



TSTA NEWS

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TSTA sues education commissioner over charter rules that illegally remove teacher certification, contractual requirements

The Texas State Teachers Association today sued state Education Commissioner Mike Morath for adopting charter school partnership rules that illegally deprive public school teachers of contractual and other employment rights and allow corporate charter chains to operate in Texas without certified teachers.

The lawsuit, filed in state district court in Travis County, seeks a declaratory judgment invalidating the rules and invalidating all district charter contracts that were approved under the rules' provisions.

"In his eagerness to promote corporate charter expansion in Texas at the expense of neighborhood public schools, Commissioner Morath keeps ignoring one important thing: He is supposed to be a regulator of charters, not their champion," said TSTA President Ovidia Molina. "Teacher certification and contractual rights are important safeguards ensuring that students receive quality instruction in our classrooms. That is why the Legislature enacted those safeguards into law, which the commissioner has illegally disregarded."

In its lawsuit, filed by General Counsel Russell Ramirez, TSTA attacks commissioner's rules that require a school district to give a charter partner taking over a district campus the final authority to hire, supervise, assign and evaluate all of that campus' employees. This requirement violates educators' rights and benefits under several sections of the Texas Education Code, including teacher employment contracts; certification requirements; teacher duties and benefits; hearings of grievances; and appeals of employment issues to the commissioner.

Under the Texas Education Code, TSTA argues, "Defendant (Morath) may not grant a school campus or district an exemption or waiver of educators' rights and benefits. Defendant is attempting to do by regulation what is prohibited by statute."

"The regulations...threaten to interfere with and impair the legal rights and benefits of (TSTA) members regarding their certification and contractual rights and benefits," the suit continues.

The rules are "an unreasonable, unwarranted and excessive exercise of the power vested in (the commissioner) and permits the hiring of non-certified teachers to teach and limits the contractual rights and benefits of teachers," it says.

Ruling last month in an earlier TSTA lawsuit against the commissioner, state District Judge Jan Soifer of Travis County ruled that Morath had violated the law by writing a separate rule that allows charter chains to take over some public schools without first consulting with teachers and other campus personnel.

(See Exhibit 2, attached, for Section 7.056 of the Texas Education Code. Portions highlighted in yellow prohibit the commissioner from waiving teacher contractual and other rights. See Exhibit 1, attached, for the commissioners' rules, highlighted in yellow, which violate that prohibition.)