

UPPAC NEWS

A BI-ANNUAL NEWSLETTER FROM THE UTAH PROFESSIONAL
PRACTICES ADVISORY COMMISSION

Teachers, Technology, and Ethics

Technology is useful personally and professionally, yet there are ethical concerns around its use. This article highlights three ethical issues that crop up in many UPPAC investigations and gives some possible solutions to help educators avoid ethical trouble.

Communicating with students. Especially in older grades, text and other social media messaging is a common way that students communicate. Yet private communications with students can lead to boundary issues, as they can amount to “isolated, one-on-one interactions with students out of the line of sight of others,” “inappropriate or unprofessional contact outside educational program activities,” or “discuss[ions of] an educator’s personal life or personal issues with a student.” See Utah Admin. Code R277-515-2(1)(b)(i), (vii), (xi) (definitions of possible boundary violations).

A few ways to avoid that include the following: (1) direct students to communicate with you via your school email account rather than via text messages to your personal cell phone; (2) avoid using social media platforms for communicating with students; (3) use group messaging apps to avoid giving students your private cell phone number and include parents or an administrator in the group. Additionally, as in verbal conversations, keep online or written communications with students related to educational matters.

Proper use of computers. Please be aware of your LEA’s acceptable use policy for any LEA-issued devices. It is a violation of the Utah Educator Professional

Standards to “use or attempt to use an LEA computer or information system in violation of the LEA’s acceptable use policy . . . or [for an educator to] access information that may be detrimental to young people or inconsistent with the educator’s role model responsibility.” Utah Admin. Code R277-515-4(2)(b)(vi). It is important to remember that your LEA policies generally prohibit the use of LEA-issued devices for accessing such material even when the educator is accessing the material from home or other off-campus locations. Also, many policies also prohibit using LEA-issued devices for operating a personal business.

To avoid violations, limit use of LEA-issued computers to work-related matters and only incidental personal use.

Syncing personal and professional devices. Many people have personal and professional devices that can “talk” to each other. While that may be convenient in many respects, it can get an educator into trouble when the educator has personal photos or other content that violates an LEA’s acceptable use policy. It has, in several instances, led to students seeing pictures that a significant other meant only for the educator’s eyes or pictures the educator intended only for someone else’s eyes. Two such cases came before UPPAC just in the last six months.

To avoid even accidental violations of these sort of ethical rules, keep separate professional and personal logins (such as an Apple ID) and use LEA-issued devices only for professional matters. In addition, exercise caution when charging personal devices so that personal

material does not inadvertently sync with your LEA's network.

UPPAC EDUCATOR DISCIPLINE

A Summary of Utah State Board Licensing Actions from August to December 2019

Revocation

UPPAC Case No. 18-1522

An educator pled guilty to Enticing a Child through Use of the Internet or Other Communication Device, a felony. The educator's license was permanently revoked.

UPPAC Case No. 18-1561

An educator engaged in text and social media communication with two female students, and the messages suggested that the educator was probing the students' interest in a physical relationship. The educator engaged in a sexual relationship with a recently graduated 18-year-old former student and told the student she was attractive when she was in junior high. The educator also entered into a plea in abeyance for child abuse, a class A misdemeanor, due to the mental and emotional distress inflicted on one of the students. The educator's license was permanently revoked.

UPPAC Case No. 18-1562

An educator pled guilty to unlawful sexual contact with a 16- or 17-year-old, a class A misdemeanor. After being served with a Complaint by UPPAC, the educator defaulted, and the educator's license was permanently revoked.

Suspension

UPPAC Case No. 18-1499

An educator developed an inappropriate friendship and violated appropriate boundaries with two high school students, including texting, calling, and telling them she loved them. The educator's license was suspended for two years.

UPPAC Case No. 18-1502

An educator changed answers on the educator's son's ACT test while proctoring the exam. The educator's

license was suspended for one year.

UPPAC Case No. 18-1515

An educator sent inappropriate text messages to a 14-year-old student through Instagram. The educator and student exchanged thousands of messages over a two-week period, some of which discussed sexual matters. The educator's license was suspended for three years.

UPPAC Case No. 18-1533

An educator's District YouTube account contained search history for sexual terms over a period of approximately three years. The district computer issued to the educator also included a file with sex help instructions. Student custodial crew members found a folder in the educator's office that contained images of women in lingerie and suggestive positions as well as a sex help instructional printout. An administrator also discovered similar books in the educator's office. The educator's license was suspended for one year.

UPPAC Case No. 18-1540

An educator participated in casual and personal conversations with students, some of which touched on matters of dating and sex. The educator also shared his social media password and touched a student's head and thigh. The educator's license was suspended for two years.

UPPAC Case No. 18-1550

An educator repeatedly used profanity and explicit terms in front of and with students despite receiving written reprimands. The educator also communicated with students while he was on administrative leave in violation of district directives. One such communication included a request that a student delete information. The educator's license was suspended for

four years after the educator defaulted by not responding to UPPAC's complaint.

UPPAC Case No. 18-1556

An administrator drank wine on school premises with two other educators after school when no students were present. The educator also received a gift over a nominal amount from a parent on two occasions. The educator's license was suspended for one year.

UPPAC Case No. 18-1563

An educator viewed pornography on his personal cell phone while riding a school bus from a sporting event, exposing several students to the images. The educator's license was suspended for two years.

UPPAC Case No. 18-1566

An educator was charged with criminal trespass, threat of violence, possession of a controlled substance, interference with arrest and disorderly conduct. The educator then had another incident at a store where he refused to leave after being requested to do so by a manager, became aggressive, and yelled. Police found marijuana on his person. The educator's license was suspended for one year.

UPPAC Case No. 18-1570

An educator made an inappropriate comment to a student while both were in the boys' restroom at the school. The educator had previously received a letter of reprimand for boundary violations. The educator's license was suspended for two years.

Letter of Reprimand

UPPAC Case No. 18-1474

An educator engaged in several incidents of excessive physical discipline of his children. The educator entered into a diversion agreement after being charged with child abuse. The educator received a letter of reprimand to remain on the educator's license for not less than three years.

UPPAC Case No. 18-1526

An administrator used his position to improperly take advantage of vendor incentives. While the administrator used some of the \$2,000 of incentives he received for school supplies, equipment, and incentives for teachers, he used most of the money to benefit himself personally. The administrator received a letter of reprimand to remain on his license for not less than two years. The administrator's administrative license was suspended for one year.

UPPAC Case No. 18-1530

An educator had a student read and edit part of his self-published book of poems for extra credit. The poems contained sexually suggestive imagery that was not appropriate for students. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 18-1545

An educator entered into a plea in abeyance for disorderly conduct, an infraction, after using a wrestling move on a 15-year-old student and taking the student to the ground. The educator had previously received a letter of reprimand from UPPAC. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 18-1547

An educator exchanged hundreds of text messages with a student over the summer and beginning of a school year that were about sports but also included life advice. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 18-1555

An administrator drank wine on school premises, after hours, when no students were present. The alcohol had been purchased by a fellow administrator. The educator also failed to report an inappropriate gift from a parent to an assistant principal. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 18-1558

An educator made comments to a coworker that were sexual in nature, asked about the coworker's marriage, and shared details about his physical relationship with his wife. The educator also made other comments or jokes to his coworkers that contained sexual innuendo in them. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 18-1572

An educator had three incidents of inappropriate physical contact while disciplining students. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 19-1585

An licensed school counselor was notified that a student wrote an essay containing suicidal thoughts. The counselor did not follow up with the student or notify the student's parents as required by law. The counselor received a letter of reprimand to remain on the educator's license until the educator completes the terms of the letter of reprimand.

UPPAC Case No. 19-1593

An educator engaged in unprofessional communications with colleagues, administrators, parents, and students, which included: making false threats of suicidal ideations to her principal after a disagreement over her performance, disclosing personnel matters to parents and students, discussing personal political opinions irrelevant to a course of study with sixth-grade students, and making comments about specific groups that the students perceived as derogatory. The educator also violated express directives from her LEA. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 19-1607

An educator became aware that the educator's spouse had engaged in a sexual relationship with a student.

After being told by his administration not to discuss his wife's suspension or criminal background with anyone, the educator interacted with the involved student on multiple occasions, including asking the student questions about the incident and asking the student to "pray for" him. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 19-1609

An educator entered into a plea in abeyance for possession or use of a controlled substance, a class A misdemeanor. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 19-1679

An educator shoved a student despite the fact that the student was complying with the educator's directives to exit the building. The educator received a letter of reprimand to remain on the educator's license for not less than two years.

UPPAC Case No. 19-1684

An educator used inappropriate physical discipline on his son that resulted in physical injury. The educator failed to report criminal charges to his LEA and was convicted of attempted reckless endangerment, a class B misdemeanor. The educator received a letter of reprimand to remain on the educator's license for not less than one year.

Letter of Warning

UPPAC Case No. 18-1538

An educator entered into a diversion agreement after being charged with class B misdemeanor child abuse for slapping her teenage daughter. She established a safety plan with DCFS to help her respond appropriately when her daughter acts out. The educator received a letter of warning.

UPPAC Case No. 18-1542

An educator attempted to take a cell phone away from

a student by grabbing the student's arm with one hand and grabbing the phone with his other hand. The student did not let go of the phone, and after a short struggle, the educator let go. The educator then yelled at his class about the perceived lack of respect. Students reported a few other minor incidents of yelling, cursing, and slapping tables to get their attention. The educator received a letter of warning.

UPPAC Case No. 18-1552

An educator violated standardized testing protocols by working through a few of the questions on a district math benchmark test with his class and giving the students correct answers to questions he thought were poorly written. The educator received a letter of warning.

UPPAC Case No. 18-1557

An educator drank wine with two school administrators on the last day of school, outside contracts hours, and when no students were present. The alcohol had been provided by the administrators. The educator received a letter of warning.

UPPAC Case No. 18-1569

An educator plugged his personal laptop into the school projector and inadvertently projected risqué thumbnail photos of his honeymoon to the class. One of the thumbnails may have contained nudity, but it is not clear if students saw it. The educator received a letter of warning.

UPPAC Case No. 18-1577

Four years ago, an educator frequently poked students in the side to "jumpstart" them and made comments about female students, such as calling them "hot or "sexy." The misconduct was addressed by the district and the educator has not repeated the misconduct. The educator received a letter of warning.

UPPAC Case No. 18-1583

An educator made unprofessional comments to a female co-worker which included calling her "sexy" and

"hot," jokingly implying that she had had sex with an assistant principal, and asking how he could "get in on that." The educator received a letter of warning.

UPPAC Case No. 19-1592

An educator called a male and female student up to the front of the classroom. The educator asked the boy to imagine he was driving and then tell the class how many times he would look at the girl if the girl were walking on the sidewalk in her bathing suit. When the male student stated he would not look, the educator responded, "oh, come on, she's a cute girl. She's at least a three-looker." All students in the classroom were uncomfortable. The educator received a letter of warning.

UPPAC Case No. 19-1597

The educator swatted a female student's butt with a push stick after she failed to follow instructions while using a piece of woodshop equipment. The educator commented, "Don't worry, I still love 'ya." The educator received a letter of warning.

UPPAC Case No. 19-1600

An educator had inappropriate communication with a co-worker regarding marijuana use and a "dab pen" in his car. He invited the coworker to join him. The educator received a letter of warning.

UPPAC Case No. 19-1602

An educator became upset when his students failed to quiet down during an active-shooter lockdown drill. The educator grabbed a student by the shirt, pulled him out of his seat, and yelled at him to shut up. The educator also threw his binder at some lockers to get his students' attention. The educator received a letter of warning.

UPPAC Case No. 19-1606

An educator cleared the room after a fifth-grade special education student had an emotional outburst and was throwing things. The student continued to act up. The

educator pushed a desk in a direction away from the student, causing it to overturn and knock other desks over. The educator then yelled at the student, "Are you scared yet?" There was no physical contact or injury. The educator received a letter of warning.

UPPAC Case No. 19-1622

An educator engaged in long hugs with several students and inappropriately contacted several students through a chat function on a video game after he was fired. The educator received a letter of warning.

UPPAC Case No. 19-1627

An educator was terminated for poor teaching performance and directed not to contact her students. The educator then friended students on Instagram, chatted with them about why she was fired, and asked the students to write a letter of recommendation for her. The educator received a letter of warning.

UPPAC Case No. 19-1629

An educator violated testing protocols when the educator administered the CTE Skills Assessment and General Financial Literacy Assessment when she read questions aloud to students, assisted ELL students with vocabulary, and assisted students with technological issues. The educator received a letter of warning.

UPPAC Case No. 19-1641

An educator violated school policies by using her school computer to conduct a side business during contract hours. Additionally, the educator had multiple absences from work for which she neglected to prepare sub plans and her online classes were left unattended three days in a row. The educator received a letter of warning.

UPPAC Case No. 19-1647

While trying to get a student's attention, an educator struck a student in a sixth-grade music class on the back of the student's neck with the educator's hand. The contact may have been exacerbated because the student suddenly moved back while the educator was reaching

for the student. The educator received a letter of warning.

UPPAC Case No. 19-1660

An educator failed to follow standardized testing protocols in administration of the SAGE test by providing privacy offices to students that had subject matter hints on them. The educator also failed to read instruction exactly from the instruction manual even after being reminded by an observing instructional coach. The educator received a letter of warning.

UPPAC Case No. 19-1663

In response to an email from a colleague reminding them that some students would need special accommodations as they observed Ramadan, an educator sent an offensive response to the faculty making comments about female menstruation and tying LGBTQ students into the conversation. The educator received a letter of warning.

UPPAC Case No. 19-1672

An educator instructed students to log onto a new program using his personal email account and password. A student who fell behind on instructions for accessing the program clicked on a link that the educator had not indicated, and the link led the student to personal photographs on the educator's google drive. Two photographs included topless women. The educator received a letter of warning.

UPPAC Case No. 19-1677

During some banter with a female school secretary, a female educator reached out and briefly touched the secretary's breasts. The educator received a letter of warning.

UPPAC Case No. 19-1686

In response to frustrations with her administrator and district, an educator sent text messages that were angry and accusatory. After receiving a directive to cease any contact with employees of the district, the educator sent

a final angry and accusatory text message to the principal. The educator received a letter of warning.

Letter of Admonishment

UPPAC Case No. 18-1539

An educator and coach engaged in flicking and pinching players on a team. The educator received a letter of admonishment.

UPPAC Case No. 18-1551

An educator commented to a group of cheerleaders from a visiting school that he was glad that a bunch of “rich white girls” were buying things from the vending machines. When someone pointed out that one of the students was of mixed ethnicity, the educator asked, “Who let you into the school?” The educator received a letter of admonishment.

UPPAC Case No. 18-1554

An educator, who is wheelchair bound, grabbed two misbehaving students by the ear and they pulled him an unascertained distance. The educator received a letter of admonishment.

UPPAC Case No. 18-1568

An educator removed a student from the classroom whom the educator had perceived to be a threat to the class. It was undetermined if the educator pushed or escorted the student, however the educator did lock the student out. The educator received a letter of admonishment.

UPPAC Case No. 19-1594

In 2017, an educator used excessive physical force with two students and left one student unattended for a few minutes in the library. The educator dragged a student who was lying on the floor in the hall and would not move and grabbed another student by the shirt. The educator received a letter of admonishment.

UPPAC Case No. 19-1615

An educator engaged in unprofessional methods of disciplining and interacting with students including: carrying a baseball bat while disciplining students, demeaning them, shooting a student with a marshmallow shooter, and embarrassing students in front of their classmates. The educator received a letter of admonishment.

UPPAC Case No. 19-1625

After witnessing some of her students behaving poorly for a new teacher in another class, an educator told the students that they were “acting like” white trash or ghetto trash and validating negative stereotypes about them. Some students interpreted the comments to mean that they were trash and were offended. The educator received a letter of admonishment.

UPPAC Case No. 19-1632

An educator did not follow district protocol for reporting two concerning disciplinary incidents and in handling cash received for a school fundraiser. The educator had received some conflicting instruction about whose responsibility it was to report the incidents. The educator received a letter of admonishment.

UPPAC Case No. 19-1650

After being hit in the shins with a hockey stick by a student who had repeatedly violated rules about playing floor hockey, an educator grabbed the student’s stick and slammed it against the gym wall. The educator also struck the stick of another student who was known to violate the rules. The students acknowledged they violated the rules and thereby hurt the educator. The educator received a letter of admonishment.

UPPAC Case No. 19-1669 An educator communicated inappropriately with a student who violated the dress code by wearing very short shorts. The educator also failed to properly supervise students while attempting to proctor make-up exams for students in a separate classroom. The educator received a letter of admonishment.

NEW UPPAC NEWSLETTER COLUMN: Ask the Executive Secretary!

In coming editions of the UPPAC newsletter, UPPAC would like to include a column entitled, “Ask the Executive Secretary!” We encourage readers to submit questions regarding educator ethics so we can offer feedback on those matters. Send any ethical questions to UPPAC’s Executive Secretary, Ben Rasmussen by email at ben.rasmussen@schools.utah.gov

UPPAC Task Force Update: Changes to Administrative Rules Governing UPPAC

In 2019, a task force was created to review the rules that govern educator ethics and the UPPAC discipline process. This past fall, the task force presented recommendations for certain rule changes to the Utah State Board of Education. The recommended changes addressed both substantive and procedural rules. The Board adopted those recommendations, and the new administrative rules will go into effect in early February 2020. These new rules can be accessed at <https://schools.utah.gov/administrativerules>. Changes will be shown under the Board Rule Status tab until they become final. The changes include:

- Revisions to the Utah Educator Professional Standards, which will be found in a new rule, R277-217, that will replace R277-515 and portions of R277-516;
- A new requirement for LEAs to report all misconduct listed in the Utah Educator Professional Standards;
- An opportunity for reporting LEAs to offer opinions as to whether UPPAC involvement is appropriate;
- Clarification of factors that UPPAC should consider when opening a new case;
- Provision for an expedited hearing process not only for educators who receive low-level criminal charges but also for educators accused of low-level misconduct;
- Increased peer review during expedited hearings by having three UPPAC members compose the panel rather than having one UPPAC member and two staff members;
- Adjustments to presumptive disciplines;
- Creation of a “Letter of Education” to replace the previous “Letter of Admonishment” and clarification of when such a letter is appropriate;
- When determining the length of a suspension, permission for UPPAC or the Board to take into consideration the length of time that the educator’s CACTUS file has been flagged (the time between UPPAC opening a case and the Board’s final action); and
- Recalculation of a reprimand period so that it begins when an investigation is opened rather than when final action is taken.