

UT SAN ANTONIO AAUP CHAPTER POSITION STATEMENT ON THE TEA EDUCATOR PREPARATION PROGRAM STATE LAW AND PROHIBITIONS ATTESTATION REQUIREMENT (2026–2027)

Submitted to the UT San Antonio College of Education and Human Development Dean and Associate Dean for Strategic Partnership, Preparation and Growth

To: *College of Education and Human Development Dean and Associate Dean for Strategic Partnership, Preparation and Growth*

Preamble

We, the UT San Antonio American Association of University Professors (AAUP) and affiliated faculty of the Education Preparation Program, write to strongly oppose the 2026–2027 “State Law/Prohibitions Attestation” required under Texas Education Code (TEC) § 21.0443(b)(3) and Texas Administrative Code (TAC) § 228.31(e). While we recognize the state's interest in ensuring balanced instruction and protecting students from compelled ideological conformity, we believe this attestation requirement, as currently written and implemented, threatens academic freedom, imposes vague and unworkable standards on faculty members, and extends a K-12-oriented statute into graduate and professional educator preparation in ways the legislature did not adequately consider. Below we present our concerns about the requirement and demand for faculty and staff to sign the attestation under threat of perjury. We end with action items to address our concerns.

Statement of Concerns

1. The “objectivity” standard is impermissibly vague. The attestation requires that any faculty member who chooses to discuss a “widely debated and currently controversial issue of public policy or social affairs” must do so “objectively and in a manner free from political bias.” Neither the statute nor the attestation defines these terms. **Without clear standards, faculty members cannot know in advance what speech is permitted, and compliance officers are left to apply the rule inconsistently.** This vagueness produces a chilling effect: rather than risk violating an undefined standard, faculty members are incentivized to avoid controversial but pedagogically important topics altogether—including subjects central to the preparation of teachers who will themselves manage diverse classrooms and difficult classroom discussions.

2. A statute written for K-12 school districts is being imported into graduate and professional education. TEC § 28.0022 was drafted to govern instruction of minors in public school classrooms. Extending it to educator preparation programs—which serve adult, degree- and certificate-seeking professionals—disregards long-standing distinctions between K-12 instruction and postsecondary academic inquiry. K-12 education relies on higher education to conduct research, foster informed discussion, and develop policies that serve students and the broader public interest. Erosion of academic freedom risks restricting legitimate inquiry based on political or ideological disagreement, narrowing the evidence and perspectives available to educators and policymakers, with consequences extending well beyond the university. Higher education has traditionally afforded faculty and their adult students greater latitude to engage critically and comparatively with contested ideas, including ideas the faculty member or institution does not endorse. Applying a K-12 framework here risks flattening that distinction without legislative examination of whether it is appropriate.

3. The prohibition on requiring “an understanding of the 1619 Project” restricts engagement with scholarship, not just advocacy. The attestation bars EPPs from requiring students to understand a specific, named work of journalism and historical scholarship. Unlike the surrounding provisions, which prohibit compelling agreement with particular conclusions, this clause appears to bar even required engagement with the material—a distinction with significant implications for how future teachers are trained to encounter, evaluate, and teach contested historical interpretations.

4. The attestation exposes individual signers to significant personal legal risk. The original form requires the EPP's legal authority or primary point of contact to sign a personal declaration under penalty of perjury, disclosing their full name, date of birth, and home address, and to certify compliance for the entire program's curriculum,

faculty conduct, and funding practices. This structure places substantial individual legal exposure on a single signer for institution-wide practices, which may reasonably lead administrators to adopt broader, more restrictive compliance measures than the underlying statute requires—a form of institutional over-compliance that itself narrows academic freedom beyond the law's actual text. If the Dean or Associate Dean is required to sign this, then this places them at legal risk for enforcing this policy.

5. The internal tension between the two central prohibitions is difficult to administer. The attestation simultaneously bars EPPs from requiring instruction in certain listed concepts and from punishing students who “reasonably” discuss those same concepts. Distinguishing “requiring” from “reasonably discussing” in real classroom settings requires case-by-case judgment calls that the attestation gives programs little guidance to make, increasing the likelihood of inconsistent enforcement across the state's many EPPs.

6. The compliance deadline gives programs insufficient time to develop sound implementation guidance. Programs must attest to compliance by September 1, 2026, for a rule affecting curriculum design, faculty training, and funding relationships built over years. Absent detailed implementation guidance from TEA, programs are being asked to certify compliance with standards that remain, in key respects, undefined.

Summary

We share the state's interest in ensuring that educator preparation programs provide fair, rigorous, and balanced instruction. We do not seek to shield any curriculum from scrutiny. We ask only that any requirements imposed on faculty, staff, and programs be clear, workable, and calibrated to the realities of graduate and professional education—so that the goal of protecting students from ideological compulsion does not, in practice, compel silence and disengagement instead. School personnel must be equipped to think critically and act in students' best interest. If they do not learn and practice these skills during their training, it begs the question of how equipped they will be to serve students' ever-changing needs.

The UTSA AAUP chapter is asking the Dean and Associate Dean for Strategic Partnership, Preparation and Growth not to require faculty to sign this attestation or any version of the TEA document. We are also asking the Dean and Associate Dean to engage in conversations with the TEA representatives to communicate our concerns, specifically helping TEA to understand the unique needs, pedagogies, and academic freedom held at our undergraduate and graduate professional educator program versus that of a K-12 teacher.

With Respect,

UT San Antonio Chapter of the American Association of University Professors (AAUP)