

BILL ANALYSIS

Senate Research Center
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H.B. 1365
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Educator service records are used by districts for placement on their local salary schedules. In addition, for those districts that do not pay above the minimum salary schedule, they are also used for placement on the state minimum schedule. The service records are to be used by the employing district. Once a teacher leaves an employing district, the service record should then be transferred to the teacher or the new employing district. A growing number of teachers have complained that districts are holding teacher service records hostage for various reasons, such as coercing teachers to sign releases.

This bill requires districts to provide an individual's service records to the new employing district in a timely fashion and would allow the individual to collect back pay of any salary to which the individual would have been entitled if the district determines that the individual is entitled to a higher salary based on different placement on the salary schedule.

H.B. 1365 amends current law relating to service records of professional staff employed by school districts and payment of compensation based on those records.

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 Subchapter I, Chapter 21, Education Code, by adding Section 21.4031, as follows:

Sec. 21.4031. PROFESSIONAL STAFF SERVICE RECORDS. (a) Defines "salary schedule" and "service record."

(b) Provides that on request by a classroom teacher, librarian, counselor, or nurse, or by the school district employing one of those individuals, a school district that previously employed the individual is required to provide a copy of the individual's service record to the school district employing the individual. Requires the district to provide the copy not later than the 30th day after the date of the request.

(c) Requires the Texas Education Agency, if a school district fails to provide an individual's service record as required by Subsection (b), to the extent that information is available to TEA, to provide the employing school district with information sufficient to enable the district to determine proper placement of the individual on the district's salary schedule.

(d) Entitles a classroom teacher, librarian, counselor, or nurse, subject to Subsection (e), to receive back pay of any salary to which the individual would have been entitled at the property step on the salary schedule if the employing school district begins paying salary to the individual before the district receives information necessary to determine proper placement of the individual on the salary schedule and subsequently determines that the individual is entitled to a

higher salary based on property placement of the individual on the salary schedule.

(e) Provides that the maximum period for which a classroom teacher, librarian, counselor, or nurse may be entitled to receive back pay under Subsection (d) is one year.

SECTION 2. Provides that this Act applies beginning with the 2009-2010 school year.

SECTION 3. Effective date: upon passage or September 1, 2009.