

Senator Aaron Osmond proposes the following substitute bill:

**PUBLIC EDUCATION HUMAN RESOURCE
MANAGEMENT ACT MODIFICATIONS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Steve Eliason

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- requires the State Board of Education to perform audits and monitor a local school board's implementation of the Public Education Human Resource Management Act;

and

- prohibits a school district from imposing a fine on an educator because the educator resigns before the expiration of the educator's contract term or fails to provide adequate notice of resignation, if the educator is not paid wages or salary for the period between the last date of employment and the end of the contract term.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **53A-8a-501**, as renumbered and amended by Laws of Utah 2012, Chapter 425

28 ENACTS:

29 **53A-8a-103**, Utah Code Annotated 1953

30 **53A-8a-901**, Utah Code Annotated 1953

31 **53A-8a-902**, Utah Code Annotated 1953



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

34 Section 1. Section **53A-8a-103** is enacted to read:

35 **53A-8a-103. State Board of Education oversight.**

36 The State Board of Education shall:

37 (1) perform audits and monitor a local school board's actions under this part to ensure
38 that the local school board complies with the requirements of this part; and

39 (2) enact rules in accordance with Title 63G, Chapter 3, Utah Administrative
40 Rulemaking Act, to implement the requirements of Subsection (1).

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

42 **53A-8a-501. Local school board to establish dismissal procedures.**

43 (1) A local school board shall, by contract with its employees or their associations, or
44 by resolution of the board, establish procedures that are consistent with the requirements of this
45 part for dismissal of employees in an orderly manner without discrimination.

46 (2) The procedures and standards described in Subsection (1) shall include:

47 (a) standards of due process;

48 (b) causes for dismissal; and

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

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

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

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

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

56 Section 3. Section **53A-8a-901** is enacted to read:

57 **53A-8a-901. Definitions.**

58 (1) "Adequate notice of resignation" means the date by which an educator must provide
59 notice of resignation pursuant to school district rule or policy.

60 (2) "Contract term" means the same as that term is defined in Section [53A-8a-102](#).

61 (3) "Educator" means the same as that term is defined in Section [53A-6-103](#).

62 (4) "Fine" includes an assessment, charge, fee, or other monetary penalty.

63 Section 4. Section **53A-8a-902** is enacted to read:

64 **53A-8a-902. Resignation before expiration of contract term -- Certain fines**
65 **prohibited.**

66 A school district may not impose a fine on an educator because the educator resigns and
67 leaves employment with the school district before the end of the educator's contract term or
68 fails to provide adequate notice of resignation, if the educator is not paid wages or salary for
69 the period between the last date of employment and the end of the contract term.

70 Section 5. **Effective date.**

71 This bill takes effect on July 1, 2015.