



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins Jefferson Moss
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Stan Lockhart Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: November 3-4, 2016

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

Background: Rule R277-517 provides requirements for LEAs to adopt codes of conduct for their employees. The 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 LEA staff to see. The Board approved R277-517 on second reading in October, but directed staff to incorporate provisions for a student and parent bill of rights, which has been added to this rule.

The Committee will also review a "Petition for a Rule Change" for R277-517 submitted by Carol Barlow Lear. Utah Code Section 63G-3-601 requires the Board to: 1) deny Ms. Lear's petition; or 2) initiate additional rulemaking proceedings as a result of the petition.

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:

- 1) consider Ms. Lear's Petition for Rule Change to R277-517; and
- 2) consider approving R277-517 on second reading and, if approved by the Committee, the Board consider approving R277-517 on third and final reading.

Contact: Angie Stallings, 801-538-7550
Ben Rasmussen, 801-538-7835

1 **R277. Education, Administration.**

2 **R277-517. LEA Codes of Conduct; Parent and Student Rights.**

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:

10 (a) to create a code of conduct applicable to the LEA's staff; and

11 (b) create a parent and student notice of rights.

12 **R277-517-2. Definitions.**

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

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

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

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

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

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

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

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

25 (i) physical abuse;

26 (ii) verbal abuse;

27 (iii) sexual abuse; or

28 (iv) mental abuse;

- 29 (d) a statement that a staff member shall report any suspected incidents of:
30 (i) physical abuse;
31 (ii) verbal abuse;
32 (iii) sexual abuse;
33 (iv) mental abuse; or
34 (v) neglect;
35 (e) a statement that a staff member may not touch a student in a way that
36 makes a reasonably objective student feel uncomfortable;
37 (f) a statement regarding appropriate verbal [or electronic](#) communication
38 between a staff member and a student;
39 (g) a statement regarding providing gifts, special favors, or preferential
40 treatment to a student or group of students;
41 (h) a statement that a staff member shall not discriminate against a student
42 on the basis of sex, race, religion, or any other prohibited class;
43 (i) a statement regarding appropriate use of [electronic devices and social](#)
44 media for communication between a staff member and a student;
45 (j) a statement regarding use of alcohol, tobacco, and illegal substances
46 during work hours and on school property;
47 (k) a statement that a staff member is required to:
48 (i) report any suspicion of child abuse [or bullying](#) to the proper authorities;
49 (ii) annually read and sign all policies related to identifying, documenting, and
50 reporting child abuse; and
51 (iii) for an employee or contractor, annually attend abuse prevention training
52 required in Section 53A-13-112; and
53 (3) An LEA shall post a code of conduct adopted pursuant to Subsection (1):
54 (a) in a prominent place in each of the LEA's schools where it can be seen by
55 a school's staff; and
56 (b) on the LEA's website.
57 (4) [An LEA shall provide information to staff that they should report and how](#)
58 [to report:](#)

- 59 (a) known violations of the LEA's code of conduct; and
60 (b) known violations of the Utah Educator Standards contained in R277-515.

61 **R277-517-4. Parent and Student Rights.**

62 (1) An LEA shall adopt a parent and student notice of rights, which shall
63 include those rights specified in Section 53A-15-1403.

64 (2) An LEA shall post a parent and student notice of rights adopted pursuant
65 to Subsection (1):

66 (a) in the manner prescribed in Section 53A-15-1402; and

67 (b) in a conspicuous place in each school.

68 **KEY: codes of conduct**

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

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