

By: Bailey

H.B. No. 879

A BILL TO BE ENTITLED

AN ACT

relating to the termination of employment of certain public school district employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 22, Education Code, is amended by adding Section 22.008 to read as follows:

Sec. 22.008. EMPLOYMENT OF EDUCATIONAL SUPPORT EMPLOYEES.

(a) In this section:

(1) "Educational support employee" means an employee of a school district who is not entitled under Section 21.002 to be employed under a contract.

(2) "Superintendent" includes a designee of the superintendent who is:

(A) a school district administrator; and

(B) a superior to the person proposing the termination of the employment of the educational support employee.

(b) The board of trustees of a school district shall adopt a written employment policy consistent with this section for educational support employees. The policy must:

(1) provide for a probationary period of employment of not more than 135 days for educational support employees employed by the school district for the first time;

(2) provide for a written evaluation, not less than annually, of the performance of each educational support employee

1 in the district;

2 (3) specify the grounds on which the employment of a
3 nonprobationary educational support employee may be terminated;
4 and

5 (4) specify the required procedure for termination of
6 the employment of a nonprobationary educational support employee.

7 (c) A person who proposes to terminate the employment of a
8 nonprobationary educational support employee must present the
9 employee with written notice that includes a statement of the
10 grounds for the proposed termination and any other material facts
11 related to the proposed termination.

12 (d) The superintendent must review the grounds for the
13 proposed termination and any other material facts related to the
14 proposed termination and, on timely written request of the
15 educational support employee, must conduct a termination review
16 proceeding that allows the employee to respond to the proposed
17 termination orally and in writing.

18 (e) A termination review proceeding under Subsection (d)
19 must include an audible electronic recording or written transcript
20 of all oral testimony or argument.

21 (f) This section does not limit any rights granted to an
22 educational support employee under a policy adopted by the board of
23 trustees of a school district.

24 SECTION 2. This Act applies beginning with the 2003-2004
25 school year.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.