

EDUCATOR LICENSING REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

General Description:

This bill modifies the public education code regarding educator licensing.

Highlighted Provisions:

This bill:

- ▶ authorizes the State Board of Education to implement an educator licensing system;
- ▶ repeals sections of code regarding educator licensing that are obsolete under the new educator licensing system;
- ▶ modifies provisions of existing code sections that are related to the previous educator licensing system, including endorsements and letters of authorization;
- ▶ repeals the requirement that a district superintendent hold a license;
- ▶ modifies provisions related to youth suicide prevention training for employees;
- ▶ repeals the Compact for Interstate Qualification of Educational Personnel; and
- ▶ makes technical corrections and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

- 29 [53A-1a-512](#), as last amended by Laws of Utah 2014, Chapter 363
- 30 [53A-3-301](#), as last amended by Laws of Utah 2011, Chapters 209 and 322
- 31 [53A-6-103](#), as last amended by Laws of Utah 2016, Chapter 144
- 32 [53A-6-104](#), as last amended by Laws of Utah 2003, Chapter 315
- 33 [53A-6-107](#), as last amended by Laws of Utah 2016, Chapter 239
- 34 [53A-6-115](#), as enacted by Laws of Utah 2016, Chapter 328
- 35 [53A-6-503](#), as last amended by Laws of Utah 2008, Chapter 382
- 36 [53A-6-901](#), as last amended by Laws of Utah 2015, Chapter 1

- 37 [53A-8a-102](#), as last amended by Laws of Utah 2017, Chapter 328
- 38 [53A-8a-201](#), as renumbered and amended by Laws of Utah 2012, Chapter 425
- 39 [53A-13-110](#), as last amended by Laws of Utah 2017, Chapter 333
- 40 [53A-15-106](#), as enacted by Laws of Utah 2015, Chapter 431
- 41 [53A-15-1304](#), as enacted by Laws of Utah 2017, Chapter 378
- 42 [53A-15-1702](#), as last amended by Laws of Utah 2017, Chapter 444
- 43 [53A-17a-153](#), as last amended by Laws of Utah 2017, Chapters 173 and 372
- 44 [53A-17a-158](#), as enacted by Laws of Utah 2008, Chapter 397
- 45 [63G-7-102](#), as last amended by Laws of Utah 2017, Chapter 300

46 REPEALS:

- 47 [53A-6-104.1 \(Superseded 07/01/18\)](#), as last amended by Laws of Utah 2015, Chapter
- 48 389
- 49 [53A-6-104.1 \(Effective 07/01/18\)](#), as last amended by Laws of Utah 2017, Chapter 472
- 50 [53A-6-104.5](#), as last amended by Laws of Utah 2016, Chapter 144
- 51 [53A-6-105 \(Repealed 07/01/18\)](#), as last amended by Laws of Utah 2017, Chapter 372
- 52 and repealed by Laws of Utah 2017, Chapter 472
- 53 [53A-6-110](#), as last amended by Laws of Utah 2016, Chapter 144
- 54 [53A-6-111](#), as enacted by Laws of Utah 2004, Chapter 46
- 55 [53A-6-113](#), as enacted by Laws of Utah 2014, Chapter 417
- 56 [53A-6-116](#), as enacted by Laws of Utah 2016, Chapter 27
- 57 [53A-6-201](#), as enacted by Laws of Utah 1988, Chapter 2

58 **53A-6-202**, as enacted by Laws of Utah 1988, Chapter 2
 59 **53A-6-203**, as enacted by Laws of Utah 1988, Chapter 2
 60 **53A-6-204**, as enacted by Laws of Utah 1988, Chapter 2
 61 **53A-6-205**, as enacted by Laws of Utah 1988, Chapter 2
 62 **53A-6-206**, as enacted by Laws of Utah 1988, Chapter 2
 63 **53A-6-207**, as enacted by Laws of Utah 1988, Chapter 2
 64 **53A-6-208**, as enacted by Laws of Utah 1988, Chapter 2
 65 **53A-6-209**, as enacted by Laws of Utah 1988, Chapter 2
 66 **53A-6-210**, as enacted by Laws of Utah 1988, Chapter 2
 67 **53A-6-211**, as enacted by Laws of Utah 1988, Chapter 2
 68 **53A-25a-106**, as last amended by Laws of Utah 2000, Chapter 224

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

71 Section 1. Section **53A-1a-512** is amended to read:

72 **53A-1a-512. Employees of charter schools.**

73 (1) A charter school shall select its own employees.

74 (2) The school's governing board shall determine the level of compensation and all
 75 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)
 76 and under this part.

77 (3) The following statutes governing public employees and officers do not apply to a
 78 charter school:

79 (a) Chapter 8a, Public Education Human Resource Management Act; and

80 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

81 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter
 82 school, under rules adopted by the State Board of Education, shall employ teachers who~~[(i)]~~
 83 are licensed~~[; or]~~.

84 ~~[(ii) on the basis of demonstrated competency, would qualify to teach under alternative
 85 certification or authorization programs.]~~

86 (b) The school's governing board shall disclose the qualifications of its teachers to the
 87 parents of its students.

88 (5) State Board of Education rules governing the licensing or certification of

89 administrative and supervisory personnel do not apply to charter schools.

90 (6) (a) An employee of a school district may request a leave of absence in order to
91 work in a charter school upon approval of the local school board.

92 (b) While on leave, the employee may retain seniority accrued in the school district and
93 may continue to be covered by the benefit program of the district if the charter school and the
94 locally elected school board mutually agree.

95 (7) (a) A proposed or authorized charter school may elect to participate as an employer
96 for retirement programs under:

- 97 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
- 98 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
- 99 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

100 (b) An election under this Subsection (7):

101 (i) shall be documented by a resolution adopted by the governing board of the charter
102 school; and

103 (ii) applies to the charter school as the employer and to all employees of the charter
104 school.

105 (c) The governing board of a charter school may offer employee benefit plans for its
106 employees:

107 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

108 or

109 (ii) under any other program.

110 (8) A charter school may not revoke an election to participate made under Subsection
111 (7).

112 (9) The governing board of a charter school shall ensure that, prior to the beginning of
113 each school year, each of its employees signs a document acknowledging that the employee:

114 (a) has received:

115 (i) the disclosure required under Section [63A-4-204.5](#) if the charter school participates
116 in the Risk Management Fund; or

117 (ii) written disclosure similar to the disclosure required under Section [63A-4-204.5](#) if
118 the charter school does not participate in the Risk Management Fund; and

119 (b) understands the legal liability protection provided to the employee and what is not

120 covered, as explained in the disclosure.

121 Section 2. Section **53A-3-301** is amended to read:

122 **53A-3-301. Superintendent of schools -- Appointment -- Term -- Compensation.**

123 (1) Subject to Subsection ~~[(8)]~~ (7), a local school board shall appoint a district
124 superintendent of schools who serves as the local school board's chief executive officer.

125 (2) A local school board shall appoint the superintendent on the basis of outstanding
126 professional qualifications.

127 (3) (a) A superintendent's term of office is for two years and until, subject to
128 Subsection ~~[(8)]~~ (7), a successor is appointed and qualified.

129 (b) A local school board that appoints a superintendent in accordance with this section
130 may not, on or after May 10, 2011, enter into an employment contract that contains an
131 automatic renewal provision with the superintendent.

132 (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection
133 ~~[(8)]~~ (7), if it becomes necessary to appoint an interim superintendent due to a vacancy in the
134 office of superintendent, the local school board shall make an appointment during a public
135 meeting for an indefinite term not to exceed one year, which term shall end upon the
136 appointment and qualification of a new superintendent.

137 ~~[(5)(a) The superintendent shall hold an administrative/supervisory license issued by
138 the State Board of Education, except as otherwise provided in Subsection (5)(b).]~~

139 ~~[(b) At the request of a local school board, the State Board of Education shall grant a
140 letter of authorization permitting a person with outstanding professional qualifications to serve
141 as superintendent without holding an administrative/supervisory license.]~~

142 ~~[(6)]~~ (5) A local school board shall set the superintendent's compensation for services.

143 ~~[(7)]~~ (6) A superintendent qualifies for office by taking the constitutional oath of
144 office.

145 ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7), "interim vacancy period" means the
146 period of time that:

147 (i) begins on the day on which a general election described in Section [20A-1-202](#) is
148 held to elect a member of a local school board; and

149 (ii) ends on the day on which the member-elect begins the member's term.

150 (b) (i) The local school board may not appoint a superintendent during an interim

151 vacancy period.

152 (ii) Notwithstanding Subsection ~~[(8)]~~ (7)(b)(i):

153 (A) the local school board may appoint an interim superintendent during an interim
154 vacancy period; and

155 (B) the interim superintendent's term shall expire once a new superintendent is
156 appointed by the new local school board after the interim vacancy period has ended.

157 (c) Subsection ~~[(8)]~~ (7)(b) does not apply if all the local school board members who
158 held office on the day of the general election whose term of office was vacant for the election
159 are re-elected to the local school board for the following term.

160 Section 3. Section **53A-6-103** is amended to read:

161 **53A-6-103. Definitions.**

162 As used in this chapter:

163 ~~[(1) "Accredited institution" means an institution meeting the requirements of Section~~
164 ~~53A-6-107;]~~

165 ~~[(2) (a) "Alternative preparation program" means preparation for licensure in~~
166 ~~accordance with applicable law and rule through other than an approved preparation program.]~~

167 ~~[(b) "Alternative preparation program" includes the competency-based licensing~~
168 ~~program described in Section 53A-6-104.5;]~~

169 ~~[(3) "Ancillary requirement" means a requirement established by law or rule in addition~~
170 ~~to completion of an approved preparation program or alternative education program or~~
171 ~~establishment of eligibility under the NASDTEC Interstate Contract, and may include any of~~
172 ~~the following:]~~

173 ~~[(a) minimum grade point average;]~~

174 ~~[(b) standardized testing or assessment;]~~

175 ~~[(c) mentoring;]~~

176 ~~[(d) recency of professional preparation or experience;]~~

177 ~~[(e) graduation from an accredited institution; or]~~

178 ~~[(f) evidence relating to moral, ethical, physical, or mental fitness;]~~

179 ~~[(4) "Approved preparation program" means a program for preparation of educational~~
180 ~~personnel offered through an accredited institution in Utah or in a state which is a party to a~~
181 ~~contract with Utah under the NASDTEC Interstate Contract and which, at the time the program~~

182 ~~was completed by the applicant;]~~

183 ~~[(a) was approved by the governmental agency responsible for licensure of educators in~~
184 ~~the state in which the program was provided;]~~

185 ~~[(b) satisfied requirements for licensure in the state in which the program was~~
186 ~~provided;]~~

187 ~~[(c) required completion of a baccalaureate; and]~~

188 ~~[(d) included a supervised field experience.]~~

189 ~~[(5) "Board" means the State Board of Education.]~~

190 (1) "Board" means the State Board of Education.

191 ~~[(6)]~~ (2) "Certificate" means a license issued by a governmental jurisdiction outside the
192 state.

193 ~~[(7) "Core academic subjects" means English, reading or language arts, mathematics,~~
194 ~~science, foreign languages, civics and government, economics, arts, history, and geography.]~~

195 ~~[(8)]~~ (3) "Educator" means:

196 (a) a person who holds a license;

197 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
198 of the board, to hold a license; or

199 (c) a person who is the subject of an allegation which has been received by the board or
200 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
201 position requiring licensure.

202 ~~[(9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas~~
203 ~~of practice to which the license applies.]~~

204 ~~[(b) An endorsement shall be issued upon completion of a competency-based teacher~~
205 ~~preparation program from a regionally accredited university that meets state content standards.]~~

206 ~~[(10) "License" means an authorization issued by the board which permits the holder to~~
207 ~~serve in a professional capacity in the public schools. The five levels of licensure are:]~~

208 ~~[(a) "letter of authorization," which is:]~~

209 ~~[(i) a temporary license issued to a person who has not completed requirements for a~~
210 ~~competency-based, or level 1, 2, or 3 license, such as:]~~

211 ~~[(A) a student teacher; or]~~

212 ~~[(B) a person participating in an alternative preparation program; or]~~

213 ~~[(ii) a license issued, pursuant to board rules, to a person who has achieved eminence,~~
214 ~~or has outstanding qualifications, in a field taught in public schools;]~~

215 ~~[(b) "competency-based license" which is issued to a teacher based on the teacher's~~
216 ~~demonstrated teaching skills and abilities;]~~

217 ~~[(c) "level 1 license," which is a license issued upon completion of:]~~

218 ~~[(i) a competency-based teacher preparation program from a regionally accredited~~
219 ~~university; or]~~

220 ~~[(ii) an approved preparation program or an alternative preparation program, or~~
221 ~~pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have~~
222 ~~also met all ancillary requirements established by law or rule;]~~

223 ~~[(d) "level 2 license," which is a license issued after satisfaction of all requirements for~~
224 ~~a level 1 license as well as any additional requirements established by law or rule relating to~~
225 ~~professional preparation or experience; and]~~

226 ~~[(e) "level 3 license," which is a license issued to an educator who holds a current Utah~~
227 ~~level 2 license and has also received, in the educator's field of practice, National Board~~
228 ~~certification or a doctorate from an accredited institution.]~~

229 ~~[(11) "NASDTEC" means the National Association of State Directors of Teacher~~
230 ~~Education and Certification.]~~

231 ~~[(12) "NASDTEC Interstate Contract" means the contract implementing Title 53A,~~
232 ~~Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is~~
233 ~~administered through NASDTEC.]~~

234 (4) "License" means an authorization issued by the board that permits the holder to
235 serve in a professional capacity in the public schools.

236 ~~[(13)]~~ (5) "National Board certification" means a current certificate issued by the
237 National Board for Professional Teaching Standards.

238 ~~[(14) "Necessarily existent small school" means a school classified as a necessarily~~
239 ~~existent small school in accordance with Section [53A-17a-109](#).]~~

240 ~~[(15)]~~ (6) "Rule" means an administrative rule adopted by the board under Title 63G,
241 Chapter 3, Utah Administrative Rulemaking Act.

242 ~~[(16)]~~ (7) "School" means a public or private entity ~~[which]~~ that provides educational
243 services to a minor child.

244 ~~[(17) "Small school district" means a school district with an enrollment of less than~~
245 ~~5,000 students.]~~

246 ~~[(18) (8) "UPPAC" means the Utah Professional Practices Advisory Commission.~~

247 Section 4. Section **53A-6-104** is amended to read:

248 **53A-6-104. Board licensure.**

249 ~~[(1) (a) The board may issue licenses for educators.]~~

250 ~~[(b) A person employed in a position that requires licensure by the board shall hold the~~
251 ~~appropriate license.]~~

252 (1) To be fully implemented by July 1, 2019, the board shall establish in rule a system
253 for educator licensing that includes:

254 (a) an associate educator license that permits an individual to provide educational
255 services in a public school while working to meet the requirements of a professional educator
256 license;

257 (b) a professional educator license that permits an individual to provide educational
258 services in a public school after demonstrating that the individual meets licensure requirements
259 established in board rule; and

260 (c) an LEA-specific educator license issued by the board at the request of an LEA's
261 governing body that is valid for an individual to provide educational services in the requesting
262 LEA's schools.

263 (2) An individual employed in a position that requires licensure by the board shall hold
264 the license that is appropriate to the position.

265 ~~[(2) (3) (a) The board may by rule rank, endorse, or otherwise classify licenses and~~
266 ~~establish the criteria for obtaining [and], retaining, and reinstating licenses.~~

267 ~~[(b) (i) The board shall make rules requiring participation in professional development~~
268 ~~activities or compliance with a school district professional development plan as provided in~~
269 ~~Subsection (4) in order for educators to retain their licenses.]~~

270 ~~[(ii) (b) An educator who is enrolling in a course of study at an institution within the~~
271 ~~state system of higher education to satisfy the [professional development requirements of~~
272 ~~Subsection (2)(b)(i)] board requirements for retaining a license is exempt from tuition, except~~
273 ~~for a semester registration fee established by the State Board of Regents, if:~~

274 ~~[(A) (i) the educator is enrolled on the basis of surplus space in the class after~~

275 regularly enrolled students have been assigned and admitted to the class in accordance with
276 regular procedures, normal teaching loads, and the institution's approved budget; and

277 ~~[(B)]~~ (ii) enrollments are determined by each institution under rules and guidelines
278 established by the State Board of Regents in accordance with findings of fact that space is
279 available for the educator's enrollment.

280 ~~[(3) Except as provided in Subsection (4), unless suspended or revoked by the board,
281 or surrendered by the educator:]~~

282 ~~[(a) a letter of authorization is valid for one year, or a shorter period as specified by the
283 board, subject to renewal by the board in accordance with board rules;]~~

284 ~~[(b) a competency-based license remains valid;]~~

285 ~~[(c) a level 1 license is valid for three years, subject to renewal by the board in
286 accordance with board rules;]~~

287 ~~[(d) a level 2 license is valid for five years, subject to renewal by the board in
288 accordance with board rules; and]~~

289 ~~[(e) a level 3 license is valid for seven years, subject to renewal by the board in
290 accordance with board rules.]~~

291 ~~[(4) Unless suspended or revoked by the board, or surrendered by the educator, a level
292 1, level 2, level 3, or competency-based license shall remain valid if:]~~

293 ~~[(a) the license holder is employed by a school district that has a comprehensive
294 program to maintain and improve educators' skills in which performance standards, educator
295 evaluation, and professional development are integrated; and]~~

296 ~~[(b) the license holder complies with school or school district professional
297 development requirements.]~~

298 Section 5. Section **53A-6-107** is amended to read:

299 **53A-6-107. Teacher preparation programs.**

300 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
301 board shall make rules that establish standards for approval of a preparation program ~~[or an
302 alternative preparation program].~~

303 (2) The board shall ensure that standards adopted under Subsection (1) meet or exceed
304 generally recognized national standards for preparation of educators~~[, such as those developed
305 by the:].~~

306 [~~(a) Interstate New Teacher Assessment and Support Consortium;~~]

307 [~~(b) National Board for Professional Teaching Standards; or~~]

308 [~~(c) Council for the Accreditation of Educator Preparation.~~]

309 (3) The board shall designate an employee of the board's staff to:

310 (a) work with education deans of state institutions of higher education to coordinate
311 on-site monitoring of teacher preparation programs that may include:

312 (i) monitoring courses for teacher preparation programs;

313 (ii) working with course instructors for teacher preparation programs; and

314 (iii) interviewing students admitted to teacher preparation programs;

315 (b) act as a liaison between:

316 (i) the board;

317 (ii) local school boards or charter school governing boards; and

318 (iii) representatives of teacher preparation programs; and

319 (c) report the employee's findings and recommendations for the improvement of
320 teacher preparation programs to:

321 (i) the board; and

322 (ii) education deans of state institutions of higher education.

323 (4) The board shall:

324 (a) in good faith, consider the findings and recommendations described in Subsection
325 (3)(c); and

326 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
327 make rules, as the board determines is necessary, to implement recommendations described in
328 Subsection (3)(c).

329 Section 6. Section **53A-6-115** is amended to read:

330 **53A-6-115. Teacher leaders.**

331 (1) As used in this section, "teacher" means an educator who has an assignment to
332 teach in a classroom.

333 (2) There is created the role of a teacher leader to:

334 (a) work with a student teacher and a teacher who supervises a student teacher;

335 (b) assist with the training of a recently hired teacher; and

336 (c) support school-based professional learning.

337 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
338 board~~[(a)]~~ shall make rules that:

339 [(i)] (a) define the role of a teacher leader, including the functions described in
340 Subsection (2); and

341 [(ii)] (b) establish the minimum criteria for a teacher to qualify as a teacher leader[;
342 and].

343 [~~(b) may make rules that create an endorsement for a teacher leader.~~]

344 [~~(4) A school district or charter school may assign a teacher to a teacher leader position
345 without a teacher leader endorsement.~~]

346 [~~(5)(a)] (4) The board shall solicit recommendations from school districts and
347 educators regarding:~~

348 [(i)] (a) appropriate resources to provide a teacher leader; and

349 [(ii)] (b) appropriate ways to compensate a teacher leader.

350 [~~(b) The board shall report the board's findings and recommendations described in
351 Subsection (5)(a) to the Education Interim Committee on or before the committee's November
352 2016 interim meeting.~~]

353 Section 7. Section **53A-6-503** is amended to read:

354 **53A-6-503. Reimbursement of legal fees and costs to educators.**

355 (1) As used in this section:

356 (a) "Action" means any action, except those referred to in Section [52-6-201](#), brought
357 against an educator by an individual or entity other than:

358 (i) the entity who licenses the educator; and

359 (ii) the ~~[school district]~~ LEA that employs the educator or employed the educator at the
360 time of the alleged act or omission.

361 (b) "Educator" means an individual who holds or is required to hold a license ~~[under
362 this chapter]~~ as defined by the board and is employed by ~~[a school district]~~ an LEA located
363 within the state.

364 (c) ~~["School district" includes the]~~ "LEA" means a school district, charter school, or the
365 Utah Schools for the Deaf and the Blind [and the state's applied technology centers].

366 (2) Except as otherwise provided in Section [52-6-201](#), an educator is entitled to recover
367 reasonable attorneys' fees and costs incurred in the educator's defense against an individual or

368 entity who initiates an action against the educator if:

369 (a) the action is brought for any act or omission of the educator during the performance
370 of the educator's duties within the scope of the educator's employment; and

371 (b) it is dismissed or results in findings favorable to the educator.

372 (3) An educator who recovers under this section is also entitled to recover reasonable
373 attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees
374 and costs allowed under Subsection (2).

375 Section 8. Section **53A-6-901** is amended to read:

376 **53A-6-901. Grants for math teacher training programs.**

377 (1) If the state obtains matching funds of equal sums from private contributors, the
378 board may award grants to institutions of higher education or nonprofit educational
379 organizations for programs that provide:

380 (a) mentoring and training leading to a secondary education license with [~~an~~
381 ~~endorsement~~] a credential in mathematics for an individual who:

382 (i) is not a teacher in a public or private school;

383 (ii) does not have a teaching license;

384 (iii) has a bachelor's degree or higher; and

385 (iv) demonstrates a high level of mathematics competency by:

386 (A) successfully completing substantial course work in mathematics; and

387 (B) passing a mathematics content exam; or

388 (b) a stipend, professional development, and leadership opportunities to an experienced
389 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
390 leadership skills to assist the teacher in becoming a teacher leader.

391 (2) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
392 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

393 (b) In awarding grants, the board shall consider the amount or percent of matching
394 funds provided by the grant recipient.

395 Section 9. Section **53A-8a-102** is amended to read:

396 **53A-8a-102. Definitions.**

397 As used in this chapter:

398 (1) "Administrator" means an individual who[?] supervises educators and holds an

399 appropriate license issued by the State Board of Education.

400 [~~(a) serves in a position that requires:~~]

401 [~~(i) an educator license with an administrative area of concentration; or]~~

402 [~~(ii) a letter of authorization described in Section [53A-3-301](#) or [53A-6-110](#); and]~~

403 [~~(b) supervises school administrators or teachers.~~]

404 (2) "Career employee" means an employee of a school district who has obtained a
405 reasonable expectation of continued employment based upon Section [53A-8a-201](#) and an
406 agreement with the employee or the employee's association, district practice, or policy.

407 (3) "Contract term" or "term of employment" means the period of time during which an
408 employee is engaged by the school district under a contract of employment, whether oral or
409 written.

410 (4) "Dismissal" or "termination" means:

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

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

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

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

418 (5) (a) "Employee" means a career or provisional employee of a school district, except
419 as provided in Subsection (5)(b).

420 (b) For purposes of Part 2, Status of Employment, Part 4, Educator Evaluations, and
421 Part 5, Orderly School Termination Procedures, "employee" does not include:

422 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
423 Blind;

424 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
425 and the Blind; or

426 (iii) a temporary employee.

427 (6) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates
428 the termination of an employee who started to work for a district most recently before
429 terminating a more senior employee.

430 (7) "Provisional employee" means an individual, other than a career employee or a
431 temporary employee, who is employed by a school district.

432 (8) "School board" or "board" means a district school board or, for the Utah Schools
433 for the Deaf and the Blind, the State Board of Education.

434 (9) "School district" or "district" means:

435 (a) a public school district; or

436 (b) the Utah Schools for the Deaf and the Blind.

437 (10) "Temporary employee" means an individual who is employed on a temporary
438 basis as defined by policies adopted by the local board of education. If the class of employees
439 in question is represented by an employee organization recognized by the local board, the board
440 shall adopt the board's policies based upon an agreement with that organization. Temporary
441 employees serve at will and have no expectation of continued employment.

442 (11) (a) "Unsatisfactory performance" means a deficiency in performing work tasks
443 that may be:

444 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

445 (ii) remediated through training, study, mentoring, or practice.

446 (b) "Unsatisfactory performance" does not include the following conduct that is
447 designated as a cause for termination under Section [53A-8a-501](#) or a reason for license
448 discipline by the State Board of Education or Utah Professional Practices Advisory
449 Commission:

450 (i) a violation of work rules;

451 (ii) a violation of local school board policies, State Board of Education rules, or law;

452 (iii) a violation of standards of ethical, moral, or professional conduct; or

453 (iv) insubordination.

454 Section 10. Section **53A-8a-201** is amended to read:

455 **53A-8a-201. Career employee status for provisional employees -- Career status**
456 **in the event of change of position -- Continuation of probationary status when position**
457 **changes -- Temporary status for extra duty assignments.**

458 (1) (a) A provisional employee must work for a school district on at least a half-time
459 basis for three consecutive years to obtain career employee status.

460 (b) A school district may extend the provisional status of an employee up to an

461 additional two consecutive years in accordance with a written policy adopted by the district's
462 school board that specifies the circumstances under which an employee's provisional status
463 may be extended.

464 (2) Policies of an employing school district shall determine the status of a career
465 employee in the event of the following:

466 (a) the employee accepts a position which is substantially different from the position in
467 which career status was achieved; or

468 (b) the employee accepts employment in another school district.

469 (3) If an employee who is under an order of probation or remediation in one
470 assignment in a school district is transferred or given a new assignment in the district, the order
471 shall stand until its provisions are satisfied.

472 (4) An employee who is given extra duty assignments in addition to a primary
473 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
474 employee in those extra duty assignments and may not acquire career status beyond the primary
475 assignment.

476 ~~[(5) A person is an at-will employee and is not eligible for career employee status if the~~
477 ~~person:]~~

478 ~~[(a) is a teacher who holds a competency-based license pursuant to Section~~
479 ~~53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103; or]~~

480 ~~[(b) holds an administrative/supervisory letter of authorization pursuant to Section~~
481 ~~53A-6-110;]~~

482 Section 11. Section **53A-13-110** is amended to read:

483 **53A-13-110. Financial and economic literacy education.**

484 (1) As used in this section:

485 (a) "Financial and economic activities" include activities related to the topics listed in
486 Subsection (1)(b).

487 (b) "Financial and economic literacy concepts" include concepts related to the
488 following topics:

489 (i) basic budgeting;

490 (ii) saving and financial investments;

491 (iii) banking and financial services, including balancing a checkbook or a bank account

- 492 and online banking services;
- 493 (iv) career management, including earning an income;
- 494 (v) rights and responsibilities of renting or buying a home;
- 495 (vi) retirement planning;
- 496 (vii) loans and borrowing money, including interest, credit card debt, predatory
- 497 lending, and payday loans;
- 498 (viii) insurance;
- 499 (ix) federal, state, and local taxes;
- 500 (x) charitable giving;
- 501 (xi) online commerce;
- 502 (xii) identity fraud and theft;
- 503 (xiii) negative financial consequences of gambling;
- 504 (xiv) bankruptcy;
- 505 (xv) free markets and prices;
- 506 (xvi) supply and demand;
- 507 (xvii) monetary and fiscal policy;
- 508 (xviii) effective business plan creation, including using economic analysis in creating a
- 509 plan;
- 510 (xix) scarcity and choices;
- 511 (xx) opportunity cost and tradeoffs;
- 512 (xxi) productivity;
- 513 (xxii) entrepreneurship; and
- 514 (xxiii) economic reasoning.
- 515 (c) "Financial and economic literacy passport" means a document that tracks mastery
- 516 of financial and economic literacy concepts and completion of financial and economic
- 517 activities in kindergarten through grade 12.
- 518 (d) "General financial literacy course" means the course of instruction described in
- 519 Section [53A-13-108](#).
- 520 (2) The State Board of Education shall:
- 521 (a) in cooperation with interested private and nonprofit entities:
- 522 (i) develop a financial and economic literacy passport that students may elect to

523 complete;

524 (ii) develop methods of encouraging parent and educator involvement in completion of
525 the financial and economic literacy passport; and

526 (iii) develop and implement appropriate recognition and incentives for students who
527 complete the financial and economic literacy passport, including:

528 (A) a financial and economic literacy endorsement on the student's diploma of
529 graduation;

530 (B) a specific designation on the student's official transcript; and

531 (C) any incentives offered by community partners;

532 (b) more fully integrate existing and new financial and economic literacy education
533 into instruction in kindergarten through grade 12 by:

534 (i) coordinating financial and economic literacy instruction with existing instruction in
535 other areas of the core standards for Utah public schools, such as mathematics and social
536 studies;

537 (ii) using curriculum mapping;

538 (iii) creating training materials and staff development programs that:

539 (A) highlight areas of potential coordination between financial and economic literacy
540 education and other core standards for Utah public schools concepts; and

541 (B) demonstrate specific examples of financial and economic literacy concepts as a
542 way of teaching other core standards for Utah public schools concepts; and

543 (iv) using appropriate financial and economic literacy assessments to improve financial
544 and economic literacy education and, if necessary, developing assessments;

545 (c) work with interested public, private, and nonprofit entities to:

546 (i) identify, and make available to teachers, online resources for financial and
547 economic literacy education, including modules with interactive activities and turnkey
548 instructor resources;

549 (ii) coordinate school use of existing financial and economic literacy education
550 resources;

551 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
552 financial literacy resources;

553 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial

554 education providers in implementing methods of appropriately communicating to teachers,
555 students, and parents key financial and economic literacy messages; and

556 (v) encourage parents and students to establish higher education savings, including a
557 Utah Educational Savings Plan account;

558 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
559 make rules to develop guidelines and methods for school districts and charter schools to more
560 fully integrate financial and economic literacy education into other core standards for Utah
561 public schools courses;

562 (e) (i) contract with a provider, through a request for proposals process, to develop an
563 online, end-of-course assessment for the general financial literacy course;

564 (ii) require a school district or charter school to administer an online, end-of-course
565 assessment to a student who takes the general financial literacy course; and

566 (iii) develop a plan, through the state superintendent of public instruction, to analyze
567 the results of an online, end-of-course assessment in general financial literacy that includes:

568 (A) an analysis of assessment results by standard; and

569 (B) average scores statewide and by school district and school; and

570 (f) in cooperation with school districts, charter schools, and interested private and
571 nonprofit entities, provide opportunities for professional development in financial and
572 economic literacy to teachers, including:

573 (i) a statewide learning community for financial and economic literacy;

574 (ii) summer workshops; and

575 (iii) online videos of experts in the field of financial and economic literacy education[;
576 ~~and~~].

577 [~~(g) implement a teacher endorsement in general financial literacy that includes course
578 work in financial planning, credit and investing, consumer economics, personal budgeting, and
579 family economics.~~]

580 (3) A public school shall provide the following to the parents or guardian of a
581 kindergarten student during kindergarten enrollment:

582 (a) a financial and economic literacy passport; and

583 (b) information about higher education savings options, including information about
584 opening a Utah Educational Savings Plan account.

585 (4) (a) The State Board of Education shall establish a task force to study and make
586 recommendations to the board on how to improve financial and economic literacy education in
587 the public school system.

588 (b) The task force membership shall include representatives of:

589 (i) the State Board of Education;

590 (ii) school districts and charter schools;

591 (iii) the State Board of Regents; and

592 (iv) private or public entities that teach financial education and share a commitment to
593 empower individuals and families to achieve economic stability, opportunity, and upward
594 mobility.

595 [~~(c) In 2013, the task force shall:~~]

596 [~~(i) review and recommend modifications to the course standards and objectives of the
597 general financial literacy course described in Section 53A-13-108 to ensure the course
598 standards and objectives reflect current and relevant content consistent with the financial and
599 economic literacy concepts listed in Subsection (1)(b);]~~]

600 [~~(ii) study the development of an online assessment of students' competency in
601 financial and economic literacy that may be used to:]~~]

602 [~~(A) measure student learning growth and proficiency in financial and economic
603 literacy; and]~~]

604 [~~(B) assess the effectiveness of instruction in financial and economic literacy;]~~]

605 [~~(iii) consider the development of a rigorous, online only, course to fulfill the general
606 financial literacy curriculum and graduation requirements specified in Section 53A-13-108;]~~]

607 [~~(iv) identify opportunities for teaching financial and economic literacy through an
608 integrated school curriculum and in the regular course of school work;]~~]

609 [~~(v) study and make recommendations for educator license endorsements for teachers
610 of financial and economic literacy;]~~]

611 [~~(vi) identify efficient and cost-effective methods of delivering professional
612 development in financial and economic literacy content and instructional methods; and]~~]

613 [~~(vii) study how financial and economic literacy education may be enhanced through
614 community partnerships.]~~]

615 [~~(d)~~] (c) The task force shall reconvene every three years to review and recommend

616 adjustments to the standards and objectives of the general financial literacy course.

617 ~~[(e) The State Board of Education shall make a report to the Education Interim~~
618 ~~Committee no later than the committee's November 2013 meeting summarizing the findings~~
619 ~~and recommendations of the task force and actions taken by the board in response to the task~~
620 ~~force's findings and recommendations.]~~

621 Section 12. Section **53A-15-106** is amended to read:

622 **53A-15-106. Interventions for Reading Difficulties Pilot Program.**

623 (1) As used in this section:

624 (a) "Board" means the State Board of Education.

625 (b) "Dyslexia" means a specific learning disability that is neurological in origin and
626 characterized by difficulties with accurate or fluent word recognition and by poor spelling and
627 decoding abilities that typically result from a deficit in the phonological component of language
628 that is often unexpected in relation to other cognitive abilities and the provision of effective
629 classroom instruction.

630 ~~[(e) "Endorsement" means the same as that term is defined in Section 53A-6-103.]~~

631 ~~[(d)]~~ (c) "Local education agency" or "LEA" means:

632 (i) a school district;

633 (ii) a charter school; or

634 (iii) the Utah Schools for the Deaf and the Blind.

635 ~~[(e)]~~ (d) "Multi-Tier System of Supports" or "MTSS" means a framework integrating
636 assessment and intervention that:

637 (i) provides increasingly intensive interventions for students at risk for or experiencing
638 reading difficulties, including:

639 (A) tier II interventions that, in addition to standard classroom reading, provide
640 supplemental and targeted small group instruction in reading using evidence-based curricula;
641 and

642 (B) tier III interventions that address the specific needs of students who are the most at
643 risk or who have not responded to tier II interventions by providing frequent, intensive, and
644 targeted small group instruction using evidence-based curricula; and

645 (ii) is developed to:

646 (A) maximize student achievement;

647 (B) reduce behavior problems; and

648 (C) increase long-term success.

649 ~~[(f)]~~ (e) "Program" means the Interventions for Reading Difficulties Pilot Program.

650 ~~[(g)]~~ (f) "Reading difficulty" means an impairment, including dyslexia, that negatively
651 affects a student's ability to learn to read.

652 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

653 (a) specific evidence-based literacy interventions using an MTSS for students in
654 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including
655 dyslexia; and

656 (b) professional development to educators who provide the literacy interventions
657 described in Subsection (2)(a).

658 (3) (a) An LEA may submit a proposal to the board to participate in the program.

659 (b) An LEA proposal described in Subsection (3)(a) shall:

660 (i) specify:

661 (A) a range of current benchmark assessment in reading scores described in Section
662 [53A-1-606.6](#) that the LEA will use to determine whether a student is at risk for a reading
663 difficulty; and

664 (B) other reading difficulty risk factors that the LEA will use to determine whether a
665 student is at risk for a reading difficulty;

666 (ii) describe the LEA's existing reading program;

667 (iii) describe the LEA's MTSS approach; and

668 (iv) include any other information requested by the board.

669 (c) The board may:

670 (i) specify the format for an LEA proposal; and

671 (ii) set a deadline for an LEA to submit a proposal.

672 (4) The board shall:

673 (a) define criteria for selecting an LEA to participate in the program;

674 (b) during fiscal year 2016, select five LEAs to participate in the program:

675 (i) on a competitive basis; and

676 (ii) using criteria described in Subsection (4)(a); and

677 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per

678 school within the LEA.

679 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select
680 additional LEAs to participate in the program.

681 (6) An LEA that participates in the program:

682 (a) shall, beginning with the 2016-17 school year, provide the interventions described
683 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;
684 and

685 (b) may provide the professional development described in Subsections (8)(a) and (b)
686 beginning in fiscal year 2016.

687 (7) An LEA that participates in the program shall:

688 (a) select at least one school in the LEA to participate in the program;

689 (b) identify students in kindergarten through grade 5 for participation in the program

690 by:

691 (i) using current benchmark assessment in reading scores as described in Section
692 [53A-1-606.6](#); and

693 (ii) considering other reading difficulty risk factors identified by the LEA;

694 (c) provide interventions for each student participating in the program using an MTSS
695 implemented by an educator trained in evidence-based interventions;

696 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading
697 achievement plan described in Section [53A-1-606.5](#) for each school in the LEA that
698 participates in the program; and

699 (e) report annually to the board on:

700 (i) individual student outcomes in changes in reading ability;

701 (ii) school level outcomes; and

702 (iii) any other information requested by the board.

703 (8) Subject to funding for the program, an LEA may use the funds described in
704 Subsection (4)(c) for the following purposes:

705 (a) to provide for ongoing professional development in evidence-based literacy
706 interventions;

707 (b) to support educators in earning a reading interventionist [~~endorsement~~] credential
708 that prepares teachers to provide a student who is at risk for or experiencing reading difficulty,

709 including dyslexia, with reading intervention that is:

710 (i) explicit;

711 (ii) systematic; and

712 (iii) targeted to a student's specific reading difficulty; and

713 (c) to implement the program.

714 (9) The board shall contract with an independent evaluator to evaluate the program on:

715 (a) whether the program improves reading outcomes for a student who receives the
716 interventions described in Subsection (7)(c);

717 (b) whether the program may reduce future special education costs; and

718 (c) any other student or school achievement outcomes requested by the board.

719 (10) (a) The board shall make a final report on the program to the Education Interim
720 Committee on or before November 1, 2018.

721 (b) In the final report described in Subsection (10)(a), the board shall include the
722 results of the evaluation described in Subsection (9).

723 Section 13. Section **53A-15-1304** is amended to read:

724 **53A-15-1304. Youth suicide prevention training for employees.**

725 (1) A school district or charter school shall require a licensed employee to complete a
726 minimum of two hours of professional development training on youth suicide prevention
727 [~~within the employee's license cycle described in Section 53A-6-104~~] every three years.

728 (2) The board shall:

729 (a) develop or adopt sample materials to be used by a school district or charter school
730 for professional development training on youth suicide prevention; and

731 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative
732 Rulemaking Act, incorporate the training described in Subsection (1) into professional
733 development training described in Section **53A-6-104**.

734 Section 14. Section **53A-15-1702** is amended to read:

735 **53A-15-1702. Definitions.**

736 (1) "Concurrent enrollment" means enrollment in a course offered through the
737 concurrent enrollment program described in Section **53A-15-1703**.

738 (2) "Educator" means the same as that term is defined in Section **53A-6-103**.

739 (3) "Eligible instructor" means an instructor who is:

- 740 (a) employed as faculty by an institution of higher education; or
- 741 (b) (i) employed by an LEA;
- 742 (ii) licensed by the State Board of Education under Title 53A, Chapter 6, Educator
- 743 Licensing and Professional Practices Act;
- 744 (iii) (A) approved as adjunct faculty by an institution of higher education; or
- 745 (B) a mathematics educator who has an upper level mathematics [endorsement]
- 746 credential issued by the State Board of Education; and
- 747 (iv) supervised by an institution of higher education.
- 748 (4) "Eligible student" means a student who:
- 749 (a) is enrolled in, and counted in average daily membership in, a high school within the
- 750 state;
- 751 (b) has a plan for college and career readiness, as described in Section 53A-1a-106, on
- 752 file at a high school within the state; and
- 753 (c) (i) is a grade 11 or grade 12 student; or
- 754 (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section
- 755 53A-15-1703.
- 756 [~~(5)~~] "~~Endorsement~~" means a stipulation, authorized by the State Board of Education
- 757 and appended to a license, that specifies an area of practice to which the license applies.]
- 758 [~~(6)~~] (5) "Institution of higher education" means the same as that term is defined in
- 759 Section 53B-3-102.
- 760 [~~(7)~~] (6) "License" means the same as that term is defined in Section 53A-6-103.
- 761 [~~(8)~~] (7) "Local education agency" or "LEA" means a school district or charter school.
- 762 [~~(9)~~] (8) "Participating eligible student" means an eligible student enrolled in a
- 763 concurrent enrollment course.
- 764 [~~(10)~~] "~~Upper level mathematics endorsement~~" means an endorsement required by the
- 765 State Board of Education for an educator to teach calculus.]
- 766 [~~(H)~~] (9) "Value of the weighted pupil unit" means the same as that term is defined in
- 767 Section 53A-1a-703.
- 768 Section 15. Section 53A-17a-153 is amended to read:
- 769 **53A-17a-153. Educator salary adjustments.**
- 770 (1) As used in this section, "educator" means a person employed by a school district,

771 charter school, or the Utah Schools for the Deaf and the Blind who holds:

772 (a) a license issued [~~under Title 53A, Chapter 6, Educator Licensing and Professional~~
773 ~~Practices Act, and] by:~~

774 (i) the State Board of Education; or

775 (ii) the Division of Occupational and Professional Licensing; and

776 (b) a position as a:

777 (i) classroom teacher;

778 (ii) speech pathologist;

779 (iii) librarian or media specialist;

780 (iv) preschool teacher;

781 (v) mentor teacher;

782 (vi) teacher specialist or teacher leader;

783 (vii) guidance counselor;

784 (viii) audiologist;

785 (ix) psychologist; or

786 (x) social worker.

787 (2) In recognition of the need to attract and retain highly skilled and dedicated
788 educators, the Legislature shall annually appropriate money for educator salary adjustments,
789 subject to future budget constraints.

790 (3) Money appropriated to the State Board of Education for educator salary
791 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
792 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
793 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
794 compared to the total number of full-time-equivalent educator positions in school districts,
795 charter schools, and the Utah Schools for the Deaf and the Blind.

796 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
797 shall award bonuses to educators as follows:

798 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
799 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
800 Blind;

801 (b) an individual who is not a full-time educator shall receive a partial salary adjustment

802 based on the number of hours the individual works as an educator; and

803 (c) a salary adjustment may be awarded only to an educator who has received a
804 satisfactory rating or above on the educator's most recent evaluation.

805 (5) The State Board of Education may make rules as necessary to administer this
806 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

807 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
808 money each year to:

809 (i) maintain educator salary adjustments provided in prior years; and

810 (ii) provide educator salary adjustments to new employees.

811 (b) Money appropriated for educator salary adjustments shall include money for the
812 following employer-paid benefits:

813 (i) retirement;

814 (ii) worker's compensation;

815 (iii) social security; and

816 (iv) Medicare.

817 (7) (a) Subject to future budget constraints, the Legislature shall:

818 (i) maintain the salary adjustments provided to school administrators in the 2007-08
819 school year; and

820 (ii) provide salary adjustments for new school administrators in the same amount as
821 provided for existing school administrators.

822 (b) The appropriation provided for educator salary adjustments shall include salary
823 adjustments for school administrators as specified in Subsection (7)(a).

824 (c) In distributing and awarding salary adjustments for school administrators, the State
825 Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the
826 Blind shall comply with the requirements for the distribution and award of educator salary
827 adjustments as provided in Subsections (3) and (4).

828 Section 16. Section **53A-17a-158** is amended to read:

829 **53A-17a-158. Stipends for special educators for additional days of work.**

830 (1) As used in this section:

831 (a) "IEP" means an individualized education program developed pursuant to the
832 Individuals with Disabilities Education Improvement Act of 2004, as amended.

833 (b) "Special education teacher" means a teacher whose primary assignment is the
834 instruction of students with disabilities who are eligible for special education services.

835 (c) "Special educator" means a person employed by a school district, charter school, or
836 the Utah Schools for the Deaf and the Blind who holds:

837 (i) a license issued [~~under Title 53A, Chapter 6, Educator Licensing and Professional~~
838 ~~Practices Act~~] by the State Board of Education; and

839 (ii) a position as a:

840 (A) special education teacher; or

841 (B) speech-language pathologist.

842 (2) The Legislature shall annually appropriate money for stipends to special educators
843 for additional days of work:

844 (a) in recognition of the added duties and responsibilities assumed by special educators
845 to comply with federal law regulating the education of students with disabilities and the need to
846 attract and retain qualified special educators; and

847 (b) subject to future budget constraints.

848 (3) (a) The State Board of Education shall distribute money appropriated under this
849 section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for
850 stipends for special educators in the amount of \$200 per day for up to 10 additional working
851 days.

852 (b) Money distributed under this section shall include, in addition to the \$200 per day
853 stipend, money for the following employer-paid benefits:

854 (i) retirement;

855 (ii) workers' compensation;

856 (iii) Social Security; and

857 (iv) Medicare.

858 (4) A special educator receiving a stipend shall:

859 (a) work an additional day beyond the number of days contracted with the special
860 educator's school district or school for each daily stipend;

861 (b) schedule the additional days of work before or after the school year; and

862 (c) use the additional days of work to perform duties related to the IEP process,
863 including:

- 864 (i) administering student assessments;
- 865 (ii) conducting IEP meetings;
- 866 (iii) writing IEPs;
- 867 (iv) conferring with parents; and
- 868 (v) maintaining records and preparing reports.
- 869 (5) A special educator may:
 - 870 (a) elect to receive a stipend for one to 10 days of additional work; or
 - 871 (b) elect to not receive a stipend.
- 872 (6) A person who does not hold a full-time position as a special educator is eligible for
- 873 a partial stipend equal to the percentage of a full-time special educator position the person
- 874 assumes.

875 Section 17. Section **63G-7-102** is amended to read:

876 **63G-7-102. Definitions.**

877 As used in this chapter:

- 878 (1) "Arises out of or in connection with, or results from," when used to describe the
- 879 relationship between conduct or a condition and an injury, means that:
 - 880 (a) there is some causal relationship between the conduct or condition and the injury;
 - 881 (b) the causal relationship is more than any causal connection but less than proximate
 - 882 cause; and
 - 883 (c) the causal relationship is sufficient to conclude that the injury originates with, flows
 - 884 from, or is incident to the conduct or condition.
- 885 (2) "Claim" means any asserted demand for or cause of action for money or damages,
- 886 whether arising under the common law, under state constitutional provisions, or under state
- 887 statutes, against a governmental entity or against an employee in the employee's personal
- 888 capacity.
- 889 (3) (a) "Employee" includes:
 - 890 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;
 - 891 (ii) members of a governing body;
 - 892 (iii) members of a government entity board;
 - 893 (iv) members of a government entity commission;
 - 894 (v) members of an advisory body, officers, and employees of a Children's Justice

895 Center created in accordance with Section [67-5b-102](#);

896 (vi) student teachers holding a [~~letter of authorization in accordance with Sections~~
897 ~~53A-6-103 and 53A-6-104~~] license issued by the State Board of Education;

898 (vii) educational aides;

899 (viii) students engaged in providing services to members of the public in the course of
900 an approved medical, nursing, or other professional health care clinical training program;

901 (ix) volunteers as defined by Subsection [67-20-2\(3\)](#); and

902 (x) tutors.

903 (b) "Employee" includes all of the positions identified in Subsection (3)(a), whether or
904 not the individual holding that position receives compensation.

905 (c) "Employee" does not include an independent contractor.

906 (4) "Governmental entity" means the state and its political subdivisions as both are
907 defined in this section.

908 (5) (a) "Governmental function" means each activity, undertaking, or operation of a
909 governmental entity.

910 (b) "Governmental function" includes each activity, undertaking, or operation
911 performed by a department, agency, employee, agent, or officer of a governmental entity.

912 (c) "Governmental function" includes a governmental entity's failure to act.

913 (6) "Injury" means death, injury to a person, damage to or loss of property, or any other
914 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
915 private person or the private person's agent.

916 (7) "Personal injury" means an injury of any kind other than property damage.

917 (8) "Political subdivision" means any county, city, town, school district, community
918 reinvestment agency, special improvement or taxing district, local district, special service
919 district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
920 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

921 (9) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
922 real or personal property.

923 (10) "State" means the state of Utah, and includes each office, department, division,
924 agency, authority, commission, board, institution, hospital, college, university, Children's
925 Justice Center, or other instrumentality of the state.

926 (11) "Willful misconduct" means the intentional doing of a wrongful act, or the
927 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's
928 conduct will probably result in injury.

929 Section 18. **Repealer.**

930 This bill repeals:

931 Section **53A-6-104.1 (Superseded 07/01/18), Reinstatement of a license.**

932 Section **53A-6-104.1 (Effective 07/01/18), Reinstatement of a license.**

933 Section **53A-6-104.5, Licensing by competency.**

934 Section **53A-6-105 (Repealed 07/01/18), Licensing fees -- Credit to subfund --**

935 **Payment of expenses.**

936 Section **53A-6-110, Administrative/supervisory letters of authorization.**

937 Section **53A-6-111, Teacher classifications.**

938 Section **53A-6-113, Alternative preparation program -- Work experience**

939 **requirement.**

940 Section **53A-6-116, JROTC instructors.**

941 Section **53A-6-201, Enactment of compact.**

942 Section **53A-6-202, Purpose and intent of compact -- Findings.**

943 Section **53A-6-203, Definitions.**

944 Section **53A-6-204, Contracts for acceptance of educational personnel.**

945 Section **53A-6-205, Effect of compact on other state laws and regulations.**

946 Section **53A-6-206, Agreement by party states.**

947 Section **53A-6-207, Evaluation of compact.**

948 Section **53A-6-208, Scope of compact.**

949 Section **53A-6-209, Effective date -- Withdrawal from compact -- Continuing**

950 **obligations.**

951 Section **53A-6-210, Construction of compact.**

952 Section **53A-6-211, Superintendent of public instruction as designated state**

953 **official.**

954 Section **53A-25a-106, Licensing of teachers.**

Legislative Review Note
Office of Legislative Research and General Counsel