

[Education Week's blogs](#) > [Walt Gardner's Reality Check](#)

## How Charter Schools Foil Teachers' Unions

By [Walt Gardner](#) on August 17, 2015 7:51 AM

Supporters of charter schools would like everyone to believe that their teachers are so satisfied with present conditions that they see no need to unionize. But such is not the case, as events at University Prep, the largest charter-school district in Michigan made clear ("[Yes, 'Teach for America' Workers Are Employees and Can Join Teachers Union, Rules NLRB](#)," *In These Times*, Aug. 7).

When teachers at one of UPrep's charter schools in Detroit attempted to unionize, the chain argued that Teach for America's teachers, who constitute 10 percent of the school's staff, were not entitled to vote. They claimed that TFA's two-year commitment made them "temporary service workers," rather than "professional employees." A National Labor Relations Board hearing officer rejected that argument.

Nevertheless, the union lost the election by a few votes because long-term substitute teachers were found ineligible to cast their ballots.

Before going any further, I think it's interesting to note the same faulty argument by schools that was on display recently at the New School, when it attempted to deny graduate instructors and researchers the right to form a union ("[Are Graduate Students 'Workers'?](#)" *The Nation*, Aug. 13). The difference was that the regional director for the NLRB sided with the New School, citing a 2004 decision involving graduate student workers at Brown University. The NLRB had ruled there that the relationship between students and institution wasn't that of a worker and employer. Instead it was predominantly academic. Therefore, graduate students' labor wasn't really work, but instead a privilege of their academic experience.

In any case, I submit that what UPrep did is hypocritical. It hired union-busting consultants and intimidated teachers in an attempt to defeat efforts to unionize its teaching force. Even more disturbing is that after the election, UPrep retaliated by handing out poor evaluations to union campaign leaders, some of whom did not have their contracts renewed to teach next year. So teachers at UPrep, like charter-school teachers elsewhere, continue to work under at-will contracts, which to my way of thinking are not contracts at all because teachers can be fired at any time without explanation.

If teachers are as content as UPrep asserts, then why would it engage in these tactics in the first place? Why not simply let teachers confirm their satisfaction through a vote? What is UPrep afraid of? Whenever I hear the party line that charter schools are intrinsically superior to traditional public schools, I always ask how teachers are treated. Let's not forget that teachers are the most important in-school factor in learning. It follows, therefore, that their morale deserves scrutiny.