

By: Shapiro

S.B. No. 3

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the flexibility of the board of trustees of a school  
3 district in the management and operation of public schools in the  
4 district.

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

6 SECTION 1. Section 21.206(a), Education Code, is amended to  
7 read as follows:

8 (a) Not later than the 10th [~~45th~~] day after [~~before~~] the  
9 last day of instruction in a school year, the board of trustees  
10 shall notify in writing each teacher whose contract is about to  
11 expire whether the board proposes to renew or not renew the  
12 contract.

13 SECTION 2. Section 21.402(a), Education Code, is amended to  
14 read as follows:

15 (a) Except as provided by Subsection [~~(d)~~] (e)[~~7~~] or (f), a  
16 school district must pay each classroom teacher, full-time  
17 librarian, full-time counselor certified under Subchapter B, or  
18 full-time school nurse not less than the minimum monthly salary,  
19 based on the employee's level of experience in addition to other  
20 factors, as determined by commissioner rule, determined by the  
21 following formula:

$$MS = SF \times FS$$

22 where:

23 "MS" is the minimum monthly salary;

1 "SF" is the applicable salary factor specified by Subsection  
2 (c); and

3 "FS" is the amount, as determined by the commissioner under  
4 Subsection (b), of state and local funds per weighted student,  
5 including funds provided under Section 42.2516, available to a  
6 district eligible to receive state assistance under Section 42.302  
7 with a maintenance and operations tax rate per \$100 of taxable value  
8 equal to the product of the state compression percentage, as  
9 determined under Section 42.2516, multiplied by \$1.50, except that  
10 the amount of state and local funds per weighted student does not  
11 include the amount attributable to the increase in the guaranteed  
12 level made by Chapter 1187, Acts of the 77th Legislature, Regular  
13 Session, 2001.

14 SECTION 3. Section 28.0211(c), Education Code, is amended  
15 to read as follows:

16 (c) Each time a student fails to perform satisfactorily on  
17 an assessment instrument specified under Subsection (a), the school  
18 district in which the student attends school shall provide to the  
19 student accelerated instruction in the applicable subject area,  
20 including reading instruction for a student who fails to perform  
21 satisfactorily on a reading assessment instrument. After a student  
22 fails to perform satisfactorily on an assessment instrument a  
23 second time, a grade placement committee shall be established to  
24 prescribe the accelerated instruction the district shall provide to  
25 the student before the student is administered the assessment  
26 instrument the third time. The grade placement committee shall be  
27 composed of the principal or the principal's designee, the

1 student's parent or guardian, and the teacher of the subject of an  
2 assessment instrument on which the student failed to perform  
3 satisfactorily. The district shall notify the parent or guardian  
4 of the time and place for convening the grade placement committee  
5 and the purpose of the committee. [~~An accelerated instruction  
6 group administered by a school district under this section may not  
7 have a ratio of more than 10 students for each teacher.~~]

8 SECTION 4. Section 30A.107(b), Education Code, is amended  
9 to read as follows:

10 (b) A student who is enrolled in a school district or  
11 open-enrollment charter school in this state as a full-time student  
12 may take one or more electronic courses through the state virtual  
13 school network. The commissioner may not limit the number of  
14 electronic courses a student to whom this subsection applies may  
15 take through the state virtual school network.

16 SECTION 5. Section 44.004, Education Code, is amended by  
17 adding Subsection (g-1) to read as follows:

18 (g-1) If the rate calculated under Section  
19 44.004(c)(5)(A)(ii)(b) decreases after the publication of the  
20 notice required by this section, the president is not required to  
21 publish another notice or call another meeting to discuss and adopt  
22 the budget and the proposed lower tax rate.

23 SECTION 6. Section 1951.052(a), Occupations Code, is  
24 amended to read as follows:

25 (a) Except as provided by Section [~~Sections 1951.212 and~~  
26 1951.457(c)], this chapter does not apply to a person who performs  
27 pest control work on property that the person owns or leases as the

1 person's dwelling.

2 SECTION 7. Section 1951.053(a), Occupations Code, is  
3 amended to read as follows:

4 (a) Except as provided by Section [~~Sections 1951.212 and~~  
5 1951.457(c)], this chapter does not apply to:

6 (1) a person who performs pest control work on growing  
7 plants, trees, shrubs, grass, or other horticultural plants if the  
8 person holds a commercial or noncommercial applicator license  
9 from the department and issued under Chapter 76, Agriculture Code,  
10 that covers the pest control work; or

11 (2) a person who performs pest control work on growing  
12 plants, trees, shrubs, grass, or other horticultural plants or  
13 rights-of-way if the person:

14 (A) is employed by a political subdivision or a  
15 cemetery;

16 (B) is engaged in pest control work or vegetation  
17 management for the political subdivision or cemetery;

18 (C) holds a commercial or noncommercial  
19 applicator license from the department and issued under Chapter 76,  
20 Agriculture Code, that covers pest control work or is under the  
21 direct supervision of a person who holds a commercial or  
22 noncommercial applicator license from the department and issued  
23 under Chapter 76, Agriculture Code, that covers pest control work;  
24 and

25 (D) complies with annual continuing education  
26 required by the department.

27 SECTION 8. Section 1951.054(a), Occupations Code, is

1 amended to read as follows:

2 (a) Except as provided by Section [~~Sections 1951.212 and~~  
3 1951.457(c)], this chapter does not apply to a person or the person's  
4 employee who is engaged in the business of agriculture or aerial  
5 application or custom application of pesticides to agricultural  
6 lands.

7 SECTION 9. Section 1951.055(a), Occupations Code, is  
8 amended to read as follows:

9 (a) Except as provided by Section [~~Sections 1951.212 and~~  
10 1951.457(c)], this chapter does not apply to a person who uses pest  
11 control chemicals that are for household use and are available for  
12 purchase in retail food stores, such as aerosol bombs and spray  
13 cans, if the insecticide is used in accordance with the label  
14 directions on the insecticide or with department rules or  
15 guidelines or as provided by Section 1951.303 and is:

16 (1) used by the owner of a building or the owner's  
17 employee or agent in an area occupied by the owner in a residential  
18 building; or

19 (2) used in a place that is vacant, unused, and  
20 unoccupied.

21 SECTION 10. Section 1951.056(a), Occupations Code, is  
22 amended to read as follows:

23 (a) Except as provided by Section [~~Sections 1951.212 and~~  
24 1951.457(c)], this chapter does not apply to a person acting as a  
25 beekeeper, as defined by Section 131.001, Agriculture Code, who:

26 (1) is registered with the chief apiary inspector as  
27 provided by Subchapter C, Chapter 131, Agriculture Code;

1           (2) does not use pesticides or electrical devices  
2 other than conventional bee smokers or equipment as defined by  
3 Section 131.001, Agriculture Code; and

4           (3) collects, removes, or destroys honey bees.

5           SECTION 11. Section 1951.059(a), Occupations Code, is  
6 amended to read as follows:

7           (a) The department by rule may exempt an activity from all  
8 or part of the requirements of this chapter [~~, other than a~~  
9 ~~requirement under Section 1951.212,~~] if the department determines  
10 that the activity presents only a minimal risk of harm to the  
11 health, safety, and welfare of the public, the person performing  
12 the activity, pets and other domesticated animals, and the  
13 environment.

14           SECTION 12. Section 26.05(a), Tax Code, is amended to read  
15 as follows:

16           (a) The governing body of each taxing unit, before the later  
17 of September 30 or the 60th day after the date the certified  
18 appraisal roll is received by the taxing unit, shall adopt a tax  
19 rate for the current tax year and shall notify the assessor for the  
20 unit of the rate adopted. The tax rate consists of two components,  
21 each of which must be approved separately. The components are:

22           (1) for a taxing unit other than a school district, the  
23 rate that, if applied to the total taxable value, will impose the  
24 total amount published under Section 26.04(e)(3)(C), less any  
25 amount of additional sales and use tax revenue that will be used to  
26 pay debt service, or, for a school district, the rate calculated  
27 [~~published~~] under Section 44.004(c)(5)(A)(ii)(b), Education Code;

1 and

2 (2) the rate that, if applied to the total taxable  
3 value, will impose the amount of taxes needed to fund maintenance  
4 and operation expenditures of the unit for the next year.

5 SECTION 13. The following provisions are repealed:

6 (1) Section 21.402(d), Education Code; and

7 (2) Section 1951.212, Occupations Code.

8 SECTION 14. The change in law made by the repeal of Section  
9 21.402(d), Education Code, applies beginning with the 2012-2013  
10 school year.

11 SECTION 15. The change in law made by Sections 28.0211(c)  
12 and 30A.107(b), Education Code, as amended by this Act, and the  
13 repeal of Section 1951.212, Occupations Code, applies beginning  
14 with the 2011-2012 school year.

15 SECTION 16. The change in law made by Section 44.004(g-1),  
16 Education Code, as added by this Act, applies beginning with  
17 adoption of a tax rate for the 2011 tax year.

18 SECTION 17. This Act takes effect immediately if it  
19 receives a vote of two-thirds of all the members elected to each  
20 house, as provided by Section 39, Article III, Texas Constitution.  
21 If this Act does not receive the vote necessary for immediate  
22 effect, this Act takes effect September 1, 2011.