Senator Howard A. Stephenson proposes the following substitute bill:

**PUBLIC SCHOOL TEACHER TENURE MODIFICATIONS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends the Utah Orderly School Termination Procedures Act to prohibit a school district from using certain termination policies.

Highlighted Provisions:

This bill:

- prohibits a school district from utilizing a last-hired, first-fired layoff policy when reducing staff;
- requires the Education Interim Committee, in consultation with the State Board of Education, to study how the performance of teachers may be evaluated for the purpose of awarding or eliminating teacher career employee status;
- defines terms; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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

Section 1. Section 53A-8-102 is amended to read:

53A-8-102. Definitions.

As used in this chapter:

(1) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53A-8-106 and an agreement with the employee or the employee's association, district practice, or policy.

(2) "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.

(3) "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

(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.

(4) "Employee" means a career or provisional employee of a school district, but does not include:

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

(b) the district business administrator or the equivalent at the Schools for the Deaf and the Blind; or

(c) a temporary employee.

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

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

"School board" or "board" means a district school board or its equivalent at the Schools for the Deaf and the Blind.

"School district" or "district" means:
(a) a public school district; or
(b) the Schools for the Deaf and the Blind.

"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 its policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.

Section 2. Section 53A-8-107 is amended to read:


(1) Nothing in this chapter prevents staff reduction if necessary to reduce the number of employees because of the following:
(a) declining student enrollments in the district;
(b) the discontinuance or substantial reduction of a particular service or program;
(c) the shortage of anticipated revenue after the budget has been adopted; or
(d) school consolidation.

(2) A school district may not utilize a last-hired, first-fired layoff policy when terminating school district employees.

(3) A school district may consider the following factors when terminating a school district employee:
(a) the results of an employee's performance evaluation; and
(b) a school's personnel needs.

Section 3. Education Interim Committee study on performance based evaluations.

During the 2011 interim, the Education Interim Committee, in consultation with the
State Board of Education, shall study how the performance of teachers may be evaluated for the purpose of awarding or eliminating teacher career employee status.
FISCAL NOTE

S.B. 73 1st Sub. (Green)

SHORT TITLE: Public School Teacher Tenure Modifications

SPONSOR: Stephenson, H.  
2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT  (UCA 36-12-13(2)(b))
Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS  (UCA 36-12-13(2)(c))
Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES  (UCA 36-12-13(2)(d))
Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.