

**R277. Education, Administration.**

**R277-217. Educator Standards and LEA Reporting.**

**R277-217-1. 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;

(c) Subsection 53E-3-501(1)(a), which directs the Board to make rules regarding the certification of educators; and

(d) Title 53E, Chapter 6, Educator Licensing and Professional Practices Act, which provides all laws related to educator licensing and professional practices.

(2) The purpose of this rule is to:

(a) establish statewide ethical and accountability standards for educators;

(b) establish reporting requirements for educators and LEAs; and

(c) recognize that educators are professionals and share common professional standards, accountability standards, expectations, and role model responsibilities.

**R277-217-2. Prohibited Conduct by an Educator.**

An educator may not:

(1) be convicted of a felony;

(2) be convicted of a misdemeanor offense that:

(a) adversely affects the educator's ability to perform an assigned duty and carry out the educator's responsibilities; or

(b) adversely affects the well being of students;

(3) be convicted of, or engage in conduct of a sexual nature described in Subsection 53E-6-603(2);

(4) participate in sexual, physical, or emotional harassment towards any colleague or public school-age student;

(5) engage in consensual sexual activity on school grounds, during contract hours, or while responsible for actively supervising students.

(6) engage in a romantic or sexual relationship with a recent graduate.

(~~5~~7) engage in:

(a) a single egregious instance of inappropriate contact, repetitive inappropriate contact, or a pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or

(b) a single egregious instance or pattern of boundary violations with a student or minor;

(~~6~~8) solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;

(~~7~~9) accept an inappropriate gift from, or give an inappropriate gift to, a student;

(~~8~~10) be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of child;

(~~9~~11) use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Section 53G-8-302;

(~~10~~12) provide alcohol or unauthorized drugs to a student or allow a student under the educator's supervision or control to consume or obtain alcohol or unauthorized drugs;

(~~11~~13) attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or an illegal drug;

(~~12~~14) attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a prescription medication that may impair the educator;

55 ([43]15) possess or distribute an illegal drug or be convicted of any crime related  
56 to an illegal drug, including a prescription drug not specifically prescribed to the  
57 educator;

58 ([14]16) be convicted of an alcohol-related offense;

59 ([45]17) use or attempt to use an LEA computer or information system to access  
60 information that may be detrimental to young people or inconsistent with the educator's  
61 role model responsibility;

62 ([46]18) knowingly possess, while at school or any school-related activity, any  
63 pornographic or indecent material in any form;

64 ([47]19) use school equipment to intentionally view, create, distribute, or store  
65 pornographic or indecent material in any form;

66 ([48]20) knowingly use, view, create, distribute, or store pornographic or  
67 indecent material involving children;

68 ([49]21) expose students to sensitive materials:

69 (a) as defined in Section 53G-10-103; and

70 (b) as determined by the educator's LEA.

71 (22) expose a student to materials that are inappropriate given the age and  
72 maturity of the student;

73 ([20]23) violate state laws regarding the possession of a firearm while on school  
74 property or at a school-sponsored activity;

75 ([24]24) knowingly allow a student to violate ~~[an LEA policy or]~~ the law or an LEA  
76 policy written consistent with state law concerning possession or access to a weapon;

77 ([22]25) interfere with or discourage a student's or colleague's ~~[legitimate]~~  
78 exercise of constitutional, legal, or civil rights ~~[, acting consistent with the law and an~~  
79 ~~LEA's policy];~~

80 ([23]26) discriminate against, harass, exclude a student from participating in any  
81 program, deny or grant any benefit to a student, or encourage a student to develop a  
82 prejudice on the basis of:

- (a) race;
- (b) color;
- (c) ~~[creed]~~ religious beliefs;
- (d) sex;
- (e) national origin;
- (f) marital status;
- (g) political or religious belief;
- (h) physical or mental condition;
- (i) family, social, or cultural background;
- (j) sexual orientation; or
- (k) gender identification;

(~~[24]~~27) invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;

(~~[25]~~28) use the educator's position, through language, instruction, materials, or symbols, to actively endorse, promote, or disparage another individual's ~~[a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint, in a manner inconsistent with the policy of the educator's LEA];~~

- \_\_\_\_\_ (a) race;
- \_\_\_\_\_ (b) color;
- \_\_\_\_\_ (c) religious beliefs;
- \_\_\_\_\_ (d) sex;
- \_\_\_\_\_ (e) national origin;
- \_\_\_\_\_ (f) marital status;
- \_\_\_\_\_ (g) political or religious belief;
- \_\_\_\_\_ (h) physical or mental condition;
- \_\_\_\_\_ (i) family, social, or cultural background;
- \_\_\_\_\_ (j) sexual orientation; or
- \_\_\_\_\_ (k) gender identification;

111           ([26]29) knowingly or intentionally permit unauthorized collection, sharing, or use  
112 of student data;

113           ([27]30) knowingly violate student confidentiality unless revealing confidential  
114 information to an authorized person serves the best interest of the student and serves a  
115 lawful purpose;

116           ([28]31) violate:

117           (a) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

118           (b) Title 53E, Chapter 9, Student Privacy and Data Protection;

119           (c) Rule R277-107, Educational Services Outside of an Educator's Regular  
120 Employment;

121           (d) Section R277-120-5, Classroom Materials Developed by Utah Educators; or

122           (e) Sections 53G-10-401 through 53G-10-403, Rule R277-474, or other Utah law  
123 regarding sex education; or

124           ([29]32) cheat or engage in academic dishonesty, whether on behalf of a  
125 student, or in the educator's own educational pursuits.

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127 **R277-217-3. Required Conduct for an Educator.**

128           An educator shall:

129           (1) comply with all federal, state, and local laws;

130           (2) maintain a professional educator/student relationship, including by:

131           (a) treating a student with dignity and respect by promoting the health, safety  
132 and well being of students; and

133           (b) maintaining appropriate physical, verbal, emotional and social boundaries;

134           (3) take prompt and appropriate action to stop, mitigate, and prevent  
135 harassment, inappropriate language or conduct, or discriminatory conduct toward a  
136 student or school employee that the educator knew or should have known may result in  
137 a hostile, intimidating, abusive, offensive, or oppressive environment;

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

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

142           (6) cooperate in providing all relevant information and evidence to the proper  
143 authority in the course of an investigation by a law enforcement agency or by the  
144 Division of Child and Family Services regarding potential criminal activity, except that an  
145 educator may decline to give evidence against himself or herself in an investigation if  
146 the evidence may tend to incriminate the educator as that term is defined by the Fifth  
147 Amendment of the U.S. Constitution;

148           (7) take appropriate steps to notify a student's parents and refer a student to  
149 appropriate prevention services if a student threatens suicide or self harm as required  
150 by Subsections 53E-9-203(7) and 53G-9-604(2);

151           (8) provide truthful, accurate, and complete information in:

152               (a) licensing, transfer, and employment applications or other documentation;

153               (b) evaluations of the educator, other educators, or students;

154               (c) proceedings related to educator licensure, employment, or related benefits;

155               (d) student IEP plans and related special education documentation;

156           (9) be forthcoming with truthful, accurate, and complete information to an  
157 appropriate authority regarding known educator misconduct that could adversely impact  
158 performance of a professional responsibility, by another educator;

159           (10) notify the Superintendent at the time of application for licensure of:

160               (a) current investigations involving professional misconduct in another  
161 jurisdiction;

162               (b) prior licensing disciplinary action in another jurisdiction; and

163               (c) past criminal convictions;

164           (11) report an arrest, citation, charge or conviction to the educator's LEA in  
165 accordance with Section R277-217-4;

(12) conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy;

(13) follow an LEA's fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in Rule R277-113;

(14) demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404; and

(15) use supplemental materials consistent with LEA policy as required by Subsection 53G-4-402(26).

**R277-217-4. Educator Reporting of Arrests, Citations, Charges, and Convictions.**

(1) An educator who is arrested, cited, or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director, or the LEA's designee, or to the Executive Secretary if not employed:

(a) any matters involving an alleged sex offense;

(b) any matters involving an alleged drug-related offense;

(c) any matters involving an alleged alcohol-related offense;

(d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;

(e) any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;

(f) any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and

(g) any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in Subsections (1)(a) through (f).

194           (2) An educator shall report any conviction or plea in abeyance for a felony or  
195 misdemeanor offense to the educator's LEA, or the Executive Secretary if not  
196 employed, within 48 hours, or as soon as possible thereafter.

197           (3) An LEA superintendent, director, or designee shall report conviction, arrest,  
198 or offense information received from an educator to the Superintendent within 48 hours  
199 of receipt of information from an educator.

200           (4) The Superintendent shall provide a form on the Board's website for reports  
201 required under this section.

202           (5) An educator shall report for work following an arrest and provide notice to the  
203 licensed educator's employer unless directed not to report for work by the employer,  
204 consistent with LEA policy.

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206 **R277-217-5. LEA Reporting of Misconduct to UPPAC.**

207           (1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial  
208 or administrative proceeding, or internal LEA investigation, to have violated the educator  
209 standards described in Sections R277-217-2 and R277-217-3.

210           (2)(a) A district superintendent or a charter school director, or their respective  
211 designees, shall notify UPPAC and the educator of any allegation from a parent that an  
212 educator's conduct violated Sections R277-217-2 and R277-217-3 within 30 days of  
213 receiving the allegation.

214           (b) The Executive Secretary shall record an allegation received under  
215 Subsection (2)(a), but shall defer further investigation pending the LEA's determination  
216 of possible LEA discipline.

217           (c) The Executive Secretary shall classify allegations received under Subsection  
218 (1) or Subsection (2)(a) as private under Subsection 63G-2-302(2)(d).

219           (3) For each allegation referred to UPPAC under Subsections (1) and (2)(a), an  
220 LEA shall notify UPPAC of:

221           (a) the findings of the LEA's internal investigation or administrative proceedings;



(b) criminal charges filed by a prosecuting agency;

(c) the LEA's internal disciplinary action or decision not to take action, and the evidence supporting the decision; and

(d) any evidence that may be relevant if UPPAC chooses to investigate the matter.

(4) The Executive Secretary shall provide a form for an LEA to make a notification required under Subsections (1) and (2).

(5) Upon submitting a notification under Subsection (1) or (2), an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA, but the LEA's recommendation is not binding on UPPAC, which shall make its own independent determination consistent with Section R277-211-3.

**KEY: educator standards, professional practices, reporting**

**Date of Last Change: January 24, 2024**

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**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-3-501; 53E-6**