

Planning and Instruction

The *planning and preparation* period as defined in Texas Education Code §21.404, stipulates the following:

- Each classroom teacher is entitled to **at least 450 minutes within each 2-week period** for instructional preparation, including parent-teacher conferences, evaluating students' work, and planning.
- The planning and preparation period **may not be less than 45 minutes within the instructional day**.
- During the planning and preparation period, a classroom teacher may not be required to participate in any other activity.

WHAT IT MEANS:

- *The planning and preparation period must equal at least 450 minutes over a two-week period.* This guarantees you:
 - 450 minutes of duty-free planning and preparation time over a two-week period. This can be 45 minutes each day, 90 minutes every other day; or any other amount so long as it adds up to 450 minutes over a two-week period.
 - You may get more than 450 minutes of duty-free planning and preparation over the two-week period but only 450 minutes is protected. For instance, if you teach at a high school on an accelerated block schedule you may have a 90-minute planning and preparation period every day for a total of 900 minutes over the two-week period but **ONLY 450 minutes must be duty-free**. The other portion of duty-free planning and preparation time can be used for duties as assigned by campus administration.
 - The 30-minute Duty-free lunch **IS NOT COUNTED AS** a part of your planning and preparation time. The two do not run concurrent with one another.
- *The planning and preparation period cannot be less than 45 minutes.*
 - Any duty-free planning and preparation period must be **AT LEAST** 45 minutes. If it is provided daily, it must be at least 45 minutes in length. You cannot be given 30 minutes daily one week and 60 minutes daily the next week for it to equal 450 minutes.
- Within the instructional day.
 - The duty-free planning and preparation time must be scheduled during the instruction day, i.e., when students are in the classroom for instruction. If teaching begins at 8:15 am and ends at 3:30 pm, then your planning period must fall between those times. The planning period cannot begin at 8:10 am or end at 3:35 pm.

- *Classroom teacher may not be required to participate in any other activity.*
 - You cannot be directed or required to participate in any other activity (Team or Department meeting, PLC, ARD, etc.).
 - The duty-free planning and preparation time (up to 450 minutes every two weeks is time for you to decide how to use so long as it falls within statutory boundaries, i.e., it must serve or meet an instructional need.

Pertinent Commissioner of Education decisions supporting planning and preparation time

“A school day shall be taught for not less than seven hours each day, including intermissions and recesses. Although inartfully phrased (i.e., a "school day" is not taught - - students are), TEC 21.004 contemplates the length of the school day as being the time in which students are taught or given time for recess or for moving from one class to the next. It is, in short, based on the students' schedule rather than the teachers. . .” *Weatherbie v. Tulos-Midway Indep.* , Docket No. 080-R3—385 (Comm’r Educ. 1985).

“The statute was enacted for the purpose of giving teachers time to engage in parent-teacher conferences, reviewing students' homework, and planning and preparation as the teacher, not the administration, deems best. The statute clearly relieves the teacher of any duty during this period of time and prohibits the district and its administration from requiring the teacher to engage in any other activity the administration determines to be useful and important.” *Strater v. Houston Indep. Sch. Dist.*, Docket No. 129-R8-685 (Comm’r Educ. 1985).

“A teacher's planning and preparation period is ... for the use of the teacher as he or she sees fit, within the statutory boundaries, free from any duty mandated by the school district.” *Chaffin v. Los Fresnos Indep. Sch. Dist.*, Docket No. 128-R10-1290 (Comm’r Educ. 1990).

“‘Instructional day’ is not a term defined in the Texas Education Code. But applying the common meaning of the words, the term “instructional day” is interpreted to mean the time when students are receiving instruction at the school where the teacher is located. Hence, planning and preparation time must occur during the time that students at the school where the teacher is located are receiving instruction. Since no students were receiving instruction during the time Respondent identified as the planning and preparation time for its classroom teachers, Respondent violated Texas Education Code section 21.404.” *Canutillo Educators Association v. Canutillo Indep.*, Docket No. 42-R10-203 (Comm’r Educ. 2005).

“. . .this position is directly contradicted by the principal’s disciplinary warning, which characterizes Petitioner’s failure to meet during her conference period as “insubordination and failure to comply with official directives.” Regardless of whether Petitioner objected to the scheduling on this basis, it is clear from the principal’s disciplinary notice that she issued a directive that required Petitioner to meet with her during the teacher’s planning time. Section

21.404 prohibits a district from requiring participation in any other activity during this time.” *Gonzales. V. South San Antonio Indep.*, Docket No. 086-R10-704 (Comm’r Educ. 2007)

“Texas Education Code section 21.404 requires teachers to have a minimum amount of time for planning and preparation. This is not a suggestion. It is a mandate.” *Bledsoe v. Huntington Independent School District*, Docket No. 033-R10-1103 (Comm’r Educ. 2014)

Statutory Language

Texas Education Code § 21.404. PLANNING AND PREPARATION TIME.

Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation, including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period under this section may not be less than 45 minutes within the instructional day. During a planning and preparation period, a classroom teacher may not be required to participate in any other activity.