



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

November 25, 2015

Dan Katzir, CEO
Alliance College-Ready Public Schools

Frank Baxter, Chair, Board of Directors
Alliance College-Ready Public Schools

Tony Ressler, Co-Founder
Alliance College-Ready Public Schools

Dear Mr. Katzir, Mr. Baxter, and Mr. Ressler:

I have learned of the California Public Employee Relations Board (PERB) findings related to labor issues between your teachers and your organization. I am very concerned.

As part of my plan to improve California schools, I am actively promoting closer relations between school management and labor so all educators can spend less time on labor/management disputes and more time focusing on student needs. In May, I held a California Labor Management Initiative that brought together labor/management teams from 50 districts that included the district superintendent, the school board president, and the presidents of the teachers' and classified employees' unions. The effort was so popular that we have already hosted more events like this and plan to continue to do so.

It distresses me to hear that the PERB has issued several complaints against Alliance College-Ready Public Schools (Alliance) for activities by Alliance administrators that are alleged to interfere with the right of Alliance's teachers to organize. I also understand that Judge James C. Chalfant of the Los Angeles Superior Court signed a temporary restraining order against Alliance. Furthermore, I understand that, rather than complying with PERB's decisions, Alliance is now challenging PERB's jurisdiction by claiming that Alliance schools are private entities.

There are concerns on at least two levels with such an assertion. First, this strikes me as extremely odd since public funds are used to operate your schools and your own self-selected identity clearly conveys that you are "public schools." This is in the title "Alliance College-Ready Public Schools." In fact, charter schools have always been public schools.

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Second, the assertion that you are a group of private entities raises serious issues regarding your employees' eligibility for membership in the California State Teachers'

Retirement System (CalSTRS) and the California Public Employees' Retirement System (CalPERS). Your claim that charter schools are private entities will jeopardize their status as public schools. This could have far reaching, detrimental consequences for charter school employees and students throughout the state. I believe the loss of eligibility for CalSTRS and CalPERS membership will make it difficult for charter schools to recruit highly skilled teachers and administrators and would undermine the positive outcomes Alliance and other charter operators are achieving with their students.

Membership in CalSTRS and CalPERS undoubtedly played a significant role in most of your employees' decision to work for Alliance. If you prevail, your teacher employees could have to begin participation in the federal Social Security program. Social Security does not provide the same level of retirement security as CalSTRS.

By seeking to exempt Alliance from the applicable laws of our state, you could be creating problems not only for Alliance and its teachers, parents and students, but, quite possibly, for charter schools in general. For these reasons, I encourage you to reconsider your legal arguments and focus instead on a resolution that respects your teachers' rights and preserves their retirement.

Consequently, I am asking the Alliance to comply with PERB's decisions. To help resolve these issues, as I have shared with you previously, I offer to facilitate a meeting between union organizers and management to find ways that tensions can be reduced and working together positively can be enhanced.

Sincerely,



Tom Torlakson
State Superintendent of Public Instruction

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