

By: Eissler

H.B. No. 1365

A BILL TO BE ENTITLED

AN ACT

1
2 relating to service records of professional staff employed by
3 school districts and payment of compensation based on those
4 records.

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

6 SECTION 1. Subchapter I, Chapter 21, Education Code, is
7 amended by adding Section 21.4031 to read as follows:

8 Sec. 21.4031. PROFESSIONAL STAFF SERVICE RECORDS. (a) In
9 this section:

10 (1) "Salary schedule" means the minimum salary
11 schedule under Section 21.402 or a comparable salary schedule used
12 by a school district that specifies salary amounts based on an
13 employee's level of experience.

14 (2) "Service record" means a school district document
15 that indicates the total years of service provided to the district
16 by a classroom teacher, librarian, counselor, or nurse.

17 (b) On request by a classroom teacher, librarian,
18 counselor, or nurse or by the school district employing one of those
19 individuals, a school district that previously employed the
20 individual shall provide a copy of the individual's service record
21 to the school district employing the individual. The district must
22 provide the copy not later than the 30th day after the date of the
23 request.

24 (c) If a school district fails to provide an individual's

1 service record as required by Subsection (b), the agency shall, to
2 the extent that information is available to the agency, provide the
3 employing school district with information sufficient to enable the
4 district to determine proper placement of the individual on the
5 district's salary schedule.

6 (d) Subject to Subsection (e), a classroom teacher,
7 librarian, counselor, or nurse is entitled to receive back pay of
8 any salary to which the individual would have been entitled at the
9 proper step on the salary schedule if the employing school
10 district:

11 (1) begins paying salary to the individual before the
12 district receives information necessary to determine proper
13 placement of the individual on the salary schedule; and

14 (2) subsequently determines that the individual is
15 entitled to a higher salary based on proper placement of the
16 individual on the salary schedule.

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

20 SECTION 2. This Act applies beginning with the 2009-2010
21 school year.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.