

BILL ANALYSIS

H.B. 2887
By: King, Tracy
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Schools are being held to higher standards of accountability than ever before. Schools place high value on the ability to hire quality teachers. Currently, schools are handicapped in their hiring process. Fear of legal action keeps principals and superintendents quiet when they are approached by prospective employers of teachers and other employees regarding the work history of their former employee. For years, superintendents and principals have given "false" good recommendations or recommendations that contain no valuable information out of this fear.

This results in school districts hiring staff members that may have work histories that may otherwise have kept them from getting these jobs. Poor quality staff is costly in the education of Texas children. The recycled teachers and other staff are continuously passed on to other schools. This bill seeks to remedy this problem by protecting principals and superintendents from liability when giving honest, good faith, recommendations to potential employers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Section 11.201, Education Code, by adding a subsection which provides that a superintendent may provide information regarding the performance of a current or former district employee to a prospective employer of the employee.

The bill amends Section 11.202, Education Code, by adding a subsection which provides that a principal may provide information regarding the performance of a current or former district employee to a prospective employer of the employee.

The bill amends Section 21.355, Education Code, to provide that a document evaluating the performance of a teacher or administrator is confidential, except that the principal of a school or superintendent of a school district may discuss information contained in a document evaluating the performance of an educator currently or formerly employed by the school or district with a prospective employer of the educator.

The bill amends 22.0511, Education Code, by adding a subsection which provides that a principal or superintendent is not personally liable for a statement made in good faith by the principal or superintendent regarding the performance of a current or former employee to a prospective employer, and further provides that this provision applies only to information provided by a superintendent or principal to the prospective employer of a current or former school district or campus employee on or after the effective date of this Act. Information provided by a superintendent or principal to the prospective employer of a current or former school district or campus employee before the effective date of this Act is governed by the law in effect at the time the information was provided, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2007.

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