

TEACHER TERMINATION PROCEDURES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in the Public Education Human Resource Management Act.

Highlighted Provisions:

This bill:

- ▶ extends the time that a provisional employee must work for a school district to obtain career employee status;
- ▶ requires the State Board of Education to establish orderly termination procedures;
- ▶ provides that a local school board may not establish procedures for dismissal of an employee:
 - that conflict with State Board of Education procedures for dismissal; or
 - in addition to State Board of Education procedures for dismissal; and
- ▶ reduces the time period for implementing a plan of assistance for a career employee under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 [53A-8a-201](#), as renumbered and amended by Laws of Utah 2012, Chapter 425

29 [53A-8a-501](#), as renumbered and amended by Laws of Utah 2012, Chapter 425

30 [53A-8a-503](#), as enacted by Laws of Utah 2012, Chapter 425

31

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

33 Section 1. Section [53A-8a-201](#) is amended to read:

34 **[53A-8a-201. Career employee status for provisional employees -- Career status](#)**
35 **[in the event of change of position -- Continuation of probationary status when position](#)**
36 **[changes -- Temporary status for extra duty assignments -- Employees not eligible for](#)**
37 **[career status.](#)**

38 (1) ~~[(a)]~~ A provisional employee must work for a school district on at least a half-time
39 basis for ~~three~~ five consecutive years to obtain career employee status.

40 ~~[(b) A school district may extend the provisional status of an employee up to an~~
41 ~~additional two consecutive years in accordance with a written policy adopted by the district's~~
42 ~~school board that specifies the circumstances under which an employee's provisional status~~
43 ~~may be extended.]~~

44 (2) Policies of an employing school district shall determine the status of a career
45 employee in the event of the following:

46 (a) the employee accepts a position which is substantially different from the position in
47 which career status was achieved; or

48 (b) the employee accepts employment in another school district.

49 (3) If an employee who is under an order of probation or remediation in one
50 assignment in a school district is transferred or given a new assignment in the district, the order
51 shall stand until its provisions are satisfied.

52 (4) An employee who is given extra duty assignments in addition to a primary
53 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
54 employee in those extra duty assignments and may not acquire career status beyond the primary
55 assignment.

56 (5) A person is an at-will employee and is not eligible for career employee status if the
57 person:

58 (a) is a teacher who holds a competency-based license pursuant to Section [53A-6-104.5](#)

59 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or

60 (b) holds an administrative/supervisory letter of authorization pursuant to Section
61 53A-6-110.

62 Section 2. Section 53A-8a-501 is amended to read:

63 **53A-8a-501. State Board of Education to establish dismissal procedures for**
64 **school districts -- Local school board to establish dismissal procedures consistent with**
65 **State Board of Education procedures.**

66 (1) [~~A local school board shall, by contract with its employees or their associations, or~~
67 ~~by resolution of the board,]~~ The State Board of Education shall establish procedures for
68 dismissal of employees in an orderly manner without discrimination.

69 (2) The procedures shall include:

70 (a) standards of due process;

71 (b) causes for dismissal; and

72 (c) procedures and standards related to developing and implementing a plan of
73 assistance for a career employee whose performance is unsatisfactory.

74 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
75 shall require a plan of assistance to identify:

76 (a) specific, measurable, and actionable deficiencies;

77 (b) the available resources provided for improvement; and

78 (c) a course of action to improve employee performance.

79 (4) A local school board may not establish procedures for dismissal of an employee:

80 (a) in addition to the procedures established by the State Board of Education as
81 described in Subsection (1); and

82 (b) that conflict with the procedures established by the State Board of Education as
83 described in Subsection (1).

84 Section 3. Section 53A-8a-503 is amended to read:

85 **53A-8a-503. Nonrenewal or termination of a career employee's contract for**
86 **unsatisfactory performance.**

87 (1) If a district intends to not renew a career employee's contract for unsatisfactory
88 performance or terminate a career employee's contract during the contract term for
89 unsatisfactory performance, the district shall:

90 (a) provide and discuss with the career employee written documentation clearly
 91 identifying the deficiencies in performance;

92 (b) provide written notice that the career employee's contract is subject to nonrenewal
 93 or termination if, upon a reevaluation of the career employee's performance, the career
 94 employee's performance is determined to be unsatisfactory;

95 (c) develop and implement a plan of assistance, in accordance with procedures and
 96 standards established by the ~~[local school board]~~ State Board of Education under Section
 97 53A-8a-501, to allow the career employee an opportunity to improve performance;

98 (d) reevaluate the career employee's performance; and

99 (e) if the career employee's performance remains unsatisfactory, give notice of intent to
 100 not renew or terminate the career employee's contract in accordance with Subsection
 101 53A-8a-502(5).

102 (2) ~~[(a)]~~ The period of time for implementing a plan of assistance:

103 ~~[(i)]~~ (a) may not exceed ~~[120]~~ 60 school days~~[-, except as provided under Subsection~~
 104 ~~(2)(b)]~~;

105 ~~[(ii)]~~ (b) may continue into the next school year;

106 ~~[(iii)]~~ (c) should be sufficient to successfully complete the plan of assistance; and

107 ~~[(iv)]~~ (d) shall begin when the career employee receives the written notice provided
 108 under Subsection (1)(b) and end when the determination is made that the career employee has
 109 successfully remediated the deficiency or notice of intent to not renew or terminate the career
 110 employee's contract is given in accordance with Subsection 53A-8a-502(5).

111 ~~[(b) In accordance with local school board policy, the period of time for implementing~~
 112 ~~a plan of assistance may extend beyond 120 school days if:]~~

113 ~~[(i) a career employee is on leave from work during the time period the plan of~~
 114 ~~assistance is scheduled to be implemented; and]~~

115 ~~[(ii) (A) the leave was approved and scheduled before the written notice was provided~~
 116 ~~under Subsection (1)(b); or]~~

117 ~~[(B) the leave is specifically approved by the local school board.]~~

118 (3) (a) If upon a reevaluation of the career employee's performance, the district
 119 determines the career employee's performance is satisfactory, and within a three-year period
 120 after the initial documentation of unsatisfactory performance for the same deficiency pursuant

121 to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the
122 district may elect to not renew or terminate the career employee's contract.

123 (b) If a district intends to not renew or terminate a career employee's contract as
124 provided in Subsection (3)(a), the district shall:

125 (i) provide written documentation of the career employee's deficiencies in
126 performance; and

127 (ii) give notice of intent to not renew or terminate the career employee's contract in
128 accordance with Subsection [53A-8a-502\(5\)](#).

129 Section 4. **Effective date.**

130 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 2-24-15 12:52 PM

Office of Legislative Research and General Counsel