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# Teachers' Pets

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*Forget Capitol Hill—it's the state houses that are doing business with teachers' unions*

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BY DANTE CHINNI

**H**ALF-TRUTHS CAN BE DANGEROUS things, especially in the hands of a politician. Witness this little harangue on education reform near the end of Bob Dole's nomination acceptance speech in San Diego:

"The teachers' unions nominated Bill Clinton in 1992; they are funding his reelection now; and they, his most reliable supporters, know he will maintain the status quo," Dole told conventioners. "[W]hen I am president, I will disregard [their] political power, for the sake of the parents, the children, the schools, and the nation." The unions are killing the education patient and bankrupting the education business, he said.

It was a perfect political half-truth, a simple diagnosis of a real problem with a magic bullet answer: a president willing to stare down the unions. Even those who didn't agree with Dole's final solution—a school voucher system—heard something sensible in his words. Many agreed that teacher unions get in the way of reform and that Washington needs to do something to limit their power.

The problem is, Dole had it wrong and his half-truth draws attention away from the real issue.

It is true that teacher unions and their unwavering support of archaic tenure and certification systems all too often are roadblocks to reform. But any effort to ease the influence of the unions cannot begin in Washington. Despite their well-known national organizations, teacher unions are creatures of the states, governed by state laws that establish licensing procedures and guarantee tenure. Those laws,

established long before our lawsuit-crazed era, were designed to protect teachers from political pressures and capricious firings. Today, however, they often serve as a shield for inferior teachers, and they stay on the books because of union money that goes not to the White House, but to the state houses. "Where the teacher unions are most powerful is the state level," says Jay Butler, spokesman for the National School Boards Association. "They want to be where the power is—where the real bread-and-butter issues are decided."

The numbers bear Butler out. According to the latest FEC figures, the American Federation of Teachers' PAC gave \$1.29 million to federal campaigns between January 1995 and September 1996. That's not chump change. But the AFT's New York affiliate, the New York State United Teachers, spent nearly as much on its state races in just 10 months, \$1.2 million from January to October 1996. And while the nationally focused AFT gave almost exclusively to Democrats, the NYSUT took a more bipartisan approach, giving 52 percent to Democrats and 34 percent to Republicans, with the remainder going to non-partisan groups.

Teacher union spending is not always so evenly split at the state level, but there are usually a number of key Republicans with their hands in the pot. In the states, the "laboratories of democracy," party affiliation and ideological differences are often less important than they are in Washington, and big money—the politician's best friend—is harder to find. Those state-level realities make it easier for unions to get control of state legislatures and kill efforts to reform teacher laws. Changing those laws, while not a panacea in the fight to make schools better, is surely a key element. To understand why, just sit down with a local school board member.

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## A Byzantine Process

Stephanie Lightfoot sits on the Hartford School Board and is the mother of two children who attend the city's public schools. She has been at the forefront of a series of efforts to reform Hartford's ailing schools, efforts that usually involve facing off against the city's teacher union. This fall, as students were preparing to return to school, Lightfoot and the school board struck out directly at the union. Citing poor evaluations, the board fired a high school Spanish teacher who had been with the district for 28 years. "We have to change this culture," Lightfoot says. "As a teacher you have to be accountable for the children in your classroom."

But it is not quite that easy. By announcing their intention to fire the teacher, the board has set in motion a Byzantine, protracted process that will most likely end up costing the district between \$100,000 and \$200,000. If the teacher fights his firing—and the union has vowed to fight to the bitter end—he will first go before a three-member panel mutually agreed upon by the union and the board. That panel will hear all the evidence and eventually make a non-binding ruling. But that ruling can then be appealed in Superior Court. Such battles can last for years, and while they rage, the districts must continue to pay the fired teacher at full salary (\$59,000 in Hartford's case), pay attorneys' fees, and, of course, pay a replacement teacher to take over the classroom.

After all of that, what is the board's chance of prevailing? Not very good. Connecticut, like many states, has no legal definition of competent or efficient teaching. In Hartford, most teachers and administrators can't remember when a teacher was last fired. In another Connecticut district, when a teacher was actually found incompetent in 1995, he could not be let go because the district could only prove he was incompetent at teaching two of three subjects. In the end, he was shuffled off to another classroom.

The last serious effort to reform the public schools in Connecticut, including its teacher tenure and licensing system, came in 1993. A panel worked together on the plan for a year, but by the time the proposals came to the floor of the state assembly, the tenure provisions had been watered down. The measure didn't pass. Since then, even with a Republican governor and state senate, nothing significant has happened.

One woman who sat on the panel says she is not expecting that to change. "A lot was put into that report and the fact that nothing came out of it was really discouraging to us," she says. She has good reason to keep a damper on her hopes. In the last elec-

tion cycle, the two largest unions, the state's AFT and National Education Association affiliates gave about \$50,000 to state campaigns—mostly to Democrats. That may not sound like a lot, but in a small state with a part-time legislature, nobody wants money, or people, targeted against them. "Legislators with a lot of teachers in their district don't want them mobilized against them," she says. "[The unions] are a very effective adversary."

In the states with big money campaigns, the problems multiply.

## Following the Money

In 1994, the New York State School Boards Association released "A Blueprint for the Professionalization of Teaching." The report showed that under New York's teacher tenure system, which operates much like Connecticut's, it takes an average of 455 days and \$177,000 to fire a teacher—and that's if the first ruling is not appealed. With an appeal the cost shoots up to \$317,000. To help with the problem, the association recommended replacing permanent teacher tenure with renewable contracts that would be based on performance reviews. When the association polled voters last year asking if they would favor such a plan, more than 75 percent said yes.

All of which makes the case of Assemblyman Craig Doran even more peculiar. Doran, a Republican from New York's Finger Lakes region, is sponsor of a bill that would replace lifetime teacher tenure with renewable five-year contracts. Considering the public support, you'd think legislators would be lined up from Albany to Manhattan to sign on to that bill, right? Wrong. The bill has two other co-sponsors in the Democratic-controlled assembly, none in the Republican-controlled senate, and (surprise) it has gone nowhere.

"The union pressure has a great deal to do with keeping this bill buried," Doran says. On several occasions, Doran says he has walked the halls of the state capitol building looking for supporters and been told flat out by other legislators that they cannot support the measure because they need the political and financial backing of the unions. Given a chance to stick the blame on Democrats in our interview, Doran declined. "There is a lot of money out there and it's going to everyone."

Exactly, says Linda Rosenblatt of the New York State United Teachers (NYSUT). "We are very bipartisan. We have always had an excellent working relationship with [state Senate Majority Leader Joseph] Bruno. He talks to members of his party and we have

# The Washington Monthly Journalism Award

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## REYNOLDS HOLDING Accusations of Prison Coverup *San Francisco Chronicle*

*It's a tale that has everything: death, violence, government cover-ups, a high-speed car chase, early morning visits from the FBI. No, it's not an episode of "The X-Files"; it's an account of the how the California Department of Corrections came under investigation for allegedly attempting to block a federal investigation into criminal wrongdoing at Corcoran State Prison.*

*Holding's report reveals how prison guards at Corcoran, one of the nation's most violent facilities, were orchestrating fights among inmates from rival gangs, then shooting prisoners who failed to stop fighting—often with fatal results. More significant, however, is how the agency first ignored reports of the abuse, then tried to prevent a corrections officer from turning over the information to the FBI. A possible reason for the agency's reluctance to investigate: The corrections department frequently cites inmate violence at facilities such as Corcoran as a justification for increased funding.*

## ALISON YOUNG & WENDY WENDLAND Who Cares? (Five-part series) *Detroit Free Press*

*With the graying of America, the nation's elder care system is bracing for a massive influx of seniors. This five-part series by the Detroit Free Press examines the current state of Michigan's nursing home system, what is being done to improve the quality of care, and some of the major barriers to that improvement. Among other problems, reporter Alison Young finds that state and federal regulators often behave more like industry lapdogs than watchdogs, having repeatedly "watered down rules, declared moratoriums on fines, changed definitions and retrained inspectors in response to industry criticism."*

a good relationship."

If money has anything to do with friendship, then the union has a good relationship with a lot of people. On January 24, NYSUT gave \$27,990 to Democratic committees and \$15,200 to GOP committees. On March 12, it gave \$11,000 to the Democratic Senate Campaign Committee and \$25,000 to the New York State Senate Republican Campaign Committee. On March 15, NYSUT even gave Doran \$150. (The contribution was news to Doran, who between laughs said he can only figure the money was for a ticket to a March fundraiser. "I have no idea why they would do that," he says.)

Rosenblatt says the union's money is not just to fight changes in tenure laws but also for other issues teachers care about, like getting more dollars for education, keeping class sizes small, and keeping schools safe for kids. She admits that the union has done what it can to choke off tenure reform, "Remember you are dealing with a profession with tremendous political pressures. There have to be some protections." If a good teacher is pressured not to teach *Huckleberry Finn* or forced to teach creationism, it's good to know tenure is there to support them, she says. Rosenblatt has a point. Any serious reform must make clear that ineptitude is cause for firing, but a difference of opinion is not. That way, if a zealous school board tries to fire a teacher because he wants to teach Mark Twain or Charles Darwin, the teacher can file suit. After all, the overwhelming majority of teachers out there are good at what they do and can easily defend themselves in such cases. And surely all that union money could help the few good apples that get unjustly dismissed.

New York's legislative session is over. Doran has been talking to the union and is planning to introduce his bill again next session with some revisions, including one that would make it illegal for a district to fire an older teacher simply because his or her salary is too high. He is hopeful the bill will move this time.

### Small Steps

Sean Duffy is hopeful too. As press secretary for Pennsylvania's Department of Education, he has seen some incremental changes in teacher laws despite the efforts of teacher unions. Last year, Pennsylvania took a small step forward by passing a bill that lengthened from two years to three the time required to obtain tenure. Duffy is not ready to claim victory yet—not even close—but he says the change is a positive step against a force with a lot of money and a lot of friends on both sides of the aisle. "This is not a Democrat or Republican issue. It's about who wants