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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: March 6, 2015

ACTION: R277-516-3 *Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees – Licensed Public Education Employee Personal Reporting of Arrests (Amendment)*

Background:

R277-516-3 is amended to expand the requirements for licensed educator self-reporting from not only reports of arrest but also citations and charges. The rule is amended further to broaden the list of specified offenses to report to make the offenses consistent with the educator ethics standards in R277-515.

Key Points:

- New language is added to include cited or charged in addition to arrested.
- New language is added to include domestic violence offenses and any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed in R277-516-3A.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-516-3, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-516-3, as amended, on second reading.

Contact: Brad C. Smith, 801-538-7510
Judy Park, 801-538-7550
Benjamin Rasmussen, 801-538-7835

1 R277. Education, Administration.

2 R277-516. Education Employee Required Reports of Arrests and
3 Required Background Check Policies for Non-licensed Employees.

4 R277-516-3. Licensed Public Education Employee Personal
5 Reporting of Arrests.

6 A. A licensed educator who is arrested, cited or charged
7 ~~[for]~~with the following alleged offenses shall report the
8 arrest, citation, or charge within 48 hours or as soon as
9 possible to the licensed educator's district superintendent,
10 charter school director or designee:

11 (1) any matters involving ~~[arrests for]~~an alleged sex
12 offense~~[s]~~;

13 (2) any matters involving ~~[arrests for]~~an alleged drug-
14 related offense~~[s]~~;

15 (3) any matters involving ~~[arrests for]~~an alleged
16 alcohol-related offense~~[s]~~; ~~[-and]~~

17 (4) any matters involving ~~[arrests for]~~an alleged
18 offense~~[s]~~ against the person under Title 76, Chapter 5,
19 Offenses Against the Person~~[-]~~;

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

23 (6) any matters involving an alleged crime under federal
24 law or the laws of another state comparable to the violations
25 listed in R277-516-3A(1) through (5).

26 B. A licensed educator shall report convictions,
27 including pleas in abeyance and diversion agreements within 48
28 hours or as soon as possible upon receipt of notice of the
29 conviction, plea in abeyance or diversion agreement.

30 C. The district superintendent, charter school director
31 or designee shall report conviction, arrest or offense
32 information received from licensed educators to the USOE
33 within 48 hours of receipt of information from licensed
34 educators. The USOE shall develop an electronic reporting

35 process on the USOE website.

36 D. The licensed educator shall report for work following
37 the arrest and notice to the employer unless directed not to
38 report for work by the employer, consistent with school
39 district or charter school policy.

40 **KEY: school employees, self reporting**

41 **Date of Enactment or Last Substantive Amendments: [~~December 8,~~**
42 **2009]2015**

43 **Notice of Continuation: June 10, 2014**

44 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
45 **53A-1-301(3) (a) ; 53A-1-301(3) (d) (x) ; 53A-1-402(1) (a) (i) ; 53A-**
46 **1-402(1) (a) (iii)**