

BILL ANALYSIS

Senate Research Center

C.S.S.B. 189
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Education
3/23/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Several issues relating to the statutes governing the Texas School for the Blind and Visually Impaired (TSBVI) require clarification. Under current law, the superintendent of the TSBVI is hired for a 12-month term of employment and his or her salary is established annually by the board of TSBVI (board); however, the law also requires that the superintendent's salary be based on not more than 230 days of service. This conflict needs to be resolved so that the term of employment and the salary are in agreement.

The current law is silent with respect to the ability of TSBVI to charge for certain assessment services provided at the request of school districts or other educational entities although such authority is granted in the General Appropriations Act.

Additionally, under Section 2252.901 (Contracts with Former or Retired Agency Employees), Government Code, agencies are prohibited from contracting with certain employees for a period of one year after the employee leaves the agency. Due to the lack of qualified teachers for students with visual impairments and other disabilities, it is important that TSBVI have the authority to contract with any qualified teachers at any time, notwithstanding the provision in the Government Code.

Work schedules for teachers at TSBVI are currently established by the board although their day-to-day work is at the direction of the superintendent. Finally, TSBVI teachers are paid the salary designated in their employment contracts in 12 equal monthly installments and are not authorized to receive payment for any supplemental program work. Due to the disconnect between the school year and the state fiscal year, the provision requiring payment in equal monthly installments is impractical.

C.S.S.B. 198 clarifies statutory language relating to the TSBVI superintendent's term of employment; provides that the superintendent rather than the board establishes employee work schedules; and authorizes TSBVI to contract with any qualified teachers at any time, notwithstanding the restrictive provision in the Government Code, pay salaries designated in staff employment contracts in 12 monthly installments, and pay teachers for supplemental program work.

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 30.021, Education Code, by adding Subsection (g), to authorize the Texas School for the Blind and Visually Impaired (TSBVI) to conduct an assessment for a reasonable fee if a school district or other educational entity requests an assessment of a student's educational or related visual impairment needs.

SECTION 2. Amends Section 30.023(d), Education Code, to provide that the superintendent's salary is an annual salary. Deletes text referring to the salary being based on not more than 230 days of service. Makes a conforming change.

SECTION 3. Amends Section 30.024, Education Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Provides that a teacher employed under this subsection is not subject to Section 2252.901 (Contracts with Former or Retired Agency Employees), Government Code. Requires employees under a contract under this subsection to be paid in accordance with a salary structure adopted by the superintendent with the concurrence of the board that provides salaries, including assignment stipends, equal, on a daily basis, to salaries, including assignment stipends, paid to employees employed in comparable positions by the Austin Independent School District. Provides that employees under a contract under this subsection may be permitted by the governing board of TSBVI (board) to be paid their designated salary in twelve monthly installments, rather than 12 equal monthly installments and requires these employees to work the hours established by the superintendent, rather than by the board.

(g) Authorizes TSBVI to pay a teacher or an employee who provides direct and regular education services to students or who provides other professional education services or who supervises an individual who provides such services and who is employed in a supplemental program under Section 30.021(c) (pertaining to supplemental programs such as summer programs or student exchanges) a salary that, on a daily-rate basis, does not exceed the salary paid by the Austin Independent School District to a comparable employee.

SECTION 4. Effective date: upon passage or September 1, 2005.