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New school innovation law could put rights of educators, students and parents at risk

HOUSTON, Texas —Some Texas school districts are taking advantage of a new law passed in 2015 that allows them to become Districts of Innovation, and it's causing concern for many educators and parents. The law allows certain acceptably performing school districts to claim exemptions from numerous state laws found in the Texas Education Code (TEC), enabling them to operate in essentially the same manner as charter schools. Spring Branch ISD's Board of Trustees recently approved a resolution to explore becoming a District of Innovation and will vote on its proposed innovation plan at tonight's board meeting. The state's largest educator association has raised serious concerns about how some districts are approaching the new flexibility.

The Association of Texas Professional Educators (ATPE) believes the innovation district law was intended to offer districts flexibility for limited purposes aimed at achieving specific goals, but some districts are using the law to claim entitlement to blanket exemptions of all the laws that can be waived, and they're doing so without explaining how they will use that flexibility.

"We're concerned that districts aren't making their innovation plans specific enough to give educators and parents of students who attend those districts adequate notice of the rights and protections they might be losing," said ATPE Executive Director Gary Godsey.

For instance, Spring Branch ISD's innovation plan states in writing that the district "seeks exemption from all permissible provisions of the TEC as allowed in the statute." If the district exercises all of that flexibility, teachers in Spring Branch could lose their contract rights and salary protections; students could be taught in larger classrooms by uncertified teachers; and parents could lose access to information about the instruction of their children. It's possible, according to ATPE attorneys and lobbyists who've reviewed the law, that districts claiming such blanket exemptions might even compromise some of the immunity that they and their employees currently have to protect them against costly lawsuits.

"This is a dramatic change in the law that was rushed through the legislature in the waning days of the 2015 session, and now school boards are fast-tracking these plans before the commissioner of education has even had time to finalize rules to implement the new law," Godsey said. "We support innovation, but we are very concerned about both unforeseen consequences and the likelihood of vital stakeholders being ill-informed about the known consequences of these actions being pursued by their local school boards."

ATPE testified today at a public hearing on proposed commissioner's rules to implement the innovation district law. The association is hoping that Commissioner Mike Morath will provide additional guidance to

school districts claiming this new flexibility and also require local innovation plans to provide adequate notice of the types of innovations that a district plans to pursue, list the specific statutes that the district claims are impediments to those innovations, and explain to local stakeholders how exempting themselves from those laws will help achieve the district's goals. Educators and parents have until May 2 to submit their own public comments to TEA.

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The Association of Texas Professional Educators (ATPE) has been a strong voice for Texas educators since 1980. It is the leading educators' association in Texas with more than 100,000 members statewide. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for 5 million public schoolchildren. ATPE is the ally and the voice of Texas public education.