



Does The National Labor Relations Act Apply To Teachers At Charter Schools?

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The NLRB announced on Monday, Feb. 4 that it will be evaluating whether charter schools should be exempt from the National Labor Relations Act (NLRA). The NLRA generally only applies to private sector employers. As a result, state and local government entities, such as public school systems, typically are exempt from the National Labor Relations Board's jurisdiction. When quasi-government entities such as charter schools are involved, the analysis can become murky.

According to the [press release issued by the board](#):

"Today, the National Labor Relations Board issued an Order in *KIPP Academy Charter School*, 02-RD-191760, granting review in part and inviting the filing of briefs regarding whether the Board should exercise its discretion to decline jurisdiction over charter schools as a class under Section 14(c)(1) of the National Labor Relations Act (NLRA) and, therefore, modify or overrule the 2016 *Hyde Leadership Charter School—Brooklyn*, and *Pennsylvania Virtual Charter School* decisions. NLRA section 14(c)(1) provides that the Board may decline to assert jurisdiction over labor disputes involving any class or category of employers where the effect of the dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction."

Any members of the public interested in filing briefs on the issue may do so by March 6. Under the prior administration, the NLRB had found, [in at least](#)

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some cases, that the NLRA applies to charter schools. To the extent such entities are covered, they will be subject private sector union organizing rules, bargaining obligations, and other requirements they may not face under applicable state laws. Accordingly, this is an important issue to watch.