UTAH STATE BOARD OF EDUCATION
LAW AND LICENSING COMMITTEE

July 14, 2026

Board Members will participate electronically. The meeting will be streamed at https://www.youtube.com/c/USBEMedia.

1. Law and Licensing Committee -1:00 to 4:00 PM (VIRTUAL) Individuals who want to make comment on specific items during the committee (virtually), email vanessa.hatton@schools.utah.gov prior to the meeting. Public comment is at the discretion of the committee chair.

1.1. INFORMATION: Public Comment

1.2. ACTION: R277-322, Local Education Agency (LEA) Codes of Conduct (Amendment)

1.3. ACTION: R277-301, Educator Licensing (Continuation & Amendment)

1.4. ACTION: R277-304, Teacher Preparation Programs (Amendment)

1.5. ACTION: R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers (Amendment)

1.6. ACTION: R277-101, Public Participation in Utah State Board of Education Meetings (Continuation)

1.7. ACTION: R277-409, Public School Membership in Associations (Continuation)

1.8. ACTION: R277-121, Board Waiver of Administrative Rules (Amendment)

1.9. ACTION: R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions (Amendment)

1.10. ACTION: Board Policy 6001: Utah Professional Practices Advisory Commission (UPPAC) Code of Conduct (New)

1.11. ACTION: Board Policy 6002: Utah Professional Practices Advisory Commission (UPPAC) Staff Requirements (New)

1.12. ACTION: Sensitive Materials Timeline Update

1.13. DISCUSSION: Policy Request Items

2. Adjournment - 4:00 PM

UTAH STATE BOARD OF EDUCATION

Subject:
INFORMATION: Public Comment

Agenda item type:
Information Item

Recommended Action:

Purpose of Memo:
Committee request

Background:
Committee Meeting Public Comment

The Utah State Board of Education (USBE) appreciates your interest in sharing your public comments.
Individuals who want to comment on a specific agenda item(s) during the committee meetings should contact Vanessa Hatton at Vanessa.Hatton@schools.utah.gov.
Public comment is at the discretion of the committee chair.

You are also welcome to send written comments to the Board at any time: board@schools.utah.gov. Please include the city where you live in your e-mail because your recognized board member may choose to reply personally.

Public Comment Disclaimer

1. Public comments are limited to 2 minutes per person.
2. A comment can express simple support or dissent about regulatory action. However, a constructive comment supported by evidence, data, and information is more likely to influence regulatory decision-making.
3. Individuals should not use the public comment to complain about personnel issues or attack or defame an individual.
4. Speakers making a highly detailed or complex comment should also consider providing a written outline of their words to the Board.
5. Please remember that children may hear your comments. Be thoughtful and professional.
6. Keep your comments appropriate for a general audience. If you have material with explicit language/content, submit such material in writing to the Board at publiccomments@schools.utah.gov

Contact:

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Attachments:
None

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-322, Local Education Agency (LEA) Codes of Conduct (Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve R277-322, Local Education Agency (LEA) Codes of Conduct, Draft 1, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:
Requested by 3 or more members of the board

Background:
Summary of the Rule: Authorized by Utah Constitution Article X, Section 3, and Utah Code Sections 53E-3-401(4) and 63G-7-301, this rule grants the Utah State Board of Education the explicit authority to mandate that all LEAs adopt and strictly enforce appropriate behavior policies for their staff. 63G-7-301 also requires the Utah State Board of Education to develop a model code of conduct that sets the minimum requirements of an LEA code of conduct. Under the current draft of the rule, every school district and charter school must establish a code of conduct that is no less stringent than the Board's model policy, directly prohibiting physical, verbal, mental, and sexual abuse, as well as establishing clear parameters to prevent inappropriate boundary violations. Furthermore, R277-322 currently requires LEAs to set stringent guidelines for electronic and social media communications, mandate the immediate reporting of suspected child abuse or neglect, and ensure that all staff members undergo annual training and sign written acknowledgments committing to these ethical standards.

Background of the Discussion: The proposed revisions to this rule are the result of a Board Member Request from Board Members Kerry, Hall, Kelly, and Britton in August 2025. The rule was assigned to Law & Licensing Committee in October. After a series of discussions and early drafts, the Board voted to pause the conversation during the Legislative 2026 session and to bring the rule back for consideration in the April 2026 Law & Licensing Committee.

Current Draft: The most recent draft of revisions for R277-322 is title Draft 1a to distinguish it from the drafts that were discussed by the committee throughout Fall 2025.

Staff will present R277-322, Local Education Agency (LEA) Codes of Conduct, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

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Attachments:

1. R277-322 - Draft 1a - April 2026 Committee - Kerry
2. R277-322 - Draft 2a - April 2026 Committee - Lear
3. R277-322 - Draft 3a - June 2026 Committee - Kerry (2)
4. R277-322 - Draft 4a- July 2026 Committee
5. LEACodeConduct- Draft 1 - May Committee Meeting
6. R277-322 - Draft 3 - Kerry - October 2025 Committee
7. R277-322 - Draft 2 - Kerry - October 2025 Committee
8. R277-322 - Draft 1 - October 2025 Committee
9. R277-322 - Draft 2 - Kerry - October 2025 Committee
10. R277-322 Reporting Burden and Fiscal Impact Estimate Form (Draft 2)
11. R277-322 Reporting Burden and Fiscal Impact Estimate Form (Draft 3)
12. R277-322 Reporting Burden and Fiscal Impact Estimate Form May 2026
13. R277-322 Reporting Burden and Fiscal Impact Estimate Form June 2026

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority and Purpose [~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that:

(i) regulates behavior of a school employee toward a student; and

(ii) includes a prohibition against any sexual conduct between an employee and a student and against the employee and student sharing any sexually explicit or lewd communication, image, or photograph.

(2) The purpose of this rule is to [~~require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff~~] have each LEA and school adopt a code of conduct, not less stringent than the model code of conduct in R277-322-4 that applies to all employees within the LEA.

(3)(a)All provisions of this rule apply to all licensed educators. [~~This Rule R277-326 is categorized as Category 2 as described in Rule R277-111~~].

(b) Nothing in this rule shall limit the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for violations of educator standards.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

[~~(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.~~]

(3) “Promptly” means as soon as reasonably practicable under the circumstances.

(4) “Retaliation” means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

(4) "Sexual conduct" means [~~any sexual contact or communication between a staff member and a student, including:~~

~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~

~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~

~~(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.~~] any verbal, written, visual, digital, or physical act or communication that is sexual in nature, sexualized, or reasonably perceived as intended to arouse sexual interest, normalize sexual behavior, or blur professional boundaries, including but not limited to:

(a) Sexualized speech, comments, jokes, narratives, hypotheticals, or discussions, whether explicit or implicit;

(b) Romantic or sexual expressions, flirtation, innuendo, or suggestive language;

(c) Electronic, digital, or social-media communications of a sexual or romantic nature, including emojis, images, memes, or coded language;

(d) Discussion or depiction of sexual activity, sexual identity, sexual orientation, sexual preferences, or sexual experiences that is not age-appropriate, curriculum-aligned, or pedagogically necessary;

(e) Conduct that a reasonable person would view as creating a sexualized, intimidating, hostile, or boundary-eroding educational environment;

(f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic relationship with a student or minor, regardless of consent or reciprocity;

(g) The sharing of any sexually explicit or lewd communication, image, or photograph;

(h) sexual abuse as defined in Section 76-5-404.1; or

(i) "sexual battery" as defined in Section 76-9-702.1.

R277-322-3. Required Model Code of Conduct [~~Policy~~].

(1) The [~~Superintendent~~] Board [~~shall create~~] hereby creates a model code of conduct. [~~or appropriate behavior policy~~].

(2) A school employee:

(a) while acting within the scope of employment, shall avoid boundary violations, as defined in Rule R277-210, with a student or minor when the employee knows or reasonably should know that the individual is a student or minor;

(b) shall comply with the provisions of 65G-7-301 which require:

(i) providing training on the code of conduct to the employee; and

(ii) the employee to sign a statement acknowledging that the employee has read and understands the code of conduct;

(c) shall comply with all federal, state, and local laws;

(d) shall treat the students with respect;

(e) shall promptly report any known or reasonably suspected violation of the Code of Conduct to the appropriate school or LEA administrator in accordance with applicable reporting policies and procedures; and

(f) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

(g) shall avoid the use of alcohol and illegal drugs while on duty or participating in a school-sponsored activity;

(h) shall avoid the use of prescription drugs while on duty or participating in a school-sponsored activity , in a manner that impairs judgment or professional performance;

(i) shall act professionally and in a manner that upholds the integrity of the school and the public education system, while on duty or participating in a school-sponsored activity;

(j) shall maintain political neutrality in the performance of professional duties while acting within the scope of employment or in an official capacity a school employee may not use or display partisan political language, campaign materials, political party insignia, or advocacy symbols in the presence of students, unless such use is directly related to instruction aligned with the approved curriculum;

(i) this includes, but is not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA, or school, activities;

(ii) An employee may not plan, organize, promote, encourage, or participate in an unauthorized activity during the school day that disrupts instructional time or encourages or results in student nonattendance from scheduled classroom instruction;

(k) subject to constitutional rights against self-incrimination, the employee shall fully cooperate with criminal or civil law enforcement, and an LEA, school, UPPAC, or Board investigation involving a student or employee by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the employee's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(l) shall not, while on school property, while acting within the scope of employment, or under circumstances in which a reasonable person would perceive the conduct as school-sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity.; and

(m) shall annually attend abuse prevention training as required in Section 53G-9-207.

[~~(2) Each LEA and school shall adopt a code of conduct [or appropriate behavior policy] applicable to [the LEA's staff] all employees.~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~

~~(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;~~

~~(b) a statement that a staff member may not subject a student to:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse; or~~

~~(iv) mental abuse;~~

~~(c) a statement that a staff member shall report any suspected incidents of:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse;~~

~~(iv) mental abuse; or~~

~~(v) neglect;~~

~~(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~(e) a statement that a staff member may not participate in sexual conduct with a student;~~

~~(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;~~

~~(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;~~

~~(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;~~

~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~

~~(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;~~

~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~

~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~

~~(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:~~

~~(a) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~(b) known violations of the Utah Educator Standards contained in Rule R277-217.~~

~~(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy~~].

R277-322-4. LEA and School Responsibilities.

(1) Each LEA and school shall adopt a code of conduct, which may not be less stringent than the model code of conduct established in Section R277-322-3.

(2) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct and in its training promote awareness of the R277-123-7.

(3) An LEA, and each school, shall prominently post its code of conduct its website.

(4) An LEA and each public school shall provide code of conduct training to its employees and require each employee to sign a statement acknowledging that the employee has read and understands the code of conduct.

(5) An LEA shall submit an annual assurance to the Board consistent with this rule and Section 53G-10-206 verifying that the LEA and each school has complied with:

(a) required code of conduct training;

(b) obtained employee acknowledgments;

(c) posted its Code of Conduct as required; and

(d) promoted R277-123-7 as required.

(6) (a) An LEA shall annually submit to the Superintendent and the Board's Internal Audit Department aggregate data on code of conduct complaints, categories of violations, and dispositions Internal Audit.

(b) Internal Audit shall make the information submitted under Subsection (9)(a) available to the Board quarterly.

(7) An LEA, or school, shall report to the Board's Internal Audit Department, in a manner prescribed by the department, within 45 days, any employee at the LEA, or school, who:

(a) resigns or retires in lieu of termination for conduct that violates sexual conduct provisions of the LEA's code of conduct or appropriate behavior policy; or

(b) resigns or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of sexual conduct provisions of the LEA's, or school's, code of conduct

(8)A report under this Subsection (10) shall include, at a minimum:

(a) the individual's name and position or assignment;

(b) the date of separation or LEA, or school, action;

(c) the nature of the conduct that led to the separation or LEA, or school, action; and

(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.

(9) An LEA, or school, may not construe this section to prevent the LEA, or school, from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

(10) (a) An LEA, or school, may not enter into any agreement that prevents or restricts the LEA, or school, from providing the notice required by this section.

(b) An LEA , or school, may not enter into an agreement, which restricts or prohibits an employee from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of students or any inappropriate conduct by the LEA, or school, to law enforcement, a local board, or the Board.

(11)The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

(12)An LEA, or school, shall update the website posting within 30 days of adopting or revising its code of conduct.

(13)(a) Failure of an LEA, or school, to comply with this rule constitutes noncompliance subject to corrective action or sanctions

(b)(i) Repeated failure to abide by the provisions of 63G-7-301 or this Rule, may subject the LEA or school to corrective action or other sanctions.

(ii) Employees responsible for implementing and monitoring compliance with 63G-7-301 and this Rule, including the LEA superintendent, may be subject to sanctions and UPPAC action.

R277-322-5. Retaliation and False Reports.

(1)(a) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA or school code of conduct, policy, Board rule, or the law.

(b) An employee who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to:

(i) disciplinary action by the LEA, up to and including termination of employment;

(ii) referral to UPPAC if the individual is licensed by the Board; and

(iii) other remedies or penalties available under the law.

(2) An employee may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.

(3) An employee who knowingly makes a false, malicious, or frivolous report may be subject to:

(a) disciplinary action by the LEA or school, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(4) Nothing in this section shall be construed to discourage or penalize good-faith reports.

(5) An employee at an LEA that retaliates or facilitates retaliation against an employee for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) corrective action or other sanctions in law and rule; or

(c) UPPAC action, if a licensed educator.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority and Purpose [~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that

(i) regulates behavior of a school employee toward a student;

(ii) provides for waiver of immunity from suit for sexual battery or sexual abuse unless the public school has provided training on a code of conduct as defined in Sec. 63G-7-301(3)(a)(i) and required employees to sign a statement acknowledging that employees read and understood the agency's code of conduct.

(2) The purpose of this rule is to:

(a) [~~require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff.~~] require that each LEA and school adopt a code of conduct, not less stringent than the model code of conduct defined in Section 63G-7-301(3) that applies to all employees within the LEA;

(b) require that the LEA or school provide training on the locally adopted code of conduct; and

(c) require that all employees sign a statement acknowledging having read and understood the required code of conduct.

[~~(3) This Rule R277-326 is categorized as Category 2 as described in Rule R277-111.~~]

(3) Nothing in this rule shall limit the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for violations of public educator standards.

R277-322-2. Definitions.

[~~(1) "Boundary violation" means the same as that term is defined in Rule R277-210.~~

~~(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.~~

~~(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.~~]

(1) “Employee” means a school volunteer who is given significant unsupervised access to students; and

(a) the same as 63G-7-102(3)(i), (iii), (vi), (vii), and (x).

(2) “Promptly” means as soon as reasonably practicable under the circumstances.

(3) “Retaliation” means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

(4) "Sexual conduct" means any sexual contact or communication between a staff member and a student, including:

(a) "sexual abuse" as defined in Section 76-5-404.1; or

(b) "sexual battery" as defined in Section 76-9-702.1. [~~or~~

~~(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.~~]

(5) “UPPAC” means the Utah Professional Practices Advisory Commission.

R277-322-3. Incorporation by Reference Model Code of Conduct.

(1) This rule incorporates by reference the model code of conduct dated April 2026.

(2) A copy of this document is located at

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

R277-322-4. Board Responsibilities.

(1) The [~~Superintendent~~] Board [~~shall create~~] hereby creates a model code of conduct. [~~or appropriate behavior policy~~] .

(a) The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

(2) The Board shall receive and monitor assurances regarding the code of conduct.

R277-322-5 LEA Responsibilities

[(~~2~~)] (1) Each LEA shall adopt a code of conduct [~~or appropriate behavior policy~~ applicable to all LEA employees [to~~ the LEA's staff~~].

(a) An LEA's code of conduct [~~or appropriate behavior policy,~~] adopted pursuant to 63G-7-301 [~~Subsection (2)~~], may not be less stringent than the model code of conduct [~~or appropriate behavior policy~~] [described] incorporated by reference in Subsection (3) [~~and shall include, at a minimum:~~];

(2) An LEA shall:

(a) review its code of conduct annually in a regular board meeting.

(b) establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of law and LEA policy, including the code of conduct.

(c) prominently post its code of conduct on its website; and

(d) update any changes to its code of conduct within 30 days.

(3) An LEA shall provide code of conduct training to its employees and require each employee to sign a statement acknowledging that the employee has read and understands the code of conduct;

(4) An LEA shall submit an annual assurance to the Board consistent with this rule and Section 53G-10-206 verifying that the LEA has complied with this rule.

(5) An LEA or school may not enter into an agreement which restricts or prohibits an employee from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of students or any inappropriate conduct by the LEA or school to law enforcement, a local board, or the Board.

[~~(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;~~

~~(b) a statement that a staff member may not subject a student to:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse; or~~

~~(iv) mental abuse;~~

~~(c) a statement that a staff member shall report any suspected incidents of:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse;~~

~~(iv) mental abuse; or~~

~~(v) neglect;~~

~~(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~(e) a statement that a staff member may not participate in sexual conduct with a student;~~

~~(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;~~

~~(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;~~

~~(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;~~

~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~

~~(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;~~

~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~

~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~

~~(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:~~

~~(a) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~(b) known violations of the Utah Educator Standards contained in Rule R277-217.~~

~~(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy.~~]

R277-322-6 Employee Responsibilities

(1) A school employee:

(a) shall comply with all federal, state, and local laws;

(b) shall annually sign a written acknowledgement of having read and understood the code of conduct;

(c) shall receive training on the code of conduct;

(d) shall promptly report any known or reasonably suspected violation of the code of conduct to the appropriate school or LEA administrator in accordance with applicable reporting policies and procedures; and

(e) subject to constitutional rights against self-incrimination, the employee shall fully cooperate with criminal or civil law enforcement, and an LEA, school, UPPAC, or Board investigation

R277-322-7 Retaliation and False Reports.

(1)(a) An LEA shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA code of conduct, LEA policy, or the law.

(b) An employee who retaliates against an individual for reporting alleged misconduct under this code of conduct may be subject to:

(i) disciplinary action by the LEA, up to and including termination of employment;

(ii) referral to UPPAC if the individual is licensed by the Board; and

(iii) other remedies or penalties available under the law.

(2) An employee may not knowingly make a false report alleging a violation of the LEA's code of conduct.

(3) An employee who knowingly makes a false, malicious, or frivolous report may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(4) Nothing in this section shall be construed to discourage or penalize good faith reports.

(5) An LEA employee that retaliates or facilitates retaliation against an employee for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) corrective action or other sanctions in law and rule; or

(c) UPPAC action, if a licensed educator.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that:

(i) regulates behavior of a school employee toward a student; and

(ii) includes a prohibition against any sexual conduct between an employee and a student and against the employee and student sharing any sexually explicit or lewd communication, image, or photograph.

(2) The purpose of this rule is to [~~require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff~~] have each LEA and school adopt a code of conduct, not less stringent than the model code of conduct in R277-322-4 that applies to all employees within the LEA or school.

(3) [~~This Rule R277-322 is categorized as Category 2 as described in Rule R277-111~~] (a) All provisions of this rule apply to all licensed educators.

(b) Nothing in this rule shall limit the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for violations of educator standards.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

[~~(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.~~]

[~~(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.~~]

(3) “Promptly” means as soon as reasonably practicable under the circumstances.

(4) “Retaliation” means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

(4) "Sexual conduct" means [~~any sexual contact or communication between a staff member and a student, including:~~

~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~

~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~

~~(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.~~] any verbal, written, visual, digital, or physical act or communication that is sexual in nature, sexualized, or reasonably perceived as intended to arouse sexual interest, normalize sexual behavior, or blur professional boundaries, including but not limited to:

(a) Sexualized speech, comments, jokes, narratives, hypotheticals, or discussions, whether explicit or implicit;

(b) Romantic or sexual expressions, flirtation, innuendo, or suggestive language;

(c) Electronic, digital, or social-media communications of a sexual or romantic nature, including emojis, images, memes, or coded language;

(d) Discussion or depiction of sexual activity, sexual identity, sexual orientation, sexual preferences, or sexual experiences that is not age-appropriate, curriculum-aligned, or pedagogically necessary;

(e) Conduct that a reasonable person would view as creating a sexualized, intimidating, hostile, or boundary-eroding educational environment;

(f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic relationship with a student or minor, regardless of consent [~~or reciprocity~~];

(g) The sharing of any sexually explicit or lewd communication, image, or photograph;

(h) sexual abuse as defined in Section 76-5-404.1; or

(i) "sexual battery" as defined in Section 76-9-702.1.

R277-322-3. Required Model Code of Conduct [~~Policy~~].

(1) The [~~Superintendent~~] Board [~~shall create~~] hereby creates a model code of conduct. [~~or appropriate behavior policy~~].

(2) A school employee:

(a) [~~while acting within the scope of employment,~~] while on school property or while acting within the scope of employment, shall avoid boundary violations, as defined in Rule R277-210, with a student or minor when the employee knows or reasonably should know that the individual is a student or minor;

(b) shall avoid any sexual contact with a student or minor while on school property or while acting within the scope of employment;

[(~~b~~)](c) shall comply with the provisions of 65G-7-301 which require:

(i) providing training on the code of conduct to the employee; and

(ii) the employee to sign a statement acknowledging that the employee has read and understands the code of conduct;

[(~~c~~)](d) shall comply with all federal, state, and local laws;

[(~~d~~)](e) shall treat the students with respect;

[(~~e~~)](f)shall promptly report any known or reasonably suspected violation of the Code of Conduct to the appropriate school or LEA administrator in accordance with applicable reporting policies and procedures; and

[(~~f~~)](g) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

[(~~g~~)](h) shall avoid the use of alcohol and illegal drugs while on duty or participating in a school-sponsored activity;

[(~~h~~)](i) shall avoid the use of prescription drugs while on duty or participating in a school-sponsored activity, in a manner that impairs judgment or professional performance;

[(~~i~~)](j)shall act professionally and in a manner that upholds the integrity of the school and the public education system, while on duty or participating in a school-sponsored activity;

~~[(j)(k) shall maintain political neutrality in the performance of professional duties while acting within the scope of employment or in an official capacity a school employee may not use or display partisan political language, campaign materials, political party insignia, or advocacy symbols in the presence of students, unless such use is directly related to instruction aligned with the approved curriculum;]~~

~~[(b) this includes, but is not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA, or school, activities;~~

(k) An employee may not plan, organize, promote, encourage, or participate in an unauthorized activity during the school day that disrupts instructional time or encourages or results in student nonattendance from scheduled classroom instruction;]

[(k)](l) subject to constitutional rights against self-incrimination, the employee shall fully cooperate with criminal or civil law enforcement, and an LEA, school, UPPAC, or Board investigation involving a student or employee by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the employee's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(l) shall not, while on school property, while acting within the scope of employment, or under circumstances in which a reasonable person would perceive the conduct as school-sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity; [~~and~~]

(m) shall annually attend abuse prevention training as required in Section 53G-9-207;

(n) shall comply with the requirements of Section 76-5-404.1 regarding sexual abuse; and

(o) shall comply with the requirements of Section 76-9-702.1 regarding sexual battery.

[~~(2) Each LEA and school shall adopt a code of conduct [or appropriate behavior policy] applicable to [the LEA's staff] all employees.~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~

~~(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;~~

~~(b) a statement that a staff member may not subject a student to:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse; or~~

~~(iv) mental abuse;~~

~~(c) a statement that a staff member shall report any suspected incidents of:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse;~~

~~(iv) mental abuse; or~~

~~(v) neglect;~~

~~(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~(e) a statement that a staff member may not participate in sexual conduct with a student;~~

~~(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;~~

~~(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;~~

~~(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;~~

~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~

~~(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;~~

~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~

~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~

~~(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:~~

~~(a) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~(b) known violations of the Utah Educator Standards contained in Rule R277-217.~~

~~(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy~~].

(3) Retaliation and False Reports.

(a)(i) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of an LEA or school code of conduct, policy, Board rule, or the law.

(ii) An employee who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(b) An employee may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.

(c) An employee who knowingly makes a false, malicious, or frivolous report may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(d) Nothing in this section shall be construed to discourage or penalize good-faith reports.

(e)(i) An employee at an LEA or school that retaliates or facilitates retaliation against an employee for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to disciplinary action by the LEA or school, up to and including termination of employment; corrective action or other sanctions in law and rule; or

(ii) UPPAC action, if a licensed educator.

R277-322-4. LEA and School Responsibilities.

(1) Each LEA and school shall adopt a code of conduct, which may not be less stringent than the model code of conduct established in Section R277-322-3.

(2) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy,

including the code of conduct, and in its training promote awareness of the [~~R277-123-7~~] required hotline.

(3) An LEA, and each school, shall prominently post its code of conduct its website.

(4) An LEA and each public school shall provide code of conduct training to its employees and require each employee to sign a statement acknowledging that the employee has read and understands the code of conduct.

(5) An LEA shall submit an annual assurance to the Board consistent with this rule and Section 53G-10-206 verifying that the LEA and each school has complied with:

(a) required code of conduct training;

(b) obtained employee acknowledgments;

(c) posted its Code of Conduct as required; and

(d) promoted R277-123-7 as required.

(6) (a) An LEA shall annually submit to the Superintendent [~~and the Board's Internal Audit Department~~] aggregate data on code of conduct complaints, categories of violations, and dispositions [~~Internal Audit~~].

(b) [~~Internal Audit~~] The Superintendent shall make the information submitted under Subsection [(~~9~~)](6) (a) available to the Board quarterly.

~~[(7) An LEA, or school, shall report to the [Board's Internal Audit Department], in a manner prescribed by the [department within 45 days, any employee at the LEA, or school, who:~~

~~[(a)](8) resigns or retires in lieu of termination for conduct that violates sexual conduct provisions of the LEA's code of conduct [or appropriate behavior policy]; or~~

~~(a) resigns, retires, or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of sexual conduct provisions of the LEA's, or school's, code of conduct]~~

(8) A report under this Subsection [(~~10~~)](7) shall include, at a minimum:

(a) the individual's name and position or assignment;

(b) the date of separation or LEA, or school, action;

(c) the nature of the conduct that led to the separation or LEA, or school, action; and

(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.

(9) An LEA, or school, may not construe this section to prevent the LEA, or school, from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

(10) (a) An LEA, or school, may not enter into any agreement that prevents or restricts the LEA, or school, from providing the notice required by this section.

(b) An LEA , or school, may not enter into an agreement, or request an employee to enter into an agreement, which restricts or prohibits an employee from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of a student or any inappropriate conduct by the LEA, or school, to law enforcement, a local board, the Board, or UPPAC.

(11)The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

(12)An LEA, or school, shall update the website posting within 30 days of adopting or revising its code of conduct.

(13)(a) Failure of an LEA, or school, to comply with this rule constitutes noncompliance subject to corrective action or sanctions

(b)(i) Repeated failure to abide by the provisions of 63G-7-301 or this Rule, may subject the LEA or school to corrective action or other sanctions.

(ii) Employees responsible for implementing and monitoring compliance with 63G-7-301 and this Rule, including the LEA superintendent, may be subject to sanctions and UPPAC action.

(14) The Board's Internal Audit Department shall prepare a report of all data collected under this rule every 90 days for the first year following the rule's enactment, and shall present the report to the Board during a monthly Board meeting in public or executive session, as the law permits.

~~**[R277-322-5. Retaliation and False Reports.**~~

~~(1)(a) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA or school code of conduct, policy, Board rule, or the law.~~

~~(b) An employee who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to:~~

~~(i) disciplinary action by the LEA, up to and including termination of employment;~~

~~(ii) referral to UPPAC if the individual is licensed by the Board; and~~

~~(iii) other remedies or penalties available under the law.~~

~~(2) An employee may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.~~

~~(3) An employee who knowingly makes a false, malicious, or frivolous report may be subject to:~~

~~(a) disciplinary action by the LEA or school, up to and including termination of employment;~~

~~(b) referral to UPPAC if the individual is licensed by the Board; and~~

~~(c) other remedies or penalties available under the law.~~

~~(4) Nothing in this section shall be construed to discourage or penalize good-faith reports.~~

~~(5) An employee at an LEA that retaliates or facilitates retaliation against an employee for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to:~~

~~(a) disciplinary action by the LEA, up to and including termination of employment;~~

~~(b) corrective action or other sanctions in law and rule; or~~

~~(c) UPPAC action, if a licensed educator.]~~

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that:

(i) regulates behavior of a school [~~employee~~]staff member toward a student; and

(ii) includes a prohibition against any sexual conduct between [~~an~~]a [~~employee~~]staff member and a student and against the [~~employee~~]staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

(2) The purpose of this rule is to [~~require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's staff~~] have each LEA and school adopt a code of conduct, not less stringent than the model code of conduct in R277-322-4 that applies to all [~~employees~~]staff within the LEA or school.

(3) [~~This Rule R277-322 is categorized as Category 2 as described in Rule R277-111~~] (a) All provisions of this rule apply to all licensed educators.

(b) Nothing in this rule shall limit the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for violations of educator standards.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

[~~(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.~~]

(3) "Staff" or "staff member" means an employee, contractor, or volunteer with significant unsupervised access to students.

(4) “Substantiated” means that an allegation has been proven through an investigation or hearing process by a preponderance of competent evidence.

[~~(3)~~](5) “Promptly” means as soon as reasonably practicable under the circumstances.

[~~(4)~~](6) “Retaliation” means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

[~~(4)~~](7) "Sexual conduct" means: [~~any sexual contact or communication between a staff member and a student, including:~~

~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~

~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~

~~(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.~~][~~ any verbal, written, visual, digital, or physical act or communication that is sexual in nature, sexualized, or reasonably perceived as intended to arouse sexual interest, normalize sexual behavior, or blur professional boundaries, including but not limited to:~~

~~(a) Sexualized speech, comments, jokes, narratives, hypotheticals, or discussions, whether explicit or implicit;~~

~~(b) Romantic or sexual expressions, flirtation, innuendo, or suggestive language;~~

~~(c) Electronic, digital, or social-media communications of a sexual or romantic nature, including emojis, images, memes, or coded language;~~

~~(d) Discussion or depiction of sexual activity, sexual identity, sexual orientation, sexual preferences, or sexual experiences that is not age-appropriate, curriculum-aligned, or pedagogically necessary;~~

~~(e) Conduct that a reasonable person would view as creating a sexualized, intimidating, hostile, or boundary-eroding educational environment;~~

~~(f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic relationship with a student or minor, regardless of consent [or reciprocity];~~

~~(g) The sharing of any sexually explicit or lewd communication, image, or photograph;~~

~~(h) sexual abuse as defined in Section 76-5-404.1; or~~

~~(i) "sexual battery" as defined in Section 76-9-702.1]~~

(a) any sexual conduct or communication between a staff member and a student;

(b) “sexual abuse” as defined in Section 76-5-404.1;

(c) “sexual battery” as defined in Section 76-9-702.1; or

(d) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

R277-322-3. Required Model Code of Conduct [~~Policy~~].

(1) The [~~Superintendent~~] Board [~~shall create~~] hereby creates a model code of conduct. [~~ or appropriate behavior policy~~].

(2) A school [~~employee~~]staff member:

. [~~(b)~~](a) [~~shall avoid any~~]may not engage in sexual [~~contact~~] conduct with a student or minor while on school property or while acting within the scope of employment;

[~~(a)~~](b) [~~while acting within the scope of employment,~~] while on school property or while acting within the scope of employment, [~~shall avoid boundary violations~~]may not commit boundary violations and shall maintain professional boundaries, as defined in Rule R277-210, with a student or minor when the [~~employee~~]staff member knows or reasonably should know that the individual is a student or minor;

[~~(b)~~](c) shall comply with the provisions of 65G-7-301 which require:

(i) [~~providing~~]participating in training on the code of conduct to the [~~employee~~]staff; and

(ii) the [~~employee~~]staff member to sign a statement acknowledging that the [~~employee~~]staff member has read and understands the code of conduct;

[~~(c)~~](d) shall comply with all federal, state, and local laws;

[~~(d)~~](e) shall treat [~~the~~] students with respect;

[~~(e)~~](f)shall promptly report any known or reasonably suspected violation of the Code of Conduct to the appropriate school or LEA administrator in accordance with applicable reporting policies and procedures; and

[~~(f)~~](g) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

[~~(g)~~](h) [~~shall avoid the use of alcohol and illegal drugs~~]may not use alcohol or illegal drugs while on duty or participating in a school-sponsored activity;

[~~(h)~~](i) shall avoid the use of prescription drugs while on duty or participating in a school-sponsored activity, in a manner that impairs judgment or professional performance;

(j) shall not engage in sexual conduct and shall act professionally while on school property or during contracted time;

[~~[(i)](j)shall act professionally and in a manner that upholds the integrity of the school and the public education system, while on duty or participating in a school-sponsored activity;~~]

[~~(j)(k) shall maintain political neutrality in the performance of professional duties while acting within the scope of employment or in an official capacity a school [employee][staff or staff member] may not use or display partisan political language, campaign materials, political party insignia, or advocacy symbols in the presence of students, unless such use is directly related to instruction aligned with the approved curriculum;~~]

[~~(b) this includes, but is not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA, or school, activities;~~

~~[(k) [An]A [employee]staff member may not plan, organize, promote, encourage, or participate in an unauthorized activity during the school day that disrupts instructional time or encourages or results in student nonattendance from scheduled classroom instruction;]~~

[(k)][~~(l)~~](k) subject to constitutional rights against self-incrimination, [~~the~~]a [~~employee~~]staff member shall fully cooperate with criminal or civil law enforcement, and an LEA, school, UPPAC, or Board investigation involving a student or [~~employee~~]staff by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the [~~employee's~~]staff member's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(l) shall not, while on school property, while acting within the scope of employment, or under circumstances in which a reasonable person would perceive the conduct as school-sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity; [~~and~~]

[~~(m)~~](l) shall annually attend abuse prevention training as required in Section 53G-9-207;

[~~(n)~~](m) shall comply with the requirements of Section 76-5-404.1 regarding sexual abuse; and

[~~(o)~~](n) shall comply with the requirements of Section 76-9-702.1 regarding sexual battery.

[~~(2) Each LEA~~ and school ~~shall adopt a code of conduct [or appropriate behavior policy] applicable to [the LEA's staff]~~ all [~~employees~~][~~staff or staff member~~]~~.~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~

~~(a) a statement that a staff member shall avoid boundary violations, as defined in Rule R277-210, with students;~~

~~(b) a statement that a staff member may not subject a student to:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse; or~~

~~(iv) mental abuse;~~

~~(c) a statement that a staff member shall report any suspected incidents of:~~

~~(i) physical abuse;~~

~~(ii) verbal abuse;~~

~~(iii) sexual abuse;~~

~~(iv) mental abuse; or~~

~~(v) neglect;~~

~~(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~(e) a statement that a staff member may not participate in sexual conduct with a student;~~

~~(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;~~

~~(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;~~

~~(h) a statement that a staff member may not discriminate against a student on the basis of the student's personal identity characteristics;~~

~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~

~~(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;~~

~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an [employee][staff or staff member] or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~

~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~

~~(5) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:~~

~~(a) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~(b) known violations of the Utah Educator Standards contained in Rule R277-217.~~

~~(6) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct or appropriate behavior policy~~].

(3) Retaliation and False Reports.

[~~(a)(i) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of an LEA or school code of conduct, policy, Board rule, or the law.~~]

[~~(b)~~](a) [~~An~~]A [~~employee~~]staff member may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.

[~~(ii)~~](b) [~~An~~]A [~~employee~~]staff member who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(c) [~~An~~]A [~~employee~~]staff member who knowingly makes a false, malicious, or frivolous report may be subject to disciplinary action by the LEA or school, up to and including termination of employment; referral to UPPAC if the individual is licensed by the Board; and other remedies or penalties available under the law.

(d) Nothing in this section shall be construed to discourage or penalize good-faith reports.

(e)(i) [~~An~~]A [~~employee~~]staff member at an LEA or school that retaliates or facilitates retaliation against [~~an~~]a [~~employee~~]staff member for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to disciplinary action by the LEA or school, up to and including termination of employment; corrective action or other sanctions in law and rule; or

(ii) UPPAC action, if a licensed educator.

[~~(4) Staff responsible for implementing and monitoring compliance with 63G-7-301 and this Rule, including the LEA superintendent or director, may be subject to sanctions and UPPAC action.~~]

R277-322-4. LEA and School Responsibilities.

(1) Each LEA and school shall adopt a code of conduct, which may not be less stringent than the model code of conduct established in Section R277-322-3.

(2) The code of conduct adopted by an LEA or school under Subsection (1) shall include language regarding contractors and volunteers.

[~~(2)~~](3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct, and in its training promote awareness of the [~~R277-123-7~~] required hotline.

[~~(3)~~](4) An LEA, and each school, shall prominently post its code of conduct on its website.

[~~(4)~~](5) An LEA and each public school shall provide code of conduct training to its [~~employees~~]staff and require each [~~employee~~]staff member to sign a statement acknowledging that the [~~employee~~]staff member has read and understands the code of conduct.

[~~(5)~~](6) An LEA shall submit an annual assurance to the Board consistent with this rule and Section 53G-10-206 verifying that the LEA and each school has complied with:

(a) required code of conduct training;

(b) obtained [~~employee~~]staff acknowledgments;

(c) posted its Code of Conduct as required; and

(d) promoted R277-123-7 as required.

[~~(6)~~](7) (a) An LEA shall annually submit to the Superintendent [~~and the Board's Internal Audit Department~~] aggregate data on substantiated code of conduct complaints, categories of violations, and [~~dispositions~~]outcomes [~~Internal Audit~~].

~~[(b) [Internal Audit] The Superintendent shall make the information submitted under Subsection [(9)](6) (a) available to the Board [quarterly]annually.~~

~~[(7) An LEA, or school, shall report to the [Board's Internal Audit Department], in a manner prescribed by the [department within 45 days, any [employee] staff at the LEA, or school, who:~~

~~[(a)](8) resigns or retires in lieu of termination for conduct that violates sexual conduct provisions of the LEA's code of conduct [or appropriate behavior policy]; or~~

~~(a) resigns, retires, or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of sexual conduct provisions of the LEA's, or school's, code of conduct]~~

~~(8) A report under this Subsection [(10)](7) shall include, at a minimum:~~

~~(a) the individual's name and position or assignment;~~

~~(b) the date of separation or LEA, or school, action;~~

~~(c) the nature of the conduct that led to the separation or LEA, or school, action; and~~

~~(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.]~~

[~~(9)~~](8) An LEA, or school, may not construe this section to prevent the LEA, or school, from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

[~~(10)~~](9) (a) An LEA, or school, may not enter into any agreement that prevents or restricts the LEA, or school, from providing the notice required by this section.

(b) An LEA , or school, may not enter into an agreement, or request [~~an~~]a [~~employee~~]staff member to enter into an agreement, which restricts or prohibits [~~an~~]a [~~employee~~]staff member from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of a student or any inappropriate conduct by the LEA, or school, to law enforcement, a local board, the Board, or UPPAC.

~~[[(11)](10) The Superintendent shall classify a report submitted under Subsection [(10)](9) as private in accordance with Subsections 63G-2-302(2)(a) and (d).]~~

(11) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of an LEA or school code of conduct, policy, Board rule, or the law.

[~~(12)~~](12) An LEA, or school, shall update the website posting within [~~30~~]90 days of adopting or revising its code of conduct.

[~~(13)~~](13) (a) Failure of an LEA, or school, to comply with this rule constitutes noncompliance subject to corrective action or sanctions.

(b)(i) Repeated failure to abide by the provisions of 63G-7-301 or this Rule, may subject the LEA [~~or~~] ,school or administrators to corrective action or other sanctions.

~~[(ii) [Employees]Staff responsible for implementing and monitoring compliance with 63G-7-301 and this Rule, including the LEA superintendent, may be subject to sanctions and UPPAC action.]~~

R277-322-5. Superintendent Responsibilities

(1) The Superintendent shall classify a report submitted under Subsection (9) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

~~[(14)]~~ ~~[The Board's Internal Audit Department shall prepare a report of all data collected under this rule every 90 days for the first year following the rule's enactment, and shall present the report to the Board during a monthly Board meeting in public or executive session, as the law permits]~~(2)The Superintendent shall prepare a report of all data collected under this rule and shall provide the report to the Board annually.

~~**[R277-322-5. Retaliation and False Reports.**~~

~~(1)(a) An LEA and school shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA or school code of conduct, policy, Board rule, or the law.~~

~~(b) An [employee][staff] who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to:~~

~~(i) disciplinary action by the LEA, up to and including termination of employment;~~

~~(ii) referral to UPPAC if the individual is licensed by the Board; and~~

~~(iii) other remedies or penalties available under the law.~~

~~(2) An [employee][staff] may not knowingly make a false report alleging a violation of the LEA's or school's code of conduct.~~

~~(3) An [employee][staff] who knowingly makes a false, malicious, or frivolous report may be subject to:~~

~~(a) disciplinary action by the LEA or school, up to and including termination of employment;~~

~~(b) referral to UPPAC if the individual is licensed by the Board; and~~

~~(c) other remedies or penalties available under the law.~~

~~(4) Nothing in this section shall be construed to discourage or penalize good-faith reports.~~

~~(5) An [employee][staff] at an LEA that retaliates or facilitates retaliation against an [employee][staff] for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to:~~

~~(a) disciplinary action by the LEA, up to and including termination of employment;~~

~~(b) corrective action or other sanctions in law and rule; or~~

~~(c) UPPAC action, if a licensed educator.]~~

KEY: codes of conduct, appropriate behavior, ~~[employee]~~staff conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

USBE MODEL LEA CODE OF CONDUCT[~~/APPROPRIATE BEHAVIOR POLICY~~]

1. PURPOSE AND PHILOSOPHY

The [Governing Board of LEA] is committed to establishing and maintaining appropriate standards of conduct between [~~staff members~~] employees and students. These standards of conduct [~~are~~] also [~~known as~~] include professional boundaries. [~~staff members~~] During contract hours, assigned volunteer hours, or while supervising students, employees shall maintain professional and appropriate demeanor and relationships with students[~~, both during and outside of school hours, as well as both on and off campus,~~] that foster an effective, non-disruptive and safe learning environment.

2. DEFINITIONS

i) "Boundary violation" means crossing verbal, physical, emotional, or social lines that [~~staff~~] employees must maintain in order to ensure structure, security, and predictability in an educational environment.

   i) A "boundary violation" may include the following, depending on the circumstances:
      (1) isolated, one-on-one interactions with a student out of the line of sight of others;
      (2) meeting with a student in rooms with covered or blocked windows consistent with LEA school safety policies;
      (3) telling risqué jokes to, or in the presence of a student;
      (4) employing favoritism to a student;
      (5) giving gifts to individual students;
      (6) [~~staff member~~] employee initiated frontal hugging or other uninvited touching;
      (7) photographing an individual student for a non-educational purpose or use;
      (8) engaging in inappropriate or unprofessional contact outside of educational program activities;
      (9) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
      (10) interacting privately with a student through social media, computer, or

[~~handheld~~] electronic devices; and

(11) discussing an employee's personal life or personal issues with a student.

ii) "Boundary violation" does not include:

(1) offering praise, encouragement, or acknowledgment;

(2) offering rewards available to all who achieve;

(3) asking permission to touch for necessary purposes;

(4) giving a pat on the back or a shoulder;

(5) giving a side hug;

(6) giving a handshake or high five;

(7) offering warmth and kindness;

(8) utilizing public social media alerts to groups of students and parents; or

(9) contact permitted by an IEP or 504 plan.

ii) "Employee" means a school volunteer who is given significant unsupervised access to students; and the same as 63G-7-102(3)(i), (iii), (vi), (vii), and (x);

iii) "Grooming" means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

iv) "Sexual conduct" includes any sexual contact or communication between [~~a staff member~~] an employee and a student including but not limited to:

i) "Sexual abuse" means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:

(1) touching the anus, buttocks, pubic area, or genitalia of a student;

(2) touching the breast of a female student; or

(3) otherwise taking indecent liberties with a student;

(4) with the intent to:

(a) cause substantial emotional or bodily pain; or

(b) arouse or gratify the sexual desire of any individual.

ii) "Sexual battery" means the criminal conduct described in Utah Code Ann. §76-9-

702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or

iii) [~~A staff member~~] an employee and student sharing any sexually explicit or lewd communication, image, or photograph.

[~~"Staff member" means an employee, contractor, or volunteer with unsupervised access to students~~.]

v) "Student" means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school; or a graduate of the school where an employee works within six months of the student's graduation or unenrollment from a public school.

3. POLICY

a) An employee shall obey all federal, state, and local laws.

b) An employee shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.

i) [~~Staff members~~] An employee shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to [~~even~~] an appearance of impropriety.

ii) [~~Staff members~~] An employee may not subject a student to any form of abuse, including but not limited to:

i) physical abuse;

ii) verbal abuse; sexual abuse; or

iii) mental abuse.

iii) [~~Staff members~~] An employee shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.

iv) [~~Staff members~~] An employee shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:

i) viewing with a student, or allowing a student to view, pornography or any other lewd, sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;

ii) sexual battery; or

iii) sexual assault.

v) [~~Staff members~~] An employee's communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.

vi) [~~Staff members~~] An employee shall not provide gifts, special favors, or preferential treatment to a student or group of students.

vii) [~~Staff members~~] An employee shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.

viii) [~~Staff members~~] An employee's use of electronic devices and social media to communicate with students must comply with LEA policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.

ix) [~~Staff members~~] An employee may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as [~~a staff members~~] an employee. Additionally, [~~staff members~~] an employee may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities while in an employment capacity.

x) [~~Staff members~~] An employee shall cooperate in any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy. An employee's cooperation is subject to constitutional protections against self-incrimination.

~~xi) [LEA] recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.~~

xii) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

4. REPORTING

i) [A~~ staff member~~] An employee who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator.

If [a~~ staff member~~] an employee has reason to believe a school administrator has violated this policy, the [~~staff member~~] employee shall immediately report the conduct to the administrator's supervisor.

ii) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403:

i) [A~~ staff member~~] An employee who has reasonable cause to believe that a student may have been physically or sexually abused by [~~a staff member~~] an employee shall immediately report the belief and all other relevant information to the school administrator, or to LEA administration;

ii) [~~a school administrator~~] An employee who has received a report or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school [~~staff member~~] employee shall immediately inform the LEA Administration of the [~~reported~~] suspected abuse; and

iii) if the [~~staff member~~] employee suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the LEA administration shall immediately report that information to the Utah Professional Practices Advisory Commission (UPPAC);

iv) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

iii) [A~~ staff member~~] An employee who has knowledge of suspected incidents of bullying shall immediately notify the student's building administrator in compliance with LEA Bullying Policy.

iv) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in employee [~~disciplinary~~] discipline, up to, and including, termination.

5. TRAINING

i) Within [~~10~~] 30 days of beginning employment with LEA [a~~ staff member~~] an employee shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.

ii) [~~staff members~~] Employees employed by LEA at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2026-2027 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

6. VIOLATIONS

a) The LEA recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.

b) [A~~ staff member~~] An employee found in violation of this policy [~~will be~~] is subject to disciplinary action, up to, and including, termination.

REFERENCES

Title 62A, Chapter 4a, Part 4, *Child Abuse or Neglect Reporting Requirements*
Utah Code Section 53E-6-701, *Mandatory Reporting of Physical or Sexual Abuse of Students*
Utah Admin. Code R277-401, *Child Abuse-Neglect Reporting by Education Personnel*
Utah Admin. Code R277-515, *Utah Educator Professional Standards*

Utah Admin. Code R277-322, *LEA Codes of Conduct*
Utah Code Section 63G-7-301, *Waivers of Immunity*
Utah Code Section 76-5-401.1, *Sexual Abuse of a Minor*
Utah Code Section 76-9-702.1, *Sexual Battery*

[LEA] CODE OF CONDUCT
STAFF MEMBER ACKNOWLEDGEMENT

Name: ______________________________________ Position: ____________________

Date of Training: _____________ Trained by: ______________________________

I received training about the requirements of [LEA's] Code of Conduct Policy. I understand the requirements of the policy and that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to believe a staff member is violating the Code of Conduct, I will report my suspicions to my supervisor, building administrator, or [LEA] administrator.

____

Signature of Staff Member

____

Date

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that regulates behavior of a school employee toward a student.

[~~(d) Section 76-5-404.1, which defines “position of special trust” inclusive of several public education related positions.~~]

(2) The purpose of this rule is to require LEAs to create a code of conduct [~~or appropriate behavior policy~~] applicable to the LEA's [~~staff~~] employees and individuals in a position of special trust.

(3)(a) The code of conduct required by this rule applies to [~~a person in a position of special trust with an LEA or school~~] [~~LEA staff~~] all LEA employees[~~, including employees who hold an educator license issued by the Board~~].

(b) Nothing in this rule shall limit [~~or replace~~] the Board’s authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for conduct violations.

[~~([3]4) This Rule R277-[326]322 is categorized as Category 2 as described in Rule R277-111.~~]

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

[~~(3) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.~~]

[~~(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.~~]

(4) "Retaliation" means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting or participating in an investigation.

[~~([4]5) "Sexual conduct" means any sexual contact or communication between a staff member [person in a position of special trust] and a student, including:~~

~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~

~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~

~~(c) [a staff member and student] sharing any sexually explicit or lewd communication, image, or photograph.~~]

() "Special Trust Employee" means

() "Student" means

() "Sexual conduct" means any verbal, written, visual, digital, or physical act or communication that is sexual in nature, sexualized, or reasonably perceived as intended to arouse sexual interest, normalize sexual behavior, or blur professional boundaries, including but not limited to:

(a) Sexualized speech, comments, jokes, narratives, hypotheticals, or discussions, whether explicit or implicit;

(b) Romantic or sexual expressions, flirtation, innuendo, or suggestive language;

(c) Electronic, digital, or social-media communications of a sexual or romantic nature, including emojis, images, memes, or coded language;

(d) Discussion or depiction of sexual activity, sexual identity, sexual orientation, sexual preferences, or sexual experiences that is not age-appropriate, curriculum-aligned, or pedagogically necessary;

(e) Conduct that a reasonable person would view as creating a sexualized, intimidating, hostile, or boundary-eroding educational environment;

(f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic relationship with a student or minor, regardless of consent or reciprocity;

(g) The sharing of any sexually explicit or lewd communication, image, or photograph;

(h) sexual abuse as defined in Section 76-5-404.1; or

(i) "sexual battery" as defined in Section 76-9-702.1.

R277-322-3. Required Code of Conduct Policy.

(1) The [~~Superintendent shall create a~~] Board hereby creates a model code of conduct [~~or appropriate behavior~~] policy as set forth in Subsections (2) and (3).

[~~(2) Each LEA shall adopt a code of conduct or appropriate behavior policy applicable to the LEA's staff~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~]

(2) [~~A~~] [~~person in a position of a special trust~~] [~~staff member~~] An LEA employee:

(a) [~~a statement that a staff member~~] shall avoid boundary violations, as defined in Rule R277-210, with students or minors;

(b) shall [~~receive annual training on recognizing and preventing boundary violations in both physical and digital settings~~] comply with the provisions of 65G-7-301 which require:

(i) providing the required code of conduct training; and

(ii) obtaining a signed statement acknowledging that the employee has read and understands the code of conduct;

(c) shall comply with all federal, state, and local laws;

(d) shall treat students with dignity and respect [~~by promoting the health, safety, and well-being of students, including maintaining appropriate verbal, emotional, and social boundaries~~];

(e) shall [~~take prompt an appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student~~] promptly report any violation of the code of conduct to the LEA [~~that the person knew or should have known may result in an inappropriate hostile, intimidating, abusive, offensive, or oppressive environment~~];

[~~(f) shall take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, or safety;~~

~~(g) shall report to the LEA conduct in violation of the LEA's policy, including the LEA's code of conduct;~~] and

[~~(h)~~](f) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602.

[~~([b]i) [a statement that a staff member] may not subject a student to:~~

~~(i) physical [abuse] harm or mistreatment;~~

~~(ii) verbal [abuse] mistreatment or intimidation;~~

~~(iii) sexual [abuse] conduct; or~~

~~(iv) mental [abuse] or psychological mistreatment;~~

~~([c]j) [a statement that a staff member] shall report any suspected incidents of:~~

~~(i) physical [abuse] harm or mistreatment;~~

~~(ii) verbal [abuse] mistreatment or intimidation;~~

~~(iii) sexual [abuse] conduct;~~

~~(iv) mental [abuse] or psychological mistreatment; or~~

~~(v) neglect;~~

~~([d]k) [a statement that a staff member] may not touch a student in a way that makes a reasonably objective student feel uncomfortable;~~

~~([e]l) [a statement that a staff member] may not participate in sexual conduct with a student;~~

~~([f]m) [a statement regarding appropriate] may not engage in inappropriate verbal or electronic communication [between a staff member and] with a student;~~

~~([g]n) [a statement regarding providing] may not give inappropriate gifts, special favors, or unearned preferential treatment to a student or group of students;~~

~~([h]o) [a statement that a staff member] may not discriminate against a student on the basis of the student's personal identity characteristics;~~]

[~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~]

[~~(j)~~](g) [~~a statement regarding~~] may not use [~~of~~] alcohol, tobacco, [~~and~~] or illegal substances [~~during work hours and~~] while working or on school property;

[~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~]

[~~(q) may not retaliate against a student, parent, or other personnel who report a suspected violation of state law, Board rule or LEA policy, including the LEA code of conduct;~~

~~(r) shall disclose conflicts of interest, including financial or personal relationships, that may compromise professional judgment or student welfare;~~]

[~~(q)~~](h)shall act professionally and in a manner that upholds the integrity of the school and the public education system, whether on or off duty;

[~~(t) shall refrain from conduct, speech, or expression, whether in person or virtually, that could reasonably be viewed as inappropriate, unprofessional, or detrimental to the reputation of the individual's position or LEA or the education profession, during work hours, on school property, or in connection with official LEA activities~~];

[~~(r)~~](i) (i) shall maintain political and ideological neutrality in the classroom [~~and in the course of professional duties~~] while at school, when acting in an official capacity for the LEA, when interacting with students, or when students can see or hear and may not use or display partisan[~~, political, or ideologically~~] or politically charged language, symbols, attire, or expressions[~~, including, but not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities~~] when such use or display is not directly connected to active instruction aligned with the approved curriculum.

(ii) This includes, but is not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities;

[~~(ii)~~](iii) Notwithstanding Subsection (i)(i), there is no violation where a staff member engages in temporary, incidental, or de minimis displays of personal expression that are not disruptive to the educational environment and cannot reasonably be perceived as school-sponsored;

[~~(v) shall use discretion in personal communications, including online posts and social media activity;~~

~~(w) may not post, share or endorse content that reasonably could be perceived as harassment, intimidation, discrimination, encouraging violence, or otherwise inconsistent with professional standards of conduct;~~]

[~~(s)~~](j) subject to constitutional rights against self-incrimination, shall fully cooperate with criminal or civil law enforcement, and an LEA, UPPAC, or Board investigations involving a student or [~~person in a position of a special trust~~] [~~staff member~~] employee by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the individual's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

[~~(t)~~](k) [~~may not~~] prohibited while on school property, while acting in an official capacity or under circumstances where the conduct could reasonably be perceived as occurring in an official capacity or as school sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity; and

[~~(z) may not, through instruction, materials, or symbols, actively endorse, promote, or disparage, a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint; and~~]

[~~(u) shall observe and adhere to practices of confidentiality, privacy, and discretion, including ensuring that information is accessible only to those authorized to have access.~~

~~(3) A [person in a position of a special trust] staff member:~~

~~(a) shall annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~]

[~~(b)~~](l) shall annually attend abuse prevention training as required in Section 53G-9-207.

[~~(4) Notwithstanding Subsection (3), an LEA shall only require a volunteer to complete required trainings if the volunteer has significant and ongoing student interaction.~~]

R277-322-4. LEA Responsibilities.

(1) Each LEA shall adopt a code of conduct policy, which may not be less stringent than the model code of conduct adopted in Section R277-322-3.

(2) An LEA that contracts with entities that directly serve students of the LEA must include a provision in the contracts with the entities that the contractor also adopt a code of conduct policy that may not be less stringent than the model code of conduct in Section R277-322-3.

(3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct and in its training promote awareness of the R277-123-7.

[~~(4) An LEA shall refer substantiated violations and systemic noncompliance of this rule to [the Superintendent] Internal Audit for possible corrective actions or sanctions under Rule R277-114.~~]

[~~(5) If an LEA repeatedly fails to provide required training, acknowledgments, or policy postings, the LEA may be subject to corrective action or sanctions under Rule R277-114.~~]

(4) An LEA shall prominently post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.

(5)(a) An LEA shall annually provide training [~~to [staff] individuals in a position of special trust~~] regarding the [~~LEA's code of conduct~~] policy, [~~the hotline described in Subsection (3) [including the staff member's] and the individual's~~] responsibility to report, and how to report:

([~~a~~]i) known violations of the LEA's code of conduct or appropriate behavior policy; and

([~~b~~]ii) known violations of the Utah Educator Standards contained in Rule R277-217.

[~~(b) An LEA shall annually provide its administrators with specialized training on investigation procedures and documentation of complaints.~~]

(b)(i) If an LEA repeatedly fails to provide to the provisions of 63G-7-301 or this Rule, the LEA may be subject to corrective action or other sanctions.

(ii) Additionally, the employees, responsible for implementing and monitoring compliance with these provisions, and Superintendent may be subject to sanctions and UPPAC action.

[~~([6]7) A staff member [A person with a position of special trust,] who is an employee of, or volunteer at, an LEA shall annually sign a statement acknowledging that the staff member [the person] has read and understands the code of conduct [or appropriate behavior] policy.~~]

[~~(8)~~](6) (a) An LEA shall annually provide to its governing board, LEA Superintendent, and the Board's Internal Audit Department a compliance attestation verifying that the LEA has provided required training, obtained employee acknowledgments, and posted its code of conduct as required by this rule.

(b) An LEA shall make the attestation under Subsection (8)(a) in a format prescribed by the Superintendent.

[~~(9)~~](7) (a) An LEA shall annually submit to the Superintendent and the Board's Internal Audit Department aggregate data on code of conduct complaints, categories of violations, and dispositions, with student and employee identities redacted, in a format prescribed by [~~the Superintendent~~] Internal Audit.

(b) [~~The Superintendent shall make the information submitted under Subsection (9)(a) available to the Board upon request~~] Internal Audit shall make the information submitted under Subsection (9)(a) available to the Board quarterly.

[~~(10)~~](8) An LEA shall report to the Board's Internal Audit Department, in a manner prescribed by the department, within 45 days, any [~~individual in a position of a special trust~~] [~~staff member~~] employee at the LEA who:

(a) is terminated from employment for conduct that violates sexual conduct provisions of the LEA's code of conduct or appropriate behavior policy;

(b) resigns or retires in lieu of termination for conduct that violates sexual conduct provisions of the LEA's code of conduct or appropriate behavior policy; or

(c) resigns or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of the [~~LEA's code of conduct or Rules R277-217, R277-316, or R277-605;~~] sexual conduct provisions of the LEA's code of conduct [~~or~~

~~(d) otherwise separates employment following substantiated findings of misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the LEA's code of conduct~~].

[~~(11)~~](9)A report under this Subsection (10) shall include, at a minimum:

(a) the individual's name and position or assignment;

(b) the date of separation or LEA action;

(c) the nature of the conduct that led to the separation or LEA action; and

(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.

[~~(12)~~](10) An LEA may not construe this section to prevent the LEA from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

[~~(13)~~](11) (a) An LEA may not enter into any agreement that prevents or restricts the LEA from providing the notice required by this section.

(b) An LEA may not enter into an agreement, which restricts or prohibits [~~a staff member~~] an employee from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of students or any inappropriate conduct by the LEA to law enforcement, a local board, or the Board.

[~~(14)~~](12)The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

[~~(15)~~](13)An LEA shall ensure that the LEA's code of conduct and policies, adopted consistent with this rule, is posted in a location that is readily accessible to the public on:

(a) the LEA's official website; and

(b) each school's official website within the LEA.

[~~(16)~~](14)An LEA shall update the website posting within 30 days of adopting or revising its code of conduct.

[~~(17)~~](15)Failure of an LEA to comply with this Section R277-322-4 constitutes noncompliance subject to corrective action or sanctions [~~under Rule R277-114~~].

R277-322-5. Retaliation and False Reports.

(1)(a) An LEA shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA code of conduct, policy, Board rule, or the law.

(b) An employee who retaliates against an individual for reporting alleged misconduct under this Code of Conduct may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(2) An [~~individual~~] employee may not knowingly make a false[~~, malicious, or frivolous~~] report alleging a violation of the LEA's code of conduct [~~, policy, or the law~~].

(3) An [~~individual~~] employee who knowingly makes a false, malicious, or frivolous report may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(4) Nothing in this section shall be construed to discourage or penalize good-faith reports [~~made without malice or with a reasonable belief in their accuracy~~].

(5) An employee at an LEA that retaliates or facilitates retaliation against an employee for reporting an alleged violation of this code of conduct or R277-210 or R277-217 may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) corrective action or other sanctions in law and rule; or

(c) UPPAC action, if a licensed educator.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that regulates behavior of a school employee toward a student.

[~~(d) Section 76-5-404.1, which defines “position of special trust” inclusive of several public education related positions.~~]

(2) The purpose of this rule is to require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's [~~staff~~] employees and individuals in a position of special trust.

(3)(a) The code of conduct required by this rule applies to [~~a person in a position of special trust with an LEA or school~~] LEA staff, including employees who hold an educator license issued by the Board.

(b) Nothing in this rule shall limit or replace the Board’s authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for conduct violations.

([~~3~~]4) This Rule R277-[~~326~~]322 is categorized as Category 2 as described in Rule R277-111.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

[~~(3) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.~~]

(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.

(4) "Retaliation" means intimidation, threats, coercion, harassment, adverse employment actions, or other conduct that would discourage a reasonable person from reporting or participating in an investigation.

([4]5) "Sexual conduct" means any sexual contact or communication between a staff member [~~person in a position of special trust~~] and a student, including:

(a) "sexual abuse" as defined in Section 76-5-404.1;

(b) "sexual battery" as defined in Section 76-9-702.1; or

(c) [~~a staff member and student~~] sharing any sexually explicit or lewd communication, image, or photograph.

R277-322-3. Required Code of Conduct Policy.

(1) The [~~Superintendent shall create a~~] Board hereby creates a model code of conduct [~~or appropriate behavior~~] policy as set forth in Subsections (2) and (3).

[~~(2) Each LEA shall adopt a code of conduct or appropriate behavior policy applicable to the LEA's staff~~

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~]

(2) A [~~person in a position of a special trust~~] staff member:

(a) [~~a statement that a staff member~~] shall avoid boundary violations, as defined in Rule R277-210, with students or minors;

(b) shall receive annual training on recognizing and preventing boundary violations in both physical and digital settings;

(c) shall comply with all federal, state, and local laws;

(d) shall treat students with dignity and respect by promoting the health, safety, and well-being of students, including maintaining appropriate verbal, emotional, and social boundaries;

(e) shall take prompt an appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student [~~that the person knew or should have known may result in an inappropriate hostile, intimidating, abusive, offensive, or oppressive environment~~];

(f) shall take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, or safety;

(g) shall report to the LEA conduct in violation of the LEA's policy, including the LEA's code of conduct; and

(h) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602.

([~~b~~]i) [~~a statement that a staff member~~] may not subject a student to:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct; or

(iv) mental [~~abuse~~] or psychological mistreatment;

([~~c~~]j) [~~a statement that a staff member~~] shall report any suspected incidents of:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct;

(iv) mental [~~abuse~~] or psychological mistreatment; or

(v) neglect;

([~~d~~]k) [~~a statement that a staff member~~] may not touch a student in a way that makes a reasonably objective student feel uncomfortable;

([~~e~~]l) [~~a statement that a staff member~~] may not participate in sexual conduct with a student;

([~~f~~]m) [~~a statement regarding appropriate~~] may not engage in inappropriate verbal or electronic communication [~~between a staff member and~~] with a student;

([~~g~~]n) [~~a statement regarding providing~~] may not give inappropriate gifts, special favors, or unearned preferential treatment to a student or group of students;

([~~h~~]o) [~~a statement that a staff member~~] may not discriminate against a student on the basis of the student's personal identity characteristics;

[~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~]

([~~j~~]p) [~~a statement regarding~~] may not use [~~of~~] alcohol, tobacco, [~~and~~] or illegal substances during work hours and on school property;

[~~(k) a statement that a staff member shall:~~

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~]

~~[(q) may not retaliate against a student, parent, or other personnel who report a suspected violation of state law, Board rule or LEA policy, including the LEA code of conduct;~~

~~(r) shall disclose conflicts of interest, including financial or personal relationships, that may compromise professional judgment or student welfare;]~~

(q) shall act professionally and in a manner that upholds the integrity of the school and the public education system, whether on or off duty;

[~~(t) shall refrain from conduct, speech, or expression, whether in person or virtually, that could reasonably be viewed as inappropriate, unprofessional, or detrimental to the reputation of the individual's position or LEA or the education profession, during work hours, on school property, or in connection with official LEA activities~~];

(r)(i) shall maintain political and ideological neutrality in the classroom and in the course of professional duties and may not use partisan, political, or ideologically charged language, symbols, attire, or expressions, including, but not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities;

(ii) Notwithstanding Subsection (q)(i), there is no violation where a staff member engages in temporary, incidental, or de minimis displays of personal expression that are not disruptive to the educational environment and cannot reasonably be perceived as school-sponsored;

[~~(v) shall use discretion in personal communications, including online posts and social media activity;~~

~~(w) may not post, share or endorse content that reasonably could be perceived as harassment, intimidation, discrimination, encouraging violence, or otherwise inconsistent with professional standards of conduct;~~]

(s) subject to constitutional rights against self-incrimination, shall fully cooperate with criminal or civil law enforcement, and an LEA, UPPAC, or Board investigations involving a student or [~~person in a position of a special trust~~] staff member by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the individual's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(t) may not while on school property, while acting in an official capacity or under circumstances where the conduct could reasonably be perceived as occurring in an official capacity or as school sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity; and

[~~(z) may not, through instruction, materials, or symbols, actively endorse, promote, or disparage, a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint; and~~]

(u) shall observe and adhere to practices of confidentiality, privacy, and discretion, including ensuring that information is accessible only to those authorized to have access.

(3) A [~~person in a position of a special trust~~] staff member:

(a) shall annually read and sign all policies related to identifying, documenting, and reporting child abuse; and

(b) shall annually attend abuse prevention training as required in Section 53G-9-207.

(4) Notwithstanding Subsection (3), an LEA shall only require a volunteer to complete required trainings if the volunteer has significant and ongoing student interaction.

R277-322-4. LEA Responsibilities.

(1) Each LEA shall adopt a code of conduct policy, which may not be less stringent than the model code of conduct adopted in Section R277-322-3.

(2) An LEA that contracts with entities that directly serve students of the LEA must include a provision in the contracts with the entities that the contractor also adopt a code of conduct policy that may not be less stringent than the model code of conduct in Section R277-322-3.

(3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct.

(4) An LEA shall refer substantiated violations and systemic noncompliance of this rule to [~~the Superintendent~~] Internal Audit for possible corrective actions or sanctions under Rule R277-114.

(5) If an LEA repeatedly fails to provide required training, acknowledgments, or policy postings, the LEA may be subject to corrective action or sanctions under Rule R277-114.

[~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~]

([~~5~~]6)(a) An LEA shall annually provide training to staff [~~individuals in a position of special trust~~] regarding the LEA’s code of conduct policy, the hotline described in Subsection (3) [~~including the staff member's~~] and the individual’s responsibility to report and how to report:

([~~a~~]i) known violations of the LEA's code of conduct or appropriate behavior policy; and

([~~b~~]ii) known violations of the Utah Educator Standards contained in Rule R277-217.

(b) An LEA shall annually provide its administrators with specialized training on investigation procedures and documentation of complaints.

([~~6~~]7) A staff member [~~A person with a position of special trust,~~] who is an employee of, or volunteer at, an LEA shall annually sign a statement acknowledging that the staff member [~~the person~~] has read and understands the code of conduct [~~or appropriate behavior~~] policy.

(8)(a) An LEA shall annually provide to its governing board, LEA Superintendent, and the Board’s Internal Audit Department a compliance attestation verifying that the LEA has provided required training, obtained employee acknowledgments, and posted its code of conduct as required by this rule.

(b) An LEA shall make the attestation under Subsection (8)(a) in a format prescribed by the Superintendent.

(9)(a) An LEA shall annually submit to the Superintendent and the Board's Internal Audit Department aggregate data on code of conduct complaints, categories of violations, and dispositions, with student and employee identities redacted, in a format prescribed by [~~the Superintendent~~] Internal Audit.

(b) The Superintendent shall make the information submitted under Subsection (9)(a) available to the Board upon request.

(10) An LEA shall report to the Board's Internal Audit Department, in a manner prescribed by the department, within 45 days, any [~~individual in a position of a special trust~~] staff member at the LEA who:

(a) is terminated from employment for conduct that violates sexual conduct provisions of the LEA's code of conduct or appropriate behavior policy;

(b) resigns or retires in lieu of termination for conduct that violates sexual conduct provisions of the LEA's code of conduct or appropriate behavior policy;

(c) resigns or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of the LEA's code of conduct or Rules R277-217, R277-316, or R277-605; or

(d) otherwise separates employment following substantiated findings of misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the LEA's code of conduct.

(11) A report under this Subsection (10) shall include, at a minimum:

(a) the individual's name and position or assignment;

(b) the date of separation or LEA action;

(c) the nature of the conduct that led to the separation or LEA action; and

(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.

(12) An LEA may not construe this section to prevent the LEA from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

(13)(a) An LEA may not enter into any agreement that prevents or restricts the LEA from providing the notice required by this section.

(b) An LEA may not enter into an agreement, which restricts or prohibits a staff member from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of students or any inappropriate conduct by the LEA to law enforcement, a local board, or the Board.

(14) The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

(15) An LEA shall ensure that the LEA's code of conduct and policies, adopted consistent with this rule, is posted in a location that is readily accessible to the public on:

(a) the LEA's official website; and

(b) each school's official website within the LEA.

(16) An LEA shall update the website posting within 30 days of adopting or revising its code of conduct.

(17) Failure of an LEA to comply with this Section R277-322-4 constitutes noncompliance subject to corrective action or sanctions under Rule R277-114.

R277-322-5. Retaliation and False Reports.

(1) An LEA shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA code of conduct, policy, Board rule, or the law.

(2) An individual may not knowingly make a false, malicious, or frivolous report alleging a violation of the LEA's code of conduct, policy, or the law.

(3) An individual who knowingly makes a false, malicious, or frivolous report may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(4) Nothing in this section shall be construed to discourage or penalize good-faith reports made without malice or with a reasonable belief in their accuracy.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Last Change: August 7, 2024

Notice of Continuation: June 7, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that regulates behavior of a school employee toward a student[~~.~~]; and

(d) Section 76-5-404.1, which defines “position of special trust” inclusive of several public education related positions.

(2) The purpose of this rule is to require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's [~~staff~~] employees and individuals in a position of special trust.

(3)(a) This rule applies to a person in a position of special trust with an LEA or school, including employees who hold an educator license issued by the Board.

(b) Nothing in this rule shall limit or replace the Board’s authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for conduct violations.

([~~3~~]4) This Rule R277-[~~326~~]322 is categorized as Category 2 as described in Rule R277-111.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

(3) “Position of special trust” means the same as that term is defined in Section 76-5-404.1.

[~~(3) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.~~]

(4) “Retaliation” means intimidation, threats, coercion, harassment, adverse employment actions, or other conduct that would discourage a reasonable person from reporting or participating in an investigation.

([4]5) "Sexual conduct" means any sexual contact or communication between a [~~staff member~~] person in a position of special trust and a student, including:

(a) "sexual abuse" as defined in Section 76-5-404.1;

(b) "sexual battery" as defined in Section 76-9-702.1; or

(c) [~~a staff member and student~~] sharing any sexually explicit or lewd communication, image, or photograph.

R277-322-3. Required Code of Conduct Policy.

(1) The [~~Superintendent shall create a~~] Board hereby creates a model code of conduct [~~or appropriate behavior~~] policy as set forth in Subsections (2) and (3).

[~~(2) Each LEA shall adopt a code of conduct or appropriate behavior policy applicable to the LEA's staff~~]

~~(3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:~~]

(2) A person in a position of special trust:

(a) [~~a statement that a staff member~~] shall avoid boundary violations, as defined in Rule R277-210, with students or minors;

(b) shall receive annual training on recognizing and preventing boundary violations in both physical and digital settings;

(c) shall comply with all federal, state, and local laws;

(d) shall treat students with dignity and respect by promoting the health, safety, and well-being of students, including maintaining appropriate verbal, emotional, and social boundaries;

(e) shall take prompt an appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student that the person knew or should have known may result in an inapproproprіate hostile, intimidating, abusive, offensive, or oppressive environment;

(f) shall take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, or safety;

(g) shall report to the LEA conduct in violation of the LEA's policy, including the LEA's code of conduct; and

(h) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602.

([~~b~~]i) [~~a statement that a staff member~~] may not subject a student to:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct; or

(iv) mental [~~abuse~~] or psychological mistreatment;

([~~c~~]j) [~~a statement that a staff member~~] shall report any suspected incidents of:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct;

(iv) mental [~~abuse~~] or psychological mistreatment; or

(v) neglect;

([~~d~~]k) [~~a statement that a staff member~~] may not touch a student in a way that makes a reasonably objective student feel uncomfortable;

([~~e~~]l) [~~a statement that a staff member~~] may not participate in sexual conduct with a student;

([~~f~~]m) [~~a statement regarding appropriate~~] may not engage in inappropriate verbal or electronic communication [~~between a staff member and~~] with a student;

([~~g~~]n) [~~a statement regarding providing~~] may not give inappropriate gifts, special favors, or unearned preferential treatment to a student or group of students;

([~~h~~]o) [~~a statement that a staff member~~] may not discriminate against a student on the basis of the student's personal identity characteristics;

[~~(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;~~]

([~~j~~]p) [~~a statement regarding~~] may not use [~~of~~] alcohol, tobacco, [~~and~~] or illegal substances during work hours and on school property;

[~~(k) a statement that a staff member shall:~~]

~~(i) report any suspicion of child abuse or bullying to the proper authorities;~~

~~(ii) annually read and sign all policies related to identifying, documenting, and reporting child abuse; and~~

~~(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and~~]

(q) may not retaliate against a student, parent, or other personnel who report a suspected violation of state law, Board rule or LEA policy, including the LEA code of conduct;

(r) shall disclose conflicts of interest, including financial or personal relationships, that may compromise professional judgment or student welfare;

(s) shall act professionally and in a manner that upholds the integrity of the school and the public education system, whether on or off duty;

(t) shall refrain from conduct, speech, or expression, whether in person or virtually, that could reasonably be viewed as inappropriate, unprofessional, or detrimental to the reputation of the individual’s position or LEA or the education profession, during work hours, on school property, or in connection with official LEA activities;

(u) shall maintain political and ideological neutrality in the course of professional duties and may not use partisan, political, or ideologically charged language, symbols, attire, or expressions, including, but not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities;

(v) shall use discretion in personal communications, including online posts and social media activity;

(w) may not post, share or endorse content that reasonably could be perceived as harassment, intimidation, discrimination, encouraging violence, or otherwise inconsistent with professional standards of conduct;

(x) subject to constitutional rights against self-incrimination, shall fully cooperate with criminal or civil law enforcement, and an LEA, UPPAC, or Board investigations involving a student or person with a position of special trust by:

(i) responding truthfully and promptly to lawful inquiries;

(ii) providing relevant information within the individual's knowledge or possession; and

(iii) complying with lawful subpoenas, warrants, or other compulsory processes;

(y) may not invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;

(z) may not, through instruction, materials, or symbols, actively endorse, promote, or disparage, a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint; and

(aa) shall observe and adhere to practices of confidentiality, privacy, and discretion, including ensuring that information is accessible only to those authorized to have access.

(3) A person in a position of a special trust:

(a) shall annually read and sign all policies related to identifying, documenting, and reporting child abuse; and

(b) shall annually attend abuse prevention training as required in Section 53G-9-207.

R277-322-4. LEA Responsibilities.

(1) Each LEA shall adopt a code of conduct policy, which may not be less stringent than the model code of conduct adopted in Section R277-322-3.

(2) An LEA that contracts with entities that directly serve students of the LEA must include a provision in the contracts with the entities that the contractor also adopt a code of conduct policy that may not be less stringent than the model code of conduct in Section R277-322-3.

(3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct.

(4) An LEA shall refer substantiated violations and systemic noncompliance of this rule to the Superintendent for possible corrective actions or sanctions under Rule R277-114.

(5) If an LEA repeatedly fails to provide required training, acknowledgments, or policy postings, the LEA may be subject to corrective action or sanctions under Rule R277-114.

[~~(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.~~]

([~~5~~]6)(a) An LEA shall annually provide training to [~~staff~~] individuals in a position of special trust regarding the LEA’s code of conduct policy, the hotline described in Subsection (X) [~~including the staff member's~~] and the individual’s responsibility to report and how to report:

([~~a~~]i) known violations of the LEA's code of conduct or appropriate behavior policy; and

([~~b~~]ii) known violations of the Utah Educator Standards contained in Rule R277-217.

(b) An LEA shall annually provide its administrators with specialized training on investigation procedures and documentation of complaints.

([~~6~~]7) [~~A staff member~~] A person with a position of special trust, who is an employee of, or volunteer at, an LEA shall annually sign a statement acknowledging that [~~the staff member~~] the person has read and understands the code of conduct [~~or appropriate behavior~~] policy.

(8)(a) An LEA shall annually provide to its governing board, LEA Superintendent, and the Board’s Internal Audit Department a compliance attestation verifying that the LEA has provided required training, obtained employee acknowledgments, and posted its code of conduct as required by this rule.

(b) An LEA shall make the attestation under Subsection (8)(a) in a format prescribed by the Superintendent.

(9)(a) An LEA shall annually submit to the Superintendent and the Board’s Internal Audit Department aggregate data on code of conduct complaints, categories of violations, and dispositions, with student and employee identities redacted, in a format prescribed by the Superintendent.

(b) The Superintendent shall make the information submitted under Subsection (9)(a) available to the Board upon request.

(10) An LEA shall report to the Board’s Internal Audit Department, in a manner prescribed by the department, within 45 days, any individual in a position of special trust at the LEA who:

(a) is terminated from employment for conduct that violates the LEA’s code of conduct or appropriate behavior policy;

(b) resigns or retires in lieu of termination for conduct that violates the LEA's code of conduct or appropriate behavior policy;

(c) resigns or separates under an agreement that limits disclosure of the underlying reason for separation, including non-disclosure or confidentiality agreements, if the conduct involved potential violation of the LEA's code of conduct or Rules R277-217, R277-316, or R277-605; or

(d) otherwise separates employment following substantiated findings of misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the LEA's code of conduct.

(11) A report under this Subsection (10) shall include, at a minimum:

(a) the individual's name and position or assignment;

(b) the date of separation or LEA action;

(c) the nature of the conduct that led to the separation or LEA action; and

(d) whether the matter has been referred to law enforcement, UPPAC, or another regulatory authority.

(12) An LEA may not construe this section to prevent the LEA from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

(13) An LEA may not enter into any agreement that prevents or restricts the LEA from providing the notice required by this section.

(14) An LEA shall ensure that the LEA's code of conduct and policies, adopted consistent with this rule, is posted in a location that is readily accessible to the public on:

(a) the LEA's official website; and

(b) each school's official website within the LEA.

(15) An LEA shall update the website posting within 30 days of adopting or revising its code of conduct.

(16) Failure of an LEA to comply with this Section R277-322-4 constitutes noncompliance subject to corrective action or sanctions under Rule R277-114.

R277-322-5. Retaliation and False Reports.

(1) An LEA shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA code of conduct, policy, Board rule, or the law.

(2) An individual may not knowingly make a false, malicious, or frivolous report alleging a violation of the LEA's code of conduct, policy, or the law.

(3) An individual who knowingly makes a false, malicious, or frivolous report may be subject to:

(a) disciplinary action by the LEA, up to and including termination of employment;

(b) referral to UPPAC if the individual is licensed by the Board; and

(c) other remedies or penalties available under the law.

(4) Nothing in this section shall be construed to discourage or penalize good-faith reports made without malice or with a reasonable belief in their accuracy.

KEY: codes of conduct, appropriate behavior, employee conduct
Date of Last Change: August 7, 2024
Notice of Continuation: June 7, 2024
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-322 – LEA Codes of Conduct (Amendment) (Draft 2)

1. Reporting Burden for LEAs
This rule change requires a new compliance attestation and aggregate data on code of conduct complaints. It also requires an LEA to report within 45 days to Internal Audit any individual who is terminated or resigns for violating the code of conduct or appropriate behavior policy. Draft 2 – LEAs now only report within 45 days to Internal Audit any individual who is terminated or resigns for violations of the code of conduct of a sexual nature.

2. Estimated Fiscal Impact on USBE
This rule change is estimated to have a large staff time requirement for USBE internal audit to collect compliance attestation, aggregate data, and individual reports of terminations or resignations. It is estimated that this will require 0.25 – 0.5 FTE of a staff education auditor at a yearly cost between \$29,850 - \$59,700. Draft 2 – The staff time requirements for compliance attestations and aggregate data remain, though the individual termination and resignation reports may be slightly reduced as only the sexual code of conduct violations will be reported. The estimate of 0.25 – 0.5 FTE remains.

3. Estimated Fiscal Impact on LEAs
This rule change may impact LEA budgets. This proposed rule change requires annual training on recognizing and preventing boundary violations in both physical and digital settings. It would require all LEAs to update their code of conduct polices, and report data on code of conduct complaints. It is estimated that the additional training and reporting requirements will annually cost LEAs a minimum of \$10,000, up to \$500,000+ for the largest LEAs, for staff time in preparing, delivering, and receiving training, and reporting violations of the code of conduct policy to Internal Audit. Draft 2 – The training, policy updates, and reporting requirements remain, and therefore the estimate of an annual cost between \$10,000 and \$500,000+ for LEAs remains.

Author: Sam Urie

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-322 – LEA Codes of Conduct (Amendment) (Draft 3)

1. Reporting Burden for LEAs

This rule change requires a new compliance attestation and aggregate data on code of conduct complaints. It also requires an LEA to report within 45 days to Internal Audit any individual who is terminated or resigns for violating the code of conduct or appropriate behavior policy. Draft 2 – LEAs now only report within 45 days to Internal Audit any individual who is terminated or resigns for violations of the code of conduct of a sexual nature.

Draft 3 – Reporting impacts still include the compliance attestation, aggregate data on code of conduct complaints, and report to Internal audit for terminations and resignations for sexual violations, but removes reporting for "misconduct, harm, neglect, other conduct".

2. Estimated Fiscal Impact on USBE

This rule change is estimated to have a large staff time requirement for USBE internal audit to collect compliance attestation, aggregate data, and individual reports of terminations or resignations. It is estimated that this will require 0.25 – 0.5 FTE of a staff education auditor at a yearly cost between $29,850 - $59,700. Draft 2 – The staff time requirements for compliance attestations and aggregate data remain, though the individual termination and resignation reports may be slightly reduced as only the sexual code of conduct violations will be reported. The estimate of 0.25 – 0.5 FTE remains.

Draft 3 – The fiscal impact estimate is unchanged from Draft 2.

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Draft 3 – Specialized training requirements for administrators on investigations are removed, with reporting to Internal audit lessened. The policy updates, training for all staff, and reporting of code of conduct violation data remain. The estimate of annual cost to LEAs is lessened to $5,000 for the smallest LEAs and $250,000+ for the largest LEAs.

Author: Sam Urie

Utah State Board of Education

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Draft 1A - LEAs must still report to Internal Audit within 45 days any employee who resigns or separates in lieu of termination for sexual conduct violations, or under agreements that limit disclosure of such conduct. Requirements for aggregate data and compliance attestations remain.

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Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-301, Educator Licensing (Continuation & Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee continue and approve R277-301, Educator Licensing, Draft 1, on first reading and forward to the Board for continuation and approval on second and final reading.

Purpose of Memo:
Result of legislative action

Background:
HB 374 transferred the authority to license audiologists and speech-language pathologists from USBE to DOPL. USBE licenses with those license areas will expire over the next five years. Staff recommend updating provisions of the rule referencing these license areas as well as other technical changes.

Staff will present R277-301, Educator Licensing, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-102; 53E-3-401

Contact:

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Attachments:
1. R277-301 - Draft 1 - June 2026 Committee
2. R277-301 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-301. Educator Licensing.

R277-301-1. Authority[~~,~~] and Purpose[~~, and Oversight Category.~~]

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah.

[~~(3) This Rule R277-301 is categorized as Category 4 as described in Rule R277-111.~~]

R277-301-2. Definitions.

(1) "Accredited institution" means an institution that:

(a) offers a competency-based postsecondary general education course online or in person; and

(b) is accredited by an organization recognized by the United States Department of Education.

(2) "Currently enrolled" means:

(a) that an individual has been formally accepted into a Board-approved educator preparation program; and

(b) that the program considers the individual to be an active participant.

(3) "Educator preparation program" means the same as that term is defined in Section R277-303-2.

(4) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:

(a) provide instruction in a specific content area; or

(b) apply a specific set of skills in an education setting.

(5) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(6)(a) "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:

([~~a~~]i) Early Childhood;

([~~b~~]ii) Elementary;

([~~c~~]iii) Secondary;

([~~d~~]iv) School-Leadership;

([~~e~~]v) Career and Technical Education or "CTE";

([~~f~~]vi) School Counselor;

([~~g~~]vii) School Psychologist;

([~~h~~]viii) Special Education;

([~~i~~]ix) Pre-school Special Education;

([~~j~~]x) Deaf Education;

[~~(k) Speech-Language Pathologist;~~]

([~~l~~]xi) Speech-Language Technician; and

([~~m~~]xii) School Social Worker[~~; and~~

~~(n) Audiologist~~].

(b) For an individual licensed prior to May 6, 2026, license area may include the following:

(i) Speech-Language Pathologist; and

(ii) Audiologist.

(7) "Licensing Jurisdiction" means the designated educator licensing authority in any foreign country or state of the United States of America and the Department of Defense Education Activity (DoDEA).

(8) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

(9) "NASDTEC Stage 2 Educator License" means a license issued to an individual who holds a bachelor's degree and has completed an approved program but has not met the jurisdiction-specific requirement for a Stage 3 license of a member jurisdiction.

(10) "Renewal" means reissuing or extending the length of a license consistent with Rule R277-302.

R277-301-3. License Structure.

(1) Utah educator licenses include the following licenses:

(a) Associate educator license;

(b) Professional educator license; and

(c) LEA-specific educator license.

(2) The Superintendent may only issue one single active Utah educator license to an individual.

(3) An educator license shall include at least one license area of concentration.

(4) License areas of concentration and endorsements shall have a designation of:

(a) associate;

(b) professional; or

(c) LEA-specific.

(5) An associate educator license may only include associate or LEA-specific license areas of concentration and endorsements.

(6) An LEA-specific educator license may only include LEA-specific license areas of concentration and endorsements.

(7) An educator may add a license area or endorsement to an existing license or license area of concentration by meeting the requirements for an associate, professional, or LEA-specific endorsement as established in this rule.

(8) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of licensing.

(9)(a) All licenses expire on June 30 of the year of expiration and a licensee may renew any time after January 1 of the same year.

(b) Notwithstanding Subsection (9)(a), an LEA-specific license may only renew after July 1 of the year of expiration.

(c) Responsibility for license renewal rests solely with the licensee.

R277-301-4. Associate Educator License Requirements.

(1) The Superintendent shall issue an associate educator license to an individual that applies for the license and that meets all requirements in this Section R277-301-4.

(2) An associate educator license, license area, or endorsement is valid until June 30 of the third school year after the Superintendent issues or renews the license.

(3)(a) Except as provided in Subsection (4), the Superintendent may extend an associate educator license for up to two school years if an LEA or Utah-based accredited private school requests the extension for an employee.

(b) The Superintendent may extend an associate educator license for up to one school year for an educator with a license area in special education or related services, if the educator has up to two years of experience in special education or related services.

(4) The Superintendent may not extend an associate license with a license area in special education or related services, if the educator has three years of experience in special education or related services.

<u>(5) The Superintendent may extend a non-special education related license area for up to two school years if an LEA or Utah-based accredited private school requests the extension for an employee.</u>

(5) The general requirements for an associate educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application;

(c) one of the following:

(i) a bachelor's degree or higher from an accredited institution;

(ii) currently enrolled in a university-based Board-approved educator preparation program that will result in a bachelor's degree or higher from an accredited institution; or

(iii) skill certification in a specific CTE area as established by the Superintendent; and

(d) minimum competencies, as defined by the Superintendent.

(6) The content knowledge requirements for an associate educator license shall include:

(a) for an elementary license area, demonstration of the content competency criteria established by the Superintendent;

(b) for a secondary or CTE license area with a content endorsement, or for an endorsement being added to a professional license area, one of the following:

(i)(A) passage of a content knowledge test approved by the Superintendent, where required; or

(B) demonstration of the competency criteria established by the Superintendent if no content knowledge test is required;

(ii) a bachelor's degree or higher with a major in the content area from an accredited university; or

(iii) enrollment in a program that will result in a bachelor's degree and complete all requirements except completion of capstone school-based clinical experience and any co-requisite coursework;

(c) for an early childhood license area, demonstration of the content competency criteria established by the Superintendent; and

(d) for a school leadership license area, enrollment in or completion of:

(i) an accredited university-based school leadership educator preparation program that results in:

(a) a masters degree or higher; and

(b) a NASDTEC Stage 2 educator license in school leadership or equivalent, as determined by the Superintendent; or

(ii) an educator preparation program administered by the Superintendent.

(7) Notwithstanding, Subsection (5)(c)(ii);

(a) an applicant for an associate educator license with the following license areas:

(i) special education (K-12);

(ii) pre-school special education;

(iii) deaf education; or

[~~(iv) audiologist;~~]

(iv) speech-language technician; [~~or~~]

[~~(vi) speech-language pathologist;~~]

(b) shall meet the following requirements for an associate educator license:

(i) demonstrate content knowledge competencies approved by the Superintendent;

(ii) complete a special education law and instruction training approved by the Superintendent;

(iii) earn a bachelor's degree in a field approved by the Superintendent; and

(iv) enroll in a preparation program as provided in Subsection (9).

(8)(a) For a special education or pre-school special education license area, an applicant shall enroll in a:

(i) Board-approved non-university-based special education preparation program; or

(ii) a special education program at an accredited institution that will yield a NASDTEC Stage 2 educator license.

(b) For a deaf education license area, an applicant shall:

(i) earn a master's degree in deaf education from an accredited institution; or

(ii) enroll in:

(A) a deaf education program at an accredited institution that will yield a NASDTEC Stage 2 educator license; or

(B) a Board-approved non-university based deaf education preparation program.

[~~(c) For a speech-language pathologist license area, an applicant shall enroll in a speech-language pathologist program at an accredited institution of higher education that:~~

~~(i) results in a master's degree or higher in speech-language pathology; and~~

~~(ii) will yield a NASDTEC Stage 2 educator license.~~]

([~~d~~]c) For a school counselor license area, an applicant shall:

(i) enroll in a school counselor program at an accredited institution of higher education that:

(A) results in a masters degree or higher in school counseling; and

(B) will yield a NASDTEC Stage 2 educator license; or

(ii) demonstrate minimum school counselor competencies as defined by the Superintendent.

([~~e~~]d) For a speech-language technician license area, an applicant shall possess a bachelor's degree in communication disorders, or the equivalent as determined by the Superintendent, and:

(i) enroll in a speech-language technician program that is:

(A) approved by the Board; or

(B) administered by the Superintendent; or

(ii) complete the requirements of certified speech-language pathology assistant through the American Speech-Language Hearing Association.

[~~(f) For an audiologist license area, an applicant shall enroll in an audiology program at an accredited institution of higher education that will yield a NASDTEC Stage 2 educator license.~~]

(9) Notwithstanding Subsection (5)(c)(ii), an applicant for an associate educator license with a license area in school psychologist or school social worker shall meet the following requirements:

(a) demonstrate content knowledge competencies approved by the Superintendent;

(b) earn a bachelor's degree; and

(c) complete all requirements for an accredited master's level preparation program, except completion of capstone school-based clinical experience and any co-requisite coursework.

(10) Additional requirements for an associate educator license shall include:

(a) successful completion of professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction;

(iv) the Utah Effective Educator Standards described in Rule R277-330; or

(b) enrollment in a university-based Board-approved educator preparation program that will result in a bachelor's degree and completion of all requirements except capstone school-based clinical experience and any co-requisite coursework.

(c) Notwithstanding Subsection (10)(a), the Superintendent may waive an individual module, if the module is not necessary given the preparation of an applicant.

(11) An educator that holds a professional license area of concentration and has met the competency criteria established by the Superintendent need not complete the requirements detailed in Subsection (10).

(12) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and

documentation for review and approval by the Superintendent to satisfy the associate educator license requirements.

(13) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under Subsection (12).

(14) An LEA that employs an individual that holds an associate educator license shall develop a personalized professional learning plan designed to support the educator in meeting the requirements for a professional educator license no later than 60 days after beginning work in the classroom, which shall:

(a) be provided to the Superintendent upon request;

(b) include a formal discussion and observation process no later than 30 days after beginning work in the classroom; and

(c) consider:

(i) previous education related experience; and

(ii) previous educational preparation activities.

(15) An educator with an associate educator license may upgrade to a professional educator license at any time before expiration of the associate educator license if the educator meets all requirements of Section R277-301-5.

R277-301-5. Professional Educator License Requirements.

(1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-5.

(2) A professional educator license, license area, or endorsement is valid until June 30 of the fifth school year after the Superintendent issues or renews the license.

(3) The general requirements for a professional educator license shall include:

(a) all general requirements for an associate educator license under Subsection R277-301-5(4);

(b) completion of:

(i) a bachelor's degree or higher from an accredited institution; or

(ii) skill certification in a specific CTE area as established by the Superintendent;

(c) for an individual with an early childhood, elementary, or special education license area of concentration, completion of a literacy preparation assessment;

(d)(i) for an individual with a pre-school special education or early childhood education license area of concentration, demonstration of emergent literacy competencies, as defined by the Superintendent; and

(ii) one of the following:

(A) a recommendation from a Board-approved educator preparation program; or

(B) a standard educator license in the area issued by a licensing jurisdiction outside of Utah that is currently valid or is renewable consistent with Section 53E-6-307.

(f) for an individual with a school leadership license area of concentration, completion of a masters degree or higher from an accredited institution of higher education;

(g) Notwithstanding, Subsection (c), a license applicant in an APPEL program who has an established professional learning plan before August 31, 2022, need not complete a literacy preparation assessment.

(4) If an educator preparation program makes a recommendation and the Superintendent determines that the candidate does not meet all requirements in this rule, the candidate may appeal as provided Subsection (12).

(5) The content knowledge requirements for a professional educator license, license area, and endorsement shall include:

(a) all content knowledge requirements for an associate educator license under Subsection R277-301-4(5);

(b) demonstration of all content knowledge competencies as established by the Superintendent; and

(c) passage of a content knowledge test provided by the Superintendent, where required by the Superintendent.

(6) An applicant for a secondary or CTE content area endorsement that holds a bachelor's degree or higher with a major in the content area from an accredited university need not complete the requirement described in Subsection (5)(c).

(7) The pedagogical requirements for a professional educator license shall include demonstration of all pedagogical competencies as established by the Superintendent.

(8) An individual holding a Utah level 1, level 2, or level 3 educator license on January 1, 2020 meets the pedagogical requirements described in Subsection (7).

(9) An individual holding a Utah professional educator license and license area in early childhood education, elementary, secondary, CTE, special education, or deaf education is considered to have met the clinical competencies and general teacher pedagogical competencies requirement of Subsection (7) if applying to add any of the license areas in the subsection.

(10) An individual holding a professional license and a license area of concentration in elementary education, secondary education, CTE, special education, or deaf education, may earn an additional professional content area endorsement through:

(a) passage of a content knowledge test or competency exam approved by the Superintendent;

(b) demonstration of any content endorsement specific safety competencies, if applicable, which may include lab safety or CPR; and

(c) demonstration of pedagogical content knowledge in the new content area as verified by the educator's LEA supervisor or designee.

(11) An individual with an associate license with a speech-language technician license area who completes a speech-language technician preparation program approved by the Superintendent as described in Section R277-306-5 meets the requirements for a professional license.

(12) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and

documentation for review and approval or denial by the Superintendent to satisfy the professional educator license requirements.

(13) The Superintendent shall designate a panel of at least three individuals, including the director of an LEA-based educator preparation program and a Board licensed educator not employed by the Board, to review an appeal and make a recommendation to the Superintendent for the Superintendent's review and decision described in Subsection (11).

R277-301-6. Educator Licenses Issued by Licensing Jurisdictions Outside of Utah.

(1) The Superintendent shall review applications for a Utah educator license for individuals holding educator licenses issued by licensing jurisdictions outside of Utah to determine if the applicant has met the requirements for a Utah license under this rule.

(2) The Superintendent shall accept scores from an applicant that meet the Utah standard for passing on assessments from licensing jurisdictions outside of Utah that utilize the same assessment as Utah as meeting the requirements of this rule.

(3) The Superintendent shall accept scores from an applicant on reasonably equivalent content knowledge assessments utilized by licensing jurisdictions outside of Utah that meet the passing standard of that jurisdiction as meeting the requirements of this rule.

(4) The Superintendent shall accept demonstrations of content knowledge and pedagogical competencies from an applicant utilized by licensing jurisdictions outside of Utah that are reasonably equivalent to Utah competencies.

(5) An individual with a NASDTEC Stage 2 educator license need not complete the content knowledge and pedagogical assessment requirements in the areas and subjects taught.

[~~(6) An individual holding a standard license from another jurisdiction that was enrolled in a preparation program before January 1, 2020 and received the standard~~

~~license before August 1, 2021 need not complete the requirements of Subsection R277-301-5(7)(b).~~]

R277-301-7. LEA-specific Educator License Requirements.

(1) The Superintendent may issue an LEA-specific educator license to a candidate if:

(a) the LEA requesting the LEA-specific educator license has an adopted policy, posted on the LEA's website, which includes:

(i) educator preparation and support:

(A) as established by the LEA; and

(B) aligned with the Utah Effective Teaching Standards described in Rule R277-330;

(ii) criteria for employing educators with an LEA-specific license; and

(iii) compliance with all requirements of this rule;

(b) an LEA governing board applies on behalf of the candidate;

(c) the candidate meets all the requirements in this Section R277-301-7; and

(d) the candidate successfully completes professional learning modules created or approved by the Superintendent in:

(i) educator ethics;

(ii) classroom management and instruction;

(iii) basic special education law and instruction; and

(iv) the Utah Effective Educator Standards described in Rule R277-330.

(2) An LEA-specific license, license area, or endorsement is valid only within the requesting LEA for the educator's current assignment.

(3) An LEA-specific license, license area, or endorsement is valid until June 30 of the third school year after the after the Superintendent issues the license.

(4) An LEA may not request an LEA-specific license area of concentration to an educator for the following license areas:

(a) special education;

(b) pre-school special education;

(c) deaf education;

(d) school psychologist;

(e) school social worker;

[~~(f) audiologist;~~]

([~~g~~]f) speech-language technician; or

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

([~~i~~]g) school counselor.

(5) An LEA may not request an LEA-specific endorsement in drivers education.

(6) An LEA-specific license expires immediately if the educator's employment with the LEA that requested the license ends.

(7) An LEA may request renewal of an LEA-specific license if an educator meets professional learning requirements established by the Superintendent.

(8) The general requirements for an LEA-specific educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application; and

(c) approval of the request by the LEA governing board in a public meeting no more than 60 days before the application, which includes the LEA's rationale for the request.

(9) The content knowledge and pedagogical requirements for an LEA-specific educator license shall be established by the LEA governing board.

(10) An LEA school that requests an LEA-specific license, license area, or endorsement shall prominently post the following information on each school's website:

(a) disclosure of the fact that the school employs individuals holding LEA-specific educator licenses[~~, license areas, or endorsements~~];

(b) an explanation of the types of licenses issued by the board;

(c) the percentage of the types of licenses[~~, license areas, and endorsements~~] held by educators employed in the school-based on the employees' FTE as reported to the Superintendent; and

(d) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-312-7(6).

R277-301-9. Superintendent Annual Report to the Board.

(1) The Superintendent shall annually report to the Board on licensing, including:

(a) educator licensing;

(b) educator preparation; and

(c) equitable distribution of teachers.

(2) The Superintendent shall use a process approved by the Board to:

(a) establish the content knowledge competency requirements required for associate and professional endorsements; and

(b) review, adopt, and establish passing standards for all assessments required for educator licensing.

(3) The Superintendent shall create an ethics review for all licensed educators based upon Rule R277-217, Educator Standards and Local Education Agency (LEA) Reporting.

(4) The Superintendent may correct identified errors in licensing information with notice to the license holder.

R277-301-10. Licensee Enrollment in FBI Rapback.

(1) An individual with an assignment in CACTUS or USIMS shall have a cleared background check and current enrollment in FBI Rapback in accordance with Section 53G-11-403.

(2) Notwithstanding Subsection (1), if an individual cannot enroll in FBI Rapback due to physiological limitations, the educator shall submit fingerprints and complete a new background check every two years.

(3)(a) An LEA may not receive funding for an educator who is not in compliance with this section.

(b) An LEA may be subject to corrective action under Rule R277-114 for continued non-compliance with Subsection (1).

(4) An individual who is a school resource officer and certified law enforcement officer in accordance with Section 53-6-203 meets the background check requirements of Section 53G-11-403 by virtue of completing law enforcement background check requirements.

KEY: professional competency, educator licensing
Date of Last Change: November 7, 2025
Notice of Continuation: November 5, 2021
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-102; 53E-3-401

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-301 – Educator Licensing (Amendment and Continuation)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-304, Teacher Preparation Programs (Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve R277-304, Teacher Preparation Programs, Draft 1, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:
Result of legislative action

Background:
Staff recommend updating the rule to update requirements for secondary education prep programs, to update terminology, and update requirements for CTE prep programs.

Staff will present R277-304, Teacher Preparation Programs, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-6-201

Contact:

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Attachments:
1. R277-304 - Draft 1 - June 2026 Committee
2. R277-304 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-304. Teacher Preparation Programs.

R277-304-1. Authority[~~,~~] and Purpose[~~, and Oversight Category.~~]

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53E-6-201(3)(a), which directs the Board to make rules to establish the criteria for obtaining an educator license.

(2)(a) The purpose of this rule is to specify the standards which the Board expects of a teacher preparation institution before program approval in specified areas.

(b) The standards in this rule apply to the specific educational area and grade level for which the preparation program is designed.

[~~(3) This Rule R277-304 is categorized as Category 4 as described in Rule R277-111.~~]

R277-304-2. Definitions.

(1)(a) "Career and technical education" or "CTE" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree.

(b) CTE programs provide all students a continuous education system, driven by a student's college and career readiness plan, through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment.

(2) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by a teacher leader, school administrator, or university preparation program faculty member, in order to develop and

demonstrate competency in the skills and knowledge necessary to be an effective teacher, in a physical classroom, which may include experiences in a virtual classroom.

(3) "Competency" means evidence through demonstration in a higher education or prek-12 classroom setting of successful application of knowledge and skills.

(4) "Essential Elements" means the alternate academic achievement standards for students with significant cognitive disabilities, established by the Board in the Special Education Rules Manual, dated June 2023, incorporated by reference in Section R277-750-2.

(5) "Diverse student populations" means unique student groups as identified by:

(a) disability;

(b) academic learning needs; or

(c) linguistic needs.

(6)(a) "Multi-tiered system of supports" or "MTSS" means a framework for integrating assessment and intervention to maximize student achievement, reduce behavior problems, and increase long-term success.

(b) The combination of systematic implementation of increasingly intensive intervention, referred to as tiers, and carefully monitoring students' progress, distinguishes MTSS from typical prevention measures.

(c) Emphasis, in MTSS, is placed on ensuring interventions are implemented effectively.

(7) "Personalize" means to engage all students with high expectations for their learning goals and to empower each learner to take ownership of individual strengths, needs, and interests, while tailoring flexible supports to maximize student growth and competence.

(8) "Utah Core Standards" means the core standards established by the Board in Rule R277-700 for grades K-12 and the Core Standards for Early Learning, adopted June 2023.

R277-304-3. Incorporation by Reference of Educator Preparation Program Competencies.

(1) This rule incorporates by reference:

(a) the General Teacher Preparation Competencies dated June 2024;

(b) the Educator Preparation Program Competencies for Elementary Literacy dated May 2022;

(c) the Standards for Special Education Educator Preparation Program Approval dated August 2024; and

(d) the Special Education Preparation Foundational Competencies dated March 2025.

(2) A copy of these documents is located at:

(a) https://schools.utah.gov/administrativerules/documentsincorporated; and

(b) the offices of the Utah State Board of Education.

R277-304-4. General Teacher Preparation.

Before approval by the Board, a teacher preparation program shall provide evidence that the program:

(1) prepares candidates to meet the Utah Effective Teaching Standards in Rule R277-330;

(2) prepares candidates to teach:

(a) the Utah Core Standards; and

(b) the Essential Elements, as appropriate to a candidate's prospective area of licensure as established by the Board;

(3) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on teaching that:

(a) are significant in number, depth, breadth, and duration;

(b) are progressively more complex; and

(c) include working with all types of students;

(4) for candidates who enroll in a preparation program before September 1, 2026, requires competency in:

(a) content and content specific pedagogy appropriate for the area of licensure;

(b) knowledge of the Educator Standards contained in Rule R277-217;

(c) designing, administering, and reviewing formative and summative assessments in a meaningful and ethical manner;

(d) improving student outcomes by:

(i) using student assessment data, both formative and summative;

(ii) analyzing instructional practices; and

(iii) making necessary adjustments to personalize learning;

(e) using strategies to promote active student engagement;

(f) systematically designing instruction toward a specific learning goal by:

(i) providing tier one and tier two instruction and intervention on the Utah core standards including the use of competency-based learning;

(ii) using a variety of evidence-based instructional strategies, including explicit instruction and scaffolded supports;

(iii) integrating technology to support and meaningfully supplement the learning of students;

(iv) designing developmentally appropriate and authentic learning experiences;

(v) developing higher order thinking and metacognitive skills; and

(vi) integrating cross-disciplinary skills, such as literacy and numeracy, into instruction;

(g) providing positive and constructive feedback to guide students' learning and behavior;

(h) establishing a consistent, organized, and respectful learning environment, including:

(i) positive behavior interventions and supports within a multi-tiered system of support;

(ii) classroom procedures and routines;

(iii) trauma-informed practices; and

(iv) accountability practices;

(i) knowledge and skills to assist in the identification of and instruction for students with disabilities in the general classroom, including:

(i) knowledge of the IDEA and Section 504 of the Rehabilitation Act;

(ii) knowledge of the role of non-special education teachers in the education of students with disabilities;

(iii) knowledge and skills in implementing least restrictive behavior interventions;

(iv) skills in implementing and assessing the results of interventions; and

(v) skills in the implementation of an educational program with accommodations, modifications, services, and supports established by an IEP or a 504 plan for students with disabilities in the general education classroom;

(j) knowledge and skills designed to meet the needs of diverse student populations in the general education classroom, including:

(i) allowing students alternative ways to demonstrate learning that are sensitive to student diversity;

(ii) creating an environment that is sensitive to multiple experiences and diversity;

(iii) designing, adapting, and delivering instruction to address each student's diverse learning strengths and needs; and

(iv) incorporating language development into planning, instruction, and intervention for students learning English, using their first language as an asset while supporting development of English proficiency; and

(k) effectively communicating and collaborating with parents, colleagues, and administration;

(5) for candidates who enroll in a preparation program on or after September 1, 2026, requires competence in the General Teacher Preparation Competencies;

(6) for a program candidate accepted on or after January 1, 2020, provides multiple opportunities for a program candidate to successfully demonstrate application

of knowledge and skills gained through the program in one or more clinical experiences in collaboration with a licensed teacher over an extended period in each of the following competencies:

(a) implementing the planning and design, delivery, facilitation, assessment, evaluation, and reflection of a unit of instruction;

(b) revising instructional plans for future implementation or reteaching concepts as appropriate;

(c) implementing the accommodations, modifications, services, and supports as outlined in a student's IEP or 504 plan;

(d) evaluating student artifacts and assessments;

(e) establishing and maintaining classroom procedures and routines that include positive behavior interventions and supports;

(f) establishing and maintaining a positive learning climate;

(g) reflecting on the teaching process and justifying instructional decisions;

(h) participating in at least one IEP meeting or parental consultation regarding a student that the program candidate has instructed; and

(i) consulting and collaborating with qualified personnel, such as a school counselor or school social worker, regarding the emotional well-being of students;

(7) include consideration of a candidate's dispositions and suitability for teaching; and

(8) include plans for candidate remediation and exit counseling, if appropriate.

R277-304-5. Early Childhood and Elementary Preparation Programs.

(1) Before approval by the Board, a preparation program for early childhood education or elementary education shall demonstrate how the program requires candidate competency in:

(a) the areas outlined in Section R277-304-3;

(b) early childhood development and learning;

(c) the Educator Preparation Program Competencies for Elementary Literacy;

(d) the appropriate content knowledge needed to teach:

(i) the science of literacy instruction including:

(A) phonemic awareness;

(B) phonics;

(C) fluency;

(D) vocabulary;

(E) comprehension; and

(ii) the science of mathematics instruction, including:

(A) quantitative reasoning;

(B) problem solving;

(C) representation;

(D) numeracy; and

(E) a balance of procedural and conceptual understanding;

(iii) physical and life science;

(iv) health and physical education;

(v) social studies; and

(vi) fine arts; or

(2) For a program candidate accepted after January 1, 2020, a preparation program for early childhood or elementary education shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) demonstrating content-specific pedagogy in each of the areas outlined in Subsection R277-304-5(1);

(c) diagnosing students struggling with reading and planning and implementing remediation for those students; and

(d) diagnosing students struggling with mathematics and planning and implementing remediation for those students.

(3) An educator preparation program shall apply the standards in this Section R277-304-4 to the specific age group or grade level for which the preparation program is designed.

(a) An early childhood education program shall focus primarily on early childhood development and learning in preschool through grade 3.

(b) An elementary program shall include both early childhood development and learning and elementary content and pedagogy in kindergarten through grade 6.

R277-304-6. Secondary Preparation Programs.

(1) Before approval by the Board, a secondary preparation program shall demonstrate that it requires competency in:

(a) all content competencies established by the Superintendent for a professional educator license in at least one endorsement;

(b) all areas outlined in Subsections R277-304-4(4) through (7);

(c) including literacy and quantitative learning objectives in content-specific classes in alignment with the Utah Core Standards; and

(d) planning instruction and assessment in content-specific teams and in cross-curricular teams.

(2) For a program candidate accepted after January 1, 2020, but before September 1, 2026, a secondary preparation program shall provide multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7); and

(b) ensuring student safety and learning in educational labs or shops and extra-curricular settings.

(3) For candidates who enroll in a secondary preparation program on or after September 1, 2026, a program shall require competence in:

(a) the General Teacher Preparation Competencies; and

(b) all content competencies established by the Superintendent for at least one endorsement.

R277-304-7. Special Education and Preschool Special Education Programs.

(1) Before approval by the Board, a special education or preschool special education preparation program shall demonstrate that:

(a) the program is operated by or partnered with a Utah institution of higher education or the Board;

(b) it requires competency in Board approved special education teacher preparation competencies in one or more of the following special education areas:

(i) [~~Mild~~]Minimal/Moderate Support Needs;

(ii) Complex Support Needs;

(iii) Deaf and Hard of Hearing;

(iv) Blind and Visually Impaired;

(v) Deafblind; or

(vi) Preschool Special Education (Birth-Age 5);

(c) the program requires the passage of a Braille assessment approved by the Superintendent for a program in the Blind and Visually Impaired area;

(d) For a candidate enrolled in a special education preparation program before September 1, 2027 or enrolled in a preschool special education preparation program, the program requires competency in:

(i) all areas detailed in Subsections R277-304-4(4) through (7);

(ii) legal and ethical issues surrounding special education, including:

(A) the IDEA;

(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and

(C) all other applicable statutes and Board rules;

(iii) working with other school personnel to implement and evaluate academic, behavioral, and developmental supports and interventions for students with disabilities within a multi-tiered system of supports as appropriate for the area of licensure;

(iv) training in and supervising the services and supports provided to students with disabilities by general education teachers, related service providers, and paraprofessionals; and

(v) providing specially designed instruction, including content-specific pedagogy, as per IEPs, to students with disabilities, including:

(A) the Utah Core Standards; and

(B) the Essential Elements as appropriate to a candidate's prospective area of licensure as established by the Board;

(C) skills in assessing and addressing the educational, developmental, and functional needs and progress of students with disabilities;

(D) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities; and

(E) skills in implementing an educational program with accommodations, modifications, services, and supports established by an IEP for students with disabilities.

(2) For a program candidate accepted after January 1, 2020, a special education or preschool special education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) creating learning goals and objectives for a student with disabilities that are specific, measurable, time-bound, and aligned to identified student needs and the Utah Core Standards;

(c) designing or adapting learning environments for diverse student populations that encourage active participation in individual and group activities;

(d) monitoring school compliance with multiple student IEP and Section 504 plans;

(e) conducting a student IEP meeting under the supervision of a licensed special education teacher;

(f) using knowledge of measurement principles and practices to interpret assessment information in making instructional, eligibility, program, and placement decisions for students with disabilities, including those from culturally or linguistically diverse backgrounds;

(g) communicating with parents of students with disabilities to ensure they are informed regarding the progress of their student and their right to due process; and

(h) if the program is designed to prepare an individual for a special education license area, developing and implementing a secondary transition plan as it relates to post-secondary education and training, competitive employment, and independent living.

(3) For a program candidate accepted on or after September 1, 2027, a special education preparation program shall require demonstration of:

(a) the Special Education Preparation Foundational Competencies; and

(b) the competencies for at least one special education endorsement.

R277-304-8. Deaf Education Preparation Programs.

(1) Before approval by the Board, a deaf education preparation program shall:

(a) be operated by or partnered with a Utah institution of higher education or the Board;

(b) be aligned with the National Association of State Directors of Special Education, Inc., Optimizing Outcomes for Students who are Deaf or Hard of Hearing, Educational Service Guidelines, Third Edition;

(c) be focused on one or more of the following areas:

(i) teaching students who are deaf or hard of hearing from birth to age five using both listening and spoken language strategies and American Sign Language;

(ii) teaching students who are deaf or hard of hearing with listening and spoken language strategies; or

(iii) teaching students who are deaf or hard of hearing with strategies that promote the development of American Sign Language and English literacy across the curriculum;

(d) require competency in:

(i) the areas detailed in Subsections R277-304-4(4) through (7).

(ii) legal and ethical issues surrounding special education, including:

(A) the IDEA;

(B) the Special Education Rules Manual incorporated by reference in Section R277-750-2; and

(C) all other applicable statutes and Board rules;

(iii) addressing specific linguistic and cultural needs of deaf and hard of hearing students throughout the curriculum;

(iv) skills for incorporating language into all aspects of the curriculum;

(v) pedagogical skills unique to teaching reading, writing, mathematics, and other content areas to deaf and hard of hearing students;

(vi) basic fluency in the use of American Sign Language;

(vii) knowledge of the audiological and physiological components of audition;

(viii) skills for teaching speech to deaf and hard of hearing students;

(ix) the socio-cultural and psychological implications of hearing loss; and

(x) assessing and addressing the educational needs and educational progress of deaf and hard of hearing students.

(2) For a program candidate accepted after January 1, 2020, a deaf or hard of hearing education preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) all requirements outlined in Subsections R277-304-4(4) through (7);

(b) for a program focused on Subsection R277-304-8(1)(c)(i):

(i) assessing early childhood language development and assessment in American Sign Language and spoken English;

(ii) working with families with students who are deaf or hard of hearing while respecting a variety of communication modalities;

(iii) integrating language, speech, and listening into everyday activities;

(iv) sharing knowledge with families with students who are deaf or hard of hearing about the complexities of deaf culture, including norms and behaviors of the deaf community;

(v) developing auditory perception in children and educating parents about developmental milestones for listening skills; and

(vi) proficiency in American Sign Language as demonstrate by passing an assessment approved by the Superintendent;

(c) for a program focused on Subsection R277-304-8(1)(c)(ii):

(i) developing auditory perception in children and strategies for developing listening and spoken language in deaf and hard of hearing students;

(ii) demonstrating understanding and expertise regarding early childhood spoken language development;

(iii) involving family members with students who are deaf or hard of hearing in learning and therapeutic activities;

(iv) integrating speech, listening, and spoken language in preschool and early elementary content areas; and

(v) integrating current listening technology, including troubleshooting such technology; and

(d) for a program focused on Subsection R277-304-8(1)(c)(iii):

(i) integrating American Sign Language into instruction of core academic content for all school-age students;

(ii) enhancing bilingual literacy of students who are deaf or hard of hearing in both American Sign Language and English;

(iii) integrating respect and understanding of deaf culture into instruction;

(iv) demonstrating understanding and expertise regarding American Sign Language, language development; and

(v) proficiency in American Sign Language as demonstrated by passing an assessment approved by the Superintendent.

R277-304-9. Career and Technical Education Preparation Programs.

(1) Before approval by the Board, a CTE teacher preparation program designed for individuals that do not hold a bachelor's degree or higher shall:

(a) focus on one or more of the following areas:

(i) family and consumer sciences;

(ii) health sciences;

(iii) information technology;

(iv) skilled and technical sciences; or

(v) work-based learning;

[~~(b) require that candidates have six years of documented, related occupational experiences within the 10 years before the program application in an approved CTE license area;~~]

([~~c~~]b) require competency in all areas detailed in Section R277-304-4; and

[~~(d) for a program candidate accepted after January 1, 2020, a CTE preparation program shall require multiple opportunities for a program candidate to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in all requirements outlined in Section R277-304-4; and~~]

([~~e~~]c) require candidates to: [~~hold the applicable license or certificate issued by the Utah State Department of Commerce, Division of Professional Licensing in any area where such licensure or certification exists.~~]

(i) have three years of documented, related occupational experience in an approved CTE career cluster; or

(ii) meet content competencies defined by the Superintendent.

[~~(2) A program may count an associate's degree in a related area for up to two years of occupational experience to satisfy the requirement in Subsection R277-304-9(1)(b).~~]

([~~3~~]2)(a) An approved program may request a waiver from the Superintendent of the occupational experience required for a candidate if the candidate has passed an approved competency examination in the respective field at or above the passing score established by the Superintendent.

(b) The Superintendent may grant a waiver under Subsection (3)(a) for up to five years from the date the candidate passed the examination.

KEY: teacher preparation, programs, educators
Date of Last Change: March 10, 2026
Notice of Continuation: March 15, 2024
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-6-201

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-304 – Teacher Preparation (Amendment)

1. Reporting Burden for LEAs

This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE

This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs

This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers (Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers, Draft 1, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:
Result of legislative action

Background:
HB 374 transferred authority to license audiologists and speech-language pathologists from USBE to DOPL. The proposed amendments to the rule recognize that prep programs for these license areas are no longer necessary and the language governing these license area should be removed.

Staff will present R277-306, Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

Contact:

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Attachments:
1. R277-306 - Draft 1 - June 2026 Committee
2. R277-306 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-306. Educator Preparation Programs for School Psychologists, [~~Audiologists, Speech-Language Pathologists,~~] Speech-Language Technicians, Counselors, and School Social Workers.

R277-306-1. Authority[~~,~~] and Purpose[~~, and Oversight Category.~~]

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53E-6-201(3)(a), which allows the Board to establish criteria for obtaining educator licenses.

(2) The purpose of this rule is to establish standards for educator preparation programs for:

(a) School Psychologists;

[~~(b) Audiologists;~~

~~(c) Speech-Language Pathologists;~~]

([~~d~~]b) Speech-Language Technicians;

([~~e~~]c) School Counselors; and

([~~f~~]d) School Social Workers.

[~~(3) This rule is categorized as Category 3 as described in Rule R277-111.~~]

R277-306-2. School Psychologist Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school psychologist preparation program if the program:

(a) results in a masters degree or higher in school psychology;

(b) meets the 2020 Standards for Graduate Preparation of School Psychologists created by the National Association of School Psychologists (NASP);

(c) prepares candidates to provide comprehensive and integrated services across the ten general domains of school psychology as defined in the 2020 Model for Comprehensive and Integrated School Psychological Services;

(d) prepares candidates to follow the 2020 National Association of School Psychologists Professional Standards and apply those standards and competencies in compliance with Utah law; and

(e) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practices that:

(i) are significant in number, depth, breadth, and duration; and

(ii) are progressively more complex.

(2) For a program applicant accepted after January 1, 2020, a school psychologist preparation program shall require multiple opportunities for a program applicant to successfully demonstrate the application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) administering varied models and methods of assessment and data collection for:

(i) identifying strengths and needs of students;

(ii) developing effective services and programs for students; and

(iii) measuring progress and outcomes for students;

(b) implementing varied models and strategies of consultation, collaboration, and communication with individuals, families, groups, and systems;

(c) implementing varied strategies that promote social-emotional functioning and mental health in students; and collecting and analyzing data for evaluation and support of effective practices at the individual, group, and systems levels.

(3) An individual that holds the Nationally Certified School Psychologist (NCSP) credential issued by NASP meets the out of state licensing requirement for a professional school psychologist license area of concentration detailed in Subsection R277-301-6(6).

[~~R277-306-3. School Audiologist Preparation Program.~~

~~(1) A Utah institution of higher education may seek approval by the Board for a school audiologist preparation program if the program:~~

~~(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and~~

~~(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2018 Scope of Practice in Audiology created by the American Speech-Language-Hearing Association;~~

~~(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with an associate school audiologist license area of concentration detailed in Subsections R277-301-4(5) and (6).~~

~~(3) An individual that holds a current Certificate of Clinical Competence in Audiology (CCC-A) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirement for a professional audiologist license area of concentration detailed in Subsection R277-301-6(6).~~

~~R277-306-4. Speech-Language Pathologist (SLP) Preparation Program.~~

~~(1) A Utah institution of higher education may seek approval by the Board for a speech-language pathologist (SLP) preparation program if the program:~~

~~(a) is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology; and~~

~~(b) prepares candidates to provide comprehensive and integrated services in a school setting as detailed in the 2016 Scope of Practice in Speech-Language Pathology created by the American Speech-Language-Hearing Association.~~

~~(2) An individual that completes a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology outside of Utah qualifies for an associate license with a speech-language pathologist license area of concentration detailed in Subsections R277-301-4(5) and (6).~~

~~(3) An individual that holds a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) issued by the American Speech-Language-Hearing Association meets the out of state licensing requirements for a professional speech-language pathologist license area of concentration detailed in Subsection R277-301-6(6).~~]

R277-306-[~~5~~]3. Speech-Language Technician (SLT) Preparation Program.

(1) The Superintendent shall create and administer an SLT preparation program that:

(a) requires applicants to hold a bachelor's degree in communication disorders or the equivalent;

(b) requires significant clinical experiences under the supervision of an individual holding a [~~professional~~] speech-language pathologist license [~~area of concentration~~] through DOPL; and

(c) prepares candidate to provide services in a school setting as detailed in the Utah State Board of Education Handbook for Speech-Language Technicians Working in Utah Public Schools.

(2) The Superintendent shall periodically review and revise the handbook for SLTs referenced in Subsection (1)(c).

R277-306-[~~6~~]4. School Counselor Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school counselor preparation program if the program:

(a) prepares candidates to meet the 2019 American School Counselor Association Professional Standards and Competencies, incorporated by reference in Rule R277-330 and apply those standards and competencies in compliance with Utah law;

(b)(i) results in a master's degree in school counseling; or

(ii) requires a master's degree or higher from a regionally accredited institution in a related field for entrance into the program; and

(c) requires candidates to demonstrate all competencies required for the College and Career Readiness Certificate.

(2) For a program applicant accepted after January 1, 2020, a school counselor preparation program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following:

(a) collaborating with learners, families, colleagues, and community members to build or implement a shared vision and supportive professional culture focused on student growth and success;

(b) delivering a sequential school counseling curriculum aligned with the Utah Model for College and Career Readiness School Counseling Program;

(c) leading individuals and groups of students and their parents or guardians through the development of educational and career plans;

(d) counseling individuals and small groups of students with identified needs and concerns;

(e) developing or maintaining a crisis prevention/youth protection response plan; and

(f) collecting and analyzing data for the purpose of accountability and program evaluation.

R277-306-[~~7~~]5. School Social Worker Preparation Programs.

(1) A Utah institution of higher education may seek approval by the Board for a school social worker preparation program if the program:

(a) results in a masters of social work degree;

(b) is accredited by the Council of Social Work Education;

(c) includes school-based clinical experiences for a candidate to observe, practice skills, and reflect on practice that:

(i) are significant in number, depth, breadth, and duration; and

(ii) are progressively more complex;

(d) requires demonstration of competency in:

(i) knowledge of the role of a school social worker in furthering the educational mission of an LEA;

(ii) applying theoretical social work concepts and practical skills to the k-12 educational setting, including:

(A) social, emotional, family, and community assessment;

(B) individual, group, and family counseling;

(C) casework; and

(D) crisis intervention;

(iii) knowledge and application of rules regarding data and record keeping that apply to data available in a school, including:

(A) the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(B) Title 53E, Chapter 9, Student Privacy and Data Protection;

(iv) knowledge of laws regarding disabilities and their application to school social worker practices and the school setting, including:

(A) the IDEA; and

(B) the Americans with Disabilities Act of 1990, 42 U.S.C. 12101;

(v) utilizing information from assessments in an educational setting to develop student-focused programs and interventions;

(vi) implementation of evidence-based curriculum in response to current social and emotional aspects of education; and

(vii) providing and advocating for services that support the social and emotional aspects of education;

(e) requires multiple opportunities for a program applicant admitted after January 1, 2020 to successfully demonstrate application of knowledge and skills gained through the program in a school-based setting in each of the following areas:

(i) utilizing information from assessments in the development of student-focused and system-focused programs and interventions in a school setting;

(ii) counseling individuals and small groups of students with identified needs and concerns;

(iii) implementing varied models and strategies of consultation, collaboration, and communication with teachers, individuals, and families; and

(iv) developing or updating a crisis prevention/youth protection response plan.

(2) An individual holding a licensed certified social worker "CSW" license or licensed clinical social worker "LCSW" license through the Division of Professional Licensing in accordance with Rule R156-60a qualifies for an associate educator license with an associate school social worker license area of concentration detailed in Section R277-301-4 if the individual, no more than one calendar year prior to the application:

(a) completes a criminal background check, including review of any criminal offenses and clearance in accordance with Rule R277-214; and

(b) completes the educator ethics review described in Rule R277-302.

(3)(a) The Superintendent shall work with Utah universities and LEAs to create and administer a non-degree professional license preparation program for individuals described in Subsection (2) that meets all the requirements of Subsections (1)(c) through (1)(e).

KEY: preparation, psychologists, [~~audiologists, speech-language pathologists,~~] speech-language technicians, counselors, school social workers

Date of Last Change: February 7, 2025

Notice of Continuation: December 16, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-306 – Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers (Amendment)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-101, Public Participation in Utah State Board of Education Meetings (Continuation)

Agenda item type:
Action Item

Recommended Action:
That the Committee continue R277-101, Public Participation in Utah State Board of Education Meetings, and forward to the Board for approval.

Purpose of Memo:
5-year review

Background:
R277-101 is soon approaching its five-year review. Staff recommends continuation of the rule.

Staff will present R277-101, Public Participation in Utah State Board of Education Meetings, Continuation, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53E-3-401(4); 52-4-207

Contact:

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Attachments:
1. R277-101 - Continuation - June 2026 Committee
2. R277-101 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-101. Public Participation in Utah State Board of Education Meetings.

R277-101-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Title 52, Chapter 4, Open and Public Meetings Act, which directs that the deliberations and actions of the Board be conducted openly;

(c) Section 52-4-207, which allows the Board to adopt a rule governing the use of electronic meetings; and

(d) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to describe procedures to be followed by the Board in its conduct of the public's business in order to:

(a) hear from those who desire to be heard on public education matters in the state;

(b) effectively and efficiently utilize the time of the Board;

(c) balance desire for public information with other demands on the Board's time; and

(d) allow the Board to conduct electronic meetings as needed.

R277-101-2. Definitions.

(1)(a) "Anchor location" means the physical location from which an electronic meeting originates.

(b) The anchor location for an electronic meeting of the Board, unless otherwise designated in the meeting notice, shall be the offices of the Utah State Board of Education, 250 East 500 South, Salt Lake City, Utah 84114.

(2) "Chair" means:

(a) the duly elected Chairperson of the Board;

(b) a Vice-chair when conducting a meeting of the Board; or

(c) the Chair of a Board standing committee.

(3) "Electronic meeting" has the same meaning as defined in Section 52-4-103.

R277-101-3. Public Participation.

(1) The general public may attend meetings of the Board, unless a meeting is closed in accordance with Section 52-4-204.

(2) The general public may speak to the Board regarding any issue when acknowledged and recognized by the Board Chair during scheduled public comment.

(a) The chair may give priority to an individual or group who submits a written request to address the Board prior to the meeting, including a brief description of the issue to be addressed.

(b) The Board may not take action during the public comment portion of a meeting.

(c) A Board member may request that an item raised during public comment be placed on a future agenda for possible action in accordance with Board bylaws.

(d)(i) The Chair may limit the time available for individual comments.

(ii) The Chair may request groups to designate a spokesperson.

(iii) The Board shall include in its meeting agenda the amount of time set aside for public comment and the restrictions on individual speakers or group spokespersons.

(3)(a) A member of the general public may speak to items on the agenda:

(i) during the time designated for public comment; or

(ii) at the discretion of and as invited by the Chair, when the item is properly before the Board or a committee.

(b) The Chair may request that public comment be provided in writing.

(4) All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.

(5) The Chair may invite additional comment to the Board or a committee in the Chair's discretion.

(6) In accordance with Subsection 52-4-202(6)(b), at the discretion of the Chair, the Board may discuss a topic raised by the public in an open meeting even if the item was not included in the public meeting notice.

(7) At the discretion of the Chair, a member of the public may request to comment in the committee meeting by raise of hand.

R277-101-4. Electronic Meetings.

(1) The Board may conduct electronic meetings in accordance with the requirements set forth in Subsection 52-4-207(3).

(2)(a) The Board may allow a member of the Board or member of the public to participate in a Board meeting electronically consistent with available equipment capability.

(b) The chair shall announce the participation of an individual participating in an electronic meeting and the Board secretary shall note the individual's participation in the meeting minutes.

(3) If the Board conducts an electronic meeting a quorum of the Board shall be present at a single anchor location for the meeting.

(4) Notwithstanding Subsection (3), the Board chair may waive the requirement that a quorum be present at a single anchor location in the event of a pandemic or other public emergency so long as a quorum is present, either physically at the anchor location, or electronically, for the meeting.

(5) If the Board conducts an electronic meeting, any member may participate and vote electronically, so long as the Board meets quorum requirements.

KEY: school boards, open government, electronic meetings
Date of Last Change: July 9, 2020
Notice of Continuation: August 19, 2021
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53E-3-401(4); 52-4-207

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-101 – Public Participation in State Board of Education Meetings (Continuation)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-409, Public School Membership in Associations (Continuation)

Agenda item type:
Action Item

Recommended Action:
That the Committee continue R277-409, Public School Membership in Associations, and forward to the Board for approval.

Purpose of Memo:
5-year review

Background:
R277-409 is soon approaching its five-year review. Staff recommends continuation of the rule.

Staff will present R277-409, Public School Membership in Associations, Continuation, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

Contact:

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Attachments:
1. R277-409 - Continuation - June 2026 Committee
2. R277-409 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-409. Public School Membership in Associations.

R277-409-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to place limitations on public school membership in certain associations with rules or policies that conflict with Board policies.

R277-409-2. Definitions.

(1) "Association" means an organization that governs or regulates a student's participation in an interscholastic activity.

(2) "Interscholastic activity" means an activity within the state in which the students that participate represent a school in the activity.

(3) "Recruiting" means a solicitation or conversation:

(a) initiated by:

(i) an employee of a school or school district;

(ii) a coach or advisor of an interscholastic activity; or

(iii) a member of a booster, alumni, or other organization that performs a substantially similar role as a booster organization, affiliated with a school or school district; and

(b) to influence a student, or the student's relative or legal guardian, to transfer to a school for the purpose of participating in an interscholastic activity at the school.

(4) "Sex offender" has the same meaning as described in Section 77-27-21.7.

R277-409-3. Membership Restrictions.

(1) Beginning with the 2017-2018 school year, a public school may not be a member of, or pay dues to an association that adopts rules or policies that are inconsistent with this R277-409-3.

(2) An association shall permit the Board to audit the association's:

(a) financial statements; and

(b) compliance with Utah Code, Board rule, and the association's bylaws, policies, rules, and best practices.

(3) An association may not treat similarly situated schools differently in the association's designation of division classifications, or in applying other association policies, based solely on the school's status as a charter school or district public school.

(4) An association may sanction a school, coach, or individual who oversees or works with students as part of an interscholastic activity of a public school if the association finds that the coach or individual:

(a) engaged in recruiting activities; or

(b) violated any other rule or policy of the association.

(5) An association shall establish a policy or rule to govern the association's use of student data that complies with the student data privacy requirements of:

(a) FERPA;

(b) Title 53E, Chapter 9, Part 3, Student Data Protection Act;

(c) Title 53E, Chapter 9, Part 2, Utah Family Educational Rights and Privacy Act; and

(d) R277-484.

(6) An association shall establish policies or rules that require:

(a) coaches and individuals who oversee interscholastic activities or work with students as part of an interscholastic activity to meet a set of professional standards that are consistent with the Utah Educator Professional Standards described in Rule R277-217; and

(b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:

(i) child sexual abuse prevention as described in Section 53G-9-207;

(ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:

(A) Title 53G, Chapter 9, Part 6, Bullying and Hazing; and

(B) R277-613; and

(iii) the professional standards described in Subsection (6)(a).

(7) An association shall establish procedures and mechanisms to:

(a) monitor LEA compliance with the association's training requirements described in Subsection (6);

(b) sanction individuals who violate the association's professional standards described in Subsection (6)(a);

(c) track individuals who violate the association's standards described in Subsection (6)(a); and

(d) prohibit individuals who have violated the association's standards described in Subsection (6)(a), including sex offenders, from coaching, managing, overseeing, training, or working with students as part of an interscholastic activity.

(8) An association shall establish a policy or rule that requires the association to follow requirements similar to the requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

KEY: schools, memberships, associations

Date of Last Change: August 12, 2020

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

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Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-409 – Public School Membership in Associations (Continuation)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-121, Board Waiver of Administrative Rules (Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve R277-121, Board Waiver of Administrative Rules, Draft 1, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:
Staff recommendation

Background:
Amendment to bring R277-121 to include charter authorizer.

Staff will present R277-121, Board Waiver of Administrative Rules, Draft 1, for consideration and approval.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

Contact:

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Attachments:
1. R277-121 - Draft 1 - June 2026 Committee
2. R277-121 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-121. Board Waiver of Administrative Rules.

R277-121-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53G-7-202, which allows the Board to grant an LEA's request for a waiver from a Board rule.

(2) The purpose of this rule is to establish procedures for an LEA to request a waiver from a Board rule.

R277-121-2. Procedures for Waiver Requests.

(1) An LEA board may request a waiver from a Board rule by filing a written request with the Superintendent.

(2) An LEA board may not request a waiver from a Board rule that is required by or adopts criteria from a federal statute, federal regulation, or state law.

(3) An LEA's written waiver request shall include how the waiver will support the learning environment and lead to educational excellence, and;

(4) Any other additional information that the LEA believes the Board would find helpful to make an informed decision regarding the waiver.

(5) Except for a request for a waiver due to snow, inclement weather, or other emergency school closure described in Section R277-121-5, a written request under Subsection (1)(a) shall include:

(a) verification that the LEA board voted to request the waiver in an open meeting, with the results of the waiver request.

(b) data, if applicable, that support the requested waiver, which shall include:

(i) student achievement data;

(ii) community, staff, and student survey data;

(iii) student enrollment data;

(iv) data demonstrating the cost effectiveness of the waiver request;

(c) a proposed agreement with the Board that includes:

(i) a proposed effective date;

(ii) provisions for public review and accountability;

(iii) data gathering and reporting timelines; and

(iv) a sunset date; and

(d) in the case of a charter school, a recommendation from the board of the school's authorizer.

(6) If an LEA seeks a waiver as outlined in Section R277-121-2 for a 4-day school week, the LEA shall:

(a) hold at least two open and public meetings, held separately from regular board meetings, to engage with stakeholders regarding the waiver request.

(i) At least one of the meetings shall be held before a vote is taken to apply for the waiver, during which the LEA or public school shall:

(A) explain the rationale for seeking the waiver; and

(B) listen to stakeholder concerns; and

(ii) At least one of the meetings shall be held after the decision to apply for the waiver but before the submission of the application, during which the LEA or public school shall:

(A) explain the waiver process; and

(B) describe plans to address stakeholder concerns.

(iii) Meetings described in this section may be held electronically.

(b) Certify that the LEA or public school notified affected school community councils and principals about the potential waiver before holding a vote to apply for the waiver.

(6) An LEA or public school applying for a waiver shall submit the waiver or waiver renewal, as described in Subsection R277-121-4(1), for the 4-day school week to the Board by April 10 of the school year prior to the proposed change.

R277-121-3. Board Review of Waiver Requests.

(1) The Superintendent shall:

(a) review an LEA's waiver request; and

(b) may provide a recommendation to the Board.

(2) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(3) The standing committee assigned in accordance with Subsection (2):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(4) The Board Executive Committee may consolidate consideration of duplicate or similar requests.

(5) The Board shall consider available data in evaluating an LEA waiver request and shall make data driven decisions.

<u>(6) If a charter school requests a waiver under this rule, a member of the board of the school's authorizer shall attend the standing committee meeting and the full Board meeting to present the authorizer's recommendation and support the waiver request.</u>

R277-121-4. Annual Review of Approved Waivers.

(1) The Board may request an LEA that receives a waiver from Board rule in accordance with this Rule R277-121 for more than one year to report the following to a Board committee:

(a) data that supports continuation of the requested waiver; and

(b) data related to the data the LEA presented as apart of the LEA's request for waiver.

(2) During a review described in Subsection (1), the Board may, with notice to the LEA, move to rescind or modify the waiver, unless the waiver agreement explicitly states otherwise.

R277-121-5. Snow, Inclement Weather, or Other Emergency School Closure Days.

(1) An LEA may seek a waiver directly from the Superintendent from the 180 day requirement described in Subsection R277-419-4(1) if:

(a) the LEA closes a school due to excessive snow, inclement weather, or an other emergency; and

(b) the school closure will result in the LEA not meeting the 180 day requirement described in Section R277-419-4.

(2) The Superintendent may grant a waiver due to excessive snow, inclement weather, or other emergency without Board approval if the LEA has provided contingency school days and hours into the LEA's calendar as required in Subsection R277-419-4(5), or has another plan in place to minimize the negative impact on the educational process caused by the waiver.

(3)(a) An LEA may request the Superintendent to waive the school day and hour requirement in the event of a public health emergency.

(b) A waiver described in this Subsection (3) may be for a designated time period, for a specific area, or for a specific LEA in the state, as determined by the health department directive.

(c) A waiver may allow an LEA to continue to receive state funds for pupil services and reimbursements.

(d) A waiver granted by the Superintendent as described in this Subsection (3) shall direct an LEA to provide as much notice to students and parents of the suspension of school services, as is reasonably possible.

(e) A waiver granted as described in this Subsection (3) shall direct an LEA to comply with health department directives, but to continue to provide any services to students that are not inconsistent with the directive.

(f) The Superintendent may encourage an LEA to provide electronic or distance learning services to affected students for the period of the pandemic or other public health emergency to the extent of personnel and funds available.

(g) Any waiver request granted pursuant to Subsection (3) shall be subject to Board approval no later than 45 days after it is granted.

(4) An LEA request for a waiver due to snow, inclement weather, or other emergency school closure described in this section is not required to include the information described in Subsections R277-121-2(1)(b)(ii) through (iv) unless requested by the Superintendent.

(5) If the Superintendent denies an LEA's request described in this section, the LEA may appeal the Superintendent's decision by making the request of the full Board.

KEY: Utah State Board of Education, waivers, administrative rules
Date of Last Change: June 9, 2025
Notice of Continuation: August 14, 2022
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-121 – Board Waiver of Administrative Rules (Amendment)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions (Amendment)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve R277-211, Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions, Draft 1 or Draft 2, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:
Requested by 3 or more members of the board

Background:
SB 312 created new procedures for the Board to follow when suspending an educator's license. These procedures require findings in some cases as to whether an educator should be able to work in the schools in some capacity, notwithstanding the suspension of the educator's license. Draft 1 contains recommendations from staff to incorporate the new requirements.

Additionally, three boardmembers (Kerry, Hall, and Brinton) requested that the Board review additional changes to the UPPAC process in light of the committee's recent process. Draft 2 includes staff recommendations tor SB312 and a number of recommendations proposed by these boardmembers for updates to this rule.

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

Contact:

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Attachments:
1. R277-211 - Draft 1 - June 2026 Committee
2. R277-211 - Draft 2 - Kerry - June 2026 Committee
3. R277-211 - Draft 3 - Kerry - June 2026 Committee
4. R277-211 Reporting Burden and Fiscal Impact Estimate Form

R277. Education, Administration.

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.

R277-211-1. Authority[,] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to provide procedures regarding:

(a) notifications of alleged educator misconduct;

(b) review of notifications by UPPAC; and

(c) complaints, consents to discipline, and defaults.

(3) Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

[~~(4) This rule is categorized as exempt as described in Rule R277-111.~~]

R277-211-2. Initiating Proceedings Against Educators.

(1)(a) The Executive Secretary shall refer a case to UPPAC to make a determination if an investigation should be opened regarding an educator upon receiving a notification of alleged educator misconduct implicating a violation of Rule R277-217, Educator Standards, or Utah law.

(b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.

(2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following:

(a) the informant's:

(i) name;

(ii) position, such as administrator, teacher, parent, or student;

(iii) telephone number;

(iv) address; and

(v) contact information;

(b) information about the educator against whom the allegation is made:

(i) name;

(ii) position, such as administrator, teacher, candidate; and

(iii) school or LEA; and

(c) the facts on which the allegation is based and supporting information.

(3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant of a final action taken by the Board regarding the allegation.

(4)(a) Proceedings initiated upon the Executive Secretary's own initiative may be based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.

(b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.

(5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards, or Utah law.

(b) The Executive Secretary shall consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).

(6) If an investigation is opened or an expedited hearing is conducted under this rule, the Executive Secretary shall permanently maintain all written allegations,

subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

R277-211-3. Review of Notification of Alleged Educator Misconduct.

(1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC and UPPAC may:

(i) dismiss the matter if the alleged misconduct does not involve an issue that UPPAC should address;

(ii) recommend an expedited hearing as described in Sections R277-211-5; or

(iii) open an investigation if the alleged misconduct involves an issue that warrants investigation by UPPAC.

(b) In considering whether to open a case regarding an allegation of educator misconduct, UPPAC shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

(c) UPPAC shall open a case most readily when the evidence shows that:

(i) the alleged misconduct involves the physical or emotional safety and well-being of a student;

(ii) the alleged misconduct had a highly visible impact on the educator's school community;

(iii) the alleged misconduct has the potential to damage the integrity of the education profession;

(iv) the educator's LEA recommends the Board investigate the matter; or

(v) the educator has received prior UPPAC discipline.

(2)(a) Before a UPPAC investigator's initiation of an investigation, the Executive Secretary shall send an investigative letter to the following:

(i) the educator to be investigated;

(ii) the LEA that employs the educator; and

(iii) the LEA where the alleged activity occurred.

(b) The Executive Secretary shall place a flag on the educator's CACTUS file after:

(i) sending the educator an investigative letter; and

(ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

(c) The Executive Secretary may not place a flag on an educator's CACTUS file if the educator agrees to an expedited hearing under Section R277-211-5 unless the expedited hearing panel recommends a full investigation.

(3)(a) The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations.

(b) The investigator shall prepare an objective and independent investigative report supported by the evidence and Rule R277-215 including:

(i) the findings of the investigation;

(ii) the educator standards that the educator may have violated; and

(iii) the applicable disciplinary presumptions.

(c) If the investigator discovers additional evidence of unprofessional conduct beyond the original allegations, the investigator may include the additional evidence of misconduct in the investigative report provided that the educator has had the opportunity to respond to the additional evidence.

(d) The investigator shall submit the investigative report to the Executive Secretary.

(e) The Executive Secretary shall add the investigative report described in Subsection (3)(d) to a UPPAC meeting agenda.

(f) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

(4) The investigator may prioritize an investigation over other longer pending cases if:

(a) the educator poses an ongoing risk to students;

(b) the case needs to be expedited to accommodate a crucial witness;

(c) the ongoing investigation creates unusual uncertainty for the educator's LEA or community;

(d) the educator is unemployed as a result of the allegations; or

(e) the educator requests expedited consideration for good cause.

(5) UPPAC shall review the investigative report and take one of the following actions:

(a) Recommend that the Board clear the CACTUS flag and take no action; or

(b)(i) make an initial recommendation for resolution consistent with the evidence and Rule R277-215[~~.~~]; and

(ii) for cases where the initial recommendation is for suspension or revocation, make an initial recommendation as to what restrictions should be placed on the educator’s involvement in public schools in accordance with Sections 53E-6-603 and 53E-6-604.5.

(6) After receiving an initial recommendation from UPPAC for action, the Executive Secretary shall:

(a) prepare and serve a complaint; or

(b) negotiate and prepare a proposed consent to discipline.

(7) Upon request of an educator, UPPAC will provide a copy of the UPPAC case file and UPPAC evidence file to the educator.

R277-211-4. Expedited Hearings on Criminal Charges in lieu of Initial UPPAC Review.

(1) In a case involving the report of an arrest, citation, or charge of an educator, which requires self-reporting by the educator under Section R277-217-4, the Executive Secretary, with the consent of the educator, may schedule the matter for an expedited hearing in lieu of initially referring the matter to UPPAC.

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of the criminal court disposition, unless otherwise agreed upon by both parties.

(b) An expedited hearing panel shall conduct an expedited hearing on a criminal charge and include the following additional invited individuals where possible:

(i) the educator;

(ii) the educator's attorney or representative;

(iii) a UPPAC attorney; and

(iv) a representative of the educator's LEA.

(3) The panel may consider the following matters at an expedited hearing on a criminal charge:

(a) an educator's oral or written explanation of the events;

(b) a police report;

(c) a court docket or transcript;

(d) an LEA's investigative report or employment file; and

(e) additional information offered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(4) After reviewing the evidence described in Subsection (3), the expedited hearing panel shall make written findings and a recommendation to UPPAC consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of court requirements;

(c) recommend that the Board issue a letter of education or letter of warning;

(d) open a full investigation; or

(e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

(5) An expedited hearing on a criminal charge may be recorded, but the testimony from the expedited hearing is inadmissible during a future UPPAC action related to the allegation unless the educator stipulates to admitting the recording.

(6) If the Board fails to adopt UPPAC's recommendation, UPPAC may open a full investigation or issue a complaint.

(7) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-5. Expedited Hearings on Minor Violations of the Educator Standards.

(1) Upon review of an allegation of educator misconduct, UPPAC may recommend conducting an expedited hearing if:

(a) the material evidence provided by the informant does not appear to be disputed;

(b) the allegations, if true, implicate the presumption for a letter of warning under Subsection R277-215-2(8); and

(c) the educator consents to participate.

(2) If an educator elects not to participate in an expedited hearing after UPPAC opens a case, the Executive Secretary shall initiate an investigation into the allegations of misconduct with no prejudice to the educator for not participating in the expedited hearing.

(3) At an expedited hearing under this section, an expedited hearing panel shall conduct the hearing and include the following invited individuals where possible:

(a) the educator;

(b) the educator's attorney or representative;

(c) a UPPAC attorney; and

(d) an administrator from the educator's school or LEA.

(4) At an expedited hearing under this section, the panel may consider:

(a) an educator's oral or written explanation of the events;

(b) an LEA's investigative report or employment file, including witness statements; and

(c) additional information proffered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(5) After reviewing the evidence described in Subsection (4), the expedited hearing panel shall make written findings and a recommendation consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of recommended training or other educator requirements;

(c) issue a letter of education or letter of warning; or

(d) open a full investigation.

(6) If an expedited hearing panel recommends a full investigation be opened, the Executive Secretary shall follow the requirements set forth in Subsection R277-211-3(2).

(7) An expedited hearing under this section may be recorded.

(8) Testimony offered at an expedited hearing may be considered in a subsequent report to UPPAC or hearing.

(9) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-6. Complaints.

(1) If UPPAC determines that an allegation is sufficiently supported by evidence discovered in the investigation, the Executive Secretary may direct the UPPAC attorney to serve a complaint upon the educator being investigated.

(2) At a minimum, a complaint shall include:

(a) a statement of legal authority and jurisdiction under which the action is being taken;

(b) a statement of the facts and allegations upon which the complaint is based;

(c) other information necessary to enable the respondent to understand and address the allegations;

(d) a statement of the potential consequences if an allegation is found to be true or substantially true;

(e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

(f) a statement that the respondent shall file a written answer described in Subsection (2)(e) with the Executive Secretary;

(g) a statement advising the respondent that if the respondent fails to respond within 30 days, the Executive Secretary may issue a default order in accordance with Section R277-211-8;

(h) a statement that, if a hearing is requested, the hearing will be scheduled no less than 45 days, nor more than 180 days, after receipt of the respondent's answer, unless a different date is agreed to by both parties in writing;

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and

(j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process.

(3) On the Executive Secretary's own motion, the Executive Secretary, or the Executive Secretary's designee, with notice to the parties, may reschedule a hearing date.

(4)(a) A respondent may file an answer to a complaint by filing a written response signed by the respondent or the respondent's attorney with the Executive Secretary within 30 days after the complaint is mailed.

(b) The answer shall include:

(i) a request for a hearing;

(ii) the file number of the complaint;

(iii) the names of the parties; and

(iv) the relief that the respondent seeks at a hearing.

(c) As an alternative to filing an answer, the respondent may file a voluntary surrender pursuant to Rule R277-216.

(5)(a) The Executive Secretary shall schedule a hearing, if requested by the respondent, in accordance with Subsection (2)(h) and Rule R277-212.

(b) If the parties can reach an agreement before the hearing consistent with the terms of UPPAC's initial recommendation, the UPPAC attorney may negotiate a proposed consent to discipline with the respondent.

(c) A proposed consent to discipline described in Subsection (5)(b) shall be submitted to the Board for the Board's consideration in accordance with Section R277-211-7.

(6)(a) If a respondent does not respond to the complaint within 30 days, the Executive Secretary may initiate default proceedings in accordance with the procedures set forth in Section R277-211-8.

(b) If the Executive Secretary enters an order of default, the Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

R277-211-7. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, a proposed consent to discipline shall include:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits or does not contest the facts recited in the proposed consent to discipline for purposes of the Board administrative action;

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to the proposed action rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, assessment and recommended counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the reprimand;

(e) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse;

(f) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(g) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(h) a statement reflecting the classification of the proposed consent to discipline under Title 63G, Chapter 2, Government Records Access and Management Act;

(i) a statement that information regarding the proposed reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with Rule R277-312.

(j) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

(k) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed consent to discipline unless the Board approves the proposed consent to discipline;

(l) if for a suspension of the educator's license:

(i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and

(ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement [~~that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3)~~] setting forth any restrictions on working or volunteering in a public school in accordance with Sections 53E-6-603 and 53E-6-604.5; and

(n) if for suspension or revocation of a license, a statement that any attempt to represent to any other state a valid Utah license shall result in further licensing action in Utah.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

(i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;

(B) offer respondent the opportunity for a hearing; or

(C) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a letter of education, letter of warning, or dismiss the matter; or

(iii) take other appropriate action consistent with due process and Rule R277-215.

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension; or

(iii) a reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

R277-211-8. Default Procedures.

(1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:

(a) the Executive Secretary shall prepare and serve on the respondent an order of default including:

(i) a statement of the grounds for default; and

(ii) a recommended disposition if the respondent fails to file a response to a complaint;

(b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;

(c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;

(d) the respondent has 20 days following service of the order of default to respond to UPPAC; and

(e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.

(2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

(3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

R277-211-9. Disciplinary Letters and Dismissal.

(1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.

(2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:

(a) remand the case to the Executive Secretary with:

(i) direction as to the issues UPPAC should address;

(ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and

(iii) the opportunity for the educator to participate in a hearing;

(b) dismiss the matter; or

(c) take other appropriate action consistent with due process and Rule R277-215.

(3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:

(a) prepare the letter of warning or letter of education and mail it to the educator;

(b) place a copy of the letter of warning or letter of education in the UPPAC case file; and

(c) update CACTUS to reflect that the case is closed.

KEY: teacher licensing, conduct, hearings

Date of Last Change: November 21, 2025

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

Blue Text – Additions
~~Red Text~~ – Deletions

Draft 2
Board Member Kerry
May 26, 2026

R277. Education, Administration.

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.

R277-211-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to provide procedures regarding:

(a) notifications of alleged educator misconduct;

(b) review of notifications by UPPAC; and

(c) complaints, consents to discipline, and defaults.

(3) Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

[~~(4) This rule is categorized as exempt as described in Rule R277-111.~~]

R277-211-2. Initiating Proceedings Against Educators.

(1)(a) The Executive Secretary shall refer [~~a case~~] all referrals reported concerning a licensed educator's alleged misconduct to UPPAC to make a determination if an investigation should be opened [~~regarding an educator~~] upon receiving a notification of alleged educator misconduct [~~implicating a violation of Rule R277-217, Educator Standards, or Utah law~~].

(b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.

(2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following, if available:

(a) the informant's:

(i) name;

(ii) position, such as administrator, teacher, parent, or student;

(iii) telephone number;

(iv) address; and

(v) contact information;

(b) information about the educator against whom the allegation is made:

(i) name;

(ii) position, such as administrator, teacher, candidate; and

(iii) school or LEA; [~~and~~]

(c) name and contact information for any witnesses or groups with relevant evidence; and

([~~c~~]d) the facts on which the allegation is based and supporting information.

(3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant:

(a) if a case is opened or declined by UPPAC; and

(b) of a final action taken by the Board regarding the allegation.

(4)[~~(a) Proceedings initiated upon the Executive Secretary's own initiative may be~~] The Executive Secretary may refer a matter to UPPAC based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.

[~~(b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.~~]

(5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards[~~, or Utah law~~].

(b) The Executive Secretary [~~shall~~] may consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).

(6) If an investigation is opened or an expedited hearing is conducted under this rule, the Executive Secretary shall permanently maintain all written allegations, subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

R277-211-3. Online Database of Referrals.

(1) The Executive Secretary shall establish an online searchable database of any matter referred to UPPAC.

(2) The database should include:

(a) the name of the complainant;

(b) the name of the educator;

(b) the LEA, if any, mentioned in the complaint;

(c) the school, if any, mentioned in the complaint;

(d) the status of the complaint;

(e) any restrictions on the educator’s license; and

(f) the nature of the allegations.

(3) If UPPAC receives a referral, which the Executive Secretary does not refer to the commission, the Executive Secretary shall record the matter in the database, along with the basis for not referring the matter to UPPAC.

R277-211-[~~3~~]4. Review of Notification of Alleged Educator Misconduct.

(1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC and UPPAC may:

(i) dismiss the matter if the alleged misconduct does not involve an [~~issue that UPPAC should address~~] an alleged violation of R277-217;

(ii) recommend an expedited hearing as described in Sections R277-211-5; or

(iii) open an investigation if the alleged misconduct involves [~~an issue that warrants investigation by UPPAC~~] a violation of R277-217.

(b) In considering whether to open a case regarding an allegation of educator misconduct, [~~UPPAC~~] the Commission shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

[~~(c) UPPAC shall open a case most readily when the evidence shows that:~~

~~(i) the alleged misconduct involves the physical or emotional safety and well-being of a student;~~

~~(ii) the alleged misconduct had a highly visible impact on the educator's school community;~~

~~(iii) the alleged misconduct has the potential to damage the integrity of the education profession;~~

~~(iv) the educator's LEA recommends the Board investigate the matter; or~~

~~(v) the educator has received prior UPPAC discipline.~~]

(2)(a) [~~Before a UPPAC investigator's initiation of an investigation,~~] Within ten business days of UPPAC opening an investigation, the Executive Secretary shall send an investigative letter to the following:

(i) the educator to be investigated;

(ii) the LEA that employs the educator; and

(iii) the LEA where the alleged activity occurred.

(b) The notification shall include:

(i) the general nature of the complaint;

(ii) an overview of the process;

(iii) an explanation of the educator's rights, including the right to consult an attorney;

(iv) the name of the investigator assigned to handle the investigation;

(v) the possible licensing consequences;

(vi) whether the educator's CACTUS/USIMS account has been flagged.

(b) The Executive Secretary shall place a flag on the educator's CACTUS file after:

(i) sending the educator an investigative letter; and

(ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

(c) The Executive Secretary may not place a flag on an educator's CACTUS file if the educator agrees to an expedited hearing under Section R277-211-5 unless the expedited hearing panel recommends a full investigation.

(3) If UPPAC votes not to open a case, the Executive Secretary shall close the file and notify the complainant and the educator's LEA.

([~~3~~]4)(a) The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations.

(b)(i) The investigator shall attempt to contact any witness with relevant information identified by an educator.

(ii) An investigator shall document the reasons why any witness specified in accordance with Subsection (b)(i) is not contacted.

([~~b~~]c) The investigator shall prepare an objective and independent investigative report supported by the evidence and Rule R277-215 including:

(i) the findings of the investigation, including any exculpatory information;

(ii) the specific educator standards that the educator may have violated; and

(iii) the applicable disciplinary presumptions.

([~~c~~]d) If the investigator discovers additional evidence of unprofessional conduct beyond the original allegations, the investigator may include the additional evidence of misconduct in the investigative report provided that the educator has had the opportunity to respond to the additional evidence.

(e) For an interview with an educator investigation, the investigator shall:

(i) advise the educator that the educator has a right to have an attorney of their choosing present;

(ii) advise the educator that what they say may be used as evidence against them at a future time;

(iii) record the interview, unless the educator declines to have the interview recorded.

([~~d~~]f) The investigator shall submit the investigative report to the Executive Secretary.

([~~e~~]g) The Executive Secretary shall add the investigative report described in Subsection (3)(d) to a UPPAC meeting agenda.

([~~f~~]h) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

([~~4~~]5) The investigator may prioritize an investigation over other longer pending cases if:

(a) the educator poses an ongoing risk to students;

(b) the case needs to be expedited to accommodate a crucial witness;

(c) the ongoing investigation creates unusual uncertainty or the alleged misconduct has a highly visible impact for the educator's LEA or community;

(d) the educator is unemployed as a result of the allegations; [~~or~~]

(e) the educator requests expedited consideration for good cause[~~.~~];

(f) the alleged misconduct has the potential to damage the integrity of the education profession;

(g) the educator’s LEA recommends the Board prioritize the investigation; or

(h) the educator has received prior license discipline.

([~~5~~]6) UPPAC shall review the investigative report and take one of the following actions:

(a) Recommend that the Board clear the CACTUS flag and take no action; or

(b)(i) make an initial recommendation for resolution consistent with the evidence and Rule R277-215[~~.~~]; and

(ii) for cases where the initial recommendation is for suspension or revocation, make an initial recommendation as to what restrictions should be placed on the educator's involvement in public schools in accordance with Sections 53E-6-603 and 53E-6-604.5.

(c) The Executive Secretary shall document the motions made on UPPAC investigations, findings, and votes in the commission's minutes.

([~~6~~]7) After receiving an initial recommendation from UPPAC for action, the Executive Secretary shall:

(a) prepare and serve a complaint; or

(b) negotiate and prepare a proposed consent to discipline.

(7)(a) Upon request of an educator, [~~UPPAC~~] the investigator will provide a copy of the UPPAC case file and UPPAC evidence file to the educator.

(b) The investigator shall supplement a response under Subsection (7)(a) within ten business days if additional evidence is received prior to resolution of the case.

R277-211-[4]5. Expedited Hearings on Criminal Charges in lieu of Initial UPPAC Review.

(1) In a case involving the report of an arrest, citation, or charge of an educator, which requires self-reporting by the educator under Section R277-217-4, the Executive Secretary, with the consent of the educator, may schedule the matter for an expedited hearing in lieu of initially referring the matter to UPPAC.

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of the criminal court disposition, unless otherwise agreed upon by both parties.

(b) An expedited hearing panel shall conduct an expedited hearing on a criminal charge and include the following additional invited individuals where possible:

(i) the educator;

(ii) the educator's attorney or representative;

(iii) a UPPAC attorney; and

(iv) a representative of the educator's LEA.

(3) The panel may consider the following matters at an expedited hearing on a criminal charge:

(a) an educator's oral or written explanation of the events;

(b) a police report;

(c) a court docket or transcript;

(d) an LEA's investigative report or employment file; and

(e) additional information offered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(4) All witnesses providing evidence shall be sworn by the Executive Secretary.

([4]5) After reviewing the evidence described in Subsection (3), the expedited hearing panel shall make written findings and a recommendation based upon a preponderance of the evidence to UPPAC consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of court requirements;

(c) recommend that the Board issue a letter of education or letter of warning;

(d) open a full investigation; or

(e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

([~~5~~]6) An expedited hearing on a criminal charge may be recorded, but the testimony from the expedited hearing is inadmissible during a future UPPAC action related to the allegation unless the educator stipulates to admitting the recording.

([~~6~~]7) If the Board fails to adopt UPPAC's recommendation, UPPAC [~~may~~] shall open a full investigation or issue a complaint.

([~~7~~]8) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-[~~5~~]6. Expedited Hearings on Minor Violations of the Educator Standards.

(1) Upon review of an allegation of educator misconduct, UPPAC may recommend conducting an expedited hearing if:

(a) the material evidence provided by the informant does not appear to be disputed;

(b) the allegations, if true, implicate the presumption for a letter of warning under Subsection R277-215-2(8); and

(c) the educator consents to participate.

(2) If an educator elects not to participate in an expedited hearing after UPPAC opens a case, the Executive Secretary shall initiate an investigation into the allegations of misconduct with no prejudice to the educator for not participating in the expedited hearing.

(3) At an expedited hearing under this section, an expedited hearing panel shall conduct the hearing and include the following invited individuals where possible:

(a) the educator;

(b) the educator's attorney or representative;

(c) a UPPAC attorney; and

(d) an administrator from the educator's school or LEA.

(4) At an expedited hearing under this section, the panel may consider:

(a) an educator's oral or written explanation of the events;

(b) an LEA's investigative report or employment file, including witness statements; and

(c) additional information proffered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(5) After reviewing the evidence described in Subsection (4), the expedited hearing panel shall make written findings and a recommendation consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of recommended training or other educator requirements;

(c) issue a letter of education or letter of warning; or

(d) open a full investigation.

(6) If an expedited hearing panel recommends a full investigation be opened, the Executive Secretary shall follow the requirements set forth in Subsection R277-211-3(2).

(7) An expedited hearing under this section may be recorded.

(8) Testimony offered at an expedited hearing may be considered in a subsequent report to UPPAC or hearing.

(9) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-[~~6~~]7. Complaints.

(1) If UPPAC determines that an allegation is sufficiently supported by evidence discovered in the investigation, the Executive Secretary [~~may~~] shall direct the UPPAC attorney to serve a complaint upon the educator being investigated.

(2) At a minimum, a complaint shall include:

(a) a statement of legal authority and jurisdiction under which the action is being taken;

(b) a statement of the facts and allegations, including specific provisions of the Rule R277-217, upon which the complaint is based;

(c) other information necessary to enable the respondent to understand and address the allegations;

(d) a statement of the potential consequences if an allegation is found to be true or substantially true;

(e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

(f) a statement that the respondent shall file a written answer described in Subsection (2)(e) with the Executive Secretary;

(g) a statement advising the respondent that if the respondent fails to respond within 30 days, the Executive Secretary may issue a default order in accordance with Section R277-211-8;

(h) a statement that, if a hearing is requested, the hearing will be scheduled no less than 45 days, nor more than 180 days, after receipt of the respondent's answer, unless a different date is agreed to by both parties in writing;

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and

(j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process, which shall include[~~.~~]:

(i) the right to retain legal counsel;

(ii) how a respondent can request a UPPAC file;

(iii) the right to be treated professionally; and

(iv) the right to have a hearing in not less than 45, nor more than 180 days.

(3) On the Executive Secretary's own motion, the Executive Secretary, or the Executive Secretary's designee, with notice to the parties, may reschedule a hearing date.

(4)(a) A respondent may file an answer to a complaint by filing a written response signed by the respondent or the respondent's attorney with the Executive Secretary within 30 days after the complaint is mailed.

(b) The answer shall include:

(i) a request for a hearing;

(ii) the file number of the complaint;

(iii) the names of the parties; and

(iv) the relief that the respondent seeks at a hearing.

(c) As an alternative to filing an answer, the respondent may file a voluntary surrender pursuant to Rule R277-216.

(5)(a) The Executive Secretary shall schedule a hearing, if requested by the respondent, in accordance with Subsection (2)(h) and Rule R277-212.

(b) If the parties can reach an agreement before the hearing [~~consistent with the terms of UPPAC's initial recommendation~~], the UPPAC attorney may negotiate a proposed consent to discipline with the respondent.

(c) A proposed consent to discipline described in Subsection (5)(b) shall be submitted to the Board for the Board's consideration in accordance with Section R277-211-[~~7~~]8.

(6)(a) If a respondent does not respond to the complaint within 30 days, the Executive Secretary may initiate default proceedings in accordance with the procedures set forth in Section R277-211-[~~8~~]9.

(b) If the Executive Secretary enters an order of default, the Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

R277-211-[~~7~~]8. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, a proposed consent to discipline shall include:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits or does not contest the facts recited in the proposed consent to discipline for purposes of the Board administrative action;

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to the proposed action rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, assessment and recommended counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the reprimand;

(e) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse;

(f) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(g) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(h) a statement reflecting the classification of the proposed consent to discipline under Title 63G, Chapter 2, Government Records Access and Management Act;

(i) a statement that information regarding the proposed reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with Rule R277-312.

(j) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

(k) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed consent to discipline unless the Board approves the proposed consent to discipline;

(l) if for a suspension of the educator's license:

(i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and

(ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement [~~that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3)~~] setting forth any restrictions on working or volunteering in a public school in accordance with Sections 53E-6-603 and 53E-6-604.5; and

(n) if for suspension or revocation of a license, a statement that any attempt to represent to any other state a valid Utah license shall result in further licensing action in Utah.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

(i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;

(B) offer respondent the opportunity for a hearing; [~~or~~]

(C) allow the respondent to file a written response to the UPPAC report; or

([~~C~~]D) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a letter of education, letter of warning, or dismiss the matter; or

(iii) take other appropriate action consistent with due process and Rule R277-215.

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision within ten business days;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension; or

(iii) a reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

R277-211-[~~8~~]9. Default Procedures.

(1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:

(a) the Executive Secretary shall prepare and serve on the respondent, at the respondent's last known address, an order of default including:

(i) a statement of the grounds for default; and

(ii) a recommended disposition if the respondent fails to file a response to a complaint;

(b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;

(c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;

(d) the respondent has 20 days following service of the order of default to respond to UPPAC; and

(e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.

(2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

(3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

R277-211-[~~9~~]10. Disciplinary Letters and Dismissal.

(1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.

(2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:

(a) remand the case to the Executive Secretary with:

(i) direction as to the issues UPPAC should address;

(ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and

(iii) the opportunity for the educator to participate in a hearing in accordance with Rule R277-212;

(b) dismiss the matter; or

(c) take other appropriate action consistent with due process and Rule R277-215.

(3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:

(a) prepare the letter of warning or letter of education and mail it to the educator;

(b) place a copy of the letter of warning or letter of education in the UPPAC case file; and

(c) update CACTUS to reflect that the case is closed.

KEY: teacher licensing, conduct, hearings

Date of Last Change: November 21, 2025

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

Draft 2 - New Text – Blue | [~~Deleted Text~~] - Red
Draft 3 - New Text – Green | [~~Deleted Text~~] - Purple

Draft 3
Board Member Kerry
June 3, 2026

R277. Education, Administration.

R277-211. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.

R277-211-1. Authority[~~,~~] and Purpose[~~, and Oversight Category~~].

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-6-506, which directs the Board to adopt rules regarding UPPAC duties and procedures; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to provide procedures regarding:

(a) notifications of alleged educator misconduct;

(b) review of notifications by UPPAC; and

(c) complaints, consents to discipline, and defaults.

(3) Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

[~~(4) This rule is categorized as exempt as described in Rule R277-111.~~]

R277-211-2. Initiating Proceedings Against Educators.

(1)(a) The Executive Secretary shall refer [~~a case~~] [~~all referrals~~] any matter, including anonymous complaints, reported concerning a licensed educator's alleged misconduct to UPPAC within 60 days to make a determination if an investigation should be opened [~~regarding an educator upon receiving a notification of alleged educator misconduct implicating a violation of Rule R277-217, Educator Standards, or Utah law~~].

(b) The Executive Secretary may refer a case to UPPAC upon the Executive Secretary's own initiative.

(i) For each referral made under Subsection (1)(b), the Executive Secretary shall prepare a written referral memorandum setting forth:

(A) the known facts supporting the referral;

(B) the source of the information;

(C) the date of the referral;

(D) the educator standards that may be implicated.

(ii) The Executive Secretary shall record a referral under Subsection (1)(b) in the UPPAC case management system and maintained as part of the permanent case file.

(c) The Executive Secretary may not decline, dismiss, or otherwise resolve a matter before presenting the matter to UPPAC.

(2) If an informant seeks to report information to UPPAC concerning alleged educator misconduct, the informant shall submit an allegation of misconduct to the Executive Secretary in writing, including the following, if available:

(a) the informant's:

(i) name;

(ii) position, such as administrator, teacher, parent, or student;

(iii) telephone number;

(iv) address; and

(v) contact information;

(b) information about the educator against whom the allegation is made:

(i) name;

(ii) position, such as administrator, teacher, candidate; and

(iii) school or LEA; [~~and~~]

(c) name and contact information for any witnesses or groups with relevant evidence; and

([~~c~~]d) the facts on which the allegation is based and supporting information.

(3) If an informant submits a written allegation of misconduct as provided in this rule, the Executive Secretary shall notify the informant:

(a) if a case is opened or declined by UPPAC; and

(b) of a final action taken by the Board regarding the allegation.

[~~(4)(a) Proceedings initiated upon the Executive Secretary's own initiative may be The Executive Secretary may refer a matter to UPPAC based on information received through a telephone call, letter, newspaper article, media information, notice from another state, or by other means.~~]

[~~(b) The Executive Secretary may also recommend an investigation based on an anonymous allegation, notwithstanding the provisions of this rule, if the allegation bears sufficient indicia of reliability.~~]

(5)(a) The USBE Internal Audit Department shall refer to UPPAC and the LEA any complaint against an educator that would violate Rule R277-217, Educator Standards[~~, or Utah law~~].

(b) The Executive Secretary [~~shall~~] may consult with the educator's LEA and request any relevant evidence from an educator's LEA concerning a complaint referred under Subsection (5)(a).

(6) If an investigation is opened or an expedited hearing is conducted under this rule, the Executive Secretary shall permanently maintain all written allegations, subsequent dismissals, actions, or disciplinary letters related to a case against an educator in the UPPAC case file.

[~~R277-211-3. Online Database of Referrals.~~

~~(1) The Executive Secretary shall establish an online searchable database of any matter referred to UPPAC.~~

~~(2) The database should include:~~

~~(a) the name of the complainant;~~

~~(b) the name of the educator;~~

~~(b) the LEA, if any, mentioned in the complaint;~~

~~(c) the school, if any, mentioned in the complaint;~~

~~(d) the status of the complaint;~~

~~(e) any restrictions on the educator's license; and~~

~~(f) the nature of the allegations.~~

~~(3) If UPPAC receives a referral, which the Executive Secretary does not refer to the commission, the Executive Secretary shall record the matter in the database, along with the basis for not referring the matter to UPPAC.~~]

R277-211-3. Review of Notification of Alleged Educator Misconduct.

(1)(a) Upon receipt of a notification of alleged educator misconduct, the Executive Secretary shall review the notification with UPPAC within 60 days of receipt and UPPAC may:

(i) dismiss the matter if the alleged misconduct does not involve an [~~issue that UPPAC should address~~] an alleged violation of R277-217;

(ii) recommend an expedited hearing as described in Sections R277-211-5; or

(iii) open an investigation if the alleged misconduct involves [~~an issue that warrants investigation by UPPAC~~] a violation of R277-217.

(b) In considering whether to open a case regarding an allegation of educator misconduct, [~~UPPAC~~] the Commission shall consider the known facts and circumstances surrounding the allegation to determine whether opening a case is warranted.

[~~(c) UPPAC shall open a case most readily when the evidence shows that:~~

~~(i) the alleged misconduct involves the physical or emotional safety and well-being of a student;~~

~~(ii) the alleged misconduct had a highly visible impact on the educator's school community;~~

~~(iii) the alleged misconduct has the potential to damage the integrity of the education profession;~~

~~(iv) the educator's LEA recommends the Board investigate the matter; or~~

~~(v) the educator has received prior UPPAC discipline.~~]

(2)(a) [~~Before a UPPAC investigator's initiation of an investigation,~~] Within ten business days of UPPAC opening an investigation, the Executive Secretary shall send an investigative letter to the following:

(i) the educator to be investigated;

(ii) the LEA that employs the educator; and

(iii) the LEA where the alleged activity occurred.

(b) The notification shall include:

(i) the general nature of the complaint;

(ii) an overview of the process;

(iii) an explanation of the educator's rights, including the right to consult an attorney and the right to inspect or receive a copy of the contents of the UPPAC case file and UPPAC evidence file at no cost;

(iv) the name of the investigator assigned to handle the investigation;

(v) the possible licensing consequences;

(vi) whether the educator's CACTUS/USIMS account has been flagged.

(b) The Executive Secretary shall place a flag on the educator's CACTUS file after:

(i) sending the educator an investigative letter; and

(ii) directing UPPAC staff to begin gathering evidence relating to the allegations.

(c) The Executive Secretary may not place a flag on an educator's CACTUS file if the educator agrees to an expedited hearing under Section R277-211-5 unless the expedited hearing panel recommends a full investigation.

(3) If UPPAC votes not to open a case, the Executive Secretary shall close the file and notify the complainant and the educator's LEA.

([~~3~~]4)(a) The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations.

(b)(i) The investigator shall attempt to contact any witness with relevant information identified by an educator.

(ii) An investigator shall document the reasons why any witness specified in accordance with Subsection (b)(i) is not contacted.

(iii) The investigator shall maintain a record in the UPPAC attorney file of all materials efforts to identify, contact, interview, and obtain evidence from witnesses during an investigation

([~~b~~]c) The investigator shall prepare an objective and independent investigative report supported by the evidence and Rule R277-215 including:

(i) the findings of the investigation, including any exculpatory information;

(ii) the specific educator standards that the educator may have violated; and

(iii) the applicable disciplinary presumptions.

([~~c~~]d) If the investigator discovers additional evidence of unprofessional conduct beyond the original allegations, the investigator may include the additional evidence of misconduct in the investigative report provided that the educator has had the opportunity to respond to the additional evidence.

(e) For an interview with an educator investigation, the investigator shall:

(i) advise the educator that the educator has a right to have an attorney of their choosing present;

(ii) advise the educator that what they say may be used as evidence against them at a future time;

(iii) record the interview, unless the educator declines to have the interview recorded.

([~~d~~]f) The investigator shall submit the investigative report to the Executive Secretary within six months of the date UPPAC opened the matter.

([~~e~~]g) The Executive Secretary shall add the investigative report described in Subsection (3)([~~d~~]f) to [~~a~~] the next UPPAC meeting agenda.

([~~f~~]h) The investigative report described in Subsection (3)(d) shall become part of the UPPAC case file.

([~~4~~]5) The investigator may prioritize an investigation over other longer pending cases if:

(a) the educator poses an ongoing risk to students;

(b) the case needs to be expedited to accommodate a crucial witness;

(c) the ongoing investigation creates unusual uncertainty or the alleged misconduct has a highly visible impact for the educator's LEA or community;

(d) the educator is unemployed as a result of the allegations; [~~or~~]

(e) the educator requests expedited consideration for good cause[~~.~~];

(f) the alleged misconduct has the potential to damage the integrity of the education profession;

(g) the educator’s LEA recommends the Board prioritize the investigation; or

(h) the educator has received prior license discipline.

(6) An investigator may not maintain an open investigation without submitting an investigative report beyond six months unless:

(a) required by law;

(b) related criminal proceedings remain unresolved;

(c) obtaining necessary evidence delays the investigator’s ability to prepare a report; or

(d) there’s a stipulation from the educator.

(7) If a UPPAC investigator does not submit an investigative report to the Executive Secretary within the timeline established in this section, the investigator shall document the reasons for the delay in the UPPAC attorney file and send written notice to the educator.

([~~5~~]8) UPPAC shall review the investigative report and take one of the following actions:

(a) Recommend that the Board clear the CACTUS flag and take no action; or (b)(i) make an initial recommendation for resolution consistent with the evidence and Rule R277-215[~~.~~]; and

(ii) for cases where the initial recommendation is for suspension or revocation, make an initial recommendation as to what restrictions should be placed on the educator's involvement in public schools in accordance with Sections 53E-6-603 and 53E-6-604.5.

[~~(c) The Executive Secretary shall document the motions made on UPPAC investigations, findings, and votes in the commission's minutes.~~]

(c) The Executive Secretary shall maintain a written record of all materials actions and decisions taken under this section in the UPPAC case file, including:

(i) decisions to open, decline, prioritize, or close an investigation;

(ii) investigative reports;

(iii) recommendations to the Board;

(iv) findings of fact;

(v) motions and votes of the commission; and

(vi) the basis for any commission recommendation or action.

([~~6~~]9) After receiving an initial recommendation from UPPAC for action, the Executive Secretary shall:

(a) prepare and serve a complaint; or

(b) negotiate and prepare a proposed consent to discipline.

([~~7~~]8)(a) Upon request of an educator, [~~UPPAC~~] the investigator shall [~~will~~] provide a copy of the UPPAC case file and UPPAC evidence file to the educator.

(b) The investigator may only redact the file to the extent permitted by law.

(c) The investigator shall supplement a response under Subsection (7)(a) within ten business days if additional evidence is received prior to resolution of the case.

(10) The UPPAC evidence file shall include all evidence provided by the Complaint.

R277-211-4. Expedited Hearings on Criminal Charges in lieu of Initial UPPAC Review.

(1) In a case involving the report of an arrest, citation, or charge of an educator, which requires self-reporting by the educator under Section R277-217-4, the Executive Secretary, with the consent of the educator, may schedule the matter for an expedited hearing in lieu of initially referring the matter to UPPAC.

(2)(a) The Executive Secretary shall hold an expedited hearing within 60 days of the criminal court disposition, unless otherwise agreed upon by both parties.

(b) An expedited hearing panel shall conduct an expedited hearing on a criminal charge and include the following additional invited individuals where possible:

(i) the educator;

(ii) the educator's attorney or representative;

(iii) a UPPAC attorney; and

(iv) a representative of the educator's LEA.

(3) The panel may consider the following matters at an expedited hearing on a criminal charge:

(a) an educator's oral or written explanation of the events;

(b) a police report;

(c) a court docket or transcript;

(d) an LEA's investigative report or employment file; and

(e) additional information offered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(4) All witnesses providing evidence shall be sworn by the Executive Secretary.

([4]5) After reviewing the evidence described in Subsection (3), the expedited hearing panel shall make written findings and a recommendation based upon a preponderance of the evidence to UPPAC consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of court requirements;

(c) recommend that the Board issue a letter of education or letter of warning;

(d) open a full investigation; or

(e) recommend action by the Board, subject to an educator's due process rights under Rule 277-210 through Rule R277-217.

([~~5~~]6) An expedited hearing on a criminal charge may be recorded, but the testimony from the expedited hearing is inadmissible during a future UPPAC action related to the allegation unless the educator stipulates to admitting the recording.

([~~6~~]7) If the Board fails to adopt UPPAC's recommendation, UPPAC [~~may~~] shall open a full investigation or issue a complaint.

([~~7~~]8) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-5. Expedited Hearings on Minor Violations of the Educator Standards.

(1) Upon review of an allegation of educator misconduct, UPPAC may recommend conducting an expedited hearing if:

(a) the material evidence provided by the informant does not appear to be disputed;

(b) the allegations, if true, implicate the presumption for a letter of warning under Subsection R277-215-2(8); and

(c) the educator consents to participate.

(2) If an educator elects not to participate in an expedited hearing after UPPAC opens a case, the Executive Secretary shall initiate an investigation into the allegations of misconduct with no prejudice to the educator for not participating in the expedited hearing.

(3) At an expedited hearing under this section, an expedited hearing panel shall conduct the hearing and include the following invited individuals where possible:

(a) the educator;

(b) the educator's attorney or representative;

(c) a UPPAC attorney; and

(d) an administrator from the educator's school or LEA.

(4) At an expedited hearing under this section, the panel may consider:

(a) an educator's oral or written explanation of the events;

(b) an LEA's investigative report or employment file, including witness statements; and

(c) additional information proffered by a participant in the expedited hearing if the Executive Secretary deems it probative of the issues at the expedited hearing.

(5) After reviewing the evidence described in Subsection (4), the expedited hearing panel shall make written findings and a recommendation consistent with the evidence and Rule R277-215 to do one of the following:

(a) close the case;

(b) close the case upon completion of recommended training or other educator requirements;

(c) issue a letter of education or letter of warning; or

(d) open a full investigation.

(6) If an expedited hearing panel recommends a full investigation be opened, the Executive Secretary shall follow the requirements set forth in Subsection R277-211-3(2).

(7) An expedited hearing under this section may be recorded.

(8) Testimony offered at an expedited hearing may be considered in a subsequent report to UPPAC or hearing.

(9) An expedited hearing panel may proceed under this section with only two voting panel members with the stipulation of the educator.

R277-211-6. Complaints.

(1) If UPPAC determines that an allegation is sufficiently supported by evidence discovered in the investigation, the Executive Secretary [~~may~~] shall direct the UPPAC attorney to serve a complaint upon the educator being investigated.

(2) At a minimum, a complaint shall include:

(a) a statement of legal authority and jurisdiction under which the action is being taken;

(b) a statement of the facts and allegations, including specific provisions of the Rule R277-217, upon which the complaint is based;

(c) other information necessary to enable the respondent to understand and address the allegations;

(d) a statement of the potential consequences if an allegation is found to be true or substantially true;

(e) a statement that the respondent shall answer the complaint and request a hearing, if desired, within 30 days of the date the complaint is mailed to the respondent;

(f) a statement that the respondent shall file a written answer described in Subsection (2)(e) with the Executive Secretary;

(g) a statement advising the respondent that if the respondent fails to respond within 30 days, the Executive Secretary may issue a default order in accordance with Section R277-211-8;

(h) a statement that, if a hearing is requested, the hearing will be scheduled no less than 45 days, nor more than 180 days, after receipt of the respondent's answer, unless a different date is agreed to by both parties in writing;

(i) a copy of the applicable hearing rules as required by Section 53E-6-607; and

(j) if the respondent is not represented by counsel, a written guide to help the respondent understand the UPPAC investigation and hearing process, which shall include[~~.~~]:

(i) the right to retain legal counsel;

(ii) how a respondent can request a UPPAC file;

(iii) the right to be treated professionally; and

(iv) the right to have a hearing in not less than 45, nor more than 180 days.

(3) On the Executive Secretary's own motion, the Executive Secretary, or the Executive Secretary's designee, with notice to the parties, may reschedule a hearing date.

(4)(a) A respondent may file an answer to a complaint by filing a written response signed by the respondent or the respondent's attorney with the Executive Secretary within 30 days after the complaint is mailed.

(b) The answer shall include:

(i) a request for a hearing;

(ii) the file number of the complaint;

(iii) the names of the parties; and

(iv) the relief that the respondent seeks at a hearing.

(c) As an alternative to filing an answer, the respondent may file a voluntary surrender pursuant to Rule R277-216.

(5)(a) The Executive Secretary shall schedule a hearing, if requested by the respondent, in accordance with Subsection (2)(h) and Rule R277-212.

(b) If the parties can reach an agreement before the hearing [~~consistent with the terms of UPPAC's initial recommendation~~], the UPPAC attorney may negotiate a proposed consent to discipline with the respondent.

(c) A proposed consent to discipline described in Subsection (5)(b) shall be submitted to the Board for the Board's consideration in accordance with Section R277-211-[~~7~~]8.

(6)(a) If a respondent does not respond to the complaint within 30 days, the Executive Secretary may initiate default proceedings in accordance with the procedures set forth in Section R277-211-[~~8~~]9.

(b) If the Executive Secretary enters an order of default, the Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

R277-211-7. Proposed Consent to Discipline.

(1) At any time after UPPAC has made an initial recommendation, a respondent may accept UPPAC's initial recommendation, rather than request a hearing, by entering into a proposed consent to discipline.

(2) By entering into a proposed consent to discipline, a respondent waives the respondent's right to a hearing to contest the recommended disposition, contingent on final approval by the Board.

(3) At a minimum, a proposed consent to discipline shall include:

(a) a summary of the facts, the allegations, the presumption described in Rule R277-215, mitigating or aggravating factors described in Rule R277-215, and the evidence relied upon by UPPAC in its recommendation;

(b) a statement that the respondent admits or does not contest the facts recited in the proposed consent to discipline for purposes of the Board administrative action;

(c) a statement that the respondent:

(i) waives the respondent's right to a hearing to contest the allegations that gave rise to the investigation; and

(ii) agrees to the proposed action rather than contest the allegations;

(d) a statement that the respondent agrees to the terms of the proposed consent to discipline and other provisions applicable to the case, such as remediation, assessment and recommended counseling, restitution, rehabilitation, and other conditions, if any, under which the respondent may request a reinstatement hearing or a removal of the reprimand;

(e) a statement that the action and the proposed consent to discipline shall be reported to other states through the NASDTEC Educator Information Clearinghouse;

(f) a statement that respondent waives the respondent's right to contest the facts stated in the proposed consent to discipline at a subsequent reinstatement hearing, if any;

(g) a statement that all records related to the proposed consent to discipline shall remain permanently in the UPPAC case file;

(h) a statement reflecting the classification of the proposed consent to discipline under Title 63G, Chapter 2, Government Records Access and Management Act;

(i) a statement that information regarding the proposed reprimand, suspension, or revocation may be included in an online licensing database that is available for public access in accordance with Rule R277-312.

(j) a statement that a violation of the terms of an approved consent to discipline may result in additional disciplinary action and may affect the reinstatement process; and

(k) a statement that the educator understands that the Board is not bound by UPPAC's recommendation or the negotiated proposed consent to discipline unless the Board approves the proposed consent to discipline;

(l) if for a suspension of the educator's license:

(i) specific conditions that an educator must satisfy before requesting a reinstatement hearing; and

(ii) a minimum time period that must elapse before the educator may request a reinstatement hearing;

(m) if for suspension or revocation of a license, a statement [~~that the respondent may not work or volunteer in a public school in accordance with Subsection 53E-6-603(3)~~] setting forth any restrictions on working or volunteering in a public school in accordance with Sections 53E-6-603 and 53E-6-604.5; and

(n) if for suspension or revocation of a license, a statement that any attempt to represent to any other state a valid Utah license shall result in further licensing action in Utah.

(4)(a) The Executive Secretary shall forward a proposed consent to discipline to the Board for approval.

(b) If the Board does not approve a proposed consent to discipline, the Board may:

(i)(A) remand the case to UPPAC and shall include issues or questions that need to be addressed;

(B) offer respondent the opportunity for a hearing; [~~or~~]

(C) allow the respondent to file a written response to the UPPAC report; or

([~~C~~]D) provide alternative terms and disposition to the Executive Secretary, consistent with the available evidence and presumptions described in Rule R277-215, that would be satisfactory to the Board to be submitted to the educator for consideration;

(ii) direct the Executive Secretary to issue a letter of education, letter of warning, or dismiss the matter; or

(iii) take other appropriate action consistent with due process and Rule R277-215.

(5) If the respondent accepts a consent to discipline with alternative terms and disposition proposed by the Board, the consent to discipline, as modified, is a final Board administrative action without further Board consideration.

(6) If the terms approved by the Board are rejected by the respondent, the proceedings shall continue from the point under these procedures at which the agreement was negotiated, as if the consent to discipline had not been submitted.

(7) If the Board remands to UPPAC to provide respondent the opportunity for a hearing under Subsection (4)(b)(i)(B), the Executive Secretary shall:

(a) notify the parties of the decision;

(b) direct a UPPAC attorney to issue a complaint; and

(c) direct the proceedings as if the proposed consent to discipline had not been submitted.

(8) If the Board approves a proposed consent to discipline, the approval is a final Board administrative action and the Executive Secretary shall:

(a) notify the parties of the decision within ten business days;

(b) update CACTUS to reflect the action;

(c) report the action to the NASDTEC Educator Information Clearinghouse if the agreement results in:

(i) a revocation;

(ii) a suspension; or

(iii) a reprimand;

(d) direct the appropriate penalties to begin; and

(e) notify the LEAs throughout the state.

R277-211-8. Default Procedures.

(1) If a respondent does not respond to a complaint within 30 days from the date the complaint is served, the Executive Secretary may issue an order of default against the respondent consistent with the following:

(a) the Executive Secretary shall prepare and serve on the respondent, at the respondent's last known address, an order of default including:

(i) a statement of the grounds for default; and

(ii) a recommended disposition if the respondent fails to file a response to a complaint;

(b) ten days following service of the order of default, a UPPAC attorney shall attempt to contact respondent or respondent's attorney by telephone or electronically unless the respondent is incarcerated and unrepresented;

(c) UPPAC shall maintain documentation of attempts toward written, telephonic, or electronic contact;

(d) the respondent has 20 days following service of the order of default to respond to UPPAC; and

(e) if UPPAC receives a response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final ten day period to respond to a complaint.

(2) The Executive Secretary shall make a recommendation to the Board for discipline consistent with the evidence and Rule R277-215.

(3) If an educator's default results in a suspension, the order of default shall include conditions the educator must meet before requesting a reinstatement hearing.

R277-211-[~~9~~]10. Disciplinary Letters and Dismissal.

(1) If UPPAC recommends issuance of a letter of warning, letter of education, or dismissal, the Executive Secretary shall forward the case to the Board for review on a consent calendar.

(2) If the Board does not approve a recommendation for a letter of warning, letter of education, or dismissal described in Subsection (1), the Board may:

(a) remand the case to the Executive Secretary with:

(i) direction as to the issues UPPAC should address;

(ii) alternative terms and disposition that would be satisfactory to the Board to be submitted to the educator for consideration; and

(iii) the opportunity for the educator to participate in a hearing in accordance with Rule R277-212;

(b) dismiss the matter; or

(c) take other appropriate action consistent with due process and Rule R277-215.

(3) If the Board approves a letter of warning or letter of education, the Executive Secretary shall:

(a) prepare the letter of warning or letter of education and mail it to the educator;

(b) place a copy of the letter of warning or letter of education in the UPPAC case file; and

(c) update CACTUS to reflect that the case is closed.

277-211-10. Public Access to Final Disciplinary Action.

(1)(a) The Superintendent shall maintain a searchable online database of final Board disciplinary actions and license reinstatements.

(b) The Superintendent shall include an educator in the database not later than 30 days after Board disciplinary action becomes final and the searchable online database is operational and available to the public.

(c) The database required under Subsection (1)(a) shall be searchable by:

(i) educator name;

(ii) LEA; and

(iii) school.

(d) The database required under Subsection (1)(a) shall include:

(i) an educator's name;

(ii) UPPAC case number;

(iii) the LEA where the conduct giving rise to the disciplinary action occurred;

(iv) the school where the educator was employed at the time of the misconduct, if applicable;

(v) a concise description of the conduct that resulted in discipline;

(vi) the applicable provisions of Board rule determined to have been violated;

(vii) the licensing action imposed by the Board;

(viii) the effective data of the Board action; and

(ix) a statement that an individual may request records pertaining to the matter in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

(2) The Superintendent shall provide access to the database through the Board's website.

(3) Unless a different period is prescribed by law, the Superintendent shall remove information regarding an action from the database after ten years unless the educator still has license restrictions.

(4) The requirements of this section do not alter the Executive Secretary's obligation to maintain UPPAC files under other provisions of this rule.

(5) Nothing in this section requires disclosure of records that are restricted under Title 63G, Chapter 2, Government Records Access and Management Act.

(6) The database established under Subsection (1)(a) shall provide public notice of final Board disciplinary actions and shall not include allegations, pending investigations, dismissed matters, letters of education, letters of warning, or other non-final matters.

277-211-11. UPPAC Records Management and Documentation

(1) The Executive Secretary shall establish and maintain a records management system sufficient to document, track, and preserve UPPAC proceedings and actions taken under this rule.

(2) The records management system shall include records necessary to document the history, status, disposition, and administrative handling of matters referred to UPPAC.

(3) The Executive Secretary shall ensure that material actions and decisions are documented in a manner that permits meaningful review by UPPAC, the Board, auditors, and other persons authorized by law.

(4) Records maintained under Subsection (2) shall include:

(a) referrals and complaints received;

(b) the date a matter was received, reviewed, referred, opened, closed, dismissed, or otherwise resolved;

(c) notes documenting follow up by the Executive Secretary and UPPAC staff;

(d) investigative reports and supporting materials;

(e) material communications relating to the administration of a case;

(f) motions, findings, recommendations, recusals, conflict disclosures, and votes of UPPAC;

(g) votes taken by the Board on UPPAC matters;

(h) final Board actions; and

(i) other records necessary to document the disposition of a matter.

(5) The Executive Secretary shall maintain records sufficient to identify:

(a) the source of a referral;

(b) whether a referral originated from:

(i) an external complainant;

(ii) an LEA;

(iii) the Internal Audit Department;

(iv) another governmental entity; or

(v) the Executive Secretary.

(6) A UPPAC investigator shall maintain records sufficient to document materials investigative activities, including efforts to identify, contact, interview, and obtain evidence from witnesses.

(7) The Executive Secretary shall maintain records required under this section as part of the UPPAC administrative record and retained in accordance with applicable state records retention requirements.

(8) Nothing in this section requires disclosure of records except as authorized by state or federal law.

R277-211-12. Administrator Responsibility for Supervision of Non-Licensed Employees.

(1) A superintendent or principal shall exercise reasonably supervision over non-licensed employees, volunteers, contractors, and other adults working under the administrator's direct authority or within the administrator's area of responsibility.

(2) An superintendent or principal:

(a) may not knowingly permit, direct, encourage, conceal, minimize, or fail to take reasonable corrective action regarding misconduct, boundary violations, abuse, neglect, or other conduct by a non-licensed employee, volunteer, contractor, or other adult working under the administrator's authority that threatens student safety;

(b) shall make all reports required by state law or Board rule regarding misconduct by a non-licensed employee, volunteer, contractor, or other adult;

(c) may not be grossly negligent in supervision that creates a foreseeable risk of harm to students; and

(d) may not knowingly disregard credible information indicating that a non-licensed employee, volunteer, contractor, or other adult presents a threat to student safety, well-being, or educational interests.

(3) The Board may not discipline an administrator solely because an individual engaged in misconduct absent evidence that the administrator violated a duty described in this section.

(4) Nothing in this section limits the Board's authority to investigate and discipline a licensed educator for conduct related to supervision, reporting, student safety, or compliance with state law, or Board rule.

KEY: teacher licensing, conduct, hearings

Date of Last Change: November 21, 2025

Notice of Continuation: October 1, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-506; 53E-3-401(4)

Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-211 – Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions (Amendment)

1. Reporting Burden for LEAs
This rule change does not add any reports for LEAs.

2. Estimated Fiscal Impact on USBE
This rule change is not estimated to have fiscal impacts on USBE.

3. Estimated Fiscal Impact on LEAs
This rule change is not estimated to have fiscal impacts on LEAs.

Author: Sam Urie

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: Board Policy 6001: Utah Professional Practices Advisory Commission (UPPAC) Code of Conduct (New)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve Board Policy 6001: Utah Professional Practices Advisory Commission Code of Conduct, Draft 1, and forward to the Board for approval.

Purpose of Memo:

Background:
Staff recommends consideration of Board Policy 6001 based on feedback in recent committee meetings. Concerns have been raised over the lack of a written conflict of interest and privacy policy for UPPAC. The proposed code of conduct in Board Policy 6001 has been reviewed by the commission and other key staff and seeks to proactively address these concerns.

Contact:

Name:	Ben Rasmussen
Title:	Director of Law and Professional Practices
Phone:	(801) 538-7835
Email:	ben.rasmussen@schools.utah.gov

Attachments:
1. Board Policy 6001 - Draft 1

UTAH STATE BOARD OF EDUCATION POLICY
Policy Number: 6001
Policy Name: Utah Professional Practices Advisory Commission - Member Code of Conduct
Date Approved:

1. The Utah State Board of Education, “the Board,” hereby establishes this Code of Conduct for individuals appointed by the Superintendent to serve on the Utah Professional Practices Advisory Commission, “UPPAC” or “the Commission.”
2. UPPAC members must sign an annual acknowledgment that they have read this Policy 6001 and agree to follow the code of conduct outlined herein.
3. As used herein, “Conflict of Interest,” means a business, employment, monetary, or relationship concern that may cause a UPPAC member to be unduly influenced, or that creates the appearance of undue influence to a UPPAC member.
4. Upon application for membership on UPPAC an individual shall disclose any known or expected conflicts of interest for any current or anticipated UPPAC matters.
5. A UPPAC member shall be fair and impartial and balance the rights of educators coming before the commission with the needs of the students and public school system in the State of Utah.
6. A UPPAC member shall strive to apply the Board’s disciplinary presumptions consistently as outlined in Rule R277-215.
7. A UPPAC member may not act in a manner that causes legal harm or create a substantial legal risk to the Board or the Commission.
8. A UPPAC member shall disclose a conflict of interest prior to the commission’s consideration of the matter.
9. Any UPPAC member or Commission staff may bring up a conflict of interest of a member who fails to disclose a conflict of interest under paragraph (8).
10. If a UPPAC member has a conflict of interest, the Executive Secretary shall excuse the member from the meeting until the commission completes its discussion of the matter posing a conflict of interest.

11. The Executive Secretary may not assign a UPPAC member to participate in a hearing panel or other matter for which the member has a conflict of interest.
12. A UPPAC member shall respect the privacy of educators going through the UPPAC process by maintaining the confidentiality of information disclosed in UPPAC reports and hearings.
13. A UPPAC member may not download, duplicate, or share UPPAC documents. A UPPAC member shall review UPPAC files through the Board file platform they're shared through.
14. A UPPAC member may not disclose or use student information obtained through service on the commission.
15. A UPPAC member with an educator license shall abide by the standards set forth in Rule R277-217, Educator Standards and Local Education Agency (LEA) Reporting.

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: Board Policy 6002: Utah Professional Practices Advisory Commission (UPPAC) Staff Requirements (New)

Agenda item type:
Action Item

Recommended Action:
That the Committee approve Board Policy 6002, Utah Professional Practices Advisory Commission Staff Requirements, Draft 1, and forward to the Board for approval.

Purpose of Memo:
-1

Background:
Three boardmembers submitted a request for an agenda item to update requirements for UPPAC staff. Board Policy 6002 includes directives for staff for data tracking and records management.

Contact:

Name:	Ben Rasmussen
Title:	Director of Law and Professional Practices
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Attachments:
1. Board Policy 6002 - Draft 1

UTAH STATE BOARD OF EDUCATION POLICY
Policy Number: 6002
Policy Name: Utah Professional Practices Advisory Commission – Staff Requirements
Date Approved:

1. The Utah State Board of Education, "the Board," hereby establishes this policy for Utah Professional Practices Advisory Commission, "UPPAC," staff.
2. The Internal Audit Department shall monitor to ensure that UPPAC staff track each opened case.
3. UPPAC staff shall track the following data for each case:
    a. the school where the educator was employed;
    b. the LEA where the educator was employed;
    c. the educator's assignment and license area;
    d. each violation established by the investigation, by reference to Rule R277-217;
    e. the commission recommendation;
    f. the referral source; and
    g. the educator's legal representative, if applicable.
4. UPPAC shall establish target timelines for major stages of the investigative process, including:
    a. investigation completion;
    b. discovery disclosures;
    c. hearing scheduling; and
    d. final Board consideration.
5. UPPAC shall document significant deviations from target timelines.
6. UPPAC staff shall maintain a complete administrative record of proceedings in a format and system that allows for accessibility. The record shall include:
    a. recordings;
    b. submissions;
    c. investigative materials;

d. recommendations; and

e. final Board actions.

UTAH STATE BOARD OF EDUCATION

Subject:
ACTION: Sensitive Materials Timeline Update

Agenda item type:
Action Item

Recommended Action:
That the Committee adopt the 2026 Timeline Policy, Draft 1, on first reading and appropriate $60,000 from Board discretionary funds for implementation and forward to the Board for approval on second and final reading.

Purpose of Memo:
Recommended by leadership

Background:
During the May 18, 2026, Committee Meeting, Member Green made the following motion:

> Member Green moved that the Standards and Assessment Committee direct staff to bring back a timeline for conducting a comprehensive review and audit of public school library material selection and acquisition practices in Utah, including funding sources, procurement procedures, vendor and publisher relationships, librarian qualifications and training, collection development standards, distributor influence, and the role of professional organizations in shaping library policies and purchasing decisions. The motion passed unanimously. See the timeline in the backup documentation.

During the June 5, 2026, Committee Meeting, Member Green made the following motion:

> Member Green moved that the Standards and Assessment Committee direct staff to bring back a timeline for conducting a comprehensive review and audit of public school library material selection and acquisition practices in Utah, including funding sources, procurement procedures, vendor and publisher relationships, librarian qualifications and training, collection development standards, distributor influence, and the role of professional organizations in shaping library policies and purchasing decisions. The motion passed unanimously.
>
> Additionally, the Committee asked for the request to include $60,000 from discretionary funds to conduct the review.

Contact:

Name:	Davina Sauthoff	Meghan Everette
Title:	Library Media Education Specialist	Director of Teaching & Learning
Phone:	801-538-7530	801-538-7739
Email:	davina.sauthoff@schools.utah.gov	meghan.everette@schools.utah.gov

Attachments:
1. School Library Monitoring Timeline - June 5 2026
2. Updated Model Library Materials Policy Draft

3. Updated Model Library Materials Policy Draft 3

Comprehensive School Library Monitoring Timeline

This 26-week timeline concludes in early December 2026.

Phase 1: Fiscal Analysis (8 Weeks)

- **Objective:** Collect and review financial transactions for school library transactions
- **Scope:** Sample of 12 districts and 3 charters.
- **Key Focus Areas:**
  - **Funding Streams:** Reviewing all school library funding streams including state funding (WPU), federal grants (Title I, Title IV) etc.
  - **Receipts:** Reviewing ledgers, purchase orders and itemized book titles.
  - **Book Fair Review:** Reviewing how cash generated on-campus from Scholastic Book Fairs is tracked, deposited, and spent.
  - **Internal Controls:** Reviewing financial structures to identify who holds final signature authority to authorize a book purchase package at the district level.
- **Primary Contacts:** District Business Administrators and accounting teams.
- **Staff Hours Required:**
  - **USBE Staff Hours:** 180 Hours
  - **LEA District Staff Hours:** 180 Hours Total
    (~12 hours total across each of the 15 sampled LEAs)

Phase 2: Supply Chain & Procurement (7 Weeks)

- **Objective:** Conduct a comprehensive, technical review of procurement contracts, supply chain distribution logistics, and digital asset management systems (library databases/online collections).
- **Scope:** Sample of 12 districts and 3 charters to focus on the major national vendors and distribution channels utilized in Utah.
- **Key Focus Areas:**
  - **Contractual Terms & Financial Commitments:** Auditing Master Service Agreements and technical service contracts with major national distributors.
  - **Vendor Agreements:** Reviewing contracts with major distributors to check for automatic renewals or multi-year financial commitments.
  - **Distribution Center Technical Processing:** Investigating vendor-provided shelf-ready services—specifically, whether distributors perform pre-shipment processing (including automated cataloging, spine labeling, and electronic barcoding) that bypasses manual, on-site inspection protocols at the LEA level.
  - **Inventory Control & Safeguards:** Auditing the technical infrastructure of digital library reading apps and physical inventory software to evaluate content-filtering capabilities, digital curation oversight, and the operational viability of parental restriction and opt-out logs.

- **Legal Liability Clauses:** Reviewing vendor contract language for vendor accountability and legal liability for LEAs.
- **Primary Contacts:** LEA Procurement Directors, Purchasing Agents, and Legal Counsel
- **Staff Hours Required:**
    - **USBE Staff Hours:** 220 Hours
    - **LEA District Staff Hours:** 75 Hours Total
      (~5 hours total across each of the 15 sampled LEAs)

Phase 3: Regulatory Compliance & Training (7 Weeks)

- **Objective:** Assess local board policies and conduct a statewide system review of library staff qualifications, purchasing standards, and professional development pathway and training.
- **Scope:** All 41 Districts and charters. Policy text is publicly available and a single digital survey can be scaled statewide.
- **Key Focus Areas:**
    - **Policy Alignment:** Cross-mapping all LEA policies against Board Rule R277-628 and §53G-10-103.
    - **The Challenge Process:** Reviewing the steps and timelines districts take when a book is formally challenged by a parent.
    - **Librarian Qualifications & Credentials:** Verifying school-level library staff data to determine the qualifications of school libraries staffed by certified Library Media Specialists, licensed educators, or classified media clerks.
    - **Systemic Training Pathways:** Reviewing the required onboarding and annual training provided by the district to frontline library staff regarding sensitive materials and collection maintenance.
    - **Collection Development Standards:** Identifying the specific criteria, professional review journals (e.g., *School Library Journal*, *Kirkus*), or rubrics used to evaluate a book's educational value before it is purchased.
    - **Professional Organization Influence:** Reviewing three years of training logs, state conference agendas, and policy templates to determine the role outside professional organizations play in shaping local district guidelines.
    - **Distributor Guidance:** Evaluating district collection development processes and reliance on selection lists, automated text-alignment data, or marketing materials provided directly by major book distributors when updating their catalogs.
    - **Parental Complaint Logs:** Collecting data from all supervisors on the exact number of formal book challenges filed over the last 3 years.
- **Primary Contacts:** The 41 District-level Library Media Supervisors and all charter school directors.
- **Staff Hours Required:**
    - **USBE Staff Hours:** 160 Hours
    - **LEA District Staff Hours:** 534 Hours Total
      (~3 hours across the entire statewide network of traditional district supervisors

and charter administrators.)

Phase 4: Synthesis, Evaluation, & Reporting (4 Weeks)

- **Objective:** Consolidate and analyze data from all preceding phases to produce a conclusive final report.
- **Scope:** Data analysis phase only. No new information is requested from districts.
- **Key Focus Areas:**
  - Analysis of Data
  - Final Report Drafting & Presentation

- **USBE Staff Hours:** 120 Hours

Summary Table

Phase	~ Calendar Window	USBE Hours	District Office Hours
Phase 1: Fiscal Analysis	June 8 – August 3, 2026 *(8 Weeks)*	180 Hours	180 Hours *(12 hours each)*
Phase 2: Supply Chain & Procurement	August 3 – September 21, 2026 *(7 Weeks)*	220 Hours	75 Hours *(5 hours each)*
Phase 3: Regulatory Compliance & Training	September 21 – November 9, 2026 *(7 Weeks)*	160 Hours	534 Hours *(3 hours each)*
Phase 4: Synthesis, Evaluation, & Reporting	November 9 – December 7, 2026 *(4 Weeks)*	120 Hours	0 Hours
TOTALS	**June to December 2026**	**680 Hours**	**789 Total LEA Hours**

Model Library Materials Policy Guidance

Instructions for Local Education Agencies (LEAs) to consider when creating a library materials policy

- Local Administrators should ensure that educators comply with the LEA-created policy written after consideration of this model policy.
- LEAs should develop a systematic process and timeframe for reviewing all school library materials (physical and digital) using a Materials Review Rubric to ensure compliance with Utah Law.
- An LEA's governing board should annually review the LEA's Library Policy for alignment with state and federal law and Board Rule R277-628.

________[LEA NAME]________LIBRARY POLICY

I. Library Policy

A. [LEA Name] school libraries support and enhance student learning. [LEA Name] values libraries, media centers, and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.

B. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools based on Section 53G-10-103, *Sensitive Instructional Materials*, state and federal law, Board Rule R277-217, *Educator Standards and LEA Reporting,* or based on age-appropriate content.

C. This policy prioritizes protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional material.

D. All employees of [LEA Name] must adhere to this policy and are subject to the [LEA Name] employees conduct policies for any personal violation.

E. Nothing in this policy shall prevent the [LEA Name] governing board from:

1. Revisiting a previous decision;
2. Reviewing a recommendation of LEA personnel or a parent-related committee regarding a challenged instructional material; or
3. Reconsidering a challenged instructional material if the [LEA Name] governing board receives additional information regarding the material.

II. Selection of Materials for Library Collection

A. The library professional or designated [LEA Name] specialist will initially select all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:

1. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;

2. create a collection that reflects diversity of ideas; and
3. create a collection that adheres to the law.

B. Electronic databases and other web-based searches and content will be filtered through the [LEA Name] state-required internet filter.

C. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria; and

D. The responsibility for final material selection rests with trained library personnel under direction of the governing board of [LEA Name] using the following criteria:
   1. overall purpose and educational significance;
   2. legality;
   3. age and developmental appropriateness;
   4. timeliness and/or permanence;
   5. readability and accessibility for intended audience;
   6. artistic quality and literary style;
   7. reputation and significance of author, producer, and/or publisher;
   8. variety of formats with efforts to incorporate emerging technologies; and
   9. quality and value commensurate with cost and/or need.

E. A record of reviewed materials will be maintained by each school within [LEA Name] and include:
   1. the name of the school;
   2. the title and author of the material;

3. all available formats of the material (digital/hard copy/etc.);
4. the intended use of the material;
5. the date the material was reviewed; and
6. the employee's name and title that reviewed the material.

F. [LEA Name] shall provide an online platform for library materials through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials.

III. Library Collection Maintenance

A. Library materials will be maintained consistent with the criteria listed in II.D, state and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.

B. The school librarian or designated specialist will inventory the school library collection and equipment (how often).

1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
2. The inventory may also be used to deselect and remove materials that are inconsistent with the law, or that are no longer relevant to the curriculum or of interest to students.
3. The inventory may be used to deselect and remove materials based on other criteria found harmful to minors, such as violence, pervasive vulgarity, or self-harm.
4. The inventory may be used to identify gaps or deficits in the library's collection.

IV. Library Materials Review Process

A. General Review Information

1. [LEA Name] will ensure that each school within [LEA Name] approves a least-restrictive, transparent process for a library materials review request to be made in physical or electronic formats.

2. A library materials review request of a material may only be made by:
    a. a parent of a student that attends the school;
    b. a student who attends the school;
    c. an employee of the school; or
    d. a governing board member of [LEA Name]

3. After an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this policy during the remainder of the given academic year.
    a. An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the [LEA Name] concludes to be erroneous, either on direct review or on appeal to the [LEA Name] governing board, resulting in the retention of the given instructional material.

4. A library materials review may be based upon the concern that the material is a sensitive material
    a. Concerns of "Sensitive Material": Challenges alleging the material contains Sensitive Material according to Section 53G-10-103 will follow the Initial Review and the Objective/Subjective Sensitive Material Review Processes outlined in Parts B and C of this policy.
    b. Concerns of "Age-Appropriateness": Challenges based solely on age-appropriateness (which do not claim statutory sensitive material violations) will bypass the sensitive material processes and follow the separate Age-Appropriateness Review Process outlined in Part D to evaluate the material's educational suitability.

5. The identity of the requestor will be protected and kept confidential from all individuals outside of the review process outlined in this policy, to the extent possible.

6. [LEA or School Name] will ensure each school provides access to a Library Materials Review Request Form (See Appendix A).

7. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.

8. Initial Review: Upon receipt of a request for review, the school/LEA administrator or designee will acknowledge the receipt of the request, create a case number for the review,

and designate at least two LEA employees to conduct an initial review.

9. The designated LEA employees will make an initial determination related to whether there is a plausible claim that the material constitutes sensitive materials. They may use excerpts and other evidence submitted by the requestor to support the allegation.

10. If a plausible claim is substantiated during the initial review, the instructional material shall be immediately removed from student access in all school settings until the full review process is completed.

11. Following the initial review, the challenge will proceed to either the Objective Sensitive Material Review Process (Part B) or the Subjective Sensitive Material Review Process (Part C), or the Age-Appropriateness Review Process (Part D) depending on the nature of the claim and the findings of the initial review.

B. Objective Sensitive Material Review Process
   1. If the Initial Review by two LEA employees substantiates a plausible claim that the material constitutes objective sensitive material, the school/LEA administrator or designee will convene an Objective Sensitive Material Review Committee.

   2. The Objective Review Committee shall consist of three or more members, including at least one parent.
      a. A Review Committee will include a reasonable and an odd number of individuals.

b. Members of the committee may include:
    i. a facilitator chosen by administration;
    ii. at least one administrator or designee;
    iii. a licensed teacher relevant to the challenged material;
    iv. a licensed teacher-librarian or school librarian; and
    v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).

3. The LEA designees from the Initial Review may serve on this committee.
    a. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.
    b. The Objective Review Committee will evaluate the material strictly using the objective sensitive material standards found in Utah Code 76-5c-101, 76-5c-207, and 76-5c-208. The committee shall determine if the material contains:
    c. human genitals in a state of sexual stimulation or arousal;
    d. acts of human masturbation, sexual intercourse, or sodomy; or
    e. fondling or other erotic touching of human genitals or pubic region.

4. Members of the Review Committee will receive materials to complete the review process, including the following:
    a. access to the complete work that includes the material being challenged;
    b. a copy of the Materials Review Request form;
    c. a copy of this policy; and
    d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.

5. If the committee determines the instructional material constitutes objective sensitive material, the review process is completed, and the instructional material shall be immediately removed from student access in all school settings.

6. Materials removed from student access shall be legally disposed of or returned to the vendor and may not be sold or distributed to a minor.

7. If the objective sensitive material standard is not upheld by the committee, the LEA shall initiate a Subjective Sensitive Material Review.

8. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.

9. The LEA designee shall report the outcomes to the submitter and the public, and promptly report the determination and

rationale to the State Superintendent within 30 school days or after the completion of the appeal see Section V.

10. The notes from each meeting will be retained by the [LEA or School Name] and the school conducting the review along with all relevant documentation and the final determination.

C. Subjective Sensitive Material Review Process

1. The Subjective Sensitive Material Review Process is initiated when a material does not meet the objective sensitive material standards (as outlined in Part B).

2. Upon initiating this process, the school/LEA administrator or designee will convene a Subjective Sensitive Material Review Committee within a reasonable time.

3. A Review Committee will include a reasonable and odd number of individuals.
   a. Members of the committee may include
      i. a facilitator chosen by administration;
      ii. at least one administrator or designee;
      iii. a licensed teacher relevant to the challenged material;
      iv. a licensed teacher-librarian or school librarian; and
      v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee including parents

reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).

b. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.

c. If an LEA requires an employee to participate outside of contract hours, the LEA shall compensate the employee for their time.

4. The Review Committee will determine the amount of time needed for an adequate review to make a thorough and thoughtful decision, informing the requestor of the timeline with a preference for 30 school days where possible, and no longer than 60 school days.

5. Members of the Review Committee will receive materials to complete the review process, including the following:
   a. access to the complete work that includes the material being challenged;
   b. a copy of the Materials Review Request form;
   c. a copy of this policy; and
   d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.

6. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting, which will be retained with all relevant

Documentation.

7. The Review Committee will evaluate the material using the subjective factor-balancing standards found in Utah Code 76-5c-101 and 76-5c-208. In deciding whether the material constitutes subjective sensitive material, the committee must consider whether the material, taken as a whole:
   a. Appeals to the prurient interest in sex of minors;
   b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
   c. Does not have serious literary, artistic, political, or scientific value for minors.

8. The Review Committee will make a final determination by majority vote. The committee may make a determination that the material is subjective sensitive and the material will be removed, or is not subjective.

9. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.

10. The LEA designee shall report the outcomes to the public and report the final determination and rationale to the State Superintendent within 30 school days.

D. Age-Appropriate Review Process
   1. The Age-Appropriateness Review Process is initiated when a challenge is based solely on concerns of age appropriateness, rather than statutory sensitive material violations.

   2. Upon initiating this process, the school/LEA administrator or designee will convene an Age-Appropriateness Review Committee within a reasonable time.

   3. The committee will include a reasonable and odd number of individuals, including a facilitator, an administrator, a licensed teacher, a librarian, and school community parents. *(Note: Parents must outnumber the LEA employees on the committee.)*

   4. The Review Committee will evaluate the material's educational suitability and age-appropriateness. The committee must consider the material taken as a whole and determine if it has serious literary, artistic, political, or scientific value for minors. The committee may use criteria like violence, pervasive vulgarity, or self-harm to evaluate the material.

   5. The Review Committee will make a final determination by majority vote as follows:
      a. Retained: The determination to maintain access in a school setting for all students.
      b. Restricted / Relocated: The determination to restrict access in a school setting to certain students by moving the material to a more age-appropriate setting (e.g.,

relocating the material from an elementary school to a middle school, or from a middle school to a high school).

c. Removed: The determination to prohibit access in a school setting to the challenged material for all students because it lacks overall educational suitability and age-appropriateness.

6. The final determination will be communicated to the requestor and appropriate employees within 5 school days of the decision.

V. Appeals Process for Sensitive Materials

A. The original requestor or another individual who was not on the Review Committee may appeal the determination of the Review Committee in writing to the LEA within 30 school days of receipt of the Review Committee's final determination using an Appeal Request Form (See Appendix B).

B. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.

C. If an appeal is filed, the local governing authority will act as the Appeals Committee. The governing board reviews the appeal and votes in a public board meeting to decide the outcome, clearly identifying their rationale and determinations on each component of the statutory standards

D. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 60 school days and a preference for 30 school days of a material required to make a thorough and thoughtful decision and inform the requester of the determined timeline.

E. Members of the Appeals Committee will receive materials to complete the review process, including the following:
   1. a copy of the material;
   2. a copy of the Materials Review Request form;
   3. all meeting minutes;
   4. the Review Committee's final recommendation and rationale for the decision;
   5. any other documents considered part of the administrative record related to the Review Committee's proceedings.

F. The Appeals Committee will evaluate the appeal based on the nature of the original claim and may make a final determination by majority vote as follows:
   1. For Objective Sensitive Material Claims: The Appeals Committee must evaluate the material strictly against the objective standards in Utah Code 76-5c-101, 76-5c-207, and 76-5c-208. If the material meets the objective standard, the only legal determination is removed from all school settings.

   2. For Subjective Sensitive Material Claims: The Appeals Committee will evaluate whether the material taken as a whole constitutes pornographic or indecent material under the statutory factor-balancing standards. The committee may make a determination that the material is subjective sensitive

and the material will be removed or is not subjective. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.

G. [LEA Name] will maintain a list of the determinations by Appeals Committee and make the list available to all schools within [LEA Name] and the public.

VI. State-Wide Removal & Reporting

A. [LEA Name] will maintain a list of the determinations by Committees and make the list available to all schools within the LEA and the public.

B. The LEA appointed designee shall report all Sensitive Material challenges, final determinations, and rationale to the State Superintendent within 30 school days, or at the conclusion of an appeal.

C. If the State Superintendent notifies the LEA that an objective sensitive material has met the statewide removal threshold (removed by at least three school districts, or at least two school districts and five charter schools), the material must be removed from all school settings.

VII. Communication

A. An easily accessible webpage on the public website for [LEA Name] will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:

1. A Materials Review Request Form (See Appendix A);
2. An Appeal Request Form (See Appendix B);
3. Application to serve on a Review Committee;
4. This Library Policy;
5. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.

B. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, [LEA Name] will inform relevant parties regarding appropriate actions to take pursuant to this policy.

Appendix A: Materials Review Form

Title:

Author:

School:

Review Request initiated by: Telephone:

Address:

City:

Zip:

Email:

1. Does your child attend this LEA (District or Charter)? Yes No

2. Was this material recommended, assigned, or made available through the students' school? If so, where?

3. Are you requesting review for objective, subjective, or age appropriateness?

4. What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

5. What action are you requesting the committee to consider?

Signature:

Date

**********************Below is for Internal Use Only**********************

LEA Appointed Committee Convener/Facilitator (Determined by [LEA Name] Administration

Suggested Review Timeline:

Appendix B: Appeal Request Form

Instructions:

1. A requester will submit the District Appeal Form along with a copy of the School Library Materials Reconsideration decision within 30 schooldays of receiving the decision of the School Library Material Reconsideration Committee.

Requestor Information:

1. Date ________
2. Legal Name of Guardian
3. Address
4. E-mail
5. Phone Number
6. School
7. School Challenge Decision Date

The submission of a District Appeal Form will receive receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated time-line for a determination of the District Appeal to be completed within a reasonable time period not to exceed _____ school days.

Challenged Material Information:

1. Title ____
2. Author ____
3. Publisher and date of publication _____________________
4. School where title can be accessed ____________________

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

Requestor's Signature: ____________________________________

Model Library Materials Policy Guidance

Instructions for Local Education Agencies (LEAs) to consider when creating a library materials policy

- Local Administrators ~~should~~ ensure that educators comply with the LEA-created policy written after consideration of this model policy.
- LEAs ~~should~~ develop a systematic process and timeframe for reviewing all school library materials (physical and digital) using a Materials Review Rubric to ensure compliance with Utah Law.
- An LEA's governing board ~~should~~ shall ~~annually~~ review the LEA's Library Policy for alignment with state and federal law and Board Rule R277-628.

________[LEA NAME]_______LIBRARY POLICY

Section 1. Library Acquisition and Curation Protocols and Section

I. Library Policy

A. [LEA Name] school libraries support and enhance student learning. [LEA Name] values libraries, media centers, and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students

B. [LEA Name] schools operate within limited instructional time, staffing, and budget resources, educators and library personnel have a responsibility to curate materials that directly support curriculum, literacy, and student wellbeing, learning and interests that can be delivered appropriately in a school setting; school libraries are curated with a transparent process. ~~and that can be delivered appropriately in a school setting; school libraries are curated learning environments for minors that include transparent processes with parents and supportive the learning environment within the school for educators.~~

C. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools based on Section 53G-10-103, *Sensitive Instructional Materials*, state and federal law, Board Rule R277-217, *Educator Standards and LEA Reporting,* ~~or based on age-appropriate content.~~

D. This policy prioritizes protecting children from sensitive materials deemed harmful to minors. ~~especially the harmful effects of illicit pornography over other considerations in evaluating instructional material.~~

E. All employees of [LEA Name] must adhere to this policy and are subject to the [LEA Name] employees conduct policies for any personal violation.

F. Nothing in this policy shall prevent the [LEA Name] governing board from:

a. Revisiting a previous decision;
b. Reviewing a recommendation of LEA personnel or a parent-related committee regarding a challenged instructional material; or

c. Reconsidering a challenged instructional material if the [LEA Name] governing board receives additional information regarding the material.

II. Selection of Materials for Library Collection

A. The library professional or designated [LEA Name] specialist trained on this policy will initially review and recommend and select ~~select~~ all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:

1. Create a collection that adheres to Utah law.
2. Seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process ~~and making new acquisitions open for public review and input for 30 days prior to making purchases; and~~
3. Create a collection that reflects diversity of ideas. ~~; and~~
4. ~~create a collection that adheres to the law.~~

B. Electronic databases and other web-based searches and content will be filtered through the [LEA Name] state-required internet filter and to report content that violates Utah law to the school designee.

C. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria; and

D. ~~The responsibility for final material selection rests with trained library personnel under direction of the governing board of [LEA Name] using the following criteria:~~ The LEA governing board is responsible for the final material selection and may direct the LEA librarian or other appropriate personnel to select materials using the following criteria.

1. ~~overall purpose~~ materials that support the Utah core standards and have educational significance;
2. legality;
3. age and developmental appropriateness;
4. timeliness and/or permanence;
5. readability and accessibility for intended audience;
6. artistic quality and literary style;
7. uplifting and captivating;
8. ~~reputation and significance of author, producer, and/or publisher~~;
9. variety of formats with efforts to incorporate emerging technologies; and
10. quality and value commensurate with cost and/or need.

E. A record of reviewed materials will be maintained by each school within [LEA Name] and include:
   1. the name of the school;
   2. the title and author of the material;
   3. all available formats of the material (digital/hard copy/etc.);
   4. the intended use of the material;
   5. the date the material was reviewed; and
   6. the employee's name and title that reviewed the material.

F. [LEA Name] shall provide an online platform for library materials through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials and ~~provide~~

request access to the book inventory. ~~list in a spreadsheet when requested and possible.~~

III. Library Collection Maintenance

A. Library materials will be maintained consistent with the criteria listed in II.D, state and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.

B. The school librarian or designated specialist will inventory the school library collection and equipment (how often).
   1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
   2. The inventory may also be used to deselect and remove materials that are inconsistent with the law, or that are no longer relevant to the curriculum or of interest to students.
      a. The inventory may be used to deselect and remove materials based on other criteria found harmful to minors, such as violence, pervasive vulgarity, animal abuse as referenced in Section 76-5c-101 or self-harm.
   3. The inventory may be used to identify gaps or deficits in the library's collection.

Section 2. Reconsideration of Challenged Materials

IV. Library Materials Review Process

A. General Review Information

1. [LEA Name] will ensure that each school within [LEA Name] approves a least-restrictive, transparent process for a library materials review request to be made in physical or electronic formats.

2. A library materials review request of a material may only be made by:
   a. a parent of a student within the relevant LEA ~~that attends the school~~;
   b. a student who attends the relevant LEA ~~school;~~
   c. an employee of the relevant LEA ~~school~~; or
   d. a governing board member of [LEA Name]

3. ~~After an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this policy during the remainder of the given academic year.~~
   a. ~~An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the [LEA Name] concludes to be erroneous, either on direct review or on appeal to the [LEA Name] governing board, resulting in the retention of the given instructional material.~~

4. A library materials review may be based upon the concern that the material is a sensitive material
   a. Concerns of "Sensitive Material": Challenges alleging the material contains Sensitive Material according to Section 53G-10-103 or other sensitive content like violence, pervasive vulgarity, animal abuse as referenced in Section 76-5c-10, self-harm, etc. which constitutes material not educationally suitable to the age of the students accessing the materials and will follow the Initial Review Processes outlined in Parts B and C of this policy.
   b. ~~Concerns of "Age-Appropriateness": Challenges based solely on age-appropriateness (which do not claim statutory sensitive material violations) will bypass the sensitive material processes and follow the separate Age-Appropriateness Review Process outlined in Part D to evaluate the material's educational suitability.~~

5. The identity of the requestor will be protected and ~~kept confidential from all individuals outside of the review process outlined in this policy, to the extent possible.~~ shall be handled in accordance with the Government Records Access and Management Act (GRAMA), noting that formal challenge documentation may be subject to public records requests.

6. [LEA or School Name] will ensure each school provides access to a Library Materials Review Request Form (See Appendix A).

7. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.

8. Initial Review: Upon receipt of a request for review, the school/LEA administrator or designee will acknowledge the receipt of the request, create a case number for the review, and designate at least two LEA employees to conduct an initial review.

9. The designated LEA employees will make an initial determination related to whether there is a plausible claim that the material constitutes sensitive materials. They may use excerpts and other evidence submitted by the requestor to support the allegation.

10. If a plausible claim is substantiated during the initial review, the instructional material shall be immediately removed from student access in all school settings until the full review process is completed.

11. Following the initial review, the challenge will proceed to either the Objective Sensitive Material Review Process (Part B) or the Subjective Sensitive Material Review Process (Part C),~~ or the Age-Appropriateness Review Process (Part D)~~ depending on the nature of the claim and the findings of the initial review.
12. ~~After ~~if an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this policy during the remainder of the given academic year.

b. An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the [LEA Name] concludes to be erroneous, either on direct review or on appeal to the [LEA Name] governing board, resulting in the retention of the given instructional material.

B. Objective Sensitive Material Review Process

1. If the Initial Review by two LEA employees substantiates a plausible claim that the material constitutes objective sensitive material, the school/LEA administrator or designee will convene an Objective Sensitive Material Review Committee.

2. The Objective Review Committee shall consist of three or more members, including at least one parent.
    a. A Review Committee will include a reasonable and an odd number of individuals.

    b. Members of the committee may include:
        i. a facilitator chosen by administration;
        ii. at least one administrator or designee;
        iii. a licensed teacher relevant to the challenged material;
        iv. a licensed teacher-librarian or school librarian; and

v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee ~~including parents reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).~~

4. The LEA designees from the Initial Review may serve on this committee.
    a. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.
    b. The Objective Review Committee will evaluate the material strictly using the objective sensitive material standards found in Utah Code 76-5c-101, 76-5c-207, and 76-5c-208. The committee shall determine if the material contains:
    c. human genitals in a state of sexual stimulation or arousal;
    d. acts of human masturbation, sexual intercourse, or sodomy; or
    e. fondling or other erotic touching of human genitals or pubic region.
    f. Obscene animal abuse material as referenced in Section 76-5c-101.

5. Members of the Review Committee will receive materials to complete the review process, including the following:
    a. May provide access to the complete work that includes the material being challenged;

   b. a copy of the Materials Review Request form including any excerpts or other evidence;
   c. a copy of this policy; and
   d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.

6. If the committee determines the instructional material constitutes objective sensitive material, the review process is completed, and the instructional material shall be immediately removed from student access in all school settings.

7. Materials removed from student access shall be legally disposed of or returned to the vendor and may not be sold or distributed to a minor.

8. If the objective sensitive material standard is not upheld by the committee, the LEA shall initiate a Subjective Sensitive Material Review.

9. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.

10. The LEA designee shall report the outcomes to the submitter and the public, and promptly report the determination and rationale to the State Superintendent within 30 school days or after the completion of the appeal see Section V.

11. The notes from each meeting will be retained by the [LEA or School Name] and the school conducting the review along with all relevant documentation and the final determination.

C. Subjective Sensitive Material Review Process

1. The Subjective Sensitive Material Review Process is initiated when a material does not meet the objective sensitive material standards (as outlined in Part B).

2. Upon initiating this process, the school/LEA administrator or designee will convene a Subjective Sensitive Material Review Committee within a reasonable time.

3. A Review Committee will include a reasonable and odd number of individuals.
    a. Members of the committee may include
        i. a facilitator chosen by administration;
        ii. at least one administrator or designee;
        iii. a licensed teacher relevant to the challenged material;
        iv. a licensed teacher-librarian or school librarian; and
        v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee ~~including parents reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).~~

   b. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.

   c. If an LEA requires an employee to participate outside of contract hours, the LEA shall compensate the employee for their time.

   d. All committee members shall be trained on the provisions of the law and LEA Policies related to the instructional materials process.

4. The Review Committee will determine the amount of time needed for an adequate review to make a thorough and thoughtful decision, informing the requestor of the timeline with a preference for 30 school days where possible, and no longer than 60 school days.

5. Members of the Review Committee will receive materials to complete the review process, including the following:
   a. access to the complete work that includes the material being challenged;
   b. a copy of the Materials Review Request form including any excerpts or additional evidence;
   c. a copy of this policy; and
   d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.

6. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting, which will be retained with all relevant Documentation.

7. The Review Committee will evaluate the material using the subjective factor-balancing standards found in Utah Code [76-5c-101] and [76-5c-208]. In deciding whether the material constitutes subjective sensitive material, the committee must consider whether the material, taken as a whole:
   a. Appeals to the prurient interest in sex of minors;
   b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
   c. Does not have serious literary, artistic, political, or scientific value for minors:
   a. May consider other criteria found to be harmful to minors, such as violence, pervasive vulgarity, animal abuse as referenced in Section 76-5c-101or self-harm.

8. The Review Committee will make a final determination by majority vote. The committee may make a determination that the ~~material is~~ challenged subjective sensitive material is either: ~~the material will be removed, or is not subjective.~~
   a. Retained: The determination to maintain access in a school setting for all students.
   b. Restricted / Relocated: The determination to restrict access in a school setting to certain students by moving the material to a more age-appropriate setting (e.g.,

relocating the material from an elementary school to a middle school, or from a middle school to a high school).

c. Removed: The determination to prohibit access in a school setting to the challenged material for all students because it lacks overall educational suitability and age-appropriateness.

9. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.

10. The LEA designee shall report the outcomes to the public and report the final determination and rationale to the State Superintendent within 30 school days.

~~D. Age-Appropriate Review Process~~

1. ~~The Age-Appropriateness Review Process is initiated when a challenge is based solely on concerns of age appropriateness, rather than statutory sensitive material violations.~~

2. ~~Upon initiating this process, the school/LEA administrator or designee will convene an Age-Appropriateness Review Committee within a reasonable time.~~

3. ~~The committee will include a reasonable and odd number of individuals, including a facilitator, an administrator, a licensed teacher, a librarian, and school community parents. *(Note: Parents must outnumber the LEA employees on the committee.)*~~

4. ~~The Review Committee will evaluate the material's educational suitability and age-appropriateness. The committee must consider the material taken as a whole and determine if it has serious literary, artistic, political, or scientific value for minors. The committee may use criteria like violence, pervasive vulgarity, or self-harm to evaluate the material.~~

5. ~~The Review Committee will make a final determination by majority vote as follows:~~
   a. ~~Retained: The determination to maintain access in a school setting for all students.~~
   b. ~~Restricted / Relocated: The determination to restrict access in a school setting to certain students by moving the material to a more age-appropriate setting (e.g., relocating the material from an elementary school to a middle school, or from a middle school to a high school).~~

   c. ~~Removed: The determination to prohibit access in a school setting to the challenged material for all students because it lacks overall educational suitability and age-appropriateness.~~

~~6. The final determination will be communicated to the requestor and appropriate employees within 5 school days of the decision.~~

V. Appeals Process for Sensitive Materials

A. The original requestor or another individual who was not on the Review Committee may appeal the determination of the Review Committee in writing to the LEA within 30 school days of receipt of the Review Committee's final determination using an Appeal Request Form (See Appendix B).

B. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.

C. If an appeal is filed, the local governing authority will act as the Appeals Committee. The governing board reviews the appeal and votes in a public board meeting to decide the outcome, clearly identifying their rationale and determinations on each component of the statutory standards

D. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 60 school days and a preference for 30 school days of a material required to make a thorough and thoughtful decision and inform the requester of the determined timeline.

E. Members of the Appeals Committee will receive materials to complete the review process, including the following:
   1. a copy of the material;
   2. a copy of the Materials Review Request form including any excerpts and other evidence;
   3. all meeting minutes;
   4. the Review Committee's final recommendation and rationale for the decision;
   5. any other documents considered part of the administrative record related to the Review Committee's proceedings.

F. The Appeals Committee will evaluate the appeal based on the nature of the original claim and may make a final determination by majority vote as follows:
   1. For Objective Sensitive Material Claims: The Appeals Committee must evaluate the material strictly against the objective standards in Utah Code 76-5c-101, 76-5c-207, and 76-5c-208. If the material meets the objective standard, the only legal determination is removed from all school settings.

   2. For Subjective Sensitive Material Claims: The Appeals Committee will evaluate whether the material taken as a whole constitutes pornographic or indecent material under the statutory factor-balancing standards. The committee may make a determination that the material is subjective sensitive

      and the material will be removed or is not subjective. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.

G. [LEA Name] will maintain a list of the determinations by Appeals Committee and make the list available to all schools within [LEA Name] and the public.

VI. State-Wide Removal & Reporting

A. [LEA Name] will maintain a list of the determinations by Committees and make the list available to all schools within the LEA and the public.

B. The LEA appointed designee shall report all Sensitive Material challenges, final determinations, and rationale to the State Superintendent within 30 school days, or at the conclusion of an appeal.

C. If the State Superintendent notifies the LEA that an objective sensitive material has met the statewide removal threshold (removed by at least three school districts, or at least two school districts and five charter schools), the material must be removed from all school settings.

VII. Communication

A. An easily accessible webpage on the public website for [LEA Name] will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:
   1. A Materials Review Request Form (See Appendix A);
   2. An Appeal Request Form (See Appendix B);
   3. Application to serve on a Review Committee;
   4. This Library Policy;
   5. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.

B. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, [LEA Name] will inform relevant parties regarding appropriate actions to take pursuant to this policy.

Appendix A: Materials Review Form

Title:

Author:

School:

Review Request initiated by: Telephone:

Address:

City:

Zip:

Email:

1. Does your child attend this LEA (District or Charter)? Yes No

2. Was this material recommended, assigned, or made available through the students' school? If so, where?

3. Are you requesting review for Objective Sensitive Review or Subjective Sensitive Review, ~~or age appropriateness~~?

4. What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

5. What action are you requesting the committee to consider?

Signature:

Date

***********************Below is for Internal Use Only***********************

LEA Appointed Committee Convener/Facilitator (Determined by [LEA Name] Administration

Suggested Review Timeline:

Appendix B: Appeal Request Form

Instructions:

1. A requester will submit the District Appeal Form along with a copy of the School Library Materials Reconsideration decision within 30 schooldays of receiving the decision of the School Library Material Reconsideration Committee.

Requestor Information:

1. Date
2. Legal Name of Guardian
3. Address
4. E-mail
5. Phone Number
6. School
7. School Challenge Decision Date

The submission of a District Appeal Form will receive receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated time-line for a determination of the District Appeal to be completed within a reasonable time period not to exceed _____ school days.

Challenged Material Information:

1. Title ____
2. Author ____
3. Publisher and date of publication ___________________________________
4. School where title can be accessed _________________________________

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

Requestor's Signature: ____

UTAH STATE BOARD OF EDUCATION

Subject:
DISCUSSION: Policy Request Items

Agenda item type:
Discussion Item

Recommended Action:

Purpose of Memo:
Staff recommendation

Background:
A standing placeholder agenda item to allow the committee to discuss any policy requests that may arise.

Contact:

Name:	Elisse Newey
Title:	Deputy Superintendent of Policy
Phone:	
Email:	elisse.newey@schools.utah.gov

Attachments:
None