



# TSTA NEWS

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FOR IMMEDIATE RELEASE

May 4, 2018

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## **Teachers sue San Antonio ISD to block Democracy Prep charter contract**

An employees union filed a lawsuit today against the San Antonio Independent School District, seeking to block the takeover of Stewart Elementary School by Democracy Prep, a New York-based charter school company.

The suit, filed in state district court in Bexar County on behalf of the San Antonio Alliance of Teachers and Support Personnel, asks the court for a temporary injunction to prohibit the district from carrying out the contract and an ultimate determination that the agreement with Democracy Prep is “null and void.”

The plaintiffs allege that San Antonio ISD violated state law by entering into the contract “without consulting with the campus staff about the provisions of the contract.”

The suit points out that Section 11.174(c) of the Texas Education Code states that “(b)efore entering into a contract (with the charter operator) as provided by this section, a school district must consult with campus personnel regarding the provisions to be included in the contract between the school district and the open-enrollment charter school.”

This provision is reinforced by Texas Education Agency rules.

According to the lawsuit, Superintendent Pedro Martinez met with Stewart Elementary faculty and staff for an hour and a half on Jan. 18 in the campus cafeteria to present information about the potential sanctions facing Stewart for repeatedly failing to meet state standards and the possibility of receiving an exemption from sanctions and additional funding by using a charter operator.

“Superintendent Martinez never consulted with the staff regarding the provisions to be included in the contract with Democracy Prep, asked for their input, or sought their ideas about the contractual provisions,” the petition states.

On Jan. 22, four days later, the administration presented the Democracy Prep application to the school board. After a closed-door discussion of the charter’s performance contract with the district, the board then approved the charter application, subject to the execution of a Management and Performance Agreement, which the board later approved on March 19.

The Democracy Prep contract includes a provision that teachers at Stewart will no longer be district employees with employment contracts but instead will be “at-will” employees, employed and supervised by Democracy Prep. Teachers who want to continue teaching at Stewart will have to resign and apply for a position with the charter. The Alliance believes this change may deprive Stewart faculty and staff of employment protections and benefits that they have earned as public school employees.

“At no time before March 19, 2018, when the contract was approved for execution, did the (district) administration or the board consult with the Stewart campus personnel regarding the provisions to be included in the contract,” the lawsuit states.

“School superintendents and school boards are not above the law, which is designed to protect the best interests of school employees as well as students and parents,” Alliance President Shelley Potter said. “School teachers, staff, our students’ parents and the community were ignored in the district’s haste to turn over a neighborhood campus to a New York charter company with no ties to our community.”

In March, the Texas State Teachers Association (TSTA) filed a grievance with SAISD over the district’s Democracy Prep application process, but the district continued to ignore the law.

The San Antonio Alliance, which has about 2,700 members among SAISD employees, is a joint local affiliate of TSTA and the Texas American Federation of Teachers (AFT). The lawsuit was filed by TSTA attorney Russell Ramirez and attorney Martha P. Owen, representing AFT.