Chapter 153. School District Personnel

Subchapter CC. Commissioner's Rules on Creditable Years of Service

§153.1021. Recognition of Creditable Years of Service.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accredited institution--A public or private elementary, secondary, or post-secondary institution whose education program has been evaluated and deemed accredited by a state department of education or recognized regional accrediting agency.

(2) Charter school--A charter school that has been authorized to operate under the Texas Education Code (TEC), Chapter 12, Subchapter D or E.

(3) Assignment--Refers to the actual duties a person has with a school district or other educational entity.

(4) Authorized leave--Leave granted under the state's former minimum sick leave program, leave granted under the state's current minimum personal leave program, (which includes physical assault leave), or any leave granted under a local leave policy for which the employee is paid as if on regular duty.

(5) Certificate--A document issued by the State Board for Educator Certification (SBEC) authorizing the holder to teach in the public elementary and secondary schools of Texas.

(6) Certified--Status of a person who holds a valid Texas teaching certificate.

(7) Contractual year--The employment period between July 1 and the following June 30.

(8) Current valid certificate--A certificate that is or was valid at a given time, including the stipulation that after June 30, 1986, a Texas certificate is valid only if the certified person has successfully passed any certification that was mandated by either the State Board of Education or the SBEC.

(9) Faculty status--Employment by a college or university as a member of the professional administrative or instructional staff, not as a graduate assistant, an assistant instructor, or an instructor on a fellowship.

(10) Full-time employment--Employment for 100% of an institution's normal work schedule.

(11) Full-time equivalency--The amount of time required of a staff member to perform a less than full-time assignment divided by the amount of time required in performing a corresponding full-time assignment. Full-time equivalency of assignment usually is expressed as a decimal fraction to the nearest tenth.

(12) Minimum salary--The minimum salary a classroom teacher, full-time librarian, full-time counselor, or full-time school nurse must be paid as prescribed in TEC, Chapter 21.

(13) Part-time employment--Employment for less than 100% of an institution's normal work schedule.

(14) Professional personnel--Teachers, full-time librarians, full-time counselors, full-time school nurses, other employees who are required to hold a certificate issued under TEC, Chapter 21, Subchapter B, and any other personnel reported by a school district to the Public Education Information Management System with a "professional" role-id.

(15) Regional accrediting agency--The recognized regional accrediting agencies are:

(A) Southern Association of Colleges and Schools;

(B) Middle States Association of Colleges and Schools;

(C) North Central Association of Colleges and Schools;

(D) New England Association of Schools and Colleges;

(E) Western Association of Schools and Colleges;

(F) Northwest Association of Schools and Colleges;

(G) Commission on International and Trans-regional Accreditation;

(H) International Baccalaureate Organization;

(I) European Council of International Schools/Council of International Schools; and

(J) National Council for Private School Accreditation.

(16) Salary increments--Increases in salary granted for teaching or work experience.

(17) School nurse--An educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice, and who has been issued a license to practice professional nursing in Texas.

(18) Speech pathologist--An educator employed to provide full-time speech pathology services and who meets all the requirements to practice as a speech pathologist pursuant to the rules and regulations relating to professional speech pathology education, licensure, and practice and has been issued a license to practice professional speech pathology in Texas. This definition encompasses all speech pathologists that have been licensed by the Texas Education Agency, ending August 31, 1996, and by the Health and Human Services Commission, beginning September 1, 1996. This paragraph expires September 1, 2011.

(19) Service--A term of employment measured in school years in an entity in which the employment is recognized for salary increment purposes.

(20) State school--A school that is funded by legislative action in the appropriations act. These schools include the Texas School for the Blind, the Texas School for the Deaf, and schools under the jurisdiction of the Texas Department of State Health Services (formerly the Texas Department of Mental Health and Mental Retardation) and the Texas Youth Commission.

(21) Substitute teacher--A certified teacher who works on call, does not have a full-time assignment, and provides instruction.

(22) Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.

(b) Required documentation. The following records on professional personnel must be readily available for review.

(1) credentials (certificate or license);

(2) service record(s) and any required attachments;

(3) contract;

(4) teaching schedule or other assignment record; and

(5) absence from duty reports.

(c) Credentials for professional personnel. The credentials for professional personnel are as follows.

(1) A current valid Texas certificate, a special assignment permit, a nonrenewable permit, a non-certified instructor's permit, an emergency teaching permit, or the appropriate licensure from the State of Texas.

(2) For special education related service teachers, the credential must be appropriate licensure from the State of Texas.

(3) For those special education related service personnel who do not require Texas certification or licensure, proper credentials as described in §89.1131 of this title (relating to Qualifications of Special Education, Related Service, and Paraprofessional Personnel) are required.

(d) Teacher service record. The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the teacher service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing school district or charter school to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

(1) The service record must be validated by a person designated by the school district or charter school to sign service records.

(2) Supporting documents are required for service in out-of-state private schools, foreign public and private institutions, the military, and colleges and universities. The type of supporting documentation for each particular entity is prescribed by subsection (h) of this section.

(3) If a person is employed by more than one school district or charter school during the same school year, a service record from each employing district or charter school is required.

(4) For personnel employed in a year-round school system, the actual dates of employment during that school's calendar must be indicated on the service record. The dates may not necessarily conform to the contractual year as defined by subsection (a) of this section.

(5) The service record shall be kept on file at the school district or charter school. When employment with the district or charter school is terminated, the original service record, signed by the employee shall be given to the employee upon request or sent to the next employing school district or charter school. The local school district or charter school must maintain a legible copy for audit purposes.

(6) Cooperative personnel employed by a fiscal agent/manager and itinerant personnel of a cooperative shall be considered to be employees of the fiscal agent/manager and the service record shall be the fiscal agent/manager's responsibility. Personnel employed by a member of a cooperative and assigned to the member are employees of the member and the service record shall be the member's responsibility.

(7) Work experience claimed by career and technology education personnel for salary increment purposes as prescribed by subsection (i) of this section must be recorded on a service record.

(8) State sick leave balances, days earned, and days used by personnel under the former state's minimum sick leave program and the state's current personal leave program must be recorded on the service record or another similar form containing the same information. State sick leave and state personal leave accumulated in Texas public elementary and secondary schools are transferable among these schools. State personal leave accrued by an employee of a Texas regional education service center, not to exceed five days per each year of employment, is transferable to a Texas public elementary and secondary school. State sick leave and state personal leave accrued by an employee of Harris County Department of Education and Dallas County Schools are transferable to Texas public elementary and secondary schools in accordance with the TEC, §22.003(a). Local leave accrued under the policy of any entity recognized for creditable service under subsection (g) of this section may be transferred to a Texas public elementary or secondary school at the discretion of the employing school district. The service record shall separately state the number of accumulated state days for which the employee is paid, if any, upon separation from the employing district.

(9) State days used to purchase additional years of service from the Teacher Retirement System of Texas (TRS) for retirement purposes must be deducted from the balance reflected on the service record.

(10) The issuing school district or charter school must submit the service record to the Texas Education Agency upon request.

(e) General provisions for years of creditable service. All service claimed for salary increment purposes must meet the requirements in subsections (f)-(h) of this section. The service record and any other required supporting documents must meet the requirements for such records and documentation in this section. All service shall be based on the contractual year (July 1-June 30). No more than one year of experience may be acquired in any one contractual year.

(f) Minimum requirements. The table in this subsection indicates the minimum number of days required to earn and receive credit for a year of experience.

Figure: 19 TAC §153.1021(f)

(1) For service performed through the 1989-1990 school year, minimum days at less than 100% or at full-time equivalency are applicable only to service in Texas public schools, Texas education service centers, and, beginning in 1978-1979, Texas public colleges and universities.

(2) Beginning with service performed during the 1990-1991 school year or any year thereafter, employment at less than 100% of the day is recognized in all entities where full-time employment is recognized, provided that documentation is presented to the employing district which verifies that the employment was for not less than three and one-half hours each day.

(3) The 90 days required at 100% of the day for years prior to 1972-1973 may be equivalent to four and one-half months, a full semester, or three six-weeks. Where the school year was less than 180 days for any year prior to 1972-1973, a minimum of 175 days at 50-99% of the day will be accepted, provided that the 175 days constituted two full semesters or six six-weeks.

(4) For experience from the 1978-1979 through the 1987-1988 school years, full-time equivalent days equal the total number of days employed at 100% of the day plus days employed at 50-99% of the day divided by two.

(5) Beginning with the 1988-1989 school year, full-time equivalent days equal the total number of days employed multiplied by the percent of day actually worked.

(6) Beginning with the 1998-1999 school year, the 90 days required at 100% of the day may be equivalent to four and one-half months or a full semester. The 180 days required at 50-99% of the day may be equivalent to 90 full-time equivalent days (percent of day employed multiplied by number of days employed).

(7) Extended day migrant program employment shall be calculated in accordance with this section and the resulting equivalent must meet the same minimum requirements for professionals for the year in question.

(A) For service prior to the 1970-1971 school year, the days employed in the migrant program shall be multiplied by a factor of 1.37.

(B) For service during the 1970-1971 through the 1975-1976 school years, the days employed in the migrant program shall be multiplied by a factor of 1.31.

(g) Entities recognized for years of service. Service in any of the entities listed in this subsection shall be recognized for professional personnel. The minimum employment requirements in subsection (f) of this section must be met. Requirements concerning service in each type of entity in subsection (h) of this section must also be met. Professional service in the following entities is creditable:

(1) Texas public elementary and secondary schools, including charter schools;

(2) State regional education service centers;

(3) State departments of education;

(4) Texas Department of Corrections--Windham Schools;

(5) Public elementary and secondary schools in all other states in the United States or within the boundaries of any of its territorial possessions;

(6) Overseas schools operated by the U.S. Government;

(7) Texas public or private colleges or universities;

(8) Texas private elementary and secondary schools;

(9) Texas non-public special education contract schools;

(10) Texas Department of State Health Services (formerly the Texas Department of Mental Health and Mental Retardation)--state hospitals and state schools;

(11) Texas veterans' vocational schools;

(12) Public or private colleges or universities and private elementary and secondary schools in all other states in the United States or within the boundaries of any of its territorial possessions;

(13) Foreign public or private colleges or universities, or elementary and secondary schools;

(14) U.S. Department of Interior--Bureau of Indian Affairs;

(15) U.S. service academies;

(16) U.S. military service;

(17) Job Corps; and

(18) Peace Corps (in a professional capacity only).

(h) Requirements. Requirements for entities recognized for professional personnel are as follows:

(1) Texas public elementary and secondary schools, including charter schools.

(A) Requirements specific to Texas public elementary and secondary schools.

(i) All professional personnel must be certified by the State of Texas, must hold the proper state or national licensure as required by the position held, or must have the educational requirements for the job assigned. Regardless of the funding source, classroom teachers, full-time librarians, full-time counselors, and full-time school nurses must be paid at least the minimum salary specified in the Texas State Public Education Compensation Plan.

(ii) Professional personnel placed on developmental leaves of absence must be paid at least one-half of their state minimum salary by the school district to receive service credit for increment purposes.

(iii) Instructors in Reserve Officer Training Corps (ROTC) programs conducted by local school districts must be certified or hold an emergency teaching permit and must be paid at least the state minimum salary to receive service credit for increment purposes. An emergency teaching permit need not be renewed as long as the person continues in the ROTC assignment.

(B) Requirements specific to charter schools.

(i) Employment must have been in a professional capacity as defined by subsection (a) of this section.

(ii) Texas charter schools are not required to hire certified teachers other than those in special education and bilingual education, or as stated in the charter application.

(2) State regional education service centers.

(A) Personnel employed in cooperatives for which the education service center is acting as fiscal agency must meet the same requirements as personnel employed in Texas public elementary and secondary schools.

(B) All other personnel must meet the same requirements as personnel employed in state departments of education.

(3) State departments of education. Employment must have been in a professional capacity. For Texas department of education employment, professional positions are defined as personnel employed in positions starting in state pay grade classification B4/A12 and above.

(4) Texas Department of Corrections--Windham schools. Requirements in this subsection shall apply.

(5) Public elementary and secondary schools in all other states of the United States or within the boundaries of any of its territorial possessions. Employment prior to 1990-1991 must have been on a full-time basis.

(6) Overseas schools operated by the U.S. government. Schools operated by the United States Government for military dependents and dependents of personnel assigned to an embassy, consulate, etc., are treated as public schools in other states of the U.S. and policies pertaining to public schools in other states apply.

(7) Texas public or private colleges or universities.

(A) For private colleges and universities, accreditation by the Southern Association of Colleges and Schools is required.

(B) Officer Training Corps programs conducted by accredited colleges or universities must have been employed full-time on a faculty status level. Beginning in 1998-1999, service as an instructor in an agricultural extension service operated by an accredited college or university may be recognized for salary increment purposes as long as the person held a valid Texas teaching certificate at the time the service was rendered.

(C) All college or university experience must be recorded on the teacher service record. A supporting letter or form must be attached to the teacher service record verifying that either the full-time or part-time employment was at faculty status or its equivalent and that the schedule of work and the pay constituted that of other similar faculty employees. It is the responsibility of the employing school district to secure verification of college or university experience.

(8) Texas private elementary and secondary schools.

(A) For experience prior to the 1986-1987 school year, accreditation by the Texas Education Agency or the Southern Association of Colleges and Schools is required.

(B) For experience in the 1986-1987, 1987-1988, and 1988-1989 school years, service shall be acceptable if the school was accredited by the Texas Education Agency, or a recognized regional accrediting agency.

(C) For experience in the 1989-1990 school year and thereafter, service shall be acceptable if the school was accredited by the Texas Private School Accreditation Commission.

(D) During the 1986-1987, 1987-1988, and 1988-1989 school years, private schools accredited by the Texas Education Agency, a recognized regional accrediting agency, or an association recognized by the commissioner of education will be listed in the Texas School Directory.

(E) Beginning with the 1989-1990 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed in the Texas School Directory.

(F) Beginning with the 2004-2005 school year and thereafter, private schools accredited by the Texas Private School Accreditation Commission will be listed on the Texas Education Agency website.

(9) Non-public special education contract schools.

(A) Approval from the Texas Education Agency to provide special education services during the year service was rendered is required. A list of approved schools is maintained by the Texas Education Agency and posted on the agency's school finance website.

(B) The person must have been certified in an area of special education.

(10) Texas Department of State Health Services (formerly the Texas Department of Mental Health and Mental Retardation) state hospitals and state schools.

(A) The assignment must have been in an educational program operated in conjunction with a public school program or in a non-educational professional capacity.

(B) Persons employed in an educational program must have held a valid Texas teaching certificate and must have been paid at least the state minimum salary of a teacher in a Texas public school.

(11) Texas veteran's vocational school.

(A) The assignment must have been as an instructor or coordinator.

(B) Service during the period of July 1, 1946, through June 30, 1955, must have been at a school under the jurisdiction of the Texas Education Agency (this service can be verified by the agency).

(C) Service after June 30, 1955, must have been at a veteran's vocational school operated by a Texas county board of school trustees under the jurisdiction of the Veterans Administration.

(12) Public or private colleges and universities, and private elementary and secondary schools in all other states in the United States or within the boundaries of any of its territorial possessions.

(A) Employment must have been, and in the case of colleges and universities, must be verified in the same manner as for Texas colleges or universities.

(B) Accreditation by a recognized state or regional accrediting agency listed in subsection (a)(15) of this section is required. In states or territories that have no provisions for accrediting, licensing, or approving private elementary or secondary schools, service shall be acceptable provided the person held, while employed, a valid teaching certificate from the state in which the school is located or a valid Texas teaching certificate.

(C) It is the responsibility of the employing school district or charter school to have evidence on file of the accreditation status of private schools in other states.

(13) Foreign public or private elementary and secondary schools, colleges, and universities.

(A) Employment in colleges or universities must be verified in the same manner as for Texas colleges or universities.

(B) For foreign public schools, colleges, and universities, accreditation by a recognized agency of the foreign country or by a recognized accrediting agency in the United States is required.

(C) For foreign private schools, colleges, and universities, accreditation must be by a recognized regional accrediting agency listed in subsection (a)(15) of this section, unless the requirements in subparagraph (E) of this paragraph are met.

(D) The accreditation status must be verified in the same manner as for public or private schools in the United States.

(E) Experience from foreign private schools, colleges, and universities that have been accredited by a recognized accrediting agency of the foreign country may be recognized for salary increment purposes, provided the minimum requirements in subsection (f) of this section are met. All relevant and credible information concerning accreditation must be provided to the Texas Education Agency. The recognized accrediting entity in the foreign country is the Department of Education or the Higher Education Authority of that foreign country. It is the responsibility of the foreign country to provide such relevant, credible, and accurate information before any credit is given. Such experience will be considered on an individual country basis. The placement on the minimum salary schedule will begin with the following contractual year (July 1-June 30) after the final approval is granted by the Texas Education Agency. The district or charter school is not liable for any previously non-compensated salary related to such experience.

(14) United States Department of the Interior--Bureau of Indian Affairs. Service must have been full-time.

(15) United States service academies.

(A) Employment must have been at a faculty status level and must be verified in the same manner as other college or university service.

(B) The service academies are as follows:

(i) Air Force Academy, Colorado Springs, Colorado;

(ii) Coast Guard Academy, New London, Connecticut;

(iii) Military Academy, West Point, New York;

(iv) Naval Academy, Annapolis, Maryland; and

(v) Merchant Marine Academy, Kings Point, New York.

(16) United States military service. Service with the military forces of the United States of America may be counted for salary increment purposes if the following conditions are met:

(A) The person was a professional employee of any entity recognized for creditable service for salary increment purposes within twelve months of entry into active duty.

(B) Form DD-214 or other official discharge papers must be filed with the teacher service record showing:

(i) that military service was in the capacity of an enlisted man or woman or commissioned officer;

(ii) that release or separation from active duty was under honorable conditions; and

(iii) dates of entry and release from active duty.

(C) The person claiming military service was on active duty during the periods September 1, 1940, through August 31, 1947, or September 1, 1950, through August 31, 1954, or for other periods if:

(i) the military service was a result of involuntary induction into active duty; or

(ii) the military service was a result of voluntary entry into active duty for the first time for the individual, and such initial period of voluntary military service claimed as years of service for teacher salary increments does not exceed four years.

(D) Beginning with the 1983-1984 school year, for purposes of determining the total years of military experience creditable for increment purposes, a year shall be considered to begin on July 1 and end June 30. During this period, four and one-half months of service must be acquired for an individual to be entitled to one year of experience. Only one year of

experience may be earned during any 12-month period. Prior to the 1983-1984 school year, credit for military service was calculated based on the 12-month period from September 1-August 31. Credit granted on that basis shall continue to be effective.

(E) The requirement in subparagraph (A) of this paragraph must be met before any credit is given.

(17) Job Corps. The person must have held a valid teaching certificate or appropriate license that would qualify for service credit during the period of employment.

(18) Peace Corps.

(A) Employment must have been with a school system (Grades K-12) in a foreign country.

(B) The person must have held a valid teaching certificate or appropriate license that would qualify for service credit from any state in the United States during the period of employment.

(i) Credit for career and technology teachers. In accordance with TEC, §21.403, effective with the 1982-1983 school year, certified career and technology education teachers employed for at least 50% of the time in an approved career and technology position may count up to two years of work experience for salary increment purposes if the work experience was required for career and technology certification.

(1) For purposes of this section, an emergency teaching permit shall be the equivalent of a teaching certificate.

(2) Once credit for work experience has been granted, the credit shall be continued regardless of the position held. For personnel granted credit under this section whose employment is split between career and technology and non-career and technology positions, the years granted shall apply to both the career and technology and the non-career and technology positions.

(j) Adult basic education program credit. A person teaching adult basic education is eligible for creditable service if the program was operated by a public school and the person held a valid teaching certificate.

(k) Substitute teachers. Beginning with the 1998-1999 school year, a substitute teacher, as defined in subsection (a) of this section, employed in an entity recognized for years of service as prescribed by subsection (g) of this section is eligible for creditable service.

(l) Salary schedule. The commissioner of education shall publish annually the state minimum salary schedule.

(m) Teacher aides. Beginning with the 2004-2005 contractual year, a teacher aide who subsequently attains certification may count up to two years of full-time equivalency of direct student instruction for salary increment purposes. Such experience must be verified on the teacher service record form (FIN-115) or a similar form containing the same information.

Statutory Authority: The provisions of this §153.1021 issued under the Texas Education Code, §21.402, 21.403, and 21.4031.

Source: The provisions of this §153.1021 adopted to be effective February 1, 1998, 23 TexReg 545; amended to be effective April 16, 2000, 25 TexReg 3043; amended to be effective April 24, 2003, 28 TexReg 3323, amended to be effective May 5, 2005, 30 TexReg 2507; amended to be effective February 25, 2007, 32 TexReg 624; amended to be effective July 11, 2010, 35 TexReg 6071.

§153.1022. Minimum Salary Schedule for Certain Professional Staff.

(a) Definitions and eligibility. The following definitions and eligibility criteria apply to the increases in the minimum salary schedule in accordance with Texas Education Code (TEC), Chapter 21.

(1) The staff positions that qualify for the salary increase include classroom teachers and full-time librarians, counselors, and nurses employed by public school districts and who are entitled to a minimum salary under TEC, §21.402.

(A) A classroom teacher is an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting pursuant to TEC, §5.001, focusing on the delivery of the Texas essential knowledge and skills and holds the relevant certificate issued by the State Board for Educator Certification (SBEC) under the provisions of TEC, Chapter 21, Subchapter B. Although non-instructional duties do not qualify as teaching, necessary functions related to the educator's instructional assignment such as instructional planning and transition between instructional periods should be applied to creditable classroom time.

(B) A school librarian is an educator who provides full-time library services and holds the relevant certificate issued by the SBEC under the provisions of TEC, Chapter 21, Subchapter B.

(C) A school counselor is an educator who provides full-time counseling and guidance services under the provisions of TEC, Chapter 33, Subchapter A, and holds the relevant certificate issued by the SBEC pursuant to the provisions of TEC, Chapter 21, Subchapter B.

(D) A school nurse is an educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas.

(E) A speech pathologist is an educator employed to provide full-time speech pathology services and who meets all the requirements to practice as a speech pathologist pursuant to the rules and regulations relating to professional speech pathology education, licensure, and practice and has been issued a license to practice professional speech pathology in Texas. This definition encompasses all speech pathologists that have been licensed by the Texas Education Agency, ending August 31, 1996, and by the Health and Human Services Commission, beginning September 1, 1996. This subparagraph expires September 1, 2011.

(2) An eligible educator who is employed by more than one district in a shared service arrangement or by a single district in more than one capacity among any of the eligible positions qualifies for the salary increase as long as the combined functions constitute full-time employment.

(3) Full-time means contracted employment for at least ten months (187 days) for 100% of the school day in accordance with definitions of school day in TEC, §25.082, employment contract in TEC, §21.002, and school year in TEC, §25.081.

(4) A local supplement is any amount of pay above the state minimum salary schedule for duties that are part of a teacher's classroom instructional assignment.

(5) Current placement on the salary schedule means a placement based on years of service recognized for salary increment purposes up to the current year.

(6) Salary schedule means a system of providing routine salary increases based upon an employee's total teaching experience and/or an employee's longevity in a school district.

(b) Base monthly salary for the 2009-2010 and 2010-2011 school years. The base monthly salary is the monthly salary the employee received during the 2008-2009 school year, provided the district has adopted a 2008-2009 local salary schedule for those eligible individuals. Each eligible individual must be paid, at a minimum, the amount that was received on the 2008-2009 local salary schedule, for their level of creditable years of experience, pursuant to §153.1021 of this title (relating to Recognition of Creditable Years of Service). This amount includes any local supplement and any money representing a career ladder supplement the employee would have received on the district's salary schedule during the 2009-2010 and 2010-2011 school years, and the greater of $80 or a uniform monthly amount determined by multiplying $60 by the number of students in weighted average daily attendance (WADA), then dividing that product by the total number of months of employment of eligible employees during the 2009-2010 school year. For the

purpose of determining the uniform monthly amount, the product of $60 multiplied by the number of students in WADA may be reduced by related social security coverage costs and by related payments made by the district under Government Code, §825.405.

(1) An educator eligible for the salary increase is entitled to a minimum salary in the 2009-2010 and 2010-2011 school years equal to the greater of the salary corresponding to their current placement on the state salary schedule pursuant to TEC, §21.402(a), or the salary corresponding to their current placement on the employing district's 2008-2009 salary schedule, provided the district has adopted a 2008-2009 local salary schedule, plus the greater of $80 or a uniform monthly amount determined by multiplying $60 by the number of students in WADA, then dividing that product by the total number of months of employment of eligible employees during the 2009-2010 school year. For the purpose of determining the uniform monthly pay raise amount, the product of $60 multiplied by the number of students in WADA may be reduced by related social security coverage costs and by related payments made by the district under Government Code, §825.405. If employed by the same district, the minimum must include any local and career ladder supplements the employee would have received in the 2008-2009 school year. (Attorney General Opinion No. GA-0785)

(2) Eligible full-time counselors, full-time nurses, and full-time librarians are entitled to a minimum salary in the 2009-2010 and 2010-2011 school years equal to the greater of the salary corresponding to their current placement on the state salary schedule pursuant to TEC, §21.402(a), or the salary corresponding to their current placement on the employing district's 2008-2009 salary schedule, provided the district has adopted a 2008-2009 local salary schedule, plus the greater of $80 or a uniform monthly amount determined by multiplying $60 by the number of students in WADA, then dividing that product by the total number of months of employment of eligible employees during the 2009-2010 school year. For the purpose of determining the uniform monthly amount, the product of $60 multiplied by the number of students in WADA may be reduced by related social security coverage costs and by related payments made by the district under Government Code, §825.405. These eligible employees are placed on the state schedule according to the same criteria that applies to classroom teachers and full-time librarians pursuant to §153.1021 of this title.

(3) Eligible speech pathologists are entitled to receive the monthly salary they received during the 2008-2009 school year, under the district's salary schedule, as if that schedule had been in effect for the 2009-2010 and 2010-2011 school years, including any local supplement, plus the greater of $80 or a uniform monthly amount determined by multiplying $60 by the number of students in WADA, then dividing that product by the total number of months of employment of eligible employees during the 2009-2010 school year. For the purpose of determining the uniform monthly amount, the product of $60 multiplied by the number of students in WADA may be reduced by related social security coverage costs and by related payments made by the district under Government Code, §825.405. This paragraph expires September 1, 2011.

(4) A beginning eligible employee who has not previously been on the state salary schedule is entitled to any local supplement that would have been offered to a beginning eligible employee on the employing district's 2008-2009 salary schedule, including the pay raise that was mandated by House Bill 3646, 81st Texas Legislature, 2009, for the 2009-2010 school year (the greater of $80 per month or an amount that represents $60 multiplied by the number of students in WADA), as if that schedule had been in effect during the 2009-2010 and 2010-2011 school years. (Attorney General Opinion No. GA-0785)

(5) Educators who are eligible for the salary increase and who are employed for more than ten months are entitled to the greater of $80 or a uniform monthly amount determined by multiplying $60 by the number of students in WADA, then dividing that product by the total number of months of employment of eligible employees during the 2009-2010 school year. For the purpose of determining the uniform monthly amount, the product of $60 multiplied by the number of students in WADA may be reduced by related social security coverage costs and by related payments made

by the district under Government Code, §825.405. These individuals are eligible for an increase in pay for each full month of additional service.

(6) Classroom teachers who are eligible for the salary increase, pursuant to TEC, §5.001, but who are not employed full-time (work either less than 100% of the day or for a portion of the year) are entitled to a proportionate pay increase. For classroom teachers working less than 100% of the day, the increase is proportionate to the percent of the day employed. For classroom teachers employed less than a full year, the increase is valid only for the months employed.

(7) Full-time nurses, full-time librarians, full-time speech pathologists, and full-time counselors who are employed for less than a full school year or who are placed in an eligible assignment for less than a full school year are entitled to a pay increase in proportion to the months employed in which they are eligible.

(c) Determination of "FS." "FS" is the amount, as determined by the commissioner under TEC, §21.402(b), of state and local funds per weighted student, including funds provided under TEC, §42.2516, available to a district eligible to receive state assistance under TEC, §42.302, with a maintenance and operations tax rate per $100 of taxable value equal to the product of the state compression percentage, as determined under TEC, §42.2516, multiplied by $1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, Acts of the 77th Texas Legislature, Regular Session, 2001.

(d) Monthly minimum salary rates. The minimum monthly salary rates applicable for the 2009-2010 and 2010-2011 school years, in accordance with this section and TEC, §21.402, shall be as set forth in the table in this subsection.

Figure: 19 TAC §153.1022(d)

Statutory Authority: The provisions of this §153.1022 issued under the Texas Education Code, §21.402.

Source: The provisions of this §153.1022 adopted to be effective January 2, 2000, 24 TexReg 11753; amended to be effective February 22, 2004, 29 TexReg 1362; amended to be effective January 31, 2006, 31 TexReg 492; amended to be effective February 25, 2007, 32 TexReg 625; amended to be effective December 30, 2010, 35 TexReg 11635.