

Amend Floor Amendment No. 1 by Eissler (82R22676) by striking page 1, line 2, through page 3, line 17, of the amendment, and substituting the following appropriately numbered items:

() Strike page 2, line 9, through page 7, line 8, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Section 21.103(a), Education Code, is amended to read as follows:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the 30th [~~45th~~] day before the last day of instruction required under the contract. The board's decision is final and may not be appealed.

SECTION _____. Section 21.105(a), Education Code, is amended to read as follows:

(a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

SECTION _____. Section 21.160(a), Education Code, is amended to read as follows:

(a) A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is

considered filed at time of mailing.

SECTION _____. Section 21.206(a), Education Code, is amended to read as follows:

(a) Not later than the 30th [~~45th~~] day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract.

SECTION _____. Section 21.210(a), Education Code, is amended to read as follows:

(a) A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Sections 21.4021, 21.4022, and 21.4023 to read as follows:

Sec. 21.4021. FURLOUGHS. (a) This section applies only to the 2011-2012 and 2012-2013 school years.

(b) Notwithstanding Section 21.401 and subject to Sections 21.4022 and 21.4023, the board of trustees of a school district may, in accordance with district policy, implement a furlough program and reduce the number of days of service otherwise required under Section 21.401 during a school year if the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year.

(c) The number of furlough days required under the program may not exceed the lesser of:

(1) six days of service; or

(2) the number of days of service that result in a percentage reduction in salaries paid to employees entitled to the

salary described by Section 21.402(d) that is equal to the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(d) Notwithstanding Section 21.402(d) but subject to Section 21.4022, the board of trustees may reduce the salary of an employee who is furloughed in proportion to the number of days by which service is reduced, provided that the furlough program is implemented in compliance with this section.

(e) A furlough program must subject all contract personnel to the same number of furlough days, except that, for purposes of providing professional development, the board of trustees may exempt from furloughs or subject to a lesser number of required furlough days contract personnel assigned to a campus that:

(1) does not satisfy performance standards under Section 39.054(e); or

(2) satisfies performance standards under Section 39.054(e) for the current school year but would not satisfy performance standards under Section 39.054(e) if the standards to be used for the following year were applied to the current year.

(f) An educator may not be furloughed on a day that is included in the number of days of instruction required under Section 25.081.

(g) An educator may not use personal, sick, or any other paid leave while the educator is on a furlough.

(h) A furlough imposed under this section does not constitute a break in service for purposes of the Teacher Retirement System of Texas.

(i) Implementation of a furlough program may not result in an increase in the number of required teacher workdays.

(j) If a board of trustees decides to implement a furlough program after the date by which a teacher must give notice of resignation under Section 21.105, 21.160, or 21.210, as applicable, a teacher who subsequently resigns is not subject to sanctions imposed by the State Board for Educator Certification as otherwise authorized by those sections.

(k) Notwithstanding Section 21.157 or 21.211, a school

district that implements a furlough program may not, on the basis of financial exigency, discharge an employee entitled to the salary provided by Section 21.402(d).

(1) A decision by the board of trustees to implement a furlough program:

(1) is final and may not be appealed; and

(2) does not create a cause of action or require collective bargaining.

(m) This section expires September 1, 2013.

Sec. 21.4022. SALARY REDUCTION. (a) This section applies only to the 2011-2012 and 2012-2013 school years.

(b) Notwithstanding Section 21.402(d), but subject to Section 21.4023, a school district may, if authorized by the board of trustees, reduce for a school year the monthly salary of employees otherwise entitled to the salary described by Section 21.402(d) if:

(1) the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year; and

(2) the district implements a furlough program under Section 21.4021 imposing the greatest number of furlough days permitted under that section, and the program does not produce a percentage of salary reduction equal to the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(c) A school district that reduces salaries under this section must subject all contract personnel to the same percentage salary reduction, except that the district may reduce by a greater percentage the salary of an employee not entitled to the salary described by Section 21.402(d).

(d) A school district may not, through the cumulative effect of furloughs under Section 21.4021 and reductions under this section, reduce employees' salaries received for the 2010-2011 school year by more than the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(e) A decision by the board of trustees to authorize a salary reduction:

(1) is final and may not be appealed; and

(2) does not create a cause of action or require collective bargaining.

(f) Notwithstanding Section 21.157 or 21.211, a school district that reduces salaries under this section may not, on the basis of financial exigency, discharge an employee entitled to the salary provided by Section 21.402(d).

(g) This section expires September 1, 2013.

Sec. 21.4023. REQUIRED PROCESS FOR DEVELOPMENT OF FURLOUGH PROGRAM AND OTHER SALARY REDUCTION PROPOSAL. (a) The board of trustees of a school district may not implement a furlough program under Section 21.4021 and, if applicable, reduce salaries in accordance with Section 21.4022 until the district has complied with this section.

(b) To develop a furlough program and, if applicable, an additional salary reduction proposal, a school district must use a process that:

(1) includes the involvement of the district's professional staff, either through participation of the district's district-level planning and decision-making committee established under Subchapter F, Chapter 11, or through other means; and

(2) provides district employees with the opportunity to express opinions regarding the furlough program and, if applicable, the salary reduction proposal, at the public meeting required by Subsection (c).

(c) The board of trustees must hold a public meeting at which the board and school district administration present:

(1) information regarding the options considered for managing the district's available resources, including use of the district's available fund balance and use of the Guaranteed Yield Program under Subchapter F, Chapter 42; and

(2) an explanation of how the district intends, through implementation of a furlough program under Section 21.4021 and, if applicable, through other salary reductions authorized under Section 21.4022, to limit the number of district employees

who will be discharged or whose contracts will not be renewed.

(d) The explanation of the furlough program under Subsection (c)(2) must state the specific number of furlough days proposed to be required.

(e) The public and school district employees must be provided with an opportunity to comment at the public meeting required under Subsection (c).

(f) This section expires September 1, 2013.

() On page 7, line 12, strike "shall" and substitute "may".

() Strike page 8, line 27, through page 10, line 27, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 25.112, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) This subsection applies only to the 2011-2012 and 2012-2013 school years. Notwithstanding any other provision of this section, the commissioner, on application of a school district, shall except the district from the limit in Subsection (a) for a school year for which the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year. This subsection expires September 1, 2013.

() Strike page 11, line 22, through page 12, line 13.

() Strike page 13, line 20, through page 14, line 5, and substitute the following appropriately numbered SECTION:

SECTION _____. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.009 to read as follows:

Sec. 42.009. DETERMINATION OF FUNDING LEVELS. (a) Not later than June 1 of 2011 and 2012, the commissioner shall determine for each school district whether the estimated amount of state and local funding per student in weighted average daily attendance to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010-2011 school year. If the amount estimated to be provided is less, the commissioner shall certify the percentage decrease in funding to be provided to the district.

(b) In making the determinations regarding funding levels required by Subsection (a), the commissioner shall:

(1) make adjustments as necessary to reflect changes in a school district's maintenance and operations tax rate;

(2) for a district required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level, base the determinations on the district's net funding levels after deducting any amounts required to be expended by the district to comply with Chapter 41; and

(3) determine a district's weighted average daily attendance in accordance with this chapter as it existed on January 1, 2011.

(c) This section expires September 1, 2013.

() Strike page 22, line 12, through page 24, line 25.

() Strike page 25, lines 23-26.