

1      **R277. Education, Administration.**

2      **R277-217. Educator [Standards] and LEA Reporting of Violations of the Educator  
3      Standards.**

4      **R277-217-1. Authority, [and] Purpose and Oversight Category.**

5              (1) This rule is authorized by:

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

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

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

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

14              (2) The purpose of this rule is to[:

15              (a) ~~establish statewide ethical standards for educators;~~

16              (b)] ~~establish reporting educator misconduct reporting requirements for~~  
17              educators and LEAs[; and

18              (c) ~~recognize that educators are professionals and share common professional~~  
19              ~~standards, expectations, and role model responsibilities].~~

20              (3) This rule is categorized as Category 2 as described in Rule R277-111.

21

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

23              An educator may not:

24              (1) ~~be convicted of a felony;~~

25              (2) ~~be convicted of a misdemeanor offense that:~~

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

28              (b) ~~adversely affects the well-being of students;~~

29        (3) be convicted of, or engage in conduct of a sexual nature described in  
30        Subsection 53E-6-603(2);  
31        (4) participate in sexual, physical, or emotional harassment towards any  
32        colleague or public school age student;  
33        (5) engage in:  
34        (a) a single egregious instance or pattern of inappropriate contact in any  
35        communication, including written, verbal, or electronic, with a minor, student, colleague,  
36        or member of the community; or  
37        (b) a single egregious instance or pattern of boundary violations with a student;  
38        (6) solicit, encourage, or consummate an inappropriate relationship, whether  
39        written, verbal, or physical, with a student or minor;  
40        (7) accept an inappropriate gift from, or give an inappropriate gift to, a student;  
41        (8) be convicted of or commit a criminal offense involving a child, including  
42        physical abuse, cruelty, or exploitation of child;  
43        (9) use corporal punishment, excessive physical force, or inappropriate physical  
44        restraint, except as provided in Section 53G-8-302;  
45        (10) provide alcohol or unauthorized drugs to a student or allow a student under  
46        the educator's supervision or control to consume or obtain alcohol or unauthorized  
47        drugs;  
48        (11) attend school or a school related activity in an assigned employment-  
49        related capacity while possessing, using, or under the influence of alcohol or an illegal  
50        drug;  
51        (12) attend school or a school related activity in an assigned employment-  
52        related capacity after intentionally exceeding the prescribed dosage of a prescription  
53        medication that may impair the educator;  
54        (13) possess or distribute an illegal drug or be convicted of any crime related to  
55        an illegal drug, including a prescription drug not specifically prescribed to the educator;  
56        (14) be convicted of an alcohol related offense;

57        (15) use or attempt to use an LEA computer or information system to access  
58 information that may be detrimental to young people or inconsistent with the educator's  
59 role model responsibility;

60        (16) knowingly possess, while at school or any school-related activity, any  
61 pornographic or indecent material in any form;

62        (17) use school equipment to intentionally view, create, distribute, or store  
63 pornographic or indecent material in any form;

64        (18) knowingly use, view, create, distribute, or store pornographic or indecent  
65 material involving children;

66        (19) expose students to sensitive materials:  
67            (a) as defined in Section 53G-10-103; and  
68            (b) as determined by the educator's LEA.

69        (20) violate state laws regarding the possession of a firearm while on school  
70 property or at a school sponsored activity;

71        (21) knowingly allow a student to violate an LEA policy or law concerning  
72 possession or access to a weapon;

73        (22) interfere with or discourage a student's or colleague's legitimate exercise of  
74 constitutional, legal, or civil rights, acting consistent with the law and an LEA's policy;

75        (23) discriminate against, harass, exclude a student from participating in any  
76 program, deny or grant any benefit to a student, or encourage a student to develop a  
77 prejudice on the basis of:  
78            (a) race;  
79            (b) color;  
80            (c) creed;  
81            (d) sex;  
82            (e) national origin;  
83            (f) marital status;  
84            (g) political or religious belief;

85        (h) physical or mental condition;  
86        (i) family, social, or cultural background;  
87        (j) sexual orientation; or  
88        (k) gender identification;  
89        (24) invite, suggest, or encourage a student to reconsider or change the  
90        student's sexual orientation or gender identity;  
91        (25) use the educator's position, through instruction, materials, or symbols, to  
92        actively endorse, promote, or disparage a particular partisan, religious, denominational,  
93        sectarian, agnostic, or atheistic belief or viewpoint, in a manner inconsistent with the  
94        policy of the educator's LEA;  
95        (26) knowingly or intentionally permit unauthorized collection, sharing, or use of  
96        student data;  
97        (27) knowingly violate student confidentiality unless revealing confidential  
98        information to an authorized person serves the best interest of the student and serves a  
99        lawful purpose;  
100       (28) violate:  
101        (a) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;  
102        (b) Title 53E, Chapter 9, Student Privacy and Data Protection;  
103        (c) Rule R277-107, Educational Services Outside of an Educator's Regular  
104        Employment;  
105        (d) Section R277-120-5, Classroom Materials Developed by Utah Educators; or  
106        (e) Sections 53G-10-401 through 53G-10-403, Rule R277-474, or other Utah law  
107        regarding sex education; or  
108        (29) cheat or engage in academic dishonesty, whether on behalf of a student, or  
109        in the educator's own educational pursuits.  
110  
111 **R277-217-3. Required Conduct for an Educator.**  
112       An educator shall:

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

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

115        (a) treating a student with dignity and respect by promoting the health, safety

116        and well being of students; and

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

118        (3) take prompt and appropriate action to stop, mitigate, and prevent harassment

119        or discriminatory conduct toward a student or school employee that the educator knew

120        or should have known may result in a hostile, intimidating, abusive, offensive, or

121        oppressive environment;

122        (4) take prompt and appropriate action to protect a student from any known

123        condition detrimental to the student's physical health, mental health, safety, or learning;

124        (5) report suspected child abuse or neglect to law enforcement or the Division of

125        Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

126        (6) cooperate in providing all relevant information and evidence to the proper

127        authority in the course of an investigation by a law enforcement agency or by the

128        Division of Child and Family Services regarding potential criminal activity, except that an

129        educator may decline to give evidence against himself or herself in an investigation if

130        the evidence may tend to incriminate the educator as that term is defined by the Fifth

131        Amendment of the U.S. Constitution;

132        (7) take appropriate steps to notify a student's parents and refer a student to

133        appropriate prevention services if a student threatens suicide or self harm as required

134        by Subsections 53E-9-203(7) and 53G-9-604(2);

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

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

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

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

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

140       (9) be forthcoming with truthful, accurate, and complete information to an  
141 appropriate authority regarding known educator misconduct that could adversely impact  
142 performance of a professional responsibility, by another educator;  
143       (10) notify the Superintendent at the time of application for licensure of:  
144       (a) current investigations involving professional misconduct in another  
145 jurisdiction;  
146       (b) prior licensing disciplinary action in another jurisdiction; and  
147       (c) past criminal convictions;  
148       (11) report an arrest, citation, charge or conviction to the educator's LEA in  
149 accordance with Section R277-217-4;  
150       (12) conduct financial business with integrity by honestly accounting for all funds  
151 committed to the educator's charge, as school responsibilities require, consistent with  
152 LEA policy;  
153       (13) follow an LEA's fiscal policy for collecting money in connection with a school  
154 activity, accounting for all money collected, and not commingling LEA or school funds  
155 with personal funds as described in Rule R277-113;  
156       (14) demonstrate honesty and integrity by strictly adhering to all state and LEA  
157 instructions and protocols in managing and administering a standardized test to a  
158 student consistent with Section 53E-4-312 and Rule R277-404; and  
159       (15) use supplemental materials consistent with LEA policy as required by  
160 Subsection 53G-4-402(26).]

161  
162 **R277-217-2. Executive Secretary Responsibilities.**

163       (1) The Executive Secretary shall provide forms on the Board's website for  
164 reports required under this rule.  
165       (2) The Executive Secretary shall maintain a database of allegations and record  
166 all allegations received, regardless of the source, assigning each case a unique  
167 number.

168        (3) The Executive Secretary shall classify allegation forms received under this  
169        rule as private in accordance with Subsection 63G-2-302(2)(d).

170

171 **R277-217-[4]3. Educator Reporting of [Arrests, Citations, Charges, and**  
172 **Convictions] Misconduct.**

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

177            (a) any matters involving an alleged sex offense;  
178            (b) any matters involving an alleged drug-related offense;  
179            (c) any matters involving an alleged alcohol-related offense;  
180            (d) any matters involving an alleged offense against the person under Title 76,  
181        Chapter 5, Offenses Against the Person;  
182            (e) any matters involving an alleged felony [~~offense under Title 76, Chapter 6,~~  
183        ~~Offenses Against Property~~];

184            (f) any matters involving an alleged crime of domestic violence under Title 77,  
185        Chapter 36, Cohabitant Abuse Procedures Act; and  
186            (g) any matters involving an alleged crime under federal law or the laws of  
187        another state comparable to the violations listed in Subsections (1)(a) through (f).

188        (2) An educator shall report any conviction, [or] plea in abeyance, or diversion  
189        for a felony or misdemeanor offense within 48 hours, or as soon as possible, to the  
190        educator's LEA, or, if not employed, to the Executive Secretary [~~if not employed, within~~  
191        ~~48 hours, or as soon as possible thereafter~~].

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

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

197        ([5]3) An educator shall report for work following an arrest and provide notice to  
198 the [licensed] educator's employer unless directed not to report for work by the  
199 employer, consistent with LEA policy.

200        (4) An educator is encouraged to report any other violation of the educator  
201 standards in Rule R277-210, Section R277-330-6, or Section R277-330-7 to the  
202 educator's district superintendent, charter school director, or the LEA's designee, or if  
203 not employed, to the Executive Secretary.

204

205 **R277-217-[5]4. LEA Reporting of Misconduct to UPPAC.**

206        (1) An LEA Superintendent, charter school director, or an LEA's designee shall  
207 report to the Executive Secretary within 48 hours of receipt of the information of any  
208 arrest, citation, charge, conviction, plea in abeyance, or diversion of an educator, from  
209 any source received.

210        ([1]2) An LEA Superintendent, charter school director, or an LEA's designee  
211 shall [notify UPPAC] report to the Executive Secretary within 48 hours [if an educator is  
212 determined pursuant to] of the completion of a judicial or administrative proceeding, or  
213 internal LEA investigation, if an educator is determined pursuant to the judicial or  
214 administrative proceeding, or internal LEA investigation, to have violated the educator  
215 standards described in [Sections R277-217-2 and R277-217-3] Rule R277-210, Section  
216 R277-330-6, or R277-330-7.

217        ([2]3)[(a)] A district superintendent or a charter school director, or their  
218 respective designees, shall [notify UPPAC] report to the Executive Secretary and the  
219 educator of any allegation from a parent or other individual that an educator's conduct  
220 violated [Sections R277-217-2 and R277-217-3] Rule R277-210, Section R277-330-6,  
221 or R277-330-7 within 30 days of receiving the allegation.

222       ~~[(b) The Executive Secretary shall record an allegation received under~~  
223 ~~Subsection (2)(a), but shall defer further investigation pending the LEA's determination~~  
224 ~~of possible LEA discipline.~~

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

227       ~~([3]4) For each allegation referred to UPPAC under [Subsections (1) and (2)(a)]~~  
228 ~~this section, an LEA shall [notify UPPAC of] report to the Executive Secretary:~~

229       (a) the findings of the LEA's internal investigation or administrative proceedings;  
230       (b) criminal charges filed by a prosecuting agency;  
231       (c) the LEA's internal disciplinary action or decision not to take action, and the  
232 evidence supporting the decision; and  
233       (d) any evidence that may be relevant if UPPAC chooses to investigate the  
234 matter.

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

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

243

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

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

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

248 **501; 53E-6**

249

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