Utah State Board of Education

Reporting Burden and Fiscal Impact Estimate

R277-322 – LEA Codes of Conduct (Amendment) (Draft 3)

1. Reporting Burden for LEAs

This rule change requires a new compliance attestation and aggregate data on code of conduct complaints. It also requires an LEA to report within 45 days to Internal Audit any individual who is terminated or resigns for violating the code of conduct or appropriate behavior policy. Draft 2 – LEAs now only report within 45 days to Internal Audit any individual who is terminated or resigns for violations of the code of conduct of a sexual nature.

Draft 3 – Reporting impacts still include the compliance attestation, aggregate data on code of conduct complaints, and report to Internal audit for terminations and resignations for sexual violations, but removes reporting for "misconduct, harm, neglect, other conduct".

Draft 1A - LEAs must still report to Internal Audit within 45 days any employee who resigns or separates in lieu of termination for sexual conduct violations, or under agreements that limit disclosure of such conduct. Requirements for aggregate data and compliance attestations remain.

2. Estimated Fiscal Impact on USBE

This rule change is estimated to have a large staff time requirement for USBE internal audit to collect compliance attestation, aggregate data, and individual reports of terminations or resignations. It is estimated that this will require 0.25 – 0.5 FTE of a staff education auditor at a yearly cost between $29,850 - $59,700. Draft 2 – The staff time requirements for compliance attestations and aggregate data remain, though the individual termination and resignation reports may be slightly reduced as only the sexual code of conduct violations will be reported. The estimate of 0.25 – 0.5 FTE remains.

Draft 3 – The fiscal impact estimate is unchanged from Draft 2.

Draft 1A – The requirements for internal audit to collected aggregate data and individual terminations or resignations for violations of a sexual nature remain. The fiscal impact estimate remains unchanged at 0.25-0.5 FTE.

3. Estimated Fiscal Impact on LEAs

This rule change may impact LEA budgets. This proposed rule change requires annual training on recognizing and preventing boundary violations in both physical and digital settings. It would require all LEAs to update their code of conduct polices, and report data on code of conduct complaints. It is estimated that the additional training and reporting requirements will annually cost LEAs a minimum of $10,000, up to $500,000+ for the largest LEAs, for staff time in preparing, delivering, and receiving training, and reporting violations of the code of conduct policy to Internal Audit. Draft 2 – The training, policy updates, and reporting requirements remain, and therefore the estimate of an annual cost between $10,000 and $500,000+ for LEAs remains.

Draft 3 – Specialized training requirements for administrators on investigations are removed, with reporting to Internal audit lessened. The policy updates, training for all staff, and reporting of code of conduct violation data remain. The estimate of annual cost to LEAs is lessened to $5,000 for the smallest LEAs and $250,000+ for the largest LEAs.

Policy updates, training for all staff, and reporting of violations remain. The estimate remains $5,000 for the smallest LEAs up to $250,000+ for the largest LEAs.

Author: Sam Urie