

**R277. Education, Administration.**

**R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule.**

**R277-123-1. 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-3-401](#)(8)(a), which allows the Board to take corrective action, withhold funds, issue penalties, and require reimbursement of funds;

(d) Subsection [53E-3-401](#)(8)(c), which grants the Board rulemaking authority to make rules related to violations of the public education code or board rule;

~~[(e)]~~ Subsection [53E-3-401](#)(8)(d), which requires the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board; ~~[-]~~

(f) Subsections [53G-2-103](#)(8), [53G-2-104](#)(5), and [53G-2-105](#)(6), which allow individual to bring violations to the Board in accordance with the process set forth in Section [53E-3-401](#);

(2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.

(3)(a) Sections R277-123-4 and R277-123-5, insofar as it creates requirements for LEAs, are categorized as Category 2 as described in Rule [R277-111](#).

(b) The remainder of the rule is categorized as exempt as described in Rule [R277-111](#).

**R277-123-2. Definitions.**

(1)(a) "Alleged violation" means an alleged violation of statute or Board rule.

(b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Section R277-123-6.

(2) "Complainant" means an individual who submits a hotline complaint or other concern to the public education hotline.

~~(2)3~~ "Hotline ~~[report]~~complaint" means a ~~[report of an alleged violation submitted to the Board's public education hotline]~~complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by a Boardmember, Board staff, or another individual, entity, or agency.

(4) "IAD" means the Board's Internal Audit Department.

~~(3)5~~ "Individual with standing" means, for purposes of Section R277-123-6, ~~an individual who:~~

~~—— (a) submitted a request for review of library materials with an LEA;~~

~~—— (b) a parent who did not serve on an LEA review committee whose child attends the same school as a parent who submitted a request for review of library materials within an LEA;~~

~~—— (c) a student enrolled in the LEA; or~~

~~—— (d) an employee of the LEA.]~~ an individual described in Subsection [53G-10-103\(3\)\(a\)](#).

(6)(a) "Other concern" means a hotline complaint or concern that is not an alleged violation or submitted in addition to an alleged violation.

(b) "Other concern" may include:

(i) alleged violations of LEA policy and procedure;

(ii) violations of a charter agreement; or

(iii) other issues generally falling under local authority and control, such as employment and human resources actions.

~~(4)7~~ "Public education hotline" or "hotline" means the process~~[-and database]~~ maintained by ~~[the Board's internal audit staff]~~IAD where an individual may report an alleged violation or other concern.

\_\_\_\_\_ (8)(a) “Resolved” means that an investigation has been completed and a specific finding made and reported to a complainant.

\_\_\_\_\_ (b) “Resolved” does not mean or require that the results be in complainant’s favor or that the findings or conclusions are satisfactory to the complainant.

**R277-123-3. Individual Reports of Alleged Violations~~[of Statute and Board Rule–~~**  
**Public Education Hotline Reports].**

(1) An individual may report an alleged violation ~~[of statute or state board rule]~~or other concern to the ~~[Board’s public education–]~~hotline, which can be found at <https://schools.utah.gov/internalaudit?mid=892&tid=3>.

(2) A hotline report may be submitted through the internal audit web page on the Board’s website, ~~[form,]~~via mail, ~~[phone, or email]~~or via the dedicated hotline email or phone number.

(3) A hotline complaint may also be submitted to IAD by an individual, a Boardmember, a member of USBE staff, or other outside entity or agency, and the IAD will address the hotline complaint in accordance with this rule in the same manner as if the complaint was submitted directly to the hotline.

~~[(3)(a)]~~(4) As part of ~~[the individual’s]~~a hotline ~~[report, the]~~complaint, a ~~[individual may]~~complainant shall provide, if possible:

(i) a detailed description of the report or alleged violation, including any laws, regulations, or policies that are relevant;

~~[(ii) the name of the individual, program, and, if applicable, funding, involved;~~

~~[(iii) the location where the action or concern occurred;~~

~~[(iv) the date the action or concern occurred; and~~

~~[(v) any additional information, including:~~

~~[(A) other witnesses; and~~

~~[(B) supporting documents or evidence.]~~

(a) the name of the LEA, school, program, or entity involved;

(b) the name of any individuals involved or previously contacted about the complaint;

(c) the date when the action or concern occurred;

(d) the location where the action or concern occurred;

(e) a detailed description of the alleged violation or other concern, including citation to any laws, regulations and policies that may be relevant;

(f) any additional information that is relevant and may assist in reviewing the concerns, including:

(i) the name and contact information for potential witnesses; and

(ii) the source of funding; and

(g)(i) supporting documents or evidence; and

(ii) a description of supporting documents or evidence that may be available, including whether the supporting documents or evidence are in the complainant's possession or where the supporting documents or evidence may be located.

(5) Notwithstanding a complainant's failure to provide any of the information above, the IAD may still review a hotline complaint, refer the complaint, or take other action as may be permitted by statute or rule, including recommending corrective action.

~~[(4)]~~ (6) The [Board's internal audit staff] IAD shall [conduct a preliminary analysis of an alleged violation] review all hotline complaints and may request additional information from the individual.

(7)(a) If after two attempts to obtain information from a complainant as described in Subsection (6), the complainant does not respond to IAD, the IAD shall close the hotline complaint.

(b) Notwithstanding Subsection (7)(a), the IAD may still make referrals with limited or missing information, and the IAD may reopen a closed hotline complaint if a complainant reaches back out and provides additional information.

~~[(5) Upon review of the information described in this Section R277-123-3, internal audit staff may refer an alleged violation to the applicable LEA to be resolved or to applicable staff.~~

~~\_\_\_\_\_ (6) An alleged violation related to special education or educator misconduct shall be reviewed and resolved in accordance with:~~

~~\_\_\_\_\_ (a) for a report related to special education, Rule R277-750; or~~

~~\_\_\_\_\_ (b) for a report related to educator misconduct, Rules R277-210 through R277-217.~~

~~\_\_\_\_\_ (7) If a response is requested by an individual or implied, internal audit or other staff shall respond to the individual who submits an alleged violation within three business days.~~

~~\_\_\_\_\_ (8) If a staff member requests additional information from an individual who submitted an alleged violation, the individual shall respond to the request in a timely manner.~~

~~\_\_\_\_\_ (9) If after two attempts to obtain information from an individual as described in Subsection (8) the individual does not respond to staff, the alleged violation shall be closed in the public education hotline.]~~

\_\_\_\_\_ (8) Upon initial review of a hotline complaint, the IAD shall conduct a high-level screening of the complaint to identify the criteria the hotline complaint may potentially violate and to identify and make referrals to those individuals and entities with potential authority and jurisdiction to investigate and resolve the complaint.

\_\_\_\_\_ (9) After conducting an initial screening, the IAD shall make one or more referrals as follows:

\_\_\_\_\_ (a) The IAD shall refer an alleged violation or other concern to the applicable LEA, USBE section, charter authorizer, and other entity or organization that has or may have the ability to investigate or resolve an alleged violation.

\_\_\_\_\_ (b) The IAD shall refer a hotline complaint related to special education to appropriate USBE staff, for review and resolution in accordance with Rule [R277-750](#).

\_\_\_\_\_ (c) The IAD shall refer a hotline complaint related to educator misconduct to the Utah Professional Practices Advisory Commission, for review and resolution in accordance with Rules [R277-210](#) through [R277-217](#) and [Title 53E, Chapter 6, Part 6](#), License Denial and Discipline.

144 (d)(i) The IAD may make a referral to the USBE parent engagement specialist or  
145 provide contact information for the USBE parent engagement specialist to an individual  
146 requesting information about parental rights or seeking assistance in navigating  
147 available complainant processes at the local school, LEA, or Board level.

148 (ii) The parent engagement specialist shall review referrals and provide  
149 assistance in accordance with Section [53G-6-807](#).

150 (10) Nothing in this rule shall prohibit the IAD from making multiple referrals or  
151 from making the Board, Superintendent, or other USBE staff aware of hotline  
152 complaints for situational awareness.

153 (11)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at  
154 least two members of the local governing board, which may include members of local  
155 board leadership or the audit committee chair.

156 (b) The IAD may also send the referral to other school and district employees,  
157 including the superintendent, business administrator, hotline specialist, and others.

158 (c) If a referral includes allegations about a particular individual, the IAD shall  
159 exclude that individual from the referral.

160 (12) Upon request of the IAD or the parent engagement specialist, an entity or  
161 individual receiving a referral shall provide an update or summary as to the status of the  
162 hotline complaint that was referred within 30 days of the request, including the results of  
163 any investigation and whether the matter has been resolved or is still open.

164 (13) Nothing in this rule shall require the disclosure of information that is  
165 considered protected or confidential under a federal or state statute.

166 (14) If an entity or individual that received a referral does not provide information  
167 requested under Subsection (12) based on privacy or confidentiality laws, the entity or  
168 individual shall provide a citation to the specific statute or legal authority relied upon in  
169 withholding the requested information.

170 (15)(a) If a response is requested, or implied, by a complainant, the IAD shall  
171 respond to the complainant within three business days.

(b) If the IAD receives a hotline complaint on a holiday, weekend, or after 5:00 p.m. MST, the hotline complaint will be considered to have been received the next business day.

(16) The IAD may provide additional related resources and information to a complaint, where appropriate.

**~~[R277-123-4. Resubmitted Alleged Violations of Statute or Board Rule.~~**

~~(1) An individual whose alleged violation is referred to an LEA, state agency, or other entity for resolution, may resubmit the alleged violation to the public education hotline if:~~

~~(a) the alleged violation is not resolved by the LEA, state agency or other entity; and~~

~~(b) the alleged violation is within the jurisdiction or authority of the Board to resolve.~~

~~(2) Staff who receive a resubmitted alleged violation described in Subsection (1) may:~~

~~(a) request information from the LEA, state agency, or other entity; and~~

~~(b) conduct a preliminary investigation of the issue.~~

**~~R277-123-5. Substantiated Allegations of Violations of Statute or Board Rule.~~**

~~(1) If an alleged violation is substantiated or significant risk is identified, internal audit may recommend:~~

~~(a) that the Board's Audit Committee recommend prioritization of an audit to the full Board; or~~

~~(b) that Superintendent implement corrective or other action in accordance with Rule R277-114.~~

~~(2) If an alleged violation is not substantiated, staff shall notify the individual who submitted the alleged violation.]~~

**R277-123-4. Referrals to LEAs – Responsibilities.**

(1) An LEA has the primary responsibility for control and management of the schools it operates and is responsible for ensuring its schools and staff comply with all applicable federal and state statutes, board rules, charter agreements, local ordinances, and internal policies and procedures.

(2) An LEA governing board shall provide a readily accessible local hotline where parents, students, and other stakeholders may report alleged violations and other concerns via phone, email, or an online submission form.

(a) An LEA shall prominently display the phone number, email address, or link to the online submission form on its LEA and each school's website.

(b) An LEA hotline shall allow submission of concerns anonymously.

(c) An LEA shall check a local hotline regularly so that hotline complaints may be reviewed and resolved in a timely manner consistent with this rule.

(3) An LEA governing board shall develop, implement, and enforce a policy and procedure specifically outlining how the LEA will efficiently and effectively review, investigate, and resolve hotline complaints, regardless of whether the LEA receives the concerns via referral from USBE or a direct submission to the local hotline.

(4) In addition to any other applicable statutory or board rule requirements, an LEA hotline review policy shall comply with the following minimum standards:

(a) An LEA shall attempt in good faith to work with parents, students, and other individuals to resolve alleged violations and other concerns at the local level.

(b) An LEA shall acknowledge receipt of a referral or local hotline complaint within three business days, unless no contact information is provided, the complaint was submitted anonymously, or the complainant specifically indicates that they do not want a response.

(c) An LEA shall protect a complainant or witness against retribution or other adverse action for making a good faith complaint or otherwise providing information as part of an investigation.



(d) An LEA shall have an appeal process where the complainant may appeal a final determination after an investigation is complete to the local board, or audit committee with a recommendation to the local board.

(e) An LEA shall require the Superintendent, Director, or other designated staff to make a monthly report to the LEA audit committee regarding hotline complaints received by referral or directly from the LEA's local hotline, which shall include:

(i) a general summary of the volume of hotline complaints received, types of hotline complaints received, and the status of hotline complaints, including the number of investigations open, pending, or closed during the preceding month;

(ii) information and data regarding hotline complaints that have been referred to outside agencies, including law enforcement, DCFS or Child Protective Services, UPPAC, a charter authorizer, or other agencies; and

(iii) any other information and data specifically requested by the LEA audit committee or that may assist the local board in evaluating risk.

(5)(a) In drafting and implementing the policy required under Subsection (4), an LEA may rely upon and incorporate model policies or authoritative investigative manuals, including any guidance issued by the Superintendent, Federal Office of Inspector General, U.S. Department of Education, or other respectable and authoritative resources, to the extent they are consistent with these rules.

(b) If an outside resource or model policy is incorporated into an LEA policy by reference, the LEA shall make the information available to complainants.

(c) An LEA policy shall specifically identify any provision of an incorporated model policy or resource that is not specifically adopted.

#### **R277-123-5. Resubmitted Complaints.**

(1) A complainant whose alleged violation or other concern is referred to an LEA, state agency, or other entity, may resubmit the complaint to the public education hotline if:

\_\_\_\_\_ (a) the alleged violation is not resolved by the LEA, state agency, or other entity  
and

\_\_\_\_\_ (b) the alleged violation is within the jurisdiction or authority of the Board to  
resolve.

\_\_\_\_\_ (3) A complainant may not resubmit an alleged violation or other concern to the  
public education hotline until the later of the following has occurred:

\_\_\_\_\_ (a) at least 30 days have passed from the time the IAD made a referral to the  
LEA, state agency, or other entity;

\_\_\_\_\_ (b) the complainant submitted a local hotline complaint directly to an LEA and the  
complainant has exhausted the LEA's appeal process; or

\_\_\_\_\_ (c) the complainant has submitted a local hotline complaint directly to an LEA  
and at least 30 days have passed without a resolution.

\_\_\_\_\_ (4) Upon receiving a resubmitted alleged violation, the IAD may:

\_\_\_\_\_ (a) request information from the LEA, state agency, or other entity;

\_\_\_\_\_ (b) conduct an investigation of the issue, including performing interviews,  
gathering evidence, and otherwise taking the same action that an LEA may take when  
conducting investigations;

\_\_\_\_\_ (c) physically visit the LEA, school, or other entity to review evidence and  
conduct interviews; and

\_\_\_\_\_ (d) take other reasonable actions necessary to thoroughly and promptly  
investigate the hotline complaint.

\_\_\_\_\_ (5) An LEA shall reasonably cooperate with the IAD upon request, including:

\_\_\_\_\_ (a) providing the IAD with access to investigation records;

\_\_\_\_\_ (b) responding timely to requests for information or to schedule a time to meet  
with school personnel; and

\_\_\_\_\_ (c) providing access to evidence and other records in the custody and control of  
the LEA or the can reasonably be obtained by the LEA.

\_\_\_\_\_ (6) After an investigation, if the IAD determines an alleged violation is  
substantiated or significant risk is identified, the IAD may recommend:

\_\_\_\_\_ (a) the Board Audit committee recommend prioritization of an audit to the full  
Board;

\_\_\_\_\_ (b) the Superintendent implement corrective or other action in accordance with  
Rule [R277-114](#); or

\_\_\_\_\_ (c) other appropriate action given the risks identified.

\_\_\_\_\_ (7)(a) The IAD shall notify the complainant in a timely manner if the resubmission  
was investigated or not and the basis for the decision.

\_\_\_\_\_ (b) If a resubmitted complaint was investigated, the IAD will also notify the  
complainant of any conclusions made on the merits of the complaint and if  
recommendations were made pursuant to Subsection (6).

**R277-123-6. Board Review of Appeals on LEA Library Materials Decisions.**

(1) An individual with standing may request the Board review an LEA  
determination on a library materials appeal by filing a request on a form provided by the  
Board's legal counsel within 30 days of the LEA's final decision.

(2) The Board's legal counsel shall review an appeal submitted under  
Subsection (1) to determine if the request presents an allegation that the LEA violated  
the procedure outlined in the LEA's library materials appeal policy.

(3)(a) If the Board's legal counsel determines that an appeal presents a question  
appropriate for Board review, the Board's legal counsel shall refer the appeal to Board  
leadership to place on a standing committee agenda.

(b) A standing committee shall make a recommendation to the Board for final  
action.

(c) The Board shall take action on an appeal within 60 days of the Board's legal  
counsel referring the matter to the Board.

(4) The Board may review an appeal of an LEA decision only to determine if the  
LEA appeals process violated the procedure outlined in the LEA's library materials  
policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's library materials review policy, the Board shall return the appeal to the LEA with an order stating:

- (i) the reasons for the Board's determination;
- (ii) recommendations to the LEA, which may include a request to include a governing board review as part of the library materials policy; and
- (iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.

(b) An LEA shall post an order issued under Subsection (5)(a) on its website.

**KEY: hotline, report, and violations**

**Date of Last Change: November 7, 2022**

**Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#)(4) and (8)**