

Unionized Charter Schools: Data from 2009-10

The number of charter schools that hold collective bargaining agreements with teachers' unions has largely been unknown. Over the years, newspaper articles reported on a handful of examples of unionized charter schools, but the extent to which charter schools were unionized could only be estimated. During the 2009-10 school year, the National Alliance for Public Charter Schools collected data to determine the teachers' union status of every charter school nationwide.

We found the following:

- 604 charter schools (12.3 percent) have collective bargaining agreements with teachers' unions (see Table 1). Less than 10 percent of the charter schools that opened in 2009-10 are affiliated with a teachers' union.
- A majority of the unionized charter schools nationwide (388 out of 604, or 64.2 percent) are bound by state law to the existing collective bargaining agreements with the local traditional public school district.
- In five states – Alaska, Hawaii, Iowa, Maryland, and Virginia – all of the charter schools are unionized, as required by state law (see Table 2). Wisconsin, California, and Ohio have the largest total number of unionized charter schools (171, 122, and 42, respectively). 55 percent of the unionized charter schools operate in these three states. In Wisconsin, all of the unionized charter schools are bound by state laws. In Ohio, 76 percent of the unionized charters are bound by state laws.
- The majority of unionized charter schools are affiliated with the National Education Association (NEA), the largest teachers' union in the country. 459 charter schools (76 percent of unionized charters) are affiliated with NEA, 67 charter schools (11.1 percent of unionized charters) are affiliated with the American Federation of Teachers (AFT), 76 charter schools (12.6 percent of unionized charters) are affiliated with both NEA and AFT, and two schools (0.3 percent of unionized charters) are affiliated with the American Federation of State, County and Municipal Employees (AFSCME).
- Conversion charter schools account for 30.5 percent of unionized charter schools, compared with 5.5 percent of non-unionized charter schools.
- Roughly 28 percent of charter schools nationwide are managed by an education management organization (EMO) or charter management organization (CMO). Less than 10 percent of unionized charter schools are managed by an EMO or CMO, whereas nearly one third of non-unionized charter schools are managed by an EMO or CMO.
- 81.6 percent of all unionized charter schools opened in the last decade, between 2000-01 and 2009-10.
- Unionized charter schools and charter schools without collective bargaining agreements have roughly the same average student enrollment, 325 students and 326 students, respectively.

Table 1: Charter Schools with and without Collective Bargaining Agreements with Teachers' Unions, 2009-10 School Year

	Charter Schools with Collective Bargaining	Charter Schools without Collective Bargaining
<i>Total number of charter schools</i>	604 (12.3%)	4,315 (87.7%)
<i>Charter schools bound by state law to collective bargaining agreements or personnel policies</i>	388 (64.2%)	
<i>New charter schools in 2009-10 school year</i>	32 (7.2%)	411 (92.8%)
<i>New charter schools in 2009-10 school year bound by state law to collective bargaining agreements</i>	18 (56.3%)	
<i>National union affiliation</i>		
National Education Association (NEA)	459 (76.0%)	
American Federation of Teachers (AFT)	67 (11.1%)	
Both NEA and AFT affiliated	76 (12.6%)	
American Federation of State, County and Municipal Employees (AFSCME)	2 (0.3%)	
<i>Charter school status</i>		
Start-up	420 (69.5%)	4,076 (94.5%)
Conversion	184 (30.5%)	237 (5.5%)
<i>Management organization</i>		
Freestanding	553 (91.6%)	2,952 (68.4%)
CMO	37 (6.1%)	740 (17.2%)
EMO	14 (2.3%)	623 (14.4%)
<i>Year opened</i>		
1992-93 – 1999-00	111 (18.4%)	972 (22.5%)
2000-01 – 2009-10	493 (81.6%)	3,343 (77.5%)
<i>Average student enrollment</i>	325	326
<i>Student demographics</i>		
White	34.4%	37.7%
African-American	26.0%	31.3%
Hispanic	32.2%	24.2%
Asian	4.2%	3.6%
Other	3.2%	3.2%

Table 2: Charter Schools with Collective Bargaining Agreements with Teachers' Unions, by State, 2009-10 School Year

State	Legal Context ⁱ	Total # of Charter Schools	Charters with Collective Bargaining	Charters with Collective Bargaining Bound by Law
AK	The state law provides automatic exemptions from many state and district laws and regulations and requires all of a school's teachers to be certified.	26	26 (100%)	26 (100%)
AR	The state law requires some charter schools to be part of existing school district personnel policies.	29	1 (3.4%)	1 (100%)
AZ	The state law does not require any charter schools to be part of existing collective bargaining agreements.	508	0 (0.0%)	0 (0.0%)
CA	The state law does not require any charter schools to be part of existing collective bargaining agreements.	807	122 (15.1%)	0 (0.0%)
CO	The state law doesn't directly address this issue, but has been consistently interpreted to exempt charter schools from district collective bargaining agreements.	158	0 (0.0%)	0 (0.0%)
CT	The state law exempts some schools from existing collective bargaining agreements, but not others (but allows those not exempted to apply for exemptions).	18	3 (16.7%)	0 (0.0%)
DC	The state law does not require any charter schools to be part of district collective bargaining agreements.	96	0 (0.0%)	0 (0.0%)
DE	The state law does not require any charter schools to be part of district collective bargaining agreements.	18	0 (0.0%)	0 (0.0%)
FL	The state law does not require any charter schools to be part of district collective bargaining agreements.	411	16 (3.9%)	0 (0.0%)
GA	The state law does not require any charter schools to be part of district collective bargaining agreements.	89	0 (0.0%)	0 (0.0%)
HI	The state law requires all charter schools to be part of existing collective bargaining agreements, but schools can apply for exemptions.	31	31 (100%)	31 (100%)
IA	The state law requires all charter schools to be part of existing collective bargaining agreements, with no opportunity for exemptions.	8	8 (100%)	8 (100%)
ID	The state law does not require any charter schools to be part of district collective bargaining agreements.	36	0 (0.0%)	0 (0.0%)
IL	The state law does not require any charter schools to be part of district collective bargaining agreements.	102	9 (8.5%)	0 (0.0%)
IN	The state law exempts some schools from existing collective bargaining agreements, but not others.	54	1 (1.9%)	1 (100%)
KS	The state law requires all charter schools to be part of existing collective bargaining agreements, but schools can apply for exemptions.	36	35 (97.2%)	35 (100%)
LA	The state law exempts some schools from existing collective bargaining agreements, but not others.	77	0 (0.0%)	0 (0.0%)
MA	The state law exempts some schools from existing collective bargaining agreements, but not others (but allows those not exempted to apply for exemptions).	62	8 (12.9%)	7 (87.5%)
MD	The state law requires all charter schools to be part of existing collective bargaining agreements, but schools can apply for exemptions.	36	36 (100%)	36 (100%)

State	Legal Context ⁱ	Total # of Charter Schools	Charters with Collective Bargaining	Charters with Collective Bargaining Bound by Law
MI	The state law exempts some schools from existing collective bargaining agreements, but not others (but only binds those schools to existing collective bargaining agreements for certain employees).	240	6 (2.5%)	0 (0.0%)
MN	The state law does not require any charter schools to be part of district collective bargaining agreements.	153	0 (0.0%)	0 (0.0%)
MO	The state law does not require any charter schools to be part of district collective bargaining agreements.	33	1 (3.0%)	0 (0.0%)
NC	The state law exempts some schools from existing school district personnel policies, but not others.	96	0 (0.0%)	0 (0.0%)
NH	The state law does not require any charter schools to be part of district collective bargaining agreements.	11	0 (0.0%)	0 (0.0%)
NJ	The state law exempts some schools from existing collective bargaining agreements, but not others.	68	9 (13.2%)	0 (0.0%)
NM	The state law does not require any charter schools to be part of district collective bargaining agreements.	72	1 (1.3%)	0 (0.0%)
NV	The state law exempts some schools from existing collective bargaining agreements, but not others.	28	0 (0.0%)	0 (0.0%)
NY	The state law exempts some schools from existing collective bargaining agreements, but not others.	140	24 (17.1%)	19 (79.2%)
OH	The state law exempts some schools from existing collective bargaining agreements, but not others.	322	42 (13.0%)	32 (76.2%)
OK	The state law does not require any charter schools to be part of district collective bargaining agreements.	18	0 (0.0%)	0 (0.0%)
OR	The state law does not require any charter schools to be part of district collective bargaining agreements.	102	29 (28.4%)	0 (0.0%)
PA	The state law does not require any charter schools to be part of district collective bargaining agreements.	135	4 (3.0%)	0 (0.0%)
RI	The state law exempts some schools from existing collective bargaining agreements, but not others (but allows those not exempted to apply for exemptions).	13	3 (23.1%)	3 (100%)
SC	The state law exempts some schools from existing school district personnel policies, but not others.	38	0 (0.0%)	0 (0.0%)
TN	The state law does not require any charter schools to be part of district collective bargaining agreements.	22	0 (0.0%)	0 (0.0%)
TX	The state law exempts some schools from existing school district personnel policies, but not others.	542	15 (2.8%)	15 (100.0%)
UT	The state law does not require any charter schools to be part of existing collective bargaining agreements.	72	0 (0.0%)	0 (0.0%)
VA	The state law requires all charter schools to be part of existing school district personnel policies, with no opportunity for exemptions.	3	3 (100.0%)	3 (100.0%)
WI	The state law exempts some schools from existing collective bargaining agreements, but not others.	206	171 (83.0%)	171 (100%)
WY	The state law does not require any charter schools to be part of existing collective bargaining agreements.	3	0 (0.0%)	0 (0.0%)

Methodological Notes

For this report, we defined a charter school as unionized if it had a collective bargaining agreement with a teachers' union or association. There were additional charter schools without collective bargaining agreements that hired teachers who were members of a teachers' union. These schools were not counted as being unionized.

We collected union data for every charter school nationwide by contacting a variety of sources within each state. The sources included state departments of education, charter school support organizations and resource centers, charter school authorizers, national union organizations, and local affiliates of the national union organizations.

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Anna Nicotera, Director of Research and Evaluation for the National Alliance for Public Charter Schools, led the production of this report. Timothy Hartman provided research assistance.

ⁱ National Alliance for Public Charter Schools. (2011). *Measuring up to the model: A ranking of state charter school laws (second edition)*. Washington, DC: Author.