



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

Agenda Item Summary

Meeting Date: June 27, 2016

Purpose: Report Only Recognition Discussion/ Possible Action

Presenter(s):

Item Title:

Discussion and Possible Board action to adopt resolution articulating public purpose for additional compensation for Legacy (pre 2006) teachers who were paid Master's degree stipends in 2014-15.

Description:

District Goal:

Select a Goal

Funding Budget Code and Amount:

CFO Approval

APPROVAL ROUTE

SIGNATURE

DATE

Principal/Director:

Executive Director:

Chief Administrator:

Superintendent:

[Handwritten signature]

6-23-2016

RESOLUTION

DEFINING A PUBLIC PURPOSE TO BE SERVED BY THE STIPENDS AUTHORIZED AT THE JUNE 6, 2016, BOARD MEETING.

PREAMBLE

WHEREAS, on June 6, 2016, the Board of Trustees of the San Antonio of the San Antonio Independent School District, by unanimous vote adopted a modification to its Salary/Stipend Pay Scales for the upcoming 2016-17 school year; and,

WHEREAS, it is common knowledge that a core function of Boards within the State of Texas is to take legislative action; and,

WHEREAS, a School Board acts in a legislative capacity when it is making policy, either adopting policy provisions, salary/stipend schedules and/ or resolutions, and acts in an adjudicatory, or quasi-judicial, capacity when it applies facts to an established policy and renders a decision, such setting salaries and stipends for employees; and,

WHEREAS, in *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506 (“*Topanga*”), the California Supreme Court held that an agency must set forth findings to “bridge the analytic gap between the raw evidence and the ultimate decision or order.” Furthermore, the use of legislative findings will give a reviewing court or an administrative agency a “roadmap,” will assist the court in its analysis, and promote deference to the legislative body’s determination; and,

WHEREAS, in *United States v. O’Brien* (1968) 391 U.S. 367, 383, quoting *McCray v. United States* (1904) 195 U.S. 27, 56 the Court held [that courts will not assume that legislation was enacted with improper purpose or motive]; *Id.* at 383 [“Inquiries into congressional motives or purposes are a hazardous matter.”]; and,

WHEREAS, the Board has, based upon public testimony, determined that teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master’s Degree Stipend during the 2014-15 school year have provided a extraordinarily valuable academic leadership, expertise, and service to the students of the South San Antonio Independent School District; and,

WHEREAS, the Board has determined, based upon public testimony, that the loss of the 2014-15 Master’s Stipend as a separate element of the District’s compensation plan during the

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2015-16 school year has contributed to a serious loss of morale among teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15; and,

WHEREAS, the Board has determined, based upon public testimony, that teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15 school year have provided an extraordinarily valuable academic leadership, expertise, and service to the students of the South San Antonio Independent School District; and,

WHEREAS, the Board has determined, based upon public testimony, that the loss of the 2014-15 Master's Stipend as a separate element of the District's compensation plan during the 2015-16 school year has contributed to a serious loss of morale among teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15, is likely to erode the confidence and loyalty of that class of effected teachers, and will likely to their early separation form employment with the South San Antonio Independent School District; and,

WHEREAS, the Board has determined, based upon public testimony, that the continued retention teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15, will benefit the students of the South San Antonio Independent School District; and,

WHEREAS, the Board has determined, based upon public testimony, that the retention teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15, will serve a legitimate public purpose, by providing the best possible faculty to serve the needs of the District's students; and,

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WHEREAS, under the terms of the June 6, 2016 Board action teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15 school year, would be eligible to receive additional compensation (calculated to be an additional payment on top of the finally adopted Salary/Stipend Pay Scales adopted by the Board of Trustees for the upcoming 2016-17 school year in the following amounts: to wit: \$1,000 if, at the end of the 2015-16 school year, the teacher had 20 years of teaching experience or less; and, \$2,000 if, at the end of the 2015-16 school year, the teacher had 21 years of teaching experience or more; and,

WHEREAS, the Board of Trustees of the South San Antonio Independent School District has been requested to adopt a rationale for the decision to additionally compensate this class of employees; and,

WHEREAS, by adopting this Resolution, the Board of Trustees of the South San Antonio Independent School District intends to make legislative findings in support of its decision to adopt the additional compensation for the class of teachers set forth herein;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the Board is under the provisions of TEXAS EDUCATION CODE § 44.04 to adopt a District budget, including suitable provisions for employee stipends and salaries as it sees fit subject, in the case of teachers, only to the minimum salary provisions of TEXAS EDUCATION CODE § 21.401.

SECTION 3. That, for the reasons set forth in the foregoing Preamble, the Board of Trustees of the South San Antonio Independent School District finds that a public purpose is and will be served by the action of the Board of Trustees unanimously approved by the Board on June 6, 2016, to wit,

that teachers who: 1.) are currently employed by the South San Antonio Independent School District; 2.) were hired by South San Antonio Independent School District before June 21, 2006; 3.) have remained in continuously employed by South San Antonio Independent School District since June 21, 2006; and, 4.) were paid a Master's Degree Stipend during the 2014-15 school year, are eligible to receive additional compensation (calculated to be an

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additional payment on top of the finally adopted Salary/Stipend Pay Scales adopted by the Board of Trustees for the upcoming 2016-17 school year in the following amounts: to wit: \$1,000 if, at the end of the 2015-16 school year, the teacher had 20 years of teaching experience or less; and, \$2,000 if, at the end of the 2015-16 school year, the teacher had 21 years of teaching experience or more

Approved and Signed this 27th Day of June, 2016.

CONNIE PRADO
President
Board of Trustees

Attest:

ANGELINA OSTEGUIN
Secretary
Board of Trustees