



House of Representatives *State of Utah*

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February 15, 1999

Mr. Speaker:

The Education Committee reports a favorable recommendation on **H.B. 109**,
EDUCATOR LICENSING AND PROFESSIONAL PRACTICES ACT, by Representative S.
Allen, et al, with the following amendments:

- Page 3, Line 75: After "(b)" insert "(i)"
- Page 3, Line 77: After line 77 insert:
"(ii) A licensed employee who violates a school policy or rule, a state or federal law, or a constitutional provision in dealing with students in school related matters is not entitled to the presumption that the employee was acting in loco parentis."
- Page 3, Line 77: After line 77 insert:
"(c) A parent has standing to file a civil action against an employee who provides services to a school which the parent's child attends."
- Page 4, Lines 90-91: After "(1)" delete the remainder of Lines 90-91 and insert: "The Legislature acknowledges that education is perhaps the most important function of state and local governments."
- Page 4, Line 96: After "those" insert "to be" and after "licensed" insert "and"
- Page 4, Line 100: After "standards" insert "in the performance of their duties"
- Page 8, Line 228: After "districts" delete "shall" and insert "are encouraged to"

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- Page 8, Line 244: After "members" delete "of the"
- Page 9, Line 245: Delete "general public" and insert "nominated by the education organization within the state that has the largest membership of parents of students and teachers"
- Page 9, Line 246: After "(2)" delete "Five" and insert "Six"
- Page 12, Line 343: After "educators;" delete "or"
- Page 12, Line 345: After "based" insert "; or (c) take action against an educator unless it finds that the action or failure of the educator to act impairs the educator's ability to perform the functions of the educator's position"
- Page 13, Line 394: After "which" insert a colon ":

(i) the educator has had an opportunity to contest; and (ii)"
- Page 17, Line 521: After line 521 insert:
"(3) UPPAC shall provide a panel of its members to serve as fact finders in a hearing at the request of the educator who is the subject of the hearing."
- Page 18, Line 549: After line 549 insert:
"(5)(a) Unless otherwise required under Title 53A, the decisions of state and local boards are final determinations under this section, appealable to the appropriate court for review. (b) The court shall review the findings and decision of the board and uphold the board's decision unless it determines the board's decision was arbitrary and capricious."

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Page 24, Line 720:

After "1999" insert a period "." and delete the remainder of Line 720

Page 24, Line 721:

Delete Line 721.

Respectfully,

Lloyd Frandsen
Committee Chair

Voting: 10-0-3

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