

1-1 By: Zaffirini S.B. No. 190
1-2 (In the Senate - Filed January 14, 2005; February 1, 2005,
1-3 read first time and referred to Committee on Education;
1-4 April 22, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 22, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 190 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the operation of the Texas School for the Deaf.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 30.051, Education Code, is amended by
1-13 amending Subsection (a) and adding Subsection (e) to read as
1-14 follows:
1-15 (a) The Texas School for the Deaf is a state agency
1-16 established to provide educational services to persons who are 21
1-17 years of age or younger on September 1 of any school year and who are
1-18 deaf or hard of hearing and who may have one or more other
1-19 disabilities. The school shall provide[+]
1-20 [(-1)] comprehensive educational services, on a day or
1-21 residential basis, and[+]
1-22 [(-2)] short-term services to allow a student to better
1-23 achieve educational results from services available in the
1-24 community. The school is not intended to serve:
1-25 (1) students whose needs are appropriately addressed
1-26 in a home or hospital setting or a residential treatment facility;
1-27 or
1-28 (2) students whose primary, ongoing needs are related
1-29 to a severe or profound emotional, behavioral or cognitive
1-30 deficit[+, and
1-31 [(-3) services for any student who is deaf or hard of
1-32 hearing and also has an additional disability and who requires a
1-33 specialized support program but does not require a residential
1-34 treatment facility].
1-35 (e) If a school district or another educational entity
1-36 requests an assessment of a student's educational or related needs
1-37 related to hearing impairment, the school may conduct an assessment
1-38 and charge a reasonable fee for the assessment.
1-39 SECTION 2. Subsection (d), Section 30.053, Education Code,
1-40 is amended to read as follows:
1-41 (d) The board shall annually establish the superintendent's
1-42 salary. The annual salary ~~[must be based on not more than 230 days~~
1-43 ~~of service and]~~ may not exceed 120 percent of the annual salary of
1-44 the highest paid instructional administrator at the school.
1-45 SECTION 3. Section 30.055, Education Code, is amended by
1-46 amending Subsection (b) and adding Subsection (g) to read as
1-47 follows:
1-48 (b) The governing board of the school may enter into an
1-49 employment contract with any employee who provides, or supervises
1-50 any employee who provides, direct and regular educational services
1-51 to students or who provides other professional, educational
1-52 services. An employee employed under this subsection is not
1-53 subject to Section 2252.901, Government Code. Each teacher shall
1-54 be employed under a term contract as provided by Subchapter E,
1-55 Chapter 21, or under a probationary contract as provided by
1-56 Subchapter C, Chapter 21. An employee employed under a contract
1-57 under this subsection:
1-58 (1) shall be paid in accordance with a salary
1-59 structure adopted by the superintendent with the concurrence of the
1-60 board that provides salaries, including assignment stipends,
1-61 equal, on a daily-rate basis, to salaries, including assignment
1-62 stipends, paid to employees employed in comparable positions by the
1-63 Austin Independent School District;

2-1 (2) is not eligible for longevity pay under Subchapter
2-2 D, Chapter 659, Government Code, and is not entitled to a paid day
2-3 off from work on any national or state holiday;

2-4 (3) is eligible for sick leave accrual under the
2-5 General Appropriations Act in each month in which at least one day
2-6 of the month is included in the term of the employment contract and
2-7 in any other month in which work is performed or paid leave is
2-8 taken;

2-9 (4) may be permitted by the board to use a maximum of
2-10 four days per contract term of accrued sick leave for personal
2-11 reasons as designated by the board but the number of sick leave days
2-12 not used for personal reasons during a contract term may not be
2-13 carried forward to a subsequent contract term for use as personal
2-14 leave;

2-15 (5) shall be paid the salary designated in the
2-16 employment contract in 12 [~~equal~~] monthly installments if the
2-17 employee chooses to be paid in that manner; [~~and~~]

2-18 (6) shall work the hours established by the
2-19 superintendent; and

2-20 (7) in addition to the contract salary received during
2-21 the employee's first year of employment with the school and for the
2-22 purpose of reducing a vacancy in a position that is difficult to
2-23 fill because of the specialized nature and the limited number of
2-24 qualified applicants, may be paid a salary supplement, not to
2-25 exceed any salary supplement paid by the Austin Independent School
2-26 District to an employee employed in a comparable position [~~board~~].

2-27 (g) The school may pay to a teacher or employee who provides
2-28 services or supervises an employee who provides services as
2-29 described by Subsection (b) and who is employed to provide
2-30 short-term services under Section 30.051(a) a salary that, on a
2-31 daily-rate basis, does not exceed the salary paid by the Austin
2-32 Independent School District to an employee employed in a comparable
2-33 position during the regular school year.

2-34 SECTION 4. This Act takes effect immediately if it receives
2-35 a vote of two-thirds of all the members elected to each house, as
2-36 provided by Section 39, Article III, Texas Constitution. If this
2-37 Act does not receive the vote necessary for immediate effect, this
2-38 Act takes effect September 1, 2005.

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