

- SUBJECT:** Use of personal leave by a public school employee
- COMMITTEE:** Public Education — favorable, without amendment.
- VOTE:** 6 ayes — Eissler, Zedler, Branch, Hochberg, Olivo, Patrick
0 nays
3 absent — Delisi, Dutton, Mowery
- SENATE VOTE:** On final passage, May 1 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but not testifying:* Portia Bosse, Texas State Teachers Association; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Lindsay Gustafson, TCTA; Elena Lincoln, Association of Texas Professional Educators; Patty Quinzi, Texas Federation of Teachers)
Against — None
On — David Duty, Texas Association of School Boards
- BACKGROUND:** Education Code, sec. 22.003 sets minimum standards for the personal leave program that a school district must provide to its employees. Districts must allow their employees to take at least five days per year of personal leave with no limit on accumulation. School districts may provide additional personal leave beyond this minimum, and personal leave is transferable among districts. The board of trustees of a school district may adopt a policy governing an employee's use of personal leave as long as it does not restrict the purposes for which the leave may be used.
- In 1995, the 74th Legislature enacted SB 1 by Ratliff, which made comprehensive changes to the state's public education system. Among its many provisions, SB 1 repealed Education Code, sec. 13.904, which formerly governed public school employee sick leave. Employees who had accumulated sick leave under sec. 13.904 were allowed to retain it. As a result, some teachers today have sick leave accrued before the repeal of

sec. 13.904 in addition to personal leave granted since then by school districts. Current law does not specify the order in which teachers may use the various types of leave they have accumulated over their careers.

DIGEST:

SB 817 would amend Education Code, sec. 22.003 to allow teachers to choose the order in which they use state minimum personal leave and any additional personal leave provided by the school district. An employee who retained sick leave accumulated under former sec. 13.904 or personal leave under sec. 22.003(a) could use either form of leave in any order, as long as the leave used was appropriate to the purpose of the leave.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007, and would apply to the 2007-08 school year.