

ORDERLY SCHOOL TERMINATION ACT AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David H. Steele

AN ACT RELATING TO PUBLIC EDUCATION; CLARIFYING AND PROVIDING CONSISTENCY IN DISMISSAL PROCEDURES FOR CAREER AND PROVISIONAL PUBLIC SCHOOL EMPLOYEES; AND MAKING CERTAIN TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-8-104, as last amended by Chapter 51, Laws of Utah 1994

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

Section 1. Section **53A-8-104** is amended to read:

53A-8-104. Dismissal procedures.

(1) The district shall provide employees with a written statement of causes under which a contract shall not be renewed, under which a contract of each class of personnel shall not be renewed, and under which a contract can be otherwise terminated during the contract term, and the orderly dismissal procedures which are used by the district in cases of contract termination.

(2) (a) The district shall notify a career employee, at least one month prior to issuing notice of intent not to renew the employee's contract, that continued employment is in question and the reasons for anticipated nonrenewal.

(b) The board shall give the career employee an opportunity to correct the problem.

(c) The board may grant the career employee assistance to correct the deficiencies, including informal conferences and the services of school personnel within the district.

(3) (a) If the career employee does not correct the problem as determined in accordance with the evaluation and personnel policies of the district and the district intends [not] to not renew the contract of employment of a career employee [~~according to the district's personnel program~~], it shall give notice of that intention to the [~~individual~~] employee.

(b) The district shall issue the notice at least two months before the end of the career employee's contract term [~~of the individual~~].

~~[(c) The written notice shall be served by personal delivery or by certified mail addressed to the individual's last-known address.]~~

~~[(d) The notice must show a date and contain a clear and concise statement that the individual's contract will not be renewed for the next term and the reasons for the termination.]~~

(4) A district shall notify a provisional employee at least two months before the end of the provisional employee's contract if the employee will not be offered a contract for a subsequent term of employment.

(5) ~~[(a)]~~ In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls.

~~[(b) This provision does not preclude the dismissal of an employee during the contract term for cause.]~~

(6) ~~[(a)]~~ If the district intends to not renew the contract of a career employee or to terminate ~~[an] a career or provisional~~ employee's contract during the contract term~~[-];~~

~~(a)~~ the district shall give written notice of the intent to the employee~~[-];~~

~~(b)~~ ~~[The]~~ the notice shall be served by personal delivery or by certified mail addressed to the individual's last-known address~~[-]~~ as shown on the records of the district;

~~(c)~~ ~~[The]~~ except as provided under Subsection (3)(b), the district shall give notice at least 15 days prior to the proposed date of termination~~[-];~~

~~(d)~~ ~~[It]~~ the notice shall state the date of termination and the detailed reasons for termination~~[-]; and~~

~~[(7) A notice of intention not to renew the contract or of an intention to terminate the contract during its term must]~~

~~(e)~~ the notice shall advise the individual that he ~~[may request an informal conference before the board or such personnel as the district may designate]~~ has a right to a fair hearing.

~~[(8)]~~ (7) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the

district.

~~[(9) The orderly dismissal procedure adopted by a school district must provide for the right to a fair hearing.]~~

[(10)] (8) The procedure shall provide for a written notice of suspension or final termination including findings of fact ~~[made by the board]~~ upon which the action is based if the suspension or termination is for cause.