

**SPECIAL EDUCATION LICENSING AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derrin R. Owens**

House Sponsor: Scott H. Chew

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**LONG TITLE**

**General Description:**

This bill makes changes to licensing requirements for directors of special education at charter schools.

**Highlighted Provisions:**

This bill:

► requires a director of special education at a charter school to hold an appropriate license issued by the State Board of Education.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-5-407**, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. 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 charter school governing board shall determine the level of compensation and



28 all terms and conditions of employment, except as otherwise provided in Subsections (7) and  
29 (8) and under this chapter and other related provisions.

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

32 (a) Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind  
33 Employee Requirements; and

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

35 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter  
36 school, under rules adopted by the state board, shall employ teachers who are licensed.

37 (b) The charter school governing board shall disclose the qualifications of its teachers  
38 to the parents of its students.

39 (5) (a) [State] Except as provided in Subsection (5)(b), state board rules governing the  
40 licensing or certification of administrative and supervisory personnel do not apply to charter  
41 schools.

42 (b) A director of special education in a charter school shall hold an appropriate license  
43 issued by the state board under Title 53E, Chapter 6, Education Professional Licensure.

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

46 (b) While on leave, the employee may retain seniority accrued in the school district and  
47 may continue to be covered by the benefit program of the district if the charter school and the  
48 local school board mutually agree.

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

51 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

52 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

53 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

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

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

56 and

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

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

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

62 or

63 (ii) under any other program.

64 (8) A charter school may not revoke an election to participate made under Subsection  
65 (7).

66 (9) The charter school governing board shall ensure that, prior to the beginning of each  
67 school year:

68 (a) each of the charter school's employees signs a document acknowledging that the  
69 employee:

70 (i) has received:

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

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

75 (ii) understands the legal liability protection provided to the employee and what is not  
76 covered, as explained in the disclosure; and

77 (b) (i) at least one of the charter school's employees or another person is assigned  
78 human resource management duties, as defined in Section [17B-1-805](#); and

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