

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  
8 the 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  
10 the certification of educators; and

11 (d) [Title 53E, Chapter 6](#), Educator Licensing and Professional Practices Act,  
12 which 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. Definitions.**

20 "Controversial issue" means a topic that:

21 (a) is socially unresolved;

22 (b) generates divergent and contentious opinions; or

23 (c) is not age-appropriate.

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25 **R277-217-[2]3. Prohibited Conduct by an Educator.**

26 An educator may not:

27 (1) be convicted of a felony;

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

- 29           (a) adversely affects the educator's ability to perform an assigned duty and carry  
30 out the educator's responsibilities; or
- 31           (b) adversely affects the well being of students;
- 32           (3) be convicted of, or engage in conduct of a sexual nature described in  
33 Subsection [53E-6-603\(2\)](#);
- 34           (4) participate in sexual, physical, or emotional harassment towards any  
35 colleague or public school-age student;
- 36           (5) engage in:
- 37           (a) a single egregious instance or pattern of inappropriate contact in any  
38 communication, including written, verbal, or electronic, with a minor, student, colleague,  
39 or member of the community; or
- 40           (b) a single egregious instance or pattern of boundary violations with a student;
- 41           (6) solicit, encourage, or consummate an inappropriate relationship, whether  
42 written, verbal, or physical, with a student or minor;
- 43           (7) accept an inappropriate gift from, or give an inappropriate gift to, a student;
- 44           (8) be convicted of or commit a criminal offense involving a child, including  
45 physical abuse, cruelty, or exploitation of child;
- 46           (9) use corporal punishment, excessive physical force, or inappropriate physical  
47 restraint, except as provided in Section [53G-8-302](#);
- 48           (10) provide alcohol or unauthorized drugs to a student or allow a student under  
49 the educator's supervision or control to consume or obtain alcohol or unauthorized  
50 drugs;
- 51           (11) attend school or a school-related activity in an assigned employment-  
52 related capacity while possessing, using, or under the influence of alcohol or an illegal  
53 drug;
- 54           (12) attend school or a school-related activity in an assigned employment-  
55 related capacity after intentionally exceeding the prescribed dosage of a prescription  
56 medication that may impair the educator;

57           (13) possess or distribute an illegal drug or be convicted of any crime related to  
58 an illegal drug, including a prescription drug not specifically prescribed to the educator;

59           (14) be convicted of an alcohol-related offense;

60           (15) use or attempt to use an LEA computer or information system to access  
61 information that may be detrimental to young people or inconsistent with the educator's  
62 role model responsibility;

63           (16) knowingly possess, while at school or any school-related activity, any  
64 pornographic or indecent material in any form;

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

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

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

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

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

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

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

79           (a) race;

80           (b) color;

81           (c) creed;

82           (d) sex;

83           (e) national origin;

84           (f) marital status;

- 85 (g) political or religious belief;
- 86 (h) physical or mental condition;
- 87 (i) family, social, or cultural background;
- 88 (j) sexual orientation; or
- 89 (k) gender identification;
- 90 (24) knowingly or intentionally permit unauthorized collection, sharing, or use of
- 91 student data;
- 92 (25) knowingly violate student confidentiality unless revealing confidential
- 93 information to an authorized person serves the best interest of the student and serves a
- 94 lawful purpose;
- 95 (26) violate:
- 96 (i) [Title 67, Chapter 16](#), Utah Public Officers' and Employees' Ethics Act;
- 97 (ii) [Title 53E, Chapter 9](#), Student Privacy and Data Protection;
- 98 (iii) Rule [R277-107](#), Educational Services Outside of an Educator's Regular
- 99 Employment; or
- 100 (iv) Section [R277-120-5](#), Classroom Materials Developed by Utah Educators; or
- 101 (27) cheat or engage in academic dishonesty, whether on behalf of a student, or
- 102 in the educator's own educational pursuits.
- 103

104 **R277-217-[3]4. Required Conduct for an Educator.**

105 An educator shall:

- 106 (1) comply with all federal, state, and local laws;
- 107 (2) maintain a professional educator/student relationship, including by:
- 108 (a) treating a student with dignity and respect by promoting the health, safety
- 109 and well being of students; and
- 110 (b) maintaining appropriate verbal, emotional and social boundaries;
- 111 (3) take prompt and appropriate action to prevent harassment or discriminatory
- 112 conduct toward a student or school employee that the educator knew or should have

113 known may result in a hostile, intimidating, abusive, offensive, or oppressive  
114 environment;

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

117 (5) report suspected child abuse or neglect to law enforcement or the Division of  
118 Child and Family Services in accordance with Sections [53E-6-701](#) and [80-2-602](#);

119 (6) cooperate in providing all relevant information and evidence to the proper  
120 authority in the course of an investigation by a law enforcement agency or by the  
121 Division of Child and Family Services regarding potential criminal activity, except that an  
122 educator may decline to give evidence against himself or herself in an investigation if  
123 the evidence may tend to incriminate the educator as that term is defined by the Fifth  
124 Amendment of the U.S. Constitution;

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

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

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

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

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

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

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

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

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

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

140 (c) past criminal convictions;

141 (11) report an arrest, citation, charge or conviction to the educator's LEA in  
142 accordance with Section R277-217-4;

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

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

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

152 (15) teach or instruct ~~[in a neutral manner]~~ from a position of neutrality to inform  
153 students, rather than persuade students, when discussing religious, political, or other  
154 ~~[sensitive]~~ controversial issues within the curriculum; and

155 (16) use classroom materials that are:

156 (a) age-appropriate;

157 (b) consistent with LEA curriculum and Board approved core standards; and

158 (c) consistent with the law.

159

160 **R277-217-[4]5. Educator Reporting of Arrests, Citations, Charges, and**  
161 **Convictions.**

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

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

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

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

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

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

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

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

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

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

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

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

188

189 **R277-217-~~5~~6. LEA Reporting of Misconduct to UPPAC.**

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

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

195 (3) Upon submitting a notification under Subsection (1), an LEA may make a  
196 recommendation to the Executive Secretary concerning whether an investigation by

197 UPPAC would be appropriate under the circumstances, taking into account any  
198 employment action taken by the LEA.

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

202

203 **KEY: educator standards, professional practices, reporting**

204 **Date of Last Change: October 4, 2022**

205 **Notice of Continuation: February 10, 2021**

206 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53E-3-](#)  
207 [501](#); [53E-6](#)**