

Your July 2003

TASPA Special Report #34

is inside...



Your letter from the Director and the TASPA Fall Workshop for School Support Personnel registration form are printed on the inside front and back of this cover sheet.



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July 10, 2003

Dear TASPA Member:

Every member of the TASPA Legislative Committee and the TASPA Executive Board has been hard at work this session, providing weekly feedback since early February on the bills that most affect our members. The Legislative Committee Members are: Dr. Gary Reeves, Chair, Assistant Superintendent of Administration at Garland ISD; Dr. Bernard J. Cannariato, Director of Personnel at Goose Creek CISD; Dr. Sally Craycraft, Account Executive at Austin Community College; Dr. Mary Hopkins, Executive Director of Personnel at Carrollton-Farmers Branch ISD; Richard Lane, Assistant Superintendent for Human Resources at Clear Creek ISD; Raye Lokey, Associate Superintendent for HR at Ysleta ISD; Jerry Molinoski, Assistant Superintendent for HR & Communications at Eanes ISD; and Pete Stewart, Human Resources Director at Aldine ISD. We appreciate their work and time in giving feedback and in coming to Austin to testify as needed throughout the session.

Special thanks also go to Marty DeLeon of the Texas Association of School Boards, Dr. Karen Soehnge and Amy Beneski of the Texas Association of School Administrators, Trish Conradt of the Texas Retired Teachers Association, Lauren Whelan and Brock Gregg of the Association of Texas Professional Educators, Robbie Collins of Dallas ISD, Bill Carpenter of Houston ISD, Carolyn Boyle of the Coalition for Public Schools, Tom Leyden of the Texas Association of Secondary School Principals, Ted Melina Raab of the Texas Federation of Teachers, Sandi Borden of the Texas Elementary Principals and Supervisors Association, and Lonnie Hollingsworth, Jeri Stone, and Lindsay Gustafson of the Texas Classroom Teachers Association. They all provided me with valuable assistance and guidance through the legislative session, and the websites of some of the above named institutions proved to be a valuable resource in the compilation of this update.

I come away from this session with a deep appreciation of the power we have as citizens and educators to shape the destiny of our schools through the legislative process. For the next biennium there will be a TASPA Legislative Resource Center section of the webpage, which will be designed to facilitate input from TASPA members on specific legislative and governmental relations issues. It will also provide key links to web pages from multiple perspectives (such as other administrator associations, teacher organizations, and university entities), to inform our membership of key events in a timely fashion.

Best,

Dr. Alejandra (Alex) Martin
Executive Director



UPDATE

Texas Association of School Personnel Administrators

Special Report #34

July

2003

TASPA LEGISLATIVE UPDATE

Acknowledgements: Special thanks to TASPA member Dr. Gary Reeves of Garland ISD, all the members of the TASPA Executive Committee and the Legislative Committee, as well as TASPA members at large who provided feedback on various bills during session. Special thanks also to Marty DeLeon of the Texas Association of School Boards, Dr. Karen Soehnge and Amy Beneski of the Texas Association of School Administrators, Trish Conradt of the Texas Retired Teachers Association, Lauren Whelan and Brock Gregg of the Association of Texas Professional Educators, Robbie Collins of Dallas ISD, Bill Carpenter of Houston ISD, Carolyn Boyle of the Coalition for Public Schools, Tom Leyden of the Texas association of Secondary School Principals, and Sandi Borden of the Texas Elementary Principals and Supervisors Association. They all provided me with valuable assistance and guidance through the legislative session, and the websites of some of the above named institutions proved to be a valuable resource in the compilation of this update.

Dr. Alejandra (Alex) Martin, Executive Director, TASPA

The Texas 78th Legislature

During the 140 days of session allowed by statute, there were 9,234 bills introduced, of which 1,405 passed both the House and the Senate. The governor vetoed 48 of those bills, signed 1,319, and the remaining 38 bills became law without his signature, as allowed by statute.¹ The last day for the governor to veto a bill from the regular session was June 22, 2003. Due to the complex nature of some bills, or to ambiguity of their legislative intent, several bills are subject to state agency interpretation and/or may be sent back to the legislature for clarification.

General trends of the bills *introduced* in the regular session that pertain to education include:

1. Access to resources for non-public school students with public funds. This included proposals for:

- Voucher bills or “freedom scholarships,” proposed in **HB 2465** by Representative Grusendorf,
- Allowing home-school and private-school students to use school facilities and resources, proposed in **SB 412** by Senator Shapiro, and in **HB 230** by Representative Nixon regarding UIL activities,
- Providing free material resources for non- public school students, proposed in **HB 1554** by Representative Grusendorf, which would have provided a free computer, software, and Internet reimbursements with state funding for home school students, and in **HB 1133**, also by Representative Grusendorf, providing free books to students in private schools.

There were at least 15 bills filed in this category,² all of which were defeated thanks to the hard work and activism of a number of education and civic associations, many of whom, like TASPA, are also members of the Coalition for Public Schools.

2. Increased flexibility/autonomy for school districts. Many bills in this category passed and are discussed in sections IIIA and IVA of this special report.

3. More restrictions/limitations on teachers. Several bills were filed to repeal or reduce eligibility of the minimum salary schedule, easing regulations on revoking and changing contracts to probationary contracts, and requiring early notice on behalf of teachers of their intent to resign. While the majority of bills in this category did not pass, there are a few that did, and they are discussed in section IV of this report.

4. *Budget cuts in state funds resulting in fewer services and programs as well as increased individual/local contribution requirements.* The 78th Legislature faced a staggering budget shortfall of \$9.9 billion for the state's budget for the 2004-05 biennium, as well as a \$2.2 billion shortfall for the remainder of the 2003 fiscal year that expires August 31.³ All state agencies were directed to cut their budget by 7%, including the Texas Education Agency, which had requested "no exceptional items" in the Legislative Appropriations Request, other than to maintain current activity adjusted for inflation.⁴ Agencies were also directed to build their budget from the ground up, starting with their most essential functions and building up to their budget cap. The effects of the budget shortfall and the general downturn in the economy and stock market are most evident in the current state of the Teacher Retirement System of Texas, discussed in section II of this report.
5. *Increased safety regulations and penalties for terroristic threats.* Most bills in this category did pass, although most of them are not specific to education or the school setting, such as **HB 616** by Keel, which increases the penalty for a terroristic threat if the threat causes losses to the victim(s) exceeding \$1,500. **SB 103** by Senator Van de Putte permits peace officers and special investigators to carry a weapon anywhere in the state, including public places, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

What Passed and What Failed by the End of Session

The bills reviewed below are a selection of those most likely to be of interest to personnel administrators, and are organized into the following categories: school finance, certification and teacher training, retirement and health insurance (TRS issues), contracts, district operations and procedures, and education service centers. For a full listing of all the education bills that passed and failed, please visit the ATPE website at <http://www.atpe.org/GovernmentalRelations/sessionWrapUp.htm> and the TASA website, <http://tasanet.org/govrelations/78Legislation/capitolwatch/capitolwatch.html>.

I. School Finance

In the first few days of the legislative session, on Tuesday, February 4, 2003, the House Public Education Committee voted out a committee substitute for **HB 604**, by Representative Grusendorf, that would end the current public school funding program effective September 1, 2005 by repealing Chapters 41, 42, 45, and 46 of the Education Code. These chapters deal with equalized wealth level (Robin Hood), the Foundation School Program, school district funds, assistance with instructional facilities, and payment of existing debt.⁵ This early action was intended to push the Legislature to address school finance in this session, and, although this specific bill never made it past Calendars in the House, the repeal of most of the existing public school funding program, save for the repayment of existing debt, was included in Section 1 of **HB 3459** by Representative Pitts. This omnibus bill further added in Section 2 that public education is a state responsibility and that the state should substantially finance a thorough and efficient system that provides for substantially equal access to similar revenue per student at similar tax effort. Section 3 of **HB 3459** specifies that Sections 1 and 2 take effect September 1, 2004, but only if before that date the legislature has enacted a school finance system to replace the existing one.

To date, a new school finance system has not been enacted. Several proposals have been considered, such as Lieutenant Governor David Dewhurst's plan to cut property taxes in half and raise the state's sales tax to fund the school system, but no agreement has been reached on this or any other plan. The Committee for Education Adequacy⁶ reports that the House Select Committee on Public School Finance, comprised of 23 Members of the House and four ex officio members appointed by the Governor, will convene for several two-day meetings through September and review various aspects of the school finance and state tax systems, and Senate will be invited to work with the House Select Committee.⁷

II. Certification and Teacher Training

A. Certificates and certification venues

Perhaps more interesting than what passed this session is what did **not** become law in regard to teacher certification bills. **HB 318** by Representative Grusendorf would have allowed temporary certification to anyone with a bachelor's degree who passed the relevant content area exam, exempting the current requirement of training in pedagogy and passing the pedagogy examination. Another bill that did not pass was **HB 2723** by Representative Gutierrez, which would have allowed anyone with a master's or doctoral degree to become certified automatically, without requiring pedagogical training and without requiring taking or passing *any* educator exam—either in content area or in pedagogy. Section 1 of Representative Grusendorf's **Committee Substitute for S.B. No. 265**, the SBEC Sunset Bill, would have allowed a district to employ an uncertified person as a superintendent under certain conditions, but that provision died with the bill, as it was not amended to any other bill.

A certification bill that did pass was **HB 411** by Representative Grusendorf, which requires the State Board for Educator Certification to establish a master science teacher certificate. **HB 453** by Representative Villarreal also passed, and it creates a pilot program for early childhood teacher education and retention.

B. Revocation of certificates

SB 1109 by Senator Shapiro mandates the revocation of a teaching certificate and automatic termination of employment of any educator convicted of a felony offense, or an offense on conviction of which a defendant is required to register as a sex offender, and if the victim of the offense is under 18 years of age.

C. Conduct and ethics

Similar to **SB 1109**, several other bills codify and make more stringent the reporting and penalties for educator misconduct. **HB 532** by Representative Giddings makes it a second-degree felony if an employee engages in sexual contact with a student who is enrolled in a public or private primary or secondary school at which the employee works and who is not the employee's spouse. **SB 1488** by Senator Ogden makes it a requirement that the superintendent of an educational entity notify the State Board for Educator Certification if there is reasonable cause to believe that the educator in question has a criminal record or if the teacher was terminated for certain conduct, including but not limited to drug use and abuse of a minor.

D. The continuation and functions of SBEC

The State Board for Educator Certification itself was the subject of several bills, but in the end no major changes passed, and **HB 2455** by Representative Chisum was amended to provide for the continuation of SBEC as it currently exists until the next biennium, since SBEC's original sunset bill, **SB 265** by Senator Lucio, did not pass. **HB 2455** requires SBEC and TEA to enter into a Memorandum of Understanding to consolidate administrative functions and services in order to save money and to increase agency efficiency. Some bills, such as Representative Irma Rangel's **HB 2110**, had the intent of abolishing the State Board for Educator Certification and transferring its powers and duties to the commissioner of education and the Texas Education Agency. Other bills, such as the engrossed version of Senator Eddie Lucio's **SB 265**, had the intent of allowing for the continuation and functions of the State Board for Educator Certification for another 12 years and removing the current State Board of Education oversight, allowing SBEC to adopt rules without additional review by the SBOE.

III. Retirement and Health Insurance (TRS Issues)

A. Insurance

The most significant changes to TRS insurance were encompassed in **HB 3459** by Representative Pitts, an omnibus bill that was amended to include a number of other bills that would have otherwise died, since time was running out. **HB 3459** was reported enrolled at 7:40 PM on June 2, and was signed by both the House and the Senate the same day, the last day on which bills passed by the legislature could be considered for signature by the governor. The provisions of **HB 3459** pertaining to TRS are in sections 42-57, and include the following changes:

- 1) Reduces the \$1,000 state supplemental funding for public school employee insurance to \$500 for full-time employees (there is no funding for administrators) and \$250 for part-time staff. The bill defines who is considered full time and part time, and includes Regional Service Center staff as being eligible to participate in the program.
- 2) Establishes a 90-day waiting period for eligibility for this funding for new employees, during which neither the state, the employee, nor the district makes any contribution to the TRS retiree program on behalf of these employees.
- 3) Doubles the active teacher contribution to retiree insurance from .025 % of the employees' payroll to .05%.
- 4) Establishes provisions for cost sharing of the program among the state, the public schools, the active employees, and the retirees in the manner prescribed by the General Appropriations Act. In determining the allocation of total costs under this section, the state shall pay not more than 55 percent of the total costs, retirees shall pay at least 30 percent of the total costs, and the balance shall be paid by active employees and by public schools. This requires a new district contribution to retiree insurance of .04 % of the district's payroll for the 2004-05 biennium. Contribution rates for local school districts are set in statute as a percentage of payroll ranging from .025 to .075, but the actual amount is established each biennium in the General Appropriations Act (GAA). During the appropriations process each legislative session, the school district contribution rate can be set without having to amend the statute.⁸
- 5) Reestablishes the \$1000 allotment to all employees starting September 2005, as a result of an amendment introduced by Senator Mario Gallegos.⁹
- 6) Requires TRS to develop rules to charge retirees under age 65 more for insurance than those older than age 65. Distinctions are also made based on whether the retiree is eligible for and participating in the Medicare program or not.

Another bill that will significantly impact educators regarding the TRS Active-Care program supplement is **HB 3257** by Representative Delisi, which requires that the supplement be placed into a "health reimbursement arrangement – HRA" and that the monies be used solely to reimburse a participant for a qualified health care expense incurred by the participant or the participant's dependent, and not as a general salary supplement. There is a provision that allows any unused portion of the maximum dollar amount at the end of a coverage period to be carried forward to increase the maximum reimbursement amount in subsequent coverage periods.

SB 1117 by Senator Williams clarifies that TRS may not offer optional insurance coverage, such as a dental or vision plan, to participating employees as part of the TRS-ActiveCare program, but the bill does not preclude a school district from offering such coverage under terms established by the district.

B. Retirement benefits and eligibility

Given the significant state budget shortfall, members of the 78th Legislature deemed it imprudent to provide continued supplemental funding to TRS-Care without requiring substantial structural changes in the program.¹⁰ **HB 3459** requires specific changes to be made, such as re-defining who is eligible to participate and to what degree of benefit, and requiring cost sharing of the program, among other measures. TRS is already taking measures of its own to address the legislators' concerns: The TRS Board of Trustees has increased doctor office visit co-payments from \$15 to \$25, and has restructured the prescription drug program by also increasing co-payments.¹¹ New health insurance premiums are listed at <http://www.trta.org/finalupdate.html#trs>.

Effective September 1, 2004, the definition of a retiree has been changed to mean a person who, as stated in **SB 1369** and included in section 48 of **HB 3459**, is at least 65 years of age and has taken a service retirement under the Teacher Retirement System of Texas with at least ten years of service credit in the system for actual service in public schools in this state or with at least five years of service credit for actual public service in the public schools in this state and with five years of military service credited in the Teacher Retirement System of Texas; or has taken a service retirement under the Teacher Retirement System of Texas, and who has at least ten years of service credit for actual public service in the public schools in this state or has at least five years of service credit for actual public service in the public schools in this state and has five years of military service credited in the Teacher Retirement System of Texas, and the sum of the individual's age and amount of service credit described by this paragraph equals or exceeds the number 80.

Given the poor performance of stock market investments, and compounded by the state budget shortfall, there is no funding for annuity increases. The situation is so severe that the actuary for TRS has stated that, at current contribution rates, there probably cannot be an annuity increase for the remainder of the decade.¹²

C. Retire-rehire

The bill most significantly impacting the retire-rehire practice by third party companies, such as JR3, is **HB 2169** by Representative Telford. The bill, effective immediately, establishes that a retiree who is an employee of a third-party entity working in a school district be considered a Texas public employee. Since a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution, this means the loss of benefits for those participating in such arrangements, *except* that there is a "grandfather clause" in Section 4 of the bill stating that the new rule applies only to the payment of retirement benefits to a retiree who is first employed by a third-party entity *on or after May 24, 2003*. The payment of retirement benefits to a retiree who was first employed by a third-party entity before May 24, 2003 is governed by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

Another bill relating to the payment of retirement benefits to retirees who are employed by school districts is **HB 3237** by Representative Smith. The bill permits retirees to work as substitute teachers, and in other public school positions in the same month, and continue to receive TRS benefits so long as the total number of days that the retiree works in those positions in that month do not exceed the number of days per month for work on a one-half-time basis.

D. Government Pension Offset (GPO) and Windfall Elimination Provision (WEP)

Although not directly germane to the Texas 78th legislature, the GPO and WEP are of great concern to TASPA members, and legislative activity happening in this area at the national level will affect educators in Texas. The Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the Social Security law are measures that reduce or eliminate income for public employees who have state or other government retirement accounts and therefore are considered to be “double-dipping” from public funds if they in addition receive Social Security money for their retirement. A clear explanation with examples of both GPO and WEP can be found at <http://www.nsea-nv.org/socialsecurity.htm>.

Currently there is a loop-hole whereby educators who work in districts that do not pay into social security can resign from their current place of employment, work for even one day in a district that does pay social security, then retire, and they are no longer subject to the GPO or WEP. This Spring, the U.S. Congress passed **HR 743** by Shaw, which would eliminate the effect of the practice described above.¹³ Although the resolution has yet to be heard by the US Senate, some educators are choosing to resign *now* and move to an entity that does contribute to Social Security, just in case.

Some educator associations are working actively at the national level to have these two provisions repealed. The Texas Retired Teachers Association Legislative Summary reports: “The Honorable Howard McKeon (R-CA) has introduced **HR 594**, the Social Security Fairness Act, to repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) that adversely impact thousands of public school employees and retirees.”¹⁴ Their website provides a link, <http://www.trta.org/gpowep.html>, where you can find out more about GPO/WEP and how to talk to your congressman about it.

IV. Contracts

A. Flexibility for school district administrators

Most of the bills introduced this session pertaining to educator contracts allowed more flexibility to school districts regarding the assignment, management, and changes of contracts to employees covered by the provisions of Chapter 21 of the Education Code. While most of these bills were defeated, there are several that did pass.

HB 1022 by Representative Eissler makes an employee’s probationary, continuing, or term contract void if the employee fails to obtain full certification prior to the expiration of the employee’s temporary or emergency certificate or permit. A school district’s decision is not subject to appeal, and the notice and hearing requirements do not apply to the decision. This section does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

HB 558 by Representative Grusendorf allows a school district to rehire a teacher on a probationary contract if the teacher was previously employed by a district and, after at least a two-year lapse in district employment, returns to district employment. **SB 1394** by Senator Shapiro makes it optional rather than mandatory for a district to employ a principal or classroom teacher under a probationary contract, even if it is the first time the principal or teacher is employed by the district.

A bill that provides some choice for teachers is **HB 1113** by Representative Crownover, which provides that a teacher may agree to be returned to probationary contract status, without a formal recommendation from the school board, after receiving written notice of the superintendent's intent to recommend discharge, termination, or non-renewal. The teacher must also be allowed time to seek counsel.

B. Bills that were defeated

The majority of bills introduced pertaining to teacher contracts did not pass. These include **HB 323** by Representative Grusendorf, which would have allowed a district to suspend a teacher without pay for up to 20 days; **HB 1107** by Representative Eissler, which would have repealed parts of the minimum salary schedule; and **HB 1170** by Representative Madden, which would have repealed the right to have a job assured upon the return from of a leave of absence for a temporary disability.

V. District Operations and Procedures

A. Increased flexibility

As with previous sessions, mandate relief was a legislative priority for all the administrator associations, and numerous bills supported by them have now become law. Several bills reduce paperwork requirements for districts, such as **HB 912** by Representative Madden, which changes the requirement that teachers be given a copy of the district employment policies to requiring that the policies be provided *upon request*. The bill was amended to require that, if the district has an Internet website, the district place the board's employment policies on that website. **HB 673** by Representative Madden provides that, if a school is required by the No Child Left Behind Act to provide notice to a parent or guardian regarding a teacher who is not highly qualified, compliance with the state notification requirement *in addition* to the federal NCLB Act requirement is not necessary. **HB 1440** by Representative Eissler allows a teacher to be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation was satisfactory and did not identify any area of deficiency. All teachers must be appraised at least once every five years.

Another bill that provides flexibility in the districts' operations is **HB 1024** by Representative Crownover, which allows the district rather than the commissioner to set the topics for staff development. The existing list of topics is now optional rather than mandatory. Staff development must be determined and approved by the campus-level committee.

SB 346 by Senator Ogden allows school districts to apply to the commissioner for approval to run a flexible-year program for students who failed the TAKS test or would not be promoted. With the approval of the commissioner, a district may provide up to ten instructional days and up to five staff development or teacher preparation days to the program. Each educator employed under a ten-month contract must still provide the minimum days of service required under Section 21.401. A school district may require educational support personnel to provide service as necessary for an optional flexible-year program.

HB 3459 Sections 12-16 by Representative Pitts and **SB 893** by Senator Bivins provide that the parties involved in a teacher suspension or contract termination hearing may by agreement select a hearing examiner from the list maintained by the commissioner.

B. Work environment

Although many bills introduced this session proposed to limit or reduce teacher rights and protections, several bills did pass that enhance or extend Chapter 21 protections. **HB 2072** by Representative Grusendorf, for example, prohibits a school district from requiring an employee to pay for a textbook or instructional technology that is stolen, misplaced, or not returned by the student. **SB 930** by Senator Shapiro and **HB 4**, article 15, by Representative Nixon expand teacher immunity from liability from lawsuits by incorporating the immunity statute in federal law to include private school teachers and all school employees who must maintain discipline in an emergency situation.¹⁵ **HB 3459** Section 11.164 by Representative Pitts (originally **SB 13** by Senator Zaffirini) restricts the written information that teachers are required to prepare to ten categories, such as reports of students' grades and brief and general lesson plans. The bill also requires school boards to transfer to existing non-instructional staff reporting tasks that can reasonably be accomplished by that staff.¹⁶

HB 1844 by Representative Grusendorf, included in **HB 3459** Section 17 by Representative Pitts, requires the commissioner of education to create a program to reimburse teachers for personal funds expended on classroom supplies. However, the commissioner may implement the reimbursement program only if funds are specifically appropriated by the legislature for the program or if the commissioner identifies available funds, other than general revenue funds, which may be used for the program, so that this bill, however thoughtful, is unlikely to bring any relief to teachers in the near future, given the current financial climate.

There were several bills introduced pertaining to rights of employees who are called to military duty. **HB 174** by Representative Howard, for example, provides that a member of the state military forces who is ordered to active state duty by the governor or by other proper authority is entitled to the same benefits and protections provided to persons performing service in the federal uniformed services and to persons in the military service of the United States. **SB 1669** by Senator Averitt protects a school employee's personal and sick leave from loss of time during a military leave of absence, and allows a school employee to use available personal leave for compensation during a term of active military service.¹⁷

C. New requirements and limitations

HB 898 by Representative Hamilton, which was signed by the governor on June 20 and takes effect September 1st, 2003, expressly forbids a school district or public junior college to reimburse an officer or employee for expenditures for travel services in excess of the applicable amount determined using the state travel allowance guide adopted by the comptroller. Currently, the maximum travel expense allowance for lodging costs within Texas is set at \$80 per night. There is some ambiguity in the interpretation of the bill, as Section 1 of the bill is permissive, stating "An officer or employee of a public junior college... or of a school district... *may* participate in the commission's contract for travel services," while Section 2 is clearly mandatory. It is not clear if Section 2 was intended to apply only to districts participating in the optional commission's contract for travel services or if it was intended, as written, to be a requirement for all school districts and public junior colleges. Governmental Relations divisions of several member-based organizations are actively pursuing clarification of this issue and are waiting to hear back on a determination of the legislative intent of the bill. The final impact of this bill will be posted on the TASPA website under "Latest news" on the home page, <http://taspa.org/>.

A new reporting requirement for school districts comes from **SB 900** by Senator Shapiro, which directs each district to report annually to the commissioner the percentage of total expenditures that were used for direct instructional activities and the percentage of employees engaged in direct classroom instruction. At least annually the district shall provide to the employees the list of people it has identified as providing classroom instruction.¹⁸

SB 618 by Senator Shapleigh requires that, if a campus has been low-performing for a period of two or more consecutive years, the commissioner shall reconstitute the campus. A campus intervention team must be assembled to determine which educators should be retained at that campus. If an educator is not retained, the educator may be assigned to another position in the district or the educator's employment with the school district may be terminated under Section 21.157.

SB 653 by Senator Wentworth limits the fees an entity can charge for providing a copy of public information to the charge for each page of the paper record that is photocopied, if a request is for 50 or fewer pages of paper records, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other; or are located in a remote storage facility.

D. Bills that did not pass

A bill that would have created a significant logistical burden on school district HR departments as filed was **SB 1232** by Senator Wentworth, which, as introduced, would have required that all job vacancies be posted for at least ten working days in a place readily accessible to the public, and that all current employees be given an opportunity to apply for open positions. TASPA member Ron Hill of Dripping Springs ISD alerted the legislative Committee to this bill, which had sailed through the senate and was about to be voted out of the House Public Education Committee. Representative Eissler, House Sponsor of the Bill, invited TASPA to work with him and the originators of the bill, members of the Texas Classroom Teachers Association, to resolve the concerns expressed by TASPA in committee testimony. Robbie Collins of Dallas ISD and Bill Carpenter of Houston ISD both worked with TASPA and the TCTA members Lonnie Hollingsworth, Jeri Stone, and Lindsay Gustafson to arrive at a committee substitute amenable to all parties. The bill was not re-heard in committee and thus no job-posting bill was passed at all.

VI. Education Service Centers

Education Service Centers started this legislative session at risk of being entirely eliminated this biennium, and they did not go through unscathed: Service Center funding was reduced from \$78 million to \$45 million,¹⁹ and **SB 929** by Senator Shapiro sunsets all Education Service Centers in 2005 unless they are continued in existence by the next legislature. **HB 3459** section 63 by Representative Pitts requires a detailed analysis of all services provided by ESCs in order to provide information relevant to the sunset review process. The Comptroller's report is due to the legislative leadership by June 2004.²⁰ **HB 3459** provides the allotted funding to go directly to the service centers and not through school districts, and the commissioner must develop a formula for distribution of funds that gives priority to service centers serving small rural school districts.

Appendix A

The table below lists some of the *bills that passed* cited in this report along with their page reference in the Texas Education Agency Briefing Book on Public Education Legislation: 78th Texas Legislative Session. Not all bills listed in this report are included in the TEA briefing book. The briefing book is available online at <http://www.tea.state.tx.us/tea/LegBreBooJun03.doc>.

Part 1—House Bills

Bill number	General subject	Page in TEA Briefing Book
HB 1022	No certification makes contract void.	23
HB 1024	Staff development topics.	37
HB 1113	Return to probationary contract.	30
HB 1440	Less frequent teacher appraisals.	31
HB 2072	Protection of employees from paying for missing textbooks or instructional technology.	75
HB 319	Objectives of public education.	6
HB 3459	Section 4: limitation of compliance monitoring.	7
HB 3459	Section 11.164: restriction of written information requests.	11
HB 3459	Sections 12-16: hearing examiners	33
HB 3459	Section 18: special education due process hearings.	58
HB 3459	Section 19: special programs effectiveness evaluations.	59
HB 3459	Sections 24 & 32: transportation of students.	82
HB 3459	Sections 1-3, 67-69: school finance.	109
HB 4, Article 15 & SB 930	Expansion of teacher immunity from liability.	41
HB 411	Master science teacher certificate.	27
HB 673	Parental notification of inappropriately certified or uncertified teachers.	28
HB 898	Requirements for travel expenses.	129
HB 912	Distribution of district employment policies.	32
HCR 15	Personal finance added to TEKS.	1

Part 2-Senate Bills

Bill Number	General Subject	Page in TEA Briefing Book
SB 1108	Section 5: high quality teachers.	24
SB 1108	Section 5: training for teachers of LEP students	38
SB 1109	Notification of a conviction to SBEC by criminal court.	35
SB 1394	Optional probationary contract for 1st time teacher or principal.	29
SB 1488	Notification requirement to SBEC of educator misconduct.	25
SB 1669	Personal and sick leave during a military leave of absence.	39
SB 346	Flexible-year program.	61
SB 618	Reconstitution of low performing campuses.	106
SB 741	First aid certification for band directors.	81
SB 893, HB 3459	Sections 12-16 & 66: changes to the hearing examiner process.	33
SB 900	Reporting of expenditures for instructional activities.	100
SB 929	Educational Service Centers (ESCs).	8

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- “A Review of the 78th Legislature: Critical bills by category.” Handout from the TASA Summer Conference, Texas Association of School Administrators, Posted 25th, 2003, <http://www.tasanet.org/govrelations/78Legislation/capitolwatch/pdfs/critical.pdf>.
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“What happened to the bills TSTA opposed in the 78th session?” Texas State Teachers Association, Summer 2003, <http://www.tsta.org/legislative/fateofbadbills.shtml>.

Endnotes

¹ Texas Legislature Online.

² “Education Bills that Were Defeated: 78th Legislative Session.” Association of Texas Professional Educators, 2003, <http://www.atpe.org/GovernmentalRelations/billsDefeated.htm>.

³ “TRTA Legislative Summary: 78th Legislature.” Texas Retired Teachers Association, Summer 2003, <http://www.trta.org/finalupdate.html#trs>.

⁴ Robert Muller, TEA Chief of Staff for the Commissioner, Texas Rural Education Association Summer Conference, June 15, 2003, Fort Worth.

⁵ “House Public Ed votes to kill Robin Hood: TASB Legislative Report.” Texas Association of School Boards, February 7, 2003, http://www.tasb.org/advocacy/reports/2003/February_7/HB_604.html.

⁶ “School Finance in the Interim,” Committee for Education Adequacy, June 2003, <http://www.texaschoolfinance.com/interim.htm>.

⁷ *Ibid.*

⁸ “TRTA Legislative Summary: 78th Legislature.” Texas Retired Teachers Association, Summer 2003, <http://www.trta.org/finalupdate.html#trs>.

⁹ *The Pasadena Citizen*, May 30, 2003.

¹⁰ “TRTA Legislative Summary: 78th Legislature.” Texas Retired Teachers Association, Summer 2003, <http://www.trta.org/finalupdate.html#trs>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ “Education Bills that Passed: 78th Legislative Session.” Association of Texas Professional Educators, 2003, <http://www.atpe.org/GovernmentalRelations/billsPassed.htm>.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ “Other Bills of Interest That Passed.” Texas State Teachers Association, Summer 2003, <http://www.tsta.org/legislative/otherbillsinterest.shtml>.

¹⁹ Robert Muller, TEA Chief of Staff for the Commissioner, Texas Rural Education Association Summer Conference, June 15, 2003, Fort Worth.

²⁰ “Other Bills of Interest That Passed.” Texas State Teachers Association, Summer 2003, <http://www.tsta.org/legislative/otherbillsinterest.shtml>.

TASPA Fall Workshop for School Support Personnel

September 7, 8, 2003

Austin Renaissance Hotel (Phone: 512/343-2626)

Single - \$128; Double - \$138 (Block price holds to 08/17/2003)

The Texas Association of School Personnel Administrators (TASPA) invites personnel secretaries, certification clerks, teacher aides, and other interested individuals to our Fall Workshop on Sunday evening, September 7, and all day on Monday, September 8, at the Austin Renaissance Hotel. The program begins Sunday with a dinner at 6:00 p.m. Clinic sessions on Monday will include presentations on records management, certification updates, SBEC's on-line emergency permit processing, criminal history checks, teamwork, learning to use the SBEC website, tools to answer frequently asked questions about human resources, social security, and TRS.

Workshop Program

September 7

10:00 a.m. - 3:00 p.m. Executive Committee Meeting

3:30 p.m. - 6:30 p.m. Registration

6:00 p.m. - 8:00 p.m. Dinner, First General Session

September 8

7:30 a.m. - 10:00 a.m. Registration

8:30 a.m. - 9:30 a.m. Second General Session

9:45 a.m. - 10:45 a.m. Clinic Sessions I (6 sessions)

10:50 a.m. - 11:50 a.m. Clinic Sessions II (6 sessions)

11:50 a.m. - 12:00 p.m. Go By and See Exhibitors

12:00 p.m. - 1:25 p.m. Luncheon -

1:30 p.m. - 2:30 p.m. Clinic Sessions III (6 sessions)

2:35 p.m. - 3:35 p.m. Clinic Sessions IV (6 sessions)

3:45 p.m. - 4:00 p.m. Fourth General Session - Closure (Ballroom B)

Name _____

Position _____

School District _____

Address _____

City _____ State _____ ZIP (9 digits) _____

Telephone _____ Fax _____ E-Mail _____

Fees: Conference Fee - \$125 (Attendee reception, continental breakfast, and luncheon included) if received by August 22nd, 2003. After August 22nd, the fee is \$145.

Method of Payment: _____ Enclosed is \$125 for the annual conference.

_____ Please invoice the district for the \$125 registration fee.

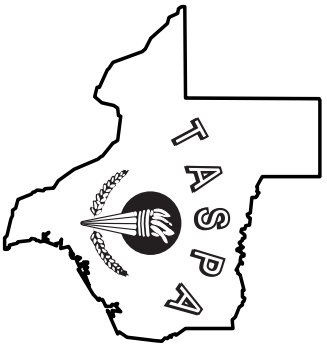
Payment enclosed _____ Invoice the district _____

CONFIRMATION of registration is sent via email to the email address you list above. If you wish additional persons, such as your administrative assistant, to be notified of your registration as well, please list the corresponding email address and person's name: Additional notification to _____ at email address _____

On site registration will be \$145. Please register early! **No refunds will be made after August 22nd.**

Make check payable to TASPA and mail to: TASPA, 406 East 11th Street, Suite 105, Austin, TX 78701

FAX (512) 494-9354



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