

The Effects of Collective Bargaining on Teacher Quality

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INTRODUCTION

Researchers finally have demonstrated what parents long have known—that teachers differ in effectiveness and that those differences can have long-lasting effects on students’ learning and life chances.¹ Although debate rages about how best to prepare teachers,² the need for good teachers is now obvious. With increasing scrutiny of students’ performance on standardized tests, there is growing concern that the quality of teachers today—as defined by subject-matter knowledge, commitment to students, and instructional success—is lower than it should be.

At the same time, there is increasing consensus about a set of goals and strategies for improving teacher quality. If all students are to be taught by effective teachers, public education need to attract large numbers of knowledgeable individuals with an interest in students and a promise for teaching. These teachers must work in the classrooms and schools where they are most needed, thus ensuring that all students will be taught by strong teachers. At the same time, schools have to become workplaces that provide sufficient resources and support so that teachers can do their best work, increase their skills, and extend their influence over time. Over time, schools should retain those who are effective in the classroom and can best exercise leadership for improved teaching and learning throughout their school. Thus, the issue of teacher quality is about who enters and who stays, how their talents and skills are used, and how their growth is supported over time.

There is far less agreement about what role, if any, teacher unions and collective bargaining should play in moving public education toward those goals. Maggie Haley, the founder of the Chicago Federation of Teachers, campaigned for better pay and

working conditions in schools by asserting that “[t]here is no possible conflict between the interest of the child and the interest of the teacher.”³ Although few would contest that some of what unions pursue on behalf of their teachers also benefits students—for example, the guarantee of a safe, well-ventilated classroom—many doubt that other union gains—such as limiting the length of a teacher’s in-school work day—take account of students’ interest. Teachers have a different relationship to students than assembly line workers to the products they make, and thus, the industrial model for labor relations, which prioritizes basic union gains in wages, hours, and working conditions, may not be appropriate for professional teachers today. Moreover, there is evidence that the generation of teachers entering schools today are less likely than their predecessors to look to their unions for conventional protections, although they do expect support in doing their jobs well.⁴ As school reformers focus on improving teacher quality, it is important to examine evidence about the role that teacher unions and collective bargaining have had in determining who teaches, how teachers are assigned, the support they receive, and how they are assessed.

The Challenge of Conducting Research on this Topic

Given the importance of this topic, there is surprisingly little research to inform those who would change the priorities of unions and the practice of collective bargaining in order to improve teacher quality. Several factors make the subject of collective bargaining difficult to study and the effects of unionism hard to trace. First, collective bargaining is a process rather than a predetermined set of outcomes. Negotiations may be adversarial in one place and collaborative in another. Some bargained agreements

constrain administrators from responsibly managing the schools, while others create opportunities for progressive change. A 1999 longitudinal analysis of 11 contracts revealed that almost half were decidedly “industrial in tone, form, and content.”⁵ They “set forth procedures for layoffs and transfers, class size limits, preparation time, and teaching loads, with little allowance for school-based decision making.” They “define[d] teachers’ roles narrowly and specif[ied] their responsibilities in surprising detail”. By contrast, three contracts in this sample were “reform” in character, “recogniz(ing) the shared interests of labor and management; affirm[ing] the importance of flexible, nonstandardized practice; and defin[ing] differentiated professional roles for teachers.” The remaining three contracts “contained new elements of reform that seem to have been appended to the old agreements without changing their overall purpose or character.”⁶ Given such variety, generalizing about the effects of unionism is imprecise and often uninformative.

Second, collective bargaining for teachers in the United States is highly decentralized. Each state decides whether its teachers have the right to bargain. Those in Michigan and 33 other states do, while those in Texas and 15 other states do not. In states where teachers can bargain, statutes and case law establish the range of issues about which the sides must or may bargain. For example, in Illinois representatives of management are required to negotiate with teachers about class size while those in Indiana may choose whether to do so. Within the same state, contracts differ widely as well, since each local district constitutes a separate bargaining unit. Thus, the New Haven and Bridgeport, CT contracts limit the number of preparations or subjects a teacher may teach, while the Hartford collective bargaining agreement makes no such

guarantees, even though all three districts bargain under the Connecticut law. Within the constraints of state law, labor and management within a district may write and sign any agreement they choose. What they actually include results from a variety of factors, including the state and local labor context, the history of labor-management relations within the district, prior contracts, current reforms, and the personalities and priorities of those participating in the process. Understanding the impact of collective bargaining on teachers and their work necessarily involves examining and explaining such differences. Thus, given the range of possible outcomes from the collective bargaining process, findings reporting its average impact offer little of use to policymakers or practitioners.

Third, because unions and school boards in many states have been negotiating and signing contracts for over 35 years, researchers today face daunting methodological problems as they try to establish and trace the effects of collective bargaining. It might have been possible in the late 1960s, when bargaining was introduced, to collect and compare data about teacher quality or student performance in unionized and non-unionized states and districts before and after unionization. However, because education officials did not systematically collect information about their teachers or student outcomes at that time, researchers today find it virtually impossible to make meaningful retrospective comparisons between unionized and non-unionized districts. This problem is further complicated by the fact that, in the decades following the institution of collective bargaining, non-union states and districts tended to copy the policies and practices of unionized settings. In an effort to ward off union organizing among their teachers and ensure that their schools would remain attractive workplaces for prospective teachers, school officials often offered salaries and working conditions that were

comparable to those recently won by teachers in nearby unionized settings. These so-called “spillover effects” quickly made it impossible to isolate and study the effects of collective bargaining in different settings.

Fourth, collective bargaining was only one of many policies that changed public schools beginning in the late 1960s. Programs such as ESEA Title I and PL 94-142 fundamentally altered the responsibilities and practices of school officials and teachers. Arthur Wise warned in *Legislated Learning*⁷ that these new policies, including collective bargaining, were leading to the bureaucratization of public education. Simultaneously, expanded career opportunities for women changed the labor market for public school teachers. Over the next two decades many women, who in the past would have routinely chosen a teaching career, instead sought work in other fields, such as engineering, banking, or law. It became nearly impossible for researchers to isolate the role of collective bargaining during this period of rapid change. Thus, those intent on studying unions’ effects on teaching must take all such changes into account and, as Samuel Johnson cautioned, not mistake “subsequence” for “consequence.”⁸

The Issues of Unions and Teacher Quality

Given these limitations in the research literature, what can be learned about the role that teacher unions and collective bargaining play in matters of teacher quality? In the following discussion, we first consider evidence about pay and working conditions, two factors known to affect who enters teaching and who chooses to stay. Does collective bargaining increase pay and improve working conditions, thus making teaching attractive to individuals who might choose different careers? Or does the teachers’ single salary

scale, which is based on longevity rather than merit, dissuade the most promising candidates and drive out the most effective teachers? We then consider two kinds of working conditions, class size and preparation time. Do contracts address these issues and, if so, do they establish conditions for better teaching? We then move to the issue of teacher assignment. Do union contracts ensure that teachers are fairly and wisely assigned to the classes they teach or do they give undue weight to teachers' preferences and seniority, thus limiting some students' access to experienced teachers? We then consider what contracts say about teacher evaluation and its relation to job decisions. Do contracts provide the framework for sound and constructive performance evaluations, or do they block schools from dismissing poor teachers? Finally, we explore the issue of professional growth. Do unions and collective bargaining dampen teachers' expectations and limit their opportunities for development, or do they create new possibilities for improvement and influence?

As will become clear, there are few certain answers to these questions in the research literature, and often there is evidence to support both sides of an issue. Often this lack of clarity is due to the limits of research. More frequently, however, it results from the tremendous variation in labor policies and practices from state to state and district to district, which precludes meaningful generalizations about the role of unions and collective bargaining in reducing or improving teacher quality. Nonetheless, an examination of the empirical evidence that is available and practices that currently exist can provide insight into the range of possible outcomes that result from collective bargaining.

PAY

Pay, which in U.S. society is tied to social status, is known to influence individuals' decisions about whether to enter and stay in teaching. Although other factors, such as working conditions, may be as important in teachers' career choices, pay has commanded the greater share of research attention, in part because data about salaries are readily available and have been reliably recorded over time. Researchers have studied whether collective bargaining affects overall pay levels and the structure of pay scales, as well as whether pay influences a school district's ability to attract and retain high-quality teachers.

The effect of collective bargaining on pay

It is widely agreed that pay affects individuals' career decisions and that an employer who can offer higher pay has the opportunity to select from a larger and stronger pool of candidates.⁹ Thus, one can argue that if collective bargaining has led to higher salaries, it has also helped school districts attract better teachers. In empirical studies designed to examine whether collective bargaining leads to higher pay, analysts have repeatedly found a positive effect. In their 1973 study, Lipsky and Drotning compared data from 696 unionized and non-unionized school districts in New York during the first year of negotiations under the Taylor Law.¹⁰ They found that bargaining had a "positive and highly significant" effect on salary changes after collective bargaining was introduced in 1967, "adding about 15 percent to salary increases."¹¹ In 1982, Baugh and Stone compared individual teachers' salary gains for 1974-1975 and 1977-1978.¹² Although they found relatively small wage gains during the early 1970s,

they concluded that by the late 1970s, the union-nonunion wage differential among teachers reached 12 percent. The problem with these estimates is that they fail to control for other developments contemporaneous with increased union activity that might also have boosted teacher salaries. For example, districts might have received increased federal funding at the same time that they unionized. In this instance, it would be impossible to determine whether salary increases were due to unionization or increased district funds. Recently, researchers have used more refined methods that have led them to conclude that the wage premium introduced by collective bargaining is lower than earlier estimates. For example, Hoxby compared the change in districts' salaries between 1972 and 1982 and between 1982 and 1992 and identified a union wage premium of 5.0 to 5.1 percent.¹³ Hoxby's methods are the most advanced of those reviewed here and come closest to identifying an unbiased estimate of the union wage premium. However, they rely heavily on assumptions that require additional substantiation.¹⁴

Teachers' pay levels

Surveys indicate that pay plays a large role in the decisions that individuals make about whether to enter the classroom. Prospective teachers surveyed by Public Agenda¹⁵ reported that low pay was an important factor in their decision not to teach. Seventy-eight percent of these recent college graduates agreed that "Teachers are seriously underpaid."¹⁶ Although the respondents did not seek great wealth, they did want to be "financially 'comfortable'" which, according to them, teaching would not allow¹⁷. As such results indicate, teachers are widely perceived to be paid less than comparable workers. Researchers generally have concluded that teachers' pay compares unfavorably with compensation in fields that require similar preparation and time. For example,

Allegretto, Corcoran, and Mishel compared teachers' overall salaries to those earned by people in similarly skilled professions and concluded that teachers' weekly earnings were, on average, 12 percent less than those of architects, nurses, and accountants.¹⁸ However, Vedder compared the hourly wages of teachers and non-teachers, counting teachers' in-school, contractual hours and excluding after-school preparation time.¹⁹ He concluded that teachers fared better than, for example, architects and civil engineers.

Although the debate about whether teachers are well paid is unresolved, scholars agree that today teachers are paid relatively less than they were in the 1980s. Summarizing research that compares trends in teachers' wages to those of other professions, Allegretto, Corcoran, and Mishel conclude that relative wages for teacher declined over the 1970s, rose slightly in the 1980s, and then declined again in the 1990s.²⁰ During the 1990s, the pay gap between teachers with a master's degree and their non-teacher counterparts nearly doubled, from \$12,918 to \$24,648.²¹ Conducted by the Educational Research Service, a recent study based on a nationally representative sample revealed that, between 1994 and 2004, teachers' salaries declined 3.4 percent, while the salaries of principals and superintendents rose.²² There are no studies available that compare these trends in unionized and non-unionized states or districts. Several studies that focus on teacher quality report that during the time that salaries decreased there was a concurrent decline in the test scores of college graduates who became teachers.²³

Economists have found that adequate pay is one factor that enables those who have chosen to teach to continue in that role.²⁴ Similarly, interview studies with current teachers suggest that, although adequate pay makes teaching affordable work, it is not an

attractor in its own right. Most teachers enter the classroom for the work they can do there, not the money they can earn. However, when poor working conditions make it hard to succeed in the classroom, teachers express more dissatisfaction with low pay.²⁵

The effect of pay on teacher quality

Even if experts agree that collective bargaining leads to increased wages for teachers, there is the subsequent question of whether better pay leads to better teachers. Loeb and Page found that states offering their teachers higher pay than female college graduates could earn in other occupations experienced higher college enrollments among their students and lower student dropout rates.²⁶ The researchers found that, adjusting for labor market and non-monetary factors, raising teachers' salaries 10 percent was associated with a three-to-four percent reduction in high school dropout rates. These positive student outcomes may reflect higher teacher quality.

However, other researchers have found that higher pay has failed to attract and retain better teachers, as measured by standardized test score and college selectivity. According to Ballou and Podgursky, increases in teachers' salaries between 1979 and 1989 did not induce college students with higher SAT scores to become education majors.²⁷ A review of studies about pay by Allegretto, Corcoran, and Mishel²⁸ revealed mixed evidence about whether increased salaries attracted teachers from more selective colleges in the short run. Overall, estimates of the effect of pay increases on teacher quality differ according to the methods and measures researchers have used.

There are at least three reasons why some empirical studies have not shown a clear link between increased pay and improved teacher quality. First, as Ballou and Podgursky argue, higher pay likely attracts and retains both high-quality and low-quality

teachers.²⁹ It is up to districts to select the strongest candidates and decide to rehire the best teachers. In previous research, Ballou concluded that such decisions were not made.³⁰ Second, as Loeb and Page explain, teacher labor markets are local, so research that fails to consider pay increases relative to the salaries offered by a district's neighbors or other local job opportunities may fail to identify the true effects of salary increases.³¹ Accordingly, Brewer found that the higher the salaries offered by a district's neighbors, the greater the attrition from that district.³² In a particularly puzzling set of findings, Figlio concluded that, as a non-unionized district's salaries increased, it could recruit teachers from more selective colleges.³³ However, this relationship did not hold for unionized districts. Figlio theorized that, among non-unionized districts, pay increases were associated with increased teacher quality because such schools had more flexibility and could pay particularly promising or effective teachers substantially more than their less stellar counterparts. However, Figlio's data permit only speculation, not verification, that this was the case.

A third reason that short-run estimates of the effect of pay on teacher quality have been mixed is that districts with poorer working conditions may offer higher salaries, or "compensating wage differentials," in an attempt to draw teachers into these districts despite particularly difficult conditions.³⁴ As Johnson³⁵, Ingersoll³⁶, and others have found, working conditions factor heavily in teachers' job decisions. In these instances, higher salaries may fail to attract and retain high-quality teachers.

The structure of pay

The single salary scale, often mistakenly thought to be the product of collective bargaining, actually was introduced decades earlier in 1921 in Denver and Des Moines.³⁷ By paying all teachers wages based solely on years of experience, the single salary scale was intended to end patronage and discrimination between black and white teachers and between lower-paid elementary teachers (most of whom were women) and higher-paid high school teachers (more of whom were men). Subsequently, the single salary scale was expanded with columns that rewarded teachers who earned academic degrees beyond the bachelor's. However, within each column on the pay scale (for example, bachelor's, bachelor's plus 30 hours, or master's) a teacher's upward movement still depended on experience, with every year bringing an automatic raise (or step increase), until the teacher reached the top of the scale.

Although the single salary scale was not the product of collective bargaining, unions largely have sought to preserve and reinforce it. Some researchers have explored its effects. Hoxby and Leigh report that collective bargaining has reduced the variation in starting salaries earned by first-year teachers, thus compressing the pay scale.³⁸ The authors conclude that, over time, this compression of starting salaries has led female teachers with higher aptitude to reject teaching as a career. However, because they restrict their sample to individuals who graduated from undergraduate institutions in the previous year, Hoxby and Leigh examine only a small sub-sample of all beginning teachers in a given year.³⁹ The authors do not explore the possibility that high-ability women may delay entry into teaching. This may, in fact, be the case, as graduates with liberal arts degrees often earn a teaching license by completing a one-year or two-year master's degree in education before beginning to teach. Thus, claims that teaching

attracts lower-caliber candidates today than in the past must account for growing numbers of new teachers who enter the classroom five or more years after they graduated from college. Recent surveys of random samples of new teachers in seven states revealed that, depending on the state, between 28 percent and 46 percent of respondents reported entering teaching at mid-career, after a substantial period of time working in another field.⁴⁰

It is clear, however, that teachers with greater opportunities outside of education are more difficult to attract and retain in the classroom. Evidence that teachers of mathematics and science leave teaching in larger numbers than other teachers suggests that they are attracted to higher paying jobs in other sectors and might remain in teaching if they could be paid more than teachers of other subjects who have do not have ready access to higher paying employment.⁴¹ In the view of some analysts, a flexible wage scale that allows districts to offer more money to teachers in fields of shortage (e.g., mathematics, science, special education and foreign languages), might efficiently use limited resources to improve the quality of the teaching force. This strategy assumes that it is pay, rather than working conditions, that can effectively induce individuals to remain in teaching. However, the nation's dramatic attrition rates among special education teachers suggest that working conditions may be at least as important as pay in teachers' decisions to leave, since these individuals exit in large numbers even though they cannot easily find jobs outside education, as mathematics and science teachers can.⁴² Overall, unions have resisted efforts to pay higher wages to teachers in high demand, although local union leaders often informally allow districts to employ such individuals at a higher step on the salary scale than the step at which teachers would normally enter.⁴³

Districts differ in how they distribute pay increases on the scale. In unionized districts, such decisions are reached through collective bargaining. A bargained pay increase of four percent applied across the scale favors more experienced teachers with higher raises, since they begin with a higher base salary. A district seeking to attract new teachers may want to front-load the salary scale rather than distribute pay increases equally, thus committing a larger share of resources to less experienced teachers at the lower steps of the pay scale. However, union leaders are typically more experienced teachers, and are thus likely to support wage increases that give greater benefit to senior members. The few studies examining the effects of pay distribution have found that higher starting salaries are associated with greater teacher retention.⁴⁴ With the retirement of many experienced union presidents, leadership in the union will likely shift to younger members, and more districts may negotiate wage settlements that assign a higher percentage of the overall raise to initial steps on the salary scale and, thus, favor those in the early years of the teaching career.

Pay as an incentive to increase teacher quality

Only a small number of districts nationwide (including unionized and non-unionized settings) have explored alternative approaches to compensation. Enthusiasm about merit pay waned in the 1970s and 1980s when districts encountered difficult philosophical, political, and logistical challenges to their efforts to identify and reward high-quality teachers.⁴⁵ At the most basic level, unions widely opposed these plans. Few programs that were instituted could reliably distinguish and document excellent teaching

and many suffered from inconsistent funding. As a result, most of the merit pay plans that did exist faltered and disappeared in the 1980s.⁴⁶

Despite the poor record of merit pay, there is growing interest today in performance-based pay for teachers. This effort is founded on the assumption that such an approach would attract individuals who seek opportunities to prove their worth and increase their pay more quickly than they could on the single salary scale. Also, advocates believe that such an approach would induce current teachers to do better work. In fact, new teachers express more interest than their veteran counterparts in experimenting with alternative pay plans, although they too raise concerns about how assessments of their performance can be even-handed.⁴⁷ Even experienced teachers are beginning to express more interest in alternative forms of pay than veterans did in previous decades.⁴⁸

The American Federation of Teachers endorsed experiments with teachers' compensation in 2002, although the National Education Association narrowly rejected a similar position in 2000. However, the issue is not simply one of union endorsement or opposition, for creating a workable plan to pay teachers on the basis of their performance is more challenging than it seems. Even advocates of performance-based pay find it difficult to devise a fair and effective strategy for rewarding individual teachers for their success, without introducing unwanted competition within schools or discouraging teachers from working with the most challenging students who are least likely to show rapid improvement. Faced with such challenges, public schools experimenting with performance-based pay have tended to rely more on school-based rewards than individual

rewards. Some reports indicate that such incentives have encouraged teacher collaboration and, by implication, the quality of instruction.⁴⁹

Many districts now supplement the salaries of teachers who achieve recognition as an “accomplished teacher” by the National Board for Professional Teaching Standards.⁵⁰ This initiative, which was proposed by AFT President Albert Shanker and subsequently supported financially by both the AFT and NEA, identifies highly effective teachers across the nation. Recently, Goldhaber and Anthony concluded on the basis of student outcomes that Board-certified teachers are more effective as teachers than applicants who do not receive Board certification.⁵¹ Thus, unions that support the process and the award of higher salaries to Board-certified teachers have signed on to an approach to pay that rewards teachers of high quality.

Denver currently is experimenting with a knowledge- and skills-based pay structure, which includes rewards for teachers based on their formal evaluations and their students’ achievement.⁵² Conceived in the 1999-2000 collective bargaining sessions, ProComp was developed jointly by the Denver Public Schools and the Denver Classroom Teachers’ Association. Piloted in 13 percent of the district’s schools over four years, this program garnered support from teachers and administrators and was approved by the DCTA in 2004. ProComp offers teachers opportunities to increase their earnings by completing relevant coursework, earning satisfactory or distinguished evaluations, and demonstrating student attainment of objectives set by teachers and principals. Teachers who receive unsatisfactory evaluations are to have their salaries frozen until they receive a satisfactory evaluation.

Additionally, teachers may receive bonuses for working in under-performing schools and in fields with a shortage of licensed teachers. Importantly, there is no limit on the number of teachers who may receive rewards, the number of bonuses teachers may qualify for in a given year, or the salary level that teachers may attain over their career. Moreover, student growth is not judged solely or even primarily on the state-mandated Colorado Student Assessment Program (CSAP) but instead on a wider range of objectives established together by teachers and administrators.

ProComp offers substantially more earning opportunity to teachers and thus costs the district more. Therefore, full implementation of ProComp depends on voters' passing a mill-levy override in November 2005. Questions remain about its implementation, such as how objectives will be calibrated across grades and schools and how busy administrators will conduct evaluations and evaluate student growth. However, Denver teachers appear optimistic about this reform. In 2003, 89 percent of them supported awarding bonuses to teachers working at schools with high-need students, a practice that most other local unions still oppose.⁵³ Moreover, ProComp is supported by a nine-year collective bargaining agreement rather than the customary three-year agreement, thus reducing the chance that this reform will be discarded in subsequent negotiations with new and, perhaps, less-invested participants.⁵⁴ (Notably, a performance-based pay plan that had been successfully bargained in Cincinnati in 2000 and was abandoned in 2002, before it was fully implemented and after the union president involved in its creation was unseated by an opponent who challenged the quality of the evaluation process on which the plan was based.) The Denver ProComp pay plan is the first in recent years to be introduced in a large U.S. school district. It has the potential to improve the quality of the

teaching force by attracting and retaining stronger and more effective teachers.

Significant challenges to its establishment exist, although organized opposition by the union is not one of them.

Research, therefore, suggests that to some degree collective bargaining influences teacher quality through pay. Studies have shown that collective bargaining leads to modest wage increases. Observational analysis reveals that pay raises have had an inconsistent effect on teacher quality, but surveys of both prospective and current teachers' indicate that sufficient pay is necessary to attract and retain them in the classroom. By offering beginning teachers wages that are reasonably competitive with those offered by other employers, schools are likely to attract more candidates to teaching. Whether schools will select the highest quality candidates in that pool is not clear. However, by ensuring that current teachers have an adequate salary, given local costs, collective bargaining may play an important role in providing high-quality teachers the basic means to remain in their job. Current enthusiasm for incentive pay suggests that new forms of compensation may motivate teachers to increase their skills once in the classroom, and several local unions have been active in devising such performance-based pay plans. As Denver's case demonstrates, it is likely that such innovations will require the joint effort of management and unions, both at the bargaining table and through their implementation.

WORKING CONDITIONS

Although pay is clearly important, it does not function alone either in drawing teachers into today's classrooms or retaining them once they are there.⁵⁵ There is

considerable evidence that working conditions for teachers affect both who enters teaching and who stays.⁵⁶ Moreover, extensive research in schools demonstrates that the workplace can spur or impede the development of effective teaching and increase the possibilities for school improvement.⁵⁷

Prospective teachers consider a range of working conditions in deciding to take a job. Some of those are directly addressed in collective bargaining, such as whether the school building is sound and functional; whether teaching assignments and load are reasonable; and whether there is time set aside to prepare for classes and to work with colleagues. Some who might become excellent teachers never consider this career option because schools—particularly those in large, urban districts—are widely portrayed as, and believed to be, inhospitable workplaces. However, those who have chosen to teach recognize how working conditions differ from school to school and district to district, and they often seek out a setting where they can do their best work. In a national study of teacher attrition and mobility, researchers found that almost a third (32.1 percent) of teachers who changed schools cited working conditions as one of the prime reasons they made the move.⁵⁸ However, much of what matters to teachers, such as the quality of the principal's leadership, lies beyond what the union can effectively address.

State laws that provide for collective bargaining all include some version of “conditions of work” among topics that must be negotiated and, thus, many of the working conditions that matter to teachers are addressed directly or indirectly in collective bargaining. However, those who bargain do not always agree about which topics are legitimate for negotiations and which should be reserved for management. Thus, sometimes school officials resist granting concessions about certain topics because

they think that the resulting contract provisions will tie their hands, making it impossible to use educational resources efficiently. However, even when the union wins assurances about more favorable working conditions, the gains may be difficult to enforce and ultimately not provide what the teachers expect.

Facilities and Resources

In deciding whether to teach, prospective teachers factor in the quality of school facilities. In reporting about influences on the quality of their work, current teachers routinely mention whether their school buildings are safe and well-maintained, and whether they have the resources they need in order to teach well. In fact, there is considerable evidence of deficiencies. The General Accounting Office documented serious deterioration of public school facilities, especially in urban school districts.⁵⁹ However, collective bargaining has had only modest effect on these conditions of work, in part because it is so costly to maintain buildings, upgrade equipment, and regularly replenish resources for instruction. But also, contract provisions about facilities, equipment, and resources tend to be general and, thus, difficult for teacher unions to enforce.

Teachers are known to spend their own money on resources for their classroom. Based on survey data collected in 2001, the National Education Association concluded that, on average, teachers that year spent \$443 each for instructional resources.⁶⁰ Another study reports that first-year elementary teachers spend an average of \$701 out of pocket for classroom materials.⁶¹ Recently, researchers reported that teachers in four school districts (Chattanooga, TN; New York, NY; Seattle, WA; and Washington, D.C.) and the

state of West Virginia listed the “lack of resources and materials” among the top five negative influences on their efficacy with students. This led researchers to conclude that “the physical condition of schools and the quality of instructional resources made a tremendous difference in the sense of efficacy that teachers felt.”⁶²

Effective teaching can be severely limited when science equipment is antiquated, roofs leak, or computers are not connected to the Internet. Moreover, the condition of schools signals to prospective and current teachers the level of regard the public holds for them and their work. Researchers who recently analyzed survey data from K-12 teachers in Washington, D.C., concluded that “facility quality” is an important predictor of teachers’ decisions to leave their current position, and that “the benefits of facilities improvement for retention can be equal to or even greater than those from pay increases.”⁶³ Whatever its importance in attracting and retaining teachers of high quality, there is little evidence that unions and collective bargaining have led to improvements in the physical aspects of teachers’ work. Some local contracts offer general guarantees. For instance, the Lawrence, MA contract stipulates that “Whenever possible, the Superintendent will provide” basic services such as “storage space” and “well-lighted lavatories.” In other districts, management has agreed to provide annual stipends for teachers to use in equipping and restocking their classrooms. The Cambridge, MA contract provides that teachers be reimbursed up to \$450 annually for money spent on instructional materials. Similarly, the Acton-Boxborough, MA contract offers \$25 per teacher per year for supplies. However, even in such cases, contract provisions do not guarantee that a teacher will have all that she needs to teach well.

Class size

Class size is a contentious issue, mandated for bargaining by some states, but not others. Teachers and their unions have long sought classes of fewer than 20-25 students, arguing that smaller classes enable them to maintain better order, respond to students' work in more detail, and differentiate instruction in response to individual students' varied learning needs.⁶⁴ There is clear evidence that class size became a growing focus of early bargaining. McDonnell and Pascal found that 20 percent of the districts they studied had class-size provisions in their contracts in 1970; by 1975, 34 percent had them.⁶⁵

Researchers have found evidence that higher class size is associated with increased teacher turnover, suggesting that schools may lose their best teachers if their classes are large.⁶⁶ However, reducing class size across a school district, even by one or two students, is very costly and until recently there was no evidence that such reductions would lead to better outcomes for students.⁶⁷ Moreover, some school officials oppose efforts to reduce class size as a union strategy to increase its membership or protect jobs, since such policies lead to a need for more teachers.

Local contracts vary in their approach to class size limits. Some require that a new class be formed when there are even one or two students beyond the negotiated maximum. The Branford, CT contract, for example, sets strict limits for class size at the elementary (28 students), middle (28 students), and high school (30 students) levels and requires a new class be formed if the size exceeds the limit by two students. Other districts set general goals for class size. For example, the school board in Lawrence, MA agrees that it will "work in good faith to reduce class size when facilities become available." In other contracts, management promises to maintain an average class size

within a school but sometimes even such guarantees have exceptions. For example, according to the Coventry, CT contract, “isolated deviations” from the mandated average of 27 students may occur, but classes are capped at 30 “insofar as possible.” It is the details of class size provisions that determine how they will affect classroom teaching, in some cases, making it manageable work, or in others, unwisely limiting the flexibility of teachers and administrators in schools to make the best possible use of teaching resources.

Because they can be very specific, contractual guarantees of class size are more likely to be enforced than less specific assurances, such as a pledge to provide sufficient instructional resources. However, bargaining about a topic does not necessarily lead to advances for teachers. In his 1979 study, Perry reported that, although all nine districts he studied had bargained about class size, the unions had “made relatively little concrete progress in achieving definite, enforceable limits on class size or in reducing those limits where they exist.”⁶⁸ He concluded that the “relative weakness” of these provisions resulted from the “substantial economic costs of reducing or even standardizing class size.”⁶⁹ Subsequent research has concluded that collective bargaining has led to lower student-teacher ratios of approximately 12 percent.⁷⁰ Public Agenda reports that 86 percent of new teachers say that reducing class size would be a “very effective” way to increase teacher quality.⁷¹ However, there is still no consensus about whether or how such changes benefit teacher quality, with proponents arguing that smaller classes attract more job candidates and permit better instruction, while opponents contend that spending money to lower class size is not the best use of scarce financial resources.

Preparation time

Many districts bargain about whether to provide non-teaching time during which teachers can prepare for class, grade papers, and meet with colleagues or parents.

Because of their teaching schedule, secondary school teachers routinely have had “prep” periods for such work, while elementary teachers have more recently won the right to such non-teaching time. As with class size, an argument can be made that having preparation time leads to improved instruction, although opponents sometimes charge that the time is unnecessary or misused. There is evidence that unionized teachers have, on average, 4 percent more preparation time than non-unionized teachers,⁷² although it is likely that this difference would be greater if there were not spillover effects, with non-unionized districts providing conditions comparable to non-union districts. Some contracts guarantee regular non-teaching time for all teachers, while others offer no such assurance. For example, the Malden, MA contract specifies that teachers will have one preparation period per day “when scheduling permits.” Some contracts specify how preparation time can or must be used. The Stonington, CT contract emphasizes that individual and group preparation should occur during this period and permits the principal to tell teachers how to use this time if she or he deems that necessary. Other districts place few constraints on teachers’ use of preparation time. The Philadelphia collective bargaining agreement gives teachers the right to “exercise their professional judgment” in determining how to use their time. There is virtually no research, however, about whether or how preparation time is used to support effective teaching.

Therefore, despite the obligation to bargain about working conditions that arguably might serve to attract and retain high-quality teachers, local contracts often fail

to address those issues or, if they do, provide only general assurances of efforts to improve, which are hard to enforce. Guarantees that teachers will work in clean, maintained, and well-ventilated classrooms are standard in many union contracts, but the realities of decrepit facilities and depleted resources suggest that budget cuts or ineffective bureaucracies limit the implementation of these provisions. Similarly, assurances that teachers will have a role in school-site governance or that they will be assigned to teach within their field of license cannot be taken at face value.

TEACHING ASSIGNMENTS

Unions often are criticized for limiting school officials' right to hire and assign the best-qualified teachers to the schools and students that most need them. This is a particular concern in low-income, low-performing schools, which often experience repeated annual turnover as teachers exercise their transfer rights and move to higher performing, more affluent schools. These teachers' vacated positions are often filled by inexperienced teachers, who are hired late in the summer. Since virtually all teacher contracts call for layoffs in reverse order of seniority within the district, these same schools are likely to lose the most teachers when enrollment declines or budget cuts reduce the teaching positions within a school. In this case, seniority determines the order of layoffs, with the most recently hired teachers being released first.

Mimicking practices in industry, unionized districts that negotiated about teacher assignment in the early years of collective bargaining typically relied on seniority to determine not only how layoffs would proceed, but which teacher could transfer to another school or, in some cases, claim a junior colleague's position. Those who support

using seniority as a criterion in job decisions note that it has the advantage of being objective, beyond the influence of favoritism or patronage. Those who oppose its use contend that seniority-based decisions ignore the needs of schools and can disrupt and undermine ongoing instructional programs. Administrators, such critics argue, should decide who will teach what and where.

Seniority has a prominent role in many union contracts—particularly those in large districts—but many other teacher contracts make no mention of seniority as a criterion in teacher assignments, or use it only in conjunction with other factors, such as formal qualifications or programmatic needs of the school. However, reliance on seniority is rooted deeply in school culture, and even when they are not obliged to do so, administrators in both bargaining and non-bargaining states use seniority to make difficult decisions that pit teacher against teacher. Teachers with more experience have traditionally been given priority in selecting the most sought-after schools, grades, subjects, and even classrooms. Sometimes such seniority rights are ensured by contract, but often they are not.

Annual staffing decisions

In staffing their schools each year, administrators in unionized districts typically complete three separate, but related, processes. First, they handle the voluntary transfer applications of permanent and provisional teachers who seek reassignment to another school. Second, they place teachers who lack a current position because they are returning from leave or have lost their position because of program cuts. Third, they hire new teachers to fill remaining vacancies. Some contracts specify the order and the

schedule by which each process must occur, as well as the role that seniority and qualifications play in how these assignments are made. Usually, schools cannot hire new teachers from outside the district until all current teachers have been assigned.

Transfers. In deciding who will be allowed to transfer from one school to another, contracts often say that seniority is to be considered along with other factors, such as qualifications or experience in the position. In some districts, the most senior applicant for a position automatically receives the job. In the extreme, contracts grant a senior teacher the right to “bump” any junior teacher from her position although very few districts currently permit bumping except in the case of layoffs. Rather, they allow senior teachers to transfer only to open positions. When such sequential bumping is permitted it has a cumulative effect, for as teachers exercise their bumping rights over time the most experienced teachers tend to move to the most attractive assignments—the wealthiest schools within a district or the most advanced classes within a department or school—leaving unwanted schools and classes with higher proportions of inexperienced teachers.⁷³ To the extent that teaching experience is positively related to effectiveness,⁷⁴ this practice is unlikely to serve students in under-performing schools and classes well. Some districts have recognized the deleterious effects of seniority-based transfers; in the current Philadelphia contract, labor and management agreed to cap at 50 percent the openings that any school may fill according to seniority.

Many local contracts allow transfers only to open positions and afford seniority little or no weight in the transfer process. Some contracts leave it to management to decide where the teachers applying for transfer will be placed; they can base their decisions on the needs of the schools, without regard to seniority. Often the role that

seniority plays is ambiguous in the contract. For example, Toledo, Ohio's contract states that "seniority. . .shall be the sole determining factor in granting transfers if qualifications are relatively equal," but the agreement does not define relevant "qualifications."

Similarly, the contract in Pinellas County, Florida states that voluntary transfers will be determined by seniority, although "it is understood that each position shall be filled by the best qualified applicant."

A contract may explicitly allow a central office administrator, principal or school-site committee to choose from among qualified applicants already employed by the district. For example, in Harrisburg, Pennsylvania, the Board must post all vacancies and any teacher may apply, but "the selection of the person to fill any vacancy . . . shall be made by the Board and its decision shall be final and not subject to the grievance process." In Rochester, New York, teachers seeking to transfer must file an application to the particular school that interests them and where an opening exists. Each school's school-based planning team then reviews the applications of teachers seeking to transfer and decides whom to interview. They then rank the candidates and can offer the position to the highest ranking candidate(s). Although seniority plays no role in voluntary transfers, seniority may be the decisive factor in subsequent placements of teachers who have been transferred involuntarily.

In Montgomery County, Maryland, seniority has little prominence. The contract asserts that it is "in the best interest of the school system and the union" both to allow teachers to "seek positions that are the best matches with skills and abilities" and to "give administrators and school staff the "most simplified, timely, and open access to the pool of internal and external candidates." As in Rochester, teachers in Montgomery County

may not bump colleagues from their positions. However, an individual who has completed at least three semesters of teaching and has “all effective ratings on his/her most recent evaluation” can seek a transfer by attending a job fair and interviewing with school-site representatives. According to the contract, a school’s interviewing team may consider an applicant’s seniority, but should not give it priority over other criteria. Once the candidate and principal agree to the move, it still must be approved by the district’s Department of Staffing. Although seniority need not be considered in selecting transfers, external candidates cannot be placed in schools until the first round of voluntary transfers, involuntary transfers, and returnees from leave have been assigned.

Assigning teachers who have no position. A second group of teachers to be placed include tenured teachers who have no current position due to a leave of absence, enrollment decline, or changes in their school’s program. Sometimes, these teachers have been forced to accept an involuntary transfer by their principal. Often, placement of these teachers is determined by seniority. Because school officials have legal obligations to these tenured teachers, they must find them a position. This can pose a serious challenge for schools in districts where teachers are routinely tenured, rarely dismissed for cause, or shuffled from school to school when they do not perform well.

Low-performing, low-income schools, which are most in need of strong teachers experience many transfers out each year, as teachers vie for positions in other, less difficult district schools. At the same time, few teachers are likely to request to transfer into such a school, because it is not seen as a good place to work. (Notably, there is tentative evidence that, holding the socioeconomic status of a school’s students constant, teachers are less likely to leave low-income schools if they are high-performing⁷⁵ or have

especially strong leadership and collegial climate).⁷⁶ Given the relatively large number of openings in unwanted schools, they are likely to receive more than “their share” of weak tenured teachers. Meanwhile, there are prospective teachers from outside the district who are on the job market and would eagerly accept difficult assignments; however, they cannot yet be hired.

The role of seniority and other factors. Strict, seniority-based transfers and re-assignments can disrupt school improvement efforts and delay hiring new teachers. Notably, however, researchers have found factors beyond collective bargaining that contribute to this delay in large, urban districts.⁷⁷ State and municipal budgets often are not approved until mid-summer, making it hard for districts to predict how many positions they will have and, thus, how many teachers they can hire. As a result, they cannot compete with nearby suburban districts for the most qualified job applicants. Second, antiquated, dysfunctional human resource offices often fail to carry out the transfer and placement of current teachers according to schedule, thereby further limiting their chance to compete for the best teachers. Some school districts are currently involved in a comprehensive overhaul of their staffing process that involves renegotiating certain provisions of the collective bargaining agreement and overhauling the human resource department. School-site hiring teams are being trained to make efficient and effective staffing decisions on behalf of their school. At the same time, district officials are requiring principals to take greater responsibility for evaluating and dismissing poor teachers, rather than transferring their problems to other schools. The Boston Public Schools (BPS) provides a good example of the changes underway in some large, urban districts.

The Boston Public Schools

Since they organized to bargain in 1966, teachers in the Boston Public Schools (BPS) have been represented by the Boston Teachers Union (BTU), an affiliate of the American Federation of Teachers. From the start, teachers held strong seniority rights. In the mid-1970s, a more experienced teacher could bump a less senior teacher from any position for which she was certified. Before 1952, teachers in Massachusetts were broadly licensed to teach all grades and subjects, and thus, in the early days of collective bargaining, a kindergarten teacher rightfully claimed a physics position at the highly competitive Boston Latin School.

However, since 1985, BPS and BTU officials have gradually reduced the prominence of seniority in staffing decisions. As a first step, they restricted bumping rights so that senior teachers could displace only non-tenured junior teachers, rather than any teacher with less seniority. In 2000 negotiations, which nearly led to a strike, principals were given the right to offer letters of “reasonable assurance” to their first-year provisional teachers, thus protecting them from being bumped.

Formerly, when teachers applied to transfer, the individual with more seniority would automatically get the position. Subsequently, through bargaining, principals gained the right to interview the three most senior applicants to their schools, thus potentially having the chance to discourage inappropriate transfers. Later, school site councils gained the right to select from among the three most senior teacher applicants for transfer and, today, they may choose among any tenured applicants. Currently, the contract permits a school to post a position for outside hiring by February 15th, when

transfers are to begin, if 60 percent of its teachers agree to that decision. Also, the school-site council may reject any transfer applicant who has received two unsatisfactory evaluations between September and February. Thus, through negotiations over time, a teacher's qualifications and fit with a position have become central to all transfer decisions, while the role of seniority and the rights of senior teachers in the voluntary transfer process have been reduced.

The assignment process for tenured teachers who lack positions (those returning from leave or those whose positions have been eliminated) also has changed dramatically in Boston. In a process called the "excess pool," such teachers once stated their preferences and were assigned to jobs in order of seniority. Schools welcomed applicants returning from leave when they were well-qualified, but they regarded many participants in the excess pool as leftovers whom the district was obliged to place. There were several problems with this process, and both principals and teachers gamed the system to achieve their ends. First, teachers who had been rated unsatisfactory and, thus, were in danger of dismissal, could place themselves in the excess pool and claim a fresh start in a new school. Meanwhile, principals, who were unwilling to conduct the formal evaluations needed to dismiss incompetent teachers could assign them to the excess pool through an involuntary transfer. Sometimes a principal persuaded a teacher to enter the excess pool and, thus, avoid an unsatisfactory evaluation. This process, informally called "the dance of the lemons," meant that the least attractive schools routinely would be staffed by large numbers of ineffective teachers. Because such receiving schools often had weak principals, they typically became the repository of incompetent teachers.

Recognizing this problem, labor and management in Boston agreed in a subsequent contract that teachers could no longer volunteer for the excess pool. If they failed to find a school that was ready to hire them through the transfer process, they could not change positions. Meanwhile, principals were prohibited from getting rid of teachers by assigning them to the excess pool, unless the teacher's position had been eliminated due to declining enrollments or a change of program. Seniority still plays a role in placing Boston teachers who are in the excess pool, in that teachers bid on openings in order of seniority and are guaranteed by contract to receive one of their three bids. However, principals and school-site councils can interview the applicants and submit their preferences to the human resource department, who make the final assignments.

In 2001, Boston's Human Resource office began to improve its operations substantially and succeeded in meeting the schedule for transfer and assignment that it had negotiated with the union. However, in 2002, budget approval was delayed, and hundreds of positions remained unfilled when school started in September. Neither the union nor school officials could intervene.

Delayed hiring. The process of approving voluntary transfers and placing teachers who have no current position can take months to complete in large, bureaucratic districts. When the staffing schedule is further slowed by sluggish personnel practices or protracted budget approval, schools can lose their chance to compete for new teachers with smaller, suburban districts. Even though school officials in nearby suburban districts also must comply with their teachers' contract, that agreement is less likely to include seniority as a prominent criterion for transfers. Personnel offices in the suburbs tend to

be smaller and thus more nimble. Also there is greater certainty about funding and enrollment from year to year.

Boston's experience over time is confirmed by the research of Useem and Farley on 14 large, urban districts nationwide, including six of the eight largest districts in the country, and nine suburban Philadelphia districts.⁷⁸ Based on interviews and document analysis, they concluded that labor and management can work together to complete transfers early, thus enabling schools to compete with other districts for the most qualified candidates and hire them in timely ways. Therefore, effective staffing of schools—particularly low-performing schools that serve low-income communities—depends on timely transfers, an open hiring process, an efficient human resource department, and attention to the needs of individual schools. If schools are to be well staffed however, not only must the contract language and central office practices support good assignments, but principals also must evaluate teachers carefully and move to dismiss those who are unsatisfactory.

EVALUATION AND DISMISSAL

Even in unionized districts, teacher evaluation remains the province of management, although many negotiated agreements lay out the process by which teachers are to be observed and assessed. It is the process of evaluation, rather than the substantive judgments that an administrator makes about a teacher's performance that can be grieved and subsequently reviewed by arbitrators or the courts. State laws generally set a higher standard for dismissing tenured than non-tenured teachers because the courts have determined that tenured teachers have a vested property right to a job under the

Fourteenth Amendment. Thus districts must provide due process for all tenured teachers who are dismissed. Some states set the higher standard of “just cause” for dismissal, which generally requires the district to document a teacher’s failure, provided adequate notice of the dismissal, followed the principles of progressive discipline, and proceeded in good faith.

Given that legal context, local contracts and unions can limit management’s success in dismissing weak teachers and improving the performance of others. First, school officials may find the negotiated procedures for reviewing teachers’ performance either reasonable or burdensome. Second, contracts may include a rating scheme that provides detailed feedback for all teachers about their performance or distinguishes only among the competent and incompetent among them. Third, union officials may decide to aggressively defend all members who receive negative evaluations, or they may do no more than protect the procedural rights of their members, as the collective bargaining laws require. Depending on how these factors add up in a district, they can contribute to a situation in which principals regularly assess all teachers and move to dismiss those who are ineffective, or one in which teacher dismissal is a contentious, politically charged event that principals rarely undertake. Each deserves further explanation.

Contracts and unions differ markedly in how they treat the evaluation process. Some require that the principal or designee conduct a set number of observations by established dates, hold pre-observation and post-observation meetings with the teacher, and submit a written evaluation within a specified period of time. An administrator’s failure to adhere to such a provision, no matter how minor the infraction, could later become the basis of a grievance. These systematic requirements are meant to ensure that

teachers will not be subjected to arbitrary or uninformed assessments, although some union critics contend that they are intended to hamstring administrators. Other agreements lay out only the general outlines of the process and reinforce the rights of management to determine how it will take place. For example, the current Unionville-Chadd's Ford, PA contract does not detail the evaluation process, instead stating that "If the employer makes any change from the evaluation system in place...the employer will inform and provide in-service training to the professional staff prior to the implementation." Depending on a principal's view of mandated deadlines, the number of teachers to be reviewed, and the quality of advice and assistance provided by district administrators, he or she may find these requirements fair or burdensome. In all cases, though, management has participated in negotiating them.

Some contracts specify the details of the observation and evaluation instrument itself, although it usually is the product of administrators' work or a joint labor-management committee in the district, rather than the give-and-take bartering of negotiations. The Minneapolis, MN contract includes an extensive, detailed form for conducting classroom visits and reporting information. Nevertheless, Minneapolis administrators clearly retain the right and responsibility to make both formative and summative judgments about a teacher's performance. Seattle's contract allows administrators to consider student achievement data in teachers' evaluations. Other contracts simply make reference to the district's evaluation instrument, including in the agreement only the procedures for evaluating a teacher's work.

Unions having an industrial rather than a reform orientation, are likely to insist on having only two ratings—satisfactory and unsatisfactory—in order to discourage more

nuanced judgments by administrators. Philadelphia is one such district. However, with increasing use of supervision and evaluation to improve all teachers' practice, some unions have advocated for exchange of information and more rating options. In 2003 Paul Toner, the union president in Cambridge, MA, initiated a plan to revise the district's evaluation instrument so that it would include five ratings (from "unsatisfactory and lack of satisfactory progress" to "high satisfactory").

Although unions often participate in establishing procedures and shaping the format of evaluations, they are widely thought to have their greatest influence on teacher quality when they defend any and all teachers who receive negative evaluations. In doing so they not only incur legal costs, but also provoke dissatisfaction among members who expect their leaders to hold higher professional standards. Districts that pursue dismissals also must invest in lawyers and commit precious administrative time to prepare for an arbitration or court case. Even so, they may ultimately lose the case because of a procedural error—a missed observation, an unsigned evaluation report.

Few critics of teacher unions realize that a union may decide not to defend all their members. In exchange for the right to bargain on behalf of the entire teaching staff of a district, a local union accepts a legal duty to fairly represent all teachers in the district. However, the AFT and NEA jointly cite case law from the private sector in explaining that this duty of fair representation "does not restrict a union from taking 'a good faith position contrary to that of some individuals whom it represents' or supporting 'the position of one group of employees against that of another.'" The union, they explain, must take an approach that is "well reasoned, fair, and in the best interests of its membership"; it cannot act toward its members in ways that are "arbitrary,

discriminatory, or in bad faith.” Thus, “a union has the discretion to refuse to process or pursue a member’s grievance, even a dismissal grievance, without violating its duty of fair representation.”⁷⁹

Privately, union leaders often explain that they have an understanding with management that they will not defend members whom they know to be weak, unless these teachers’ procedural rights are violated. In exchange, they expect principals be fair and responsible in evaluating teachers. Although few union leaders make this position public, Paul Toner, President of the Cambridge Massachusetts Teachers Association, explained it in writing for his members. Having suggested that a teacher who disagrees with an evaluation should discuss the issue with her administrator and explain her concern in writing, Toner explained: “Grieving the content of an evaluation is difficult unless it is pure fabrication or the administrator makes reference to things that are not properly part of the evaluation process. An arbitrator is not going to rewrite an administrator’s evaluation.”⁸⁰

Peer Assistance and Review

One of the most successful union initiatives regarding teacher evaluation is Peer Assistance and Review. Initiated in Toledo in 1983, this program engages teachers in the support and review of all new teachers to the district as well as experienced teachers judged to require intervention. Created jointly with management and adopted through collective bargaining, this program selects and trains a group of experienced teachers who leave their classrooms for two years to mentor and evaluate novice teachers. After one year of closely supervising new teachers’ work and modeling expert practice, the peer reviewers recommend to a joint committee of labor and management whether each

new teacher should be reemployed or dismissed. The program, which received the Innovations in American Government Award from Harvard University's John F. Kennedy School of Government in 2001, has been shown to yield both higher retention rates and more dismissals than comparable districts where administrators are solely responsible for evaluation. Over time, Toledo's union and management decided to include in the process experienced teachers about whom administrators and colleagues had concerns. An independent cost-benefit analysis concluded that the Toledo Plan "streamlin[es] contract non-renewal and termination," thus saving \$170,991 to \$207,214 by the "most conservative estimates."⁸¹ The program proved to be so successful that it served as the model for comparable efforts in other districts such as Cincinnati, Rochester, and Columbus. The NEA endorsed Peer Assistance and Review programs at its national convention in 1999.

PROFESSIONAL GROWTH

Traditionally, teaching has been a "flat" profession, offering few milestones beyond tenure and little variety in work tasks over the course of a career.⁸² In earlier times, when teachers had few professional options outside of teaching, this structure worked. Since the mid-1980s, however, teachers and scholars of teaching have called for more differentiation in the teaching career. Educated women and people of color, traditionally drawn to teaching because they were excluded from other lines of work, now have expanded opportunities. When compared to law or even nursing, the flat structure of teaching has offered few goals for which to strive and scant formal leadership roles to which teachers might aspire. Research on new teachers indicates that the flat structure of

teaching is not likely to satisfy and retain them.⁸³ In today's labor market, teachers want variety in their workplace and are willing to look elsewhere if their school does not provide opportunities for professional development and growth.⁸⁴ Collective bargaining may play a role in retaining teachers and increasing their quality as the parties negotiate provisions regarding professional development, induction and mentoring, and career ladders.

The effect of professional development on teacher quality

The quality and effect of professional development on teacher quality have been uneven at best. However, 99 percent of teachers participate in professional development⁸⁵ and its aim is to increase teacher quality and, thus, it presents an opportunity by which improved teaching might be achieved. Recent research suggests that professional development can promote increased teacher quality when it is embedded in teachers' ongoing classroom practice⁸⁶ or focuses on content knowledge for considerable blocks of time over a lengthy period.⁸⁷ Collective bargaining agreements do not specify the content of professional development, but they often do restrict the amount of time schools and districts may require teachers to attend. Indeed, school leaders experimenting with reform models are often frustrated by contract provisions that limit how often professional development sessions may occur or how long they may last. Thus collective bargaining may impede efforts to improve the quality of teachers' instruction by restricting how professional development is carried out. However, there is also considerable dissatisfaction among many teachers about the poor quality of much that passes for professional development.⁸⁸ Therefore, when teachers urge their union leaders

to limit the time required for professional development, they may be voicing objections to the quality of the training rather than to spending time to improve their practice.

Collective bargaining may also influence teacher quality to the extent that it affects the daily schedule for teachers' work. Collaboration among teachers has been shown to facilitate growth in student learning,⁸⁹ but sometimes contracts interfere with the flexible scheduling necessary to foster collaboration. For example, some districts strictly limit the number of consecutive classes a teacher may teach. Such restrictions make it more difficult to schedule common planning time for collaboration.

However, in some places, collective bargaining has enabled certain school sites to have more autonomy in designing professional development. For example, Boston's within-district charter schools, or pilot schools, which were created through collective bargaining in 1994, often require teachers to work four longer days per week so that they can release students early on the fifth day and hold intensive, two or three hour professional development sessions.

Induction and mentoring

In response to the influx of new teachers and growing concern about their readiness and ultimate retention, collective bargaining has addressed issues of induction and mentoring in recent years. Like professional development, the quality of induction and mentoring programs varies widely.⁹⁰ Yet recent research has shown that comprehensive induction programs that include time for collaboration and a mentor who teaches the same subject decrease new teacher turnover,⁹¹ although little is yet known about whether these programs lead to **improved** teacher quality and elevated student

Deleted: improved

performance. Although some induction programs operate at the state level, certain districts have bargained to establish induction and mentoring for new teachers, often designating the criteria for selecting mentor teachers, setting stipends, and defining mentors' responsibilities.

Minneapolis is one such district, having created the Achievement of Tenure Process for New Teachers (A of T) in 2002. The current collective bargaining agreement outlines the A of T program in detail. After attending an orientation to the district, new teachers meet with their mentor and administrators early in their first year to set professional development goals and means to reach these goals. One of these goals is to create a professional portfolio that is required in order to attain tenure in the district. The district provides considerable support for new teachers to develop sound practices while building their portfolio. They are released from two days of teaching, with pay, so that they can observe particularly effective colleagues. They receive free professional development for course credit and the option of enrolling in a peer coaching class that will make them eligible for a bonus. New teachers may also lease a laptop for three years prior to tenure and, at the conclusion of this time period, may purchase the computer for \$1. The details of this process have been negotiated and established in Minneapolis' collective bargaining agreement and, thus, are the joint responsibility of management and labor.

Career ladders

Early efforts to establish career ladders for teachers were common in the late 1980s, after the 1986 release of *A Nation Prepared* by the Carnegie Commission on

Education and the Economy. At the time, many districts experimented with new roles that were linked to modest pay increases. However, career ladders languished and disappeared much as merit pay did during the same period. Like performance-based pay, there is increased interest today in the possibilities of career ladders. Research conducted during that time suggested that career ladders might improve teacher quality. Hart and Murphy found that new teachers characterized as “high-ability” by their college GPA and principals’ ratings favored career ladders more than their lower-ability counterparts.⁹² More recently, Henke, Chen, and Geis found that about a third of all new teachers and 50 percent of new, Black teachers wanted to move into school leadership positions.⁹³ Thus, career ladders may provide recognition and status, which help schools prevent high-quality teachers from leaving teaching for fields where the incentives and rewards of career advancement are more readily available.

Currently, some districts are exploring the possibilities of career ladders in collective bargaining. Rochester, NY was one of the first districts to establish a career ladder that offers roles for lead teachers. Since the late 1980s, the Career in Teaching (CIT) program has differentiated teachers into four sub-groups—interns, resident teachers, professional teachers, and lead teachers. Lead teachers are released from the classroom part-time to mentor interns (beginning teachers) and coach veteran colleagues whom administrators identify as struggling. Lead teachers evaluate both interns and veteran colleagues. In fact, interns cannot move into the resident teacher category without the lead teacher’s approval. Resident teachers are required to pursue a master’s degree and are reimbursed for their studies. Once they receive tenure, teachers attain “professional” status. As professional teachers they may sit on the CIT panel, which

selects and evaluates lead teachers, handles appeals regarding the CIT program, and makes employment recommendations to the school board. Professional teachers may also apply to become lead teachers, who qualify for additional compensation and leadership roles. The CIT receives favorable reviews from new and experienced teachers in Rochester's public schools.

Today, the presence of career ladders may influence prospective teachers' job choices more heavily than in the past. In a recent survey of recent college graduates, 70 percent felt that teaching did not offer adequate "opportunities for advancement" while their current jobs provided such prospects.⁹⁴ Given the greater mobility of younger workers in today's economy,⁹⁵ it may become increasingly important for districts to create new roles if they are to retain high-quality teachers. Unlike their predecessors, today's teachers appear less inclined to stay in the classroom or the teaching profession in general.⁹⁶ To the extent that collective bargaining can establish new roles and career ladders for teachers, it may attract high-quality teachers to the profession and decrease the likelihood that such teachers abandon the classroom for other lines of work. However, with the exception of a few flagship districts, neither unions nor management have initiated such differentiated career paths.

The National Board of Professional Teaching Standards, discussed earlier, recognizes outstanding teachers on the basis of their demonstrated skills and knowledge. In districts such as Compton, Rhode Island, labor and management have collaborated to encourage teachers to apply for Board certification and have developed specialized roles for those who succeed. Other districts, such as Boston, have relied on the Board's intensive selection process to identify teachers who will be mentors or peer reviewers.

Such efforts can promote improvement among teachers as well as recognize and retain high-quality individuals. Recent research indicates that Board-certified teachers also have greater professional mobility and sense of confidence and authority, which may enhance opportunities for instructional improvement in teachers' home districts and schools.⁹⁷

Overall, collective bargaining seems to play an important role in promoting or restricting greater effectiveness among teachers by setting the parameters within which professional development, induction and mentoring, and the development of new roles and recognition can occur. Districts and local unions that, through bargaining, sign contracts that restrict professional development and limit the supports and opportunities available to both new and experienced teachers may reduce their ability to recruit and retain promising and productive teachers and limit teachers' growth once on the job. Collective bargaining that allows for flexible scheduling to facilitate better professional development, encourages investments in new teachers' induction and mentoring, and institutionalizes specialized roles and recognition for high-quality, experienced teachers may well increase teacher quality.

CONCLUSION

Assessing the impact of collective bargaining and unions on teacher quality is especially challenging, given that so little research has been conducted about the subject. There is no consistent evidence that the quality of the teaching force has been either improved or diminished as a result of collective bargaining. In part, this is because conducting research about this topic is so difficult and remarkably little work has been

done. However, the findings also are inconclusive because collective bargaining practices and local teacher contracts vary so much from state to state and district to district. As a result, beliefs about the relationship between teacher unions and teacher quality are shaped far more by rhetoric and ideology than by disinterested and thorough inquiry.

Based on the research that has been conducted, there is evidence that collective bargaining modestly increases teachers' pay. Therefore, if higher wages lead to higher-quality teachers, then one might conclude that overall bargaining has a positive effect. Research also shows that collective bargaining leads, on average, to decreases in student-teacher ratios. Since smaller class size has been shown to positively affect student learning, at least in the early grades, one might also infer that this affects teachers' work positively. Further, researchers have found a positive relationship between collective bargaining and increased preparation time for teachers, which many educators believe is essential for good teaching and collaborative work among colleagues within a school.

Beyond those basic findings, however, little can be said with confidence about the relationship between collective bargaining and teacher quality, except that policy and practice vary widely. Some outcomes of local bargaining, such as those that reinforce the single salary scale, strengthen the district's reliance on seniority, reject differentiated roles for teachers, or guarantee dogged defense for competent and incompetent teachers alike are likely to compromise the quality of teaching. Such positions mimic those of industrial labor, which served as the template for much of educational labor relations. A different set of policies and practices, however, develop when those who bargain the contract recognize that certain features of teaching cannot be addressed with conventional

labor approaches. Such approaches support experiments with performance-based pay, create incentives for teachers to work in hard-to-staff schools, limit seniority-based bumping and the disruption it causes, or create career ladders and differentiated roles for teachers. Provisions like these are likely to attract enterprising individuals who seek opportunities for growth and influence. In the first case, one might argue persuasively that collective bargaining has a negative effect on teacher quality. In the second case, collective bargaining might be credited with improving teachers' skills, understanding, and effectiveness.

Thus, collective bargaining may produce varied outcomes that appeal to different types of people in different settings. This is important to recognize, because it means that the effects of collective bargaining are not fixed. The way in which union and school leaders approach labor relations and the particular provisions included in the contract determine a great deal about whether their schools will attract the kind of able and committed teachers who serve students well.

What accounts for differences between districts where reform-based bargaining has emerged and flourished and those where industrial-based bargaining has become more ingrained with each successive contract? Case studies that document the history of progressive reforms suggest that they result, not from dramatic, one-time changes in contract language, but from steady and productive labor-management relationships developed over time.⁹⁸ Often in such districts there is continuity of leadership on both sides of the bargaining table. The participants have a long-term allegiance to the district, its community, and its students. Union and school leaders recognize that respect, candor, and trust are essential in their joint enterprise and they know that they have a shared stake

in the schools' success. Their work is about solving tough problems, not splitting the difference between extreme positions.

However, there is much that can disrupt productive labor relations. Rapid turnover among superintendents or union leaders can derail promising initiatives, making it hard to build support among teachers for subsequent reforms. Sudden, deep budget cuts can lead to extensive layoffs among teachers and angry distrust of management. An authoritarian superintendent or a hostile union president can suddenly halt all forward motion in district-wide efforts to improve schooling. A reform approach to collective bargaining requires both labor and management to recognize that, if teachers are to work as professionals, they must be treated as professionals. All too often management treats teachers like “hired hands”⁹⁹ and labor treats teachers like factory workers. Neither attitude will lead to enhanced teacher quality.

Many of today's local union leaders have been teaching in their district since the first collective bargaining agreement was signed in the late 1960s or early 1970s. They remember why particular provisions were bargained and, consequently, may be reluctant to relinquish hard-won protections. Schooled in adversarial labor tactics, they may distrust innovative approaches to resolving differences, such as interest-based bargaining.¹⁰⁰ Comfortable with the standard topics of industrial contracts—wages, hours, and conditions of work—they may be unwilling to discuss unconventional subjects, such as peer review or professional development. However, this generation of union leaders is about to retire and there is the possibility that a new cohort of leaders—who do not have the same tie to the past—will emerge.

Whether union leaders a decade from now will be more progressive than their predecessors depends both on what teachers want from their unions and how management acts. There is some evidence that the large cohort of teachers entering schools today hold different views about unions than the veteran teachers they are replacing.¹⁰¹ These new entrants are less concerned about job security and more interested in career development. They are less certain that unions are essential and more likely to believe that schools should decide, one by one, how to operate. As the center of gravity in the larger teaching force shifts toward less experienced teachers, there may be a consequent shift in the kind of union leader these teachers prefer. It is not yet clear whether a new, progressive type of union leader will emerge to match the views of these teachers.

In part, the outcome will depend on what management does. Unions first gained strength among teachers because school officials were perceived to be arbitrary, punitive, and politically influenced in their decisions. Today, a superintendent who acts with disrespect and disregard for the professional and personal needs of teachers can easily drive them to believe that what they need is a hard-line union leader. When teachers perceive that school administrators are acting in high-handed ways, they often support, however reluctantly, the personalities and principles of conventional labor. Thus, although it is possible that the turnover in the teaching force could lead to flexible and creative labor-management relations serving both students and teachers, this is by no means a certain outcome.

Some critics of unions are impatient with the slow and unpredictable course of change. They contend that unions introduce undue barriers for administrators seeking to

improve teacher quality, and argue that decisions about teacher pay, hiring, assignment, working conditions, professional support, and dismissal should all be in the hands of management. There are at least two problems with this stance. One is that collective bargaining is a well-established policy that could not easily be repealed. The other is that schools will not improve without teachers' dedicated efforts. Practically, there is no reasonable alternative, except to improve labor relations, collective bargaining, and the contracts that result.

However, even if collective bargaining could be eliminated immediately and administrators were to be solely in charge, there is no certainty that teacher quality would improve. For there is no evidence that school management was more effective before collective bargaining or that schools in non-unionized states adopt more effective policies and practices with regard to improving teacher quality. Ensuring that better teachers are hired, that they are assigned sensibly, and that they are supported in their work will require far more than changes in the states' collective bargaining laws.

On the whole, it appears that collective bargaining has the potential to influence teacher quality. With a focus on what induces strong candidates into the classroom, what helps teachers become more effective once on the job, and what sustains them over a long-term career, collective bargaining could play a central role in increasing teacher quality. Prospective and current teachers today entertain a range of career options outside teaching. If they are dissatisfied, they may leave the classroom without looking back. To support and retain high-quality teachers in this context, unions and districts may well have to bargain about new ideas and new approaches in new ways.

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