

By: Moody

H.B. No. 4163

A BILL TO BE ENTITLED

AN ACT

relating to requirements regarding the employment by school districts of educational support 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 22.011 to read as follows:

Sec. 22.011. EMPLOYMENT OF EDUCATIONAL SUPPORT EMPLOYEES.

(a) In this section, "educational support employee" means an employee of a school district who:

(1) is not entitled under Section 21.002 to be employed under a contract; and

(2) is not an administrator.

(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 district for the first time;

(2) provide for a written evaluation at least annually of the performance of each educational support employee employed by the district;

(3) specify the grounds on which the district may terminate the employment of a nonprobationary educational support employee; and

1 (4) specify the procedure the district must use in
2 terminating the employment of a nonprobationary educational
3 support employee.

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

9 (d) The superintendent must review the grounds for the
10 proposed termination of the employment of a nonprobationary
11 educational support employee and any other material facts related
12 to the proposed termination. On timely written request of the
13 educational support employee, the superintendent must conduct a
14 termination review proceeding that allows the employee to respond
15 to the proposed termination orally and in writing. The
16 superintendent may designate a school district administrator to
17 perform the superintendent's duties under this subsection. An
18 administrator designated under this subsection must be a superior
19 of the educational support employee.

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

23 SECTION 2. This Act applies beginning with the 2009-2010
24 school year.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.