

By: Allen of Harris

H.B. No. 3064

A BILL TO BE ENTITLED

AN ACT

relating to public school classroom instruction and teacher compensation.

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

SECTION 1. Section 21.402, Education Code, is amended by amending Subsection (d) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c-1) Notwithstanding Subsection (a), for the 2005-2006 school year, a classroom teacher is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2005-2006 school year, as applicable under the district's salary schedule for the 2004-2005 school year, if that schedule had been in effect for the 2005-2006 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2005-2006 school year; and

(2) \$311.60.

(c-2) Notwithstanding Subsection (a), for the 2006-2007 school year, a classroom teacher is entitled to a monthly salary that is at least equal to the sum of:

(1) the monthly salary the employee would have received for the 2006-2007 school year, as applicable under the district's salary schedule for the 2004-2005 school year, if that

1 schedule had been in effect for the 2006-2007 school year,
2 including any local supplement and any money representing a career
3 ladder supplement the employee would have received in the 2006-2007
4 school year; and

5 (2) \$623.20.

6 (c-3) Subsection (c-1) expires September 1, 2006.
7 Subsection (c-2) and this subsection expire September 1, 2007.

8 (d) A classroom teacher, full-time librarian, full-time
9 counselor certified under Subchapter B, or full-time school nurse
10 employed by a school district in the 2006-2007 [~~2000-2001~~] school
11 year is, as long as the employee is employed by the same district,
12 entitled to a salary that is at least equal to the salary the
13 employee received for the 2006-2007 [~~2000-2001~~] school year.

14 SECTION 2. Subchapter I, Chapter 21, Education Code, is
15 amended by adding Section 21.418 to read as follows:

16 Sec. 21.418. STIPEND FOR CERTAIN TEACHERS. (a) A classroom
17 teacher is entitled to an annual stipend of \$2,000 if the teacher:

18 (1) holds an appropriate certificate issued as
19 provided by Subchapter B; and

20 (2) satisfies one or more of the following
21 requirements:

22 (A) is assigned to a campus at which at least 75
23 percent of the students are educationally disadvantaged;

24 (B) is assigned to an understaffed rural campus
25 as determined in accordance with commissioner rule;

26 (C) is assigned to a campus that is considered
27 low-performing under Section 39.132; or

1 (D) teaches in a subject area designated by the
2 commissioner as experiencing a critical shortage of teachers in
3 this state.

4 (b) A stipend a teacher receives under this section:

5 (1) is in addition to the regular salary to which a
6 teacher is otherwise entitled under the district's salary schedule;
7 and

8 (2) is not considered in determining whether the
9 district is paying the teacher the minimum monthly salary under
10 Section 21.402.

11 (c) A stipend a teacher receives under this section shall be
12 paid using funds appropriated for that purpose. The commissioner
13 shall distribute the funds to each school district at which a
14 teacher who is entitled to a stipend under this section is employed.
15 A teacher is entitled to a stipend under this section only to the
16 extent sufficient state funds are appropriated for that purpose.
17 If state funds are appropriated but are insufficient to fully fund
18 the stipends:

19 (1) the commissioner shall reduce the amount paid for
20 the stipends to each district at which a teacher who is entitled to
21 a stipend under this section is employed; and

22 (2) the district shall reduce the amount of the
23 stipend the district pays to each teacher entitled to a stipend
24 under this section proportionately so that each teacher receives
25 the same amount of money.

26 (d) A decision of the commissioner concerning the amount of
27 money to which a school district is entitled under this section is

1 final and may not be appealed. Each district shall, in the manner
2 and at the time prescribed by the commissioner, provide to the
3 commissioner proof acceptable to the commissioner of the employment
4 of a teacher entitled to a stipend under this section.

5 (e) The commissioner may adopt rules necessary to
6 administer this section.

7 SECTION 3. Section 25.112, Education Code, is amended by
8 amending Subsections (a) and (d) and adding Subsections (a-1) and
9 (e) to read as follows:

10 (a) Except as otherwise authorized by this section or except
11 as provided by Section 25.114, a school district may not enroll more
12 than:

13 (1) 22 students in a kindergarten, first, second,
14 third, [~~or~~] fourth, or fifth grade class;

15 (2) 26 students in a class composed primarily of
16 students enrolled in the sixth, seventh, or eighth grade; or

17 (3) 30 students in a class composed primarily of
18 students enrolled in the 9th, 10th, 11th, or 12th grade.

19 (a-1) A limit imposed by Subsection (a) [~~That limitation~~]
20 does not apply during:

21 (1) any 12-week period of the school year selected by
22 the district, in the case of a district whose average daily
23 attendance is adjusted under Section 42.005(c); or

24 (2) the last 12 weeks of any school year in the case of
25 any other district.

26 (d) On application of a school district, the commissioner
27 may except the district from a [~~the~~] limit imposed by [~~it~~]

1 Subsection (a) if the commissioner finds the limit works an undue
2 hardship on the district. An exception expires at the end of the
3 semester for which it is granted, and the commissioner may not grant
4 an exception for [+

5 [~~1~~] more than one semester at a time.

6 (e) On application of a school district, the commissioner
7 may except a district campus from a limit imposed by Subsection (a).
8 The commissioner may except a campus under this subsection only if
9 the campus meets criteria adopted by the commissioner for granting
10 an exception under this subsection. The agency must solicit public
11 comment and hold a public hearing before adopting criteria under
12 this subsection. An exception under this subsection expires at the
13 end of the semester for which it is granted, and the commissioner
14 may not grant an exception for more than one semester at a time.

15 SECTION 4. Section 25.113(a), Education Code, is amended to
16 read as follows:

17 (a) A campus or district that is granted an exception under
18 Section 25.112(d) or (e) from class size limits shall provide
19 written notice of the exception to the parent of or person standing
20 in parental relation to each student affected by the exception. The
21 notice must be in conspicuous bold or underlined print and:

22 (1) specify the class for which an exception from a
23 [~~the~~] limit imposed by Section 25.112(a) was granted;

24 (2) state the number of children in the class for which
25 the exception was granted; and

26 (3) be included in a regular mailing or other
27 communication from the campus or district, such as information sent

1 home with students.

2 SECTION 5. Subchapter D, Chapter 25, Education Code, is
3 amended by adding Section 25.114 to read as follows:

4 Sec. 25.114. MAXIMUM CLASS SIZE FOR CERTAIN ELEMENTARY
5 SCHOOL STUDENTS. If a student in the third, fourth, or fifth grade
6 at a campus does not perform satisfactorily on an assessment
7 instrument administered under Section 39.023(a), that campus may
8 not enroll the student in a class with more than nine other students
9 until the student completes the sixth grade.

10 SECTION 6. Section 29.153(c), Education Code, is amended to
11 read as follows:

12 (c) A prekindergarten class under this section shall be
13 operated on a full-day [~~half-day~~] basis. A district is not required
14 to provide transportation for a prekindergarten class, but
15 transportation, if provided, is included for funding purposes as
16 part of the regular transportation system.

17 SECTION 7. Section 29.1531(a), Education Code, is amended
18 to read as follows:

19 (a) A school district may offer on a tuition basis or use
20 district funds to provide[+]

21 [~~(1) an additional half-day of prekindergarten~~
22 ~~classes to children eligible for classes under Section 29.153, and~~

23 [~~(2)~~] half-day and full-day prekindergarten classes
24 to children not eligible for classes under Section 29.153.

25 SECTION 8. Subchapter E, Chapter 42, Education Code, is
26 amended by adding Section 42.2516 to read as follows:

27 Sec. 42.2516. ADDITIONAL STATE AID OR CREDIT AGAINST COST

1 OF ATTENDANCE CREDITS FOR CLASSROOM TEACHER SALARIES. (a) A school
2 district, including a school district that is otherwise ineligible
3 for state aid under this chapter, is entitled to state aid in an
4 amount, as determined by the commissioner, equal to the product of
5 \$6,232 multiplied by the number of classroom teachers employed by
6 the district and entitled to a minimum salary under Section 21.402.

7 (a-1) Subsection (a) applies beginning with the 2006-2007
8 school year. For the 2005-2006 school year, a school district,
9 including a school district that is otherwise ineligible for state
10 aid under this chapter, is entitled to state aid in an amount, as
11 determined by the commissioner, equal to the product of \$3,116
12 multiplied by the number of classroom teachers employed by the
13 district and entitled to the minimum salary under Section 21.402.
14 This subsection expires September 1, 2006.

15 (b) A school district that is required to take action under
16 Chapter 41 to reduce its wealth per student to the equalized wealth
17 level is entitled to a credit, in the amount of state aid to which
18 the district is entitled under this section, against the total
19 amount required under Section 41.093 for the district to purchase
20 attendance credits.

21 (c) A determination by the commissioner under this section
22 is final and may not be appealed.

23 (d) The commissioner may adopt rules to implement this
24 section.

25 SECTION 9. Section 822.201(b), Government Code, is amended
26 to read as follows:

27 (b) "Salary and wages" as used in Subsection (a) means:

1 (1) normal periodic payments of money for service the
2 right to which accrues on a regular basis in proportion to the
3 service performed;

4 (2) amounts by which the member's salary is reduced
5 under a salary reduction agreement authorized by Chapter 610;

6 (3) amounts that would otherwise qualify as salary and
7 wages under Subdivision (1) but are not received directly by the
8 member pursuant to a good faith, voluntary written salary reduction
9 agreement in order to finance payments to a deferred compensation
10 or tax sheltered annuity program specifically authorized by state
11 law or to finance benefit options under a cafeteria plan qualifying
12 under Section 125, ~~[of the]~~ Internal Revenue Code of 1986, if:

13 (A) the program or benefit options are made
14 available to all employees of the employer; and

15 (B) the benefit options in the cafeteria plan are
16 limited to one or more options that provide deferred compensation,
17 group health and disability insurance, group term life insurance,
18 dependent care assistance programs, or group legal services plans;

19 (4) performance pay awarded to an employee by a school
20 district as part of a total compensation plan approved by the board
21 of trustees of the district and meeting the requirements of
22 Subsection (e);

23 (5) the benefit replacement pay a person earns under
24 Subchapter H, Chapter 659, except as provided by Subsection (c);

25 (6) stipends paid to teachers in accordance with
26 Section 21.410, 21.411, or 21.412~~[, or 21.413]~~, Education Code,
27 Section 21.413, Education Code, as added by Chapter 430, Acts of the

1 78th Legislature, Regular Session, 2003, or Section 21.418,
2 Education Code;

3 (7) amounts by which the member's salary is reduced or
4 that are deducted from the member's salary as authorized by
5 Subchapter J, Chapter 659; and

6 (8) a merit salary increase made under Section 51.962,
7 Education Code.

8 SECTION 10. This Act applies beginning with the 2005-2006
9 school year.

10 SECTION 11. This Act takes effect September 1, 2005.