

Agency: UTAH STATE BOARD OF EDUCATION

Request Title: *Records Classification for Ethics Complaints*

Purpose Statement:

Ensure consistency in records classification of ethics complaints against elected officials by adding similar protections to Utah State Board of Education members as are afforded to members of the legislature as outlined in Utah Code Section [63G-2-302](#).

What is the nature of your request?

Select one:

- POLICY REQUEST** – You are seeking changes to Utah State Code to improve your program/services.
- FUNDING REQUEST** – You are seeking new or additional financial resources to support a program/service for education.
- BOTH POLICY and FUNDING** – You are proposing a new program or expansion of an existing program that will require new/amended state code and financial resources.

Questions? Please contact:

Todd Call (Todd.Call@schools.utah.gov) for questions related to a funding request and Greg Connell (Greg.Connell@schools.utah.gov) for questions related to a policy request.

Current Funding for FY 2024:

FY 2024 Ongoing Funding = N/A

FY 2024 One-Time Funding = N/A

Projected Results:

- Records classifications for ethics complaints, investigation, reports for state board members will be similar to those for other elected officials.

Rationale:

- Consistency in records classifications promotes efficiency, appropriate transparency, and appropriate privacy.

If not funded/approved:

- State Board Members subject to ethics complaints will not be afforded the same records classifications as other elected officials.

USBE Lead Point of Contact:

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USBE Section: Internal Audit

POLICY REQUEST

- 1. Section(s) of State Code to be addressed (if none, insert "N/A"):**
[63G-2-302](#)
- 2. Summarize the request, the specific problem it will solve, and how it will solve the problem.**
 - Request: Ensure consistency in records classification of ethics complaints against elected officials.
 - Specific Problem: Classification of ethics complaints against members of the state board of education have not been addressed.
 - Problem Resolution: Add
- 3. Describe the history of the issues or concerns including relevant context and timelines:**

The Utah State Board of Education approved [Board Policy 2005](#) Complaints Against Individual Board Members on November 4, 2021. Since passage of the policy, a number of complaints have been received, some of which—with related analyses, documents, etc.—have been subject to GRAMA requests by various entities and individuals.

- 4. What are the suggested legislative solutions? Include code references and suggested language where possible:**

Requested language is anticipated to be similar to the language in Utah Code Section [63G-2-302](#), just specific to the Utah State Board of Education. However, Board Policy or Utah Code Section [53E-3 Part 4](#) may also need to be updated to include language regarding a similar summary data report or other type of final resolution document.

Current Utah Code Section [63G-2-302](#) Private Records, with potential draft language underlined below, includes:

- (1) The following records are private:

(d) records received by or generated by or for:

- (i) the Independent Legislative Ethics Commission, except for:
 - (A) the commission's summary data report that is required under legislative rule; and
 - (B) any other document that is classified as public under legislative rule; or
 - (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;

(e) records received by or generated by or for an ethics complaint review by the State Board of Education, except for:

- (i) the State Board of Education's summary data report, if required under the State Board of Education's bylaws; and
- (ii) any other document that is classified as public by the State Board of Education;

~~(f)~~ (f) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

~~(w)~~ (w) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:

- (i) the commission's summary data report that is required in Section 63A-15-202; and
- (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;

5. Provide details, sources, research, and analysis to which forms evidence-basis for this request or the associated program (e.g. cost benefit analysis, program evaluation, results from pilot program, etc). Include whether this data is currently collected and available or whether new data will be collected:

From November 2021 – July 2024, Internal Audit has completed 45 preliminary analyses in accordance with [Board Policy 2005](#). Of the preliminary analyses completed as required, 44% (20) resulted in a referral to board leadership for additional consideration. Fourteen of the 45 preliminary analyses, with related documents, were subject to GRAMA requests and related to the requests there were questions about records classification.