

By: Menéndez

S.B. No. 256

A BILL TO BE ENTITLED

AN ACT

relating to requiring school districts to employ certain educators who retired or resigned because of the coronavirus disease pandemic.

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

SECTION 1. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. EDUCATOR RESIGNATION OR RETIREMENT AFTER 2019-2020 SCHOOL YEAR OR DURING 2020-2021 SCHOOL YEAR. (a) In this section, "employment action" means an action that affects an employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation.

(b) Beginning with the 2021-2022 school year, an educator employed by a school district for the 2019-2020 or 2020-2021 school year who resigned or retired from the educator's position after the 2019-2020 school year or during the 2020-2021 school year solely because of the coronavirus disease (COVID-19) pandemic is entitled to:

(1) reinstatement to the educator's former position or an equivalent position; and

(2) reinstatement of any fringe benefits and seniority rights that the educator was entitled to before the educator's resignation or retirement.

(c) If an educator returns to employment as provided by

1 Subsection (b), a school district may not take any adverse
2 employment action against the educator based on the educator's
3 decision to resign or retire after the 2019-2020 school year or
4 during the 2020-2021 school year.

5 (d) The commissioner shall adopt rules as necessary to
6 implement this section.

7 SECTION 2. This Act applies beginning with the 2021-2022
8 school year.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.