

1                                   **EDUCATOR DISMISSAL PROCEDURES**

2   **AMENDMENTS**

3   1999 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Tammy J. Rowan**

6 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT AN EDUCATOR MAY  
7 BE SUSPENDED WITHOUT PAY PENDING A HEARING UNDER CERTAIN  
8 CIRCUMSTANCES; AND PROVIDING FOR THE PAYMENT OF BACK PAY FOR A  
9 PERIOD OF SUSPENSION WITHOUT PAY IF AN EDUCATOR IS NOT DISMISSED FROM  
10 EMPLOYMENT.

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

12 AMENDS:

13                   **53A-8-104**, as last amended by Chapter 173, Laws of Utah 1998

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

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

16                   **53A-8-104. Dismissal procedures.**

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

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

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

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

27                                   (3) (a) If the career employee does not correct the problem as determined in accordance

28 with the evaluation and personnel policies of the district and the district intends to not renew the  
29 contract of employment of a career employee, it shall give notice of that intention to the employee.

30 (b) The district shall issue the notice at least two months before the end of the career  
31 employee's contract term.

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

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

38 (6) If the district intends to not renew the contract of a career employee or to terminate a  
39 career or provisional employee's contract during the contract term:

40 (a) the district shall give written notice of the intent to the employee;

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

43 (c) except as provided under Subsection (3)(b), the district shall give notice at least 15 days  
44 prior to the proposed date of termination;

45 (d) the notice shall state the date of termination and the detailed reasons for termination;  
46 and

47 (e) the notice shall advise the individual that he has a right to a fair hearing.

48 (7) The procedure under which a contract is terminated during its term may include a  
49 provision under which the active service of the employee is suspended pending a hearing if it  
50 appears that the continued employment of the individual may be harmful to students or to the  
51 district.

52 (8) (a) Suspension pending a hearing may be without pay if an authorized representative  
53 of the district determines, after an informal conference with the employee, that it is more likely  
54 than not that the allegations against the employee are true and will result in termination.

55 (b) If termination is not subsequently ordered, the employee shall receive back pay for the  
56 period of suspension without pay.

57 [(8)] (9) The procedure shall provide for a written notice of suspension or final termination  
58 including findings of fact upon which the action is based if the suspension or termination is for

59 cause.

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**Legislative Review Note**  
**as of 1-18-99 10:32 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**