

## **BILL ANALYSIS**

Senate Research Center  
77R8099 SMJ-D

S.B. 978  
By: Lucio  
Education  
3/29/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, retirees of the public education system are prohibited from being rehired without a loss in retirement benefits unless the retiree is separated from employment in education for 12 months and is teaching in an acute shortage area, as defined by the commissioner of education. However, this one year "sit-out" period prevents many of these retired teachers from providing classroom expertise, especially now during the current teacher shortage. As proposed, S.B. 978 removes the 12 month "sit-out" period for retirees as long as the teacher meets all other current requirements and is not eligible for early retirement. The bill exempts these teachers from the minimum monthly salary schedule, but requires the school district to pay the teacher an amount that, when added to the teacher's monthly retirement benefit, is at least equal to what the teacher would have been eligible for under the current schedule.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 824.602(a), Government Code, to delete wording relating to a separation from service with all public schools,

SECTION 2. Amends Section 21.402, Education Code, by amending Subsection (a) and adding Subsections (i) and (j), as follows:

(a) Provides an exception to this subsection.

(i) Provides that this section, except as provided by Subsection (j), does not apply to certain individuals.

(j) Requires a school district to pay to each classroom teacher described in Subsection (i) an amount that, when added to the teacher's monthly retirement benefit, is at least equal to the minimum monthly salary otherwise required by this section.

SECTION 3. Makes application of this Act prospective to the 2001-2002 school year.

SECTION 4. Effective date: upon passage or September 1, 2001.