

**Representative Melvin R. Brown** proposes the following substitute bill:

**TEACHER ASSOCIATION AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark B. Madsen**

House Sponsor: Merlynn T. Newbold

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**LONG TITLE**

**General Description:**

This bill enacts provisions in Chapter 53A, State System of Public Education, related to policies and procedures governing teacher associations.

**Highlighted Provisions:**

This bill:

- ▶ requires school districts and charter schools to allow teacher associations equal access to the following activities at times established by each school:
  - distribution of information to teachers' physical or electronic mailboxes; and
  - membership solicitation at new teacher orientation;
- ▶ prohibits school districts and charter schools from:
  - establishing or maintaining procedures that favor one teacher association over another; or
  - explicitly or implicitly endorsing a teacher association;
- ▶ permits a school district to bargain with a single teacher association based on objective criteria established by district policy;
- ▶ permits a school district to allow a single teacher association to participate in some or all policy or advisory committees; and
- ▶ prohibits a negotiated agreement between a school district and an single teacher



26 association to:

- 27 • provide more favorable terms to members of the teacher association as
- 28 compared to nonmembers; or
- 29 • require nonmembers of the teacher association to be represented by the teacher
- 30 association in negotiations.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 ENACTS:

37 **53A-3-426**, Utah Code Annotated 1953



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

40 Section 1. Section **53A-3-426** is enacted to read:

41 **53A-3-426. Teacher associations -- Equal participation by teacher associations --**  
42 **Prohibition on endorsement or preferential treatment -- Naming of school breaks.**

43 (1) As used in this section:

44 (a) "School" means a school district, a school in a school district, a charter school, or  
45 the State Board of Education and its employees.

46 (b) "Teacher association" includes teacher associations, teacher unions, and teacher  
47 organizations that have the primary objective of negotiating terms and conditions of  
48 employment for all members of the bargaining unit designated by the board of education.

49 (2) (a) A school may establish a time within which teacher associations may participate  
50 in school activities that include soliciting membership in the teacher association.

51 (b) During the times described in Subsection (2)(a), the school shall allow teacher  
52 associations equal access to the following activities:

53 (i) distribution of information in or access to teachers' physical or electronic mailboxes,  
54 including email accounts that are provided by the school; and

55 (ii) membership solicitation activities at new teacher orientation training or functions.

56 (3) If a school permits a teacher association to engage in any of the activities described

57 in Subsection (2), the school shall be required to permit all other teacher associations to engage  
58 in the activity on the same terms and conditions afforded to the teacher association that has  
59 been permitted to engage in the activity.

60 (4) It is unlawful for a school to:

61 (a) establish or maintain structures, procedures, or policies that favor one teacher  
62 association over another or otherwise give preferential treatment to a teacher association; or

63 (b) explicitly or implicitly endorse any teacher association.

64 (5) (a) A school district may recognize and bargain with an exclusive bargaining agent  
65 of employees within a bargaining unit recognized by school district policy, provided that the  
66 policy is based on objective criteria, which may include predominant membership in the  
67 bargaining unit.

68 (b) Any agreement reached between the school district and the exclusive bargaining  
69 agent may provide for exclusive bargaining agent participation in some or all of the school's  
70 policy and advisory committees.

71 (c) A negotiated agreement between the school district and the exclusive bargaining  
72 agent:

73 (i) may not provide more favorable terms and conditions of employment for members  
74 of the bargaining unit than for individuals who are not members of the bargaining unit; and

75 (ii) may not require individuals who are not members of the bargaining unit to be  
76 represented by the bargaining unit.

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**S.B. 56 1st Sub. (Green) - Teacher Association Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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