

1 **R277. Education, Administration.**

2 **R277-217. Educator Standards and LEA Reporting.**

3 **R277-217-1. 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) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection [53E-3-501\(1\)\(a\)](#), which directs the Board to make rules regarding the
10 certification of educators; and

11 (d) Title 53E, Chapter 6, [Educator Licensing and Professional Practices Act](#), which
12 provides all laws related to educator licensing and professional practices.

13 (2) The purpose of this rule is to:

14 (a) establish statewide ethical standards for educators;

15 (b) establish reporting requirements for educators and LEAs; and

16 (c) recognize that educators are professionals and share common professional
17 standards, expectations, and role model responsibilities.

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19 **R277-217-2. Prohibited Conduct by an Educator.**

20 An educator may not:

21 (1) be convicted of a felony;

22 (2) be convicted of a misdemeanor offense that:

23 (a) adversely affects the educator's ability to perform an assigned duty and carry out
24 the educator's responsibilities; or

25 (b) adversely affects the well being of students;

26 (3) be convicted of, or engage in conduct of a sexual nature described in Subsection
27 [53E-6-603\(2\)](#);

- 28 (4) participate in sexual, physical, or emotional harassment towards any colleague
29 or public school-age student;
- 30 (5) engage in:
- 31 (a) a single egregious instance or pattern of inappropriate contact in any
32 communication, including written, verbal, or electronic, with a minor, student, colleague,
33 or member of the community; or
- 34 (b) a single egregious instance or pattern of boundary violations with a student;
- 35 (6) solicit, encourage, or consummate an inappropriate relationship, whether written,
36 verbal, or physical, with a student or minor;
- 37 (7) accept an inappropriate gift from, or give an inappropriate gift to, a student;
- 38 (8) be convicted of or commit a criminal offense involving a child, including physical
39 abuse, cruelty, or exploitation of child;
- 40 (9) use corporal punishment, excessive physical force, or inappropriate physical
41 restraint, except as provided in Section [53G-8-302](#);
- 42 (10) provide alcohol or unauthorized drugs to a student or allow a student under the
43 educator's supervision or control to consume or obtain alcohol or unauthorized drugs;
- 44 (11) attend school or a school-related activity in an assigned employment-related
45 capacity while possessing, using, or under the influence of alcohol or an illegal drug;
- 46 (12) attend school or a school-related activity in an assigned employment-related
47 capacity after intentionally exceeding the prescribed dosage of a prescription medication
48 that may impair the educator;
- 49 (13) possess or distribute an illegal drug or be convicted of any crime related to an
50 illegal drug, including a prescription drug not specifically prescribed to the educator;
- 51 (14) be convicted of an alcohol-related offense;
- 52 (15) use or attempt to use an LEA computer or information system to access
53 information that may be detrimental to young people or inconsistent with the educator's role
54 model responsibility;
- 55 (16) knowingly possess, while at school or any school-related activity, any

56 pornographic or indecent material in any form;

57 (17) use school equipment to intentionally view, create, distribute, or store
58 pornographic or indecent material in any form;

59 (18) knowingly use, view, create, distribute, or store pornographic or indecent
60 material involving children;

61 (19) expose students to material the educator knows or should have known to be
62 inappropriate given the age and maturity of the students.

63 (20) violate state laws regarding the possession of a firearm while on school property
64 or at a school-sponsored activity;

65 (21) knowingly allow a student to violate an LEA policy or law concerning possession
66 or access to a weapon;

67 (22) interfere with or discourage a student's or colleague's legitimate exercise of
68 constitutional, legal, or civil rights, acting consistent with the law and an LEA's policy;

69 (23) exclude a student from participating in any program, deny or grant any benefit
70 to a student, or encourage a student to develop a prejudice on the basis of:

71 (a) race;

72 (b) color;

73 (c) creed;

74 (d) sex;

75 (e) national origin;

76 (f) marital status;

77 (g) political or religious belief;

78 (h) physical or mental condition;

79 (i) family, social, or cultural background;

80 (j) sexual orientation; or

81 (k) gender identification;

82 (24) knowingly or intentionally permit unauthorized collection, sharing, or use of
83 student data;

84 (25) knowingly violate student confidentiality unless revealing confidential
85 information to an authorized person serves the best interest of the student and serves a
86 lawful purpose;

87 (26) violate:

88 (i) Title 67, Chapter 16, [Utah Public Officers' and Employees' Ethics Act](#);

89 (ii) Title 53E, Chapter 9, [Student Privacy and Data Protection](#);

90 (iii) Rule [R277-107](#), Educational Services Outside of an Educator's Regular
91 Employment; or

92 (iv) Section [R277-120-5](#), Classroom Materials Developed by Utah Educators.

93 **R277-217-3. Required Conduct for an Educator.**

94 An educator shall:

95 (1) comply with all federal, state, and local laws;

96 (2) maintain a professional educator/student relationship, including by:

97 (a) treating a student with dignity and respect by promoting the health, safety and
98 well being of students; and

99 (b) maintaining appropriate verbal, emotional and social boundaries;

100 (3) take prompt and appropriate action to prevent harassment or discriminatory
101 conduct toward a student or school employee that the educator knew or should have known
102 may result in a hostile, intimidating, abusive, offensive, or oppressive environment;

103 (4) take prompt and appropriate action to protect a student from any known condition
104 detrimental to the student's physical health, mental health, safety, or learning;

105 (5) report suspected child abuse or neglect to law enforcement or the Division of
106 Child and Family Services in accordance with Sections [53E-6-701](#) and [62A-4a-409](#);

107 (6) cooperate in providing all relevant information and evidence to the proper
108 authority in the course of an investigation by a law enforcement agency or by the Division
109 of Child and Family Services regarding potential criminal activity, except that an educator
110 may decline to give evidence against himself or herself in an investigation if the evidence

111 may tend to incriminate the educator as that term is defined by the Fifth Amendment of the
112 U.S. Constitution;

113 (7) take appropriate steps to notify a student's parents and refer a student to
114 appropriate prevention services if a student threatens suicide or self harm as required by
115 Subsections [53E-9-203\(7\)](#) and [53G-9-604\(2\)](#);

116 (8) provide truthful, accurate, and complete information in:

117 (a) licensing, transfer, and employment applications or other documentation;

118 (b) evaluations of the educator, other educators, or students;

119 (c) proceedings related to educator licensure, employment, or related benefits;

120 (d) student IEP plans and related special education documentation;

121 (9) be forthcoming with truthful, accurate, and complete information to an
122 appropriate authority regarding known educator misconduct that could adversely impact
123 performance of a professional responsibility, by another educator;

124 (10) notify the Superintendent at the time of application for licensure of:

125 (a) current investigations involving professional misconduct in another jurisdiction;

126 (b) prior licensing disciplinary action in another jurisdiction; and

127 (c) past criminal convictions;

128 (11) report an arrest, citation, charge or conviction to the educator's LEA in
129 accordance with Section [R277-217-4](#);

130 (12) conduct financial business with integrity by honestly accounting for all funds
131 committed to the educator's charge, as school responsibilities require, consistent with LEA
132 policy;

133 (13) follow an LEA's fiscal policy for collecting money in connection with a school
134 activity, accounting for all money collected, and not commingling LEA or school funds with
135 personal funds as described in [R277-113](#); and

136 (14) demonstrate honesty and integrity by strictly adhering to all state and LEA
137 instructions and protocols in managing and administering a standardized test to a student
138 consistent with Section [53E-4-312](#) and Rule [R277-404](#).

139 **R277-217-4. Educator Reporting of Arrests, Citations, Charges, and Convictions.**

140 (1) An educator who is arrested, cited or charged with the following alleged offenses
141 shall report the arrest, citation, or charge within 48 hours or as soon as possible to the
142 licensed educator's district superintendent, charter school director, or the LEA's designee,
143 or to the Executive Secretary if not employed:

144 (a) any matters involving an alleged sex offense;

145 (b) any matters involving an alleged drug-related offense;

146 (c) any matters involving an alleged alcohol-related offense;

147 (d) any matters involving an alleged offense against the person under [Title 76,](#)
148 [Chapter 5](#), Offenses Against the Person;

149 (e) any matters involving an alleged felony offense under [Title 76, Chapter 6,](#)
150 Offenses Against Property;

151 (f) any matters involving an alleged crime of domestic violence under [Title 77,](#)
152 [Chapter 36](#), Cohabitant Abuse Procedures Act; and

153 (g) any matters involving an alleged crime under federal law or the laws of another
154 state comparable to the violations listed in Subsections (1)(a) through (f).

155 (2) An educator shall report any conviction or plea in abeyance for a felony or
156 misdemeanor offense to the educator's LEA, or the Executive Secretary if not employed,
157 within 48 hours, or as soon as possible thereafter.

158 (3) An LEA superintendent, director, or designee shall report conviction, arrest, or
159 offense information received from an educator to the Superintendent within 48 hours of
160 receipt of information from an educator.

161 (4) The Superintendent shall provide a form on the Board's website for reports
162 required under this section.

163 (5) An educator shall report for work following an arrest and provide notice to the
164 licensed educator's employer unless directed not to report for work by the employer,
165 consistent with LEA policy.

166 **R277-217-5. LEA Reporting of Misconduct to UPPAC.**

167 (1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or
168 administrative proceeding, or internal LEA investigation, to have violated the educator
169 standards described in Sections R277-217-2 or R277-217-3.

170 (2) The Executive Secretary shall provide a form for an LEA to make a notification
171 required under Subsection (1).

172 (3) Upon submitting a notification under Subsection (1), an LEA may make a
173 recommendation to the Executive Secretary concerning whether an investigation by
174 UPPAC would be appropriate under the circumstances, taking into account any
175 employment action taken by the LEA.

176 (4) If no related criminal charge is filed, an LEA is not responsible to notify UPPAC
177 of an allegation if the LEA's internal investigation establishes that the allegation is
178 unsupported.

179

180 **KEY: Educator standards, professional practices, reporting**

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

182 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53E-3-](#)**
183 **[501](#); [Title 53E, Chapter 6, Educator Licensing and Professional Practices Act.](#)**