

Effective 5/12/2015

53A-8a-102 Definitions.

As used in this chapter:

- (1) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53A-8a-201 and an agreement with the employee or the employee's association, district practice, or policy.
- (2) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.
- (3) "Dismissal" or "termination" means:
 - (a) termination of the status of employment of an employee;
 - (b) failure to renew or continue the employment contract of a career employee beyond the then-current school year;
 - (c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or
 - (d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.
- (4)
 - (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (4)(b).
 - (b) For purposes of Part 2, Status of Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination Procedures, "employee" does not include:
 - (i) the district superintendent, or the equivalent at the Schools for the Deaf and the Blind;
 - (ii) the district business administrator or the equivalent at the Schools for the Deaf and the Blind; or
 - (iii) a temporary employee.
- (5) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for the district most recently before terminating a more senior employee.
- (6) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.
- (7) "School board" or "board" means a district school board or its equivalent at the Schools for the Deaf and the Blind.
- (8) "School district" or "district" means:
 - (a) a public school district; or
 - (b) the Schools for the Deaf and the Blind.
- (9) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the local board of education. If the class of employees in question is represented by an employee organization recognized by the local board, the board shall adopt its policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.
- (10)
 - (a) "Unsatisfactory performance" means a deficiency in performing work tasks which may be:
 - (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
 - (ii) remediated through training, study, mentoring, or practice.
 - (b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53A-8a-501 or a reason for license discipline by the State Board of Education or Utah Professional Practices Advisory Commission:
 - (i) a violation of work rules;

- (ii) a violation of local school board policies, State Board of Education rules, or law;
- (iii) a violation of standards of ethical, moral, or professional conduct; or
- (iv) insubordination.

Amended by Chapter 203, 2015 General Session