

## **BILL ANALYSIS**

C.S.H.B. 1365  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Service records are used by school districts to place employees on their local salary schedules. For those districts that do not pay salaries above the minimum salary schedule, service records are used also for placement on the state minimum schedule. Once a teacher leaves an employing district, the service record is intended to be transferred to the teacher or to the new employing district for placement on the new district's schedule.

A growing number of teachers have complained that districts are holding teacher service records for various reasons, such as coercing teachers to sign releases. In one instance, a teacher was refused her service record for refusing to sign a waiver of legally confidential documents. In another, the teacher was told that her service record would be released after the local board met; after the meeting, however, the district continued to hold the record until the teacher agreed to an exit interview.

C.S.H.B. 1365 requires an employing school district to provide a service record to an employee or to the employee's new district should that employee leave and sets forth a procedure to ensure an employing district obtains enough information to place a newly hired employee on the appropriate salary schedule if the previous district does not provide the service record. The bill entitles an employee to any back pay accrued during that process, within a certain timeframe.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1365 amends the Education Code to require a school district that previously employed a classroom teacher, librarian, counselor, or nurse to provide a copy of an individual's service record to the school district employing the individual on the request of that individual or of the employing district, not later than the 30th day after the date of the request. The bill requires the Texas Education Agency, if a school district fails to provide an individual's service record, 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, to the extent that information is available to the agency.

C.S.H.B. 1365 entitles a classroom teacher, librarian, counselor, or nurse to receive back pay of any salary to which the individual would have been entitled at the proper 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 salary schedule placement and subsequently determines that the individual is entitled to a higher salary based on proper placement. The bill limits to one year the maximum period for which a classroom teacher, librarian, counselor, or nurse is entitled to receive the back pay described above. The bill defines "salary schedule" and "service record" and makes its provisions applicable beginning with the 2009-2010 school year.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1365 adds a provision not the original to limit to one year the maximum period for which certain public school employees may be entitled to back pay under the bill's provisions.