

Effective 5/8/2018

Superseded 5/14/2019

53G-11-501 Definitions.

As used in this part:

- (1) "Administrator" means an individual who supervises educators and holds an appropriate license issued by the State Board of Education.
- (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) "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.
- (5) "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.
- (6) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the State Board of Education, except:
 - (a) a superintendent; or
 - (b) an individual who works less than three hours per day or is hired for less than half of a school year.
- (7)
 - (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (7)(b).
 - (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not include:
 - (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the Blind;
 - (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf and the Blind; or
 - (iii) a temporary employee.
- (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for a district most recently before terminating a more senior employee.
- (9) "Probationary educator" means an educator employed by a school district who, under local school board policy, has been advised by the school district that the educator's performance is inadequate.
- (10) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.
- (11) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.
- (12) "School board" or "board" means a district school board or, for the Utah Schools for the Deaf and the Blind, the State Board of Education.
- (13) "School district" or "district" means:
 - (a) a public school district; or

- (b) the Utah Schools for the Deaf and the Blind.
- (14) "Summative evaluation" means the annual evaluation that summarizes an educator's performance during a school year and that is used to make decisions related to the educator's employment.
- (15) "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 the board's policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.
- (16)
 - (a) "Unsatisfactory performance" means a deficiency in performing work tasks that 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 53G-11-512 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.