

**SCHOOL TERMINATION PROCEDURES MODIFICATIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Howard A. Stephenson

---

---

**LONG TITLE**

**General Description:**

This bill amends the Utah Orderly School Termination Procedures Act, which establishes procedures for the termination of employees of a school district or the Utah Schools for the Deaf and the Blind.

**Highlighted Provisions:**

This bill:

► clarifies that a school district or the Utah Schools for the Deaf and the Blind is not required to provide a cause for not ~~to~~ **renewing** offering a contract to a provisional

~~employee's contract~~ employee ; and

► makes technical amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-8-104**, as last amended by Laws of Utah 2007, Chapter 348

---

---

*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.**



59 employee's contract term.

60 ~~[(4) A district shall notify a provisional]~~

61 (4) (a) A district is not required to provide a cause for not ~~H→~~ **H→ [renewing] offering a**  
 61a **contract to ←H** a provisional

62 **H→ [employee's contract] employee ←H** .

63 (b) If a district intends to not offer a contract for a subsequent term of employment to a  
 64 provisional employee, the district shall give notice of that intention to the employee at least 60  
 65 days before the end of the provisional employee's contract ~~[if the employee will not be offered~~  
 66 a contract for a subsequent term of employment] term.

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

70 (6) If ~~[the]~~ a district intends to not renew or discontinue the contract of a career  
 71 employee or to terminate a career or provisional employee's contract during the contract term:

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

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

75 (c) except as provided under Subsection (3)~~(b)~~, the district shall give notice at least  
 76 30 days prior to the proposed date of termination;

77 (d) the notice shall state the date of termination and the detailed reasons for  
 78 termination;

79 (e) the notice shall advise the ~~[individual]~~ employee that ~~[he]~~ the employee has a right  
 80 to a fair hearing and that the hearing is waived if it is not requested within 15 days after the  
 81 notice of termination was either personally delivered or mailed to the ~~[individual's]~~ employee's  
 82 most recent address shown on the district's personnel records; and

83 (f) the notice shall state that failure of the employee to request a hearing in accordance  
 84 with procedures set forth in the notice constitutes a waiver of that right and that the district may  
 85 then proceed with termination without further notice.

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

90            ~~[(8)(a)]~~ (b) Suspension pending a hearing may be without pay if an authorized  
 91 representative of the district determines, after providing the employee with an opportunity for  
 92 an informal conference to discuss the allegations, that it is more likely than not that the  
 93 allegations against the employee are true ~~[and will result in termination].~~

94            ~~[(b)]~~ (c) If termination is not subsequently ordered, the employee shall receive back  
 95 pay for the period of suspension without pay.

96            ~~[(9)]~~ (8) The procedure under which ~~H~~→ [f] an [f] ~~[a-career]~~ ←~~H~~ employee's contract is  
 96a terminated during its  
 97 term shall provide for a written notice of suspension or final termination including findings of  
 98 fact upon which the action is based ~~[if the suspension or termination is for cause].~~

**Legislative Review Note**  
 as of 1-5-11 5:00 PM

**Office of Legislative Research and General Counsel**