



ECS StateNotes

Charter Schools

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Charter School Teachers

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Overview

This *ECS StateNote* examines policies across the states dealing with charter school teachers and answers the following questions:

- Do teachers in a charter school have to be certified?
- What sets teacher salaries?
- Does the state require school districts to grant teachers a leave of absence to teach in a charter school?
- Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?
- Are charter schools bound by school district collective bargaining agreements?

Summary

Based on the information in this *ECS StateNote*:

- In 21 states and Puerto Rico, all of the teachers in a charter school have to be certified. In 10 states, at least a portion of a charter school's teaching force has to be certified. In 5 states and the District of Columbia, no teachers in a charter school have to be certified.
- In 24 states and the District of Columbia, charter schools set teacher salaries. In 9 states, collective bargaining agreements set teacher salaries. In 3 states, the primary decisionmaker for teacher salaries varies. In Puerto Rico, the statewide salary schedule sets teacher salaries.
- 19 states and the District of Columbia require school districts to grant teachers a leave of absence to teach in a charter school.

- In 32 states, the District of Columbia and Puerto Rico, teachers in each of a state's charter schools have equal access to the public school teachers' retirement system. In 4 states, only teachers in certain charter schools have equal access to the public school teachers' retirement system.
- In 17 states, the District of Columbia and Puerto Rico, charter schools are not bound by school district collective bargaining agreements. In nine states, charter schools are bound by school district collective bargaining agreements. In 10 states, whether a charter school is bound by school district collective bargaining agreements varies by type of charter school.

State	Do teachers in a charter school have to be certified?	What sets teacher salaries?	Does the state require school districts to grant teachers a leave of absence to teach in a charter school?	Do teachers in each of a state's charter schools have equal access to the public school teachers' retirement system?	Are charter schools bound by school district collective bargaining agreements?
Alaska	Yes	Collective bargaining agreement	No	Yes	Yes
Arizona	No	Charter school	Yes; up to three years	Yes	No; a charter school's teachers may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently
Arkansas	Yes, unless a waiver is granted in the charter	Varies; for conversion charter schools, the existing salary schedule, although they can be waived in the charter; for open enrollment charter schools, the charter school	No	Yes	Yes
California	Yes	Charter school	No	Yes	No; a charter school's teachers have the same option to form a union as other state employees; they may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently; if they are independent, they are generally subject to the state's education labor laws
Colorado	Yes, unless a waiver is granted in the charter	Charter school	Yes; up to three years	Yes	No; a charter school's teachers may remain covered by the school district's collective bargaining

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					agreement, negotiate as a separate unit with the charter school governing body or work independently
Connecticut	At least 50% of a charter school's teachers must have standard certification, and up to 50% of teachers in a charter school may have alternative certification or temporary certification and be working toward standard certification	For local charter schools, collective bargaining agreements; for state charter schools, the charter schools	Yes; up to four years	Yes	A local charter school's teachers are covered by the school district collective bargaining agreement, but such agreement may be modified by a majority of charter school teachers and the charter school governing council; a state charter school's teachers may negotiate as a separate unit with charter school governing council or work independently
Delaware	Yes, with exceptions	Charter school	Yes; up to three years	Yes	No; a charter school's teachers are not covered by school district collective bargaining agreements; they may negotiate as a separate unit with charter school governing body or work independently
District of Columbia	No	Charter school	Yes; two years, with an unlimited number of two-year extensions possible	Yes	No; a charter school's teachers may negotiate as separate unit with charter school governing body or work independently
Florida	Yes	Charter school	No	No; only if the charter school is organized as a public employer	No; a charter school's teachers may remain covered by the school district's collective bargaining agreement, negotiate as a separate unit with the charter school governing body or work independently
Georgia	No	Charter school	No	Yes	No
Hawaii	Yes	Collective bargaining agreement	No; charter school teachers remain employees of the statewide district	Yes	Yes
Idaho	Yes	Charter school	No	Yes	No; staff of the charter school are considered a

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Illinois	Charter schools may employ non-certified teachers if they have a bachelor's degree, five years' experience in the area of degree, a passing score on state teacher tests and evidence of professional growth; mentoring must be provided to uncertified teachers	Charter school	Yes; up to five years	Yes	separate unit for purposes of collective bargaining No; a bargaining unit of charter school employees shall be separate and distinct from any bargaining units formed from employees of a school district in which the charter school is located
Kansas	Yes	Collective bargaining agreement	No	Yes	Yes; a charter school's teachers remain covered by the school district collective bargaining agreement, although a waiver may be granted if specified in charter
Louisiana	Up to 25% of a charter school's teachers may be non-certified if they meet other specific requirements	Collective bargaining agreement	Yes; up to three years	Yes	Yes; a charter school's teachers are covered by the school district collective bargaining agreement, unless exemption is negotiated with sponsor and specified in charter
Massachusetts	Yes; teachers hired after August 2000 must have Massachusetts teacher certification or have successfully passed the state's teacher certification exam.	Charter school	Yes; up to two years	Yes	Horace Mann charters remain bound by school district collective bargaining agreements, but may negotiate certain provisions; Commonwealth charters are not bound by these agreements
Michigan	Yes; however, a faculty at a university or community college may teach in a charter	Charter school	No	No; employees hired by charter school board are	Teachers in charter schools authorized by local school boards are covered by school district collective bargaining agreement; other charter school teachers are not, and may negotiate as a

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	school sponsored by that institution			eligible for state retirement benefits; employees hired by for-profit corporation contracting with a charter school are not	separate unit with charter school governing body or work independently
Minnesota	Yes	Charter school	Yes; no limit on the number of years	Yes	No; a charter school's teachers may negotiate as separate unit with charter school governing body or work independently; a charter school's bargaining unit may remain part of the school district unit if teachers, the charter school governing board, the local school board and the teachers' union in the school district agree
Mississippi	Yes	Collective bargaining agreement	No	Yes	Yes
Missouri	Up to 20% of full-time equivalent instructional staff may be filled by non-certified personnel	Charter school	No	Yes	No
Nevada	Up to 30% of instructional staff may be non-licensed personnel	Collective bargaining agreement	Yes; up to six years	Yes	Yes; school district collective bargaining agreements apply to charter school employees, except with negotiated provisions governing preparation time, number of bonuses, days, and teaching hours, if waived
New Hampshire	At least 50% of a charter school's teacher staff must be certified or have three years'	Charter school	No	Yes	No; any teacher may choose to be an employee of a charter school, in which case such teacher shall have the rights of a teacher in public education to join or organize collective bargaining units

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	teaching experience				
New Jersey	Yes	Collective bargaining agreement	Yes; up to three years	Yes	Teachers in converted public schools are covered by school district collective bargaining agreement; teachers in starts-ups may remain covered by school district collective bargaining agreement, negotiate as a separate unit with charter school governing board or work independently
New Mexico	Yes	Charter school	Yes; one year and may be renewed up to two years	Yes	No
New York	Up to 30% or five teachers are permitted to have other credentials, and non-certified teachers must meet specified criteria	Charter school	Yes; up to two years	Yes	Charter schools enrolling up to 250 students in the first year are exempt (and they remain so), and charter schools with enrollment larger than 250 must comply
North Carolina	Up to 25% of teachers in elementary charter schools and 50% in secondary charter schools may be uncertified	Charter school	Yes; with a written request from a teacher, a school district must grant a leave of absence for any number of years requested	Yes	For charter schools sponsored by local school board, teachers remain subject to school district work rules unless they negotiate to work independently; for all other charter schools, teachers are not subject to school district work rules
Ohio	Yes	Collective bargaining agreement or charter school, depending on bargaining unit	Yes; a minimum of three years	Yes	For start-ups, teachers may work independently or form a collective bargaining unit; conversions are subject to a school district's collective bargaining agreement, unless a majority of the charter school's teachers petition to work independently or form their own unit
Oklahoma	Yes, unless a waiver is granted in the charter	Charter school	Yes; three years with school district approval	Yes	No; however, charter school may choose to be a part of the collective bargaining agreement
Oregon	At least one-half of a	Charter school	Yes; a minimum of	Yes	No; however, a charter school's teachers may

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	charter school's teachers must be licensed by the Teacher Standards and Practices Commission (TSPC), and the non-TSPC-licensed staff must be registered by TSPC		Two years		participate in collective bargaining units either independently or as a charter unit; also, if a school board is not the sponsor of the charter school, the school board is not the employer of the employees of the charter school and the school board cannot collectively bargain with the employees of the charter school
Pennsylvania	Up to 25% of teachers may be non-certified	Charter school	Yes; up to five years	Yes	No; however, a charter school's staff may bargain collectively, but not as part of the school district's collective bargaining unit
Puerto Rico	Yes	Statewide salary schedule	No	Yes	No
Rhode Island	Yes	Collective bargaining agreement	Yes; two years	Yes	Yes; a charter school's teachers are covered by school district collective bargaining agreement
South Carolina	Up to 10% of teachers in conversions and 25% in start-ups may be non-certified	Charter school	Yes; up to five years	Yes	For conversions, a charter school's teachers remain covered by school district employment policy; for start-ups, a charter school's teachers may remain covered by school district employment policy, negotiate as separate unit with charter school governing body or work independently
Texas	No	Charter school	No	Yes	Teachers at school-district approved charter schools are school district employees; teachers at open-enrollment charter schools work independently
Utah	A charter school's teachers are required to either hold certification or have demonstrated competency under alternative programs	Charter school	No; however, an employee of a school district may request a leave of absence in order to work in a charter school upon approval of	No; access is negotiated, and while on leave, the employee may retain seniority accrued in the school district	No

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			the local school board	and may continue to be covered by the benefit program of the school district if the charter school and the school district mutually agree	
Virginia	Yes	Collective bargaining agreements	No	Yes	Yes
Wisconsin	Yes; however, if search for licensed teachers is unsuccessful, a special charter school license is available for persons with a bachelor's degree in their field who take six credits of training each year and are supervised by a teacher with a regular license	Charter school	No	No; retirement benefits extend only to charter school teachers whose charters are part of a school district	In charter schools that are part of a school district, yes; in other charter schools, no
Wyoming	Yes	Charter school	No	Yes	No

This *ECS StateNote* is part of a larger series called the "Collection of Charter Schools *ECS StateNotes*." As part of the "Collection of Charter Schools *ECS StateNotes*," ECS has also produced (to go to any of the following documents, please click onto either of the links for each document):

- Charter School Basics (HTML Version at <http://www.ecs.org/clearinghouse/24/12/2412.htm> or Microsoft Word Version at <http://www.ecs.org/clearinghouse/24/12/2412.doc>)

- Charter School Finance (HTML Version at <http://www.ecs.org/clearinghouse/24/13/2413.htm> or Microsoft Word Version at <http://www.ecs.org/clearinghouse/24/13/2413.doc>)
- Charter School Autonomy (HTML Version at <http://www.ecs.org/clearinghouse/24/14/2414.htm> or Microsoft Word Version at <http://www.ecs.org/clearinghouse/24/14/2414.doc>)
- Charter School Accountability (HTML Version at <http://www.ecs.org/clearinghouse/24/17/2417.htm> or Microsoft Word Version at <http://www.ecs.org/clearinghouse/24/17/2417.doc>)

In compiling the information for these documents, we relied on the following resources:

- "Charter School Laws, State by State" by the Center for Education Reform
- "The Charter School Roadmap" by the Education Commission of the States and the National Conference of State Legislatures
- Each state's statutes and administrative codes concerning charter schools
- Interviews with state department of education officials

If you have any questions about this document, please contact Todd Ziebarth at 303-299-3652 or tziebarth@ecs.org.

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