

## Testimony in Opposition (2025 Session): HB 5840

Dear Chair McNamara and Members of the Committee,

My name is Chiara Deltito-Sharrott, and I am the Executive Director of the Rhode Island League of Charter Public Schools. For close to 30 years, Rhode Island's charter public schools have been a valued part of our public education system. Alongside our district public school peers, we have been working to ensure every family is able to access a great public school in their community that will meet their child's unique needs.

I am submitting this testimony to express my concern with HB 5840, which would require the insertion of a "union neutrality" clause in every charter public school renewal and new application moving forward.

First, I want to be really clear: as a League, we unequivocally believe that educators and staff have a right to decide if they want to join a union and engage in collective bargaining. One of the many reasons that so many educators decide to teach or work or lead at a charter public school is because they see the value in a public school that has so many flexibilities and can be responsive to the individual needs of its teachers and staff and its community. I believe that charter public schools in our state are vibrant, teacher- and student-centered places to work, where teachers and staff are able to make a lot of decisions based on what they believe is best for kids in their classrooms.

We take issue with HB 5840 because the definition of "neutrality" would significantly undermine both school leaders' and teachers' rights, and it is wholly unnecessary in Rhode Island to ensure the rights of charter public teachers to organize.

Specifically, this bill institutes a complete "gag" order on charter public school leaders. It would prohibit principals, school leaders, and administrators from sharing fact-based information or answering questions from staff on any issues pertaining to unionization at their school. By ending any conversations before they begin, the clause removes the voices of school leaders, teachers, and staff on important issues impacting their schools and students, such as academic programs, staffing levels, and funding.

In addition to representing a potential violation of school leaders' rights, this legislation also represents a potential violation of teachers' rights as it would eliminate employees' rights to vote by secret ballot. Removing a teacher's ability to vote by secret ballot not only potentially violates their right to privacy, but practically-speaking it also has the potential to put teachers in harm's way in their place of employment. Teachers have a right to make their own decisions about whether they believe a union is in their and their school's best interest, and they should be able to make this decision without being subject to undue pressure, retaliation, or intimidation in their place of work. That's why secret ballots exist. Replacing them with a card check system would undue these important protections for teachers.

The language in this bill is so problematic, that when an almost identical bill was passed in Illinois recently, it was immediately subject to a lawsuit (which is currently being decided in the Illinois' courts) on the grounds that it infringes on various elements of the Constitution of the United States, including the First Amendment, the Fifth Amendment, and the Fourteenth Amendment, as well as a violation of the Supremacy Clause of the Constitution, and, in their case, a violation of Illinois state law.

Lastly, in addition to legitimate concerns regarding the constitutionality of this legislation, it is extremely important to underscore that it is also wholly unnecessary. Charter public school leaders currently face tight restrictions on what they can say or do when faced with organizing in their schools, and any deviation from this is subject to strict oversight and enforceable penalties.

HB 5840 is chasing a problem that does not exist. We know this because we've seen a number of charter public schools in the last year successfully decide to unionize. Because existing labor laws already restrict what employers can and cannot do, teachers have been able to, safely and within their right to privacy, make decisions about bringing a union in and entering into collective bargaining.

I urge you to consider these substantive arguments in reviewing this legislation. Charter public schools in Rhode Island, which are subject to stringent labor laws, are working to create cultures where staff are safe, heard, and valued. That also means, in accordance with state law, ensuring that our schools are places where teachers and staff can safely and collectively decide if forming a union is what they deem in their best interest. This is all happening without trampling on school leadership's first amendment rights, and without trampling on our teachers' and staff' right to privacy.

Thank you for your time and attention.



Sincerely,

Chiara Deltito-Sharrott

Executive Director of Rhode Island League of Charter Public Schools