

ATPE'S PRIORITIES FOR THE 87th LEGISLATIVE SESSION: Protect educators' advocacy rights

ATPE supports laws and policies that protect the rights of educators to become more involved in advocacy and elections at all levels of government and encourage them to set an example of engaged citizenship and civility for future generations of Texans.

Recent legislative sessions have included attempts to restrict the ability of Texas educators to encourage voting and other types of civic participation, as well as lead educational discussions concerning political subjects. These misguided bills directly contradict the Texas Essential Knowledge and Skills (TEKS), our state's formal curriculum standards, which are adopted

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by the State Board of Education. The TEKS require that students learn and demonstrate their understanding of "civic responsibilities and the importance of civic participation" (Social Studies, Grade 7, §113.19, TAC). This involves learning to commu-

nicate with their elected officials and exercising their right to vote.

Such proposed legislation fits the definition of "a solution without a problem." The use of school resources for electioneering purposes is already expressly prohibited by statute and related ethics rules. Expanding current law to broadly restrict the speech of educators would be unnecessary, discriminatory, and potentially unconstitutional as a violation of the First Amendment.

In addition to attempts to limit educators' political speech, other bills in recent years have attempted to silence educators' voices by making it more difficult for them to join and support professional associations that

engage in legislative advocacy on their behalf. Proponents of such legislation have argued without justification that taxpayers are somehow footing the bill for educators' advocacy, even when there is no evidence to support that claim. Educators should remain free to spend their own personal funds as they see fit and to choose whether to join a professional association in accordance with Texas' longstanding support of right-to-work laws, recently upheld by the Supreme Court of the United States.

Legislation that would deny educators the option of voluntarily supporting professional associations through payroll deduction, while preserving that same right for other public employees, raises serious questions over the legality and constitutionality of singling out certain professions for restrictions on their First Amendment rights to free assembly. Similarly, public school communities should not be discriminated against with respect to their ability to collectively advocate for public education, especially when private interests have unfettered access to legislators.

Texas laws should encourage educators to be fully involved in the legislative process and elections so that they can set an example of engaged citizenship and civility for future generations. The Legislature must address many urgent needs this session, from providing adequate funding for critical state services to helping Texans overcome the challenges of the COVID-19 pandemic. ATPE urges the Legislature not to waste time this session on distracting and unnecessary legislation that is motivated solely by partisan politics, including any efforts to silence the voices of educators and restrict their advocacy rights.