

SUBJECT: Receipt of certain new-hire employee service records by a school district.

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Eissler, Hochberg, Allen, Aycock, Farias, Jackson, Olivo,
Patrick, Shelton, Weber

0 nays

1 absent — Dutton

WITNESSES: For — Lindsay Gustafson, Texas Classroom Teachers Association
(*Registered, but did not testify*: Portia Bosse, Texas State Teachers
Association; Monty Exter, Association of Texas Professional Educators;
Dwight Harris, Texas - AFT; Don Rogers, Texas Rural Education
Association)

Against — None

On — Myra Klinksiek, Texas Association of School Personnel
Administrators

DIGEST: CSHB 1365 would require that on a request from a teacher, librarian,
counselor, or nurse, a school district that previously employed that person
provide a copy of the person's service record to the school district for
which the person was currently employed. The copy would have to be
provided within 30 days of the day the request was made. A service record
would have to include the total years of service provided to the district.

If a school district did not comply with a request within 30 days, the Texas
Education Agency (TEA) would provide information to the employing
school district sufficient to enable the district to place the individual
accurately on the district's salary schedule. A teacher, librarian, counselor,
or nurse would be entitled to back pay of up to one year for any
compensation the employee would have received had the employing
school district had the employee's service record to determine the proper
salary schedule level.

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, 2009. It would apply to the 2009-2010 school year.

**SUPPORTERS
SAY:**

CSHB 1365 would help ensure that teachers, counselors, librarians, and nurses earned a salary appropriate for their years of experience. Each district determines employee salaries according to years of experience and the level at which the employee had been compensated in previous school districts. Individuals lose wages because employing districts often place those without service records at a low compensation level. This bill would ensure that teachers, counselors, librarians, and nurses did not lose wages.

The bill would prevent a school district from holding service records hostage to coerce a specific action, such as signing a confidentiality agreement or participating in an exit interview. A record of one's work history should not have strings attached. An employee currently has no legal recourse when a school district does not provide a service record, and this bill would provide the necessary legal standing.

The bill would allow teachers, counselors, librarians, and nurses to choose when to request service records. Claims that this choice could result in incomplete records are unfounded because incomplete records would not benefit the employee, so the employee would be likely to wait until a time advantageous to that person.

**OPPONENTS
SAY:**

CSHB 1365 would require a district to prepare and deliver a service record that may not be complete. If an employee provided notice of resignation and requested the service record before the last day of employment, it is unlikely the school district would be able to prepare an accurate record of transferable leave days and service days. To account for processing time to prepare service records, school districts should have until 30 days after an employee's last day of employment to respond.

NOTES:

CSHB 1365 differs from the bill as filed by limiting the amount of time for which an employee would be entitled to back pay.

A similar bill, SB 1578 by Shapiro, has been referred to the Senate Education Committee.