

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 104a

50th Legislature, 1st Session, 2011

Tracking Number: .183388.1

Short Title: Reduced Nonlicensed School Employee Probation

Sponsor(s): Representative Eleanor Chávez and Others

Analyst: Kevin Force

Date: March 1, 2011 (revised)

AS AMENDED

The House Labor and Human Resources Committee amendments:

- **strike proposed language to make the probationary period less than three years; and**
- **change and move proposed language relating to the termination of a non-licensed school employee with less than one year of employment.**

Original Bill Summary (revised):

HB 104 amends the *School Personnel Act* to:

- reduce the probationary period for non-licensed school employees to less than three years; and
- allow for the termination of a non-licensed school employee with less than one year of employment for any reason deemed sufficient by the local school board or governing authority of a state agency.

The provisions of the bill, however, do not permit a non-licensed employee with a year or more of consecutive service to be fired without just cause.

Fiscal Impact:

HB 104 does not contain an appropriation.

Substantive Issues:

According to the Public Education Department analysis, HB 104:

- codifies, in statute, a distinction between licensed and non-licensed school personnel;
- reinforces that distinction by setting different time frames and termination procedures for licensed and non-licensed employees;
- creates the opportunity for employers and non-licensed employees to have a more transparent hiring and probationary process by outlining measurable performance

objectives to improve efficiency and effectiveness as requirements for maintaining employment beyond one year; and

- expands a local school district's ability to:
 - set high standards for job performance;
 - reward employee success; and
 - establish clear criteria for timely termination based upon failure to achieve stated performance objectives.

By reducing the length of non-licensed employees' probationary period, the bill may allow those non-licensed employees to receive greater job security earlier than under current law, and earlier than their licensed counterparts – they cannot be fired without “just cause” after only one year of consecutive service.

Related Bills:

None as of March 1, 2011.