



NATIONAL RESOURCE CENTER ON

**CHARTER  
SCHOOL**

**FINANCE & GOVERNANCE**

**A GUIDE FOR STATE  
POLICYMAKERS**

# Involving Teachers in Charter School Governance

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## ABOUT THE NRC

The National Resource Center on Charter School Finance and Governance was established in fall 2006 with funding from the U.S. Department of Education’s Office of Innovation and Improvement (Grant No. U282N060012) under the Charter Schools Program National Leadership Activities Grant Program. The National Resource Center (NRC) develops and disseminates tools, information, and technical assistance to help charter leaders at all levels—operators, authorizers and state policymakers—take steps to improve charter school finance and governance.

For more information, visit the NRC website at [www.CharterResource.org](http://www.CharterResource.org) or email the Center at [info@CharterResource.org](mailto:info@CharterResource.org).

## ABOUT THE PARTNERS

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## PREFACE

This report on involving teachers in charter school governance is one in a series of state policy guides on charter school finance and governance created by the National Resource Center on Charter School Finance and Governance (NRC). The policy guides were created as a result of research conducted by the NRC between January and August of 2007. The charter school laws in 40 states and the District of Columbia were reviewed to gain a better understanding of the policy context affecting charter school finance and governance. In addition, approximately 80 interviews were conducted with administrators from charter school offices in state departments of education and with leaders of state charter school associations, resource centers, or technical assistance centers.

The policy guides are intended to help state policymakers understand the charter school finance and governance legislative and policy landscape nationwide, the range of approaches available to states, and the challenges and opportunities these approaches pose for strengthening charter school finance and governance. Each guide begins by identifying the challenges posed by the particular finance or governance area. Policy options showcase the range of strategies currently undertaken in different states to address these challenges, highlighting specific examples in the legislation as well as experiences in the field. The NRC does not advocate one policy option over another; the guides provide the pros and cons of each option so states can decide for themselves what course to take. Finally, additional resources are identified in each finance and governance area so policymakers can learn more about topics of importance to their state.

The contents of this state policy guide do not necessarily represent the policies of the U.S. Department of Education and endorsement by the federal government should not be assumed.



# Involving Teachers in Charter School Governance

## SUMMARY

This guide for state policymakers examines teacher involvement in charter school governance. Teacher involvement is defined to include the gamut of decision-making roles not typically afforded teachers in traditional public schools, including founding schools, serving on governing boards, and engaging in site-based collective bargaining. Different types of involvement pose specific challenges and opportunities. Based on a review of charter school legislation and interviews with state charter school administrators to identify policy options, the guide explores ways in which state laws and policies shape teacher involvement.

Teacher involvement polices are intended to define the roles and responsibilities of teachers and vary across the 40 states and the District of Columbia with charter school laws. Teachers are required to be involved with the development of the school charter in four states. Six states require a teacher representative on a charter school's governing board, and one state requires charter schools to create a teacher-run grievance committee. Twenty-two state laws specify that charter school teachers are allowed to engage in collective bargaining separately from the district in which their school is located.

The guide outlines the pros and cons of each policy option with illustrative examples from existing state law and practice. It raises issues that state policymakers may want to consider related to teacher involvement in charter school governance and aims to help them identify approaches that best meet the needs of charter schools in their state.

## INTRODUCTION

During the past decade, research has found that teacher quality is one of the most important factors influencing student achievement.<sup>1</sup> How to recruit, retain, motivate, and reward quality teachers, particularly in underperforming schools, has been a recurring issue in education policy.<sup>2</sup> Charter schools, as autonomous, site-managed schools of choice, have been touted as “one of the most potentially radical reforms in regards to teachers”<sup>3</sup> because charter schools provide a setting where teachers are empowered to take part in decision-making through school site autonomy and deregulation.

Albert Shanker, former president of the American Federation of Teachers, was one of the first to introduce the notion of charter schools to the nation and envisioned schools created by groups of teachers, or parents and teachers, who wanted to develop new curricula

or teaching strategies to improve student learning. The charter school theory of action is that charter schools, as schools of choice, can survive only if they can attract educators to work in them and families to attend them. Consequently, charter schools will innovate in teaching and learning to attract these needed constituents.

In line with Shanker’s vision of an enhanced role for teachers, many states include in the intention of their charter school law the desire to “create new professional

opportunities for teachers, including the opportunity to be responsible for the learning program at the school site”<sup>4</sup> (see Legislative Intent of Enhanced Teacher Role). This idea of “new professional opportunities” serves as the basis for defining teacher involvement in governance for the purposes of this policy guide, broadly defined here to include the gamut of decision-making roles not typically afforded teachers in traditional public schools, such as serving on governing boards, founding schools, and engaging in site-based collective bargaining.

This guide explores the ways that states have addressed the intention of providing new professional opportunities for teachers. It looks specifically at state policies that facilitate, require, or restrict teacher involvement in different aspects of charter school governance. Data come from a review of the charter school laws in each state and the District of Columbia—a total of 41 as of January 2007—as well as interviews conducted in each state with charter schools to identify the common challenges and opportunities shared by the charter community nationwide. Nearly 80 interviews were conducted with administrators from state department of education charter school offices and with leaders of state charter school associations, resource centers, or technical assistance centers. The guide is intended to assist state policymakers in identifying approaches to teacher involvement that best meet their state’s goals and their schools’ needs.

### The Challenge: Defining the Appropriate Governance Role for Teachers

Some states have legislation encouraging charter schools to systematically incorporate various forms of teacher involvement into their operations, including having teachers play a founding role and having teachers

### Legislative Intent of Enhanced Teacher Role

Nearly half of the states with charter school laws include the desire to create new professional opportunities for teachers as one purpose of the law. The language expressing this intent varies; some state laws stress an opportunity or incentive, while others offer increased autonomy in exchange for increased accountability. For example:

#### Laws Highlighting Opportunities or Incentives

**Massachusetts:** “The purposes for establishing charter schools are: . . . (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management” (Section 89(d)).

**Utah:** “The purposes of charter schools are to: . . . (3) create new professional *opportunities* for educators that will allow them to actively participate in designing and implementing the learning program at the school” (Section 53A-1a-503).

**District of Columbia:** “The establishment of charter schools in the District of Columbia will provide new public education options and provide students, educators, teachers, community members, and parents the *incentive* to strive for educational excellence” (Section 38-1701.02.(9)).

#### Laws Highlighting Autonomy for Accountability

**South Carolina:** “The General Assembly seeks to create an atmosphere in South Carolina’s public school systems where research and development in producing different learning opportunities is actively pursued and where classroom teachers are given the *flexibility to innovate* and the *responsibility to be accountable*” (Section 59-40-30(A)).

**Tennessee:** “The purpose of this chapter is to: . . . (3) Encourage the use of different and innovative teaching methods, and provide *greater decision making authority* to schools and teachers in exchange for *greater responsibility* for student performance” (Section 49-13-102(a)).

Teacher involvement is defined to include the gamut of decision-making roles not typically afforded teachers in traditional public schools, including founding schools, serving on governing boards, and engaging in site-based collective bargaining.

serve on the governing board. On the ground level, our research has found that teacher involvement of this nature exists in pockets, but is not widespread. As one state administrator noted, “[Teachers] feel more involved in the governance and leadership of the school. People may approach teacher involvement differently; sometimes they have teachers on the board, sometimes teachers are just very actively involved through their work on committees.”

Not all state charter school policies actively encourage teacher involvement, however. Furthermore, many charter schools find that what state laws require is rather limited with respect to teacher involvement. Finally, schools often do not have the tools or resources to go beyond the status quo of teachers teaching and administrators making policy decisions.

### What States Can Do

States are using three policy options to address teacher involvement in charter school governance:

- Require teacher involvement in the development of the charter;
- Include teacher representatives on governing bodies; and
- Allow teachers to engage in their own collective bargaining.

#### Policy Option: Require Teacher Involvement in the Development of the Charter

One option for involving teachers is to encourage them to play founding roles in the establishment of charter schools. Four state laws explicitly require teachers to be involved in the development of the school charter: **Delaware, South Carolina, Wisconsin, and the District of Columbia** (see Table 1). For example:

<sup>1</sup> See, for example, Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, “Why Public Schools Lose Teachers,” *Journal of Human Resources* 39 (2004): 326–54; Dan D. Goldhaber and Dominic J. Brewer, “Teacher Certification and Student Achievement,” *Educational Evaluation and Policy Analysis* 22 (2000): 129–45; and Barbara Nye, Spyros Konstantopoulos, and Larry V. Hedges, “How Large Are Teacher Effects?” *Educational Evaluation and Policy Analysis* (2004): 237–57.

<sup>2</sup> Dominic J. Brewer and June Ahn, “What Do We Know About Teachers in Charter Schools?” (report submitted to the National Charter School Research Project, Seattle, Wash., 2008).

<sup>3</sup> Ibid.

<sup>4</sup> These states include Arkansas, Florida, Idaho, Iowa, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Wyoming, and the District of Columbia. This exact language is used by many of these states, including Oklahoma (Section 3-131(A)).

- **Delaware's** law specifies, "Certified teachers, parents and members of the community in which the school is to be located must be involved in the development of the proposed charter school" (Section 512(1)).
- The **District of Columbia's** law requires a charter petition to include "A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school" (Section 38-1802.02.(14)).

In addition to legislative requirements, teachers have been involved as charter school founders through teacher cooperatives. Also called teacher professional partnerships, co-ops are formal entities formed and owned by teachers that provide new governance roles

for teachers (see An Innovative Approach to Teacher Involvement). Co-ops enable teachers to increase their participation in governance and afford them the benefit of following models that have been used elsewhere. The professional co-ops also provide support for burgeoning schools, connecting the schools with others through a network. The cooperative enters into a contract with a school to provide the instructional program and some administrative and leadership services and, in turn, it accepts responsibility for the school's fiscal performance and student achievement.

#### **Policy Option: Include Teacher Representatives on Governing Bodies**

Several state charter school laws involve teachers in governance through a charter school board and, less frequently, through a charter school grievance

### **An Innovative Approach to Teacher Involvement: The EdVisions Cooperative**

The EdVisions teacher co-op began nearly 15 years ago in Minnesota. In 1992, Le Sueur-Henderson School District Superintendent Harold Larson and School Board Chair Virginia Miller led a strategic planning process that concluded the district needed more choice, freedom, and innovation. The idea pivoted on the belief that a school can be successful if teachers have authority and formally accept responsibility for the success of learning in a whole school or a department of a school. When the strategic plan made clear the district was ready for something new and different, the founding group drew on Minnesota's 1991 charter school law and applied to open Minnesota New Country School (MNCS).

The charter school would be governed by teachers, though how they would officially do so was not exactly clear. Dan Mott, a Minnesota attorney practicing in the co-op field, suggested the teachers form a workers' cooperative, organized under Minnesota Statute, Chapter 308A, that would contract with the school being created. MNCS opened in September 1994 in some old Le Sueur storefronts and immediately contracted with EdVisions Cooperative.

The EdVisions Cooperative model was created to be a new institutional environment that endows teachers with the control of professional issues in an institution in which this role has traditionally been denied to them. The model abandons the paradigm that assumes teachers must be managed. Instead, teachers take on active positions in school governance and development. It also seeks to change the common teacher mindset of "my classroom" to "my school," increasing buy-in for the reform efforts. Moreover, the model provides an institutional arrangement that enables teachers to continue teaching while assuming entrepreneurial and administrative roles.

EdVisions now largely acts as a service cooperative—a "cooperative for site teams"—that provides payroll, benefits, and professional development services to each of the teams. Each site team pays the cooperative a fee for service, which in 2006 was 2 percent of each site's payroll/employment budget. In addition, EdVisions has added several new services, including teacher relicensure, a web communications system, a project tracking system for its project-based schools, and various professional development offerings throughout the year. In the 2007–2008 school year, EdVisions had contracts to provide such services to 47 charter schools throughout Minnesota and nationwide.

### **Benefits and Challenges of Teacher Involvement on Charter School Governing Boards**

- **Challenge:** "[Teachers] are clearly stakeholders in how the school is being run and how successful it is or where it needs to improve, though they're not always the most objective people to be in that kind of role for the school."
- **Benefit:** "[Teachers can] take a big picture perspective about what's best for the school and what's best for the students."
- **Challenge:** "We try to discourage having teachers on the board as voting members because of the number of personnel-related decisions that are made."
- **Benefit:** "[Teacher involvement is what] a charter school is supposed to be about—from the bottom up, [with] the teachers having an active role within their school [and] being able to [share] thoughts, ideas, concerns [with] the board so the board can address them, instead of a district being top down."
- **Challenge:** "What we're seeing is a large burnout, when many teachers are trying to be involved in governance, trying to teach their class, [and] trying to meet standards. It's overwhelming."
- **Benefit:** "[Having teacher representatives] on the board certainly [provides] a forum and [an] opportunity for the staff to be heard in a way that, if there are any issues, they are brought to the entire board. I think they feel they're treated fairly."

committee. Currently, six states—**Delaware, Hawaii, Minnesota, Nevada, South Carolina,** and **Virginia**—require a teacher representative to serve on each charter school's governing board. For example, **Delaware's** charter school law states that "the board of directors must include a teacher at the school" (Section 512(1)). **Nevada's** law specifies that "the governing body of a charter school must consist of at least three teachers" (Section 386.549). **Minnesota's** law calls for the highest amount of teacher participation, with the requirement that "licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation" (Section 124D.10(c)).

Laws in two additional states—**New Hampshire** and the **District of Columbia**—explicitly allow teachers to be eligible to sit on governing boards without requiring them to do so. For example, **New Hampshire's** law states, "Teachers of a charter school may serve on its board of trustees" (Section 194-B:5(II)). Thirty-one state charter school laws are silent on the issue, leaving it up to the authorizers or school leaders to decide whether to allow teacher representatives on their schools' boards.

<sup>5</sup> This is the case in Louisiana and Missouri, as shown in Table I.

Interviewees reported that having teachers become more active in the success of the charter school through board representation presents a range of benefits as well as challenges (see Benefits and Challenges of Teacher Involvement on Charter School Governing Boards). Such teacher involvement can lead to a stronger sense of school community. As one interviewee noted, it provides an opportunity to "include teachers in legitimate and meaningful roles in the decision-making processes in the schools at a governance level, so [teachers] know what the vision is, what the strategic thinking is, and how we can make the school sustainable." Teacher involvement on charter school governing boards creates a culture in which teachers are involved in ways not typically manifested in traditional public schools.

Despite the benefits of teacher involvement on governing boards, issues can arise. Several state leaders noted the potential for conflicts of interest if teachers sit on the board. Some states believe it is inappropriate for teachers to be privy to personnel issues discussed by boards and, therefore, prohibit teachers from sitting on the governing board of their own school.<sup>5</sup> As one interviewee stated, "Teachers are very close in charter schools, more so than in larger traditional district schools. When there is an issue going up before the board on a disciplinary action about a teacher, it is a very awkward

### The Challenge of Public Charter Schools Operating as Nonprofit Entities

The 501(c)3 status under which many charters operate provides greater individual liability protection for board members. Yet the public nature of charter schools complicates that liability protection, an issue of particular importance for teachers serving as charter school board members. For example, the federal *Tort Claims Act* “protects public agencies from being sued by everybody, every day, because you have to follow a different process under the *Tort Claims Act* than you would if you were just doing a private party lawsuit,” according to one interviewee. However, in 2007, the California Court of Appeals ruled that charter schools operating as 501(c)3 nonprofit organizations are not protected by the *Tort Claims Act* because they are not run by the public school district.

As one interviewee noted, “The logical extension of that position could be troubling if, in fact, in the end, the courts in the state, let alone nationwide, decided that any charter school that’s a 501(c)3 is really not a public agency but a private agency.” After the court’s ruling, the law firm of Spector, Middleton, Young & Minney published a document advising charter schools whose governing boards include teachers that using their nonprofit status to avoid conflict-of-interest laws applicable to public entities could place the schools at risk of losing other protections afforded public organizations.

situation.” Conflicts of interest can also occur when policies directly involving teachers are being discussed and put to a vote. One criticism is that teachers are motivated to serve on the board “to get what they want. And when it comes to raises and such, [teachers are] voting for their own raises,” according to one interviewee.

Several interviewees mentioned the issue of teachers being stretched too thin with too many different responsibilities. “Teachers in charter schools are working so hard and it is such a different work environment, compared with traditional [schools], that what we’re seeing is a large burnout. Teachers are trying to be involved in the governance, trying to teach their class, [and] trying to meet standards. . . . [I]t is overwhelming.” One way to reduce this burnout is to acknowledge that a board position adds to a teacher’s workload and should be treated accordingly. As one interviewee put it, “I think that is one thing we need to look at—how we can support teachers better.”

In addition, the nonprofit status of charter schools in many states creates further complexity with respect to teacher involvement in charter school governance. The board’s nonprofit status enables teacher representation, but the fact that the board is overseeing a public institution has led others to question the legality of such involvement (see *The Challenge of Public Charter Schools Operating as Nonprofit Entities*).

Instead of having teachers serve as members on the school’s governing board, some states involve teachers in governance in other ways. In some cases, teachers help shape school policy through an annual satisfaction survey.<sup>6</sup> As one state administrator noted, “We have told boards, as a best practice, that they need to have some way to gauge teacher satisfaction. So there needs to be some type of an employee satisfaction tool that the board includes in its oversight.” As another interviewee noted, there is value in having teachers “be a part of the leadership in establishing performance expectations and establishing compensation packages that reward them for performance.”

**New Jersey’s** charter school law is the only one that has formalized this idea of involving teachers in the decision-making process, requiring schools to create a teacher-run grievance committee. The law states, “The board shall establish an advisory grievance committee consisting of both parents and teachers who were selected by the parents and teachers of the school to make nonbinding recommendations to the board concerning the disposition of a complaint” (Section 18A:36A-15). In this capacity, teachers have an opportunity to be involved in the decision-making process without being formal members of the governing board.

Rather than form separate committees for teachers to be involved in decision-making, some schools have

chosen to have teacher representatives on the governing boards as nonvoting members. As one administrator reported, “We have some schools that have teachers on the boards that are nonvoting, and we have some schools that have committees made up of teachers that report to the board.” This enables schools to bypass the conflict-of-interest challenges that may arise when teachers sit on the governing board. Some schools have chosen to have teacher representatives who sit on the board but abstain from voting when the issues involve personnel. In these cases, though teachers have no voting capacity, they are still involved in the governing process. Teachers who participate in board meetings in this teacher liaison capacity have the venue to voice concerns, raise issues, and invest themselves in school operations. As one interviewee stated, “Some charters have teacher representatives on the board. They certainly provide a forum and [an] opportunity for the staff to be heard in a way that, if there are any issues, they are brought to the entire board. I think teachers feel they’re treated fairly.”

#### Policy Option: Allow Teachers to Engage in Their Own Collective Bargaining

In the 2007–2008 school year, approximately 70 charter schools nationwide were represented by the American Federation of Teachers (AFT) and others were represented by the National Education Association. However, AFT’s Joan Devlin reported that most charter schools are unrepresented. Charter school laws in 22 states include provisions allowing, although not requiring, charter school teachers to engage in collective bargaining.<sup>7</sup> In some of these states, teachers have the option to remain part of the district or state bargaining unit, while in others any collective bargaining is between the charter school teachers and the charter school’s governing board. For example:

- In **Delaware**, the law specifies, “Employees of charter schools shall have the same right to organize and bargain collectively as employees of other public schools” (Section 507).
- **Florida’s** law states, “Charter school employees shall have the option to bargain collectively.

Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school” (Section 1002.33(12)(b)).

- The **Illinois** law states, “A bargaining unit of charter school employees shall be separate and distinct from any bargaining units formed from employees of a school district in which the charter school is located” (Section 27A-7(11)).

Interviewees highlighted benefits and challenges related to the collective bargaining status of charter school teachers in their state. For example, in one state where the charter school teachers are part of the negotiated contracts of all district teachers, an interviewee noted, “Sometimes we get swept into the bigger, uglier negotiation things, where things at our schools are really good and our teachers say, ‘Well, that’s not even an issue for us.’ But because they are part of the bigger unit, they still can get sucked into it.”

Several interviewees in states where charter school teachers similarly fall under the union agreements of the larger district noted that staffing decisions can sometimes be problematic. For example, one interviewee noted, “Because the charter teachers are part of the greater teachers union, one of the major problems we’ve had is that, if a particular teacher has made a decision that [he or she] wants to teach in the charter school and vice versa, the charter has recruited that teacher because of the particular mission of the charter. [B]ut let’s say that particular teacher is a first- or second-year teacher. And then, in March, when the district does teacher placements, if teacher numbers are reduced, it’s very possible that someone with more seniority can be bumped into that charter school and not really have any desire to be there.”

Another interviewee added that having the charter teachers work under the contract terms of the traditional public schools creates “challenges in how to incorporate teachers into the governance process, whether it is formally through the board or through some kind of staff council or staff body,” because they do not set their own working conditions. On the other hand, in a state

<sup>6</sup> While some charter schools elect to conduct staff satisfaction surveys, it is required in several states, specifically, California, New York, and Oregon.

<sup>7</sup> Although traditional public schools in most states engage in district or statewide collective bargaining, Joan Devlin of the American Federation of Teachers noted that several states do not have any form of collective bargaining for teachers in traditional public schools.

### Green Dot Public Schools' Unionization

When the charter management organization (CMO) Green Dot Public Schools was established in 1999, founder and chief executive officer Steve Barr thought a union presence was important to attract and retain high-quality teachers. California's law gives charter school teachers the same right to form a union as other school district employees, so Barr proposed that Green Dot create a union run by its teachers to serve the needs of the schools in the Green Dot network. Barr believed that creating a work environment where teachers would have a say in their own work conditions would create a "happy workforce," which would decrease teacher turnover and increase stability.

Green Dot is one of a few nondistrict public school operators in the United States that has unionized teachers, and it is the only one in California. The union, Asociación de Maestros Unidos (AMU), is an affiliate of the California Teachers Association (CTA) and the National Education Association (NEA). When the CMO was created, Barr wanted Green Dot teachers to shape the original terms of the agreement, so teachers were given all the AMU executive board positions.

Since its inception, Green Dot has expanded to a network of 12 charter high schools in the 2007–2008 school year; four more campuses are scheduled to open in the 2008–2009 school year. The union has likewise grown with the addition of new Green Dot schools; the AMU governing body now includes a four-member executive board and site representatives from each school.

Under the union agreement, only a few centralized policies are included in the contract: salary, health care, class size, and number of workdays. Following are key aspects of the AMU contract:

- Teachers are given explicit decision-making authority in setting school policy, including the schools' budget, calendar, and curriculum.
- There is no tenure, seniority preference, or probationary period for new teachers, and all teachers work under the protection of "just cause discipline and dismissal."
- Teachers work "a professional work day," rather than defined minutes.
- Flexibility is afforded to adjust the contract in critical areas over time, with the contract renegotiated every three years by Green Dot management and the AMU and ratified by the teachers' union every year.

The AMU contract is 33 pages, compared with the 330-page contract governing most Los Angeles public schools. To help guide negotiations, the CMO conducts annual surveys to assess teacher needs across the system. For example, teachers responded that they valued smaller class sizes, which led to class size reduction becoming formalized in the union contract.

The union concept has helped the school meet its goals of attracting and retaining high-quality teachers. Green Dot received 1,200 applicants to fill 100 teaching slots for the 2007–08 school year. Moreover, its teachers have a low turnover rate. This has enabled the CMO to focus on hiring new teachers as the school network grows, rather than on replacing experienced teachers who leave. Feedback from teachers suggests they value the autonomy each school site is granted to decide curriculum, especially when this autonomy is accompanied by the protections in the union contract.

For more on Green Dot's unionization, see [www.CharterResource.org](http://www.CharterResource.org)

where charter teachers negotiate their own contracts, one interviewee reported, "Teachers [serve] completely at will. [The terms] set by that individual charter stand. And so that's one of those areas where we do get teacher complaints, and we have absolutely no jurisdiction over it."

The small size of many charter schools poses another challenge to placing collective bargaining in the hands of charter school teachers. As one interviewee noted, "One of our high schools has 22 students. [O]nly three full-time staff and a couple of part-time people are launching the school, so they're not thinking about collective bargaining. [T]hey're thinking about the schedule and what to teach."

At times, charter schools have used their bargaining powers to create unions to represent their teachers, rather than just negotiating the terms of their contract with the governing board (see Green Dot Public Schools' Unionization). In addition, charter schools started by established teachers unions have begun to emerge. In **Connecticut**, for example, the Connecticut Education Association established three charter schools because teachers felt they needed to have more autonomy than is found in public schools. Similarly, in summer 2007, Green Dot Public Schools expanded its network of Los Angeles charter schools to the East Coast and entered into an agreement with the United Federation of Teachers to open two charter high schools in New York City. In other cases, AFT's Devlin noted that charter school teachers set the terms of their employment directly with their governing board, without the formal presence of a union.

### Weighing the Options

Although nearly half of all states with charter school laws list one purpose of the law as providing new professional opportunities for teachers, few additional provisions specify how this objective should be achieved. States address the issue of teacher involvement differently, and several considerations can guide decision-making in this area.

- Requiring teacher involvement in the development of the charter application means that teachers are active stakeholders in the success of the school. In some cases, though not codified into law, teacher cooperatives have been established to provide teachers a role as active stakeholders in school operations. However, requiring teacher involvement in the application might preclude other groups, such as parents or community members, from being able to start a charter school on their own.
- Including teacher representatives on governing bodies is an innovative strategy for ensuring teacher concerns are at the forefront of policy setting. However, some states believe that involving teachers on these bodies produces conflicts of interest when it comes to salary or personnel decisions.
- Having teachers engage in their own collective bargaining, separate from the state or district, enables them to prioritize the working conditions of highest import to them and gives teachers a sense of empowerment and professionalism. On the other hand, teachers may be ill-equipped to make informed bargaining decisions because they lack experience performing this role.

State Options	Pros	Cons
<b>Require teacher involvement in the development of the charter</b>	<ul style="list-style-type: none"> <li>Teachers help shape the vision and mission of the school.</li> <li>Teacher co-ops provide freedom and flexibility in running a charter school.</li> </ul>	<ul style="list-style-type: none"> <li>Does not ensure governance role once school is operational.</li> <li>May preclude applications from other interested parties, such as parents or community members.</li> </ul>
<b>Include teacher representatives on governing bodies</b>	<ul style="list-style-type: none"> <li>Teacher input can be a valuable asset to school operations.</li> <li>Teachers gain a feeling of empowerment, which leads to a more productive environment.</li> <li>Teachers as stakeholders are more invested in the school.</li> </ul>	<ul style="list-style-type: none"> <li>Conflicts of interest may arise regarding salary and personnel issues.</li> <li>Teachers may lack objectivity in performing this role.</li> <li>Teachers may be overtaxed with other responsibilities.</li> <li>If teachers are relegated to a nonvoting role, teacher involvement may be only superficial.</li> </ul>
<b>Allow teachers to engage in their own collective bargaining</b>	<ul style="list-style-type: none"> <li>Teachers are able to prioritize the working conditions that matter most to them.</li> <li>Teachers gain a sense of power over their work conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Teachers may not be experienced in negotiating directly and may not have the skills or resources to establish a bargaining unit.</li> </ul>

Table 1: How States Address the Issue of Teacher Involvement

	Require teacher involvement in the development of the charter	Require teacher representatives on the governing board	Teachers eligible for governing board membership	Teachers not allowed to sit on governing board	Teachers participate in a separate grievance committee	Allow teachers to engage in their own collective bargaining	No Relevant Provisions
Alaska							■
Arizona						■	
Arkansas							■
California						■	
Colorado							■
Connecticut		■				■	
Delaware	■	■				■	
District of Columbia	■		■				
Florida						■	
Georgia							■
Hawaii		■				■	
Idaho						■	
Illinois						■	
Indiana						■	
Iowa							■
Kansas							■
Louisiana				■			
Maryland						■	
Massachusetts						■	
Michigan							■
Minnesota		■				■	
Mississippi							■
Missouri				■			
Nevada		■				■	
New Hampshire			■			■	
New Jersey					■	■	
New Mexico							■
New York						■	
North Carolina							■
Ohio						■	
Oklahoma						■	
Oregon						■	
Pennsylvania						■	
Rhode Island							■
South Carolina	■						
Tennessee						■	
Texas							■
Utah							■
Virginia		■					
Wisconsin	■						
Wyoming						■	



## CONCLUSION

Many charter school laws were intended to create new professional opportunities for teachers. Most state policies have not been prescriptive in this area, however, and the status quo with respect to teacher involvement is fairly common. The lack of innovation may be, in part, because the challenges of starting a new school from scratch provide teachers with very little time to engage in enhanced decision-making at the school. Legislative provisions in some states restrict teachers' ability to serve on charter school governing boards or, in some cases, to engage in collective bargaining outside the district contract. Teacher cooperatives are one notable innovation to teacher involvement. Co-ops provide teachers with opportunities to set their own work conditions and to make budget, curriculum, and personnel decisions.

State policymakers can use this guide to help inform policy and practice at the school or community level. They can also use it to recommend changes to current state law or to develop new legislation that best supports the ability of charter schools in their state to improve students' education outcomes by attracting and retaining high-quality teachers.

## ADDITIONAL RESOURCES

For more on teacher involvement in charter school governance, see:

***The Coolest School in America: How Small Learning Communities Are Changing Everything***, Doug Thomas, Walter Enloe, and Ron Newell, eds., Scarecrow Press, 2005.

***Teacher Professional Partnerships: A Different Way to Help Teachers and Teaching***, Ted Kolderie, Edward J. Dirkswager, Kim Farris-Berg, and Jon Schroeder, Education|Evolving, 2003.

***Teachers as Owners: A Key to Revitalizing Public Education***, Edward J. Dirkswager, ed., Scarecrow Press, Inc., 2002.

***Teachers in Professional Practice: An Inventory of New Opportunities for Teachers***, 2d. ed. Kim Farris-Berg and Ted Kolderie, Education|Evolving, 2006.

**Union to Help Charter Firm Start School in the Bronx**, Jennifer Medina, *The New York Times*, 28 June 2007. <http://www.greendot.org/news/article/union>.

**Union-Friendly Maverick Leads New Charge for Charter Schools**, Sam Dillon, *The New York Times*, 24 July 2007. [http://www.nytimes.com/2007/07/24/us/24charter.html?\\_r=1&pagewanted=print&oref=slogin](http://www.nytimes.com/2007/07/24/us/24charter.html?_r=1&pagewanted=print&oref=slogin).

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