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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: October 6-7, 2016

ACTION: R277-517 *LEA Code of Conduct Requirements (New)*

Background:

Board staff received direction to prepare a new rule requiring LEA's to adopt codes of conduct for their employees. This new rule incorporates content requirements for an LEA's code of conduct and requires that an LEA's code of conduct be posted in a conspicuous place for staff to see.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-517 on first reading and, if approved by the Committee, the Board consider approving R277-517 on second reading.

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1 **R277. Education, Administration.**

2 **R277-517. LEA Codes of Conduct.**

3 **R277-517-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Section 53A-1-401, which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law.

9 (2) The purpose of this rule is to require LEAs to create a code of conduct
10 applicable to the LEA's staff.

11 **R277-517-2. Definitions.**

12 (1) "Boundary violation" means the same as that term is defined in R277-515.

13 (2) "Staff" or "staff member" means an employee, contractor, or volunteer with
14 unsupervised access to students.

15 **R277-517-3. Required Code of Conduct**

16 (1) Each LEA shall adopt a code of conduct applicable to the LEA's staff.

17 (2) A code of conduct, adopted pursuant to Subsection (1), shall include, at
18 a minimum:

19 (a) a statement that a staff member should avoid boundary violations with
20 students;

21 (b) a statement that a staff member may not be alone with a student in a
22 location where the interaction is out of the line of site of others;

23 (c) a statement that a staff member may not subject a student to:

24 (i) physical abuse;

25 (ii) verbal abuse;

26 (iii) sexual abuse;

27 (iv) mental abuse; or

28 (v) neglect;

29 (d) a statement that a staff member may not touch a student in a way that
30 makes the student feel uncomfortable;

31 (e) a statement regarding appropriate verbal communication between a staff
32 member and a student;

33 (f) a statement regarding providing gifts, special favors, or preferential
34 treatment to a student or group of students;

35 (g) a statement that a staff member shall not discriminate against a student
36 on the basis of sex, race, religion, or any other prohibited class;

37 (h) a statement regarding appropriate use of social media for communication
38 between a staff member and a student;

39 (i) a statement regarding use of alcohol, tobacco, and illegal substances
40 during work hours and on school property;

41 (j) a statement that a staff member is required to:

42 (i) report any suspicion of child abuse to the proper authorities;

43 (ii) annually read and sign all policies related to identifying, documenting, and
44 reporting child abuse; and

45 (iii) annually attend abuse prevention training; and

46 (k) a statement that an LEA shall explicitly invite staff during employee
47 evaluations, but not less than twice a year, to report:

48 (i) known violations of the LEA's code of conduct; and

49 (ii) known violations of the Utah Educator Standards contained in R277-515.

50 (3) An LEA shall post a code of conduct adopted pursuant to Subsection (1):

51 (a) in a prominent place in each of the LEA's schools where it can be seen by
52 a school's staff; and

53 (b) on the LEA's website.

54 **KEY: codes of conduct**

55 **Date of Enactment of Last Substantive Amendment: 2017**

56 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401**