



TSTA NEWS

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TSTA wins court victory protecting teachers' rights in charter takeovers

A state district judge this week ruled that state Education Commissioner Mike Morath violated the law by writing a rule that allows charter chains to take over struggling public schools without first consulting with teachers and other campus personnel.

State District Judge Jan Soifer of Travis County issued a summary judgment, agreeing with the Texas State Teachers Association's arguments that a 2017 law allowing school districts to partner with charter schools in the operation of struggling campuses requires employees at the affected campuses to be consulted in the process. The law, SB1882, gives districts that partner with charters a reprieve from state sanctions over struggling campuses and additional funding.

TSTA and the Texas American Federation of Teachers sued the commissioner and the Texas Education Agency in 2018 on behalf of their joint local affiliate, the San Antonio Alliance of Teachers and Support Personnel, after the commissioner approved the takeover of Stewart Elementary School in San Antonio ISD by Democracy Prep, a New York-based charter chain, without consulting with Stewart employees and putting their contract rights with the district in jeopardy.

Morath said the faculty consultation requirement didn't apply to the Stewart takeover because Democracy Prep is organized as a non-profit. But TSTA successfully argued before the court that the law requires teachers and staff at affected campuses to be consulted before a charter takeover regardless of how the charter or "partner" is organized. The law also protects teacher contract rights in a campus takeover.

"We applaud the court for upholding the law," TSTA President Noel Candelaria said. "Like everyone else, the education commissioner is not above the law, and this law was designed to ensure the best interests of students and teachers are protected before a neighborhood school is turned over to a charter operator."

"The commissioner is supposed to be the state's regulator of charter schools, not a charter cheerleader who cuts corners for charter operators," Candelaria added.

Despite this victory, TSTA was unable to block the Stewart takeover, which occurred in 2018.