

1 **R277. Education, Administration.**

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

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

5 (1) This rule is authorized by:

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

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

10 (c) Subsection [53E-3-401\(8\)\(d\)](#), which requires the Board to establish a process
11 in rule for an individual to bring a violation of statute or board rule to the attention of the
12 Board.

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

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

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

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

20 (3) "Individual with standing" means an individual who:

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

22 (b) a parent who does not serve on an LEA review committee whose child attends
23 the same school as a parent who submitted a request for review of library materials within
24 an LEA.

25 ([3]4) "Public education hotline" or "hotline" means the process and database
26 maintained by the Board's internal audit staff where an individual may report an alleged
27 violation.

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

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

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

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

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

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

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

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

42 (v) any additional information, including:

43 (A) other witnesses; and

44 (B) supporting documents or evidence.

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

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

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

52 (a) for a report related to special education, [R277-750](#); or

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

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

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

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

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

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

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

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

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

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

74 (b) conduct a preliminary investigation of the issue.

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

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

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

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

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

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

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

90 (2) The Superintendent shall review an appeal submitted under Subsection (1) to
91 determine if the request presents an allegation that the LEA violated the LEA's library
92 materials appeal policy.

93 (3)(a) If the Superintendent determines that an appeal presents a question
94 appropriate for Board review, the Superintendent shall refer the appeal to Board
95 leadership to place on a standing committee agenda.

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

98 (c) The Board shall take action on an appeal within 60 days of the
99 Superintendent referring the matter to the Board.

100 (4) The Board may review an appeal of an LEA decision only to determine if the
101 LEA appeals process violated the LEA's library materials policy.

102 (5)(a) If the Board determines that an LEA did not correctly follow its library
103 materials review policy, the Board shall return the appeal to the LEA with:

104 (i) the reasons for the Board's determination;

105 (ii) recommendations to the LEA, which may include a request to include a
106 governing board review as part of the library materials policy; and

107 (iii) a requirement that the LEA repeat its review process in compliance with the
108 LEA's policy.

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

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

112 **Date of Last Change: November 8, 2021**

113 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#) and**
114 **[\(8\)](#)**