

SB0070S01 compared with SB0070

~~text~~ shows text that was in SB0070 but was deleted in SB0070S01.

Inserted text shows text that was not in SB0070 but was inserted into SB0070S01.

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 Karen Mayne proposes the following substitute bill:

HUMAN RESOURCE REQUIREMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill requires certain local entities to address human resource management.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires charter schools and local districts to:
 - establish human resource management policies; and
 - ensure that at least one of the school's or district's employees or another person is assigned human resource management duties and receives human resource management training;
- ▶ modifies a provision requiring the executive director of the Department of Human Resource Management to provide certain entities with human resource management

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advice ~~{to include}~~ and training recommendations; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{53A-1a-504, as last amended by Laws of Utah 2017, Chapters 325 and 378~~

~~53A-1a-512, as last~~ 53G-5-302, as renumbered and amended by Laws of Utah

~~{2014}~~ 2018, Chapter ~~{363}~~ 3

53G-5-407, as renumbered and amended by Laws of Utah 2018, Chapter 3

67-19-6, as last amended by Laws of Utah 2015, Chapter 175

ENACTS:

17B-1-805, Utah Code Annotated 1953

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

Section 1. Section 17B-1-805 is enacted to read:

17B-1-805. Human resource management requirement.

(1) As used in this section:

(a) "Governing body" means the same as that term is defined in Section 17B-1-201.

(b) "Human resource management duties" means the exercise of human resource

management functions and responsibilities, including:

~~{~~ ~~(i) recruiting and hiring staff;~~

~~(ii) managing employee performance;~~

~~{~~ ~~(iii) i) complying with federal and state employment law;~~

~~(iv) ii) administering compensation and benefits; and~~

~~(v) iii) ensuring employee safety.~~

(c) "Human resource management training" means a program designed to instruct an individual on the performance of human resource management duties.

(2) If a local district has full or part-time employees, the governing body shall:

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(a) adopt human resource management policies;

(b) assign human resource management duties to one of the district's employees or another person; and

(c) ensure that the employee or person assigned under Subsection (2)(b) receives human resource management training.

Section 2. Section ~~{53A-1a-504}~~53G-5-302 is amended to read:

~~{53A-1a-504}~~53G-5-302. **Charter school application -- Applicants -- Contents.**

(1) (a) An application to establish a charter school may be submitted by:

(i) an individual;

(ii) a group of individuals; or

(iii) a nonprofit legal entity organized under Utah law.

(b) An authorized charter school may apply under this chapter for a charter from another charter school authorizer.

(2) A charter school application shall include:

(a) the purpose and mission of the school;

(b) except for a charter school authorized by a local school board, a statement that, after entering into a charter agreement, the charter school will be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

(c) a description of the governance structure of the school, including:

(i) a list of the governing board members that describes the qualifications of each member; and

(ii) an assurance that the applicant shall, within 30 days of authorization, provide the authorizer with the results of a background check for each member;

(d) a description of the target population of the school that includes:

(i) the projected maximum number of students the school proposes to enroll;

(ii) the projected school enrollment for each of the first three years of school operation;

and

(iii) the ages or grade levels the school proposes to serve;

(e) academic goals;

(f) qualifications and policies for school employees, including policies that:

(i) comply with the criminal background check requirements described in Section

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~~{53A-1a-512.5}~~ 53G-5-408;

- (ii) require employee evaluations; [and]
- (iii) address employment of relatives within the charter school; and
- (iv) address human resource management and ensure that:
 - (A) at least one of the school's employees or another person is assigned human resource management duties, as defined in Section 17B-1-805; and
 - (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives human resource management training, as defined in Section 17B-1-805;
- (g) a description of how the charter school will provide, as required by state and federal law, special education and related services;
- (h) for a public school converting to charter status, arrangements for:
 - (i) students who choose not to continue attending the charter school; and
 - (ii) teachers who choose not to continue teaching at the charter school;
- (i) a statement that describes the charter school's plan for establishing the charter school's facilities, including:
 - (i) whether the charter school intends to lease or purchase the charter school's facilities; and
 - (ii) financing arrangements;
 - (j) a market analysis of the community the school plans to serve;
 - (k) a capital facility plan;
 - (l) a business plan;
 - (m) other major issues involving the establishment and operation of the charter school; and
 - (n) the signatures of the governing board members of the charter school.
- (3) A charter school authorizer may require a charter school application to include:
 - (a) the charter school's proposed:
 - (i) curriculum;
 - (ii) instructional program; or
 - (iii) delivery methods;
 - (b) a method for assessing whether students are reaching academic goals, including, at a minimum, administering the statewide assessments described in Section

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~~{53A-1-602}~~53E-4-301;

- (c) a proposed calendar;
- (d) sample policies;
- (e) a description of opportunities for parental involvement;
- (f) a description of the school's administrative, supervisory, or other proposed services that may be obtained through service providers; or
- (g) other information that demonstrates an applicant's ability to establish and operate a charter school.

Section 3. Section ~~{53A-1a-512}~~53G-5-407 is amended to read:

~~{53A-1a-512}~~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 ~~{part}~~chapter and other related provisions.
- (3) The following statutes governing public employees and officers do not apply to a charter school:
 - (a) Chapter ~~{8a}~~11, ~~{Public Education Human Resource Management Act}~~Part 5, School District and 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

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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[;]:

(a) each of [~~its~~] the charter school's employees signs a document acknowledging that the employee:

~~[(a)]~~ (i) has received:

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

~~[(a)]~~ (B) 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)]~~ (i) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure[;]; and

(b) (i) at least one of the charter school's employees or another person is assigned

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human resource management duties, as defined in Section 17B-1-805; and

(ii) the assigned employee or person described in Subsection (9)(b)(i) receives human resource management training, as defined in Section 17B-1-805.

~~{ **53G-5-302. Charter school application -- Applicants -- Contents.**~~

~~—— (1) (a) An application to establish a charter school may be submitted by:~~

~~—— (i) an individual;~~

~~—— (ii) a group of individuals, or~~

~~—— (iii) a nonprofit legal entity organized under Utah law.~~

~~—— (b) An authorized charter school may apply under this chapter for a charter from another charter school authorizer.~~

~~—— (2) A charter school application shall include:~~

~~—— (a) the purpose and mission of the school;~~

~~—— (b) except for a charter school authorized by a local school board, a statement that, after entering into a charter agreement, the charter school will be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;~~

~~—— (c) a description of the governance structure of the school, including:~~

~~—— (i) a list of the governing board members that describes the qualifications of each member; and~~

~~—— (ii) an assurance that the applicant shall, within 30 days of authorization, provide the authorizer with the results of a background check for each member;~~

~~—— (d) a description of the target population of the school that includes:~~

~~—— (i) the projected maximum number of students the school proposes to enroll;~~

~~—— (ii) the projected school enrollment for each of the first three years of school operation;~~

~~and~~

~~—— (iii) the ages or grade levels the school proposes to serve;~~

~~—— (e) academic goals;~~

~~—— (f) qualifications and policies for school employees, including policies that:~~

~~—— (i) comply with the criminal background check requirements described in Section 53G-5-408;~~

~~—— (ii) require employee evaluations; and~~

~~—— (iii) address employment of relatives within the charter school;~~

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~~_____ (g) a description of how the charter school will provide, as required by state and federal law, special education and related services;~~

~~_____ (h) for a public school converting to charter status, arrangements for:~~

~~_____ (i) students who choose not to continue attending the charter school; and~~

~~_____ (ii) teachers who choose not to continue teaching at the charter school;~~

~~_____ (i) a statement that describes the charter school's plan for establishing the charter school's facilities, including:~~

~~_____ (i) whether the charter school intends to lease or purchase the charter school's facilities;~~

~~and~~

~~_____ (ii) financing arrangements;~~

~~_____ (j) a market analysis of the community the school plans to serve;~~

~~_____ (k) a capital facility plan;~~

~~_____ (l) a business plan;~~

~~_____ (m) other major issues involving the establishment and operation of the charter school;~~

~~and~~

~~_____ (n) the signatures of the governing board members of the charter school.~~

~~_____ (3) A charter school authorizer may require a charter school application to include:~~

~~_____ (a) the charter school's proposed:~~

~~_____ (i) curriculum;~~

~~_____ (ii) instructional program; or~~

~~_____ (iii) delivery methods;~~

~~_____ (b) a method for assessing whether students are reaching academic goals, including, at a minimum, administering the statewide assessments described in Section 53E-4-301;~~

~~_____ (c) a proposed calendar;~~

~~_____ (d) sample policies;~~

~~_____ (e) a description of opportunities for parental involvement;~~

~~_____ (f) a description of the school's administrative, supervisory, or other proposed services that may be obtained through service providers; or~~

~~_____ (g) other information that demonstrates an applicant's ability to establish and operate a charter school.~~

~~_____ 53G-5-407. Employees of charter schools.~~

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- ~~—— (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 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 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~~

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~~—— (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 4. Section **67-19-6** is amended to read:

67-19-6. Responsibilities of the executive director.

(1) The executive director shall:

(a) develop, implement, and administer a statewide program of human resource management that will:

(i) aid in the efficient execution of public policy;

(ii) foster careers in public service for qualified employees; and

(iii) render assistance to state agencies in performing their missions;

(b) design and administer the state pay plan;

(c) design and administer the state classification system and procedures for determining schedule assignments;

(d) design and administer the state recruitment and selection system;

(e) administer agency human resource practices and ensure compliance with federal

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law, state law, and state human resource rules, including equal employment opportunity;

(f) consult with agencies on decisions concerning employee corrective action and discipline;

(g) maintain central personnel records;

(h) perform those functions necessary to implement this chapter unless otherwise assigned or prohibited;

(i) perform duties assigned by the governor or statute;

(j) adopt rules for human resource management according to the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(k) establish and maintain a management information system that will furnish the governor, the Legislature, and agencies with current information on authorized positions, payroll, and related matters concerning state human resources;

(l) conduct research and planning activities to:

(i) determine and prepare for future state human resource needs;

(ii) develop methods for improving public human resource management; and

(iii) propose needed policy changes to the governor;

(m) study the character, causes, and extent of discrimination in state employment and develop plans for its elimination through programs consistent with federal and state laws governing equal employment opportunity in employment;

(n) when requested by charter schools or counties, municipalities, and other political subdivisions of the state, provide technical service [~~and~~], training recommendations, or advice on human resource management at a charge determined by the executive director;

(o) establish compensation policies and procedures for early voluntary retirement;

(p) confer with the heads of other agencies about human resource policies and procedures;

(q) submit an annual report to the governor and the Legislature; and

(r) assist with the development of a vacant position report required under Subsection 63J-1-201(2)(b)(vi).

(2) (a) After consultation with the governor and the heads of other agencies, the executive director shall establish and coordinate statewide training programs, including and subject to available funding, the development of manager and supervisor training.

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(b) The programs developed under this Subsection (2) shall have application to more than one agency.

(c) The department may not establish training programs that train employees to perform highly specialized or technical jobs and tasks.

(3) (a) (i) The department may collect fees for training as authorized by this Subsection (3).

(ii) Training funded from General Fund appropriations shall be treated as a separate program within the department budget.

(iii) All money received from fees under this section will be accounted for by the department as a separate user driven training program.

(iv) The user training program includes the costs of developing, procuring, and presenting training and development programs, and other associated costs for these programs.

(b) (i) Funds remaining at the end of the fiscal year in the user training program are nonlapsing.

(ii) Each year, as part of the appropriations process, the Legislature shall review the amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require the department to lapse a portion of the funds.

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Legislative Review Note

Office of Legislative Research and General Counsel†