



## ATPE Input on House Bill 2380 Senate Education Committee

May 19, 2011

The **Association of Texas Professional Educators (ATPE)** is the preeminent educator association in Texas and makes a positive difference in the lives of educators and schoolchildren. ATPE is a member-owned, member-governed professional association with more than 116,000 members, making it the leading educators' association in Texas and the largest independent association for public school educators in the nation. We offer the following input on House Bill (HB) 2380 by Shelton regarding placing educators on probationary contracts.

Chapter 21 of the Texas Education Code provides an effective and balanced system of contracts and due process rights for educators. With the exception of new hires, the majority of educators are employed under term contracts. Term contracts afford educators a greater level of due process than probationary contracts, which are used more typically for new employees. ATPE opposed HB 2380 *as filed*, as it would have forced many long-time educators back onto probationary contracts, thereby diminishing educators' rights at a time when they are already facing the prospects of layoffs, furloughs and salary reductions due to the budget crisis. We are grateful that Rep. Shelton agreed to amend HB 2380 on the House floor to preserve local control and the rights of veteran educators.

As filed, the bill *mandated* that school districts return an employee to a probationary contract when moving to a position that would require a different class of certificate (e.g. a teacher becoming a principal, or a teacher becoming a counselor). It is already fairly common for districts to ask an educator to return to a probationary contract voluntarily when being promoted (e.g. from teacher to principal), but HB 2380 *as filed* would have mandated a return to a probationary contract in every such case. ATPE and other educator groups opposed the mandatory aspect of HB 2380 as filed.

As amended on the House floor, HB 2380 now allows districts to retain the option of placing back on a probationary certificate an educator being promoted, but the bill would no longer force districts to place the employee on a probationary contract. **Accordingly, ATPE supports HB 2380 in its current form.** We believe there are instances in which it would not be in the best interest of the district to ask a valued employee to give up many of their contract rights in order to move to a different type of position within the district (e.g. circumstances in which there is heavy competition between neighboring districts to attract employees with outstanding records). As amended on the House floor, HB 2380 now ensures that an employee being returned to a probationary contract has consented to the new assignment and is not being coerced to relinquish any due process rights.

ATPE now supports HB 2380 in the form that it was voted out of the House by a vote of 134-0, and we urge the Senate to pass it without alterations. **ATPE encourages the Senate Education Committee to SUPPORT HB 2380 in its current form without any other amendments.**

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