

Senator Howard A. Stephenson proposes the following substitute bill:

PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends the Utah Orderly School Termination Procedures Act to prohibit a school district from using certain termination policies.

Highlighted Provisions:

This bill:

- ▶ prohibits a school district from utilizing a last-hired, first-fired layoff policy when reducing staff;
- ▶ requires the Education Interim Committee, in consultation with the State Board of Education, to study how the performance of teachers may be evaluated for the purpose of awarding or eliminating teacher career employee status;
- ▶ defines terms; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **53A-8-102**, as last amended by Laws of Utah 2007, Chapter 348

27 **53A-8-107**, as last amended by Laws of Utah 1999, Chapter 324

28 **Uncodified Material Affected:**

29 ENACTS UNCODIFIED MATERIAL



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

32 Section 1. Section **53A-8-102** is amended to read:

33 **53A-8-102. Definitions.**

34 As used in this chapter:

35 (1) "Career employee" means an employee of a school district who has obtained a
36 reasonable expectation of continued employment based upon Section 53A-8-106 and an
37 agreement with the employee or the employee's association, district practice, or policy.

38 (2) "Contract term" or "term of employment" means the period of time during which an
39 employee is engaged by the school district under a contract of employment, whether oral or
40 written.

41 (3) "Dismissal" or "termination" means:

42 (a) termination of the status of employment of an employee;

43 (b) failure to renew or continue the employment contract of a career employee beyond
44 the then-current school year;

45 (c) reduction in salary of an employee not generally applied to all employees of the
46 same category employed by the school district during the employee's contract term; or

47 (d) change of assignment of an employee with an accompanying reduction in pay,
48 unless the assignment change and salary reduction are agreed to in writing.

49 (4) "Employee" means a career or provisional employee of a school district, but does
50 not include:

51 (a) the district superintendent, or the equivalent at the Schools for the Deaf and the
52 Blind;

53 (b) the district business administrator or the equivalent at the Schools for the Deaf and
54 the Blind; or

55 (c) a temporary employee.

56 (5) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates

57 the termination of an employee who started to work for the district most recently before
 58 terminating a more senior employee.

59 [~~(5)~~] (6) "Provisional employee" means an individual, other than a career employee or
 60 a temporary employee, who is employed by a school district.

61 [~~(6)~~] (7) "School board" or "board" means a district school board or its equivalent at
 62 the Schools for the Deaf and the Blind.

63 [~~(7)~~] (8) "School district" or "district" means:

64 (a) a public school district; or

65 (b) the Schools for the Deaf and the Blind.

66 [~~(8)~~] (9) "Temporary employee" means an individual who is employed on a temporary
 67 basis as defined by policies adopted by the local board of education. If the class of employees
 68 in question is represented by an employee organization recognized by the local board, the board
 69 shall adopt its policies based upon an agreement with that organization. Temporary employees
 70 serve at will and have no expectation of continued employment.

71 Section 2. Section **53A-8-107** is amended to read:

72 **53A-8-107. Necessary staff reduction not precluded -- Last-hired, first-fired**
 73 **layoffs prohibited.**

74 (1) Nothing in this chapter prevents staff reduction if necessary to reduce the number
 75 of employees because of the following:

76 [~~(1)~~] (a) declining student enrollments in the district;

77 [~~(2)~~] (b) the discontinuance or substantial reduction of a particular service or program;

78 [~~(3)~~] (c) the shortage of anticipated revenue after the budget has been adopted; or

79 [~~(4)~~] (d) school consolidation.

80 (2) A school district may not utilize a last-hired, first-fired layoff policy when
 81 terminating school district employees.

82 (3) A school district may consider the following factors when terminating a school
 83 district employee:

84 (a) the results of an employee's performance evaluation; and

85 (b) a school's personnel needs.

86 Section 3. **Education Interim Committee study on performance based evaluations.**

87 During the 2011 interim, the Education Interim Committee, in consultation with the

88 State Board of Education, shall study how the performance of teachers may be evaluated for
89 the purpose of awarding or eliminating teacher career employee status.