



# Know Your Rights

**Understanding your rights as an educator is very important. It is each employee's responsibility to enforce his or her rights when violated. Texas AFT provides additional resources online at [www.texasaft.org](http://www.texasaft.org) and is the only professional education organization with full-time staff to assist members with job-related legal issues at the local and regional levels.**

## Paperwork Reduction and Lesson Plans

The education code says educators can be required to provide "a unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level."

In a 2019 ruling by the commissioner, the commissioner held that teachers could be required to include assessments and differentiated activities and modifications in a lesson plan — a significant departure from a "brief and general" description of the lesson plan.

The court held that the test for determining if a lesson plan requirement is legitimate is whether it reflects either the information taught to the student or describes the activities that will be used to teach the subject matter.

## Planning and Prep

Under the Texas Education Code, every 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 lesson planning.

You must be given a prep period of at least 45 consecutive minutes on any given instructional day; your prep period cannot be divided up throughout the day. During a planning and preparation period, a classroom teacher cannot be required to participate in any other activity.

Unlike your duty-free lunch break, however, planning and preparation periods are duty time. This means you are not free to leave campus or engage in non-school related activities during your designated planning and prep times.

## Resignations

If you're thinking about leaving your position after the penalty-free resignation date, there are steps you can take to avoid the one-year suspension imposed by the Texas Education Agency's State Board for Educator Certification for contract abandonment.

- Contact your local union or Associate Membership Program representative before you resign.
- Provide documentation of any illness, injury, relocation, or change in family needs before you resign and try to secure your school board's consent to the resignation.
- Try to negotiate with your district to see if the board will accept your resignation.

If you must break your contract, these steps may go a long way toward persuading your district administration and school board to release you without penalty:

- Give as much notice as possible.
- Try to find a replacement for the district.
- Help train your replacement, if possible.
- Leave lesson plans for your replacement.

One thing you shouldn't do: "take your principal's word for it" that you can resign without penalty. Only the school board can release you from your contract. You need to work with your Human Resources department, not just your campus administrator.

## Duty-Free Lunch

Each classroom teacher or full-time librarian is entitled to (at least) a 30-minute lunch period free from all duties and responsibilities connected with student instruction or supervision.

That said, there are emergency circumstances in which a district can override this right. If the district deems it necessary — because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances — and in accordance with commissioner rules, it can require a classroom teacher or librarian to supervise students during lunch. Even in those circumstances, however, the district cannot require a teacher or librarian to do so for more than one day in any school week.

## Filing a Grievance

**Employees have the right to address concerns with workplace issues — like pay, work environment, behavior, and assessments — through a formal grievance process. You should never have to worry about retaliation because you exercised your right to file a grievance.**

Many times, employment issues can be resolved informally, with a discussion or conference with supervisors and administrators.

Keep in mind, though, that informal resolutions are not required to be in writing, and your local policy's rebuttal and grievance timelines are in full effect while trying to solve them informally.

Even if you're not yet ready to file a formal grievance, you should:

- contact your local union or the Associate Membership Program service team for assistance and guidance
- document your informal complaint with your immediate supervisor
- request an informal conference to discuss

If your informal discussions don't lead to the resolution you requested, then pursue the formal grievance procedure in consultation with your union representative.

For additional and more detailed information, visit our Know Your Rights web page



### Contact Us!

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