

**An Unlikely Bargain:**  
Why Charter School Teachers Unionize  
and What Happens When They Do

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## Acknowledgments

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## Introduction

For nearly two decades teachers unions and charter schools have defined the major points of conflict over school reform, forming an “us vs. them” narrative that pits one against the other. By design, charter schools are free from many state and district regulations—including collective bargaining agreements. And when students enroll in charter schools, money from traditional public school districts follows, reducing the resources available in the bargaining process. As a result, many union leaders view rapid growth in charter schools as a threat to their very existence—depriving them of members and weakening the power of collective bargaining. So, what happens when teachers bridge the chasm that often divides unions and charter schools?

In 2011 the Center on Reinventing Public Education (CRPE) set out to examine this question.<sup>1</sup> That report found that collective bargaining agreements (CBAs) in the charter sector could be crafted in ways that respect the unique missions and priorities of charter schools, provide teachers with basic protections, and maintain organizational flexibility. However, that research was unable to inform why teachers in charter schools choose to unionize, whether and how contracts evolve over time in ways that mimic or differ from those that exist in traditional school districts, and if unionization and bargaining address teachers’ stated motivations and priorities.

Today, understanding the causes and consequences of unionization is more important than ever. In June 2018, on the heels of what the National Education Association’s president Lily Eskelsen Garcia called an “education spring” as teachers staged walkouts over pay and benefits from West Virginia to Colorado, the U.S. Supreme Court ruled in favor of the plaintiffs in *Janus vs. AFSCME*, ending 40 years of adherence to fair-share bargaining rules. How teachers unions may or may not evolve in the future hinges on whether teachers opt in to collective bargaining—a phenomenon that unionized charter schools are uniquely positioned to help us understand.

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With this report, we set out to understand trends in charter school unionization, document teachers’ motivations for unionization, assess whether and how collective bargaining agreements in charter schools differ from those in traditional school districts, and explore variation in contracts over time. We tracked changes in the rate of unionization in charter schools across the nation, interviewed 21 teachers and administrators involved in recent negotiations across 9 cities with semi-structured interview protocols, and analyzed collective bargaining agreements in unionized charter schools. We learned:

- **Nationally, charter schools are no more likely to be unionized today than they were a decade ago, but unionization is gaining traction in some localities.** Unionized charter schools make up a small share (11.3 percent) of charter schools overall, a rate that has held roughly steady over the past decade. But in Illinois, New Jersey, and Pennsylvania, the share of teacher-initiated unionization efforts in the sector is growing, and an increasing number of these efforts target charter management organizations (CMOs) and education management organizations (EMOs). Charter schools that voluntarily unionize are more likely to be eligible for Title I funding, serve more disadvantaged students, and have larger teaching staffs.
- **Breakdowns in trust between administrators and teachers, and teachers’ desire for influence, spark unionization efforts, but dissatisfaction with work conditions can fuel them.** Many of the staff (15 out of 21) we interviewed cited these factors as the impetus for their interest in unionizing. Teachers often wanted more input into

decisions about curriculum, discipline, and school start times and were frustrated by the actions of governing boards and CMO leaders. Disagreements became contentious as teachers perceived their concerns were tossed aside. Frustrations over compensation, working conditions, and other human resource practices were amplified in this context and motivated teachers to seek union representation as they sought greater leverage over administrators.

- **Collective bargaining agreements in charter schools are similar to district contracts, but they are more likely to preserve key flexibilities.** Charter contracts tend to preserve flexibility around teacher evaluation, discipline, and dismissal. They are also more likely to leave personnel practices unspecified, thereby preserving greater administrator discretion. We could not find consistent evidence that charter contracts are growing increasingly restrictive over time.
- **Unionization can enhance teachers' sense of efficacy in working with administrators, but it rarely resolves all of the issues underlying bargaining campaigns.** Though most of the teachers we interviewed were still in negotiations, many agreed that unionization enhanced their feelings of efficacy and influence over administrators. But the bargaining process often left unresolved the larger issues of mistrust and mismanagement and, in some cases, undermined opportunities for more informal collaboration between teachers and administrators.
- **Administrators and unions can be more effective in their work with teachers.** While more research is needed, our results provide suggestive evidence around how both administrators and teachers unions can be more responsive to teachers' concerns. Teachers crave avenues to air frustrations and weigh in on decisions. Ensuring administrators do not become distant governing bodies—especially important in multisite networks—may reduce pressures to unionize. When teachers do opt to unionize, union leaders can maintain teacher buy-in by ensuring the supports they offer are responsive to teachers' concerns and do not simply replicate existing contracts. Maintaining teacher buy-in is especially important in a post-*Janus* world in which unions must sustain support among their least committed members.

Our findings have important implications for leaders of charter schools and teachers' unions and suggest avenues for providing teachers greater influence—both inside and outside the bargaining process. Teachers crave opportunities to weigh in on decisions that affect their classrooms and it is incumbent on charter school leaders and unions to support such connections. For unions, representing teachers' voices in the bargaining process, rather than preconceived priorities developed by others, may help maintain teachers' commitments to their union, which could be especially important in the post-*Janus* context.

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While these results inform our understanding of collective bargaining in charter schools and debates over teachers unions more generally, they are limited by the small exploratory sample we draw upon. More research is needed to fully understand how unionization affects charter school teachers and students. The next three sections provide further detail on 1) national and local trends in charter unionization, 2) the reasons why charter school teachers unionize, and 3) our analysis of charter school collective bargaining agreements.

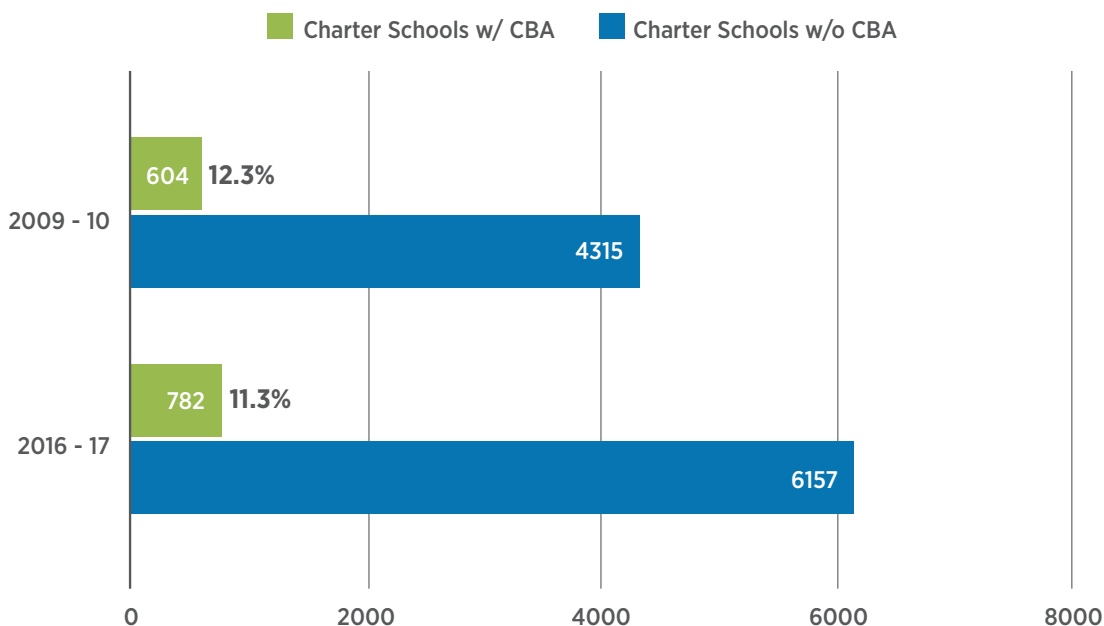
## Trends in Charter School Unionization

Charter school teachers gain union representation through a variety of mechanisms reflective of the diversity of charter and bargaining laws throughout the country. Some charter schools are unionized as a result of state policy. Others, like Green Dot, are unionized by design when management embraces collective bargaining as part of a theory of change.<sup>2</sup> The remainder unionize when a majority of a school's teachers voluntarily decide to seek union representation. Once unionized, these teachers will negotiate as a separate bargaining unit with the charter school governing board.<sup>3</sup> Throughout this section, we distinguish between schools that unionize voluntarily (either by founder design or teacher initiative) from those required to unionize by state law. This distinction is important because teachers have no choice when state law requires them to join the union, and charter schools have little room to innovate in collective bargaining when they are simply party to traditional districts' existing agreements.

According to the National Alliance for Public Charter Schools (NAPCS), during the 2016–2017 school year 782 out of 6,939 charter schools across the country (11.3 percent) were unionized.<sup>4</sup> As was the case nearly a decade ago, a majority of today's unionized charter schools (54 percent, or 420) are bound by state law to existing collective bargaining agreements in local school districts. Six states (Alaska, Hawaii, Iowa, Kansas, Maryland, and Virginia) require charter schools to be part of existing collective bargaining agreements. Another 10 states (Arkansas, Connecticut, Massachusetts, New Jersey, New York, Ohio, Rhode Island, South Carolina, Texas, and Wisconsin) require that certain types of schools adhere to local districts' collective bargaining agreements or personnel policies. For example, in Arkansas and New York, state law requires conversion schools—traditional public schools that convert to charter status—to participate in the district's collective bargaining agreement.<sup>5</sup>

The share of charter schools that are unionized has declined modestly since the 2009–2010 school year, the last period for which data on unionization in charter schools is available (from 12.3 percent to 11.3 percent). This in part reflects the substantial growth in the charter sector over the last decade: between 2009 and 2016, the sector added nearly 2,000 schools (see figure 1).

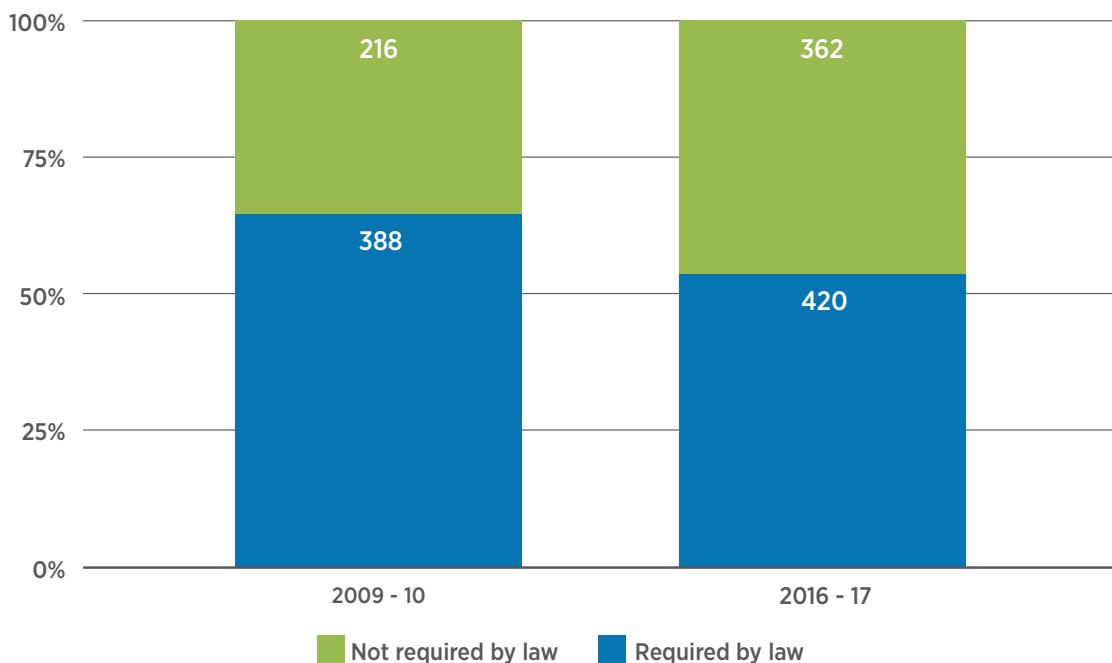
FIGURE 1. The Share of Unionized Charter Schools Has Declined Modestly Between 2009–2010 and 2016–2017



Source: National Alliance for Public Charter Schools, collected in the 2009–10 and 2016–17 school years.

The majority of new unionization efforts (82 percent) are the result of voluntary efforts and we suspect that most of these schools organize by teacher initiative as few charter schools have unionized as part of a founder’s design (see figure 2).<sup>6</sup> In 2009–2010, 36 percent of all unionized charter schools unionized voluntarily, compared to 46 percent in 2016–2017.<sup>7</sup>

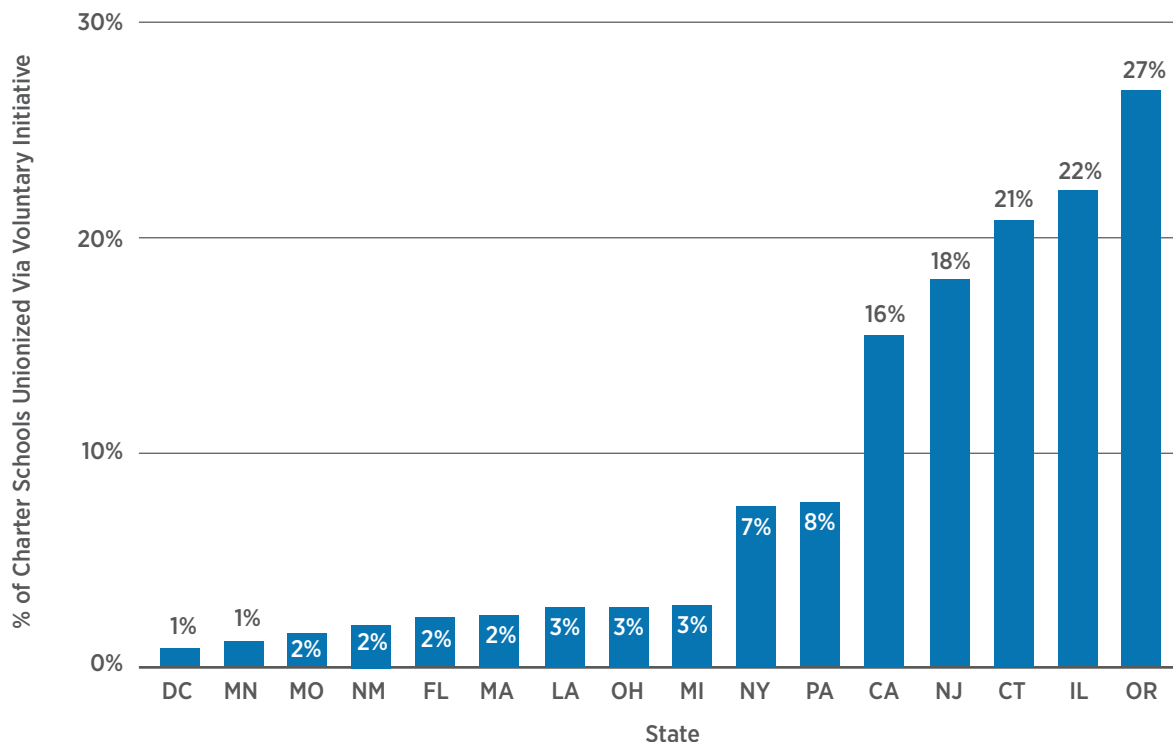
FIGURE 2. More Charter Schools Are Unionizing Voluntarily



Source: National Alliance for Public Charter Schools, collected in the 2009–10 and 2016–17 school years.

Unionization rates also vary by geography (see figures 3 and 4). While unionized charter schools make up just a small portion of all charter schools nationally, unions have gained substantial footholds in certain states through efforts to get teachers to voluntarily form a union. In Connecticut, Illinois, and Oregon, between 20 percent and 25 percent of charter schools have unionized voluntarily.<sup>8</sup>

FIGURE 3. The Rate of Voluntary Unionization Varies Across States

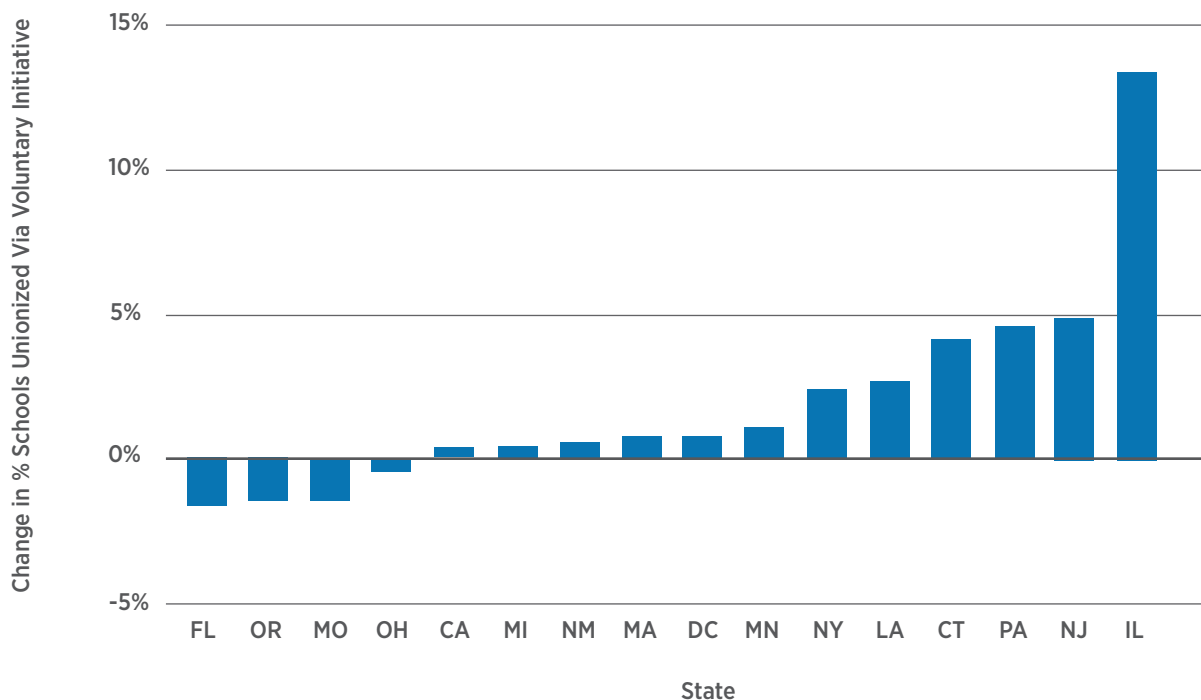


Source: National Alliance for Public Charter Schools, collected in the 2009-10 and 2016-17 school years. Figure reports percentage of all charter schools that unionized via teacher initiative or founder design (excluding schools that are required to unionize by state law).

Perhaps predictably, unions have made some of their greatest gains in charter schools in states known for the strength of their teachers unions and collective bargaining statutes.<sup>9</sup> In Illinois, New Jersey, and Pennsylvania, the growth of unionized charter schools is accelerating more quickly in those states than the charter sector as a whole, as reflected in the rising proportion of schools that unionized via voluntary efforts. But the momentum evident in some locales is absent in others. In Florida, Missouri, Ohio, and Oregon, the percent of the sector unionized through voluntary efforts has declined over the last decade.



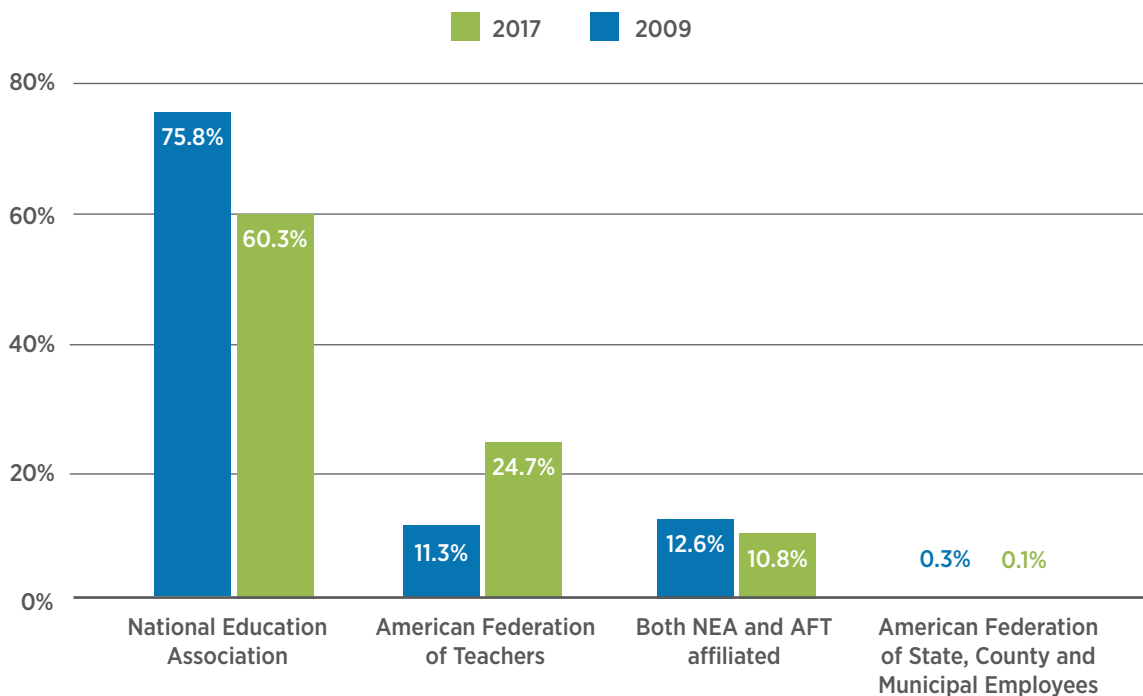
FIGURE 4. Voluntary Unionization Efforts Gain Traction in Some States



Source: National Alliance for Public Charter Schools, collected in the 2009–10 and 2016–17 school years. Figure reports the change in percentage of all charter schools that unionized via teacher initiative or founder design (excluding schools that are required to unionize by state law).

Figure 5 reports data on unionized charter schools’ affiliation with the nation’s teachers unions. The National Education Association (NEA), the nation’s largest teachers union, represented 60 percent of unionized charter schools in the 2016–2017 school year, a decrease from the 2009–2010 school year when they represented 76 percent of the sector. The nation’s second-largest teachers union, the American Federation of Teachers (AFT), made inroads with charter schools between 2009 and 2017. Today the AFT represents 25 percent of unionized charter schools. Most of this growth stems from schools that unionized via voluntary initiatives; the rate of AFT affiliation among schools required to unionize declined from 15.1 percent in 2009–2010 to 13.5 percent in 2016–2017. The two unions share representation for most of the remaining 11 percent of unionized charter schools, where mergers between the NEA and AFT resulted in a shared governance model.<sup>10</sup>

FIGURE 5. AFT Representation of Charter Schools Grows

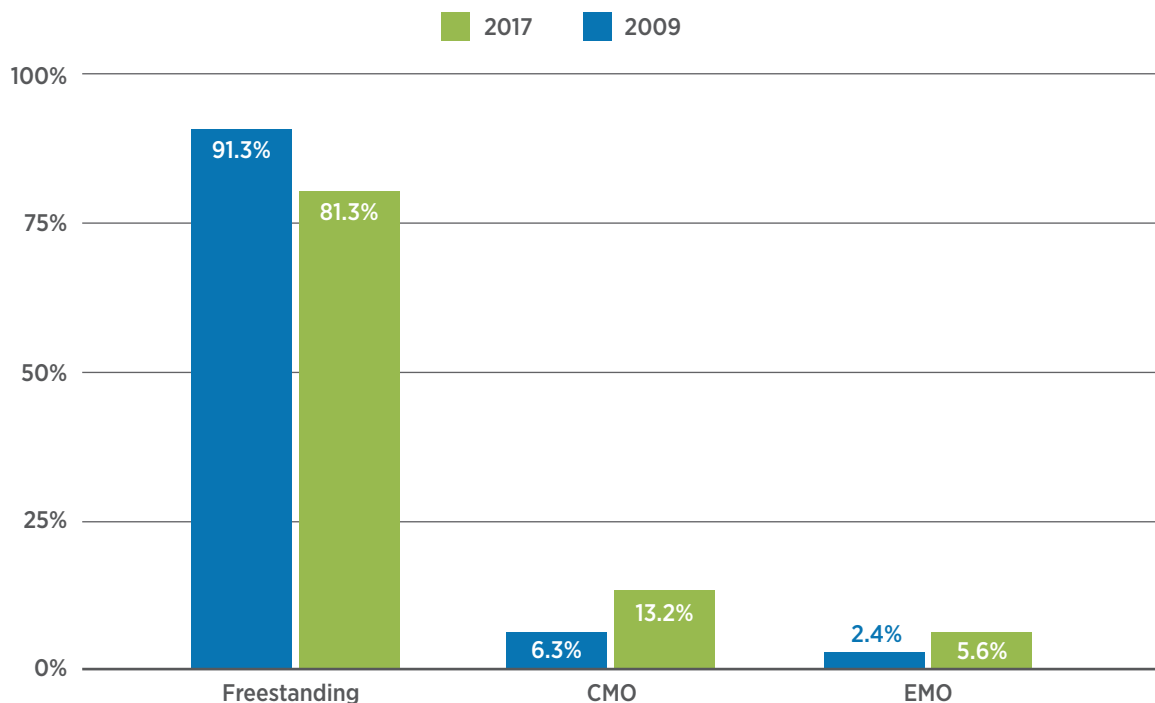


Source: National Alliance for Public Charter Schools, collected in the 2009-10 and 2016-17 school years. Figure reports the percentage of schools affiliated with major unions representing teachers. Number of schools in 2009-10 = 604, number of schools in 2016-2017 = 782.

In a number of states, traditional public schools that convert to charter status are required to work under the collective bargaining agreement of the district in which they are housed.<sup>11</sup> As a result, almost one-third of charter schools with collective bargaining are conversion schools, compared to just 7 percent of schools without collective bargaining agreements.

The vast majority (81.3 percent) of unionized charter schools are freestanding schools not associated with a CMO or EMO. But unionization efforts have advanced in CMOs and EMOs as well (see figure 6). The percentage of unionized schools under these management structures has more than doubled since 2009. The vast majority of unionization efforts at schools under these management structures can be attributed to voluntary initiatives. As of 2016-17, more than one-third of charter schools unionized via voluntary initiatives were affiliated with either a CMO or EMO in 2016-17, compared to 20 percent in 2009-10.

FIGURE 6. The Percentage of Unionized Charter Schools Under CMOs and EMOs is Increasing



Source: National Alliance for Public Charter Schools, collected in the 2009–10 and 2016–17 school years. Number of schools in 2009–2010 = 604; Number of schools in 2016–2017 = 782.

While our study is not able to reliably assess whether certain school characteristics make unionization more or less likely, we can compare characteristics across charter schools that are party to collective bargaining agreements with those that are not. Table 1 draws upon data from the National Center for Education Statistics to understand how unionized charter schools compare to their nonunionized peers and whether schools that unionize via design vs. teacher vote differ from schools that are required to unionize by virtue of state law.

TABLE 1. Charter Schools That Unionize Via Voluntary Initiative Serve More Disadvantaged Students, Post Higher Pupil-to-Teacher Ratios, and Employ More Teachers

	Charter Schools with Collective Bargaining			Charter Schools without Collective Bargaining
	All	Required by law	Via vote or design	All
<b>Enrollment</b>				
Title I eligible	76.9%	75.1%	80.9%	78.5%
Free/reduced-price lunch enrollment	47.5%	39.8%	57.2%	56.6%
<b>Staffing</b>				
Pupil-to-teacher ratio	21.6	20.3*	23.2	22.3
# of FTE	22.6*	16.4*	30.0	24.8
Number of schools	782	420	362	6157

Source: “Common Core of Data,” National Center for Education Statistics website, accessed February 13, 2019. Note: \* indicates statistical significance shown at p<0.05.

Table 2 shows that on average, charter schools with collective bargaining agreements serve fewer economically disadvantaged students (47.5 percent vs. 56.6 percent), employ fewer teachers, and have lower pupil-to-teacher ratios compared to charter schools without collective bargaining agreements, though these differences are not statistically significant.

As discussed above, charter schools that unionize via voluntary initiatives may differ significantly from schools required by state law to unionize. We find differences between these two types of schools: schools unionized via voluntary initiative more closely resemble their nonunionized peers than schools that were required to unionize. More generally, schools that voluntarily unionize are more likely to be eligible for Title I funding and have larger teaching staffs. Unfortunately, our data do not allow us to speculate whether these differences preceded unionization or instead are the result of changes made after unionization.

A full assessment of how unionization affects student achievement is outside the scope of this study.<sup>12</sup> However, we do consider differences in average achievement (as measured by percent proficient based on state English language arts assessments) and growth (as measured by percentage change in the percent proficiency between 2009 and 2016) across unionized charter schools and their nonunionized peers. These analyses cannot tell us whether the differences observed in student achievement are the result of unionization.

As shown in table 2, students at charter schools with collective bargaining agreements post slightly higher achievement overall, though this difference is not statistically significant (49.2 percent proficient compared to 46.6 percent). Comparing unionized charter schools to their nonunionized peers, year-over-year growth in achievement is higher at schools without collective bargaining (0.08 compared to 0.05), though this difference is not statistically significant. Students attending schools that unionized via voluntary initiatives post higher overall achievement compared to schools without collective bargaining agreements and those that are required by state law to unionize. These schools are also making similar gains from year to year compared to their nonunionized peers. While this analysis does not control for potential confounding factors, it provides suggestive evidence that important differences in student achievement may exist between schools that arrive at unionization by law vs. voluntary initiative.

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**TABLE 2. Student Achievement in Unionized Charter Schools Varies Based on Path to Unionization**

Achievement	Charter Schools with Collective Bargaining			Charter Schools without Collective Bargaining
	All	Required by law	Via vote or design	All
ELA %	49.2%	44.7	51.2%	46.6%
ELA growth	0.05	0.01	0.09	0.08
N	782	420	362	6157

Source: Based on analysis of NAPCS data on unionized charter schools and EDFacts data on student achievement on English language arts assessment. Unionized charter schools include both schools that unionized voluntarily and those required to unionize as a result of state law. Growth in achievement is measured by the percentage change in percent proficient from 2009 to 2016. None of the differences reported are statistically significant.

## The Causes and Consequences of Unionization in Charter Schools

Headlines continue to cover sporadic union drives in charter schools, but we know little about what motivates charter school teachers to support unionization efforts, what concerns teachers and administrators about these efforts, and how unionization ultimately affects charter schools as institutions.<sup>13</sup> In this section, we draw upon interviews with teachers and administrators at recently unionized charter schools—as well as at schools pressing to decertify the union—to bring evidence to bear on the causes and consequences of charter unionization (see inset: The Challenge of Capturing Teacher and Administrator Perspectives on Unionization).

### The Challenge of Capturing Teacher and Administrator Perspectives on Unionization

When we set out to understand the causes and consequences of unionization in charter schools, we prioritized learning from educators and administrators. Our sampling strategy sought to include schools where teachers either recently voted to unionize or alternatively, voted to decertify a union already in place. To capture teacher and administrator experiences as those efforts were unfolding, we narrowed our search frame to actions that occurred in the last two years. Because the most recent data on charter unionization are from the 2016–2017 school year, we identified recent unionization efforts through a search in fall 2018 of news databases. We found stories of unionization efforts in a variety of states where teachers at charter schools had recently submitted paperwork to form unions and begin bargaining, as well as a handful of efforts by teachers to decertify their unions.<sup>14</sup> We identified ten instances of charter unionization campaigns and five instances of decertification between 2016 and 2018. From this list, and being attentive to geographic diversity in our sample, we collected teacher and administrator contact information for five recently unionized charter schools and five schools undergoing decertification efforts.<sup>15</sup>

We ran into a variety of complications with our outreach. Teachers and administrators questioned our motives, our professional records, and our connections with teachers unions and charter schools. We received concerned calls from union leaders both within and beyond particular charter schools in our sample working on behalf of members to confirm the legitimacy of our study and credentials. On both sides of the bargaining table, personnel noted the precarious nature of ongoing negotiations.

After several waves of outreach via email and a second draw from our sampling frame of unionized charter schools, we eventually spoke with sixteen teachers from nine schools (three teachers from two of these locations spoke about both unionization and decertification efforts). We assured our contacts their confidentiality and then worked around educators' schedules to set up audio-recorded interviews about their experiences.

Our interviewees reflected a diversity of viewpoints on the subject of unionization. In some cases we spoke to the instigators of the unionization campaign; in other cases we spoke with individuals initially reluctant to sign on to the effort. We also spoke with a few educators who never supported unionization. Given the small within-school samples we draw upon, it is possible that our interviews do not capture the full range of views on unionization within any given school. Rather than trying to characterize the dynamics at play in any given environment, we focus our qualitative analysis of interviews on trends across schools in our sample.

Despite our efforts, many of the administrators we contacted declined to participate in the study, citing legal constraints, offering “no comment” in response to interview questions, or simply not responding to our inquiries. As a result, we engaged in additional outreach through introductions from the National Alliance for Public Charter Schools (NAPCS), eventually securing interviews with two administrators at schools where we interviewed teaching staff and three administrators at unionized schools outside of our sample.

While our sample is small, the schools at which these teachers and administrators work generally reflect the diversity of the charter sector in terms of student enrollment (ranging from approximately 250 to well over 1,000), affiliation with a CMO (four schools were affiliated, six were not), and geography (including schools in ten cities across the West, Midwest, and East).<sup>16</sup>

Most of our interviews took place as teachers and administrators were in the middle of contentious negotiations and we cannot say if these shaped participants’ perspectives on what instigated unionization, or if the issues that shape initial unionization drives persist years later.

We conducted semi-structured interviews focused on understanding what motivated teachers to unionize, what concerned teachers and administrators about these efforts, how administrators responded to unionization drives, and how unionization affected staff, administrators, students, and parents. All interviews were recorded and transcribed. Two researchers then identified and analyzed the data for themes organized around the primary research questions, focusing on what motivated teachers to unionize (or decertify their union), what teachers were prioritizing for bargaining, and how unionization affected the school. See Appendix A for our interview protocol.

Our study is admittedly an exploratory one. We were constrained in the number of interviews we could conduct, as well as in the other data we could exploit to understand how unionization affects teachers, administrators, and schools. While we sought representativeness in our sample, a study as small as ours is not able to capture the full diversity evident in the charter sector. Despite its limits, our study offers a first look at what motivates charter school teachers to unionize and suggests important avenues for further research.

### Breakdowns in Trust and Desire for Greater Influence Fuel Unionization Efforts

Lacking few of the formal structures that govern traditional public schools, charter schools tend to rely heavily on mutual trust between administrators and teachers for managing school operations.<sup>17</sup> When asked to reflect upon the impetus for unionization at their schools, the vast majority of our interviewees (15 of 21) cited growing mistrust between administrators and teachers, sometimes fueled by organizational instability, including high turnover rates among school staff, transitions between school leaders, and growth. Lacking established rules or procedures to fall back on, teachers perceived school leaders were ignoring or tossing aside their concerns, leading to contentious disagreements over small and large issues. This amplified the sense among teachers that they lacked avenues to influence school decisions; more than half (11) of our interviewees cited teacher voice as an important motivator for organizing. As one teacher summarized, “Teacher leadership is a pillar of our mission, but teachers have been given less and less voice through the years. Many decisions have been made without talking to any teachers and given to teachers to follow through with little to no notice.”

Teachers expressed frustration that they were excluded from decisions around curricula, student discipline, and school start times. For example, when administrators at one school decided to reduce suspensions, teachers were blindsided by their directive to stop issuing suspensions rather than work with teachers to build a new disciplinary model. Another teacher noted that as schools around the country stepped up efforts to ensure classroom safety, teachers' requests for locks on classroom doors were dismissed by administrators.

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Teachers' concerns over specific decisions sometimes translated into much broader worries about the lack of transparency and weak oversight of administrators. Reflecting on the school's budget, one teacher said, "Where is the money coming from? How are you choosing to spend the money? Where is it going?" Three other teachers expressed similar concerns.

The administrators we spoke with acknowledged teachers' sentiments. One school leader knew that her staff often felt that the board was making decisions that weren't in the best interest of the school. Teachers regularly expressed frustration that they lacked a channel to influence school decisions, especially at the board level. A rapid growth plan that meant hiring dozens of new teachers at a single-site school fueled the sense that the current teachers lacked mechanisms for influence. As another administrator summarized, "There was a lack of transparency and a lack of collaborative working... teachers wanted a voice in their charter school." Another confessed, "The board culture was very chummy-chummy... there was no accountability."

Teachers at four schools noted that instability—fueled by growth or a change in management—exacerbated tensions between administration and staff that directly precipitated organizing drives. At one school, teachers began to discuss unionization when a beloved administrator was driven out by a board they characterized as hostile. At other schools, rapid growth in staff and enrollment or expansions from single-site to multisite organizations increased the distance between administrators and teachers. As one teacher lamented, "When it was one school, there was a louder teacher voice and things worked well. As we added additional schools, there was more bureaucracy. Some of what made us a tight community was lost." This echoes results from CRPE's [study of charter management organizations](#), which noted many CMO leaders' concerns that an increasingly bureaucratic structure would take away from schools' culture of trust and respect.

Teachers at schools managed by a CMO often cited the distance between boards and network administrators on the one hand, and teachers and principals on the other. As one teacher reported, "The [network] is very top down and centralized and there's a lot of decision-making that happens at the CMO board meetings that we have absolutely no say in.... That really struck me as ironic because the story up until that point in my mind was 'We're in control. It's our classrooms. It's our school and our community.'" That perceived distance resulted in teachers feeling like administrators were not taking into account their concerns or the needs of their students.

In some cases, administrators reinforced teachers' sense of mistrust when, upon learning of a unionization drive, they launched a campaign to alter teachers' opinions on the union. These campaigns, often run by outside organizations, sought to sow fear among teachers by warning of negative impacts. Instead of convincing teachers to abandon their efforts, these tactics further undermined teachers' confidence in administration and reinforced their commitment to unionize.

## Teacher Pay, Working Conditions, and Job Security Issues Also Catalyze Unionization

Trust and teacher voice were the most often cited factors motivating unionization efforts, but human resource concerns were also noted as important. Twelve of our interviewees cited these issues as contributing factors. In schools characterized by mistrust between administrators and teachers, feelings of being underpaid and overworked, or concerns over teacher retention helped to fuel broader sentiments that administrators did not value teachers. And in several cases, the lack of formal procedures to handle grievances, evaluations, and dismissals left teachers feeling vulnerable to the whims of administrators, thereby further undermining teachers' faith in the system.

Many of the teachers we spoke with cited unfavorable salaries compared to local districts, coupled with long hours and high expectations as reasons for unionizing. While disparities in pay between charter schools and traditional school districts vary, the teachers we spoke with cited gaps of 10 percent to 25 percent.<sup>18</sup> As one teacher told us, "It's not fair for me to get underpaid and overworked. I could go to [a neighboring district] and probably make \$10,000 more and be working five hours less a day and have a lot less stressful life." Other teachers pointed to a lack of transparency around their schools' pay scales and aired their frustrations about changes in compensation when expected pay bumps and bonuses never materialized.

**Feelings of being underpaid and overworked, or concerns over teacher retention helped to fuel broader sentiments that administrators did not value teachers.**

For other teachers, ambiguity around evaluation and dismissal left them feeling vulnerable. The absence of formal procedures for dismissals fueled speculation that teachers were being fired for arbitrary reasons. As one teacher lamented, "People would literally be fired for wearing the wrong shoes. There was no due process. People were just let go." Another noted that prior to unionization at her school there was no clear process for disciplining teachers: teachers did not know whether to expect to keep their jobs after a single infraction or what the penalty for not following some opaque prescription might be. Given the challenges we confronted in securing interviews with administrators, we could not verify many of these stories. However, their existence does suggest major breakdowns in communication over dismissal procedures.

None of the teachers we talked with sought to incorporate tenure in their contracts, though several did press for more transparency around disciplinary practices, more predictability around contract renewals, and extended contract terms (typically one to two years). Several educators we spoke with expressed direct opposition to tenure protections. As one teacher told us, "We purposely left out tenure... The thing people don't like about the union is that they protect crummy teachers."

While teachers obviously benefit personally when they receive a raise or greater job security, many also couched their concerns around retention and creating a positive staff culture. One teacher noted, "Teacher retention is the number one thing ... There's not a lot to keep us here." Another summarized, "We need to be more economically compensated because we need stability in the workforce."

## Unionization Can Enhance Teachers' Influence but It Doesn't Restore Trust

Nearly half of the teachers in our sample work at charter schools still engaged in contract negotiations so they could not yet comment on the full impact of unionization on the issues that most concerned them. However, our conversations with teachers about their priorities for bargaining and how unionization affects relationships among staff suggest that collective bargaining creates a channel for teachers to exert influence over pay, working conditions, and procedures for evaluation and dismissal, as well as enhances teachers' feelings of efficacy in working with administrators. That said, unionization often left



unresolved the larger issues of mistrust and mismanagement that sparked initial organizing drives and could undermine opportunities for more informal collaboration between administration and educators.

Though none of the teachers we spoke with identified tangible improvements to human resource practices as their primary motive for unionization, many (8 of the 10 interviewees who could speak to the issues) prioritized these issues at the bargaining table. Negotiations over workplace concerns could be contentious, but most teachers we spoke with believed they were on track to securing concessions on compensation, working conditions, and procedures for evaluation and dismissal. One teacher told us that her school's negotiations team hoped to "force administrators to actually observe new teachers and give them feedback on their practice." Her team also planned to write a peer assistance and review program into their contract. Another teacher echoed this priority: her union was preparing "a strong and meaningful evaluation procedure that could be accompanied by a mentoring process to increase stability." Some teachers observed that unionization also seemed to give them greater leverage over administrators. For example, a teacher worried about classroom safety noted, "I got locks on our classroom doors within three months of us unionizing."

While many teachers expressed confidence in a newfound collective power and noted positive changes in school-based relationships, unionization could also expose fault lines and, at times, exacerbate negative interpersonal dynamics. Those teachers who noted positive changes told us "there was unity among staff" or "staff feels galvanized and committed to our work." But other teachers suggested that bargaining itself could not fix the breakdown in trust between staff and may in some cases expand the distance between administrators and teachers. Some interviewee comments included "relationships have deteriorated," "this huge divide is very awkward," "the school is struggling with its relationship with the administration," and "now there's tension and confusion." Some interviewees observed both positive and negative interpersonal effects within a single school: unionizing staff grew closer as a result of working as a team toward a contract while "a wall came up between administrators and teachers." Others noted tensions between teachers driven by opposing stances on unionization efforts and a post-unionization sense of winners and losers. While we cannot say whether these dynamics persist years after teachers decide to unionize, they do point to some of the challenges associated with the bargaining process.

In sum, unionization provided a concrete mechanism through which teachers could address concerns around personnel practices, and in some cases the collective bargaining process unified staff and enhanced their feelings of collective power. But the process was not a cure-all and was particularly ill-suited to address the breakdowns in trust that fueled a fair share of organizing campaigns. As one teacher explained, "There's a time and a place for a union and if teachers feel like it's something that they need to ensure their working conditions are appropriate, then that's fine ... But really take a good look at why it is that you're unionizing." Likewise, an administrator questioned whether the union was the appropriate vehicle for addressing teachers' more complicated concerns and cautioned that, "We may wind up with the standard 30-page, boilerplate contract that will be very constricting for both administration and for teachers."

**The collective bargaining process was not a cure-all and was particularly ill-suited to address the breakdowns in trust that fueled a fair share of organizing campaigns.**

### **Unionization Efforts Can Fizzle in the Face of Unaddressed Teachers' Concerns or Outside Agreements**

Just as teachers at charter schools can voluntarily form a union, they can also work to decertify a union that is already in place. Decertification efforts work similarly to unionization—at least 30 percent of teachers must sign a petition asking the National Labor Relations Board (or state equivalent) to hold an election. Without at least majority support in favor of union representation, the union will be decertified.

While decertification efforts are even less common than unionization drives, they provide a unique opportunity to understand what can go wrong and how teachers respond to unions once collective bargaining agreements are in place.<sup>19</sup> We interviewed five teachers and one administrator at schools where decertification efforts were reported.

Our conversations with teachers at these schools suggest unionization efforts can fizzle when the collective bargaining process fails to address their concerns, or when teachers and administrators manage to work toward an agreement outside of the bargaining process.

Unionization efforts in charter schools are typically supported by the nation's two largest teachers unions, the NEA and the AFT, through their local affiliates. We found that the ways in which union leaders worked with charter school teachers in the bargaining process could shape the fate of unionization. At one school where a decertification claim was filed, teachers had grown wary of the unionization drive when they perceived union leaders to be unresponsive to their concerns while working to import some of the most controversial elements of traditional CBAs (tenure, for example). From the teachers' perspective, union representatives insisted on making demands during bargaining that would change the school for the worse. One teacher we spoke with explained, "Once we said, 'Okay we are going to be part of the union,' the union reps gave us a list of things to demand. They were completely trying to change the character of the school and make it like every other school. The union basically came in and said, 'Here's what everybody does.'" Another teacher characterized this same union's tactics as a bait-and-switch: "They sold us on the idea that this would be our union and we could run it how we wanted. Well, that wasn't the case. [The union] charged ahead with 'job security,' meaning permanent status after two years. But most of us wanted to retain the system of accountability that allowed the principal to get rid of lousy teachers. In other words, we wanted less job security than [the union] was pushing for." Efforts like these shifted teachers' opinions on the value of unionization. As one summarized, "I really, honestly don't understand how teachers can expect to have unions and see our results."

At the other site we examined, the factors that incited unionization managed to be addressed outside of the bargaining process, thereby reducing teachers' commitment to the union. At this school, a shakeup among administrators and a perceived willingness to work with teachers dissipated much of the energy behind the unionization drive and led some teachers to advocate for decertification. One teacher said, "When you have strong, capable, ethical administrators and board members, I think a union is unnecessary and counterproductive."

## Collective Bargaining Agreements in Charter Schools

Collective bargaining agreements in traditional public school districts codify practices on issues ranging from teacher placement and transfer, association rights, and workload to evaluation, grievance, and benefits. Previous research suggests that charter CBAs can be designed to respect and preserve unique missions and priorities of charter schools while providing teachers basic labor protections and increasing transparency in pay and evaluation.<sup>20</sup> But, just as CBAs in traditional school districts vary and once offered greater administrative flexibility and opportunities for differentiation, it is possible that these contracts in charter schools vary and evolve over time.<sup>21</sup>

To assess variability and change in charter contracts we examine CBAs in a small, targeted sample of nine charter schools (see inset: Understanding Charter School Collective Bargaining Agreements). Appendix B lists the CBAs in our sample and the local districts we relied on for comparative purposes.<sup>22</sup>

### Understanding Charter School Collective Bargaining Agreements (CBAs)

We collected and analyzed 13 CBAs from nine charter schools. This includes four schools from CRPE's 2011 analysis of charter school CBAs and five schools that have unionized since 2011, selected with an eye toward geographic diversity. Specifically, our CBA sample includes:

- Three of the four contracts from CRPE's 2011 sample, including Civitas in Chicago (2009–2012), Green Dot in Los Angeles (2010), and Pembroke Pines in Broward County, Florida (2007–2010).
- The four most recent contracts from schools in CRPE's 2011 sample, including Civitas (2015–2018), Green Dot (2019), Pembroke Pines (2018–2021), and Camino Nuevo in Los Angeles (2018–2021).
- Five recent contracts from schools we added to the study, including New Beginnings Family Academy in Bridgeport, Connecticut (2014–2016), Arts Academy in the Woods in Fraser, Michigan (2013–2018), Morris Jeff in New Orleans (2016), Community School of Excellence in Saint Paul (2018–2021), and University Prep in New York City (2018–2021).

This sample includes contracts from schools unionized by design as well as those unionized by teacher initiative. We do not examine any contracts from conversion schools as they are typically required to use the contract of the district in which they are geographically located, thereby providing few (or no) opportunities to innovate. Few CBAs in the charter sector are publicly accessible; as a result, our sample is constrained by contract accessibility. Additional information on the contracts and the local districts we use for comparison purposes is available in Appendix B.

We examined CBAs in charter schools through the lens of how they enhance or restrict administrative discretion or flexibility. Reasonable people can and do disagree over how much administrative discretion is appropriate in education. However, there is little question that CBAs can greatly constrain administrators' responses to local policy conditions and other changes in the environment, thereby undermining a key pillar of the charter movement: school autonomy.<sup>23</sup>

Following CRPE's 2011 examination of CBAs in charter schools, we deployed the methodology developed by Frederick Hess and Coby Loup to examine CBAs from the nation's 50 largest districts.<sup>24</sup> This methodology allows us to gauge contract restrictiveness across three dimensions: personnel policy (hiring, firing, layoffs), teacher compensation, and work rules (stipulations on teachers' time, class size, school year, etc.). For each dimension, Hess and Loup developed a series of questions that, when combined, assess contract restrictiveness in each domain and overall. Responses to each question corresponded with a specific grade ranging from an F (0.0) to an A (4.0) based on how specific provisions enhanced (A) or constrained (F) administrative flexibility. Contract provisions that were unclear or left unspecified were assigned a C (2.0) as required by the Hess and Loup methodology.<sup>25</sup> We also arrive at a grade point average (GPA) for each contract based on these item grades.

While this methodology enables us to compare our results with those of Price's original analysis of CBAs in charter schools, it relies upon subjective understandings of how specific provisions affect administrative discretion. This means it is vulnerable to differences in how particular researchers understand a given provision and its impact.<sup>26</sup> Unfortunately, with so few CBAs, the Partial Independence Item Response (PIIR) theory method used to analyze CBAs in California and Washington state could not be employed. Therefore, two researchers coded each CBA in our small sample and calculated a percent agreement for every contract analyzed. Inter-rater agreement scores ranged from a low of 81 percent to a high of 91 percent. All differences were reconciled to arrive at a final score for each contract and provision.

### Charter Bargaining Agreements Offer More Administrative Flexibility in Some Key Areas

The charter school CBAs we analyzed appear to address the same range of issues as CBAs in traditional public school districts and on average don't stand out in terms of the flexibility offered to administrators. However, and consistent with what we heard from teachers in our interviews, charter school contracts are more likely to prioritize administrative flexibility around personnel decisions including evaluation and dismissal. The contracts we analyzed are also more likely to leave specific provisions unspecified which, by default, leaves administrators with more room to maneuver.<sup>27</sup> In table 3, we provide GPA summaries for each dimension and CBA in our sample. Recall that high GPA scores indicate that a contract allows greater administrative flexibility.

Contract GPAs in our sample range from a "D" (1.6) at New Beginnings Family Academy to a "C" (2.3) at Pembroke Pines and Civitas. Hess and Loup give the contracts in their national sample an average grade of C-. By contrast, the contracts we analyzed earn slightly higher marks. We also found variability in contract restrictiveness across the domains we analyzed.

While our sample charter school CBAs were more similar than different compared to their district peers on issues relating to compensation and work rules, charter school CBAs were less comprehensive in that they more often were ambiguous about whether a specific practice was forbidden or allowed. As a result, our analysis may understate the degree of flexibility administrators possess under these CBAs. For example, throughout our sample the majority of schools neither explicitly allow nor forbid initial salary differentiation for teacher experience or subject of expertise. This seems to leave open the possibility that administrators could deploy such differentiation.<sup>28</sup>

TABLE 3. Charter School Contracts Prioritize Flexibility around Personnel Decisions

School	Overall	Compensation	Personnel Decisions	Work Rules
New Beginnings	1.6	1.9	1.4	1.6
Morris Jeff	1.8	1.4	2.0	2.0
University Prep	1.9	2.0	1.7	2.0
Green Dot	1.9	1.9	2.3	1.6
Arts Academy	2.1	2.4	2.0	1.8
Camino Nuevo	2.1	2.1	2.0	2.2
Community School	2.2	2.0	2.6	2.0
Pembroke Pines	2.3	2.4	2.6	2.0
Civitas	2.3	2.1	2.9	2.0
Charter Average	2.0	2.1	2.9	2.0
District Average*	2.0	2.0	1.4	1.8

Source: Based on author analysis of CBAs in selected schools using Hess & Loup (2008) methodology. Higher “grades” indicate greater administrative flexibility. District average drawn from Price (2011).

### Work Rules and Teacher Time in Charter Contracts Mirror District Contracts

Provisions in CBAs regarding work rules can significantly constrain instructional schedules and use of time and staff. These provisions typically dictate the length of the school year and day and put limits on workload through class size restrictions and other provisions. Table 4 details how the CBAs in our sample handle these issues and how they compare to neighboring traditional school districts.

We find broad parallels between charter schools and districts in how CBAs handle work rules. As is the case in traditional school districts, charter school contracts typically specify the number of work days each year, the length of a school day, the length of a duty-free lunch, and expectations of teachers before and after school hours. Many CBAs also require teachers to attend faculty meetings once per month and commit to conferences with parents, back-to-school nights, open houses, and the like.

TABLE 4. Charter Bargaining Agreements’ Workload Provisions Mirror District Contracts

	Civitas	Green Dot	Pembroke Pines	Camino Nuevo	New Beginnings	Arts Academy	Morris Jeff	Community School	University Prep
<b>Total Days</b>	202	193	196	200	185	Not stated	Not stated	193	Not stated
Local District	Depends on school: 180, 200, or 220 days	180	196	180	--	Not stated	--	187	Depends on school
<b>Instructional Days</b>	192	183	186	185	183	Not stated	Not stated	Not stated	Not stated
Local District	Depends on school	Not stated	186	Not stated	--	Not stated	--	Not stated	Determined by state law
<b>Professional Days</b>	9	10	10	15	2	Not stated	Not stated	Not stated	Not stated
Local District	10	Varies by grade	10	Varies by grade	--	15 days over 3 years	--	Not stated	80 minutes per week
<b>Workday</b>	8 hours per day	Not specified	7.5 hours per day	35 hours per week	8 hours per day	7 hours and 40 minutes	7.75 hours per day	8 hours per day	8 hours per day
Local District	Depends on grade	8 hours per day	7.5 hours per day	8 hours per day	--	7.25 hours per day	--	Not stated	6 hours 20 minutes
<b>Limits on Class Size</b>	25	24	Not stated	24 in K-3, 30 in 4-12	Not stated	28	Not stated	Varies by grade	20
Local District	28	Depends on school	Not stated	Depends on school	--	30	--	Depends on grade	Depends on grade
<b>Duty-Free Lunch</b>	30 minutes	30 minutes	30 minutes	30 minutes	25 minutes	22 minutes	30 minutes	20 minutes	30 minutes
Local District	45 minutes	30 minutes	30 minutes	30 minutes	--	30 minutes	--	Not stated	Not stated
<b>Prep Period</b>	45 minutes per day	1/3 of a monthly class schedule	50 minutes per day	40 minutes a day	45 minutes per day	1 period per day	90 minutes per day	50 minutes per day	1 period per day

Source: Author review of sample CBAs.

Note: Charter school responses appear in grey. These responses should be read along with those of the geographically closest local district, which appear below each charter for each outcome.

On average, charter schools have slightly longer school years compared to neighboring districts (194.8 vs. 188.6) and specify longer workdays. Eight of the nine contracts in Price’s sample required an eight-hour workday compared to just five of the contracts in our sample (none require a full eight-hour day if a clearly specified lunch break is subtracted from total daily hours, as is typical among salaried employees). However, among those schools in which we can compare contracts across two points of time (Camino Nuevo, Civitas, and Green Dot), just one—Camino Nuevo—shortened the teacher workday: from eight hours to seven hours. Given our small sample and this single actual change, these results should be interpreted with caution.

Three of the contracts in our sample lack specific provisions limiting class size; the contracts that do specify class size caps exhibit wide variation.<sup>29</sup> Student/teacher ratios among charters with class size

caps range from 20:1 (no higher than 30:1) at University Prep and the Community School of Excellence K–8 campus, to 33:1 at the Community School of Excellence high school campus and at Arts Academy in the Woods. It is difficult to know what to make of these ratios when class size caps are compared with those in place for traditional public school districts. For the two cases in our sample where there are hard, specific caps in place for both the charter and surrounding district, the district class size cap is higher, which suggests that charter teachers are able to drive a harder bargain on this issue.<sup>30</sup> Unfortunately, with so much variation in class size by grade and school across both sectors and such a small sample, we hesitate to speculate further.

### Traditional Salary Schedules Remain the Norm in Charter School CBAs

Many national education reformers view the traditional step-and-lane model of teacher pay as an outmoded compensation model that fails to acknowledge—and reward—differences in teacher quality and effectiveness.<sup>31</sup> Yet today, as was the case in the contracts Price analyzed a decade ago, unionized charter schools continue to compensate teachers based on experience and credentials. We do find some anecdotal evidence that charter schools can leverage contract negotiations to include nontraditional compensation structures by differentiating pay based on specialization. It is worth noting that traditional compensation structures are fairly common in the charter sector as a whole, so the similarities in compensation among unionized schools may be more a function of the penetration of such models in the sector rather than a characteristic of unionized charter schools.<sup>32</sup>

Table 5 reports some variance in compensation structures. Two contracts—Pembroke Pines and Arts Academy in the Woods—offer teachers additional bonuses for student performance. Three (Camino Nuevo, Pembroke Pines, and Civitas) offer additional pay for teaching English as a Second Language or Special Education, positions that can be difficult to staff. Unfortunately, we cannot say whether these schools leveraged such compensation structures prior to unionization or if instead, these are the end result of the bargaining process.

TABLE 5. Traditional Compensation Structures Dominate in Charter School CBAs

Differences in pay by:	Experience	Performance	Job Type	Subject
Civitas	Yes	Not stated	Not stated	Yes
Green Dot	Yes	Not stated	Not stated	Not stated
Pembroke Pines	Not stated	Yes	Not stated	Not stated
Camino Nuevo	Not stated	Not stated	Not stated	Yes
New Beginnings	Yes	Not stated	Not stated	Not stated
Arts Academy	Not stated	Yes	Not stated	Not stated
Morris Jeff	Not stated	Not stated	Not stated	No
Community School	Not stated	Not stated	Not stated	Not stated
University Prep	Not stated	Not stated	Not stated	Not stated

Source: Author review of sample CBAs.

In 2010 TNTP, a leader in teacher evaluation debates, proposed detailed standards for a fair and rigorous evaluation process.<sup>33</sup> Their criteria—annual (or more frequent) reviews for all teachers, at least four levels of ratings, a specified evaluation rubric, frequent observation and feedback (more than annually), multiple measures of teacher performance (including student performance data), and implications for teacher compensation and employment decisions—informed CRPE’s 2011 comparison of charter and traditional public school contracts. The policy landscape for teacher evaluation has shifted dramatically since; 43 states adopted new laws around teacher evaluation that put in place many of TNTP’s recommended elements.<sup>34</sup>

We evaluated charter school CBAs with respect to teacher evaluation using TNTP’s recommended elements (see table 6). Despite the substantial changes in the policy environment since 2011 our results mirror those of the earlier report, with charter school contracts including some, but not all, of the recommended evaluation elements.

TABLE 6. Charter School CBAs Incorporate Recommended Evaluation Elements

	Civitas	Green Dot	Pembroke Pines	Camino Nuevo	New Beginnings	Arts Academy	Morris Jeff	Community School	University Prep
Annual Review	Yes	Yes	Yes	Yes	Not stated	Not stated	Not stated	Not stated	Yes
Local District	Yes	Yes	Yes	Yes	--	Not stated	--	Yes	Yes
Four Levels	Yes	Yes	Yes	Yes	Not stated	Yes	Not stated	Not stated	Yes
Local District	Yes	No	Yes	No	--	Not stated	--	Yes	Yes
Specified Rubric	No	Yes	No	Yes	No	No	No	No	No
Local District	No	No	Yes	No	--	No	--	Yes	Yes
More Than Annual Feedback	Yes	Yes	Yes	Yes	Not stated	Not stated	Not stated	Not stated	Yes
Local District	No	No	Yes	Yes	--	Not stated	--	Yes	Yes
Use Student Performance?	Yes	Yes	Yes	Not stated	Not stated	No	Not stated	Not stated	Not stated
Local District	Yes	Yes	Yes	Yes	--	Not stated	--	Not stated	Yes
Implications for Layoff?	Not stated	Yes	Not stated	Yes	Yes	Yes	Not stated	Not stated	Not stated
Local District	Yes	No	Not stated	No	--	No	--	No	No
Implications for Compensation?	Not stated	Yes	Not stated	Not stated	No	Yes	Not stated	Not stated	Not stated
Local District	Not stated	No	Not stated	No	--	No	--	Yes	Yes

Source: Author review of sample CBAs.



Nearly half (four) of the CBAs we examined specify an evaluation rubric. Five require an annual review, three require more than annual feedback, and six include four levels of ratings. Notably, however, and as we expand upon in the following section, more than a third of our sample—Camino Nuevo, Green Dot, New Beginnings, and Arts Academy in the Woods—allow administrators to weigh teacher evaluations in layoff decisions, a practice hotly contested in traditional public school districts. More generally, charter school contracts are more likely than traditional district contracts to leave evaluation provisions unspecified. This may reflect the tendency in charter schools to handle personnel practices more informally compared to school districts, as discussed above.

### Charter School CBAs Give Administrators More Flexibility in Personnel Decisions

Our interviews suggest that many teachers were prioritizing enhanced job security and greater transparency in the grievance process. Our review of CBAs suggest that unionized charter schools typically include these provisions, though they remain considerably more flexible compared to traditional school districts. Some of the CBAs in our sample differentiate between probationary staff and continuing staff or specify a timeline for probationary status, but nearly half are silent on job security. As column 3 of table 7 makes clear, there is wide variation across districts when it comes to teachers’ probationary period. For those cases where concrete numbers allow comparisons, it appears that charter contracts guarantee a faster trek toward permanent employee status.

TABLE 7. Charter School CBAs Preserve Some Flexibility around Dismissal

	Length of Probationary Period	Local District <sup>37</sup>	Grievance Process	Local District
Civitas	1 year	2–4 years, depending on evaluation	60	254
Green Dot	Not stated	2 years	110	202
Pembroke Pines	196 days	1 year	50	50
Camino Nuevo	Not stated	2 years	114	202
New Beginnings	Not stated	40 months	87	--
Arts Academy	Not stated	4–5 years, depending on evaluation	90	95
Morris Jeff	2 years	6 years, depending on evaluation	154	--
Community School	2 years	3 years	135	103
University Prep	1 year	3 years	176	122
Average			108.4	146.9

Source: Author review of sample CBAs.

Grievance procedures are the rules related to due process or progressive discipline for teachers. Price found that the grievance procedures outlined in charter school CBAs tended to require less time to completion compared to those in neighboring districts. This meant that charter administrators could vet complaints about teacher conduct or performance on a condensed timeline. In six of the nine contracts we examined, schools have this flexibility.<sup>38</sup> For example, Camino Nuevo and Green Dot have

grievance processes totaling 114 and 110 days respectively, compared to 202 days in the surrounding Los Angeles Unified School District. Only two remaining charter schools—Community School of Excellence and University Prep—require *more* time than surrounding districts to negotiate grievances. Both charters boast strong ties to traditional unions: Community School through their current authorizer, the Minnesota Guild, which received funding from an AFT Innovation Fund to charter teacher-led schools, and University Prep through collaborative efforts between New York’s United Federation of Teachers and Green Dot.

Several of the charter contracts we examined also allow administrators to weigh student performance indicators in personnel decisions (layoff and compensation), though contracts provide few details regarding whether or how student performance is weighted (see table 7). For example, Camino Nuevo’s contract states that the CEO has broad discretion over layoff decisions and decisions are not subject to the grievance procedure. This suggests that charter schools retain key flexibilities around staffing and dismissal that traditional school districts typically lack.

### No Consistent Evidence That Charter CBAs Are Becoming More Restrictive over Time

To understand whether CBAs in charter schools are growing more restrictive over time, we reanalyzed three of the contracts from Price’s original sample: Green Dot, Civitas, and Pembroke Pines.<sup>39</sup> As before, we deployed Hess and Loup’s (2008) methodology, with a focus on how contract restrictiveness evolves over time.<sup>40</sup> Overall, we found some evidence that contracts are growing less restrictive over time, but these results mask considerable variation across the dimensions we examined (see table 8).

TABLE 8. Variation in How Contracts Evolve over Time

Dimension	Civitas		Green Dot		Pembroke Pines	
	Original (2009–2012)	Current (2015–2018)	Original (2010)	Current (2019)	Original (2007–2010)	Current (2015–2018)
Overall	2.15	2.33	1.78	1.92	1.44	2.33
Compensation	2.86	2.14	2.00	1.86	2.00	2.43
Personnel Decisions	2.00	2.86	1.75	2.29	1.14	2.57
Work Rules	1.60	2.00	1.60	1.60	1.20	2.00

Source: Author analysis of original and current CBAs using Hess and Loup (2008) methodology to examine contract restrictiveness.

On average, the contracts we examined have gotten less restrictive over time, as suggested by the higher GPAs in more recent contracts for every school in our sample. In all three cases, this trend is driven in part by growing administrative flexibility around personnel decisions, especially as it relates to whether administrators can use student achievement results in decisions around contract renewals.

Changes over time, along with work rules and compensation, are more variable, with CBAs becoming more restrictive in some cases but less so in others. For example, work rules grow less restrictive at Civitas and Pembroke Pines while remaining stable at Green Dot. Substantively, these shifts result from a change in one or more of the underlying provisions examined by Hess and Loup. For example, in the case of work rules, a change from requiring compensation for teachers attending professional development outside of the workday to instead allowing administrative discretion around such supplementary compensation decisions.

## Conclusion

With this report, we set out to understand how unionization efforts in charter schools are playing out. While unionized charters make up a small and declining share of charter schools overall, there is evidence that such movements are gaining traction with teachers in certain state and local contexts.

Given the fraught history of conflict between unions and charter schools, why do charter school teachers decide to unionize? Our interviews suggest that these unionization efforts are driven in large part by a breakdown in trust between administrators and teachers, and teachers' desire for greater influence over school decisions. Frustration with compensation, working conditions, and other human resource practices amplified these concerns and left teachers feeling undervalued and underappreciated.

Our findings suggest ways in which leaders can work to ensure teachers feel heard and valued, perhaps precluding unionization campaigns. Capable boards and administrators do not wait until teachers become so fed up that they decide to invest considerable time and effort into a unionization drive. One administrator we spoke with noted that if he had done more work on the front end to “create a positive culture of developing good relationships, open relationships, being transparent, communicating with the staff, being an advocate for my staff,” teachers may not have reached for the union to assist. Charter school leaders may not be able to address every frustration that teachers encounter in their jobs, but they can and should act in ways that show they value teachers' opinions and contributions and insist on standards that ensure reasonable and fair treatment in evaluations and dismissals. As another administrator we spoke to put it, “I took a stance that either I could feel really bad about our organization unionizing, or I could really get better as a leader and listen to our teachers more deeply. I took the latter stance and just really built my muscle in listening more deeply and responding with action.”

**Capable boards and administrators do not wait until teachers become so fed up that they decide to invest considerable time and effort into a unionization drive.**

How unions approach charter schools is important to how unionization plays out. When union leaders come to charter school teachers hoping to replicate the traditional district contract, their efforts to gain staff buy-in can falter. Instead, if they walk the talk—embracing the opportunity to leverage charter schools' small size to amplify charter school teachers' voices—unions can be responsive to the unique missions of charter schools. As one administrator told us, “I think the union's made us stronger as an organization. I think that we haven't lost any of our administrative [flexibility], and [instead] there's just more clarity and transparency.”

These results have important implications in the post-*Janus* context, where the future of unions hinges upon teachers' voluntary commitments to unionization. According to a recent *Washington Post* opinion piece, when the Supreme Court handed down the *Janus v. AFSCME* decision in June 2018, labor leaders braced for steep declines in membership. Instead, over the past six months, the AFT (a 1.7 million-member union) has added an astonishing 88,500 members.<sup>41</sup> This may be in part because, as local union leaders saw the *Janus* writing on the wall, they began to engage in a new type of organizing to ensure they better met the needs of a changing membership. Nick Faber, president of the Saint Paul Federation of Teachers, uses an interesting analogy to explain such tactics: “It's the difference between the pop machine definition of unionism, which is the business model, and a gym membership definition. With the pop machine, you put money in. When the pop comes out, you're happy. If it doesn't come out, you kick the machine and get angry. That's traditional unionism: you pay your dues, expect a service and get angry when something goes wrong. With the gym membership model, you pay your dues, and then we work together to make something happen. We build leadership and skills together.”<sup>42</sup>

Charter schools represent a substantial and growing opportunity for teachers unions, given how few schools are currently unionized. But any large-scale effort to unionize charter school teachers through a “gym membership” model must overcome the long-standing divide that exists between the labor and charter movements.

A look at recent headlines suggests the divide between unions and charter schools may in fact be growing. Labor unrest in Denver, Los Angeles, and Oakland has centered around teachers unions’ opposition to charter schools, driven in no small part by their depiction of the charter sector as a dire threat to the very future of public education.<sup>43</sup>

Bridging the divide between unions and charter schools will take concerted effort by both sides. For leaders of charter schools, it may be hard to see unionization as anything other than an existential threat when many unions have made it their mission to oppose charter schools at all costs and regularly advance claims that they exist solely for the benefit of administrators and the “billionaires” who fund them. Likewise, because charter school leaders have made teachers unions out to be the boogeyman in public education and advanced claims that unions are largely to blame for the challenges that exist in public schools, unions may have little faith to place in charter leaders. Unfortunately, students and teachers are the likely losers in protracted conflict.

**Bridging the divide between unions and charter schools will take concerted effort by both sides.**

While our study is admittedly an exploratory one, it does suggest additional avenues for research. Understanding variation in contract restrictiveness, including across schools that unionize by founder design rather than by teacher initiative, is essential to assessing how unionization affects the flexibility inherent in the charter model. Such research, however, is constrained by the absence of a national database of collective bargaining agreements. While contracts provide important clues around how unionization may affect schools, a fuller exploration should include rigorous assessment of its impacts on teachers and students. How schools evolve in response to union pressure will determine whether charter schools and unions can come together in ways that complement each other, or if such efforts will simply reinforce the divides that have separated the two movements.

## Appendix A. Interview Protocol

### Background

- How long and in what capacity have you worked at this school? Did you have any previous teaching or education-related experience? Where? In what capacity?
- What drove you to apply for the job at XXXX?
- Did the fact that this school is a charter influence your decision? How or why?
- How did the school's sponsors/authorizer and mission influence your decision?
- Have you ever been a member of a teachers' union? Any other union?
- What do you consider the best and worst parts of your job here?

### Unionization Efforts and Effects

- What drove efforts to unionize this campus? Were there individuals, institutions or specific ideas you can pinpoint?
- Did you support the unionization efforts on this campus? Why or why not?
- Can you describe the length and scope of unionization efforts as well as your personal involvement in these efforts?
- Would you say there were any changes to school culture during or as a result of these efforts? To what effect?
- Did relationships between you and colleagues, you and parents, you and administrators or you and board members change in response to unionization efforts or the ultimate unionization of this institution?
- Did you notice any immediate changes to your scope of work or daily routines?
- Did you notice any changes in employee benefits?
- Are you on average any more or less satisfied with your work here since unionization?
- How similar or different is this school now than a traditional public school? Than other charter schools?
- Would recommend unionization to other charter teacher?
  - Are you aware of unionization efforts in other schools?
- Are there other benefits/costs associated with unionization here that I haven't yet asked about?
- Looking forward do you see yourself serving at this school for the foreseeable future? Why or why not?

## Appendix B. Description of CBA Sample

Number	Charter school name	Contract year	# of pages in contract	How organized	Local district	Local district contract year	# of pages in local district contract
1	Civitas	2015–2018	48	By vote	Chicago, IL	2015–2019	456
2	Green Dot, CA	2019	146	By design	Los Angeles, CA	2014–2017	430
3	Pembroke Pines	2015–2018	54	By vote	Broward County, FL	2015–2018	54
4	Camino Nuevo	2018–2021	34	By vote	Los Angeles, CA	2014–2017	430
5	New Beginnings Family Academy	2014–2016	21	By vote	Bridgeport, CT	--	--
6	Arts Academy in the Woods	2013–2018	30	By vote	Fraser, MI	2016–2018	100
7	Morris Jeff	2016	34	By vote	New Orleans, LA	--	--
8	Community School of Excellence	2018–2021	40	By vote	St. Paul, MN	2017–2019	134
9	University Prep	2018–2021	69	By vote	New York, NY	2019–2022	238

## Endnotes

1. Mitch Price, *Are Charter School Unions Worth the Bargain?* (Seattle, WA: Center on Reinventing Public Education, 2011).
2. Douglas McGray, "The Instigator: A crusader's plan to remake failing schools," *New Yorker*, May 11, 2009.
3. In theory, teachers that vote to unionize could also opt into the district bargaining unit.
4. These results differ slightly from those reported in the NAPCS brief, *Unionized Charter Schools, 2016-17* (Washington, DC: National Alliance for Public Charter Schools, 2018), due to ambiguity in the unionization status of a small number of schools (25) in the NAPCS database of unionized charter schools. Researchers verified charter school unionization status through state databases that record actions on unionization efforts (e.g., New York Public Employment Relations Board) and through a search of local media reports. We were able to verify the unionization status of 23 of 25 schools. We assume schools that could not be verified are not unionized. We identified 362 schools that unionized voluntarily compared to 366 in the brief cited above.
5. For rules governing charter schools' participation in collective bargaining agreements, see *Unionized Charter Schools, 2016-2017* (Washington, DC: National Alliance for Public Charter Schools, 2018).
6. Green Dot is the only national charter management organization that has included collective bargaining as part of its design. A few schools sponsored by unions, for example a United Federation of Teachers school in New York, have also unionized by design.
7. NAPCS data on unionization include an indicator variable for whether unionization is required by state law; all schools not required to unionize are considered to have unionized voluntarily.
8. While outside of the scope of this study, many districts in rural Oregon have leveraged chartering as a mechanism for preserving local control as student populations decline. See Kimberly Melton, "Oregon's rural schools look to charter status to survive," *Oregonian*, December 17, 2010.
9. Work by a variety of scholars suggests that a state's collective bargaining laws may themselves explain union strength. See, for example, Emily Cohen, Kate Walsh, and RiShawn Biddle, *Invisible Ink in Collective Bargaining: Why Key Issues Are Not Addressed* (Washington, DC: National Council on Teacher Quality, July 2008); Barry T. Hirsch, David A. Macpherson, and John V. Winters, "Teacher Salaries, State Collective Bargaining Laws, and Union Coverage." Paper presented at Education Finance and Policy Annual Conference, Seattle, WA, March 24-26, 2011; Michael Hartney and Patrick Flavin, "From the Schoolhouse to the Statehouse: Teacher Union Political Activism and U.S. State Education Reform Policy," *State Politics & Policy Quarterly* 11, no. 3 (September 2011), 251-268; Katharine O. Strunk and Jason A. Grissom, "Do Strong Unions Shape District Policies?: Collective Bargaining, Teacher Contract Restrictiveness, and the Political Power of Teachers' Unions," *Educational Evaluation and Policy Analysis* 32, no. 3 (September 2010), 389-406.
10. Mergers between the National Education Association and American Federation of Teachers occurred in Florida, Minnesota, Montana, New York, and North Dakota.
11. Charter schools required by law to uphold the collective bargaining of the district in which they are geographically located differ significantly from their peers that are not subject to these requirements because such schools tend to lack the same types of flexibility around personnel and staffing that typical charter schools possess. For example, charter schools upholding collective bargaining may be required to select teachers from an excess teacher pool prior to hiring any new staff.
12. A full assessment of how unionization affects student achievement requires data on the date each school unionized. While certain states (e.g., California) make such data readily available, no national database tracks unionization over time. In Jordan D. Matsudaira and Richard W. Patterson, "Teachers' Unions and School Performance: Evidence from California Charter Schools," *Economics of Education Review* 61 (September 2017), 35-50, they find unionization positively affects student achievement in California charter schools.

13. For a review of teachers' motivation for unionization in the 1960s and 1970s, see Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900-1980* (Ithaca, NY: Cornell University Press, 1990). To our knowledge, no contemporary research considers what motivates teachers to join a union.
14. We know of no organization systematically documenting charter school decertification efforts.
15. We focus on recent unionization and decertification efforts, given the high turnover in the charter sector as well as the challenges associated with recall years after an event unfolds.
16. Given the precarious nature of negotiations at many of the schools in which we conducted interviews, we do not provide additional detail regarding school sites in order to protect the anonymity of the teachers and administrators who spoke to us.
17. Betheny Gross, *Inside Charter Schools: Unlocking Doors to Student Success* (Seattle, WA: Center on Reinventing Public Education, 2011); Cassandra M.D. Hart and Aaron J. Sojourner, "Unionization and Productivity: Evidence from Charter Schools," *Industrial Relations: A Journal of Economy and Society* 54 no. 3 (June 2015), 422-448.
18. Michael Podgursky, "Teams versus Bureaucracies: Personnel Policy, Wage-Setting, and Teacher Quality in Traditional Public, Charter, and Private Schools," *Education Working Paper Archive* 2006. Podgursky finds a pay gap of approximately \$17k between charter schools and their neighboring district.
19. To our knowledge, no public or private entity maintains a list of decertified charter school unions.
20. Price, *Are Charter School Unions Worth the Bargain?*; Peter Kauffman, "Unionized Charter School Contracts as a Model for Reform of Public School Job Security," *New York University Law Review* 88, no. 4 (October 2013).
21. Murphy, *Blackboard Unions*.
22. We were unable to obtain New Beginnings Family Academy's current collective bargaining agreement. Morris Jeff cannot be compared to a traditional public school district as the New Orleans public school system moved to a portfolio model of charter schools following Hurricane Katrina in 2005.
23. Strunk and Grissom, "Do Strong Unions Shape District Policies?"
24. Frederick M. Hess and Coby Loup, *The Leadership Limbo: Teacher Labor Agreements in America's Fifty Largest School Districts* (Washington, DC: Thomas B. Fordham Institute, 2008).
25. The Hess and Loup (2008) methodology was developed for coding traditional district contracts and in numerous cases, the provisions simply didn't apply in a charter context. For example, provisions related to additional pay for working in high-needs schools make little sense in a charter context where schools tend to specialize in certain populations and each individual school has status as a local education agency.
26. For an alternative methodology that is less vulnerable to these problems, see Katharine O. Strunk and Sean F. Reardon, "Measuring the Strength of Teachers' Unions: An Empirical Application of the Partial Independence Item Response Approach," *Journal of Educational and Behavioral Statistics* 35, no. 6 (December 2010), 629-670. We opted to use Hess and Loup in order to preserve comparability in results across the two studies. Furthermore, a larger sample of contracts would have been necessary to employ the PIIR method.
27. For example, many charter contracts are silent on curriculum and student discipline and most devote significantly less space to details surrounding the use of preparation periods or schoolwide meeting time, while most traditional public school contracts devote a great deal of space to such issues.
28. According to the Hess and Loup (2008) coding scheme, practices that are neither explicitly forbidden or allowed are coded as a "C" or 2.0. In order to preserve comparability, we follow this procedure in our analysis of charter school CBAs. However, there are good reasons to believe that norms around administrative discretion vary between districts and charter schools such that unspecified provisions mean something different for charter schools than they do for school districts.



29. This in and of itself is notable given evidence that the vast majority of traditional school districts' contracts address class size: Katharine O. Strunk, "Policy Poison or Promise: Exploring the Dual Nature of California School District Collective Bargaining Agreements," *Educational Administration Quarterly* 48, no. 3 (April 2012), 506-547.
30. It could also be the case that such schools had smaller class sizes prior to unionization.
31. TNTP, Inc., *Shortchanged: The Hidden Costs of Lockstep Teacher Pay* (New York, NY: TNTP, Inc., 2014).
32. Betheny Gross and Michael DeArmond, *How Do Charter Schools Compete for Teachers? A Local Perspective* (Seattle, WA: Center on Reinventing Public Education, 2010).
33. TNTP, Inc., *Teacher Evaluation 2.0* (New York, NY: TNTP, Inc., 2010).
34. These efforts were spurred in no small part by the Obama Administration's 2009 Race to the Top competition, as well as ESEA flexibility waivers, both of which incentivized changes to teacher evaluation policy. See Stephanie Aragon, *Policy Snapshot: Teacher Evaluations* (Denver, CO: Education Commission of the States, 2018).
35. In some cases, language surrounding evaluations notes that student performance may be used in teacher evaluation, but the contract is not clear on whether or not student performance can be factored into performance or compensation decisions or does not specify concretely that student performance cannot be used in such decisions.
36. We specifically coded for language surrounding layoffs. We did not examine whether or not student performance measures might be used for dismissal.
37. Jennifer Thomsen, *50-State Comparison: Teacher Tenure / Continuing Contract Policies* (Denver, CO: Education Commission of the States, 2014).
38. We were unable to obtain Bridgeport, Connecticut's current collective bargaining agreement. Morris Jeff in New Orleans cannot be compared to a traditional public school district as the New Orleans public school system moved to a portfolio model of charter schools following Hurricane Katrina in 2005.
39. Despite our best effort, we were unable to locate the original contract for Camino Nuevo. To our knowledge, there has been little effort to archive CBAs in the charter sector, making comparisons over time especially difficult.
40. As discussed above, an important limitation of the Hess and Loup (2008) methodology is that it requires subjective judgements regarding how contracts restrict administrative flexibility. The results from our analysis of the original contracts differ slightly from those reported by Price (2011). Our results parallel his in terms of direction but we never arrive at the same GPA overall or along specific dimensions.
41. Dana Milbank, "So much for the labor movement's funeral," editorial, *Washington Post*, January 25, 2019.
42. Sarah Lahm, "Our Teachers Want to Be Part of a Movement: An Interview with Nick Faber," *Jacobin* (February 2018).
43. "Student Attendance Rises Slightly As LA Teachers Rally On Day 2 Of Strike," KCAL/CBS Los Angeles, January 15, 2019