

By: Callegari

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to the minimum salary for and minimum service required of certain public school employees.

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

SECTION 1. (a) The following provisions of the Education Code are repealed:

- (1) Section 21.401;
- (2) Section 21.402;
- (3) Section 21.403;
- (4) Section 21.410(1);
- (5) Section 21.411(1);
- (6) Section 21.412(1);
- (7) Section 21.413(1);
- (8) Section 29.0821(c); and
- (9) Section 30.102(b).

(b) Section 823.404, Government Code, is repealed.

SECTION 2. Sections 12.133(b), (b-1), (c), and (d-1), Education Code, are amended to read as follows:

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (d), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other

1 compensation determined appropriate by the charter holder that  
2 results in an average compensation increase for classroom teachers,  
3 full-time librarians, full-time counselors, and full-time school  
4 nurses who are employed by the charter holder [~~and who would be~~  
5 ~~entitled to a minimum salary under Section 21.402 if employed by a~~  
6 ~~school district,~~] in an amount at least equal to \$2,500.

7 (b-1) Using state funds received by the charter holder for  
8 that purpose under Subsection (d-1), a charter holder that  
9 participated in the program under Chapter 1579, Insurance Code, for  
10 the 2005-2006 school year shall provide employees of the charter  
11 holder, other than administrators, compensation in the form of  
12 annual salaries, incentives, or other compensation determined  
13 appropriate by the charter holder that results in average  
14 compensation increases as follows:

15 (1) for full-time employees other than full-time  
16 classroom teachers, full-time librarians, full-time counselors,  
17 and full-time nurses [~~employees who would be entitled to a minimum~~  
18 ~~salary under Section 21.402 if employed by a school district], an  
19 average increase at least equal to \$500; and~~

20 (2) for part-time employees, an average increase at  
21 least equal to \$250.

22 (c) Each school year, using state funds received by the  
23 charter holder for that purpose under Subsection (e), a charter  
24 holder that did not participate in the program under Chapter 1579,  
25 Insurance Code, for the 2005-2006 school year shall provide  
26 employees of the charter holder, other than administrators,  
27 compensation in the form of annual salaries, incentives, or other

1 compensation determined appropriate by the charter holder that  
2 results in an average compensation increase for classroom teachers,  
3 full-time librarians, full-time counselors, and full-time school  
4 nurses who are employed by the charter holder [~~and who would be~~  
5 ~~entitled to a minimum salary under Section 21.402 if employed by a~~  
6 ~~school district,~~] in an amount at least equal to \$2,000.

7 (d-1) In addition to any amounts to which a charter holder  
8 is entitled under this chapter, a charter holder that participated  
9 in the program under Chapter 1579, Insurance Code, for the  
10 2005-2006 school year is entitled to state aid in an amount, as  
11 determined by the commissioner, equal to the sum of:

12 (1) the product of \$500 multiplied by the number of  
13 full-time employees other than full-time classroom teachers,  
14 full-time librarians, full-time counselors, and full-time nurses  
15 [~~employees who would be entitled to a minimum salary under Section~~  
16 ~~21.402 if employed by a school district]; and~~

17 (2) the product of \$250 multiplied by the number of  
18 part-time employees.

19 SECTION 3. Section 19.007(f), Education Code, is amended to  
20 read as follows:

21 (f) In addition to other amounts received by the district  
22 under this section, the district is entitled to state aid in an  
23 amount equal to the product of \$2,000 multiplied by the number of  
24 classroom teachers, full-time librarians, full-time counselors  
25 certified under Subchapter B, Chapter 21, and full-time school  
26 nurses who are employed by the district [~~and who would be entitled~~  
27 ~~to a minimum salary under Section 21.402 if employed by a school~~

1 ~~district operating under Chapter 11]~~.

2 SECTION 4. Section 19.009(d-1), Education Code, is amended  
3 to read as follows:

4 (d-1) Each school year, the district shall pay an amount at  
5 least equal to \$2,000 to each classroom teacher, full-time  
6 librarian, full-time counselor certified under Subchapter B,  
7 Chapter 21, and full-time school nurse who is employed by the  
8 district ~~[and who would be entitled to a minimum salary under~~  
9 ~~Section 21.402 if employed by a school district operating under~~  
10 ~~Chapter 11]~~. A payment under this section is in addition to wages  
11 the district would otherwise pay the employee during the school  
12 year.

13 SECTION 5. Section 21.0031(b), Education Code, is amended  
14 to read as follows:

15 (b) After an employee receives notice that the employee's  
16 contract is void under Subsection (a), +

17 ~~(1)]~~ a school district may:

18 (1) ~~(A)]~~ terminate the employee;

19 (2) ~~(B)]~~ suspend the employee with or without pay; or

20 (3) ~~(C)]~~ retain the employee for the remainder of the

21 school year on an at-will employment basis in a position other than  
22 classroom teacher at the employee's existing rate of pay or at a  
23 reduced rate~~, and~~

24 ~~(2) the employee is not entitled to the minimum~~  
25 ~~salary prescribed by Section 21.402]~~.

26 SECTION 6. Section 21.4031, Education Code, is amended by  
27 amending Subsections (a) and (c) and adding Subsection (d) to read

1 as follows:

2 (a) In this section, "service[+]

3 [~~(1) "Salary schedule" means the minimum salary~~  
4 ~~schedule under Section 21.402 or a comparable salary schedule used~~  
5 ~~by a school district that specifies salary amounts based on an~~  
6 ~~employee's level of experience.~~

7 [~~(2) "Service] record" means a school district~~  
8 document that indicates the total years of service provided to the  
9 district by a classroom teacher, librarian, counselor, or nurse.

10 (c) If a school district fails to provide an individual's  
11 service record as required by Subsection (b), the agency shall, to  
12 the extent that information is available to the agency, provide the  
13 employing school district with the information [~~sufficient to~~  
14 ~~enable the district to determine proper placement of the individual~~  
15 ~~on the district's salary schedule].~~

16 (d) The commissioner shall adopt rules for determining the  
17 experience as a classroom teacher, librarian, counselor, or nurse  
18 for a school district for which an individual is to be given credit  
19 for years of service for purposes of a service record. Each  
20 district shall maintain service records in accordance with  
21 commissioner rules adopted under this subsection.

22 SECTION 7. Subchapter I, Chapter 21, Education Code, is  
23 amended by adding Sections 21.4033 and 21.4034 to read as follows:

24 Sec. 21.4033. MINIMUM SALARY FOR CERTAIN PROFESSIONAL  
25 STAFF. A school district shall pay each district classroom  
26 teacher, full-time librarian, full-time counselor certified under  
27 Subchapter B, or full-time school nurse not less than an annual

1 salary of \$27,320.

2 Sec. 21.4034. REDUCTIONS IN SALARIES OF CLASSROOM TEACHERS  
3 AND OTHER DISTRICT EMPLOYEES. (a) This section applies only to a  
4 widespread reduction in the amount of the annual salaries paid to  
5 school district classroom teachers based primarily on district  
6 financial conditions rather than on teacher performance.

7 (b) For any school year in which a school district has  
8 reduced the amount of the annual salaries paid to district  
9 classroom teachers from the amount paid for the preceding school  
10 year, the district shall reduce the amount of the annual salary paid  
11 to each district counselor, librarian, school nurse, and  
12 school-level or district-level administrator by a percent or  
13 fraction of a percent that is equal to the average percent or  
14 fraction of a percent by which teacher salaries have been reduced.

15 SECTION 8. Section 21.4551(e), Education Code, is amended  
16 to read as follows:

17 (e) From funds appropriated for that purpose, a teacher who  
18 attends a reading academy is entitled to receive a stipend in the  
19 amount determined by the commissioner. [~~A stipend received under~~  
20 ~~this subsection is not considered in determining whether a district~~  
21 ~~is paying the teacher the minimum monthly salary under Section~~  
22 ~~21.402.~~]

23 SECTION 9. Section 22.107(a), Education Code, is amended to  
24 read as follows:

25 (a) A school district shall pay each full-time district  
26 employee, other than an administrator or a classroom teacher,  
27 full-time librarian, full-time counselor certified under

1 Subchapter B, Chapter 21, or full-time school nurse [~~an employee~~  
2 ~~subject to the minimum salary schedule under Section 21.402~~], an  
3 amount at least equal to \$500.

4 SECTION 10. Section 30.022(f), Education Code, is amended  
5 to read as follows:

6 (f) Before the beginning of each fiscal year, the board  
7 shall adopt a calendar for the school's operation that provides for  
8 at least[+]

9 [~~(1)~~] the minimum number of days of instruction  
10 required by Section 25.081[+ ~~and~~

11 [~~(2) the minimum number of days of service required by~~  
12 ~~Section 21.401~~].

13 SECTION 11. Section 30.052(f), Education Code, is amended  
14 to read as follows:

15 (f) Before the beginning of each fiscal year, the board  
16 shall adopt a calendar for the school's operation that provides for  
17 at least[+]

18 [~~(1)~~] the minimum number of days of instruction  
19 required by Section 25.081[+ ~~and~~

20 [~~(2) the minimum number of days of service required by~~  
21 ~~Section 21.401~~].

22 SECTION 12. Section 42.2513(a), Education Code, is amended  
23 to read as follows:

24 (a) A school district, including a school district that is  
25 otherwise ineligible for state aid under this chapter, is entitled  
26 to state aid in an amount equal to the sum of:

27 (1) the product of \$500 multiplied by the number of

1 full-time district employees, other than administrators or  
2 classroom teachers, full-time librarians, full-time counselors  
3 certified under Subchapter B, Chapter 21, or full-time school  
4 nurses [~~employees subject to the minimum salary schedule under~~  
5 ~~Section 21.402~~]; and

6 (2) the product of \$250 multiplied by the number of  
7 part-time district employees, other than administrators.

8 SECTION 13. Section 825.405, Government Code, is amended by  
9 amending Subsections (a) and (b) and adding Subsection (j) to read  
10 as follows:

11 (a) For members in a personnel position that would have been  
12 entitled to the minimum salary for certain school personnel under  
13 Section 21.402, Education Code, as that section existed on January  
14 1, 2011, and for members who would have been entitled to the minimum  
15 salary for certain school personnel under former Section 16.056,  
16 Education Code, as that section existed on January 1, 1995, the  
17 employing district shall pay the state's contribution on the  
18 portion of the member's salary that exceeds the statutory minimum  
19 salary, based on the member's years of experience.

20 (b) For purposes of this section, [+  
21 [(1)] the statutory minimum salary is the amount  
22 specified below [~~for certain school personnel under Section 21.402,~~  
23 ~~Education Code, is the salary provided by that section]~~ multiplied  
24 by the cost of education adjustment applicable under Section  
25 42.102, Education Code, to the district in which the member is  
26 employed:



	<u>Years of</u>	<u>Monthly</u>
	<u>Experience</u>	<u>Salary</u>
1		
2		
3	<u>0</u>	<u>2,732</u>
4	<u>1</u>	<u>2,791</u>
5	<u>2</u>	<u>2,849</u>
6	<u>3</u>	<u>2,908</u>
7	<u>4</u>	<u>3,032</u>
8	<u>5</u>	<u>3,156</u>
9	<u>6</u>	<u>3,280</u>
10	<u>7</u>	<u>3,395</u>
11	<u>8</u>	<u>3,504</u>
12	<u>9</u>	<u>3,607</u>
13	<u>10</u>	<u>3,704</u>
14	<u>11</u>	<u>3,796</u>
15	<u>12</u>	<u>3,884</u>
16	<u>13</u>	<u>3,965</u>
17	<u>14</u>	<u>4,043</u>
18	<u>15</u>	<u>4,116</u>
19	<u>16</u>	<u>4,186</u>
20	<u>17</u>	<u>4,251</u>
21	<u>18</u>	<u>4,313</u>
22	<u>19</u>	<u>4,372</u>
23	<u>20 &amp; Over</u>	<u>4,427</u>

24 [~~and~~

25 [~~(2) the statutory minimum salary for members who~~  
26 ~~would have been entitled to the minimum salary for certain school~~  
27 ~~personnel under former Section 16.056, Education Code, as that~~

1 ~~section existed on January 1, 1995, is a minimum salary computed in~~  
2 ~~the same manner as the minimum salary for certain school personnel~~  
3 ~~under Section 21.402, Education Code, multiplied by the cost of~~  
4 ~~education adjustment applicable under Section 42.102, Education~~  
5 ~~Code, to the district in which the member is employed.]~~

6 (j) At least once every four years, the Legislative Budget  
7 Board shall review and make recommendations regarding revision of  
8 the portion of the state's contribution for which school districts  
9 are responsible under this section.

10 SECTION 14. This Act applies beginning with the 2011-2012  
11 school year.

12 SECTION 15. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect on the 91st day after the last day of  
17 the legislative session.