

PUBLIC EDUCATION APPOINTMENT AND HIRING

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions relating to hiring for local school district positions.

Highlighted Provisions:

This bill:

- enacts provisions relating to the hiring of principals and school district employees;

and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-3-411, as last amended by Laws of Utah 2005, Chapter 285

ENACTS:

53A-3-411.5, Utah Code Annotated 1953

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

Section 1. Section **53A-3-411** is amended to read:

53A-3-411. Employment of school personnel -- Length of contract -- Termination



28 **for cause -- Individual contract of employment -- Employee acknowledgment of liability**
29 **protection.**

30 (1) [~~A~~] Subject to Section 53A-3-411.5, a local school board may enter into a written
31 employment contract for a term not to exceed five years.

32 (2) Nothing in the terms of the contract shall restrict the power of a local school board
33 to terminate the contract for cause at any time.

34 (3) (a) A local school board may not enter into a collective bargaining agreement that
35 prohibits or limits individual contracts of employment.

36 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May
37 5, 2003.

38 (4) Each local school board shall:

39 (a) ensure that each employment contract complies with the requirements of Section
40 34-32-1.1;

41 (b) comply with the requirements of Section 34-32-1.1 in employing any personnel,
42 whether by employment contract or otherwise; and

43 (c) ensure that at the time an employee enters into an employment contract, the
44 employee shall sign a separate document acknowledging that the employee:

45 (i) has received[~~-(A)~~] the disclosure required under Subsection 63A-4-204(4)(d) if the
46 school district participates in the Risk Management Fund[;] or [~~(B)~~] has received a written
47 disclosure similar to the disclosure required under Section 63A-4-204 if the school district does
48 not participate in the Risk Management Fund; and

49 (ii) understands the legal liability protection provided to the employee and what is not
50 covered, as explained in the disclosure.

51 Section 2. Section **53A-3-411.5** is enacted to read:

52 **53A-3-411.5. Authority to contract for employment -- Principals -- Employees.**

53 (1) As used in this section, "school district employee" means an individual who has
54 entered into an employment contract with a local school board.

55 (2) A district superintendent of schools, appointed as described in Section 53A-3-301,
56 shall hire the principal of each school in the school district.

57 (3) A local school board shall obtain approval from the principal of each school where
58 a school district employee will perform work:

- 59 (a) before the local school board enters into a contract with an individual to become a
60 school district employee; or
61 (b) before the local school board transfers a school district employee to the school.
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Legislative Review Note
Office of Legislative Research and General Counsel