



## **Know Your Rights, Live Your Rights, PROTECT YOUR RIGHTS!**

First, it is important to understand that teachers in **Texas** do not have a lot of rights, in part, because of the absence of collective bargaining. The rights you do have are listed in the contract you signed, local school board policy, and the **Texas Education Code**. Keep a copy of your contract handy and make note of the kind of contract it is. In all likelihood, it is a probationary contract but check to make sure because different types of contracts carry different degrees of rights and protections.

District policies are categorized as either **LEGAL** policies (based on state and federal law; judicial decisions; or decisions by the **Commissioner of Education** at **TEA**) or **LOCAL** policies (adopted by the local school board). It is important to check both the **LOCAL** and the **LEGAL** policies in the school district policy manual because the **LOCAL** policy expands or clarifies how a particular policy is implemented in the school district. **LEGAL** policies are pretty much the same across the state; however, **LOCAL** policies will vary across school districts.

The rights you do have, however, need to be exercised and protected. If you are uncertain as to whether or not you have a certain right, please contact **TSTA** - your Campus Representative, your staff person, your local association president, or the **TSTA Help Center**. Exercising and protecting your rights go a long way to helping you have a successful and effective school year.

The following overview of your basic rights is not inclusive of all your rights so always check

with **TSTA**, district policy or the **Texas Education Code** to be sure what your rights are. The rights listed below include the district **LEGAL** policy reference in parentheses and the **BOLD BLUE** print links to the citation in the **Texas Education Code**.

**Duty-Free Lunch (DK LEGAL).** Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. The implementation of this requirement may not result in a lengthened school day.

**Duty-Free Planning Period (DK LEGAL).** Each classroom teacher is entitled to at least 450 minutes in each two-week period for instructional preparation including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity.

**Charitable Contributions (DG LEGAL).** A board or a district employee may not directly or indirectly require or coerce any district employee to:

- Make a contribution to a charitable organization or in response to a fund-raiser; or
- Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

**Redress of Grievances (DGBA LEGAL).** Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

**Political Participation (DGA LEGAL).** The Board or any District employee may not directly or indirectly require or coerce any teacher to refrain from participating in political affairs in his

or her community, state, or nation.

**Association Membership (DGA LEGAL).** The Board or any District employee may not directly or indirectly require or coerce any teacher to join any group, club, committee, organization, or association. (***Texas Education Code Chapter 21** does not abridge the right of an educator to join or refuse to join any professional association or organization.*)

**State Personal Leave (DEC LEGAL).** A district shall provide employees with five days per year of state personal leave, with no limit on accumulation and no restrictions on transfer among districts. A district may provide additional personal leave beyond this minimum.

**Employee Free Speech (DG LEGAL).** District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

**Instructional Materials and Technological Equipment (DG LEGAL).** A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-

sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

If you believe any of your employment rights (including those not listed above) have been violated or abridged, please contact the **TSTA Help Center** at **1-877-275-8782** or by clicking this link: **TSTA Help Desk**.

Paperwork is a necessary function of your job; however, limitations have been placed on the amount and types of paperwork you are required to do and these are spelled out in the following policy:

**Restrictions on Written Reports (DLB LEGAL):** The Board shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare.

A classroom teacher may not be required to prepare any written information other than:

- Any report concerning the health, safety, or welfare of a student;
- A report of a student's grade on an assignment or examination;
- A report of a student's academic progress in a class or course;
- A report of a student's grades at the end of each grade reporting period;
- A report on instructional materials;
- A unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;
- An attendance report;
- Any report required for accreditation review;
- Any information required by the District that relates to a complaint, grievance, or actual or potential litigation and that requires the classroom teacher's involvement; or
- Any information specifically required by law, rule, or regulation.

The District may collect essential information, in addition to the information specified above, from a classroom teacher on agreement between the classroom teacher and the District.