

USEA LEGISLATIVE ALERT

FEBRUARY 2, 2009

Representative Carl Wimmer (R. Herriman), has introduced HB 260, which would repeal the Orderly School Termination Procedures Act.

The Act provides that school employees, including ESPs, earn career employee status after three years' service. The Act further provides that school employees may only be terminated for specific reasons, that school employees may only be terminated for poor performance if that poor performance is documented in at least two evaluations, and that terminated employees are entitled to a hearing.

HB 260 also directs that each local school board shall "determine the terms and conditions of employment, including the procedures for dismissal of employees." The bill is silent as to what an employee may be terminated for, what a district should do to substantiate the alleged cause for termination, or what rights the terminated employee has.

If HB 260 is passed, each district will be able to set its own termination procedures. Those procedures may or may not include the protections now in the Act.

Contact your representative or senator now and let them know that they should oppose HB 260. We suggest the following talking points:

The existing Act provides a uniform minimum statewide procedure for terminating school employees that has been proven fair and equitable over many years, and that districts and employees understand and rely on.

Districts already have discretion to customize their termination policies implementing the Act. Some districts have adopted multiple levels of review or additional requirements for termination. Different districts have adopted different procedures for termination hearings.

The Act provides minimal protection for school employees from arbitrary and capricious, unfair, or improper terminations.

Districts have always been able to terminate those employees who perform poorly: the Act only ensures that those terminations are based on legitimate, objective reasons.

The present Act provides fewer protections to school employees than those allowed many other public employees, including employees of the State of Utah.

Lawsuits against districts will increase, as decreased protections are tested against state and federal due process and equal protection standards. The only recourse terminated employees will have is a federal lawsuit.

Be sure to identify your self as a constituent, a school employee, and a voter

Legislative Contact Information

You can contact your State Representatives and Senators by phone, email or letter. The important thing is that legislators hear from you, their constituent. Be respectful but let them know what you think.

If you need assistance in contacting your legislators, call USEA at 801-269-9320 or 1-800-662-6544; go to the USEA website at www.useautah.org or the legislative website at www.le.state.ut.us

House of Representatives

<http://www.le.state.ut.us/house/members/membertable1add.asp>

Senate

<http://www.utahsenate.org/perl/roster2009.pl>