

REIMBURSEMENT OF LEGAL FEES AND COSTS TO EDUCATORS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Matt Throckmorton

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT EDUCATORS MAY RECOVER ATTORNEYS' FEES AND COSTS IN ACTIONS AGAINST THEM THAT ARE DISMISSED OR RESULT IN FINDINGS FAVORABLE TO THE EDUCATOR.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53A-6-503, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-6-503** is enacted to read:

53A-6-503. Reimbursement of legal fees and costs to educators.

(1) As used in this section:

(a) "Action" means any action, except those referred to in Section 63-30a-2, brought against an educator by an individual or entity other than:

(i) the entity who licenses the educator; and

(ii) the school district that employs the educator or employed the educator at the time of the alleged act or omission.

(b) "Educator" means an individual who holds or is required to hold a license under this chapter and is employed by a school district located within the state.

(c) "School district" includes the Schools for the Deaf and the Blind and the state's applied technology centers.

(2) Except as otherwise provided in Section 63-30a-2, an educator is entitled to recover reasonable attorneys' fees and costs incurred in his defense against an individual or entity who initiates an action against the educator if:

(a) the action is brought for any act or omission of the educator during the performance of the educator's duties within the scope of the educator's employment; and

(b) it is dismissed or results in findings favorable to the educator.

(3) An educator who recovers under this section is also entitled to recover reasonable attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees and costs allowed under Subsection (2).