

A Tale of Two Approaches—The AFT, the NEA, and NCLB

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When President Bush signed the No Child Left Behind Act (NCLB) into law on January 8, 2002, neither the American Federation of Teachers (AFT) nor the National Education Association (NEA) was on record supporting the new legislation. What has transpired since the enactment of the statute is the story of the two organizations' different approaches to the law.

This chapter takes up the topic of the responses of the NEA and AFT to the early days of implementation of NCLB. As this chapter will show, though the organizations are largely in accord about what they view as the deficiencies of the law, they have taken very different strategic approaches to efforts to secure statutory changes.

The NEA efforts have focused on public denunciation of the law. The AFT, on balance, has taken a more considered, and sometimes less predictable, approach. In large measure, these strategies mirror the organizations' reactions to education reform more generally over the last 2 decades.

When President Bush signed the No Child Left Behind Act (NCLB)¹ into law on January 8, 2002, neither the National Education Association (NEA) nor the American Federation of Teachers (AFT) was on record supporting or opposing the new legislation. Rather, both the NEA and AFT remained neutral on the bill. What has transpired since the enactment of the statute is the story of the two organizations' different approaches to the law.

¹NCLB is actually a reauthorization of the ESEA, first enacted in 1965. The Bush administration renamed the law "No Child Left Behind."

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This article begins with an explanation of the organizations' different responses in their pursuit of reform and explains some of the initial statutory compromises the NEA and AFT had a hand in shaping. The article then moves to an examination of the organizations' initial responses to NCLB and traces the evolution of those responses as NCLB implementation becomes a reality. As this article will demonstrate, though the organizations are largely in accord about what they view as the deficiencies of the law, they have adopted different strategic approaches to secure statutory change. In contrast to NEA efforts, which have focused on public denunciation of the law, the AFT has taken a more considered, and sometimes less predictable, approach. In large measure, these strategies mirror the organizations' reactions to education reform more generally over the last 2 decades. The article concludes by asserting that, though the AFT has had a more thoughtful approach to NCLB than the NEA, neither organization has been entirely successful in crafting a cogent policy response to this major piece of legislation.

Two Organizations With Different Power Bases

In many ways, the NEA and AFT are similar organizations. They often support the same political candidates (typically, though not always, Democrats) with dollars and precinct workers. Both groups vehemently oppose vouchers and other education privatization schemes and are noticeably cool to charters. Finally, both organizations seek to expand collective bargaining rights² to teachers in the states where it is currently outlawed.

But these are, in fact, quite different organizations. The NEA power base traditionally has been in suburbs and, to some extent, rural areas. Although NEA counts cities among its constituents, urban locals—Denver, Colorado, for example, which recently negotiated an alternative compensation system,³ and Columbus, Ohio, with a long-time peer review pro-

²Collective bargaining is the process that allows teachers to elect a single organization to represent them for purposes of negotiating a legally binding contract covering, "wages, hours, and terms and conditions of employment" with their employer. About 37 states authorize collective bargaining for teachers and it is, for both the NEA and the AFT, an extremely important issue.

³Currently, teachers in most school districts are paid on what is commonly called the standard single salary schedule. Teachers advance on the schedule—in other words, earn higher salaries—on the basis of longevity (experience) and credits accrued, whether or not these credits are related to a teacher's teaching assignment. The Denver Public Schools and Denver Classroom Teachers Association have negotiated a new kind of salary schedule that will grant teachers higher salaries for increased knowledge and skills that contribute to improved student achievement, for teaching in hard-to staff schools and subjects, and for higher test scores.

gram⁴ prominently among them—are often seen by the national NEA as renegades, mavericks, and organizational outliers. On the other hand, the AFT’s power base historically has been found in the central cities—Chicago (Local 1), Detroit, Philadelphia, and New York. When merger between the two organizations seemed a real possibility in 1998, there was much in the media about how NEA members would defeat the proposal out of fear of affiliating with the AFL-CIO and having “big labor” dictate teacher policy.⁵ In fact, much of the concern among NEA delegates centered on trepidation that a merger with the AFT would require them to become responsible for the difficulties of urban schools.

Different Organizational Approaches to Reform

When *A Nation at Risk*, the report by the National Commission on Excellence in Education, first appeared in 1983 and triggered the contemporary education reform movement, the predictable response from both the NEA and AFT would have been to publicly rail against the report as just another example of teacher bashing. The report in its now-famous (purposely inflammatory) language, declared, “If an unfriendly foreign power had attempted to impose on America the mediocre education performance that exists today, we might well have viewed it as an act of war.” As indicators of a flagging system, *Risk* cited a host of indicators, the following among them:

- International comparisons of student achievement on which Americans fared badly.
- The (relatively) high rate of adult illiteracy.
- Consistent declines in Scholastic Aptitude (SAT) tests.
- The increasing number of remedial mathematics courses 4-year colleges were being required to offer.

⁴Peer review is a system in which teachers evaluate other teachers. Evaluation typically is based on standards of good practice. The program is governed by a joint union–management board. Evaluations are conducted by experienced teachers specially selected by this board. The program usually operates for new teachers and for teachers identified as being in professional jeopardy. A number of districts have had peer review in place for some time. In addition to Columbus, Toledo (which initiated the first-in-the-country peer review program in 1981), Cincinnati, Rochester (New York), Montgomery County (Maryland), and Poway (San Diego County, California) have longstanding peer review programs. Data suggest that teachers are much more rigorous evaluators than are administrators and that teachers are dismissed as a result of peer reviews. Importantly, because the program is so intensive, many teachers are also helped to improve.

⁵This is rather an absurd notion. The AFL-CIO is an amalgamation of many unions and has no authority to dictate policy to any of them.

In addition, the report asserted that the following contributed to these problems:

- The “homogenization” and dilution of secondary school curriculum.
- The reduced amount of time American students were spending on subjects such as science and mathematics compared to students in other industrialized nations.
- The high incidence of teachers drawn from the bottom quarter of high school and college graduates (*A Nation at Risk*, 1983).

NEA Response to A Nation at Risk

NEA response to *A Nation at Risk* was less than enthusiastic. The organization took exception to the report and stayed on the reform sidelines, while echoing the report’s support for equity. Then-NEA President Mary Hatwood Futtrell criticized the National Commission report for not putting enough money into education (Finn, 1983). Several months after the April release of the report, the NEA joined a coalition of education groups⁶ to both condemn and support *A Nation at Risk*, in part by hearkening to history. The coalition made clear that it did not favor what it characterized as, “a repeal of the constructive made-in-America reforms of the last 25 years.” And it called for “a continuation of the agenda of the 1950s and 1960s to make educational opportunity available for all children.” Among the recommendations in the coalition’s report were higher base pay for all teachers, career ladders with differentiated roles for teachers, and standards for student achievement. The coalition rejected testing to select and screen teachers (Toch, 1983).

The NEA and Education Reform

The NEA remained noticeably quiescent on the education improvement front for some time. The organization continued to call for higher teacher salaries and lower class sizes, but did not pursue much of a change agenda—at least not until 1997, 14 years after the release of *A Nation at Risk*. In that year then-NEA President Robert Chase tried to shift the direction of the organization. In a speech to the National Press Club titled, “It’s Not Your Mother’s NEA,” Chase asserted fundamental changes were in order for the organization. He said he would advocate for peer review, for a

⁶The groups included the Council of Chief State School Officers, the National Association of State Boards of Education, the National Association of Secondary School Principals, the National School Boards Association, and the National Parent–Teacher Association. The AFT, which endorsed testing for new teachers, did not participate in the coalition.

stronger NEA emphasis on standards, and for more collaborative bargaining with school management.⁷ He called his approach New Unionism.

But Chase's vision was not to be fulfilled. In 1997, the NEA adopted a convention resolution on peer review that might charitably be described as tepid. The resolution simply said the NEA would not actively oppose local affiliates that wanted to develop and implement peer review. There was no avowed support for the program. In 2000, convention delegates defeated a resolution recommended by the NEA leadership, including Chase, to consider some forms of alternative compensation. Chase's term of office ended in 2002. New Unionism has now all but disappeared from the NEA agenda.

AFT Response to A Nation at Risk

The AFT chose not to respond to *A Nation at Risk* in a predictable way. Instead, the AFT, led by then-President Albert Shanker, embraced reform. Shanker, in essence, gave the organization permission to be change oriented. Speaking to the AFT convention in Los Angeles in summer 1983, shortly after release of *A Nation at Risk*, Shanker told the delegates,

In a period of great turmoil and sweeping changes, those organizations and individuals that are mired in what seems to the public to be petty interests are going to be swept away in the larger movement. Those individuals and organizations who are willing and able to participate, to compromise, and to talk will not be swept away. On the contrary, they will shape the direction of all the reforms and changes that are about to be made. (Shanker, 1983, pp. 64–65)

The AFT president was positioning his organization to help shape the direction of education reform.

The AFT and Education Reform

The AFT aggressively embraced the standards and accountability movement. It launched its "Making Standards Matter" series in 1995. Published annually for several consecutive years, "Standards" was an unsenti-

⁷Collective bargaining is traditionally an adversarial process with union and management trying to best each other in contract negotiations. But following the release of *A Nation at Risk*, a number of (mostly AFT) local presidents and their school district counterparts chose a different approach to bargaining. Often called "win-win" or collaborative bargaining, this process reduces labor-management friction by using a variety of techniques to transform bargaining into a union-management partnership rather than a contest.

mental, analytical look at each state's student achievement standards, including their academic rigor and the extent to which they were linked to state accountability systems. Over the course of several years the AFT also reaffirmed its commitment to peer review of teachers, supported the testing of teachers new to the profession, and adopted a resolution that supported some forms of alternative compensation, including higher pay for teachers in hard-to-staff schools and subjects.

At the same time, the AFT increased the size and relative importance of the organization's Educational Issues Department, launched the professional issues (Quality Educational Standards in Teaching [QuEST]) conference, and expanded its Educational Research and Dissemination (ER&D) Program.⁸ With the active support and participation of a number of AFT vice presidents throughout the country, in cities such as Minneapolis, Cincinnati, Rochester, Toledo, and New York City, Shanker shifted the AFT's orientation from bread-and-butter collective bargaining issues to also include a much stronger and more visible education reform focus.

In sum, following the release of the National Commission report, the AFT set down a path not predicted for the union. Collective bargaining had given unions a special place in the education decision-making arena, a place at the decision-making table. The education reform of the 1980s, however, changed the stakes for unions. Reformers were demanding significant changes in the educational order of things: standards for students and teachers, more testing, and stricter and more visible accountability. Demands for educational improvement required a different agenda from the one to which the AFT (or NEA) was accustomed (Cibulka, 2000).

NEA and AFT Initial Responses to NCLB

The organizations' reactions to education reform over the past 2 decades foreshadowed, in many ways, their initial and current responses to NCLB. From the beginning, the NEA, criticizing NCLB at every turn, was blatantly opposed to the law. The AFT has taken a more measured approach, though its critique of the law has become sharper over time. Not surprisingly, the organizations began from quite different places.

At its national convention in New Orleans in summer 2003, the NEA made clear its displeasure with the statute. NEA President Reg Weaver, in his keynote address to the 9,000 delegates, characterized the law as "pos-

⁸ER&D was first initiated in 1981. It is a union-sponsored, research-based professional development program covering topics such as reading and mathematics instruction and classroom management. ER&D was awarded the American Education Research Association's highest honor as an exemplary program that bridges research and practice.

ing as Dr. Jekyll but really being the evil Mr. Hyde" (Keller, 2003). Weaver announced the NEA intention to find a plaintiff state and sue the federal government, claiming NCLB was an unfunded mandate and thereby violated the section of the law that states, "Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act" (§ 9527). At that same convention, long-time NEA General Counsel Robert Chanin proclaimed, "NEA has immense problems with NCLB. ... I think any pretense of support has been swept away" (Keller, 2003).

At about the same time, in Washington, DC, then-AFT President Sandra Feldman⁹ was speaking to attendees of the AFT's biennial QuEST professional issues conference.¹⁰ In her speech, Feldman spent a fair amount of time on NCLB. Her tone and message could not have been more different from the one expressed by her NEA counterpart:

The federal NCLB Act poses yet another test of our ability to be constructive, responsive, and creative while simultaneously fighting and protecting against the indefensible. The law is built around goals we've long supported: high academic standards and achievement, eradicating achievement gaps between the haves and the have-nots, making sure that every teacher in every school is qualified, and, yes, accountability. The law also mandates reporting outcomes by student subgroup which is the right thing to do because it puts inequities out there for all to see. (Feldman, 2003, pp. 2-3)

Feldman went on to lament the Bush administration's inability to implement the law smoothly and successfully. Funding problems and conflicting rules and regulations plagued implementation, she said, and the Bush administration often seemed unable (or unwilling) to answer many of the most pressing state and district questions. Though the AFT president acknowledged members' then-still-nascent concerns about the legislation, she also urged caution:

If all we do is focus on the potential harm that can be done by the law, then we'll be doing a disservice to our students, our profession, our union, and to each and every individual teacher. When anxiety gets whipped up into

⁹Feldman stepped down from her post as AFT president in summer 2004 due to health problems. She was succeeded by AFT Secretary-Treasurer Edward McElroy.

¹⁰The AFT holds a convention every other year. (The NEA holds a convention annually.) On alternate years, the AFT holds a professional issues conference, called QuEST.

a generalized, simplistic “down with the law” mantra, it jeopardizes Title I¹¹ and it puts at risk the most important federal commitment there is to the education of poor children, the law on which the most vulnerable youngsters and resource-starved schools depend. . . . We are not going to put ourselves above a program whose resources, inadequate though they are, continue to be so desperately needed by our poorest students and most under-funded schools. (Feldman, 2003, p. 4)

Similar Positions, Different Strategies

Since summer 2003, the organizations’ positions have come more closely to resemble one another. The NEA has not succeeded in finding a plaintiff state to carry the banner of its lawsuit though it does continue to talk about the strategy. The AFT calls for changes in the law have become more strident as the reality of implementing NCLB has hit states and school districts.

Though both organizations have sought substantial amendments to the law, their strategic approaches have been different. The NEA has continued to sound the drumbeat of down with the law. At its summer 2004 convention in Boston, NEA President Reg Weaver reiterated his organization’s dissatisfaction with NCLB: “[The No Child Left Behind law] is a one-size-fits-all federal mandate that sets the wrong priorities—too much paperwork, bureaucracy, and testing.” Weaver told the delegates, “Our schools are becoming testing factories, not centers of learning and progress” (Robelen, 2004b). There was no formal discussion by delegates about the law. Instead, an NEA vice president led a sing-along of homegrown NCLB protest songs, ditties that ridiculed the law and reinforced the NEA views about the statute’s deficiencies.

The AFT has chosen a different approach, primarily lobbying for changes through altered rules and regulations to the statute rather than engaging in a wholesale trashing of the bill. In the organization’s most critical denunciation of NCLB, delegates to its 2004 convention approved a strongly worded NCLB resolution titled, “Moving Every Child Forward.” The resolution begins by asserting the AFT support for the underlying goals of NCLB to raise educational standards for all children and, in particular, to meet the needs of disadvantaged children. It goes on to affirm the AFT support for tests to measure if standards are being met.¹² But the resolution points out what the

¹¹Title I is a provision of NCLB (and was a provision of the original Elementary and Secondary Education Act [ESEA], which became NCLB). It is the largest single federal appropriation to education and uses a poverty index to provide educational support to economically disadvantaged students.

¹²This statement is an important counterbalance to the NEA’s repeated attacks on standardized testing.

AFT believes to be the statute's flaws—namely that, in the organization's view, Adequate Yearly Progress¹³ is “neither research-based nor scientifically reliable and valid”; that the set of school improvement interventions is too narrow; and that some of the requirements for “highly qualified teachers” (e.g., regarding special education and middle school teachers) are “unrealistic.” The resolution criticizes the Bush administration for “[failing] to live up to its commitment to adequately fund NCLB” and for “opportunistic implementation” that has “undermined the very goals it was charged with supporting.” It calls on the federal “Department of Education or Congress” to “alter the unreasonable rules and regulations and implement improved rules consistently.”

The AFT's and NEA's concerns about NCLB, thus, are much the same: underfunding of the measure; too great a reliance on standardized testing as the sole accountability measure; and, particularly in the case of the AFT, an absence of reasonable attention to the very real challenges of urban districts. But their strategies for securing change are quite different.

Compromises on the Way to NCLB

The run-up to current organizational positions is an interesting one. It is a study of two powerful organizations' efforts to find a solid political foothold in what has become the quicksand of education policy. It is an important tale because, although nationally the labor movement is at an all-time low in terms of members—about 12.9% of the workforce belongs to a union (Strope, 2004)—of the 3 million public school teachers in the United States, about 90%¹⁴ pay dues to the NEA or the AFT.

On its face, the law would seem to be composed of provisions that teacher organizations would applaud. It calls for challenging academic standards for all students, for every child to be proficient in reading and mathematics by 2014 (a 12-year timetable from the onset of the law), and it imposes consequences for failure to improve. Furthermore, the law calls for all teachers of core academic subjects (including English, reading–language arts, mathematics, science, foreign language, civics and govern-

¹³AYP is the way in which NCLB calculates whether a school is making sufficient academic gains. It is calculated through a process of goal setting and examination of students' scores on standardized tests. Critics say that AYP sets the bar too high and is too rigid in that it measures absolute gains but does not credit progress.

¹⁴The NEA boasts 2.7 million members, including preschool and K–12 teachers, higher education professionals, and paraprofessionals. The AFT claims something over 1 million members. In addition to teachers, the AFT represents higher education and preschool professionals, paraprofessionals, and nurses.

ment, economics, the arts, history, and geography) to be “highly qualified.” And it requires effective professional development for all teachers.

Republicans and Democrats alike supported NCLB, in part out of a growing national frustration with the slow pace of urban school reform and a general sense among policymakers that students living in poverty were not getting a fair shake (see DeBray, McDermott, & Wohlstetter, 2005/this issue). Gaining bipartisan support for NCLB required compromises that the unions had a role in shaping. For instance, the Bush administration wanted the law to authorize vouchers. When Democrats balked (with encouragement from the unions, both of which oppose vouchers), the public school transfer provision of NCLB was born.¹⁵ The administration also wanted mandatory testing of all teachers but the NEA and AFT opposed this provision, in part because it seemed to them like changing the rules in the middle of the game for teachers already in the classroom.¹⁶ An early version of NCLB also would have transformed categorical funding, targeted to specific programs (such as special education) to block grants, giving states and districts wide authority to determine how funds would be spent. The unions were concerned that, if dollars were distributed as block grants, students with various kinds of needs would not be served (Blair, 2002b). Finally, some of the law’s original proponents wanted to use NCLB as a means to diminish the significance of collective bargaining. An early version of NCLB sought to ensure that only those collective bargaining agreements that were signed before NCLB became law were held harmless. The final version protects all teacher contracts, present and future: “Nothing in the school improvement section of the law shall be construed to alter the terms of collective bargaining agreements, memoranda of understanding, or other agreements between employees and their employers” (§ 1 116 (d)).

Organizational Responses to NCLB

Given each organization’s history of participation in education reform, how have the two teacher unions responded to the implementation of NCLB?

The NEA’s Current Response to NCLB

“The NEA has been critical of NCLB ... for ... over-reliance on high stakes testing, ... propensity for mislabeling of some schools as failing, and

¹⁵This provision allows students to transfer out of persistently low-performing schools. The school system must use Title I funds to pay transportation costs to send these students to higher performing schools.

¹⁶The final version of the statute allows states to write their own definitions of “highly qualified” teachers and allows states to evaluate current teachers by means other than a test.

extensiveness of its requirements relative to amount of funding provisions" (Center on Education Policy, 2004, p. 19). The NEA Web site describes the statute thus: "The No Child Left Behind Act of 2001 presents real obstacles to helping students and strengthening public schools because it focuses on punishments rather than assistance; mandates rather than support for effective programs; and privatization rather than teacher-led, family-oriented solutions." In March 2004, the NEA began running public service announcements that reiterated the organization's displeasure with the testing requirements of NCLB:

I'm Reg Weaver, President of the NEA. Testing is important to a child's education. But the new federal law, the so-called No Child Left Behind Act, takes testing to extremes. All students are expected to achieve on federally required tests at the same level at the same time. It is not testing to help students. It is testing for politics. And that is wrong! Congress needs to put students first and fix the law. (NEA, 2004)

NEA affiliates followed the national organization's lead. The California Teachers Association (CTA), the NEA's largest state affiliate with more than 300,000 members, is aggressively anti-NCLB. The CTA, in fact, gave an early endorsement in October 2003 to Howard Dean based on Dean's pledge to dismantle NCLB.¹⁷ Like the NEA's, CTA's ad campaign slammed NCLB for its "one-size-fits-all" approach, saying the law encourages "teaching to the test"; is "massively under-funded"; and "wastes resources on standardized government tests and bureaucracy without providing the resources needed to make schools successful" (CTA, 2004). Claiming NCLB had a \$32.6 billion shortfall in fiscal year 2003 that prevented the hiring of 16,000 needed teachers, CTA called for lower class sizes and more money—the NEA's classic solution to all educational problems.

An article in the CTA's newspaper, the *California Educator*, titled, "Is ESEA's Ultimate Goal to Undermine Public Schools?" claimed that NCLB requires that schools pay for supplemental services provided by faith-based organizations, will result in closing public schools and reopening them as charter schools, and turns schools over to private companies and replaces school staffs (California Teachers Association, 2004). To be sure, many teachers were and are frustrated with some of the NCLB rules and regulations. And CTA has done all it can to fan the

¹⁷The New Hampshire NEA affiliate also endorsed Dean early, in December 2003, based primarily on his position on NCLB.

flames of members' discontent. The *California Educator* reported in February 2003 that

ESEA dictates policy on school safety, tutoring, and school prayer. It calls for school districts to reform tenure systems, provide merit pay, and test teachers in their content areas. It even tells schools that they must provide the names and addresses of secondary students to draft boards upon request. Along with the new requirements, ESEA imposes stringent sanctions on schools if these requirements are not met.

This is, at best, a misleading interpretation of the law. For example, sanctions are about student achievement, not about merit pay. But this article had a specific purpose; namely, to raise teachers' ire about NCLB by reinterpreting the law to fit CTA's agenda.

In May 2003, the NEA launched a new advocacy organization focused on changing NCLB and securing more funding for it. In a statement announcing the new organization, an NEA spokesperson said, "Teachers say the way the law is implemented now is taking the joy out of teaching and learning in America's classrooms, and we want to change that" (Keller, 2004a). The new group, called "Communities for Quality Education," is headed by the former chief lobbyist for the CTA. Given the NEA's strong position on NCLB, it seems at best curious that the organization believes the new entity will be recognized by those outside the NEA as a credible source for analysis or information.

The AFT's Current Response to NCLB

On February 18, 2004, AFT president Sandra Feldman sent a letter to the organization's vice-presidents. Acknowledging that AFT leadership was coming under increasing pressure from its constituents to take a stronger position with regard to NCLB, she urged caution:

Our major concern ... is that we do not throw the baby out with the bath water on education policy. We have to fix ESEA and fund it, but having Republicans hooked into a federal role, and having more attention forced to be paid to poor children has to be preserved even as we make sure the disgraceful and opportunistic handling of the law by the administration is exposed and severely criticized, AYP is changed, and the fight for funding is made. (Feldman, 2004)

In an AFT NCLB newsletter distributed more widely to AFT leadership, Feldman wrote,

The goals of the No Child Left Behind Act ... are goals the AFT has long supported—high standards for all children, with tests to measure whether the standards are being met; qualified teachers in every classroom; and help for students and schools that are lagging behind. ... Aspects of the law are problematic: the rigid, unrealistic and arbitrary benchmarks of schools' AYP; the restrictive interventions for low-performing schools; and the abysmal lack of adequate resources for schools found to be most in need of improvement. ("AFT on Meeting the Challenges," n.d.)

The newsletter characterizes NCLB as presenting "both challenges and opportunities" for the AFT, a very different position from what the NEA offered.

Over time, the AFT's stance on NCLB has become sharper and more focused. The AFT's increasingly aggressive position on NCLB, as reflected, for example, in the organization's 2004 convention resolution, is a direct response to member frustration with the way in which NCLB is being implemented in states and school districts. As Louise Sundin, AFT vice president and president of the Minneapolis Federation of Teachers has said, "As the reality of the law has landed in the field, and union leaders talked to their counterparts in school districts, they began to think [of NCLB] as a way to discredit public education." She went on to lament that, "Accountability by testing totally discredits teachers' professional judgment. Teachers just feel they're being shoved aside" (L. Sundin, personal communication, July 2004).

The AFT, for its part, is attempting a delicate balancing act. The organization simultaneously is endeavoring to fix what it views as NCLB's flaws through legislative change while it attempts to address members' immediate concerns with program implementation. In addition, AFT locals¹⁸ have seized opportunities in the law to continue to move the union's education reform agenda forward. For example, the Rochester Teachers Association (the AFT's Rochester, New York, local) and the Toledo Federation of Teachers have both become designated supplemental service providers¹⁹

¹⁸In the AFT, locals are much more powerful than state organizations. The NEA is the opposite. Though there are a few powerful local affiliates, the organization's power base is largely concentrated in state-level organizations.

¹⁹Under NCLB, low-income and/or academically struggling students are offered supplemental educational services if their schools have not made AYP after 3 years.

in their states and are working with their districts to tutor children from low-income families and those who have fallen behind academically (Jacobson, 2004).

A Time of Testing for Unions

This is a time of testing for teacher unions. Both the AFT and NEA have hunkered down in the face of an administration that is not always friendly to public schools generally and is outright hostile to teacher unions. The Bush administration case was not helped when Secretary of Education Rod Paige, in a February 2003 meeting with governors, referred to the NEA as a “terrorist organization” because of the organization’s resistance to NCLB. Both the NEA and AFT responded publicly to the secretary’s remarks. NEA president Reg Weaver said, “This is the tone that the administration has been using toward [the NEA] for some time. [But] this time, [the secretary] has gone too far” (Robelen, 2004a). The AFT, in a show of organizational solidarity, released a statement by then-AFT secretary-treasurer Edward McElroy.²⁰

At a time when our nation faces the very real threat of terrorism, it is both unconscionable and irresponsible for a public figure ... to undertake this kind of name-calling. The NEA has both the right and the duty to speak for its teachers. This is a tradition that the AFT is proud to share. (McElroy, 2003)

Regarding NCLB (as well as other education improvement issues), the AFT and NEA continue to attempt to negotiate a terrain studded with policy land mines. These include legitimate public frustration with the seemingly intractable plight of urban schools; growing public enchantment with charters, which the unions have not supported²¹; and a growing, al-

²⁰In July 2004, McElroy was elected president of the AFT.

²¹It is interesting to note that one of the first people to endorse charter schools when the idea started floating about was then-AFT president Albert Shanker. But Shanker’s notion was that charter schools would be initiated and run by teachers, parents, and administrators. The AFT’s current discontent with charter schools stems largely from the incursion of for-profit providers, often with little or no education experience, into this arena. Moreover, charter school proponents’ assertion that students in charters score better on standardized tests than students in traditional public schools is, the AFT says, based on rather flimsy evidence. It is now difficult to find a charter school that Shanker would recognize as true to the ideas he espoused. The NEA has never embraced the idea of charter schools—unless they are authorized and tied to a school district and all the teachers in them are covered by the same collective bargaining agreement as other teachers in that school district.

beit loosely coupled, coalition of minorities and the political right, which supports at least experiments with vouchers. In this charged climate, teachers say they feel vulnerable. A 2003 report by Public Agenda concluded that teachers “believe they work in highly politicized school districts where any administrator, school board members, parent or student could endanger their livelihood.” And teachers credit their union with protecting them from the vagaries of district politics (Farkas, Johnson, & Duffett, 2003).

The Public Agenda study also brought to light an issue about which both the NEA and AFT have been aware, but which they have made only modest efforts to address: the schism between new teachers and their more experienced colleagues. According to the Public Agenda report, veteran teachers are more attached to the status quo, particularly when it comes to the kinds of job-related protections unions have provided, than are their more junior colleagues. Not surprisingly, then, larger numbers of experienced teachers are likely to find the union “absolutely essential” when compared to newer teachers (57% vs. 30%). Moreover, though nearly two thirds of veteran teachers (64%) agree with the statement, “Without collective bargaining, working conditions and salaries would be much worse,” only about a third (37%) of new teachers concur. Finally, newer teachers—those who belong to the so-called Generation X—admit they not only know little about unions, but say they are not inclined to expand their knowledge about these organizations. Many of these teachers do not see unions as particularly relevant to their teaching practice and say the organizations, in fact, often hamper innovation (Blair, 2002a).

In sum, both the NEA and AFT are faced with a significant dilemma: how not to lose, or allow members to lose, sight of gains of the past (e.g., the rights to collective bargaining and negotiating contracts) while making new and different gains in the future. Reform-minded unions are faced with the dual task of persuading long-time members that a new way of doing business, with an increased focus on improving the quality of teaching and education reform, does not mean abandoning traditional union values or issues such as salaries and employment conditions while convincing new and potential members that the teacher’s union is an important professional vehicle. This is not an easy sell, even in the places where it is most consistent with reality.

In Search of a Credible Policy Response

NCLB is major legislation that deals with the core technology of schooling—teaching and learning—well beyond the bully pulpit. The statute

presents a substantial challenge to the NEA and AFT; namely, how to respond to a federal statute with which they have considerable concerns. The NEA's strident, anti-NCLB stance is in keeping with that organization's historic approach to reform. Its strategy seems successful in galvanizing the organization's members and rendering them so agitated that they, too, adopt an anti-NCLB frame of mind while turning to the NEA as their source information on the law.

The AFT's approach to NCLB, like its approach to education reform, has been more moderate than the NEA's, as the organization has considered a range of amendments to NCLB provisions it finds objectionable or problematic. But the AFT now finds itself faced with an increasingly restive membership that is experiencing the consequences of NCLB and just wants the national union to "fix" the law.

On balance, neither national union has succeeded in defining a credible policy response to the law or putting forth a persuasive union agenda around NCLB and the issues it raises. The unions' actions, for example, do not make clear if the organizations are seeking to preserve the status quo vis-à-vis education, protect members' jobs, ward off privatization, or all or none of the above. Moreover, some of the results of the unions' legally mandated actions (e.g., collective bargaining) reinforce the public perception that teacher unions are bureaucratic entities more focused on adult welfare and less concerned with student success. Though a number of union locals and school districts have negotiated reform contracts (e.g., Minneapolis, Columbus, Montgomery County, and Denver), contracts in most districts look much the same as they have for 2 decades or more. Issues that have made contracts a lightning rod for critics continue to frame the education reform debate and the public's view of the unions. For example, teacher evaluation typically is done with little seriousness of purpose and little effect (either in improving instruction or ensuring that teachers who do not belong in the classroom are not teaching). Peer review (or some variation that takes a standards-based approach to evaluation) can go a long way toward remedying this problem. However, the NEA remains firmly opposed to peer review and few AFT locals have adopted such a program in recent years.

Another potential area of reform is the teacher compensation system. Yet salary schedules in most districts seem locked in a static, one-size-fits-all mode as the majority of union locals fight against differentiated pay. Differentiated pay, which recognizes that some teaching jobs are more difficult than others and some teachers are more effective than others, would seem a good fit with education improvement. Yet, the NEA remains reso-

lutely opposed to it. The AFT is less rigid, but does little to encourage local affiliates to devise new compensation plans.²²

Seniority for purposes of assignment (as opposed to for purposes of lay-off) seems to be another policy destined to change if the unions are serious about reform. Though some NEA and AFT locals no longer rely on seniority for teacher transfers, many others still cling to it, with the result that the least experienced teachers are placed in the most challenging teaching assignments. Unions (and school districts) interested in improving the quality of teaching ought to develop incentives to encourage the best qualified teachers to choose the most challenging schools, and remain there long enough to make a difference. But few districts and unions have taken this step.

Then there is the issue of tenure. Tenure is not, as is often suggested, a lifetime employment sinecure. It is meant to be a process by which teachers are afforded due process when faced with dismissal. Due process is a reasonable and necessary protection, one for which unions fought long and hard as a way of eliminating (or at least ameliorating) the incidence of personnel decisions that were made on the basis of patronage or favoritism. But in most states and school districts, tenure is not only easily obtained, but losing it (and therefore losing employment, even for cause) is all but impossible.²³

One final NCLB-related issue on which the unions could concentrate time and attention is professional development. The law requires that teachers receive high-quality professional development. The AFT is attempting to provide professional development through its ER&D program. The NEA, however, has been less active.

If the NEA and the AFT focused on better teacher evaluation, more professional systems of compensation, incentives to lure the most qualified teachers to choose challenging schools, and professional development, would the unions' detractors be convinced that the organizations are com-

²²This is not to suggest that merit pay, in which school administrators determine who should receive this salary boost, is the answer. Experience in education has shown that merit pay plans are rarely based on standards of good practice and often are not adequately funded (Bacharach, Lipsky, & Shedd, 1984; Murnane & Cohen, 1986).

²³The Minneapolis Public Schools and Minneapolis Federation of Teachers have substantially revised tenure requirements in that district. As part of a negotiated agreement, teachers in Minneapolis must complete a number of requirements in the 3 years leading to tenure. They must, among other things, be evaluated by colleagues and administrators, develop and implement a professional growth plan, assemble a professional portfolio, and gather data from parents and students about the effectiveness of their teaching. At the end of 3 years, the probationary teacher appears before a panel of teachers and administrators to make a case about why he or she should be granted tenure. Not everyone passes muster.

mitted to fundamental education improvement? Probably not. But added serious attention to education improvement, even (perhaps especially) if that means rethinking cherished union traditions, might provide the incoming generation of teachers a different, more professional, and more positive view of the unions. And it is precisely these younger teachers whose support both the NEA and AFT need to survive.

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