Chapter 2

Teachers Unions in the United States

The Politics of Blocking

Terry M. Moe
Stanford University

The teachers unions are a powerful force in American education. They shape the public schools from the bottom up through collective bargaining, and shape them from the top down through their extensive involvement in state and national politics. In combining these bottom-up and top-down sources of power, and in combining them as potently as they do, the teachers unions are unique among all actors in the educational arena.

In this chapter, I’ll discuss the unions’ historical rise to power, how they have exercised that power in collective bargaining and politics, and the constraining effects they have had on more than a quarter century of attempted reform. Throughout, I’ll take advantage of the theoretical framing set out in the Introduction, emphasizing the key importance of vested interests and institutional veto points, to offer perspective on why these developments have occurred as they have.1

The Formative Era of American Education—and the Late Rise of Union Power

The American public school system began to emerge in roughly its present form a little over 100 years ago, an outgrowth of the Progressive movement during the early 1900s to bureaucratize and professionalize American government at all levels. The national government was not the driving force behind this new education system. Under the Constitution, all responsibilities not specifically assigned to the federal government are reserved to the states—and public education is one of these. From the beginning, the American education system has been radically decentralized, with the states holding primary authority and using it to set up local districts with much discretion to staff, organize, and operate the schools.

Teachers in this new system clearly had vested interests in their jobs, with strong incentives to get organized in protecting those interests. Yet throughout the school system’s era of institutional formation and expansion—lasting roughly half a century—hardly any teachers got organized into unions, and there was no collective bargaining. In this respect, the United States was unique among Western nations, where teachers universally got organized into unions as their education systems developed. The prime reason for American exceptionalism is that in the US, collective bargaining for public sector workers—of all types, not just teachers—was typically prohibited by law and practice, and the political environment for the unionization of public workers was quite hostile.

During that formative era, the power-holders in public education were its administrative professionals, notably their local superintendents, as well as the local elected school boards that

1 For a much more extensive treatment of many of the issues covered in this chapter, see Moe (2011). On vested interests and its theoretical importance for understanding all political institutions, including those in education, see Moe (2015).
appointed them. Many teachers across the country belonged to the National Education Association (NEA), which was widely recognized as the most prominent organizational force in education. But the NEA was a professional association controlled by administrators, and it was avowedly opposed to unions and collective bargaining.\(^2\)

Throughout this period of administrative hegemony, teachers had no organized means of pursuing their vested interests in jobs, and they were essentially powerless. It would be decades before the broader American labor movement and its political allies could bring about legal reforms that would pave the way for unionization, collective bargaining--and political power.

The watershed event for private sector workers came in 1935 adoption of the National Labor Relations Act (NLRA), a central component of President Franklin Roosevelt’s New Deal. The NLRA was designed to make union organizing and collective bargaining much easier to achieve—through, for example, representation elections, exclusive representation, and the legal duty to bargain. The result was a massive surge in union membership, which in turn greatly enhanced the political power of private sector unions and gave the Democratic Party an invaluable core of organized political support.

As time went on, the Democrats and the beefed-up union movement combined forces to push for similar labor laws in the states for public sector workers—who had deliberately been excluded from the National Labor Relations Act. Beginning with Wisconsin in 1959, most of the states (outside the South) adopted public-sector labor laws during the 1960s and 1970s, and these legal changes fueled dramatic increases in public-sector union membership and collective bargaining (Di Salvo, 2015; Moe, 2011; Freeman, 1986).

They also triggered a transformation of the NEA, which, beginning in the early 1960s, found itself competing with the American Federation of Teachers (AFT) to represent the nation’s teachers. The AFT, although tiny at the time—with roughly 59,000 members in 1960 compared to about 750,000 for the NEA—was a union affiliated with the AFL-CIO; it had long-established locals in some of the country’s biggest cities; and after its tumultuous 1962 strike in New York city, it initiated a national organizing drive. The NEA responded by turning itself into a teachers union. And with its huge advantage in members and geographic distribution, it soon became not only the biggest education union, but also the biggest union of any type in the entire country.

When the dust finally settled, the United States had two national teachers unions, each with its own state and local affiliates. And these affiliates had so carved up the educational terrain that, aided by the monopolizing effects of the states’ collective bargaining laws (which required exclusive representation within each unionized district), there would be almost no turf competition between them going forward. An NEA district would stay an NEA district. An AFT district would stay an AFT district. The system quickly became stable and, outside the South, quite comprehensive.

Today, the NEA has somewhat more than 3 million members, while the AFT has about 1.5 million. These figures, especially for the AFT, include many members who are not classroom teachers: retirees, as well as secretaries, janitors, and other district employees who are not teachers at all. Also, the AFT is concentrated in big cities—places like New York City, Chicago, Boston—and some 30 percent of all its teacher-members appear to be located in the state of New York. The NEA, by comparison, organizes districts of all shapes and sizes throughout the country, and is representative of America’s teachers in a way that the AFT is not. Even so, the AFT is a powerful force in many large cities, and its leaders, from Al Shanker to

\(^2\) On the history of the teachers unions’ rise to power, see Moe (2011) chapter 2, from which this section’s discussion is taken. See also Murphy (1990).
Randi Weingarten, have been key figures at the center of America’s education debates (Moe, 2011).

The trajectory of change was stunning. The percentage of teachers covered by collective bargaining soared from near zero in 1960 to 65 percent in 1978—the southern and border states being the main exceptions—and the system settled into a steady state. Bargaining coverage stood at 65 percent in 1993, 64 percent in 2000, 65 percent in 2004, and 63 percent in 2008 (Moe, 2011). It appears to have fallen a few percentage points in the years since, but precise coverage data are as yet unavailable. Throughout the modern era, union membership levels have consistently been much higher, above 75% and stable for decades (Moe, 2011). They too seem to have declined a few percentage points in recent years. In part, these recent declines in both membership and coverage appear to be due to restrictive new labor legislation in a few states, notably Wisconsin and Michigan, controlled by an increasingly conservative Republican Party. The declines may also reflect a shift in US population to southern and border states, where unions are weaker.³

The bigger picture is that, by the early 1980s, the teachers unions reigned supreme as the most powerful force in American education and its politics, with millions of members, far-flung armies of political activists, enormous wealth for campaign contributions and lobbying, and more. The rise of union power, in turn, transformed the world of American public education, creating what amounted to a new education system: one that has been in equilibrium now for roughly thirty years and is vigorously protected by the very union power that created it. In many ways, this new system looks very much like the original system of school boards, superintendents, and local democracy installed by Progressive reformers a century ago. But what the Progressives envisioned was a system run by professionals, not a system of union power that promotes the vested job interests of employees. This is a modern development, one that make the modern system qualitatively different from the one it replaced.

Along with this transformation came a great historical irony. The most influential call to reform in the annals of American education—*A Nation at Risk*, the report of a presidential commission—burst onto the scene in 1983, warning of a “rising tide of mediocrity” in the nation’s schools and setting off a frenzy of reform from coast to coast. This marked the beginning of the modern era of performance-based education reform in the United States. Yet here is the irony: *A Nation at Risk* came along just as the teachers unions were consolidating their power. From the very beginning of the modern reform era, then, the proponents of change were up against a powerful new foe—whose vested interests in jobs led them to resist major reform, and whose access to American government’s multiple veto points gave them ample means to do it quite successfully.

### Collective Bargaining and the Organization of Schools

³ The figures cited in the text are from the US Department of Education’s Schools and Staffing Survey (SASS). For reasons I discuss in Moe (2011), this survey provides much better measures than the Current Population Survey, whose figures for membership and coverage are consistently lower. The latter are available at www.unionstats.com. At this writing, the most recent SASS figures are for 2011-12. See Han and Freeman (2015). I also want to thank Michael Hartney, who was kind enough to compute these 2011-12 figures for full time public school teachers and share them with me. The coverage figures provided by SASS for 2008-09 and 2011-12 are flawed, and too low, because of confusing changes in the question wording on the survey (see Moe, 2011). I have corrected the 2008-09 figures, but don’t have a correction for 2011-12.
In the politics of education, the great power wielders are the NEA and the AFT, along with their state affiliates. In California, for example, the state affiliate of the NEA is the California Teachers Association, and the state affiliate of the AFT is the California Federation of Teachers. Both are active in California politics and elections. Much the same can be said for every other state—except that the AFT, being more regionally concentrated and more centered in large cities, does not have affiliates in all 50 states. The NEA does.

These national and state union organizations are political powerhouses, extensively involved in elections and policymaking processes throughout the country. But the primordial fact is that teachers join the local (school district) affiliates of these higher-level unions, and it is the local unions that attract the members, the money, and the activists on which all higher level union power depends.

The ability of the local unions to attract these resources is aided immensely by collective bargaining, the bread-and-butter of all teachers unions, which is conducted within the local school districts. Survey data show that collective bargaining is what teachers care about most as union members (Moe, 2011). It is what ties them securely to their unions. Were it not for collective bargaining and its protected legal status, the national and state unions would not be nearly as politically powerful as they are, and not nearly as successful in resisting the forces for education reform unleashed by *A Nation at Risk*.

Collective bargaining is also profoundly important for another reason. Through local negotiations, the unions use their power to shape “working conditions” by pushing for forms of organization that benefit their members. There is no guarantee, however, that these forms of organization will actually promote more effective schooling. Indeed, there are straightforward theoretical grounds for expecting that, at least sometimes, they may undermine it. The teachers unions, after all, are special interest groups. They seek to protect teachers’ jobs, increase their wages and benefits, expand their rights, and restrict managerial discretion. And in collective bargaining, they quite naturally pursue these job interests by trying to win restrictive contract rules that specify how the school districts must operate, spend their money, and allocate their resources. These rules then prescribe the organization of schooling—whether or not they are conducive to high levels of performance (Moe, 2011; Hess and West, 2006).

As collective bargaining has played out over several decades and many thousands of school districts, the teachers unions have heavily shaped the organization of America’s schools. Here are a few examples of common contract provisions.4

1. **Salary rules** that pay teachers on a formal schedule based on seniority and formal credits—thus ensuring that good and bad teachers are paid the same and that salary cannot be used as an incentive for productive behavior.

2. **Transfer rules** that give senior teachers their choice of available jobs—thus making it impossible for districts to place teachers where they are needed most (by putting the best teachers in the most disadvantaged schools, for example).

3. **Layoff rules** that require staffing reductions in reverse order of seniority—ensuring that excellent young teachers will automatically be let go, while low-performing teachers with lots of seniority will automatically be kept on.

4. **Evaluation rules** that set out onerous procedures to be followed—for monitoring, reporting, mentoring, etc.—if a teacher is rated as unsatisfactory, thus giving principals strong

---

4 For a more extensive discussion of these and other contract rules, see chapter 6 of Moe (2011). Note that the unions sometimes are able to use their political power to get their favored rules embedded in state law—which, for them, is much more effective than fighting for such provisions district by district.
incentives to rate all teachers as satisfactory even when their performance is inadequate. The best evidence is that 99 percent of the nation’s teachers have traditionally received satisfactory ratings (e.g. Weisberg et al., 2009).  

(5) A dismissal rule that, together with evaluation rules and state tenure laws, spell out additional onerous procedures to be followed if a teacher is to be dismissed—thus making it virtually impossible to dismiss anyone. Studies suggest that it takes roughly two years and more than $200,000 just to dismiss one poorly performing teacher, and that it almost never happens.  

This book is about power and politics, and it is not an effort to explore school performance or its organizational determinants. The point to be made here is simply that these and many other union-favored contract rules are clearly not adopted because they are considered the best possible means of building effective organizations. They are adopted for other, job-related reasons. The schools, as a result, are literally not designed for effective performance—whatever that might require. There is a disconnect between what the public schools are supposed to do and how they are actually organized to do it, and this disconnect is a built-in feature of the modern American school system, a reflection of its underlying structure of power and vested interests.  

Local Governments as Weak Bargainers

The fragmented system of collective bargaining in American education is somewhat unusual by comparison to the way “wage bargaining” is handled in other developed nations. In most of Europe and Scandinavia, teacher wage bargaining has traditionally been conducted at higher levels of government, often as part of much larger labor agreements covering many public occupations at once—arrangements that tend to encourage broader societal perspectives, trade-offs, and moderation, and give the teachers unions little scope for targeted influence. The US is at the other end of the continuum. Each local teachers union hammers out its own labor contract with its own school district, with incentives to push for all it can get, unconstrained by other occupational groups or larger societal concerns—leading to thousands upon thousands of distinctly different labor contracts, filled with various permutations of rules that shape the organization of schooling.

The US system would not be so problematic if, as is often the case in Europe and Scandinavia, the power of government were brought to bear in promoting broader social and educational interests. But that is precisely what American governments are unlikely to do—because, as I’ll discuss in Chapter 10, they are weak by comparison to (most) parliamentary governments, and American politicians are far more open to parochial, special-interest influences. This is true at all levels of American government, including school districts.

---

5 As I will discuss later, this remains true despite new laws in many states requiring rigorous, performance-based evaluations.

6 See, e.g., the detailed research of journalist Scott Reeder, covering an 18-year period in the state of Illinois. Available on his web site at thehiddencostsoftenure.com

7 There is a fair-sized quantitative literature that explores the causal impacts of collective bargaining on student achievement, but such studies are difficult to carry out for methodological reasons. The literature, most of it dated and of uneven quality, not surprisingly arrives at mixed conclusions. For an assessment of this literature, see Moe (2011). The studies that, in my view, are the most credible on methodological grounds tend to find that collective bargaining has a negative effect on student outcomes. See Hoxby (1996); Moe (2009); Strunk (2011); and Lovenheim and Willen (2015). For an exception, see Lovenheim (2009). More research is clearly needed for confident conclusions.
The school districts are weak bargainers in their collective negotiations with the teachers unions. The prime reason is that the districts are governed by elected school boards, whose members must win local elections in which the teachers unions are typically the most organized, active, and powerful forces—knowing they are in a position to choose the very people they will be bargaining with. As a result, many board members are union allies. Others are reliably sympathetic. And the rest have reason to fear that, if they cross the unions, their jobs are at stake (Moe, 2005, 2006, 2011; Strunk and Grissom, 2010).

The districts are weak bargainers for other reasons as well. One is that the unions can unleash sanctions if dissatisfied, and no district wants a fight, a sick-out, or--much worse--a strike (which can occur even where strikes are illegal, because unions and their member are rarely prosecuted in practice). Another is that most work rules don’t cost the districts anything in direct outlays, making it financially easy for them to make work-rule concessions, and thus concessions on organizational form. And another is that, as near-monopolies with a lock on kids and money, the districts have historically had little incentive—until recently—to insist on effective organization.

Over the last decade, districts have had their spines stiffened a bit. Accountability reforms—while still weak, as we will see—have put them under pressure to raise achievement; charter schools have proliferated (in some cities) to offer families exit options; and both have strengthened district incentives to fight restrictive union rules. The financial crisis that began in 2008, moreover, forced districts to be more confrontational with unions over money and organization—although with an improved economy, that source of pressure has diminished somewhat.

When districts have fought for effective organization, it has almost always occurred in cities where mayors control the schools. Mayoral control is not common, but where it has occurred it is potential trouble for unions. Mayors have more diverse constituencies than school board members do, have more resources for wielding power, and are more accountable for results. An “education mayor” can be a force for reform in a way that schools boards rarely are (see, e.g., Viteritti, 2009).

The highest profile cases of districts fighting hard for effective organization have come in the mayor-controlled systems of New York City and Washington, D.C. In both, the mayors were committed to major reform, and they appointed school chancellors—Joel Klein in New York City, Michelle Rhee in D.C.—willing to launch all-out assaults on restrictive work rules in the face of fierce union resistance. And they won major victories—especially far-reaching in Rhee’s case—on seniority, performance pay, and teacher evaluations (Moe, 2011).

These victories were remarkable precisely because they were so unusual. They also took many years of agonizing struggle, were enormously expensive, and left many reform issues unaddressed. The Rhee and Klein experiences testify to how difficult it is, even when all the ducks are in a row, to make even partial progress in bringing new forms of organization to the schools. Their victories, moreover, were (and are) inherently vulnerable—because reformist mayors ultimately leave office.

In Washington, D.C., Mayor Adrian Fenty lost his 2010 reelection bid, Michelle Rhee quickly resigned—and the schools were soon in the hands of Vincent Gray, the union-supported candidate. Gray, surprisingly, did not torpedo Rhee’s labor contract; indeed, he appointed her deputy, Kaya Henderson, as the new schools chief, and the two of them implemented the contract in a kinder, gentler way. In 2014, Gray himself was defeated by Muriel Bowser—who, since taking office in 2015, has continued to embrace reform. The continuity—and the
unexpected behavior of Gray, in particular—is probably due to two factors. One, the reforms have clearly been working: scores from the National Assessment of Educational Progress (the nation’s “report card”) show that DC has recently been a star performer compared to other urban districts—which has bolstered political support for continued reform (Rich, 2013, 2015). Two, the local teachers union is the weakest urban teachers union in the country (outside New Orleans), largely because more than 40 percent of the District’s children are in charter schools, and the union has suffered dramatic drops in members and money (Moe, 2011).

In New York City, the reforms achieved by Mayor Bloomberg and Joel Klein didn’t fare nearly as well as Rhee’s. After three terms in office, Bloomberg was succeeded in 2014 by Bill de Blasio, a staunch ally of the United Federation of Teachers (UFT)—perhaps the nation’s most powerful local teachers union. Like the UFT, he was an ardent opponent of charter schools and accountability. He quickly appointed a very traditional, establishment-oriented school chancellor who shared his anti-reformist views, and soon all the reforms Bloomberg had worked to achieve during his twelve long years in office were on the chopping block. His accountability reforms and their reliance on data and rigorous assessments were essentially abandoned. The new mayor also targeted charter schools, his first move being a denial of physical space for some of Eva Moskowitz’s high-achieving Success Academies. But Moskowitz and her allies fought back, to the point of orchestrating demonstrations in the state capital. With support from Governor Cuomo and a large, enthusiastic constituency of charter school supporters, Moskowitz was able to save her schools (see, e.g., Taylor, 2015).

There is a political lesson here. Accountability reforms are especially vulnerable to reversal because they create no vested interests that will protect them from attack. Charter school reforms do create vested interests—the schools and their parents—and those vested interests will fight back to try to prevent opponents from undoing the reforms. The larger reality for any reform—whatever the realm of public policy—is that, once the reform is adopted, its political enemies don’t just go away, but rather continue to look for opportunities to reinstate the status quo ante.

In addition to New York City and Washington, D.C., there are a few other districts where unusual changes are underway. One is Cleveland, where Democratic Mayor Frank Jackson partnered with a Republican state government to bring changes to that city’s schools: basing layoffs and pay on performance rather than seniority, weakening tenure by allowing ineffective teachers to be dismissed, and allowing more funding for charter schools. Another is New Haven, where a thin contract has been adopted. But the reality in these and other places, once again, is that mayors come and go, leaving reforms vulnerable to reversal over time.

And finally, there is New Orleans, which is the exception that proves the rule. New Orleans is home to the most radically different school system in the entire country. More than 90 percent of students are in charter schools, all children choose the schools they attend, and test scores have risen dramatically. But all of this came about for a special reason. The city’s traditional school system—corrupt, bureaucratic, and an abysmal performer long resistant to change—was destroyed by Hurricane Katrina in 2005, as were the local teachers union (because all the district’s teachers were let go) and the local school board (which had no schools to control). With the local power structure wiped out, state and local leaders then had virtually a free hand to truly transform the education system as they rebuilt it—and they did, creating a full-blown charter system that would never have had a political chance in any other school district in

8 More generally, on the durability of reforms and the role of vested interests in their protection, see Patashnik (2008) and Moe (2015a).
the nation, due to the power of vested interests that is invariably stacked against such a radical innovation.

What New Orleans shows, above all else, is the scope and magnitude of education reform that is possible when the power of vested interests is removed from the equation. Everywhere else in the United States, “reform” takes place in contexts where the power of vested interests is very much present. This is unavoidable, but its universal presence tends to guarantee that “reform,” if it happens at all, will be highly constrained by power— and thus incremental, and orders of magnitude less than what happened in New Orleans. In effect, Katrina created a natural experiment, allowing us to see what reform can look like when there is no (or very little) vested interest power to resist it—a phenomenon that, under normal circumstances, we never get to see (Moe, 2011).

As we look across all the other American cities, then, we are wise not to interpret the various signs of change in those systems as monumental transformations. Yes, reformers are making gains here and there. But the big picture is that the teachers unions remain powerful, motivated by job interests, and opposed to major reform. Almost all change, everywhere, has been incremental, and has left the basic structure of the existing system intact.

The Politics of Blocking

Let’s turn now to the politics of education at higher levels of government. By law, America’s public schools are governed mainly by the states. From the late 1800s until the mid-1900s, the states allowed most schooling to be locally controlled through local school districts. But in the years since, mainly in response to court-ordered funding equalization and pressures to improve the schools, the states have reasserted some of their authority. Whatever the balance, school districts are ultimately state creations, and all of their essential features—their boundaries, organizations, funding, programs, collective bargaining—are subject to state authority. Any group that hopes to wield power over the public schools, therefore, needs to wield power in state politics. This is where the real action is (e.g., McGuinn and Manna, 2013; Kirst and Wirt, 2009).

The national government has also gotten more involved since mid-century. Its main vehicle has been the 1965 Elementary and Secondary Education Act (ESEA), which authorizes a variety of programs— particularly for disadvantaged children—and funnels billions of dollars through states to districts. In 2001 the feds moved aggressively into the reform era with No Child Left Behind (NCLB), a ground-breaking revision of ESEA that sought to create a nationwide system of school accountability. Still, the states continue to reign as the key authorities in public education.

For the teachers unions, politics can be enormously advantageous but also enormously threatening. Higher level governments can adopt virtually any work rules, education programs, or funding arrangements they want for the public schools, and the decisions automatically apply to all districts and schools in their jurisdictions. When the unions wield decisive power, all these advantages can be theirs. But reformers can do the same: by pushing for accountability, school choice, pay for performance, and other reforms the unions find threatening—and turning them into law. Either way, the stakes are huge. So for the unions, getting involved in politics is essential, and they have invested heavily in political organization.
For well over a quarter century, the NEA and the AFT have been the most powerful groups in the politics of education.9 No other groups have even been in the same ballpark. Since the unions first got established, they have had millions of members (today, over four million). They have had astounding sums of money coming in regularly (mainly from dues) for campaign contributions and lobbying. They have had well-educated activists manning the electoral trenches—ringing doorbells, making phone calls. They have been able to orchestrate well-financed media campaigns on any topic or candidate. And their organizations have blanketed the nation, allowing them to coordinate all these resources toward their political ends.

Most aspects of the union power formula are difficult to quantify. But good information is available on their campaign contributions, and they consistently rank among the very top contributors—compared to other interest groups of all types—at the national level and in virtually all of the states. They dwarf other education groups. In ballot-measure campaigns, moreover, they are consistently the top contributors on their side of the issue, even on matters of taxing and spending that have nothing directly to do with education.10

Superior power doesn’t mean that the teachers unions always get the policies they want. The nation’s multiple veto points ensure that shepherding new laws through the political process is extremely difficult, because victories must be won at every step along the way to overcome all the hurdles. The flip side is that blocking new laws is much easier, because opponents need succeed at just one veto point to win. American governments are designed to make defending the status quo far easier than taking positive action (Tsebelis, 2002; Baumgartner et al., 2009). And this is how the teachers unions have used their political power in shaping the nation’s schools: not by imposing the policies they want, but by blocking or weakening those they don’t want—most importantly, major reforms of the system.

Throughout, they have relied on their alliance with Democrats, America’s left party (although it is more centrist than many European left parties). Democratic candidates receive almost all of the unions’ campaign contributions, their electoral manpower, and their public relations support. These are resources of enormous political value. In return, the unions can usually count on the Democrats to go to bat for them in the policy process: by insisting on job protections, bigger budgets, higher salaries and benefits, restrictive work rules, and other union-favored objectives—and above all, by opposing efforts to bring major reform. The teachers unions have been the raw power behind the politics of blocking. The Democrats have done the blocking (Moe, 2011).

The Reform Movement

9 See Moe (2011). There are two notable literatures on education politics, but neither sheds much light on the teachers unions or their power. One literature centers on No Child Left Behind, whose national-level politics are simply not representative of the broader—mainly state and local—politics that shape American education generally. See, e.g.: McGuinn (2006) and Rhodes (2012). The second is concerned with urban education reform, and derives much of its theoretical orientation from the concepts of “civic capacity” and “regimes.” See, e.g., Stone, Henig, and Pierannunzi (2001) and Henig et al. (1999). For discussion of these literatures, see Moe (2015a).

10 The 2010 Citizen’s United decision by the Supreme Court blew the lid off of “independent” political spending and made this money difficult to track. The data on contributions directly to candidates and parties, however, shows teachers unions to be in the very top tier of group contributors. See Moe (2011) chapter 9. See also the Center for Responsive Politics, at www.opensecrets.org, for national spending figures and the National Institute on Money in State Politics, at www.followthemoney.org for state spending figures.
The movement to reform America’s schools was initiated by the publication of *A Nation at Risk* in the early 1980s. The timing was no accident, because forces were then being unleashed all around the world--associated with globalization, international competition, and the “crisis of the welfare state”--that launched a tumultuous new era of performance-based education reform affecting a great many countries. *A Nation at Risk* was an explicitly American reaction to these same international forces, arguing that education reform was desperately needed because “Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world” (National Commission on Excellence in Education, 1983, p.113).

The report proved to be a bombshell, generating nationwide reform efforts that, within the first decade or so, coalesced into two distinctly neoliberal movements for institutional change: the movement for school accountability and the movement for school choice. Before discussing how their politics have played over time, however, I want to address an issue that looms large in much that has been written on education reform, and is best dealt with explicitly and up front: the role of corporate political power in advancing a neoliberal agenda for education.

From the time of *A Nation at Risk*, business groups like the Chamber of Commerce and the Business Roundtable (and their state affiliates) have clearly been concerned about the country’s international competitiveness, pointed to its lagging public school system as a threat to human capital and economic growth, and called for significant improvements. For these and related reasons, representatives of the business community at both the state and the national levels have been important supporters of American education reform.

Yet the true role of “business” is easily misconstrued. The business sector is astoundingly fragmented by industry, geography, and many other factors; and as research on American interest groups has long demonstrated, business is represented by hundreds of specialized groups--a constellation that makes a mockery of any notion that the “business community” is organized for unified action in pursuit of common interests (e.g., Schlozman, 2010). In education, moreover, the material interests of business firms are quite indirect--and they pale by comparison to the deep vested interests that teacher unions and school districts have in the existing education system. The typical owner of a business firm is not staying up at night worrying about education reform. And general business organizations like the Chamber of Commerce--which care about countless dimensions of economic policy, and have very diverse memberships--are typically unwilling to invest heavily in education reform at the expense of everything else they need to do (Moe, 2011).

Any notion that America’s business community is foisting a neoliberal agenda on the nation’s public schools, then, is wide of the mark. The fact is, the key reformers coming out of the business sector are typically *individuals* who simply have *personal* reasons for wanting to bring about education reform, and who have nothing material to gain. They may want to help disadvantaged kids, for example, or to provide the nation with better schools. Although they are especially well-heeled, they are classic political activists who seek to promote what they see as the public good. The best examples are business leaders turned philanthropists—people like Bill Gates, Eli Broad, John Walton, and Walter Annenberg—who have used their money and foundations to promote education reform. Over the years, they or people like them have bankrolled much of the education reform movement (Reckhow, 2012).

These moneyed activists have often supported neoliberal reforms, involving major doses of accountability and choice. They have done so not to make money off them, but because
they—like many other reformers around the world—genuinely think these lines of reform are the
ones most likely to work. They may be wrong about that. And their own thinking about the
most productive paths to reform may well be influenced by their business backgrounds. But
whatever the case may be, they are not acting on behalf of some orchestrated corporate drive to
impose a neoliberal agenda. They are individual do-gooders, acting on their own, trying to bring
improvement to what they see as a mediocre system.

If the theme in understanding the role of “business” is one of fragmentation and diversity,
the same is true—in spades—of education reformers more generally. In the US, the reform side of
the political equation is populated by activists, organizations, and interest groups of every
imaginable sort—representing (depending on the time and place) minorities, the disadvantaged,
churches, parents, conservatives, youthful subversives (from Teach for America, notably),
rebellious Democrats (such as Democrats for Education Reform), think tanks, homeschoolers,
and many more. This is a movement with no organizational core. No one is in charge. And
most certainly, “business” is not in charge. There are just lots of reformers, typically with
nothing material to gain—and they generate lots of activity, usually with little or no coordination,
in states and districts all over the country.11

In the American context, then, the politics of education reform has a distinctive structure.
On the reform side, there is nothing like a united neoliberal army. There is instead a vibrant,
diverse, uncoordinated, often chaotic population of activists and interest groups, and they push
for change wherever they might be able to get it. On the other side are the opponents of reform.
They are far better organized and funded. They have a powerful leader—the teachers unions—
with deep vested interests in the institutional status quo, and a political reach that extends to all
decision venues at all levels. And because the American political system is filled with veto
points, they have enormous advantages in blocking or weakening what the reformist legions are
trying to pull off.

This imbalance has been true from the beginning. And although the reformers have
gained some ground in recent years, as I’ll discuss, imbalance remains the fundamental reality of
education politics in the US today. Bringing institutional change to American education is a
long, hard slog, with results that are at best incremental. The teachers unions and their allies
simply hold most of the cards, playing a political game that is stacked in their favor.

Mainstream Reforms

How, then, did reform unfold in the wake of *A Nation at Risk*? During the 1980s, as the
movement got underway, the key drivers were business groups and state governors. Business
groups, as we just discussed, saw the moribund education system as a serious impediment to
growth and productivity in an era of growing international competition, and they called for
political action. They found allies in the nation’s governors—who, as executives with broad
political constituencies, were far less susceptible to vested-interest pressures than legislators, far
more responsible for the economic well-being of their states, and eager to take on leading roles
in improving their schools.

11 Although it is not the norm, some reformers do have material interests at stake. For example, churches would
benefit from vouchers and tax credits, which would bring money to church-run schools. And charter schools have
vested interests in charter programs and the funding attached to them. But for the most part, the reform movement is
made up of activists with nothing material to gain.
In the early going, the reform ideas that gained traction were essentially just common sense, the obvious things to do. They were also decidedly incremental: spending more money, raising teacher salaries, adopting more rigorous curricula, training teachers better, and other mainstream reforms that fit comfortably within the existing system—and posed little or no threat to the teachers unions. Indeed, the unions saw the new reform environment as an opportunity to push for spending and salary objectives they had long yearned to advance anyway (e.g., Toch, 1991).

These reforms did nothing to change the structure of the system or its incentives. National spending shot up by 74 percent between the 1982-83 and 1989-90 school years, providing schools with 35 percent more money per student in real dollars. Yet the money would be spent by the same districts that had spent money so unproductively in the past, and their incentives were as weak as ever. Teacher salaries were raised substantially across the board, increasing 52 percent during this same period, for a gain of 17 percent in real dollars. Yet good and bad teachers were still paid the same, and no one was being held accountable for student learning.

This was a turbulent time, and much bolder ideas—for school choice, pay for performance, and more—were finding their way into policy debates. But precisely because these reforms were threatening to the traditional structure of jobs, the unions used their power (with the help of allies) to derail them. The level of reform activity triggered by A Nation at Risk was unprecedented. But it was an inside-the-box affair, stifled by the politics of blocking.

As the 1980s came to an end, these early efforts had clearly failed, and the talk among reformers turned to fundamental change (e.g., O’Day and Smith, 1993; Toch, 1991). Support surged for two major movements that soon amassed political power of their own: the choice movement and the accountability movement. Even so, states continued to invest heavily in mainstream reforms. Indeed, the reforms they pursued during the 1990s and into the 2000s were mostly the same kinds of reforms they pursued during the 1980s—more spending, stricter requirements, more training—all with great fanfare, as though this time their recycled efforts would pay off (Hess, 2010; Tyack and Cuban, 1995).

A number of “new” mainstream reforms gained traction along the way. Of these the most popular was class size reduction, heavily promoted by President Clinton via his effort to fund 100,000 new teachers for the public schools. It was also aggressively pursued in certain states, notably California, which was the pioneer in 1996, and Florida, where a 2002 ballot measure required drastic reductions in class size. The teachers unions were strongly supportive, for teachers like the reduced workload, and it could only be implemented by hiring lots more of them, thus increasing union membership and power. But like the other mainstream reforms, class size reduction has proved a disappointment. It leaves teacher quality and incentives the same, and there is no evidence that it brings improvements in student learning beyond the first few years of school. Worse, it is among the most expensive of all possible reforms (Hanushek, 2003).

What is the problem here? Why, over the last quarter century, have the states invested so heavily in reforms that offer so little promise? The answer is that, in addition to having a superficial appeal that makes them an easy sell, these reforms are not threatening to the teachers unions, nor to their usual allies like the school districts—and the unions don’t use their power to block. The political gates are swung open, and governments are allowed to take action in ways that fit comfortably with the status quo.

From the standpoint of politics and power, then, mainstream reforms are all pluses and no minuses. The only downside is that they don’t work (Hanushek, 2003).
School Accountability

To reformers, the ideas behind accountability have obvious merit. If the school system is to promote academic excellence, it must have clear standards defining what students need to know. It must test students to measure how well the standards are being met. And it must hold educators accountable for results—and give them incentives to do their best—by attaching consequences to outcomes. Writ large, these are the principles of effective management that business leaders live by every day: setting goals, measuring performance, attaching consequences, creating incentives. Applying these same principles to the public schools—however, more concretely, that might best be done—is not an ideological matter, as most reformers see it, and not part of a larger neoliberal agenda. It is simply what needs to be done in any large organization, school districts included, to enable effective operation.

As the 1980s drew to a disappointing close, accountability offered a path to fundamental change. And because it was essentially a demand for effective management that business leaders, governors, and the public could readily understand, it attracted broad support. The teachers unions, however, saw it very differently. Historically, teachers had been granted autonomy behind classroom doors, and their pay and jobs had been secure regardless of how much their students learned. Genuine accountability meant that they would have new requirements thrust upon them, their performance seriously evaluated, consequences attached to their performance, and their jobs made less secure. These were radical departures from a performance-is-irrelevant past—and the unions were opposed (Moe, 2003).

They weren’t alone. They had allies among many superintendents and school boards, who saw it as a threat to their local autonomy; among (some) civil rights groups, concerned that testing could lead to high failure rates for minority kids; among certain experts, who claimed that tests are flawed and culturally biased; and among certain Republican policymakers, who wanted to protect local control (Moe, 2011; Hess, 2003).

Yet this wasn’t much of a coalition. Some superintendents eventually came to support accountability, because it gave them leverage for improving their schools. Key groups speaking for disadvantaged kids—Education Trust, for example—emerged as strong supporters of accountability as a means of improving urban education. Opinion surveys consistently showed that most parents and citizens supported accountability as well. Most experts believed that test scores could be put to valid, reliable use. And many Republicans—even those resistant to national accountability efforts—came to believe that, through state and local action, educators need to be held accountable.12

In addition, the various members of the anti-accountability coalition have long been grossly unequal in terms of numbers, organization, money, and political clout. Except when it comes to national vs. state accountability (which mobilizes Republican policy makers), the teachers unions really are the coalition. Without them, the whole thing would collapse in a heap, and the opposition to accountability (at the state level) would lack sufficient power to stand in the way of true reform (Moe, 2011; Williams, 2006).

From the beginning, the unions could have drawn a line in the sand. Yet because this reform was so broadly popular, they opted for a more sophisticated strategy: to publicly support

---

12 Most scholarly accounts overly emphasize Republican resistance to accountability. This is because these studies focus on NCLB and its attempt to nationalize accountability, rather than on accountability more generally and its state-level politics. See Moe (2011, 2015a). See also Hess (2003).
the idea of accountability, but to participate in the design of actual accountability programs with the aim of watering them down. This was their approach throughout the 1990s, when many states actually adopted some (usually weak) form of accountability. And it continued during the 2000s in the wake of No Child Left Behind.

A key part of the union strategy has been the embrace of stronger curriculum standards—which, in themselves, are not threatening to teachers. It is the testing and the consequences for poor performance that the unions have sought to weaken and render ineffectual.\(^\text{13}\)

The science of testing is the most sophisticated component of the academic field of education. The unions’ concern is that tests provide concrete evidence on the performance of teachers, not just of students. If tests show that kids aren’t learning, the publicity will inevitably bring public complaints, pressures to improve—and consequences. A rigorous testing system, moreover, would quickly reveal that some teachers are much better than others and that some are very bad. Indeed, that is precisely what the research literature does reveal (Hanushek and Rivkin, 2006). Were such information routinely available, there would be objective grounds for removing bad teachers from classrooms. There would be objective grounds for giving better teachers higher pay. Accountability would begin to have real teeth.

The unions, accordingly, have long acted to prevent test scores from being put to serious use in evaluating teachers.\(^\text{14}\) In New York City, for example, Joel Klein sought in 2008 to improve teacher quality by bringing student scores to bear—along with much other relevant information—in evaluating teachers for tenure. The United Federation of Teachers reacted by playing its trump card: getting its allies in the state legislature to enact a new law prohibiting any district in New York from using test scores in tenure evaluations. The information was available, but the unions had made it illegal to take the information into account.

The New York case highlights the data challenge that the unions are up against nationwide. The rise of information technology has dramatically enhanced the ability of state governments to collect data on students, schools, teachers, finances, and other aspects of the education system; to store this information in “data warehouses”; and to employ it in better managing their schools. Reformers believe that nothing could be more basic to school improvement than good information. Yet the unions see good information as a threat—because it gives states and districts the capacity to link the evaluation, pay, and job security of teachers to student performance (Moe and Chubb, 2009).

In legislatures around the country—Texas, Colorado, California, and elsewhere—they fought these data battles over and over again during the 2000s. They pressured policymakers not to authorize teacher identifiers that can be linked to student identifiers in state data systems. And if they lost on that score, they pushed for laws that (as in New York) simply prohibited the linked data from being used in the evaluation or compensation of teachers. For many years, they were quite successful. Until Race to the Top intervened in 2009-10 to induce states to take down their “firewalls,” only eighteen states had data systems that were even capable of connecting teacher data to student data. Now these data systems are much more widespread, but the unions continue

---

\(^\text{13}\) Note that, in recent years, the NEA and AFT were publicly supportive of Common Core national standards, but turned against them when—as tests were developed and put to use in evaluating teacher performance—they became threatening to teachers.

\(^\text{14}\) Recently, under intense pressure—and sometimes in response to money (in Race to the Top, as well as in landing big philanthropic grants for their districts)—the unions have indicated a willingness to consider at least some role for test scores in evaluating teachers. But these are strategic concessions, not an indication that the unions are truly embracing this line of reform. Their underlying opposition remains the same. And as time goes on, they can be expected to try to minimize the role that test scores are allowed to play. See Moe (2011) chapters 8 and 10.
to use their political power to prevent them from being used. In California, for example, the data firewall was taken down so that the state could compete for Race to the Top—but since then, the state’s Democratic government has defunded the teacher portion of the data system, thus defeating its use as an evaluation tool.

The unions’ ultimate goal, however, is not to eliminate data or testing per se. It is to ensure that there are no negative consequences for teachers—so that no one loses a job, no one’s pay suffers, and no schools are shut down or reconstituted due to poor performance. Unions attack test scores and data systems because they provide the evidentiary basis for such negative consequences. But it is the negative consequences that are truly threatening.

The unions have been quite successful at blocking these consequences. Until very recently, even the most basic reforms went nowhere. It would have been simple, for example, for states to relax their tenure laws so that low-performing teachers could be removed from the classroom. But for years this obvious reform was rarely even considered. An exception occurred in Georgia, when Democratic Governor Roy Barnes eliminated tenure for incoming teachers in 2000. But he was quickly reminded of why other politicians around the country hadn’t done that: the state teachers union targeted him in the 2002 elections—and was widely credited with his defeat.

The story isn’t much different for performance-based evaluations, performance-based pay, the reconstitution of failing schools, and other reforms that would put teeth into accountability. For the greater part of 20 years, as accountability systems were being adopted in state after state—and then nationally via NCLB—the specific reforms promising to make accountability real were not adopted. The politics of blocking saw to it that the states would have accountability systems that were literally not designed to hold anyone accountable.

The unions’ blocking power is not uniform across the states. They tend to be weaker in the South, for instance, and that is why some of the pioneering accountability efforts have come from states like Texas, North Carolina, Kentucky, and Florida. Union power also tends to be weaker at the national level than at the state level, because national politicians have larger, more diverse constituencies and the unions have more competition from other groups.

It was due to the unions’ national-level disadvantage, plus that the political stars happened to line up just right for reformers—with Republican President George W. Bush leading the way (and local-control Republicans temporarily following him), with key Democrats on board (in part, out of concern that Republicans might become the “education party”), and with key advocates for the disadvantaged on board as well—that the teachers unions lost control of the politics of No Child Left Behind. With the enactment of this legislation, the unions suffered their biggest defeat of the entire reform era (McGuinn, 2006; Rhodes, 2012).

The adoption of No Child Left Behind was a watershed event, initiating a radical shift in the federal government’s role in public education. It required all states to test students annually in math and reading, with the goal of getting 100 percent of students to proficiency by 2014; to disaggregate scores by social subgroups (ethnicity, poverty, and more) so that no child would be left behind; to evaluate schools based on adequate yearly progress for all subgroups; and to subject failing schools to consequences intended to turn them around. In so doing, NCLB imposed a uniform regime of accountability on America’s schools for the first time—seeking to significantly improve the quality of education, especially for disadvantaged students.

Yet NCLB’s vision was not to be realized. A big reason is that the act itself was weak from the outset. Some of this weakness was due to technical problems that needed to be corrected. It measured the schools’ adequate yearly progress,” for example, in a way that didn’t
provide valid assessments of their true performance; and as a result, a fair number were classified—very publicly—as failing when they really weren’t. But the act was also weak by design, because the teachers unions and their allies won important concessions during the legislative process that watered it down. Most important, they succeeded in making it almost devoid of enforceable consequences. The major remedies for egregiously low-performing schools--reconstitution, for example, or conversion to charter schools--contained enough loopholes to ensure that they would rarely be carried out. And for teachers, there were really no consequences at all. Indeed, the act did not even try to measure their success at getting kids to learn (Williams, 2007; Hess and Finn, 2007; Hoxby, 2005; Resnick, 2011).

These built-in weaknesses were just the beginning of NCLB’s saga of turmoil. The unions pivoted from their loss in Congress to launch a years-long campaign to destroy it. The NEA went to court to try to have it declared illegal. Both the NEA and the AFT, meantime, relentlessly railed in the media against “over testing” to convince Americans that NCLB was bad policy (a strategy much aided by NCLB’s very real flaws), and they put intense pressure on Democrats to overturn it. Their ace in the hole, however, was that Republicans—normally their arch-enemies—were jumping ship for their own reasons. In 2001, many had violated local control in order to support their president’s signature legislation. But as the years passed, and with the Tea Party brewing, they increasingly closed ranks against what they called “federal overreach”—thus powerfully aiding the unions’ cause.

As the years passed, Democrats and Republicans in Congress both heaped criticisms on NCLB, but there was no consensus on precisely what should replace it. The result was gridlock. NCLB was supposed to come up for reauthorization, and thus to be revisited and reassessed, in 2007. But 2007 came and went, and NCLB lived on for another eight agonizing years—unpopular and flawed, but encased in legislative concrete.

President Obama, who was legally responsible for the act’s implementation, reacted to its flaws and political opposition by choosing not to fully enforce its provisions. Instead, in 2012 he began granting the states waivers using criteria that encouraged them to pursue certain reforms—among them, performance-based evaluations of teachers and Common Core national standards—that were favored by his administration but not actually part of NCLB at all. Throughout most of Obama’s second term in office, as a result, the nation’s accountability policy was being made through presidential discretion, not through congressional legislation. Republicans were irate at his ramped-up exercise in “federal overreach.” The unions were irate at the content of his reforms (see, e.g., Strauss, 2014).

When the Republicans took control of Congress after the 2014 elections, the destruction of NCLB became a priority. A de facto alliance between the Republicans and the teachers unions, whose power brought along many Democrats, quickly led in December 2015 to passage of the Every Student Succeeds Act (ESSA). Under the new law, students would still be tested annually and the results made public. But the essentials of accountability—what the academic standards would be, how performance would be measured, how schools would be evaluated, what consequences would be imposed on those that were failing—would now be entirely in the hands of state and local governments. The federal government, moreover, was specifically prohibited from promoting national academic standards or requiring that the states evaluate the performance of teachers.

As is par for the course, the ESSA was heralded in Congress with much lofty language about the wonders of local control. According to the act’s key architect, Republican Senator Lamar Alexander, the ESSA “will unleash a flood of excitement and innovation and student
achievement that we haven’t seen in a long time. But it will come community by community, state by state, rather than through Washington, D.C.” (Huetteman, 2015).

Reality argues otherwise. In the 1980s, the federal government took on the challenge of improving America’s schools precisely because so many state and local governments had done a poor job of running their own education systems. It is no coincidence, moreover, that the key vested interests in public education—the teachers unions and the school districts—are much stronger at the state and local levels, where they are embedded in the institutional woodwork and have enormous political clout, than they are at the national level. Shifting all authority to the state and local governments, then, is a guarantee that school accountability in the years ahead will prove to be weak and ineffective.

In the grander scheme of things, NCLB’s death spiral should come as no surprise. NCLB had its problems, to be sure—but they were fixable. Its real problem was political. For its adoption did nothing to weaken or dislodge the powerful defenders of the status quo ante, who simply regrouped and marshalled their troops to destroy it. And it did nothing to create new vested interests with a stake in supporting the new accountability regime and battling the onslaughts of opponents. If there was a surprise—a bad one for reformers—it was that the Republicans who helped enact the original legislation took a sharp turn to the right in later years, creating a bizarre coalition in which the teachers unions gained the support of their eternal Republican foes to bring NCLB down (Moe, 2015; Patashnik, 2008).

A workable, uniform, well designed system of accountability for America’s public schools never really had a chance.

School Choice

Accountability is a reformist effort to make the traditional top-down system of schooling work more effectively through better management. School choice is very different and potentially more transformative. In its most developed form, it aims to move away from top-down governmental control in favor of a radically decentralized system of largely autonomous schools among which families would choose.

To its supporters, choice has obvious advantages. Most important, it allows parents to leave bad schools: an empowerment especially valuable to poor and minority children, who are often trapped in the nation’s worst schools. Choice also shapes incentives. The public schools have traditionally had their kids and money guaranteed, regardless of how well they perform—but with choice, the guarantees evaporate. If schools don’t do their jobs, they stand to lose children and resources. There are consequences for ineffective behavior, giving schools stronger incentives to perform and innovate (Chubb and Moe, 1990).

Choice was first proposed in the 1950s by economist Milton Friedman, who advocated vouchers and envisioned a free market in education. Yet the modern American choice movement, which picked up steam around 1990 (when accountability did), is not mainly driven by an ideology of free markets. Libertarians are supportive, of course. But most proponents recognize that unfettered choice can generate problems—of equal access, parent information, transportation, accountability—and that government needs to address these problems by setting up appropriate rules to shape and guide how a choice system would operate (Moe, 2008).

To the teachers unions, choice is very threatening. When families are given new options, the regular public schools lose children and money. And jobs. Indeed, were choice widely adopted, it could trigger a plunge in union membership, resources, and power; and many teachers
could find their work lives and career paths disrupted. So the unions do not want families to have alternatives to the schools where their members teach. This is true even if the children are desperately poor and trapped in chronically bad schools.

The teachers unions are the nation’s leading opponents of choice. But they also have allies. The school districts oppose choice because they want to protect their own enrollments, money, and control. The NAACP has long seen choice as a veiled opportunity for whites to flee blacks; it also wants to protect jobs, because urban school systems are a prime source of minority jobs and upward mobility. The American Civil Liberties Union and the People for the American Way see vouchers for private schools (many of them religious) as a breach in the “wall of separation” between church and state. Liberals tend to be supportive of government, suspicious of markets, and worried that the poor cannot make good choices. And Democratic officials—who do the actual blocking—tend to be liberal in beliefs and electorally dependent on the unions.

The choice movement has long been weaker than its opponents. Unlike the accountability movement, moreover, it has never benefited from broad business support. A few wealthy individuals (like the late John Walton) have been major contributors, but most business leaders have seen education reform as a management problem—which is not surprising, perhaps, because management is what they do for a living, and how they view problems of ineffective organization. Throughout the 1980s, as a result, the choice movement was fueled by conservative activists, churches, private schools, parent groups, and the like: an enthusiastic lot, but hardly the kind of power base necessary to take on the unions and other choice opponents. To have any hope, the movement needed to broaden its constituency (Moe, 2001; Morken and Formicola, 1999; Hill and Jochim, 2009).

It did that by taking a left-hand turn from its libertarian roots. The signal event came in 1990, when minority parents in inner city Milwaukee rose up to demand vouchers as a means of escaping their abysmal public schools. With pivotal support from Wisconsin’s Republican governor, Tommy Thompson, they won a surprising victory—a small pilot program—over strident union opposition. Since 1990, choice advocates have largely focused on poor, minority, and other disadvantaged students (for example, those with learning and physical disabilities), usually in urban areas. The modern arguments for vouchers have less to do with free markets than with social equity, and opinion polls have consistently shown that its greatest supporters are black and Hispanic parents (e.g., Howell, Peterson and West, 2009; Moe, 2001).

Voucher supporters have eked out occasional victories despite all-out union opposition. The Milwaukee program has been vastly expanded, and there are now many other voucher programs as well—almost all of them small, some just recently adopted—for low income children in Cleveland, Washington, D.C., Ohio, Louisiana, Indiana, and Racine (WI). There are also voucher programs for special needs children in Florida, Ohio, Utah, Georgia, Ohio, Oklahoma, and Louisiana. There are voucher-like programs that, through tax credits and nonprofit foundations, provide scholarships for low-income children (Florida, Arizona, Indiana, Iowa, Pennsylvania, and Rhode Island), for special needs kids (Arizona, North Carolina), and children generally (Arizona, Georgia, Louisiana, Illinois, Iowa, Minnesota). And there are “education savings accounts” that allow parents to use government money to pay for a variety of educational options, including private school tuition, in such states as Arizona and Nevada (Friedman Foundation, 2015).

Yet the battles never end, because the unions want all voucher and tax credit programs eliminated. When Utah passed a voucher bill in 2007, the unions overturned it by putting it on
the ballot and spending heavily to defeat it. They attacked the Milwaukee and Cleveland programs for years in the courts—leading to the landmark Zelman decision in 2002, which ruled, in a union loss, that including religious schools in a voucher program is constitutional. They have gotten the courts to invalidate some of these programs—in Colorado and Florida, for example—and created legal uncertainty for many others. When the Democrats gained control of Congress and the presidency in 2008, they took swift action to kill the Washington, D.C., voucher program for disadvantaged kids—which supporters were able to reinstate in 2011 as part of a high-stakes budget deal. And these are just a few highlights.

The voucher programs left standing are impressive victories over a powerful opposition. Even so, they are hardly transformative. Of roughly 55 million elementary and secondary students in the United States (public and private), only three to four hundred thousand are receiving vouchers or tax-credit scholarships. This is a drop in the bucket. And most enrollments are due to just a few (relatively) large programs: the Milwaukee voucher program (26,056), the Florida McKay scholarship program for special education kids (28,957), the Arizona tax credit program (25,720), the Florida tax credit program (69,671), and the Pennsylvania tax credit program (38,278) (Friedman Foundation, 2015). Nationwide, vouchers and tax credits today provide little choice, little competition for public schools, and few new incentives. The bottom line is that the teachers unions have been extremely successful at preventing these reform efforts from altering the educational status quo.

The idea of vouchers and tax credits is an old one. The other seminal idea for expanding choice came along much later—again, around 1990. This was the idea of charter schools: public schools of choice that would operate independent of district control and most state regulations. For many policymakers, especially Democrats, charters offered a politically attractive middle ground. With charters they could support public sector choice for disadvantaged (and other) families—thus responding to demands for new options—yet they could also appease the unions by opposing vouchers, and also by burying charters in union-favored restrictions. The unions, for their part, preferred charters to vouchers because charters were potentially easier to control through politics. But the threat was much the same: charters allow kids to leave the regular public schools, taking money and jobs with them.15

The unions put up intense opposition, but they failed to stem the tide completely. In 1991 Minnesota adopted the first charter law (authorizing just 8 schools statewide), followed by California in 1992 (with a ceiling of just 100 charters in a state with some 7000 regular public schools). By 2003 forty states (including Washington, D.C.) had adopted charter legislation. As the dominoes were falling all across the nation, charters became America’s most widely accepted approach to school choice. They grew increasingly popular with parents and students, especially in urban areas with underperforming public schools. They spawned some stunningly effective schools for disadvantaged kids—most famously, the KIPP schools (which now number 162 nationwide). They gained considerable positive attention in the media and were featured in widely seen films (such as Waiting for Superman). They attracted support from prominent Democrats—including, during the 1990s, President Bill Clinton and Vice President Al Gore. And in recent years, President Barack Obama and his secretary of education, Arne Duncan, made charter reform a key part of their Race to the Top.

These are important developments. Yet throughout this time, the teachers unions fought to keep charters weak, and their Democratic allies talked a better game of charter “support” than

15 On the politics of charters, see, Moe (2011). For other accounts, see Finn, Manno, and Vanourek (2001); Morken and Formicola (2001); and Vergari (2007).
they actually played. The result was “reform” legislation high on symbolism and weak on substance. Among the usual restrictions: low ceilings on the number of charters allowed statewide, lower per-pupil funding than the regular public schools (by an average of 23%), districts as the sole chartering authorities (because they have incentives to refuse), no charter access to district buildings, and no seed money to fund initial organization. The result is that almost all charter systems have been designed, quite purposely, to provide families with very little choice and the public schools with very little competition (Hill, 2006).

Once these programs are in place, moreover, the unions try to weaken them further. One line of attack is through public relations: they regularly generate claims, reports, and studies attacking charter performance and aiming to shrink their popularity. Another line of attack is through the courts, where the unions have taken action—in New York, New Jersey, Minnesota, Ohio, and elsewhere—to argue that charter schools violate state constitutions.

In certain cities, the situation has gotten away from them, and charters have made impressive gains. In New Orleans, charters now enroll more than 90 percent of students—but this, as I’ve discussed, is due to the unique effects of Katrina. The charter “market share” is also quite high, however, in Washington, D.C. (44 percent), Detroit (53 percent), Kansas City (41 percent), Philadelphia (33 percent), Cleveland (30 percent), and a number of other urban districts, where they are clearly offering families many new choices and creating meaningful competition for the regular public schools (National Alliance for Public Charter Schools, 2015).

Reformers have been far less successful in the rest of the country. Eight states do not even have charter laws. And in those that do, there are very few charter schools and only small percentages of kids attend them. Here are some “charter states” and their enrollments: Connecticut (1.2 percent), Iowa (0.1 percent), Kansas (.6 percent), Maine (0.1 percent), Virginia (0.0 percent), Oklahoma (1.7 percent), Missouri (1.9%), and Tennessee (1.3 percent). Nationwide, after a quarter century of reformist effort, there are only 6000-plus charter schools in a population of more than 95,000 public schools, and they enroll only 6 percent of the nation’s public school children.\footnote{The figures are for 2012-13, the most recent available nationwide, taken from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at http://dashboard.publiccharters.org/dashboard/home.}

Tiny enrollments are no indication of the underlying demand. Charters often have long waiting lists of children eager to get in. In Harlem, for instance, charter schools are enormously popular, enrolling nearly 25 percent of local public school kids; but many more are clamoring to get in and can’t, because there aren’t nearly enough charters to take them. In the spring of 2010, some 14,000 Harlem children submitted applications for just 2,700 open slots, and more than 11,000 were turned away (Brill, 2010). Nationwide, an estimated 920,000 children are on wait lists, hoping to get into schools that don’t have room to take them.\footnote{As of 2012-13, from the “dashboard” data compiled by the National Alliance for Public Charter Schools, available at http://dashboard.publiccharters.org/dashboard/home.}

With 42 states now having adopted charter laws, it is natural to think that charters must be making great progress almost everywhere. But this is far from the truth. Most charter laws are filled with restrictions designed to limit the spread of charters and keep enrollments down. The real winner here is not the charter movement or the many American families seeking new alternatives for their kids. The real winner is the politics of blocking.

**Recent Developments**
In recent years, the teachers unions have been on the defensive like never before: blamed for obstructing reform, defending bad teachers, and undermining effective organization. Reformers are gaining strength. The unions seem to be getting weaker. What is going on?

Part of the story is that, with the onset of the Great Recession, the states were plunged into financial crisis—leading to teacher layoffs, drops in union membership and finances, thus a partial erosion of the union’s power base. Yet these effects were temporary. The economy is improving, and the unions are benefiting from that.

The unions face a more serious threat from the growing assertiveness of conservatives. Republicans now control more than half of state governments, and they have taken aim at unions and collective bargaining. Wisconsin’s Act 10, passed in 2011, drastically limited collective bargaining for teachers and imposed right to work (meaning, nonmembers cannot be required to pay “fair share” fees in support of the union), thus undercutting the incentives for membership—which has plummeted. In 2013 right to work legislation was passed in Michigan, traditionally a heavily unionized state, leading to significant drops in membership there as well. Similar Republican attempts are underway elsewhere. Indeed, it appears at this writing that a conservative Supreme Court may soon rule, in Friedrichs v. California Teachers Association, that “fair share” fees for unions are unconstitutional, which would impose right to work on public sector unions in all states. The result would surely be a drop in union membership, money, and political power—although the magnitudes are uncertain (Semuels, 2016).

The impact of this conservative tide shouldn’t be exaggerated. Most Republican governments are unlikely to pass major anti-labor legislation, because they fear massive political blowback from still-powerful unions. Republican control of state governments, moreover, will surely recede in the years ahead (it is now at its historical peak), and Democrats and unions will have opportunities to reverse their losses (although checks and balances will put Republicans in a position to block.) If the Supreme Court imposes right to work, however, the unions will move into the future with permanently lower levels of membership, money, and power—a potentially big handicap for them.

The teachers unions, moreover, are not just threatened by conservatives. They are also threatened by a loss of support among Democrats and liberals. With many urban schools underperforming, with accountability laying bare these miserable outcomes, and with school choice offering attractive options, advocacy groups for the disadvantaged have become major supporters of institutional change—and overtly critical of the teachers unions for obstructing it. Moderate and liberal opinion leaders—writing in Time, the Washington Post, and other respected outlets—regularly excoriate the unions for putting job interests ahead of children. A new group (formed in 2007), the Democrats for Education Reform, has attracted a bevy of high-profile Democrats and is taking forceful action in elections, legislatures, and the media to combat the teachers unions (Brill, 2011).

Energizing this new movement is a growing network of progressive activists, who are increasingly occupying influential positions in politics and education—and are openly critical of the unions. The most vibrant source of this activism is Teach for America, whose alumni have immersed themselves in the cause of educational change. Working side by side with these activists are deep-pocketed philanthropic foundations—Gates, Broad, Walton—that have poured big money into reforms the unions have long opposed (Hess and Henig, 2015; Reckhow, 2012).

This ferment hasn’t converted most Democratic officeholders, who remain union allies. Yet during the 2008 presidential primaries, one Democratic candidate did not toe the union line; and that candidate, Barack Obama, managed to become president. Once in office, he and his
secretary of education, Arne Duncan, proved to be reformers—producing (among other things) the 2009-10 Race to the Top (RTT), in which states competed for shares of $4.35 billion by embracing, or saying they would embrace, system-challenging reforms such as performance-based evaluations and pay, charter schools, and state data systems. Whether the results have substance remains to be seen, and they continue to be fiercely resisted in politics and on the ground. But the sheer level of RTT-induced reform has been striking (Moe, 2011; National Council on Teacher Quality, 2014).

Performance-based evaluations have since become the centerpiece of the nation’s reform agenda. As of 2014, 41 states have required that teachers be evaluated with some reference to objective measures of student achievement, and 35 have required that student achievement be a significant, or the most significant, factor (National Council on Teacher Quality, 2014). Part and parcel of these reforms is a weakening (potentially) of teacher tenure, as senior teachers who repeatedly fail to measure up are made subject to dismissal. In some states, moreover--Florida is one of them--new teachers are put on renewable contracts, and tenure protections are no longer in place. Tenure is also under attack in the courts, with the most spectacular reformist victory occurring in the 2014 Vergara case in California, where a lower state court declared that the state’s tenure and seniority laws are unconstitutional.

These are stunning advances, and many reformers see them as evidence that a major transformation is coming soon. But almost all these victories are still on paper (as new laws) or preliminary (like the Vergara decision, which is being appealed) and remain to be fully translated into action. As the new laws are implemented, the devil is in the details—which will be worked out over a period of many years, usually through collaboration with unions intent on using their power in politics and collective bargaining to water the new policies down. Experience to date reveals that, despite the rigorous new criteria for evaluating teachers, and despite the potential for dismissing poorly performing senior teachers, almost all teachers are still getting satisfactory evaluations and almost no one is being dismissed for poor performance (Anderson, 2013; Sawchuk, 2013).

The Democrats’ enthusiasm for change, moreover, only goes so far. The reason is that even reformist Democrats, from Obama and Duncan on down, have made it clear that they believe in unions and collective bargaining, and they have no intention of taking action to limit collective bargaining or weaken the power of the unions. They are serious about improving the nation’s schools, but they intend to do it collaboratively, and thus within an education system filled with powerful unions that must somehow be accommodated and made “part of the solution.” This intention is strongly reinforced by a brute political fact: the power of the Democratic Party itself is highly dependent on the power of the unions, which provide extremely valuable electoral support for the party. And the continuation of collective bargaining is absolutely essential to union power. These are fundamentals, then, that almost no Democrats are willing to touch. Like Obama, they might well want to encourage reform. But they aren’t going to upset their own applecart to do it.

Conclusion

Much has happened since A Nation at Risk first ushered the United States into the modern era of performance-based reform. But if we step back from it all, what do we see? We see a nation with a vibrant, enthusiastic, exceedingly active reform movement intent on bringing

---

18 For a detailed discussion of this Democratic belief in “reform unionism,” see Moe (2011) chapters 8 and 10.
major change and improvement to the public schools. And we see an education system that is heavily protected from reform by powerful vested interests, the teachers unions most prominent among them.

This sort of tension—between reformers who seek institutional change and the vested interests that resist it—is natural and universal. It happens in all political systems in all realms of public policy (Moe, 2015a). But especially in the United States, with its proliferation of veto points, it is a tension whose resolution is stacked in favor of the vested interests and against those who seek change. That the teachers unions have been so successful for so long is not surprising. They are endowed with multiple sources of genuine power—millions of members, massive financial resources, large contingents of political activists, expert lobbying operations—and they operate in a political system that works to their great advantage.

Conservative attacks, combined with the ferment among (some) Democrats, liberals, and moderates, have given reformers considerably more political clout in recent years. But the teachers unions remain genuinely powerful. If the Supreme Court imposes right to work, and if the impacts on union membership and money turn out to be truly big, the unions will be in far more trouble down the road—and they then may lack sufficient power to stand in the way of transformative change. But barring this doomsday scenario (which is possible), the great likelihood in the near future is that America’s reformers will continue to face stiff opposition, and they will continue to settle for small victories—in the form of more serious evaluations of teachers, say, or more data or more charter schools—that don’t come close to transforming the system.

As I have written elsewhere, there are exogenous, Katrina-like forces at work as well—due to the worldwide revolution in information technology—that may have transformative impacts on American education over the longer term (Moe and Chubb, 2009; Moe, 2011). But any such breakthroughs will probably happen very slowly over the decades. For the foreseeable future, the reality is that the United States will probably continue to have an education system that fails to meet the nation’s expectations, that reformers are frenetically trying to change—and that is well protected by the teachers unions.
References


