TEXAS CLASSROOM TEACHERS ASSOCIATION

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**Testimony to the Senate Education Committee**
**Regarding SB 27, Creighton - Empowering Teacher Rights**
**March 25, 2025**

Submission from:
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Thank you for the opportunity to provide comments on Senate Bill 27 to the Senate Committee on Education. The Texas Classroom Teachers Association represents non-administrative school personnel across the state including but not limited to teachers, librarians, counselors and paraprofessionals. TCTA supports the substitute version of this bill. We greatly appreciate the working relationship with Sen. Creighton and his staff as we made recommendations to strengthen the bill for teachers, more effectively carrying out the intent to improve working conditions and helping to address recruitment and retention.

**Key SB 27 Provisions TCTA supports:**

- **TCTA appreciates the new requirement that school districts make available a duty calendar for teachers before the start of each school year, in addition to how salary reductions for leave will be calculated, providing much needed transparency and fairness in time and salary expectations.**

- **TCTA appreciates provisions that more effectively allow teachers to fully exercise their right to remove unruly, disruptive, threatening or violent students from the classroom, enhancing their ability to effectively manage classroom behavior and better ensuring all students receive classroom instruction. In addition, ensuring a teacher consents to the return of the student and a structured return plan is included reinforces the need for careful consideration before reinstating a removed student in addition to making available needed student supports.**

- **TCTA supports the recommendation from the Texas Teacher Vacancy Taskforce report that the Legislature should fund a time study to examine all duties of a teacher, along with specifying that the intended outcome is to reduce and streamline the tasks and duties teachers are required to perform. Ensuring that teachers are provided with adequate time for planning, grading, and working with colleagues, and are not burdened with unnecessary duties outside of normal school hours would represent a marked improvement in working conditions that could be expected to encourage teachers to remain in the classroom.**

- **TCTA supports efforts to facilitate the entry of quality, certified teachers into the classroom. Waivers or payment of examination fees for special education, bilingual education, and other areas will help to address shortages due to the high costs of becoming certified. Additionally, an Employed Retiree Teacher Reimbursement Grant Program to reimburse districts for increased contributions to the Teacher Retirement System reduces the financial burden on school districts for hiring retired teachers, helping to increase qualified teacher staffing levels.**

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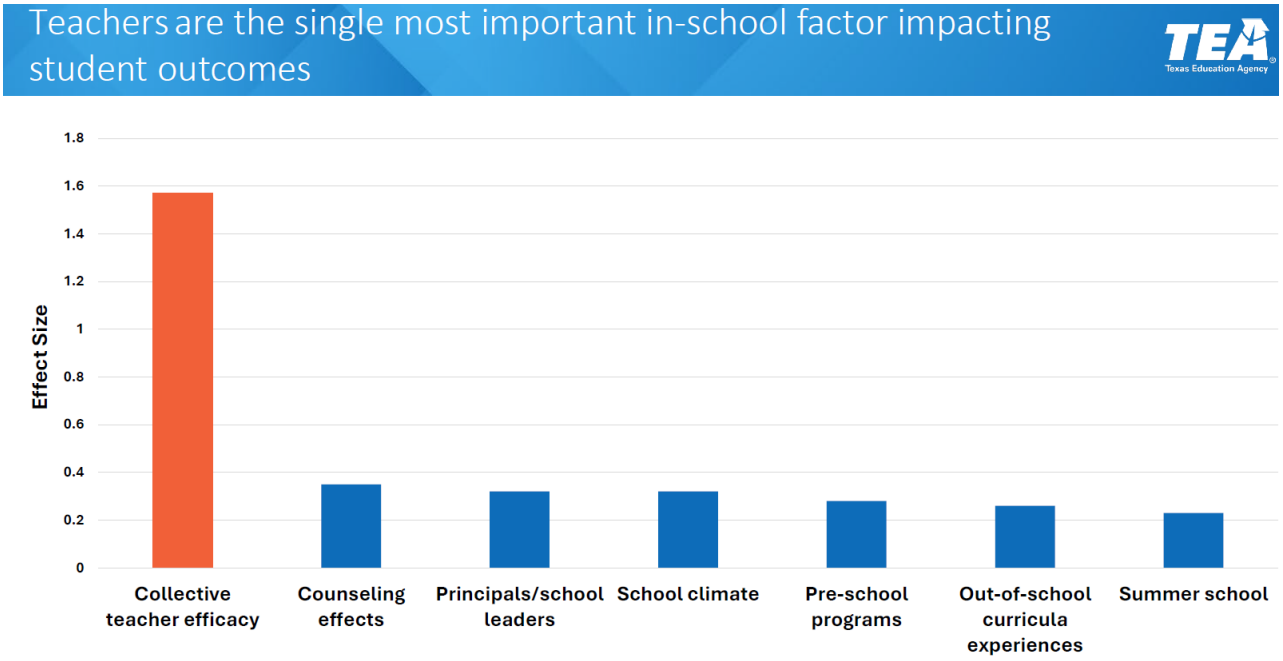
- **TCTA supports codifying SBEC rules to better ensure that teachers are not unfairly penalized for abandoning their contracts for good cause, such as serious illness, relocation due to a partner's employment change, significant family changes, or a reasonable belief of having permission to resign.**

- **TCTA also appreciates fairer policies to allow for teachers to be notified in a timely manner and the ability to respond and participate in the grievance process when there is a grievance filed against them.**

We appreciate that Chair Creighton and this committee are keeping the focus on teachers, first by addressing compensation in SB 26 and now by improving working conditions in SB 27. Our current teacher shortage, which has contributed to unprecedented levels of uncertified teachers in our schools, has highlighted that inadequate compensation and poor working conditions in Texas schools are making the profession increasingly unattractive.

Data collected by the TEA shows teachers are by far the single most important school-based factor affecting student outcomes. Yet, Texas teachers are leaving the profession at rates not seen since the great recession, causing schools to face shortages in high-quality educators. Per TEA data, teacher attrition in Texas is on the rise from 9% to 12% since the start of the pandemic. The number of uncertified teachers in the state's public schools has risen by 29%. A recent Texas Tech University study highlighted that students lose up to four months of learning in reading and three months in math when they have a new teacher who is both uncertified and lacks experience working in a public school.




Adapted from Hattie, 2011

Replacing teachers is time-consuming, costly, and disruptive to student learning. Although the financial costs within a district or school can vary substantially – more than $20,000 per teacher in an urban district – the most significant costs are those associated with separation, recruiting, hiring new teachers, and training replacements.[i]

In 2022, the Merrimack College Teacher Survey found more than half of teachers said they would not advise their younger self to pursue a career in teaching. The low satisfaction levels of teachers already in the classroom may affect

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the pipeline of future teachers. Enrollment in teacher preparation programs has declined by about a third over the past decade (The American Association of Colleges for Teacher Education 2022).

**Addressing Attrition and Barriers to Certification**

Due to high levels of teacher attrition, compounded by the effects of the pandemic, there is a growing need for additional teachers, especially quality, certified teachers**.** Texas has outpaced national teacher attrition averages by approximately 25% over the past decade; in 2021 alone, more than 1 in 9 Texas teachers left the state's teacher workforce rather than return for the 2021–22 school year.[ii]

In 2021–22, 57% of first-time teachers in Texas held either a substandard intern certificate or emergency permit (30%) or no certification at all (27%). With approximately 74% of districts now able to hire uncertified teachers under the state District of Innovation designation, and charter schools also able to hire uncertified teachers, the share of uncertified teachers in the workforce has increased substantially over the past few years, having doubled in the past year alone. [iii]

Texas has been experiencing teacher shortages and workforce instability driven by high attrition rates for decades. Shortages have been especially acute in mathematics, special education, career technical education, and bilingual/ESL instruction, and have been more prevalent in rural communities and in large urban districts. In a recent statewide poll, 77% of Texas teachers indicated they thought seriously about leaving the profession, and over 90% of those teachers had taken at least one step to do so. [iv] In interviews featured in a recent study, school and district leaders across Texas told UT Austin researchers that new teachers who lack classroom experience, quality training and the necessary tools to succeed become rapidly overwhelmed and burn out quickly. Many district leaders mentioned that existing teacher preparation programs were inaccessible to people wishing to teach due to cost and time commitment barriers.[v] **TCTA supports provisions in SB 27 that remove cost barriers through waivers or payment of examination fees for certification, especially in the most prevalent areas of shortage including special education, bilingual education.**

In Texas, the "retire/rehire" situation for teachers involves a pension surcharge for employers who hire retirees, and legislation from 2021 prohibits employers from passing these costs onto the retiree, potentially making it harder for districts to hire retirees. Districts may not deduct the surcharge from the retiree's paycheck, impose a fee, or use any other method to recover the cost. While this protects retirees from having to pay the surcharge, it could make it financially more difficult for districts to hire retirees, potentially exacerbating teacher shortages. We have heard from several retired teachers over the past few years that districts are reluctant to rehire them because of the additional cost to the district. **TCTA supports the establishment of an Employed Retiree Teacher Reimbursement Grant Program to reimburse districts for increased contributions to the Teacher Retirement System when hiring teachers who retired. This program removes the financial disincentive for school districts to hire retired teachers, helping to increase qualified teacher staffing levels.**

The bill would also add a new requirement that TEA collect teacher vacancy information. While knowing the relative vacancies across the state is helpful as a "temperature check" on workforce needs, this collection could be more powerful by **adding a requirement to collect data regarding the certification status of teachers and the type of certification carried (if any).** This would serve to enable evaluation of the persistent needs of the workforce and where the state should place additional resources to help address the uncertified teacher crisis in Texas. Specifically, this type of data collection would, for the first time, capture data on the number and placements of uncertified teachers in Texas public schools.

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The state previously had this requirement during the time when the No Child Left Behind (NCLB) authorization of the Elementary and Secondary Education Act (ESSA) required that every student have a "highly-qualified" teacher in the classroom. This prior mechanism could be reinstated and modified to meet the needs of the moment. **We strongly support that all teachers of record, whether certified or uncertified, should be able to be tracked within the state system. Further, we recommend that all uncertified teachers should be required to be enrolled in a preparation program and demonstrate progress toward certification as part of their continued employment.**

Currently the number of uncertified teachers can be determined, but only through subtractive methods, and not in a routine and timely fashion so as to keep parents and the public informed. **It would be exceptionally helpful to the field if, as part of the proposed collection, districts had to affirmatively report the certification status of a teacher and the type of certification carried (if any), as well as the relevant grade levels, subject areas, and duration of the applicable assignments.** There are no specific reporting requirements for this information in the bill. Our preference would be to have this data annually reported to the legislature and publicly posted to the agency's website.

**Teacher Protections**

Following the pandemic, the State Board for Educator Certification (SBEC) was presented with multiple complaints of contract abandonment in which the required imposition of sanctions on an educator's certificate resulted in an outcome that board members considered unjust or unwarranted. One recurring issue of concern was that teachers were being reported for contract abandonment even though they had been informed by either a district administrator or in an email that their resignation had been accepted. In some of these cases, evidence existed that the district had failed to communicate to the educator that their resignation was not accepted or that an administrator told the educator they would be released from their contract, even though they did not have the authority to do so.

In other cases, evidence was introduced to show that a teacher had been reported by the district for contract abandonment even though the campus principal had requested the resignation and believed that the teacher's resignation was in the best interests of the district. The SBEC expressed discomfort over a lack of discretion in its rules to allow for consideration of extenuating circumstances. It also began to note a larger pattern of complaints in which educators said that they were not aware that their certification was at risk of sanction when they considered resignation, and that they would not have resigned had they known they were at risk of a complaint being filed with SBEC.

Teachers who resign later than 45 days prior to the first day of instruction without good cause and without the consent of their school district are subject to certification sanction if the school board files a complaint with SBEC within 30 days of the educator's resignation. Recently, SBEC adopted rules that specify that the mandatory minimum sanction for contract abandonment is a one-year suspension of the educator's certification. The rules also outline what circumstances SBEC considers to be "good cause," which allows a teacher to resign from a contract without penalty, and other "mitigating factors" that could justify a reduced sanction. The following factors are considered good cause:

(A) serious illness or health condition of the educator or close family member of the educator;
(B) relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator;
(C) significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment; or
(D) the educator's reasonable belief that they had written permission from the district administration to resign.

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**TCTA supports codifying these SBEC rules and better ensuring that teachers are not unfairly penalized for abandoning their contracts for good cause. These changes provide additional protections for teachers resigning under certain circumstances, including limiting the sanctions that can be imposed. The protections create a more supportive environment for teachers facing personal hardships, thereby reducing the penalties for resigning under specific qualifying conditions.**

SB 27 also requires a school district to provide a notice of the complaint to the teacher or employee against whom a complaint is filed and a sufficient opportunity for the teacher or employee to submit a written response to the complaint to be included in the record. If the complaint is appealed to the board of trustees of the district, the teacher or employee may make a presentation to the board in the same manner as the person who filed the complaint. **TCTA appreciates these fairer policies to allow teachers to be notified in a timely manner and the ability to respond and participate in the grievance process when there is a grievance filed against them.**

**Supplemental and Additional Duties**

Increased additional duties and decreased protected non-instructional time are among the top reasons teachers cite as reasons to leave the profession. Teachers want to do everything possible to support students, however, they are overextended with excessive paperwork and additional duties, depriving them of adequate time to perform their core functions. On average, teachers in Texas work 54.7 hours per week, according to the National Center for Education Statistics. Survey respondents think that number should be closer to 40.2, the largest gap among any state mentioned in the survey.[vi]

Teachers are regularly expected to perform duties outside of their designated roles. Additional demands exploded during the pandemic— coverage for sick colleagues, tutoring struggling students after school, preparing for both online and in-person instruction, etc. With staffing shortages, school districts are now making the extra responsibilities mandatory, typically without additional compensation. Many teacher contracts now also include language requiring teachers to perform duties on weekends and during the summer without compensation. Other examples of the extra duties that teachers are required to complete are test proctoring, excessive staff meetings/trainings, sponsoring a club, coaching/judging for UIL, and morning/arrival and afternoon/dismissal duties, lunch duty supervision, substitute teaching, and cleaning/maintenance.

SB 27 makes available TEA technical assistance to districts for studying how the district's or school's staff and student schedules, required noninstructional duties for classroom teachers, and professional development requirements for educators are affecting the amount of time classroom teachers work each week and refining the schedules for students or staff as necessary to ensure teachers have sufficient time during normal work hours to fulfill all job duties, including addressing the needs of students. **TCTA supports the recommendation from the Texas Teacher Vacancy Taskforce report that the Legislature should fund a time study to examine all duties of a teacher, along with specifying that the intended outcome is to reduce and streamline the tasks and duties teachers are required to perform. Ensuring that teachers are provided with adequate time for planning, grading, and working with colleagues, and are not burdened with unnecessary duties outside of normal school hours, would represent a marked improvement in working conditions that could be expected to encourage teachers to remain in the classroom.**

**Finally, TCTA appreciates the new SB 27 requirement that school districts make available a duty calendar for teachers before the start of each school year, in addition to how salary reductions for leave will be calculated, providing much needed transparency and fairness in time and salary expectations.**

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**School Safety and Classroom Management**

Safe working conditions are a priority for educators, and teachers consistently cite student discipline problems as a top reason for leaving the teaching profession, as noted by Commissioner Morath in his presentation to the Senate Education Committee during its May 24, 2022, hearing, as well as numerous studies which have examined this issue. One study found that of the 50% of teachers who leave the field permanently, almost 35% report the reason is related to problems with student discipline. Researchers find that "Those schools that do a far better job of managing and coping with and responding to student behavioral issues have far better teacher retention." [vii]

Chapter 37 of the Education Code comprises the laws governing student discipline. It is comprehensive, and has been revised over the years to move away from more punitive disciplinary provisions to more leniency regarding how student behavior issues can be addressed.[viii] Even so, from the teacher's perspective, these existing provisions are too often not followed or enforced, resulting in revolving door situations in which a teacher sends a student to the principal's office and the student is sent directly back to the classroom with no intervention actions taken. After conducting a comprehensive assessment of Texas educators' needs pertaining to safety in partnership with the Office of the Governor's Public Safety Office, Sam Houston State University reported that "considerable reflection on relationships and discipline laws, policies, and procedures are needed. In this regard, participants seemed to recognize that discipline polices were not adequately or equitably enforced. Many educators bemoaned instances in which a student was removed from a classroom for threatening or disruptive behaviors only to return to the classroom moments later with little or no discipline. This specific occurrence was very prevalent in this code and theme. Educational leaders should feel empowered in disciplining students to ensure effective and safe operations."[ix]

SB 27 permits a teacher to remove a student for behavior that interferes with communication or learning, and includes the removal of students who demonstrate unruly, disruptive, or abusive behavior, or engage in bullying. It requires the removal if a student engages in severe misconduct. Current protections and policies related to special education students are applicable. Additionally, it prohibits returning a student to a teacher's class without the teacher's written consent until a return to class plan is created, which must be made by a designated employee whose primary role is not classroom instruction. The bill allows for an appeal process regarding a student's removal.

**TCTA supports provisions that more effectively allow teachers to fully exercise their right to remove unruly, disruptive, threatening or violent students from the classroom, enhancing their ability to effectively manage classroom behavior and better ensuring all students receive classroom instruction. In addition, ensuring a teacher consents to the return of the student and a structured return plan is included reinforces the need for careful consideration before reinstating a removed student in addition to making available needed student supports. Clearer communication and procedural safeguards regarding student removals involve parents in the removal process and provide for an appeals mechanism, increasing the accountability of school administrators.**

TCTA would like to see a key investment in behavior interventionists. Teachers and campus behavior coordinators are not behavior intervention experts, and these experts should be employed on every campus and in DAEPs. **Funding for school safety should not only be increased but a portion dedicated, or at least made available, to employing behavior intervention specialists in schools.**

In summary, SB 27 seeks to enhance the rights and support of public-school teachers by removing barriers, improving working conditions and making classrooms safer. As the most important factor to student learning, strengthening the rights and assistance available to teachers, should improve the overall educational environment in Texas public schools, potentially leading to better educational outcomes for students.

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[i] Barnes, G., Crowe, E., & Schaefer, B. (2007). *The cost of teacher turnover in five school districts: A pilot study*. Washington, DC: National Commission on Teaching and America's Future. Retrieved from https://pdfs.semanticscholar.org/b4ab/6eaa2ac83f4721044e5de193e3e2dec07ac0.pdf

[ii] Bland, J. A., Wojcikiewicz, S. K., Darling-Hammond, L., & Wei, W. (2023). *Strengthening pathways into the teaching profession in Texas: Challenges and opportunities*. Learning Policy Institute. https://doi.org/10.54300/957.902

[iii] Bland, J. A., Wojcikiewicz, S. K., Darling-Hammond, L., & Wei, W. (2023). *Strengthening pathways into the teaching profession in Texas: Challenges and opportunities*. Learning Policy Institute. https://doi.org/10.54300/957.902

[iv] Bland, J. A., Wojcikiewicz, S. K., Darling-Hammond, L., & Wei, W. (2023). *Strengthening pathways into the teaching profession in Texas: Challenges and opportunities*. Learning Policy Institute. https://doi.org/10.54300/957.902

[v] Marder, M., Torres, L.G., Martinez, C., (2024). *Beyond the tipping point: Rise of uncertified teachers in Texas*. Report and recommendations from the University of Texas at Austin. bit.ly/uncert-teachers-report

[vi] Charles Butt Foundations. (2022). *Texas Teacher Poll: Persistent Problems and a Path Forward.* https://charlesbuttfdn.org/wp-content/uploads/2022/09/2022-teacher-poll.pdf

[vii] Scheinert-Reichl, K.A., Kitil, J.J., & Hanson-Peterson, J. (2017). To reach the students, teach the teachers: A national scan of teacher preparation and social and emotional learning. Report prepared for the Collaborative for Academic, Social, and Emotional learning. Vancouver, BC: University of British Columbia. https://files.eric.ed.gov/fulltext/ED582029.pdf citing Ingersoll, R. M., & Smith, T. M (2003): The wrong solution to the teacher shortage, Educational Leadership, 60, 30-33; Allensworth, E., Ponisciak, S., & Mazzeo, C. (2009) The schools teachers leave: Teacher mobility in Chicago Public Schools. Chicago, IL: Consortium on Chicago School Research—University of Chicago https://consortium.uchicago.edu/sites/default/files/2018-10/CCSR_Teacher_Mobility.pdf; Susan Moore Johnson, Jill Harrison Berg, and Morgaen L. Donaldson. 2005 Who Stays in Teaching and Why: A Review of the Literature on Teacher Retention; Ladd, H. F. (2011). Teachers' perceptions of their working conditions. Educational Evaluation and Policy Analysis, 33(2), 235–261 https://eric.ed.gov/?id=EJ927621; Marinell, W. H., & Coca, V. M. (2013). Who stays and who leaves? Findings from a three part study of teacher turnover in NYC middle schools. New York, NY: Research Alliance for NYC Schools https://steinhardt.nyu.edu/sites/default/files/2021-01/TTPSynthesis_Report_March2013.pdf; Ingersoll, R. M., & May, H. (2011). Recruitment, retention and the minority teacher shortage. Philadelphia, PA: Consortium for Policy Research in Education https://www.cpre.org/sites/default/files/researchreport/1221_minorityteachershortagereportrr69septfinal.pdf

[viii] Acts 2009, 81st Leg., R.S., Ch. 897 (H.B. 171), Sec. 1, eff. June 19, 2009 (providing that the following mitigating factors must be considered in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action: self-defense; intent or lack of intent at the time the student engaged in the conduct; a student's disciplinary history; a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct; a student's status in the conservatorship of the Department of Family and Protective Services; or a student's status as a student who is homeless); Acts 2017, 85th Leg., R.S., Ch. 696 (H.B. 674), Sec. 2, eff. June 12, 2017 (prohibiting out-of-school suspension for students younger than grade 3, except in instances in which a student engages in expellable behavior); Acts 2011, 82nd Leg., R.S., Ch. 948 (H.B. 968), Sec. 1, eff. June 17, 2011 (removing the ability to expel a student placed in a DAEP for engaging in persistent misbehavior that violates the district's student code of conduct).

[ix] Fuller, M.B., Ingram, J., Szaal, S., Awuor, D. C., Gaal, S., Linn, K. (2020). *Texas Educators' Needs Assessment Regarding School Safety and Victims Services: Improving the Safety of Texas Academic Institutions*. Huntsville, TX: Sam Houston State University. https://www.shsu.edu/centers/cares/documents/OOG%20FINAL%20REPORT.pdf