

Bond Case Briefs

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CHARTER SCHOOLS - LOUISIANA

Voices for International Business and Education, Incorporated v. National Labor Relations Board

United States Court of Appeals, Fifth Circuit - September 21, 2018 - F.3d - 2018 WL 4520058 - 212 L.R.R.M. (BNA) 3149

Charter school for high school students petitioned for review, and Board filed cross-petitioned for enforcement, of decision of National Labor Relations Board (NLRB) that school committed an unfair labor practice, in violation of National Labor Relations Act (NLRA), by refusing to recognize union and refusing to bargain with union after employees voted in favor of union representation.

The Court of Appeals held that charter school was not a “political subdivision” of the State of Louisiana, within meaning of National Labor Relations Act’s (NLRA) exemption for political subdivisions of States.

Louisiana charter school was not a “political subdivision” of the State, within meaning of National Labor Relations Act’s (NLRA) exemption for political subdivisions of States, though roughly 90% of public school students in the parish attended charter schools; by design, the public did not have ultimate authority over school’s policymaking, because one of the perceived virtues of charter schools was that a lack of political oversight gave them freedom to experiment, school was incorporated by private actors and was controlled by nonprofit corporation’s privately-selected self-perpetuating board of directors, and statutory authority for Louisiana Ethics Adjudicatory Board to remove a director for violating state ethics laws did not give public officials policymaking authority over the corporation.