

By: Crownover, et al.

H.B. No. 1253

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the employment status and salary entitlement of public  
3 school educators who receive retirement benefits under the Teacher  
4 Retirement System of Texas.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 21.002, Education Code, is amended by  
7 amending Subsection (a) and adding Subsection (a-1) to read as  
8 follows:

9 (a) Except as provided by Subsection (a-1), a [A] school  
10 district shall employ each classroom teacher, principal,  
11 librarian, nurse, or counselor under:

12 (1) a probationary contract, as provided by Subchapter  
13 C;

14 (2) a continuing contract, as provided by Subchapter  
15 D; or

16 (3) a term contract, as provided by Subchapter E.

17 (a-1) A school district is not required to employ under a  
18 probationary, continuing, or term contract an educator who receives  
19 a service retirement annuity under Chapter 824, Government Code,  
20 and such an employee is an at-will employee.

21 SECTION 2. Section 21.402, Education Code, is amended by  
22 amending Subsection (a) and adding Subsection (a-1) to read as  
23 follows:

24 (a) Except as provided by Subsection (a-1), (d), (e), or

1 (f), a school district must pay each classroom teacher, full-time  
2 librarian, full-time counselor certified under Subchapter B, or  
3 full-time school nurse not less than the minimum monthly salary,  
4 based on the employee's level of experience, determined by the  
5 following formula:

$$6 \quad \text{MS} = \text{SF} \times \text{FS}$$

7 where:

8 "MS" is the minimum monthly salary;

9 "SF" is the applicable salary factor specified by Subsection  
10 (c); and

11 "FS" is the amount, as determined by the commissioner under  
12 Subsection (b), of state and local funds per weighted student  
13 available to a district eligible to receive state assistance under  
14 Section 42.302 with an enrichment tax rate, as defined by Section  
15 42.302, equal to the maximum rate authorized under Section 42.303,  
16 except that the amount of state and local funds per weighted student  
17 does not include the amount attributable to the increase in the  
18 guaranteed level made by Chapter 1187 [~~H.B. No. 3343~~], Acts of the  
19 77th Legislature, Regular Session, 2001.

20 (a-1) A school district is not required to pay the minimum  
21 salary determined under Subsection (a) to an educator who receives  
22 a service retirement annuity under Chapter 824, Government Code.

23 SECTION 3. (a) Section 21.002, Education Code, as amended  
24 by this Act, does not apply to an employment contract between an  
25 educator and a school district that is entered into before the  
26 effective date of this Act.

27 (b) Section 21.402, Education Code, as amended by this Act,

1 does not apply to the salary of an educator employed under a  
2 contract entered into before the effective date of this Act.

3 SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2003.