

School District Administrator Authority

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

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LONG TITLE**General Description:**

This bill amends the definition of an employee.

Highlighted Provisions:

This bill:

- amends the definition of an employee; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-11-501, as last amended by Laws of Utah 2024, Chapter 484

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

Section 1. Section **53G-11-501** is amended to read:

53G-11-501 . Definitions.

As used in this part:

- (1) "Administrator" means an individual who supervises educators and holds an appropriate license.
- (2) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.
- (3) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53G-11-503 and an agreement with the employee or the employee's association, district practice, or policy.
- (4) "Chronically absent" means a student who:
 - (a) was enrolled in an LEA for at least 60 calendar days; and

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- 31 (b) missed 10% or more days of instruction, whether the absence was excused or not.
- 32 (5) "Contract term" or "term of employment" means the period of time during which an
33 employee is engaged by the school district under a contract of employment, whether oral
34 or written.
- 35 (6) "Dismissal" or "termination" means:
- 36 (a) termination of the status of employment of an employee;
- 37 (b) failure to renew or continue the employment contract of a career employee beyond
38 the then-current school year;
- 39 (c) reduction in salary of an employee not generally applied to all employees of the same
40 category employed by the school district during the employee's contract term; or
- 41 (d) change of assignment of an employee with an accompanying reduction in pay, unless
42 the assignment change and salary reduction are agreed to in writing.
- 43 (7) "Educator" means an individual employed by a school district who is required to hold a
44 professional license issued by the state board, except:
- 45 (a) a superintendent; or
- 46 (b) an individual who works less than three hours per day or is hired for less than half of
47 a school year.
- 48 (8)(a) "Employee" means a career or provisional employee of a school district, except as
49 provided in Subsection [~~(7)(b)~~] (8)(b).
- 50 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
51 include:
- 52 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
53 Blind;
- 54 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
55 and the Blind; [~~or~~]
- 56 (iii) a member of a school district's administrative team or cabinet whom the school
57 district's superintendent supervises, or the equivalent at the Utah Schools for the
58 Deaf and the Blind; or
- 59 [~~(iii)~~] (iv) a temporary employee.
- 60 (9) "Formative evaluation" means a planned, ongoing process which allows educators to
61 engage in reflection and growth of professional skills as related to the Utah Effective
62 Teaching Standards.
- 63 (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the
64 termination of an employee who started to work for a district most recently before

- 65 terminating a more senior employee.
- 66 (11) "Provisional educator" means an educator employed by a school district who has not
67 achieved status as a career educator within the school district.
- 68 (12) "Provisional employee" means an individual, other than a career employee or a
69 temporary employee, who is employed by a school district.
- 70 (13) "School board" means a local school board or, for the Utah Schools for the Deaf and
71 the Blind, the state board.
- 72 (14) "School district" or "district" means:
- 73 (a) a public school district; or
74 (b) the Utah Schools for the Deaf and the Blind.
- 75 (15) "Summative evaluation" means an evaluation that:
- 76 (a) a supervisor conducts;
77 (b) summarizes an educator's performance during an evaluation cycle; and
78 (c) a supervisor or school district may use to make decisions related to an educator's
79 employment.
- 80 (16) "Temporary employee" means an individual who is employed on a temporary basis as
81 defined by policies adopted by the school board. If the class of employees in question is
82 represented by an employee organization recognized by the school board, the school
83 board shall adopt the school board's policies based upon an agreement with that
84 organization. Temporary employees serve at will and have no expectation of continued
85 employment.
- 86 (17)(a) "Unsatisfactory performance" means a deficiency in performing work tasks that
87 may be:
- 88 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
89 (ii) remediated through training, study, mentoring, or practice.
- 90 (b) "Unsatisfactory performance" does not include the following conduct that is
91 designated as a cause for termination under Section 53G-11-512 or a reason for
92 license discipline by the state board or Utah Professional Practices Advisory
93 Commission:
- 94 (i) a violation of work policies;
95 (ii) a violation of school board policies, state board rules, or law;
96 (iii) a violation of standards of ethical, moral, or professional conduct; or
97 (iv) insubordination.

98 Section 2. **Effective Date.**

99 This bill takes effect on May 7, 2025.