

# Legislative Committee Report

The 2020-21 ATPE Legislative Committee met April 17, 2021, via Zoom. Committee members in attendance were Chairman Jason Forbis, Midway (12); Twila Figueroa, McAllen; Jackie Hannebaum, Corpus Christi; Scott Mathis, Karnes City; Lotus Hoey, Houston; Suellen Ener, Beaumont; Sandra Bounds, Windham; Betty Berndt, Tyler; Abby Rogers, Paris; Donnetta Allen, Mesquite; Alyce Bell, Cleburne; Elizabeth Abrahams, Austin; Nicole Fuller, Jim Ned; Jose Delgado, San Felipe-Del Rio; Kristel Sexton, Amarillo; Abigail Ramford, Lamesa; Tami Wilkinson, Andrews; and Michael Perez, Comal. Also in attendance were ATPE State President Jimmy Lee, State Secretary Stacey Ward, State Treasurer Jayne Serna, and State Past President Tonja Gray, as well as ATPE staff members Shannon Holmes, Jennifer Mitchell, Monty Exter, Mark Wiggins, Andrea Chevalier, and Edwin Ortiz.

The chairman called the meeting to order at 9 a.m. and asked staff to give a brief overview of the online meeting tools and meeting logistics. After the chair recognized first-time committee members, the remaining committee members and guests introduced themselves. Following a brief legislative update from the ATPE lobbyists, the chair gave an overview of the process for reviewing the ATPE Legislative Program and the committee's charge.

The committee reviewed the positions in the legislative program and asked questions of the lobbyists on a variety of issues. The committee members pulled positions 4, 5, 9, 10, 14, and 28 for separate consideration. The committee recommended that the House of Delegates readopt positions 4, 5, and 10 as amended and recommended that the House of Delegates readopt all other positions in the legislative program without changes or additions. The committee voted to give the chair authority to approve the final draft of the committee report for presentation to the ATPE Board of Directors and House of Delegates.

The meeting adjourned at 11:57 a.m.

Respectfully submitted,  
*Jason Forbis, Chair*

## (1) Educator recruitment and retention

ATPE supports mandatory state-funded and research-based mentoring programs for beginning educators. ATPE recommends that the state compensate mentors and give them sufficient training and resources to be successful. ATPE supports efforts to match begin-

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



# Legislative Committee Report

## (3) Collective bargaining

ATPE supports Texas' remaining a right-to-work state.

ATPE opposes collective bargaining and the exclusive representation of employees being granted to only one employee organization in a school district.

ATPE supports the adoption of inclusive consultation policies by local school districts.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (4) Certification and assignment

ATPE supports a state certification process that ensures educators are appropriately trained and certified exclusively by the state.

~~ATPE supports a requirement for a review allowing for an appeal of any decision that would deny an educator certification to a qualified individual if such a process does not already exist.~~

ATPE recommends that the state:

- a. Standardize teacher preparation programs to include policies and practices designed to ensure that new teachers receive adequate mentoring and support and increase the standards for entrance into the profession.
- b. Require comprehensive pedagogical training, including classroom and discipline management, child and adolescent psychology, and methods courses.
- c. Require coursework in the areas of reading, special education, gifted/talented, ESL, and computer literacy.
- d. Require districts to assign all certified educators in their certification area(s).
- e. Require administrators to have at least five years of relevant classroom teaching experience.
- f. Require initial administrator certification and assignments to correlate with teaching experience.
- g. Ensure districts assign teachers to virtual, in-person, or hybrid instructional settings in a manner that respects the choice of the teacher, the need for safety, and the optimum learning environment for the students.

**COMMITTEE'S RECOMMENDATION:** Readopt as amended.

**RATIONALE:** The second statement is simplified to make its intent clearer. The added subsection (g) aims to address teachers and students who have been forced into



# Legislative Committee Report

with K-12 public education requirements.

- b. Immediately remove any student who threatens or physically assaults a school employee, a volunteer, or another student to an alternate placement as determined by district policy. The student’s parent or guardian should be notified immediately.
- c. Utilize resources to deter or recover students from gang involvement and/or substance abuse.
- d. Require accurate coding and reporting of incidents at schools.
- e. Require comprehensive training in Chapter 37 (relating to student discipline) as well as annual notification of and/or updates on campus-level procedures regarding compliance with Chapter 37.
- f. Require suicide prevention training and coping assistance for all school personnel.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (8) Class size

ATPE supports reduced class sizes and caseload limitations that are mandated and enforced by the state for all grade levels and instructional settings to allow for optimal learning environments.

ATPE recommends that the state limit class-size waivers and require full public disclosure of requests for class-size waivers.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## (9) Curriculum

ATPE supports comprehensive instruction in all grade levels that prepares Texas students for success throughout their public school years as well as in post-secondary and career opportunities.

ATPE recommends that school districts/the state:

- a. Ensure that state curriculum standards are developmentally appropriate for all grade levels and content areas.
- b. Allow teachers and administrators to determine the appropriate content and/or methodology of curriculum and education programs, including e-learning programs.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



# Legislative Committee Report

## (11) Testing

ATPE supports a testing and accountability system developed with educator input that maximizes student learning and helps educators meet the individual needs of students.

ATPE opposes the use of high-stakes tests as the sole measure of student achievement.

ATPE recommends that the state:

- a. Provide all manipulative instruments and necessities mandatory for the completion of statewide assessments at the beginning of each school year.
- b. Allow appropriate modifications and/or accommodations on statewide assessments for English Language Learners (ELLs), special education students, and students served by Section 504.
- c. Support state and locally developed alternative assessment instruments provided that teachers are afforded additional and adequate resources to undertake assessment development.
- d. Ensure that any online testing for state assessments is fully funded by the state, is tested and operational for each school district, and allows appropriate modifications and/or accommodations for students.
- e. Support a set schedule for releasing all implemented state-required assessments.
- f. Allow for flexibility in determining when ELLs are required to be assessed in English.
- g. Not require state-developed end-of-course exams to be included in a course grade.
- h. Reduce the amount of mandated tests at all school levels.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (12) Accountability

ATPE recommends that curriculum remain in local control and opposes a standardized national curriculum and test being mandated.

ATPE recommends that all federal mandates be fully funded by the federal government.

ATPE recommends that accountability laws be designed to allow for educators to meet the needs of individual students.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---





# Legislative Committee Report

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (15) University Interscholastic League

ATPE opposes any legislation that would abolish the UIL or require it to open its membership to all private and home schools.

ATPE opposes any legislation that would eliminate the athletic period from the school day or abolish “No Pass, No Play” standards.

ATPE opposes legislation that would permit schools to employ coaches who are not full-time employees of the district.

ATPE opposes legislation that would allow parents to perform eligibility checks.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (16) Charter schools

ATPE recommends that the state adhere to a rigorous authorization process when granting charters.

ATPE recommends that the state require charter schools to meet appropriate financial accountability and academic performance standards before allowing them to continue or expand.

ATPE supports employees of charter schools having applicable certification requirements, standards, rights, and benefits commensurate with employees of traditional public schools.

ATPE recommends that charter governing board members receive training commensurate with training required for public school board members.

ATPE recommends that the UIL, legislature, commissioner of education, and State Board of Education prevent unfair recruitment by charter schools.

ATPE recommends that the Texas Education Agency prohibit charter schools from creating exclusionary expulsion or enrollment policies.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

# Legislative Committee Report

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## (17) Windham School District and Texas Juvenile Justice Department

ATPE supports the goals established for the Windham School District and the Texas Juvenile Justice Department. Educators employed by those entities should have certification requirements, standards, rights, and benefits commensurate with other public school district educators.

**Committee's Recommendation:** Readopt.

**Rationale:** This is an ongoing issue.

## (18) Parental, business, and community involvement

ATPE supports programs that encourage parental, business, and community involvement in the education of all students.

ATPE recommends that the state encourage employers, including school districts, to provide release time for parents to participate in school/parental involvement activities.

ATPE recommends that all Texas legislators, especially those serving on committees dealing with educational issues, spend time each year in classrooms in school districts of varying sizes and socioeconomic backgrounds throughout the state in order to gain firsthand knowledge of the inner workings of Texas public schools.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (19) Texas public education system

ATPE supports a public education funding system that is equitable and adequate to provide every student an equal opportunity to receive an exemplary public education. ATPE also supports any form of state revenue enhancement and tax restructuring that accomplishes this goal.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (20) Permanent School Fund

ATPE supports a management strategy that maintains the security and growth of the Permanent School Fund while maintaining the integrity of the distribution method applied to the Available School Fund.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

# Legislative Committee Report

## (21) Contracts and due process

ATPE supports vigorous enforcement of equitable educator contract laws and due process laws regarding teacher assignment, transfer, hiring, and dismissal, including requirements for independent hearing examiners.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (22) Paraprofessionals

ATPE supports a state minimum salary schedule for all paraprofessionals employed by the school district as well as duty-free lunches, due process, basic notification, and reasons for employment termination considerations.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (23) Compensation and benefits package

ATPE supports a career compensation and benefits package for all certified, licensed, and contracted public school employees that mandates competitive salaries that are equal to or greater than the national average and competitive with private industry. The state program should include a minimum salary schedule that provides for annual increases to recognize longevity in the profession.

ATPE supports full state funding for compensation and benefit increases that districts are required to pass on to individual educators in the exact amount funded without any loss of local supplement.

ATPE recommends that the state prohibit districts from substantially reducing an employee's effective rate of pay through the imposition of additional duties outside the classroom or extension of the school day, week, or year.

The state should prohibit school districts from making changes to local policy after the deadline for resignation if those changes would reduce educators' compensation or benefits.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

# Legislative Committee Report

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## (24) Differentiated pay

In addition to minimum salaries, ATPE supports differentiated pay in the form of step increases or stipends for public educators who undertake advanced certification/training, advanced coursework or degrees, or other professional duties that they are required to perform outside normal instructional activities.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (25) Performance-based decisions

ATPE opposes the use of student performance, including test scores as the primary measure of a teacher's effectiveness, as the determining factor for a teacher's compensation or as the primary rationale for an adverse employment action.

ATPE believes students' state-level standardized test scores should not be a component of teacher evaluations until such time as they can be validated through a consensus of independent research and peer review for that purpose.

ATPE opposes the use of value-added measurement at the individual teacher level for teacher evaluation purposes or decisions about continued employment of teachers.

ATPE supports incorporating measures of student growth at the campus level or higher into evaluations of educators as long as the measures are developed with educator input, piloted, and deemed statistically reliable.

ATPE opposes incentive or performance pay programs unless they are designed in an equitable and fair manner as determined by educators on a campus basis.

ATPE supports the creation of a statewide set of evaluation standards for campus administrators that includes a survey of campus classroom educators and staff regarding the professional performance of the campus administrators.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (26) Leave policies

ATPE supports state standards that establish fair and equitable leave policies.

ATPE recommends that the state:

# Legislative Committee Report

- a. Grant full employment benefits to employees who are physically injured by students until such time as the employees return to work or, if necessary, throughout their retirement.
- b. Increase the number of state personal days to 10 per year.
- c. Grant full daily pay to employees who have been subpoenaed.
- d. Require that district policies cannot set a maximum number of consecutive days taken at less than five days.
- e. Discourage districts from taking adverse actions against an educator on the basis of reasonable use of accrued leave.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (27) Health insurance

ATPE supports providing public school employees with high-quality, competitive health insurance benefits that are fully funded by the state at a level equal to or greater than the benefits provided to state employees.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (28) Teacher Retirement System

ATPE supports the dedication of all available revenue to maintain the actuarial soundness of the pension fund in order to improve benefits for all active and retired Teacher Retirement System (TRS) members.

In addition, ATPE supports an increased state contribution rate, an increase of the retirement formula multiplier, the establishment of TRS benefits comparable to state employee retirement benefits, and continued control of TRS funds at the state level. ATPE recommends that the state:

- a. Provide for one year of state-paid retirement credit for every 50 days of unused, accumulated state leave.
- b. Require that a majority of TRS board members be educators.
- c. Maintain the Rule of 80 formula for retirement eligibility without penalties for early-age retirement.



# Legislative Committee Report

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

- d. Provide an annual cost-of-living increase for retired educators.
- e. Maintain the current defined benefit pension plan for all TRS members.
- f. Give TRS contributions the same weight as Social Security contributions for the purpose of calculating child support payments.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (29) Social Security

ATPE supports the amendment of federal law/rules to eliminate provisions that reduce retirement benefits of educators.

ATPE opposes mandatory participation in Social Security for employees of public school districts in Texas.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (30) Tax credits

ATPE supports permanent tax credits and equitable reimbursement programs for materials and items purchased by educators for use in classrooms or other education-job-related purposes.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (31) Payroll deduction

ATPE supports state standards that establish fair and equitable payroll deduction policies.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (32) Paperwork reduction

ATPE supports meaningful efforts to monitor and control the paperwork burdens on educators, including paraprofessionals.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

# Legislative Committee Report

## (33) Regulatory exemptions, including Districts of Innovation

ATPE generally opposes the state granting waivers or exempting districts and campuses from provisions of the Education Code, and believes that any exemptions granted should be as narrow and time-limited as possible.

ATPE believes districts should not be allowed to use exemptions in a manner that is inconsistent with the district's written and adopted DOI plan.

ATPE recommends full public disclosure of requests for waivers or exemptions.

ATPE recommends oversight be established and maintained for any waivers or exemptions.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (34) Consolidation

ATPE opposes forced consolidation of school districts or district services but supports state incentive aid for districts to consolidate or divide if either would be advantageous to an equitable and efficient education for students.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (35) Commissioner of Education

ATPE recommends that the Texas Commissioner of Education be required to have at least five years of classroom teaching experience in a pre-K through 12th-grade public school setting.

**COMMITTEE'S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (36) Bus driving

ATPE opposes requiring school district employees to obtain a bus driver's license as a condition of their employment contract, unless the employee's primary assignment is that of bus driver.

ATPE recommends that school district policies regarding school bus operators' hours adhere to acceptable safety standards.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



# Legislative Committee Report

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (37) Prekindergarten

ATPE supports a fully funded, optional prekindergarten program for all.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.

## (38) Educator speech and political involvement

ATPE opposes undue restrictions that would limit the ability of educators to express their political views.

**COMMITTEE’S RECOMMENDATION:** Readopt.

**RATIONALE:** This is an ongoing issue.