

By: Gallegos

S.B. No. 2358

A BILL TO BE ENTITLED

AN ACT

relating to the guaranteed benefits of a public school educator.

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

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0411 to read as follows:

Sec. 21.0411. DENIAL OF GUARANTEED BENEFITS. (a) It is a violation of the educator's code of ethics adopted under Section 21.041 for a principal, supervisor, or administrator to deny an educator a benefit provided to the educator under this chapter or Chapter 22, including:

(1) planning and preparation time as provided by Section 21.404;

(2) a duty-free lunch as provided by Section 21.405;
and

(3) personal leave as provided by Section 22.003.

(b) A principal, supervisor, or administrator may not retaliate against an educator for asserting the educator's right to a benefit under this chapter or Chapter 22. Actions that may be considered retaliation under this subsection include:

(1) suspending or terminating the employment of the educator; and

(2) taking other adverse personnel action against the educator, including reassigning the educator or giving the educator a negative appraisal.

1 (c) The board shall issue sanctions against a principal,
2 supervisor, or administrator who violates this section. Sanctions
3 may include:

4 (1) issuing a reprimand;

5 (2) placing a restriction on the certificate of the
6 principal, supervisor, or administrator;

7 (3) suspending the certificate of the principal,
8 supervisor, or administrator; or

9 (4) revoking or canceling the certificate of the
10 principal, supervisor, or administrator.

11 SECTION 2. This Act applies beginning with the 2009-2010
12 school year.

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