



# Texas House of Representatives

ERNESTINE V. GLOSSBRENNER

ID# 13396  
MRC

COMMITTEES:  
PUBLIC EDUCATION, CHAIR  
ELECTIONS

August 13, 1991

RD-147

The Honorable Dan Morales  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711

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Opinion Committee

Re: Authority of School Districts  
to Pay School Employees For  
Accumulated Sick Leave.

this is a  
duplicate of  
re: ID# 13344

Dear General Morales,

During the 72nd Regular Session the Legislature passed H.B. 2885, which extended the requirement that school districts provide five paid sick leave days to all employees. Previously, only certified employees were covered by the state sick leave program. Prior to 1984, the state partially reimbursed school districts for the state-required sick leave days but in 1984 the legislature ceased appropriating general revenue for these reimbursements.

H.B. 2885 also repealed section 21.919 of the Education Code, which provided as follows:

If a school district provides sick leave for an employee not covered under Section 13.904 of this code, the school district may pay the employee for accrued sick leave when the employee leaves the employment of the district.

Several school districts have policies that provide payment for accrued sick leave. I am requesting your opinion to resolve the following questions: Do school districts that have adopted such a policy retain the authority to pay school employees for accrued sick leave pursuant to their general grant of authority under section 23.26 of the Education Code and related provisions? Would school districts which do not currently have such a policy be prohibited from establishing such a policy in the future?

I look forward to your response at the earliest possible time and will appreciate your advice and counsel on this matter. A copy of this request has been submitted to the organizations listed below as an invitation for them to submit briefs on this issue. Thank you.

Yours Very Truly,



Ernestine V. Glossbrenner

cc:

Senator Carl Parker  
Commissioner Lionel Meno, Texas Education Agency  
Ms. Sonia Hernandez, Governor's Office  
Members of the Public Education Committee  
Texas Classroom Teachers Association  
Texas Federation of Teachers  
Texas Association of Secondary School Principals  
Association of Texas Professional Educators  
Texas Elementary Principals and Supervisors Association  
Texas State Teachers Association  
Texas Association of School Administrators  
Texas Association of School Boards