

By: Van Arsdale

H.B. No. 3254

A BILL TO BE ENTITLED

AN ACT

relating to hiring Teacher Retirement System of Texas retirees to fill positions in acute shortage areas.

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

SECTION 1. Chapter 21, Education Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. HIRING OF RETIREES FOR ACUTE SHORTAGE AREAS

Sec. 21.701. DEFINITIONS. In this subchapter:

(1) "Acute shortage area" means a school district job description for which the supply of qualified applicants is extremely limited as determined by the commissioner under Section 21.702.

(2) "Region" means one of the geographic areas of this state associated with a regional education service center established under Section 8.001.

(3) "Retiree" means a person who receives an annuity based on service in the Teacher Retirement System of Texas that was credited to the person.

Sec. 21.702. GUIDELINES FOR HIRING IN ACUTE SHORTAGE AREAS.

(a) Each May and November, the commissioner shall update and disseminate guidelines for use by school districts in determining whether a position a district is attempting to fill is a position in an acute shortage area. The guidelines must include:

(1) a list of acute shortage areas by region and

1 statewide; and

2 (2) a requirement that in hiring for a position a
3 school district shall give preference to an applicant who is not a
4 retiree.

5 (b) In preparing the list of acute shortage areas, the
6 commissioner shall use the most recent school district reports
7 submitted under Section 21.703.

8 Sec. 21.703. REPORT ON ACUTE SHORTAGE AREA APPLICANTS
9 HIRED. To provide information needed by the commissioner and the
10 legislature, not later than October 31 and April 30 of each academic
11 year, a school district must submit to the commissioner a report as
12 prescribed by the commissioner for the current semester. The
13 report must state separately the number of individuals hired by the
14 district for each acute shortage area or other position in the
15 district who:

16 (1) are retirees; or

17 (2) at the time of being hired for the position, were
18 not qualified by prior experience, training, certification, or
19 license, as applicable to the position.

20 Sec. 21.704. REPORT TO GOVERNOR AND LEGISLATURE. Not later
21 than December 1 of each even-numbered year, the commissioner shall
22 prepare a report on acute shortage areas that highlights important
23 information in an executive summary and consolidates the
24 information in the guidelines under Section 21.702 for the
25 preceding 24-month period. The commissioner shall provide the
26 report to the governor, the lieutenant governor, the speaker of the
27 house of representatives, and the presiding officers of the

1 standing committees of the legislature with primary jurisdiction
2 over public education or public retirement systems.

3 Sec. 21.705. AGENCY RULES RELATED TO ACUTE SHORTAGE AREA
4 HIRING AND REPORTING. The commissioner may adopt rules as needed to
5 implement this subchapter.

6 SECTION 2. Section 824.602(a), Government Code, is amended
7 to read as follows:

8 (a) Subject to Section 825.506, the retirement system may
9 not, under Section 824.601, withhold a monthly benefit payment if
10 the retiree is employed in a Texas public educational institution:

11 (1) as a substitute only with pay not more than the
12 daily rate of substitute pay established by the employer and, if the
13 retiree is a disability retiree, the employment has not exceeded a
14 total of 90 days in the school year;

15 (2) in a position, other than as a substitute, on no
16 more than a one-half time basis for the month;

17 (3) in one or more positions on as much as a full-time
18 basis, if the work occurs in not more than six months of a school
19 year that begins after the retiree's effective date of retirement;

20 (4) in a position, other than as a substitute, on no
21 more than a one-half time basis for no more than 90 days in the
22 school year, if the retiree is a disability retiree;

23 (5) in a position as a classroom teacher on as much as
24 a full-time basis, if the retiree has retired under Section
25 824.202(a), is certified under Subchapter B, Chapter 21, Education
26 Code, to teach the subjects assigned, is teaching in an acute
27 shortage area as determined by the commissioner of education under

1 Section 21.702, Education Code [~~board of trustees of a school~~
2 ~~district as provided by Subsection (m)]~~, and has been separated
3 from service with all public schools for at least one month [~~12~~
4 ~~months~~];

5 (6) in a position as a principal, including as an
6 assistant principal, on as much as a full-time basis, if the retiree
7 has retired under Section 824.202(a) without reduction for
8 retirement at an early age, is certified under Subchapter B,
9 Chapter 21, Education Code, to serve as a principal, and has been
10 separated from service with all public schools for at least 12
11 months; or

12 (7) as a bus driver for a school district on as much as
13 a full-time basis, if the retiree has retired under Section
14 824.202(a).

15 SECTION 3. Section 824.602(m), Government Code, is
16 repealed.

17 SECTION 4. Section 824.602, Government Code, as amended by
18 this Act, applies to a retiree of the Teacher Retirement System of
19 Texas hired to fill a position as a classroom teacher in an acute
20 shortage area beginning with the 2005-2006 school year.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.