



Charters as Employers

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Your advocate for better schools.

Purpose of this Session:

- Help charter board members and leaders-
 - understand the connection between HR / labor practices and organizational success
 - understand and mitigate common HR risks and problems
 - develop effective HR policies
 - establish HR priorities

Most Common HR/ Labor Problems in Charter Schools

- Turn-over
- Ineffective hiring practices
- Lack of understanding of “at-will employment”
- Lack of effective grievance policy and procedures
- Lack of diversity relative to student population
- Leave issues
- Employee discipline / termination / non-renewal and related documentation
- Lack of on-boarding / induction
- Nepotism
- Harassment / discrimination / retaliation
- Wage & hour issues
- Ineffective or lack of salary schedule
- Non-compliance with TKES / LKES
- Lack of performance evaluations for non-instructional staff
- Lack of professional development

Some General Statistics

- Research (National Center on School Choice, 2010) says...
 - **Charter school teachers have significantly higher turn over rates**
 - 130% greater for leaving the profession
 - 76% greater for moving schools
 - **Start-up charters have higher turn over than conversions**
 - 2x higher
 - EMO vs. non-EMO no significant difference
 - New schools versus schools 3+ years no significant difference

Some General Statistics

- **Teacher characteristics play the largest role in turn-over rates in charters. More often than not, charter teachers are:**
 - Younger
 - Less experienced
 - Part-timers (2x likelier to leave)
 - Uncertified (200% greater likelihood of leaving)
 - Strong academic backgrounds more likely to leave the profession... presumably skill set is transferrable to other professions
 - New teachers the most likely to leave...and most likely to be replaced with other new teachers...cycle continues.

Some General Statistics

- **Dissatisfaction with working conditions also play an important role (“teachers voting with their feet.”)**
 - Dissatisfied with school (teachers will be as dissatisfied with charters)
 - Dissatisfaction with work conditions
 - **Lack of administrative support**
- **Involuntary attrition is higher in charters**
 - Charters have greater flexibility with personnel policies
 - Underperforming staff or staff not meeting ESEA requirements

Why Does It Matter?

- **Attrition impacts your school....**
 - Staff morale
 - Trust
 - Instructional cohesion
 - Sustaining student enrollment
 - Sustaining financial operations
 - **Program implementation and quality**

The Leader's Role

➤ **Effectively....**

- Hire (board should ratify all hiring decisions)
- Support
- Monitor
- Evaluate
- Create positive working conditions/culture
- Keep the board informed of HR / employment risks

➤ **Success in these will lead to higher staff satisfaction, retention and student achievement**

The Board's Role

- Develop an organizational model that promotes achievement, compliance and fiscal health
- Develop policies that promote fair labor practices
- Ratify hiring decisions
- Budget for HR processes-
 - Recruitment
 - Professional development
 - Legal advice

Hiring Quality Teachers and Staff

➤ Agree or disagree? Why?

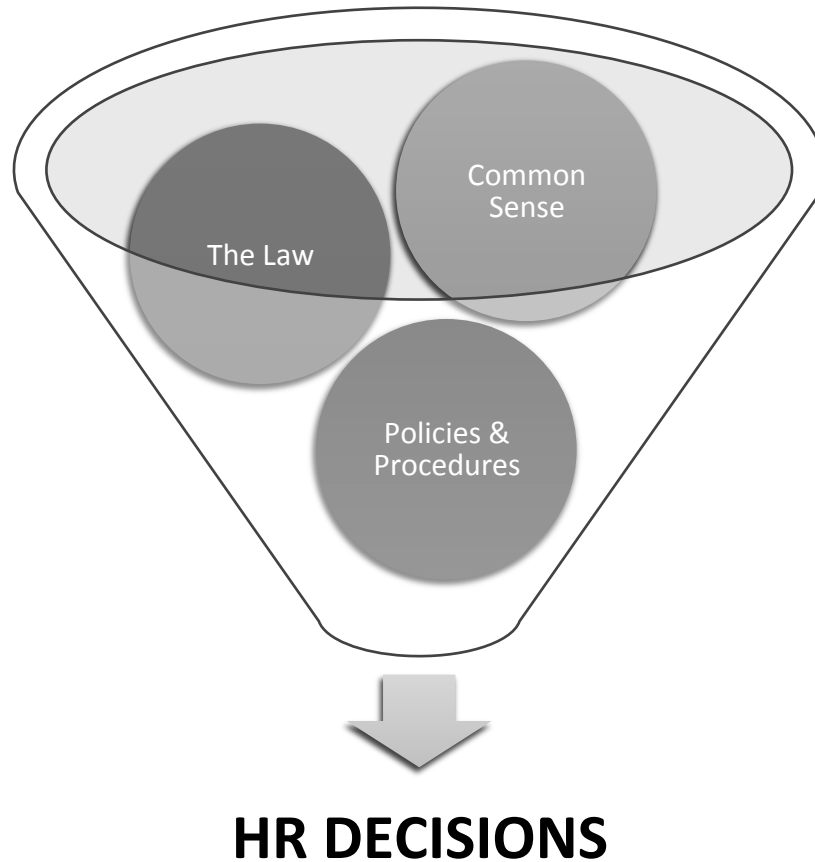
People are your most important asset.

Hiring Quality Teachers and Staff

➤ Is this any closer to truth?

The RIGHT people are your most important asset.

Decision Making Filter



Consequences of Bad Employment Decisions

- Bad decisions will likely impact:
 - Morale and loyalty
 - Perception of fairness and trust
 - Potential litigation
 - Equal Employment Opportunity Commission (EEOC) claims
 - Discovery requests, depositions and mediations
 - Documentation (or lack thereof)
 - Negative media exposure
 - Financial risk involved in litigation
 - Increase in insurance rates

Risks Involved at all Levels of Employment

➤ Five Stages:

1. Pre-hiring
2. Hiring
3. During the course of employment
4. Termination
5. Post termination

Considerations in Hiring...

➤ Pre-work

- Expected outcomes for the position(s)
- Job description and additional duties
- Pre-screening
- Applications must be legally compliant
- Requisite education, training, and experience
 - *Highly Qualified (must be HQ)*
 - Certification, Clearance Certificate (*new PSC requirements*)
- Dispositional / “Fit”
 - Age/grade
 - Demographics
 - Team and school culture/disposition
- Compensation

Considerations in Hiring...

➤ Interview and Selection

- Credentials (Minimal training, education, experience)
- Recommendations
 - Who's important?
 - Who does a candidate NOT want you to talk to?
 - Red flags?
- Screening
 - Takes place after credential/qualification screening
 - 15-30 min (may be phone screen)
 - General questions on qualities of effectiveness for position / role
 - Determines if interview should be invited to building level interview

Common Mistakes Leaders Make

**Untrained interviewers
(illegal or unskilled
questioning)**

Improper hiring criteria

**Failure to adequately assess
qualitative attributes (skill,
impact)**

**Over-reliance on interviews
(credentials,
recommendations under
emphasized or unchecked)**

**Interviewer prejudices left
unchecked**

During the Course of Employment

- **Most labor issues arise *during the course of employment*-**
 - Inadequate training or no training
 - Lack of performance evaluations (for all staff)
 - Inappropriate disciplinary practices
 - Harassment discrimination and retaliation accusations
 - Violations of wage and hour laws
 - Poor governance
 - Violation of leave laws
 - **Poor documentation** of the above

Employment-Related Training

- **Do you have documentation that all staff have been trained in the following:**
 - Sexual harassment / hostile work environment
 - Mandated reporter
 - Family Educational Rights and Privacy Act (FERPA)
 - Georgia Educator Code of Ethics
 - Grievance Policies and Procedures
- **Why are these specific trainings important?**

Document, Document, Document

➔ **What do you think are the most common mistakes in terms of documentation?**



Policy Considerations and (More) Common Mistakes

HR Policy Considerations...

➤ Employment Law and Labor Relations

- Wage and Hour-Fair Labor Standards Act
- Family and Medical Leave Act
- Equal Employment and Prohibition Against Discrimination
- Whistleblower
- Sexual Harassment
- Child Labor
- Drug Free Workplace
- Workers Compensation
- Privacy
- Wage Garnishment
- Jury Duty
- Military Leave

➤ Employee Handbooks

➤ Hiring Practices

- Employment Status
- Interviewing
- Offer Letters
- Documentation
- Orientation
- Termination and Exit Interviews

➤ Ethical Matters

- Risk Management
- Training, Motivation and Retention
- Staff Development
- Mentor Programs

HR Policy Considerations...

- Equal Employment Policy
- Drug, Alcohol and Tobacco Use Policy
- Harassment Policy Judicial, Military Duty and Religious Leave Policy
- Employment Status Policy and Exhibits
- Professional Personnel Hiring and Recruitment Policy
- Employee Time Schedule Policy
- Professional Personnel Compensation Policy
- Professional Personnel Vacation Policy
- Professional Personnel Duties and Responsibilities Policy
- Personnel Assignment Policy
- Personnel Evaluations Policy
- Personnel Reduction in Force Policy
- Classified Personnel Overtime Pay Policy

HR Policy Considerations...

- Employee Dress Code Policy
- Professional Organization and Labor Union Policy
- Possession of Weapons by Employees Policy
- Professional Duty Free Lunch Policy
- Professional Personnel Staff Meetings Policy
- Professional Personnel Additional Duties Policy
- Sick Leave Bank Policy
- Salary Deductions Policy
- Staff Development Policy
- Staff Complaints and Grievance Policy
- Personal Leave Policy
- Substitute Teachers Policy
- Mandatory Reporting of Child Abuse Policy
- Nepotism Policy
- Mandatory Reporting of Employee Crimes Policy
- Communicable Diseases Policy
- Employees Seeking or Holding Political Office Policy
- Fundraising and Solicitation Policy
- Gifts to Staff Policy
- Staff Conflicts of Interest Policy
- Criminal Background Check and Fingerprint Policy
- Professional Personnel Ethics Policy
- Employment Application

Illegal Interview Questions

Employers should not ask about any of the following unless it specifically relates to the job requirements, because to not hire a candidate because of any one of them is **discriminatory**:

- Race
- Color
- Sex
- Sexual orientation / gender identity / gender expression
- Religion
- National origin
- Birthplace
- Age
- Disability
- Marital/family status

Test.....Legal vs. Legal Interview Questions

- Are the following questions **legal** or **illegal** to ask during an interview?
- Are all staff members conducting interviews properly trained?

“At-will” Employment

- How do you define “at will” ?
- What are some of the potential risks inherent to “at-will” employment?
- Does your school use at-will employment agreements or offer letters?

Termination / Non-Renewal Best Practices

- Make decisions based on **facts**
- Create a termination / non-renewal checklist to eliminate red flags / opportunity for error
- Is the decision supported by documentation?
- Consult with experts, school attorney, and inform your board early
- Separation meeting – 3rd party witness
- Prepare for the worst case scenario
- Return of school property
- Terminate email other other access

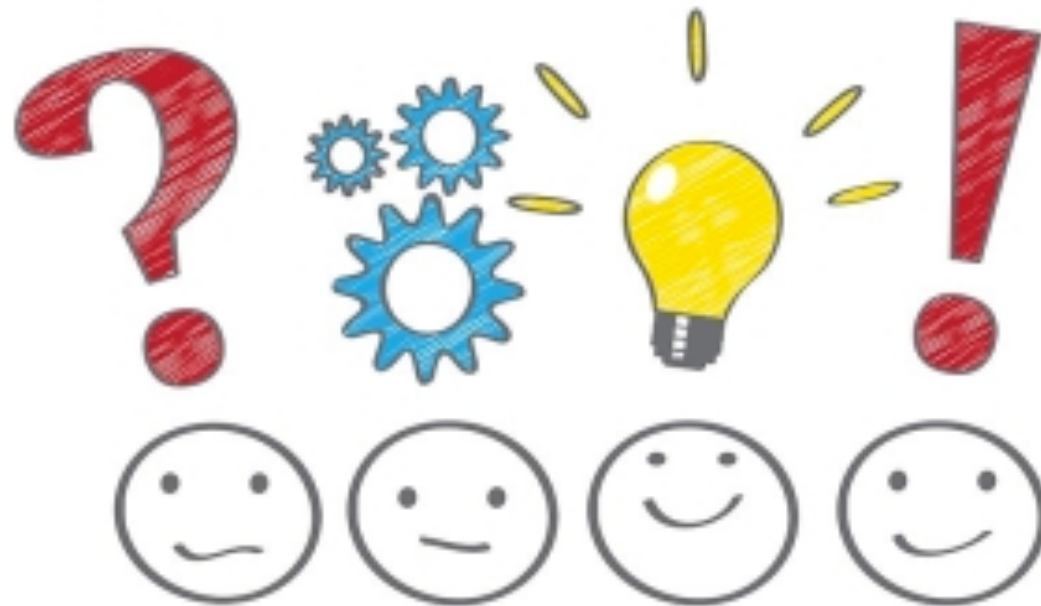
Post-Employment Considerations

- What to do?
- What not to do?
- Have a policy in place for employment verification
- Other considerations?

Are you a great employer?

- **Based on today's presentation:**
 - What are your top HR / employment priorities?
 - What are you most concerned about?
 - What is the most important "take-away"?

Questions?



Thank you!

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Resources

- Charterschooltools.org
- CharterSAFE “Bullet Proof Your Charter School”
- New Schools Venture Fund “The Design and Implementation of a Highly Effective Teacher Recruitment System”
- National Center on School Choice