www.nea.org/home/17502.htm> (last visited May 9, 2012).

³⁷ Koski, *supra* note 28, at 76.

³⁸ *Id.* at 68.

³⁹ Garrett, *supra* note 24.

parents entrust their children and the future of their children's education to teachers. Every year students obtain education degrees and are eager to begin teaching children and enthusiastic about inspiring our youth.⁴⁰ Meanwhile, we have some teachers that simply are not good at their jobs and lack enthusiasm, to say the very least, about their roles as educators. Teacher tenure makes it possible for poor performing teachers' to prolong the process of dismissal by the use of bureaucratic hurdles.⁴¹ It is no secret that being an educator is perhaps one of the hardest and most stressful jobs someone may undertake and it is typical to witness the level of frustration that our teachers in America face, but our students deserve better. In an age when our children are not being taught the essential skills and knowledge to prepare them for a four year college the need for higher quality educators becomes even more pressing.

Teacher unions also hinder effective teacher evaluations.⁴² Teacher evaluations, disciplinary procedures and terminations are largely governed by state statute.⁴³ Teachers must be given notice of the observation and an opportunity to reschedule.⁴⁴ Even when teachers are given poor ratings on their evaluations, school administrators cannot terminate a teachers' employment or immediately remove them from the classroom.⁴⁵ Teachers that have been granted tenure are given the opportunity to schedule formal meetings, often with a union representative present, and draft lengthy responses to their negative evaluations which inevitably prolongs the process of terminating that teacher.⁴⁶ This process is often prolonged to the extent that a school may not pursue a termination that it would deem borderline offensive and instead

⁴⁰ See Toch, *supra* note 19, at 72-73.

⁴¹ Garrett, *supra* note 24.

⁴² See Koski, *supra* note 28, at 73, 86.

⁴³ *Id.* at 73.

⁴⁴ *Id.* at 74.

⁴⁵ *Id.*

⁴⁶ *Id.*

primarily focus on removing teachers whose actions are so heinous that a dismissal is mandated and carried out to the very end.⁴⁷

Teacher unions in some ways have lost sight of their original purpose and to their detriment have begun to protect teachers at the cost of protecting their students.⁴⁸ Teacher unions have grown in resources and size and have a major advantage over school districts and parents.⁴⁹ With such a slant in bargaining power it is no wonder that teachers' unions have been controversial and negatively perceived in America. This tension demands that teacher unions and school districts work in a more cooperative manner for true education reform to occur.

IV. Recommendations

There are many problems with our education system in America. It becomes more and more evident that these problems will not be fixed within one presidential term, nor can they be fixed with one simple legislative act. It appears that the only way to solve the education crisis in our country is for bipartisan comprehensive reform. Problems with funding, dropout rates, and low reading and math scores, among other things need to be seriously addressed. However, many of the problems that exist can be improved by repairing the relationship that teacher unions have with their school districts.

One of the most important issues teacher unions can address to improve the quality of education in America is to disallow teacher tenure. When teacher unions disallow tenure the ability of schools to effectively evaluate their teachers opens up. Teacher unions need to allow for more thorough and periodic teacher evaluations and increase accountability and training

⁴⁷ *See id.*

⁴⁸ *See id.* at 76-78.

⁴⁹ *Id.* at 77.

among its members.⁵⁰ School districts should be able to evaluate its teachers effectively regardless of the amount of time a teacher has been employed for them.⁵¹ Teachers should also be held accountable to those evaluations even if they have been granted tenure.⁵² Students need to keep pace with ambitious ever increasing learning standards and those teachers need to be able to help those students in measurable ways.⁵³ The AFT has already awarded grants to some of its local chapters that are helping in designing new evaluation systems.⁵⁴ Those evaluations however, should actually play a vital role in the teachers' employment.⁵⁵ For example, the District of Columbia Public Schools has implemented a new teacher evaluation system in which the highly effective teachers were given bonuses and the ineffective teachers were dismissed or are on probation.⁵⁶

Teacher unions possess and contribute in so many positive ways toward education reform.⁵⁷ Unfortunately, they are seen as an impediment to reform in recent years due to a number of critical attacks by politicians.⁵⁸ The AFT and NEA pushed for major advancements in education during the 19th and 20th centuries that fundamentally improved the quality of education in insurmountable ways.⁵⁹ The most important and inhibiting factor about these unions are their contracts permitting teacher tenure and merit pay.⁶⁰ Albert Shanker, the AFT president during the late 1900's supported peer review plans in which teachers evaluated each other and agreed

⁵⁰ THE NEW TEACHER PROJECT, *TEACHER EVALUATION 2.0* at 1 (2010), *available at* <http://tntp.org/assets/documents/Teacher-Evaluation-Oct10F.pdf?files/Teacher-Evaluation-Oct10F.pdf>.

⁵¹ *Id.* at 8.

⁵² *Id.*

⁵³ *Id.* at 2.

⁵⁴ *Id.* at 1.

⁵⁵ *Id.* at 2.

⁵⁶ *Id.* at 6.

⁵⁷ Richard Kahlenberg, *A World Without Teacher Unions?*, THE AMERICAN PROSPECT (Sept. 3, 2007), *available at* <http://prospect.org/article/world-without-teacher-unions>.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

that the practice of protecting bad teachers should not be condoned.⁶¹ Shanker even instituted a form of merit pay which allowed for highly accomplished and qualified teachers to earn more than their less accomplished counterparts.⁶² The real problem is that while many teacher unions favor getting rid of bad teachers and some form of merit pay, many others still do not.⁶³

While the union may have one view as to teacher accountability at the national level, many teacher union chapters have failed to adopt teacher accountability standards and have put the interests of the teachers before those of the students.⁶⁴ When this is done it creates a backlash against all teacher unions labeling the organization as some sort of corrupt social interest group.⁶⁵ When teacher unions are attacked as a special interest group primarily focused on protecting bad teachers and avoiding accountability it harms the overall message and ideology of the organization which is the promotion and advancement of a quality education for all children.⁶⁶ It should remain important in the minds of all those who also support such an ideology that teacher unions were and continue to be a positive force within education reform and abolishing these unions will do little to improve our education system.⁶⁷

Teacher unions generally do promote the well-being of students by demanding a safe school environment, broadening teaching methods and leading a reform against incomparable standardized test scores and student achievement.⁶⁸ I do not recommend nor encourage the notion that teachers' unions should be abolished or that they should lose their collective bargaining rights. Collective negotiating and the threat of economic retaliation is what

⁶¹ *Id.*

⁶² *Id.*

⁶³ Richard D. Kahlenberg, *Scapegoating*, THE NEW REPUBLIC (Aug. 25, 2011), <http://www.tnr.com/book/review/special-interest-terry-moe>.

⁶⁴ Kahlenberg, *supra* note 57.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Koski, *supra* note 28, at 77.

ultimately allowed unions to gain major advances in education reform and continue to do so.⁶⁹ The problem with using special interest advocacy to advance education reform is that often the needs and interests of the union do not align with those of children and using threatening and divisive political and economic tools to gain leverage loses the transparency and pureness that should surround education and the well-being of children. In other words, there is something about the very nature of our schools and the institutions which we entrust with the education and protection of our children that demands legitimacy and decency. These qualities are compromised however when teachers' unions support tenure and lack of teacher accountability through the coercive means at their disposals. Ultimately, teacher unions do a lot more good than harm but issues such as teacher tenure, which were desperately needed in the past, have lost their necessity and now hurt education in America rather than help it.

V. Conclusion

The problems with our education system sadly do not appear to be dwindling as years pass. As the numbers of students who graduate ready to attend a four year college dwindle, as reading and math comprehension levels continue to drop while dropout rates continue to soar it becomes more and more crucial for teachers and schools to work closer together than ever before. It is no secret that one of the most essential elements needed to improve education in America are high quality teachers. Without qualified teachers the system will fail regardless of how much money or resources are given to repair it. Quality teachers are what schools, unions, parents, and students hope for yet somehow bad teachers are allowed the responsibility to teach our students and continue to stay within the educational system corrupting the system like a plague. It is only in the best interest of all parties involved for teacher unions to work more cooperatively with school districts and to place less emphasis on the teachers and instead more

⁶⁹ See *id.* at 80.

on what is best for the students. Times have changed and with that so must the objectives of these unions. Issues such as tenure are no longer needed as they were decades ago and increasingly now teacher unions have great authority and responsibility to ensure that its members are qualified, enthusiastic, and eager to provide a quality education to all students.