

## HB0046S01 compared with HB0046

~~{deleted text}~~ shows text that was in HB0046 but was deleted in HB0046S01.

Inserted text shows text that was not in HB0046 but was inserted into HB0046S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Ann Millner proposes the following substitute bill:

### EDUCATOR LICENSING MODIFICATIONS

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;

## HB0046S01 compared with HB0046

- ▶ 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:

#### AMENDS:

**53E-3-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-6-102**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-6-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-6-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-6-702**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-6-902**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53E-10-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1  
**53F-2-310**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
**53F-2-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
**53F-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
**53F-5-205**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
**53G-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
**53G-5-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
**53G-9-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
**53G-11-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
**53G-11-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
**63G-7-102**, as last amended by Laws of Utah 2017, Chapter 300

#### REPEALS:

**53A-6-105 (Repealed 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 372  
and repealed by Laws of Utah 2017, Chapter 472  
**53E-6-202 (Superseded 07/01/18)**, as renumbered and amended by Laws of Utah  
2018, Chapter 1

## HB0046S01 compared with HB0046

**53E-6-202 (Effective 07/01/18)**, as renumbered and amended by Laws of Utah 2018,  
Chapter 1

**53E-6-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-903**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1001**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1002**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1003**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1005**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1006**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1007**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1008**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1009**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1010**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-6-1011**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-7-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

---

---

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

Section 1. Section **53E-3-505** is amended to read:

**53E-3-505. Financial and economic literacy education.**

(1) As used in this section:

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

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

(i) basic budgeting;

(ii) saving and financial investments;

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

## HB0046S01 compared with HB0046

and online banking services;

- (iv) career management, including earning an income;
- (v) rights and responsibilities of renting or buying a home;
- (vi) retirement planning;
- (vii) loans and borrowing money, including interest, credit card debt, predatory

lending, and payday loans;

- (viii) insurance;
- (ix) federal, state, and local taxes;
- (x) charitable giving;
- (xi) online commerce;
- (xii) identity fraud and theft;
- (xiii) negative financial consequences of gambling;
- (xiv) bankruptcy;
- (xv) free markets and prices;
- (xvi) supply and demand;
- (xvii) monetary and fiscal policy;
- (xviii) effective business plan creation, including using economic analysis in creating a

plan;

- (xix) scarcity and choices;
- (xx) opportunity cost and tradeoffs;
- (xxi) productivity;
- (xxii) entrepreneurism; and
- (xxiii) economic reasoning.

(c) "Financial and economic literacy passport" means a document that tracks mastery of financial and economic literacy concepts and completion of financial and economic activities in kindergarten through grade 12.

(d) "General financial literacy course" means the course of instruction described in Section 53E-4-204.

(2) The State Board of Education shall:

(a) in cooperation with interested private and nonprofit entities:

(i) develop a financial and economic literacy passport that students may elect to

## HB0046S01 compared with HB0046

complete;

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

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

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

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

(C) any incentives offered by community partners;

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

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

(ii) using curriculum mapping;

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

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

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

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

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

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

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

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

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

## HB0046S01 compared with HB0046

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

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

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

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

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

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

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

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

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

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

(ii) summer workshops; and

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

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

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

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

(i) the State Board of Education;

## HB0046S01 compared with HB0046

(ii) school districts and charter schools;  
(iii) the State Board of Regents; and  
(iv) private or public entities that teach financial education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility.

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

~~[(i) review and recommend modifications to the course standards and objectives of the general financial literacy course described in Section 53E-4-204 to ensure the course standards and objectives reflect current and relevant content consistent with the financial and economic literacy concepts listed in Subsection (1)(b);]~~

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

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

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

~~[(iii) consider the development of a rigorous, online only, course to fulfill the general financial literacy curriculum and graduation requirements specified in Section 53E-4-204;]~~

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

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

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

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

~~[(d)]~~ (c) The task force shall reconvene every three years to review and recommend adjustments to the standards and objectives of the general financial literacy course.

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

## HB0046S01 compared with HB0046

Section 2. Section **53E-6-102** is amended to read:

### **53E-6-102. Definitions.**

As used in this chapter:

~~[(1) "Accredited institution" means an institution meeting the requirements of Section 53E-6-302.]~~

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

~~[(b) "Alternative preparation program" includes the competency-based licensing program described in Section 53E-6-306.]~~

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

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

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

~~[(c) mentoring;]~~

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

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

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

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

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

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

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

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

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

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



## HB0046S01 compared with HB0046

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

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

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

~~(a) a person who holds a license;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(ii) an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have~~

## HB0046S01 compared with HB0046

~~also met all ancillary requirements established by law or rule;]~~

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

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

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

~~[(12) "NASDTEC Interstate Contract" means the contract implementing Part 10, Compact for Interstate Qualification of Educational Personnel, which is administered through NASDTEC.]~~

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

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

~~[(14)]~~ (6) "Rule" means an administrative rule adopted by the board under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(15)]~~ (7) "School" means a public or private entity ~~[which]~~ that provides educational services to a minor child.

~~[(16)]~~ (8) "UPPAC" means the Utah Professional Practices Advisory Commission.

Section 3. Section **53E-6-201** is amended to read:

### **53E-6-201. Board licensure.**

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

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

(1) To be fully implemented by July 1, ~~2019~~2020, and, if technology and funds are available, the board shall establish in rule a system for educator licensing that includes:

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

## HB0046S01 compared with HB0046

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

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

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

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

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

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

~~[(A)] (i) the educator is enrolled on the basis of surplus space in the class after regularly enrolled students have been assigned and admitted to the class in accordance with regular procedures, normal teaching loads, and the institution's approved budget; and~~

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

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

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

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

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

~~[(d) a level 2 license is valid for five years, subject to renewal by the board in~~

## HB0046S01 compared with HB0046

~~accordance with board rules; and]~~

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

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

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

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

Section 4. Section **53E-6-302** is amended to read:

### **53E-6-302. Teacher preparation programs.**

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

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

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

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

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

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

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

(i) monitoring courses for teacher preparation programs;

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

(iii) interviewing students admitted to teacher preparation programs;

(b) act as a liaison between:

(i) the board;

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

(iii) representatives of teacher preparation programs; and

## HB0046S01 compared with HB0046

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

- (i) the board; and
- (ii) education deans of state institutions of higher education.

(4) The board shall:

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

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

Section 5. Section **53E-6-702** is amended to read:

### **53E-6-702. Reimbursement of legal fees and costs to educators.**

(1) As used in this section:

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

- (i) the entity who licenses the educator; and
- (ii) the ~~[school district]~~ LEA that employs the educator or employed the educator at the time of the alleged act or omission.

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

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

(2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover reasonable attorneys' fees and costs incurred in the educator's defense against an individual or entity who initiates an action against the educator if:

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

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

(3) An educator who recovers under this section is also entitled to recover reasonable attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees

## HB0046S01 compared with HB0046

and costs allowed under Subsection (2).

Section 6. Section **53E-6-902** is amended to read:

### **53E-6-902. Teacher leaders.**

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

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

- (a) work with a student teacher and a teacher who supervises a student teacher;
- (b) assist with the training of a recently hired teacher; and
- (c) support school-based professional learning.

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

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

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

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

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

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

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

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

~~[(b) The board shall report the board's findings and recommendations described in Subsection (5) (4)(a) to the Education Interim Committee on or before the committee's November 2016 interim meeting.]~~

Section 7. Section **53E-10-301** is amended to read:

### **53E-10-301. Definitions.**

(1) "Concurrent enrollment" means enrollment in a course offered through the concurrent enrollment program described in Section 53E-10-302.

(2) "Educator" means the same as that term is defined in Section 53E-6-102.

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

## HB0046S01 compared with HB0046

- (a) employed as faculty by an institution of higher education; or
  - (b) (i) employed by an LEA;
  - (ii) licensed by the State Board of Education under Chapter 6, Education Professional Licensure;
  - (iii) (A) approved as adjunct faculty by an institution of higher education; or
  - (B) a mathematics educator who has an upper level mathematics [~~endorsement~~ credential issued by the State Board of Education]; and
  - (iv) supervised by an institution of higher education.
- (4) "Eligible student" means a student who:
- (a) is enrolled in, and counted in average daily membership in, a high school within the state;
  - (b) has a plan for college and career readiness, as described in Section 53E-2-304, on file at a high school within the state; and
  - (c) (i) is a grade 11 or grade 12 student; or
  - (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section 53E-10-302.
- ~~[(5) "Endorsement" means a stipulation, authorized by the State Board of Education and appended to a license, that specifies an area of practice to which the license applies.]~~
- ~~[(6)]~~ (5) "Institution of higher education" means the same as that term is defined in Section 53B-3-102.
- ~~[(7)]~~ (6) "License" means the same as that term is defined in Section 53E-6-102.
- ~~[(8)]~~ (7) "Local education agency" or "LEA" means a school district or charter school.
- ~~[(9)]~~ (8) "Participating eligible student" means an eligible student enrolled in a concurrent enrollment course.
- ~~[(10) "Upper level mathematics endorsement" means an endorsement required by the State Board of Education for an educator to teach calculus.]~~
- ~~[(11)]~~ (9) "Value of the weighted pupil unit" means the same as that term is defined in Section 53F-4-301.
- Section 8. Section **53F-2-310** is amended to read:
- 53F-2-310. Stipends for special educators for additional days of work.**
- (1) As used in this section:

## HB0046S01 compared with HB0046

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

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

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

(i) a license issued [~~under Title 53E, Chapter 6, Education Professional Licensure~~] by the State Board of Education; and

(ii) a position as a:

(A) special education teacher; ~~[or]~~

(B) speech-language pathologist~~[-]; or~~

(c) teacher of the deaf or hard of hearing;

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

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

(b) subject to future budget constraints.

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

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

(i) retirement;

(ii) workers' compensation;

(iii) Social Security; and

(iv) Medicare.

(4) A special educator receiving a stipend shall:

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



## HB0046S01 compared with HB0046

- (b) schedule the additional days of work before or after the school year; and
- (c) use the additional days of work to perform duties related to the IEP process,

including:

- (i) administering student assessments;
- (ii) conducting IEP meetings;
- (iii) writing IEPs;
- (iv) conferring with parents; and
- (v) maintaining records and preparing reports.

(5) A special educator may:

- (a) elect to receive a stipend for one to 10 days of additional work; or
- (b) elect to not receive a stipend.

(6) A person who does not hold a full-time position as a special educator is eligible for a partial stipend equal to the percentage of a full-time special educator position the person assumes.

Section 9. Section **53F-2-405** is amended to read:

### **53F-2-405. Educator salary adjustments.**

(1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

(a) a license issued [~~under Title 53E, Chapter 6, Education Professional Licensure; and] by ~~the~~~~

~~(i) the State Board of Education; or~~

~~(ii) the Division of Occupational and Professional Licensing}; and~~

(b) a position as a:

- (i) classroom teacher;
- (ii) speech pathologist;
- (iii) librarian or media specialist;
- (iv) preschool teacher;
- (v) mentor teacher;
- (vi) teacher specialist or teacher leader;
- (vii) guidance counselor;
- (viii) audiologist;

## HB0046S01 compared with HB0046

(ix) psychologist; or

(x) social worker.

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

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

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

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

(b) an individual who is not a full-time educator shall receive a partial salary adjustment based on the number of hours the individual works as an educator; and

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

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

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

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

(ii) provide educator salary adjustments to new employees.

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

(i) retirement;

(ii) worker's compensation;

(iii) social security; and

## HB0046S01 compared with HB0046

(iv) Medicare.

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

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

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

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

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

Section 10. Section **53F-5-203** is amended to read:

### **53F-5-203. Interventions for Reading Difficulties Pilot Program.**

(1) As used in this section:

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

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

~~[(c) "Endorsement" means the same as that term is defined in Section 53E-6-102.]~~

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

(i) a school district;

(ii) a charter school; or

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

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

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

(A) tier II interventions that, in addition to standard classroom reading, provide

## HB0046S01 compared with HB0046

supplemental and targeted small group instruction in reading using evidence-based curricula;  
and

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

(ii) is developed to:

(A) maximize student achievement;

(B) reduce behavior problems; and

(C) increase long-term success.

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

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

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

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

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

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

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

(i) specify:

(A) a range of current benchmark assessment in reading scores described in Section 53E-4-307 that the LEA will use to determine whether a student is at risk for a reading difficulty; and

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

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

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

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

(c) The board may:

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

## HB0046S01 compared with HB0046

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

(4) The board shall:

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

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

(i) on a competitive basis; and

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

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

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

(6) An LEA that participates in the program:

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

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

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

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

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

by:

(i) using current benchmark assessment in reading scores as described in Section 53E-4-307; and

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

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

(d) include the LEA's proposal submitted under Subsection (3)(b) in the reading achievement plan described in Section 53E-4-306 for each school in the LEA that participates in the program; and

(e) report annually to the board on:

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

(ii) school level outcomes; and

## HB0046S01 compared with HB0046

(iii) any other information requested by the board.

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

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

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

(i) explicit;

(ii) systematic; and

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

(c) to implement the program.

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

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

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

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

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

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

Section 11. Section **53F-5-205** is amended to read:

**53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math teacher training programs.**

(1) (a) The terms defined in Section 53E-6-102 apply to this section.

(b) As used in this section, "paraeducator" means a school employee who:

(i) delivers instruction under the direct supervision of a teacher; and

(ii) works in an area where there is a shortage of qualified teachers, such as special education, Title I, ESL, reading remediation, math, or science.

(2) The Paraeducator to Teacher Scholarship Program is created to award scholarships to paraeducators for education and training to become licensed teachers.

## HB0046S01 compared with HB0046

(3) The State Board of Education shall use money appropriated for the Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed by school districts and charter schools who are pursuing an associate's degree or bachelor's degree program to become a licensed teacher.

(4) A paraeducator is eligible to receive a scholarship if:

(a) the paraeducator is employed by a school district or charter school;

(b) is admitted to, or has made an application to, an associate's degree program or bachelor's degree program that will prepare the paraeducator for teacher licensure; and

(c) the principal at the school where the paraeducator is employed has nominated the paraeducator for a scholarship.

(5) (a) The State Board of Education shall establish a committee to select scholarship recipients from nominations submitted by school principals.

(b) The committee shall include representatives of the State Board of Education, State Board of Regents, and the general public, excluding school district and charter school employees.

(c) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(d) The committee shall select scholarship recipients based on the following criteria:

(i) test scores, grades, or other evidence demonstrating the applicant's ability to successfully complete a teacher education program; and

(ii) the applicant's record of success as a paraeducator.

(6) The maximum scholarship amount is \$5,000.

(7) Scholarship money may only be used to pay for tuition costs:

(a) of:

(i) an associate's degree program that fulfills credit requirements for the first two years of a bachelor's degree program leading to teacher licensure; or

(ii) the first two years of a bachelor's degree program leading to teacher licensure; and

## HB0046S01 compared with HB0046

(b) at a higher education institution:

(i) located in Utah; and

(ii) accredited by the Northwest Commission on Colleges and Universities.

(8) A scholarship recipient must be continuously employed as a paraeducator by a school district or charter school while pursuing a degree using scholarship money.

(9) The State Board of Education shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher Scholarship Program, including rules establishing:

(a) scholarship application procedures;

(b) the number of, and qualifications for, committee members who select scholarship recipients; and

(c) procedures for distributing scholarship money.

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

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

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

(ii) does not have a teaching license;

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

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

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

(B) passing a mathematics content exam; or

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

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

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

Section 12. Section **53G-4-301** is amended to read:



## HB0046S01 compared with HB0046

### 53G-4-301. Superintendent of schools -- Appointment -- Qualifications-- Term -- Compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

## HB0046S01 compared with HB0046

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

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

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

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

Section 13. Section **53G-5-407** is amended to read:

### **53G-5-407. Employees of charter schools.**

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

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

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

(a) Chapter 11, Part 5, School District and [Utah Schools for the Deaf and the Blind](#) USDB Employee Requirements; and

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

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

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

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

(5) State Board of Education rules governing the licensing or certification of administrative and supervisory personnel do not apply to charter schools.

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

(b) While on leave, the employee may retain seniority accrued in the school district and

## HB0046S01 compared with HB0046

may continue to be covered by the benefit program of the district if the charter school and the locally elected school board mutually agree.

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

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

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

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

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

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

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

or

(ii) under any other program.

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

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

(a) has received:

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

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

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

Section 14. Section **53G-9-704** is amended to read:

**53G-9-704. Youth suicide prevention training for employees.**

(1) A school district or charter school shall require a licensed employee to complete a

## HB0046S01 compared with HB0046

minimum of two hours of professional development training on youth suicide prevention [~~within the employee's license cycle described in Section 53E-6-201~~] every three years.

(2) The board shall:

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

(b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, incorporate the training described in Subsection (1) into professional development training described in Section 53E-6-201.

Section 15. Section **53G-11-501** is amended to read:

### **53G-11-501. Definitions.**

As used in this part:

(1) "Administrator" means an individual who~~[:]~~ supervises educators and holds an appropriate license issued by the State Board of Education.

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

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

~~[(ii) a letter of authorization described in Section 53G-4-301 or 53E-6-304; and]~~

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

(2) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.

(3) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53G-11-503 and an agreement with the employee or the employee's association, district practice, or policy.

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

(5) "Dismissal" or "termination" means:

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

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

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

## **HB0046S01 compared with HB0046**

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

(6) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the State Board of Education, except:

(a) a superintendent; or

(b) an individual who works less than three hours per day or is hired for less than half of a school year.

(7) (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (7)(b).

(b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not include:

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

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

(iii) a temporary employee.

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

(9) "Probationary educator" means an educator employed by a school district who, under local school board policy, has been advised by the school district that the educator's performance is inadequate.

(10) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.

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

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

(13) "School district" or "district" means:

(a) a public school district; or

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

## HB0046S01 compared with HB0046

(14) "Summative evaluation" means the annual evaluation that summarizes an educator's performance during a school year and that is used to make decisions related to the educator's employment.

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

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

- (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
- (ii) remediated through training, study, mentoring, or practice.

(b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53G-11-512 or a reason for license discipline by the State Board of Education or Utah Professional Practices Advisory Commission:

- (i) a violation of work rules;
- (ii) a violation of local school board policies, State Board of Education rules, or law;
- (iii) a violation of standards of ethical, moral, or professional conduct; or
- (iv) insubordination.

Section 16. Section **53G-11-503** is amended to read:

**53G-11-503. Career employee status for provisional employees -- Career status in the event of change of position -- Continuation of probationary status when position changes -- Temporary status for extra duty assignments -- Employees not eligible for career status.**

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

(b) A school district may extend the provisional status of an employee up to an additional two consecutive years in accordance with a written policy adopted by the district's school board that specifies the circumstances under which an employee's provisional status may be extended.

## HB0046S01 compared with HB0046

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

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

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

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

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

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

~~[(a) is a teacher who holds a competency-based license pursuant to Section 53E-6-306 and does not hold a level 1, 2, or 3 license as defined in Section 53E-6-102; or]~~

~~[(b) holds an administrative/supervisory letter of authorization pursuant to Section 53E-6-304.]~~

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

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

As used in this chapter:

(1) "Arises out of or in connection with, or results from," when used to describe the relationship between conduct or a condition and an injury, means that:

(a) there is some causal relationship between the conduct or condition and the injury;

(b) the causal relationship is more than any causal connection but less than proximate cause; and

(c) the causal relationship is sufficient to conclude that the injury originates with, flows from, or is incident to the conduct or condition.

(2) "Claim" means any asserted demand for or cause of action for money or damages, whether arising under the common law, under state constitutional provisions, or under state statutes, against a governmental entity or against an employee in the employee's personal

## HB0046S01 compared with HB0046

capacity.

(3) (a) "Employee" includes:

(i) a governmental entity's officers, employees, servants, trustees, or commissioners;

(ii) members of a governing body;

(iii) members of a government entity board;

(iv) members of a government entity commission;

(v) members of an advisory body, officers, and employees of a Children's Justice Center created in accordance with Section 67-5b-102;

(vi) student teachers holding a [~~letter of authorization in accordance with Sections 53E-6-102 and 53E-6-201~~] license issued by the State Board of Education;

(vii) educational aides;

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

(ix) volunteers as defined by Subsection 67-20-2(3); and

(x) tutors.

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

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

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

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

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

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

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

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

(8) "Political subdivision" means any county, city, town, school district, community reinvestment agency, special improvement or taxing district, local district, special service



## **HB0046S01 compared with HB0046**

district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

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

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

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

### **Section 18. Repealer.**

This bill repeals:

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

### **Payment of expenses.**

**Section 53E-6-202 (Superseded 07/01/18), Reinstatement of a license.**

**Section 53E-6-202 (Effective 07/01/18), Reinstatement of a license.**

**Section 53E-6-203, Teacher classifications.**

**Section 53E-6-304, Administrative/supervisory letters of authorization.**

**Section 53E-6-305, Alternative preparation program -- Work experience requirement.**

**Section 53E-6-306, Licensing by competency.**

**Section 53E-6-903, JROTC instructors.**

**Section 53E-6-1001, Enactment of compact.**

**Section 53E-6-1002, Purpose and intent of compact -- Findings.**

**Section 53E-6-1003, Definitions.**

**Section 53E-6-1004, Contracts for acceptance of educational personnel.**

**Section 53E-6-1005, Effect of compact on other state laws and regulations.**

**Section 53E-6-1006, Agreement by party states.**

**Section 53E-6-1007, Evaluation of compact.**

**Section 53E-6-1008, Scope of compact.**

**Section 53E-6-1009, Effective date -- Withdrawal from compact -- Continuing**

## **HB0046S01 compared with HB0046**

### **obligations.**

Section **53E-6-1010, Construction of compact.**

Section **53E-6-1011, Superintendent of public instruction as designated state**

### **official.**

Section **53E-7-305, Licensing of teachers.**

†

**Legislative Review Note**

**Office of Legislative Research and General Counsel**