



## National Alliance for Public Charter Schools

### TEACHER LEADERSHIP IN PUBLIC CHARTER SCHOOLS

#### A Statement by the National Alliance for Public Charter Schools October 20, 2008

##### **Introduction**

At a recent education conference, the managing partner of a high-performing charter school network said that for every teaching vacancy, the network received 80 to 100 applications. Most, he said, are from teachers working in traditional school districts, yet they are willing to be employed through a one-page “at-will” agreement – not a contract. Why? Because they want to work in a school that is effective in educating disadvantaged students, he said – and because they want to work alongside others who are as passionate as they are.<sup>1</sup>

These comments will sound familiar to charter school operators, who often welcome school-district veterans willing to accept fewer guarantees in exchange for greater professional satisfaction and flexibility than they can find in district-run schools. Although teacher union leaders and charter school leaders often are described as adversaries, the truth is that charter schools enable teachers to be instructional leaders in unique and transformative ways explicitly desired by union leaders.

It is the policy of the National Alliance for Public Charter Schools to embrace all public charter school teachers – those who are members of unions and those who are not – in our mutual quest to dramatically improve and support public education. This document identifies ways we can strengthen efforts to support this quest.

##### **The Current Landscape**

It’s commonly assumed that charters are not unionized. In fact, the reality is more complex. Eighteen states require some or all charter staff to be part of school district collective bargaining agreements or personnel policies. In some states,

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<sup>1</sup> John King, Managing Partner, Uncommon Schools. Ed Challenge for Change, Denver, CO, August 24, 2008.

this requirement applies only to non-charter public schools that convert to public charter status, taking the existing contract with them. Other states require new charters authorized by school boards to be part of the district-wide master contract or personnel policy. In some cases, start-up charter schools begin unionized and later the teachers vote to de-certify their union. Occasionally, non-union charter school teachers vote to establish a union.

Throughout the country, there are examples of teacher union members actively participating in and leading charter schools. The landscape now includes: more than 70 charter schools represented by chapters of the American Federation of Teachers (AFT); one-third of the charter school teachers in California as members of a teacher union under a law which permits but does not require unionization; three charter schools created by the United Federation of Teachers in New York City; charters in Los Angeles and New York operated by the Green Dot charter management organization that are unionized but operate under a progressive contract that preserves most of the school-site prerogatives commonly associated with charter schools; and “Teacher Professional Practice” schools in several states in which teachers who are union members have created a worker cooperative or some other organization that they control and that represents their collective self-interest.

Yet, for all of these developments, there remain some fundamental tensions between chartering and today’s teacher unions. States that don’t require charter schools to be part of district collective bargaining agreements or personnel policies still provide teachers the option to bargain collectively at their choosing, and national, state, and local unions have implemented aggressive efforts to organize charters. To date, the overwhelming majority of charter schools have not gone union. Ironically, even as unions court charter teachers, most remain fierce political opponents of the charter school movement in legislative chambers and legal battles.

### **Teacher Voice for the 21<sup>st</sup> Century**

Today’s teacher unions have developed into their current form as a reasonable response to the centralized, hierarchical school district that emerged from the Industrial Era. Charter schools are a new way of delivering public education, and include new structures of governance and accountability. By reserving most authority to the school site, public charter schools can be responsive to the needs of students and families in ways that elude big, centrally-managed school districts. The traditional one-size-fits-all labor contract is a bad fit for these nimble new enterprises. Not only does it impose common hours, wages, and work rules on all sites, no matter the differences in mission or student population, it also substantially strips the school leader and trustees of the authority needed to manage in the midst of budget uncertainty and changing needs.

To those bound by traditional thinking, this new model presents a threat to teachers, rather than an opportunity. In the traditional district structure, teachers are thought to have a voice in district affairs through a centrally negotiated agreement between the union and the school district. The contract provides job security, usually based on seniority, with wages reflecting seniority plus academic credits or coursework.

In charter schools, “teacher voice” means that teachers – in partnership with students, parents, administrators, and board members – actually exert meaningful direction of their own professional lives. On a day-to-day basis, they shape important decisions about working conditions in their buildings – including the mission, curriculum and instruction, programs and services, schedules, budgeting, and staffing – to advance student results. In many charter schools, teachers even serve as voting members of the fiduciary boards of the schools, actively taking responsibility for the most vital decisions impacting the school sites.

Many charter schools have been started by teachers. Examples include Renaissance Charter School in Los Angeles where teachers and entertainment industry executives teamed up to start a vision-driven school committed to excellence in the arts, as well as the Knowledge Is Power Program public charter schools started by urban teachers with their own highly successful theories for how to inspire achievement among the most disadvantaged students. Since the inception of the charter school movement, teachers have led the way in deep collaboration with parents and others.

Of course, the charter model is implemented imperfectly across the more than 4,600 charters currently open. That’s why it is imperative for charter operators, trustees, authorizers, and movement leaders to see that public charter schools create work environments providing teachers respect, fairness, two-way communication, and participation in decision-making toward the ultimate goal of raising student academic results. Charter schools should be the kind of places where talented young teachers feel they can build a fulfilling career, and where exemplary veteran teachers will want to blaze a new path.

### **Policy Principles for Enhancing Teacher Voice in Public Education Through Public Charter Schools**

**Public charter schools should create professional work environments that treat teachers with respect and fairness and provide them two-way communication and participation in decision-making.** A public charter school’s board and administration (which often include teachers) should work diligently to create professional work environments that encompass several factors, including:

- *Salaries and Benefits:* The school should fairly compensate teachers for their efforts to improve student learning, including both regular teaching duties and other activities that help students succeed. The school should also provide competitive benefits packages to its teachers.
- *Hiring, Evaluation, and Dismissal Procedures:* The school should create teacher hiring, evaluation, and dismissal procedures that tie closely to professional competence, student achievement results, and the mission and values expressed in the charter.
- *Due Process:* The school should provide teachers with a clear path for responding to performance concerns or disciplinary actions.
- *Voice:* The school should proactively engage teachers in key decisions about the school, such as mission, curriculum and instruction, programs and services, budgeting, staffing, and schedules.

**Charter support organizations (i.e., state associations, resource centers, or others) have important roles to play in helping schools create professional work environments for their teachers.** These organizations can develop services to strengthen the management of their state’s charter schools and to improve their capacity to be enlightened, fair, and responsible employers of professionals.

For example, charter support organizations can develop a model employee manual that covers a variety of critical personnel policies, such as evaluation, conflict resolution, and retirement, which can be refined by students, parents, teachers, administrators, and board members at each charter school. They can also survey charter school staff about how they feel about their workplaces and what services or activities they need (e.g., insurance, legal services, professional development). Charter support organizations can potentially create specific memberships for teachers that would provide needed services.

**A public charter school’s teachers should have the choice of independence versus representation.** State law should provide a charter school’s teachers the choice of whether to work independently or negotiate as a separate unit with the charter school’s governing body. To facilitate such teacher choice, states should repeal provisions that require some or all charter schools to be bound by the district collective bargaining agreements or personnel policies (for a list of those 18 states, see Attachment A). States should also prescribe a process by which a charter school’s staff can de-certify a bargaining unit.

Teachers in individual charter schools that want to organize and bargain collectively should have the right to do so via secret ballot elections, not “card checks.” A current proposal in Congress – the Employee Free Choice Act – would unwisely move away from secret ballot elections for unionization efforts toward a card check system. Notable dissenters to the bill have included the likes of former Democratic presidential nominee Senator George McGovern.

Currently, forming a recognized collective bargaining agent (a union) is a two-step process. First, employees must sign authorization cards dictating their desire to form a union. Once 30 percent of the employees sign authorization cards, they can request a secret ballot election to the National Labor Relations Board (NLRB). Next, the NLRB oversees a secret ballot election to ensure it is fair, anonymous, and open to all eligible participants. In the secret ballot election, a majority of the employees must approve the union for the collective bargaining agent to be recognized. The Employee Free Choice Act would dramatically alter the process to only require a majority of employees sign authorization cards for a union to become the recognized collective bargaining agent for the employees.

**A teacher bargaining unit's agreement with a charter school's governing body should not violate the charter bargain of autonomy for accountability.**

The best charter schools create nimble, flexible work environments that are focused first and foremost on improving student results, no matter what. If a charter school's teachers decide to negotiate as a separate unit with the charter school's governing body, the school-level agreement should not infringe on the core elements of the public charter school concept. No contract provision should constrain the autonomy of a public charter school board and administration (which often include teachers) over key decisions such as budgets, staff, programs, and schedules. Nor should any contract provision limit their ability to hold the school's staff accountable for improving student results.

**States should guarantee access for charter school teachers into state teacher retirement and health care systems when the charter schools pay the individual employee's fair share.**

All public school teachers deserve the option to participate in the same retirement and health care programs as other public school teachers. In states where these rights exist, teachers can migrate back and forth among charter and non-charter public schools throughout their careers without fearing for the future of their finances and health. Public charter schools should be allowed to pay into these systems and their teachers should be allowed to accrue benefits through them.

**Teacher unions should support the new realities of student, parent, and teacher choice in public education.** Notwithstanding the fact that former AFT president Albert Shanker is often cited as one of the early proponents of charter schools, teachers unions have been slow to embrace the idea that parents *and teachers* should have the right to choose their schools. Since unions are committed to serving the interests of teachers, they should applaud and support these new kinds of work environments in which teachers are leaders and professionals. Among other things, unions can start new charter schools similar to the UFT's, support efforts like the "Teacher Professional Practice" schools, and provide services, such as professional development, to charters. Teacher unions also have the responsibility to hold individual charter schools accountable when the rights of teachers are not upheld.

**Charter teachers who join unions should not have their dues used to support efforts to stop charters.** It is ironic that in states requiring some form of collective bargaining for charter school teachers, their union dues often support campaigns to cap the number of charters, deprive charter students of full public funding, and limit the availability of facilities. Such activities should trigger automatic opt-out processes for teacher union members from public charter schools.

**National, state, and local charter leaders must continue to fight to expand the charter school movement and increase teacher choice and voice in legislatures and courts.** Although there are some encouraging efforts among teacher unions toward public charter schools, the vast majority of teacher unions are still devoted to slowing, if not entirely stopping, the charter school movement, even where they ostensibly represent some or all of their teachers. They continue to support state and local candidates who oppose charter schools, helping create hostile state and local charter environments. And they've challenged charter schools in courtrooms across the country, although state courts have consistently found that charter schools are constitutional. Notable examples include the teacher unions' efforts in Ohio to fight charter schools through anti-charter legislation and litigation and the push by teacher unions in Wisconsin to impose new requirements on teachers in public charter schools.

The National Alliance for Public Charter Schools will work to build partnerships with teacher unions to improve public education nationally, while remaining focused on defeating efforts to halt the public charter school movement and reduce teacher choice and voice in legislatures and courts.

## **Attachment A**

### **States That Bind Charter Schools To School District Collective Bargaining Agreements or Personnel Policies**

Alaska

Arkansas (conversions only)

Connecticut (district-authorized charters only, but a majority of a school's teachers and a school's governing council may modify the agreement)

Hawaii (charters must conform to the state's public sector collective bargaining law)

Indiana (conversions only, but they may seek waivers from agreements)

Iowa

Kansas (waivers may be granted if specified in the charter)

Maryland (a charter schools and a local teacher union may mutually agree to negotiate amendments to the existing agreement)

Massachusetts (Horace Mann charters only, to the extent provided by the terms of their charters)

Michigan (district-authorized charters only)

Mississippi

New Jersey (conversions only)

New York (conversions and start-ups with 250 or more students during the first two years of operation)

Rhode Island

South Carolina (original staff at conversions only)

Texas (district-authorized charters only)

Virginia

Wisconsin (district-authorized charters only)