

Senators Re-file Mandate Relief Bill

The committee substitute for SB 3, was re-filed today as SB 12. The five joint authors are Senators Shapiro (R-Plano), Duncan (R-Lubbock), Davis (D-Fort Worth), West (D-Dallas) and Patrick (R-Houston). This bill would take effect immediately if it receives a vote of two-thirds of all members in each house. Otherwise the effective date is September 1, 2011.

SB 12 will be before the Senate Education Committee Thursday morning. The meeting begins at 8:30 a.m.

Personnel Management

- Moves the 45-day non-renewal notice deadline for probationary and term contract employees to 10 days prior to the last day of instruction.
- Moves the penalty-free resignation date for term, probationary and continuing contract employees from 45 to 30 days prior to the first day of instruction.
- Provides that an employee's contract is void if they fail to maintain certification. Prohibits a district from terminating or suspending an employee whose contract is void if the employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate within 10 days of receiving notice from the school district. Allows districts to retain in a non-contract position for the remainder of the school year an employee whose contract has been voided.
- Provides that continuing contract employees may be terminated at the end of the school year for program changes that require a reduction in personnel. Removes the requirement that these reductions be made in the reverse order of seniority.
- Provides that term contract employees may be terminated at any time for program changes that require a reduction in personnel.

Furlough Options

- Allows districts up to six non-instructional furlough days, if the commissioner certifies that the district will receive less state and local revenue than was received during the 2010-11 school year. Salaries of furloughed employees may be reduced in proportion to the number of days by which service is reduced.
- All contract personnel are subject to the same number of furlough days. School boards may reduce or exempt the number of furlough days for the purpose of providing professional development to those contract employees at low-performing campuses or campuses that would be low performing if the following years accountability standards applied in the current year.
- An educator may not use personal, sick, or any other paid leave while on furlough and a furlough does not constitute a break in services for purposes of TRS.
- Requires districts to exhaust furlough or salary reductions proportionate to the district's percentage in loss of state and local revenue received for the 2010-11 school year before a school district can implement a RIF for financial exigency.
- If a board adopts a furlough program after the penalty free resignation deadline, a teacher who subsequently resigns is not subject to sanctions.

Salary Reductions

- Allows districts to reduce the salary of contract personnel in future years for those employees employed by the district during the 2010-11 school year, if the commissioner certifies that the district will receive less state and local revenue than the district received in the 2010-11 school year.
- Provides that salary reductions may be achieved directly or through a furlough or a combination thereof. Prohibits a district from implementing a salary reduction in excess of the percentage by which the district's state and local funding is reduced for the applicable year, as certified by the commissioner.
- Provides that stipends are not included for purposes of salary reductions.
- Provides that a board's decision to authorize a salary reduction is not appealable and does not create a cause of action or require collective bargaining.

Process Required for Implementing Furloughs or Salary Reductions

- Prior to implementing a furlough or salary reduction, school boards would be required to develop a process that includes the district's professional staff and provides an opportunity for these employees to express their opinions.
- Requires school boards to hold a public board meeting where the public and school district employees have an opportunity to provide comments. At this meeting the board and administration must present:
 - o information regarding the options considered for managing the districts available resources, including consideration of a tax rate increase and use of the district's available fund balance;
 - o an explanation of how the district intends to use furloughs and salary reductions to limit the number of employees who will be discharged or whose contracts will not be renewed; and
 - o an explanation of the furlough program and the number of days proposed.

Other Provisions

- Requires the commissioner of education to certify by July 1 of each year the estimated percentage decrease in each district's state and local funding per WADA under the Foundation School Program below the amount the district received in the 2010-11 school year, adjusted for any changes in the district's M&O tax rate, net of recapture, and calculated according to the methodology that existed on January 1, 2011.
- Extends the telecommunications discount for two years.
- Eliminates the requirement that a school board president publish an additional notice or call another meeting to discuss and adopt the budget with a proposed lower tax rate.
- Limits the administration of the FITNESSGRAM to those students enrolled in a course for PE credit.
- Suspends district ratings for the Financial Integrity Rating System of Texas (FIRST) and early warning systems as long as state and local revenue per WADA is below the 2010-11 school year.