

**PUBLIC EDUCATION EMPLOYMENT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to employment and licensing in the public education system.

**Highlighted Provisions:**

This bill:

- ▶ repeals provisions requiring a public school to provide or obtain certain information about a public school employee; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-6-402**, as last amended by Laws of Utah 2015, Chapter 311

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

Section 1. Section **53A-6-402** is amended to read:

**53A-6-402. Board-required licensing or employment recommendations -- Local public school-required licensing recommendations -- Notice requirements for affected**



28 **parties -- Exemption from liability.**

29 (1) (a) The board shall provide the appropriate administrator of a public or private  
30 school or of an agency outside the state that is responsible for licensing or certifying  
31 educational personnel with a recommendation or other information possessed by the board that  
32 has significance in evaluating the employment or license of:

- 33 (i) a current or prospective school employee;  
34 (ii) an educator or education license holder; or  
35 (iii) a license applicant.

36 (b) Information supplied under Subsection (1)(a) shall include:

- 37 (i) the complete record of a hearing; and  
38 (ii) the investigative report for matters that:  
39 (A) the educator has had an opportunity to contest; and  
40 (B) did not proceed to a hearing.

41 (2) At the request of the board, an administrator of a public school or school district  
42 shall, and an administrator of a private school may, provide the board with a recommendation  
43 or other information possessed by the school or school district that has significance in  
44 evaluating the [~~employment or licensure of~~]:

45 (a) [~~a current or prospective school employee~~] license of an educator or education  
46 license holder; or

47 (b) [~~an educator or education license holder; or (c)~~] potential licensure of a license  
48 applicant.

49 (3) [~~If a decision is made~~] If the board decides to deny licensure [~~to not hire a~~  
50 ~~prospective employee;~~] or to take action against [~~a current employee or educator~~] an educator's  
51 license based upon information provided under this section, [~~the affected individual shall~~  
52 ~~receive notice of the information and be given an opportunity to respond to the information.~~]  
53 the board shall:

54 (a) give notice of the information to the educator or license applicant; and

55 (b) afford the educator or license applicant an opportunity to respond to the  
56 information.

57 [~~(4) A local school board, a charter school governing board, or the Utah Schools for the~~  
58 ~~Deaf and the Blind shall obtain references and a discipline record from prior employers of an~~

59 individual before hiring the individual to work:]

60 [~~(a) as an educator; or~~]

61 [~~(b) in a public school, if the individual would have significant unsupervised access to~~  
62 ~~students.~~]

63 [(5)] (4) A person who, in good faith, provides a recommendation or discloses or  
64 receives information under this section is exempt from civil and criminal liability relating to  
65 that recommendation, receipt, or disclosure.

66 [~~(6) For purposes of this section, "employee" includes a volunteer.~~]

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**