

BILL ANALYSIS

Senate Research Center

C.S.S.B. 190

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Education

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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas School for the Deaf (TSD) is established to provide specialized support for students who are deaf or hard of hearing. TSD is not funded or equipped to address the needs of students whose primary disability relates to severe mental retardation or an emotional or behavioral disability.

Several issues relating to the statutes governing TSD require clarification. Under current law, the superintendent of the TSD is hired for a 12-month term of employment and his or her salary is established annually by the board of TSD (board); however, the law also requires that the superintendent's salary be based on not more than 230 days of service. This conflict needs to be resolved so that the term of employment and the salary are in agreement.

The current law is silent with respect to the ability of TSD to charge for certain assessment services provided at the request of school districts or other educational entities although such authority is granted in the General Appropriations Act.

Additionally, under Section 2252.901 (Contracts with Former or Retired Agency Employees), Government Code, agencies are prohibited from contracting with certain employees for a period of one year after the employee leaves the agency. Due to the lack of qualified teachers for students who are deaf or hard of hearing, it is important that TSD have the authority to contract with any qualified teachers at any time, notwithstanding the provision in the Government Code.

Work schedules for teachers at TSD are currently established by the board although their day-to-day work is at the direction of the superintendent. Finally, TSD teachers are paid the salary designated in their employment contracts in 12 equal monthly installments and are not authorized to receive payment for any supplemental program work. Due to the disconnect between the school year and the state fiscal year, the provision requiring payment in equal monthly installments is impractical.

C.S.S.B. 190 clarifies statutory language relating to the superintendent's term of employment; provides that the superintendent rather than the board establishes employee work schedules; and authorizes TSD to contract with any qualified teachers at any time, notwithstanding the provision in the Government Code, pay salaries designated in their employment contracts in 12 monthly installments, pay teachers for supplemental program work. The bill also clarifies that TSD is not intended to serve students whose needs are appropriately addressed in a home or hospital setting or a residential treatment facility; or students whose primary, ongoing needs are related to a severe or profound emotional, behavioral, or cognitive deficit.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 30.051, Education Code, by amending Subsection (a) and adding Subsection (e), as follows:

- (a) Provides that the Texas School for the Deaf (school) is a state agency established to provide educational services to persons who are 21 years of age or younger on September

1 of any school year and who are deaf or hard of hearing and who may have on ore more other disabilities. Provides that the school is not intended to serve students whose needs are appropriately addressed in a home or hospital setting or a residential treatment facility or students whose primary, ongoing needs are related to a severe or profound emotional, behavioral, or cognitive deficit. Deletes existing text requiring the school to provide services to certain students who have a disability in addition to being deaf or hard of hearing.

(e) Authorizes the school, if a school district or another educational entity requests an assessment of a student's educational or related needs related to hearing impairment, to conduct an assessment and charge a reasonable fee for the assessment.

SECTION 2. Amends Section 30.053(d), Education Code, to prohibit the annual salary of the superintendent of the school annual salary from exceeding 120 percent of the annual salary of the highest paid instructional administrator at the school. Deletes existing text requiring the salary to be based on not more than 230 days of service.

SECTION 3. Amends Section 30.055, Education Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Provides that an employee employed under this subsection is not subject to Section 2252.901 (Contracts With Former or Retired Agency Employees), Government Code. Requires employees employed under a contract under this subsection to be paid, in addition to preexisting amounts, assignment stipends. Makes a conforming change. Deletes existing text requiring the monthly payments to be equal. Requires employees to work the hours established by the superintendent. Authorizes the employee to be paid a salary supplement, in addition to the contract salary received during the employee's first year of employment with the school and for the purpose of reducing a vacancy in a position that is difficult to fill because of the specialized nature and the limited number of qualified applicants, not to exceed any salary supplement paid by the Austin Independent School District (AISD) to an employee employed in a comparable position.

(g) Authorizes the school to pay to a teacher or employee who provides services or supervises an employee who provides services as described by Subsection (b) and who is employed to provide short-term services under Section 30.051(a) a salary that, on a daily-rate basis, does not exceed the salary paid by the AISD to an employee employed in a comparable position during the regular school year.

SECTION 4. Effective date: upon passage or September 1, 2005.