

R277-123 received final approval by the Utah State Board of Education on September 8, 2022. R277-123 was published in the October 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2022.

**R277. Education, Administration.**

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

**R277-123-1. Authority and Purpose.**

(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; and

(c) Subsection 53E-3-401(8)(d), which requires 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.

(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.

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

(1) "Alleged violation" means an alleged violation of statute or Board rule.

(2) "Hotline report" means a report of an alleged violation submitted to the Board's public education hotline.

(3) "Individual with standing" means, for purposes of Section R277-123-6, an individual who:

(a) submitted a request for review of library materials with an LEA;

(b) a parent who did not serve on an LEA review committee whose child attends the same school as a parent who submitted a request for review of library materials within an LEA;

(c) a student enrolled in the LEA; or

(d) an employee of the LEA.

([3]4) "Public education hotline" or "hotline" means the process and database maintained by the Board's internal audit staff where an individual may report an alleged violation.

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### **R277-123-3. Individual Reports of Alleged Violations of Statute and Board Rule - Public Education Hotline Reports.**

(1) An individual may report an alleged violation of statute or state board rule to the Board's public education hotline, which can be found at <https://schools.utah.gov/internalaudit?mid=892&tid=3>.

(2) A hotline report may be submitted through the internal audit web\_page on the Board's website, form, mail, phone, or email.

(3)(a) As part of the individual's hotline report, the individual may provide:

(i) a detailed description of the report or alleged violation, including any laws, regulations, or policies that are relevant;

(ii) the name of the individual, program, and, if applicable, funding, involved;

(iii) the location where the action or concern occurred;

(iv) the date the action or concern occurred; and

(v) any additional information, including:

(A) other witnesses; and

(B) supporting documents or evidence.

(4) The Board's internal audit staff shall conduct a preliminary analysis of an alleged violation and may request additional information from the individual.

(5) Upon review of the information described in this Section R277-123-3, internal audit staff may refer an alleged violation to the applicable LEA to be resolved or to applicable staff.

(6) An alleged violation related to special education or educator misconduct shall be reviewed and resolved in accordance with:

(a) for a report related to special education, Rule R277-750; or

(b) for a report related to educator misconduct, Rules R277-210 through R277-217.

(7) If a response is requested by an individual or implied, internal audit or other staff shall respond to the individual who submits an alleged violation within three business days.

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(8) If a staff member requests additional information from an individual who submitted an alleged violation, the individual shall respond to the request in a timely manner.

(9) If after two attempts to obtain information from an individual as described in Subsection (8) the individual does not respond to staff, the alleged violation shall be closed in the public education hotline.

#### **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.

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

(1) An individual with standing may request the Board review an LEA determination on a library 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 library 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 library materials policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's library 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 library 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: 2022[~~November 8, 2021~~]**

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

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