

**R277. Education, Administration.**

**R277-123. Process for Members of the Public to Report Violations of Statute and Board Rule.**

**R277-123-1. Authority, Purpose, and Oversight Category.**

(1) This rule is authorized by:

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

(b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection [53E-3-401\(8\)\(a\)](#), which allows the Board to take corrective action, withhold funds, issue penalties, and require reimbursement of funds;

(d) Subsection [53E-3-401\(8\)\(c\)](#), which directs the Board to make rules related to violations of the public education code or board rule;

(e) Subsection [53E-3-401\(8\)\(d\)](#), which allows the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board;

(f) Subsections [53G-2-103\(8\)](#), [53G-2-104\(5\)](#), and [53G-2-105\(6\)](#), which allow a report of violations of these subsections to the Board in accordance with Section [53E-3-401](#); and

(g) Subsection [53G-10-103\(8\)](#), which requires the Board to establish a process to allow an individual to report violations of that subsection by an LEA to the Board.

(2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.

(3)(a) Sections R277-123-4 and R277-123-5, insofar as they create requirements for LEAs, are categorized as Category 2 as described in Rule R277-111.

(b) The remainder of the rule is categorized as exempt as described in Rule R277-111.

**R277-123-2. Definitions.**

(1)(a) "Alleged violation" means an alleged violation of statute or Board rule raised consistent with Subsection [53E-3-401\(8\)\(d\)](#).

(b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Section R277-123-6.

(2) "Complainant" means an individual who submits a hotline complaint to the public education hotline.

(3) "Hotline complaint" means a complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by an individual, entity, or agency, or submitted to a local education hotline.

(4) "IAD" means the Board's Internal Audit Department.

(5) "Individual with standing" means, for purposes of Section R277-123-6 an individual described in Subsection [53G-10-103](#)(3)(a).

(6) "Other concern" means a hotline complaint or concern that does not meet the requirement of Subsection [53E-3-401](#)(8)(d).

(7) "Local education hotline" means the process maintained by an LEA where an individual may report a hotline complaint to the LEA.

(8) "Public education hotline" means the process maintained by the IAD where an individual may report a hotline complaint.

(9)(a) "Resolved" means that an investigation has been completed and the findings reported to a complainant.

(b) "Resolved" does not mean or require that the findings are satisfactory to the complainant.

### **R277-123-3. Reports of Hotline Complaints to the Public Education Hotline -- Internal Audit Department Responsibilities.**

(1) Anyone may report an alleged violation to the public education hotline.

(2) The IAD shall review all hotline complaints and may request additional information from the individual.

(3) If after two attempts to obtain information from a complainant as described in Subsection (2), the complainant does not respond to IAD within 14 calendar days, the IAD shall close the hotline complaint and notify the complainant of closure.

(4) Upon receipt of a hotline complaint, the IAD shall conduct a high-level screening of the complaint to consider criteria related to the hotline complaint and to

make referrals to those individuals and entities with potential authority to investigate and resolve the complaint.

(5) The IAD shall make one or more referrals to:

(a) the Complainant;

(b) Board leadership and the Board member representing the district;

(c) the applicable LEA, USBE section, charter authorizer, and other entity or organization responsible to receive, investigate or resolve a hotline complaint.

(d) appropriate USBE special education staff for a hotline related to special education, for review and resolution in accordance with Rule R277-750;

(e) the Utah Professional Practices Advisory Commission for hotline complaints with allegations of educator misconduct, for review and resolution in accordance with Rules R277-210 through R277-217 and [Title 53E, Chapter 6, Part 6](#), License Denial and Discipline.

(6)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at least two members of LEA leadership.

(b) The IAD may also send the referral to an individual designated by the LEA to receive hotline complaints.

(c) If a referral includes allegations about a particular individual, the IAD shall exclude that individual from the referral.

(7) The IAD may make referrals with limited or missing information, and may reopen a closed hotline complaint if a complainant provides additional information or may take other action as permitted by statute or rule, including recommending corrective action.

(8) If a response is requested by a complainant, the IAD shall respond to the complainant within three business days or as soon as possible.

(9) The IAD may provide additional related resources and information to a complainant, where appropriate.

(10) The IAD shall provide training and informational materials for use by an LEA governing board and administration in maintaining a hotline and investigating alleged violations.

**R277-123-4. Reports of Alleged Violations to a Local Education Hotline and Referrals to LEAs -- LEA Responsibilities.**

(1) The presiding officer of an LEA governing board shall ensure that members of the governing board and LEA administration are provided with training on the requirements of this rule as part of the member or employee on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with [Title 63G, Chapter 22](#), State Training and Certification Requirements; and

(b) use the online training and information materials provided by the IAD in accordance with Subsection R277-123-3(9).

(3)(a) An LEA governing board shall allow individuals to report alleged violations consistent with Subsection R277-123-3(1) by providing on its LEA website and each school's website:

(i) a readily accessible local education hotline; or

(ii) a link to the state public education hotline.

(4) An LEA that displays information for the public education hotline on its websites shall include a notice that hotline complaints go directly to the USBE Internal Audit Department.

(5) An LEA governing board shall have a policy outlining how the LEA will respond to and resolve hotline complaints, regardless of whether the LEA receives the hotline complaint via referral from the IAD or a direct submission to a local education hotline.

(6) An LEA receiving a referral from the IAD shall disclose information concerning the allegations only as necessary to investigate the hotline complaint in accordance with the LEA's policy adopted in accordance with Subsection (4).

(7) An LEA receiving a referral from the IAD shall provide an update or summary to the IAD of the status of an alleged violation that was referred within 45 days of the referral.

(8) Nothing in this rule shall require the disclosure of information that is considered protected or private under federal or state law.

**R277-123-4. Resubmitted Alleged Violations of Statute or Board Rule.**

(1) An individual whose alleged violation is referred to an LEA, state agency, or other entity for resolution, may resubmit the alleged violation to the public education hotline if:

(a) the alleged violation is not resolved by the LEA, state agency or other entity; and

(b) the alleged violation is within the jurisdiction or authority of the Board to resolve.

(2) Staff who receive a resubmitted alleged violation described in Subsection (1) may:

(a) request information from the LEA, state agency, or other entity; and

(b) conduct a preliminary investigation of the issue.

**R277-123-5. Substantiated Allegations of Violations of Statute or Board Rule.**

(1) If an alleged violation is substantiated or significant risk is identified, internal audit may recommend:

(a) that the Board's Audit Committee recommend prioritization of an audit to the full Board; or

(b) that Superintendent implement corrective or other action in accordance with Rule R277-114.

(2) If an alleged violation is not substantiated, staff shall notify the individual who submitted the alleged violation.

**R277-123-5. Resubmitted Complaints.**

(1) A complainant whose alleged violation is referred to another entity, may resubmit the alleged violation to the public education hotline.

(2) Upon receiving a resubmitted alleged violation, the IAD may complete a risk assessment and submit its assessment to the Board Audit Committee.

(3) At the direction of the Board Audit Committee, the IAD may conduct an investigation of the alleged violation, using standards and methodologies similar to those used when conducting audits under Rule R277-116.

(4) If the IAD conducts an investigation of a hotline complaint, the Section R277-116-4 apply to the entity at issue in the hotline complaint.

(5) After an investigation, if the IAD determines an alleged violation is substantiated or a significant risk is identified, the IAD may recommend:

(a) the Board Audit Committee recommend prioritization of an audit to the full Board;

(b) the Superintendent implement corrective or other action in accordance with Rule R277-114; or

(c) other appropriate action given the risks identified.

(6) If a complainant provided contact information, the IAD shall:

(a) notify the complainant in a timely manner if the resubmission was investigated or not; and

(b) if the resubmission was investigated, provide a summary of the resolution.

#### **R277-123-6. Board Review of Appeals on LEA Sensitive Materials Decisions.**

(1) An individual with standing may request the Board review an LEA determination on a sensitive materials appeal by filing a request on a form provided by the Board's legal counsel within 30 days of the LEA's final decision.

(2) The Board's legal counsel shall review an appeal submitted under Subsection (1) to determine if the request presents an allegation that the LEA violated the procedure outlined in the LEA's sensitive materials appeal policy.

(3)(a) If the Board's legal counsel determines that an appeal presents a question appropriate for Board review, the Board's legal counsel shall refer the appeal to Board leadership to place on a standing committee agenda.

(b) A standing committee shall make a recommendation to the Board for final action.

(c) The Board shall take action on an appeal within 60 days of the Board's legal counsel referring the matter to the Board.

(4) The Board may review an appeal of an LEA decision only to determine if the LEA appeals process violated the procedure outlined in the LEA's sensitive materials policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's sensitive materials review policy, the Board shall return the appeal to the LEA with an order stating:

- (i) the reasons for the Board's determination;
- (ii) recommendations to the LEA, which may include a request to include a governing board review as part of the sensitive materials policy; and
- (iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.

(b) An LEA shall post an order issued under Subsection (5)(a) on its website.

**KEY: hotline, report, and violations**

**Date of Last Change: February 7, 2025**

**Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#)(4) and (8)**