



*The meeting was conducted in a hybrid format via Zoom and in person.*

**Members Present:** Joseph Kerry, Amanda Bollinger, Erin Longacre, Carol Lear, Rod Hall (online)

**Committee Staff:** Elisse Newey, Ben Rasmussen

**Others Present:** Christi Olcott, Ashley Carter, Joanna Bell, Ashley Biehl (online), Molly Hart (online)

Chair Kerry called the meeting to order at 5:02 p.m.

### **7.1 UPPAC Process**

**Committee Discussion:** The Law and Licensing committee, as part of its assignment to evaluate the UPPAC process, will discuss UPPAC's purpose, current structure, intake processes and procedures as outlined in Board rule, and any internal policies that exist that regulate UPPAC. The Law and Licensing committee will discuss the investigative process with UPPAC staff and other relevant witnesses.

**Committee Action:** None.

**MOTION FOR THE BOARD:** None.

### **7.2 Public Comments**

**Committee Discussion:** See attached Documents 1 and 2.

### **Adjournment**

The meeting adjourned 6:00 p.m.



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## UPPAC's Failure to Apply Constitutionally Required Evidentiary Standards, Structural Conflicts of Interest, and Due-Process Violations

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**From** Jamie Renda <admin@pathforwardutah.com>

**Date** Tue 2025-12-09 2:43 PM

**To** Joseph Kerry <Joseph.Kerry@schools.utah.gov>; Rod Hall <Rod.Hall@schools.utah.gov>; Amanda Bollinger <Amanda.Bollinger@schools.utah.gov>; Erin Longacre <Erin.Longacre@schools.utah.gov>; Vanessa Hatton <Vanessa.Hatton@schools.utah.gov>; lmonson@le.utah.gov <lmonson@le.utah.gov>; tlee@le.utah.gov <tlee@le.utah.gov>; dmccay@le.utah.gov <dmccay@le.utah.gov>; nwalter@le.utah.gov <nwalter@le.utah.gov>; jjohnson@le.utah.gov <jjohnson@le.utah.gov>; mthomas@le.utah.gov <mthomas@le.utah.gov>; mikeschultz@le.utah.gov <mikeschultz@le.utah.gov>; jsadams@le.utah.gov <jsadams@le.utah.gov>

I would like for the following email to be entered into the official record at tonight's Law and Licensing meeting.

Jamie Renda  
Path Forward Utah  
admin@pathforwardutah.com  
801-920-3814  
December 9, 2025

Utah State Board of Education Members 250 E 500 S  
Salt Lake City, Utah 84111

Re: UPPAC's Failure to Apply Constitutionally Required Evidentiary Standards, Structural Conflicts of Interest, and Due-Process Violations

Dear Law and Licensing Committee Members,

I am writing to firmly and respectfully request that the Utah State Board of Education immediately review and correct the evidentiary and procedural standards used by the Utah Professional Practices Advisory Commission (UPPAC). At present, UPPAC's practices are not consistent with Utah law, UAPA, or with the due-process protections owed to licensed educators. These problems aren't theoretical, they are systemic.

UPPAC proceedings are governed by the Utah Administrative Procedures Act (UAPA) via R277-202-6(1): "UPPAC proceedings shall be conducted in accordance with Title 63G-4, the Utah Administrative Procedures Act." Under UAPA and controlling Utah case law, a teaching license is a constitutionally protected property right. When the State seeks to discipline an educator

based on allegations involving dishonesty, misrepresentation, willfulness, or moral turpitude, Utah appellate courts require a heightened level of proof (or clear and convincing evidence).

This principle is reflected in Utah precedents such as *Stanford v. Utah Board of Nursing*, *Vance v. DOPL*, and *McKeeson v. State*, among others. These cases emphasize that intent-based allegations cannot be adjudicated under a mere preponderance of the evidence standard without raising serious due-process concerns.

Yet UPPAC has never formally adopted this higher standard, never declared it in writing, and never stated in any decision what evidentiary standard it is applying. This lack of transparency is inconsistent with professional licensing norms statewide and undermines confidence in the fairness of UPPAC proceedings.

Despite the constitutional requirement and case law, UPPAC operates in practice as if every allegation, regardless of the severity, can be substantiated under a preponderance standard. In cases involving dishonesty, falsification, misrepresentation, alleged willfulness, or moral turpitude, UPPAC continues to rely heavily on school district HR findings, employment-level investigations, and testimony gathered under employment, not licensure, standards. This is a direct conflict with the due-process protections required in professional licensing cases.

Another serious concern is UPPAC's operational structure and decision-making process. Until about 45 days ago, UPPAC did not take formal votes when choosing to open an investigation, did not take formal votes when recommending action, and did not vote during hearings. Instead, it relied on an informal concept of "consensus."

The word "consensus" is not defined in rule or statute. In practice, it has meant reading the room, following the chair's direction, and assuming agreement without ever calling for or recording a vote. A body exercising state authority over professional licenses should not be making decisions about an educator's livelihood based on unwritten practices and unrecorded "consensus." This is more than a mere procedural flaw; it is a due-process failure.

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## STRUCTURAL CONFLICTS OF INTEREST & RELATIONAL BIAS

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While a district hearing officer cannot preside over their own district's case at the UPPAC level, the structural conflict does not end there. In Utah, many district attorneys and district-aligned hearing officers routinely serve in dual roles: they preside over employment termination hearings at the district level AND they serve as UPPAC hearing officers for cases involving other districts.

This creates an ecosystem where:

UPPAC staff and commissioners develop ongoing relationships with district HR teams and attorneys.

District counsel become familiar and trusted figures within UPPAC's workflow.

The same small circle of professionals rotate between district hearings and state licensure hearings.

So when a district forwards a case to UPPAC, they are approaching a panel and staff who already know them and who already have established working relationships with district leadership across the state.

Even without intentional bias, relational bias is real:

Familiarity influences credibility.

Prior collaboration shapes expectations.

Repeated interactions create subtle pressure to validate district decisions rather than scrutinize them.

This creates a closed loop of influence where district narratives flow directly into the licensure process with little resistance because they are presented by the same people who regularly interact with UPPAC as colleagues.

In any other licensing field, such as nursing, medicine, psychology, or law enforcement, this degree of overlap would be unthinkable. A licensure body must be independent, not socially or professionally intertwined with the very people generating the allegations.

When educators can lose their job, their license, their ability to volunteer in schools, their eligibility for many other state licenses, and be placed on a national registry, the system adjudicating their future must be unquestionably impartial.

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#### REQUEST FOR BOARD

#### ACTION

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I respectfully request the Board take the following actions:

Clarify the evidentiary standard required in UPPAC proceedings and affirm that allegations involving dishonesty, misrepresentation, intent, or moral turpitude require clear and convincing evidence.

Require UPPAC to explicitly state the burden of proof used in every written decision.

Formalize and enforce mandatory recorded voting procedures for every UPPAC action.

Direct UPPAC to adopt written guidance aligning its standards with other Utah professional licensing boards.

Utah's educators deserve a fair, transparent system that honors constitutional due process. Thank you for your time and dedication to Utah's educators.

Respectfully,

Jamie Renda  
Path Forward Utah  
[admin@pathforwardutah.com](mailto:admin@pathforwardutah.com)  
801-920-3814

## Document 2



### Concern Regarding R277-211 and Its Impact on Utah Educators

From Jamie Renda <admin@pathforwardutah.com>

Date Tue 2025-12-09 3:43 PM

To Joseph Kerry <Joseph.Kerry@schools.utah.gov>; Rod Hall <Rod.Hall@schools.utah.gov>; Amanda Bollinger <Amanda.Bollinger@schools.utah.gov>; Erin Longacre <Erin.Longacre@schools.utah.gov>; Vanessa Hatton <Vanessa.Hatton@schools.utah.gov>; lmonson@le.utah.gov <lmonson@le.utah.gov>; tlee@le.utah.gov <tlee@le.utah.gov>; dmccay@le.utah.gov <dmccay@le.utah.gov>; nwalter@le.utah.gov <nwalter@le.utah.gov>; jjohnson@le.utah.gov <jjohnson@le.utah.gov>; mthomas@le.utah.gov <mthomas@le.utah.gov>; mikeschultz@le.utah.gov <mikeschultz@le.utah.gov>; jsadams@le.utah.gov <jsadams@le.utah.gov>

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Dear Members of the Law and Licensing Committee,

I'm writing to ask the Committee to review how R277-211 is currently being applied, especially the requirement that every suspension or revocation include language stating that the educator "may not work or volunteer in a public school." After looking closely at 53E-6-603, the statute that governs these matters, it appears the rule may be broader than what the Legislature intended.

The statute separates two very different types of cases. The first group, under subsection (1), involves issues such as unprofessional conduct, ethical mistakes, or other matters that do not involve harm to children. In these situations, the Board has the option to act, but the law does not automatically require a prohibition on working or volunteering unless the Board makes a specific finding that the individual is "ineligible."

The second group, under subsection (2), deals strictly with sexual misconduct, and the statute is clear and firm in those situations. These cases appropriately carry automatic and permanent restrictions, including bans on employment and volunteer service in schools.

Subsection (3) applies only when someone has been found ineligible under one of those two categories. A suspension by itself does not meet that threshold. But the current rule treats every suspended educator as if they fall under the same category as a sexual misconduct case. This removes the discretion the statute plainly gives the Board and applies the harshest possible consequence to situations where the law did not require it.

This broad application has caused real and unnecessary harm. Educators who have never posed any threat to students, and who have simply made a mistake or been caught in a district-level dispute, are being treated the same as individuals who commit predatory acts. Once the "may not work or volunteer" clause is attached to their stipulation, it stays with them. It prevents them from coaching youth sports, helping in their own children's classrooms, mentoring students, or serving in community programs that use school facilities. Even worse, the public often assumes they must have been involved in something sexual or dangerous, when their situation had nothing whatsoever to do with student safety.

This approach sends a damaging message: that all misconduct is the same, and that every suspended educator should be treated as a potential danger to children. That is not what the statute says, and it isn't what's best for schools or for the many good educators who have dedicated their lives to teaching.

For these reasons, I respectfully ask the Committee to consider whether R277-211 should be revised to better align with the distinctions made in the statute. A more accurate and targeted rule would still allow the Board to take decisive action in serious cases, while preventing long-term harm to educators who have never posed a risk to students.

Thank you for your time and for the important work you do. I would be glad to provide any additional information or take part in further discussion if it would be helpful.

Sincerely,  
Jamie Renda  
Path Forward Utah