

**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)

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**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.