

**PUBLIC EDUCATION LAW REVISIONS -  
ASSOCIATION LEAVE**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies State System of Public Education code provisions that govern association leave.

**Highlighted Provisions:**

This bill:

- ▶ prohibits paid association leave;
- ▶ requires reimbursement to a school district of the costs for the employee, including benefits, for the time that the employee is on unpaid association leave; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-3-425**, as enacted by Laws of Utah 2002, Chapter 312

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

Section 1. Section **53A-3-425** is amended to read:



28 **53A-3-425. Association leave -- District policy.**

29 (1) As used in this section, "association leave" means leave from a school district  
30 employee's regular school responsibilities granted for that employee to spend time for  
31 association or union duties.

32 (2) (a) Prior to any school district employee's participation in [~~paid or~~] unpaid  
33 association leave, a local school board shall adopt a written policy that governs unpaid  
34 association leave.

35 (b) A local school board policy that governs unpaid association leave shall require  
36 reimbursement to the school district of the costs for the employee, including benefits, for the  
37 time that the employee is on unpaid association leave.

38 (c) A reimbursement required under Subsection (2)(b) may be provided by an  
39 employee, association, or union.

40 (3) [~~If a~~] A local school board [~~adopts a policy to~~] may not allow paid association  
41 leave[~~, the policy shall include procedures and controls to:~~].

42 [~~(a) ensure that the duties performed by employees on paid association leave directly~~  
43 ~~benefit education within the school district;~~]

44 [~~(b) require the school district to document the use and approval of paid association~~  
45 ~~leave;~~]

46 [~~(c) require school district supervision of employees on paid association leave;~~]

47 [~~(d) require the school district to account for the costs and expenses of paid association~~  
48 ~~leave;~~]

49 [~~(e) ensure that during the hours of paid association leave a school district employee~~  
50 ~~may not engage in political activity, including:~~]

51 [~~(i) actively campaigning for candidates for public office in partisan and nonpartisan~~  
52 ~~elections; and]~~

53 [~~(ii) fundraising for political organizations, political parties, or candidates;~~]

54 [~~(f) ensure that association leave is only paid out of school district funds when the paid~~  
55 ~~association leave directly benefits education within the district; and]~~

56 [~~(g) require the reimbursement to the school district of the cost of paid association~~  
57 ~~leave activities that do not provide a direct benefit to education within the school district.]~~

58 (4) If a local school board adopts a policy to allow [~~paid~~] unpaid association leave, that

59 policy shall indicate that a willful violation of this section or of a policy adopted in accordance  
60 with Subsection (2) [~~or (3)~~] may be used for disciplinary action under Section 53A-8-104.

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**Legislative Review Note**

as of **2-9-09 11:11 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 381 - Public Education Law Revisions - Association Leave**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may result in some cost savings or revenues for school districts and charter schools due to reimbursement provisions as outlined in the bill.

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