

1 **R277. Education, Administration.**

2 **R277-216. Surrender of License with UPPAC Investigation Pending.**

3 **R277-216-1. 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;

7 (b) Section [53E-6-506](#), which directs the Board to adopt rules regarding UPPAC  
8 duties and procedures; and

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

11 (2) The purpose of this rule is to establish procedures for Board consideration of  
12 an educator request to surrender a license in the face of a UPPAC investigation.

13 (3) The standards and procedures of the Utah Administrative Procedures Act do not  
14 apply to this rule under the exemption of Subsection [63G-4-102](#)(2)(d).

15 **R277-216-2. Petition to Surrender.**

16 (1) An educator may surrender an educator license at any point prior to [the  
17 ~~resolution of a~~ final Board action on the recommendation from a UPPAC investigation.

18 (2) An educator who requests to surrender an educator license under Subsection  
19 (1), shall submit a petition [~~or stipulated agreement~~] to UPPAC for submission to the Board,  
20 which shall include:

21 (a) a brief statement of the procedural history of the investigation leading up to the  
22 voluntary surrender;

23 (b) a statement that the educator is entitled to due process in UPPAC's investigation  
24 and that the educator freely and voluntarily waives the educator's due process rights,  
25 including:

26 (i) a right to a hearing;

27 (ii) a right to confront and cross examine witnesses;

- 28 (iii) a right to present witnesses;  
29 (iv) a right to an impartial decision based upon evidence presented at the hearing;  
30 and  
31 (v) a right to subpoena witnesses; and  
32 (c) a statement that the educator surrenders the educator's license freely and  
33 voluntarily and without coercion or duress;  
34 (d) a statement that the educator:  
35 (i) is represented by counsel; or  
36 (ii) understands the educator's right to be represented by counsel and knowingly and  
37 voluntarily waives the assistance of counsel in UPPAC's investigation;  
38 (e) a statement that the educator is fully aware of the implications of surrendering  
39 the educator's license with an investigation pending, including:  
40 (i) that the educator may not work, consult, or volunteer in any K-12 public school  
41 in the state of Utah in any capacity;  
42 (ii) that the educator is not eligible for a reinstatement hearing at any time;  
43 (iii) that UPPAC files and case resolution are subject to public disclosure in  
44 accordance with state and federal law;  
45 (iv) that notification of the educator's license surrender will be shared with all states  
46 through NASDTEC; and  
47 (v) except as provided in Subsection (3), that notification of the educator's license  
48 surrender will be:  
49 (A) classified and reported as a voluntary surrender (UPPAC investigation); and  
50 (B) shared with LEAs throughout the state.  
51 (3) If an educator surrenders a license during an investigation of allegations  
52 described in Subsection [53E-6-604\(5\)\(b\)](#), the surrender will be:  
53 (a) classified and reported as a revocation; and  
54 (b) shared with LEAs through the state.  
55 (4)(a) Voluntary surrender of a license as set forth in this section is permanent.

56 (b) An educator who surrenders a license as set forth in this section is not eligible  
57 for a reinstatement hearing at any time.

58 **R277-216-3. Review of Petition to Surrender.**

59 (1)(a) Upon receiving a petition [~~or stipulated agreement~~] as provided in Subsection  
60 R277-216-2(2), the Executive Secretary shall review the request for surrender to determine  
61 if it meets the requirements set forth in the rule.

62 (b) If the requirements of Subsection R277-216-2(2) are not met, the Executive  
63 Secretary shall notify the educator that the request is insufficient and the reasons why the  
64 request is insufficient.

65 (c) If the requirements of Subsection R277-216-2(2) are met, the Executive  
66 Secretary shall notify the Board of the voluntary surrender and request direction on  
67 whether to continue the investigation.

68 (2) Upon receipt of a voluntary surrender of an educator license, the Executive  
69 Secretary shall:

70 (a) notify the educator:

71 (i) that the voluntary surrender was received;

72 (ii) whether the Board required UPPAC to continue the investigation;

73 (iii) that the voluntary surrender will be reported in the public record as a voluntary  
74 surrender with pending UPPAC investigation except as provided in Subsection R277-216-  
75 2(3);

76 (iv) that the voluntary surrender will be reported to NASDTEC and to LEAs  
77 throughout the state; and

78 (v) that the educator's license cannot be reinstated at any time.

79 (b) update [~~CACTUS~~] the educator's licensing file to reflect the disposition;

80 (c) report the disposition to NASDTEC;

81 (d) notify the educator's last employer of record;

82 (e) report the disposition to LEAs through the state; and

83 (f) provide the educator a copy of the report to LEAs described in Subsection (2)(e).

84 **R277-216-4. Applicability of Rule.**

85 This R277-216 does not apply to an educator's voluntary surrender of the educator's  
86 license if the educator is not [~~being investigated~~] under investigation by UPPAC.

87 **KEY: educators, license surrender, UPPAC**

88 **Date of Enactment or Last Substantive Amendment:**

89 **Authorizing, and Implemented, or Interpreted Law:** [Art X Sec 3](#); [53E-6-506](#);  
90 [53E-3-401\(4\)](#)