

- SUBJECT:** Extending association protections to certain charter school employees
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 9 ayes — Aycock, Allen, Bohac, Deshotel, Dutton, Galindo, Huberty, K. King, VanDeaver
- 0 nays
- 2 absent — Farney, González
- WITNESSES:** For — Monty Exter, The Association of Texas Professional Educators; (*Registered, but did not testify:* Dwight Harris, Texas American Federation of Teachers; Lindsay Gustafson, Texas Classroom Teachers Association; Yannis Banks, Texas NAACP; Portia Bosse, Texas State Teachers Association)
- Against — (*Registered, but did not testify:* Lindsey Gordon, Texas Charter Schools Association)
- On — Zenobia Joseph
- BACKGROUND:** Education Code, secs. 21.407 and 21.408 provide public school teachers certain protections against being coerced to join a group, committee, organization, or association while also preserving their rights to freely associate with professional or other types of organizations.
- Chapter 12 of the Education Code relates to the operation of charter schools, including sec. 12.104(b)(2), which applies certain prohibitions, restrictions, or requirements of the Education Code related to traditional public schools to open-enrollment charter schools.
- DIGEST:** HB 4047 would extend the prohibitions on influencing teachers' ability to join or refrain from joining groups or activities under Education Code, secs. 21.407 and 21.408 to open-enrollment charter schools under Education Code, sec. 12.104(b)(2).

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 4047 would ensure that explicit prohibitions under the Education Code on influencing public school teachers' choices about membership or activity in a group were also extended to charter school teachers. Instances in which charter school teachers have been discouraged from joining certain professional organizations present a need to clarify an inconsistency in the Education Code and make clear that these teachers have the same rights as traditional public school teachers.

While the Constitution and federal law may provide this kind of protection to charter school teachers, HB 4047 would allow the Education Code to clearly speak to the issue and potentially head off any eventual litigation that might otherwise result.

The state already extends many of the same requirements to open-enrollment charter schools as it does to traditional public schools, and the policies established by HB 4047 would not affect a feature of the charter school model that sets it apart. Nothing unique or valuable about charter schools would be lost by enacting this bill.

**OPPONENTS
SAY:**

HB 4047 would make an unnecessary change in the law. It would not address any pressing need and could, in fact, harm open-enrollment charters. Freedom of association already is protected under the Constitution and federal law, eliminating the need for such an explicit intervention.

In addition, charter schools were created to be alternatives to traditional public schools, yet Education Code, sec. 12.104(b) has subjected charters and public schools to many of the same restrictions and requirements. Requiring open-enrollment charter schools to comply with ch. 21 provisions would further erode charter schools' regulatory freedom and could open the door to additional loss of control in the future.