

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 741 (Senator Jacobs, *et al.*)

Finance and Education, Health, and
Environmental Affairs

**Charter Schools - Certificated Professional Employees - Exemption from
Collective Bargaining Agreements**

This bill exempts certificated public charter school employees from a collective bargaining agreement reached between a local school system and an employee organization representing certificated employees in that jurisdiction unless the majority of the charter school employees elect to be represented by the employee organization.

Certificated professional public charter school employees may elect to form an independent employee organization for collective bargaining. In that case, the organization must be the exclusive representative of employees in that school. Each employee organization that consists solely of certificated employees of a public charter school must be a separate bargaining unit.

Fiscal Summary

State Effect: None. The bill affects local school systems.

Local Effect: The amount of money a local board of education must disburse to a public charter school will not be affected by changing collective bargaining units for public charter school employees. A local school system with a large number of charter schools in which employees choose to form independent employee organizations may need to hire additional personnel to negotiate with the independent employee organizations.

Small Business Effect: None.

Analysis

Current Law: Certificated and noncertificated charter school employees are employees of the local school system in the jurisdiction in which the public charter school is located and have the same rights as other public school employees in that jurisdiction, including rights regarding collective bargaining. If a collective bargaining agreement is already in existence in the county where a public charter school is located, the employee organization and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school.

Each local school system is required to designate which employee organization, if any must be the exclusive representative of all certificated public school employees in a specified unit in the county. The local school system determines the composition of the unit in negotiation and, except in Baltimore County, there may not be more than two units in a county. All eligible public school employees are required to be included in one of these units.

A local board must disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.

Background: Since 1991, 40 states and the District of Columbia have enacted laws that authorize public charter schools. In the majority of states, charter school teachers are not bound by school district collective bargaining agreements or have the option to choose whether or not they are covered. In the states where they are not covered by district agreements, some charter school teachers have the option to negotiate as a separate unit.

In 2009, at the KIPP Ujima Village Academy, a charter school in Baltimore City, teachers worked 9 hours and 15 minutes a day rather than the standard 7 hours and 5 minutes. In addition, KIPP teachers teach two Saturdays a month and three weeks of summer classes. KIPP teachers were paid 18% more than their peers; however, the Baltimore Teachers Union said that the teachers should be paid 33% more than other Baltimore City teachers to compensate them for their extra hours, according to the union contract. Since KIPP did not have the extra money to meet the contract terms, the school shortened the instructional day to eight and half hours, eliminated Saturday classes, and fired some of the art and the music teachers along with some administrative staff.

There are 42 public charter schools in the State, distributed as follows: 33 in Baltimore City; 4 in Prince George's County; 2 in Anne Arundel County; and 1 each in Baltimore, Frederick, and St. Mary's counties.

Local Expenditures: Local school boards are required to disburse to charter schools an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction. The bill does not change this. Therefore, the amount of money local school boards are required to disburse to public charter schools will not be changed, even if charter school employees negotiate higher salaries. To pay higher salaries, a charter school would need to alter its use of existing funds or find additional outside funds.

A local school system with a large number of charter schools with employees who choose to form an independent employee organization may need to hire additional personnel to negotiate with the independent employee organizations. Salary and benefits for each additional negotiator will cost an estimated \$75,000 to \$100,000 per year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Allegany Montgomery, and Harford counties; Education Commission of the States; Department of Legislative Services

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