

*Representing yourself in any legal proceeding can be overwhelming. If you have an upcoming reinstatement hearing with UPPAC, or if you want to request reinstatement, this guide is meant to help you understand what to expect during the reinstatement process so you can properly prepare. If you have more questions after reading this guide, feel free to contact us. However, remember that UPPAC staff cannot give you legal advice, and this guide is not a substitute for advice from a qualified attorney. Also note that this guide is written in non-legal language. If you want to read the precise language of UPPAC's administrative rules, you can find them online here: <https://schools.utah.gov/administrativerules>.*

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Do I need a reinstatement hearing?

If your license has been suspended, you are ineligible to work or volunteer in a K-12 public school in Utah unless you get your license reinstated. Reinstatement is not automatic at the end of your suspension period. You need to contact us to schedule a reinstatement hearing.

What do I need to do before I request a reinstatement hearing?

If your suspension was the result of signing a document called a Consent to Discipline (formerly referred to as a Stipulated Agreement), that document is your road map to reinstatement. Every Consent to Discipline is different, so read yours carefully, and make sure you've completed all the requirements. Educators are sometimes required to complete specific training, counseling, or other requirements. If you need a copy of your Consent to Discipline, please contact us.

If your suspension was the result of a hearing, the requirements you need to fulfill will be in the Hearing Report. If your suspension was the result of a default, your requirements will be in a Default Order. If you don't have these documents or are unsure what your requirements are, please contact us, and we will get you the documents you need.

Whether your reinstatement requirements are contained in a Consent to Discipline, Hearing Report, or Default Order, you will not be able to request a reinstatement hearing until those requirements are complete.

When should I request a reinstatement hearing?

As long as your reinstatement requirements are completed, you can submit a request for reinstatement.

ment any time within one year before the expiration of your suspension period. However, your license cannot be reinstated until your suspension period expires. Our goal is to make it possible for you to complete the reinstatement hearing process before your suspension period actually expires, so you can be reinstated promptly when your suspension period is over.

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### Who will be at my hearing?

Reinstatement hearings are informal and take place in a conference room at the USBE building. The following people will be present:

- A hearing officer
- The UPPAC executive secretary
- Three UPPAC members
- A UPPAC attorney
- You, the educator
- Your attorney or other representative, if you have one

The hearing officer will conduct the hearing and rule on any issues that come up at the hearing. The three UPPAC members make up the hearing panel. They are the ones who, with the hearing officer's help, will evaluate the evidence and make a decision at the end of the hearing.

In addition to the people listed above, in certain types of cases, the victim of misconduct has a right to attend the hearing if he or she wishes.

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### Who has the burden of proof at a reinstatement hearing?

You have the burden of proof at your hearing. This means you must provide evidence to convince the panel members that your license should be reinstated.

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### How will the hearing unfold?

Because these hearings are informal, and because circumstances of cases vary widely, there is no set order to the hearing. Usually, the hearing officer will ask the UPPAC attorney to give a summary of the misconduct that led to the suspension and discuss the procedural history of your case. After that, you will present whatever information you think is relevant. See the next section for more on what you need to show. After you have finished presenting evidence and answering questions, the UPPAC attorney will usually make a recommendation to the hearing panel regarding whether he or she believes reinstatement is appropriate.

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### What do I need to show at my reinstatement hearing?

You need to convince the hearing panel members of the following:

- You have complied with all requirements in your Consent to Discipline, Hearing Report, or Default Order;
- You will not engage in recurrences of the misconduct that led to your suspension; and
- Reinstatement is appropriate.

The primary way you will meet this burden is by simply talking to the hearing panel members. Tell them about the mistakes you made that led to your suspension and the specific steps you've taken to make sure you don't make the same mistakes again. Tell them about the training or counseling you've completed. Tell them about what you've been doing during your suspension. Satisfy them that you are ready to return to the classroom.

The hearing panel members will mainly be interested in hearing directly from you. However, you can also bring other witnesses to testify on your behalf if they have relevant

information about your rehabilitation or current professional fitness to be an educator.

You can also present any documents that you think are relevant. If you plan to bring any documents that you have not previously submitted to UPPAC, you will need to send them to the hearing officer and UPPAC attorney at least five days before your hearing, and bring eight copies of each document with you to the hearing.

Finally, be ready to candidly respond to questions from the UPPAC attorney, hearing officer, and hearing panel members. They may have more questions for you about the misconduct that led to the suspension, your activities since the suspension, or other issues.

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## What happens after the reinstatement hearing?

At the end of the reinstatement hearing, the hearing officer will excuse everyone from the room except the hearing panel members. The hearing officer and panel members will then discuss the case, make findings, and make a decision about whether reinstatement is appropriate. The hearing officer participates in the deliberations and helps the panel members articulate their findings, but the hearing officer does not vote.

When deliberations are finished, the hearing officer will prepare a hearing report reflecting the panel's findings and decision. However, the panel's decision is not final. Instead, the full UPPAC commission will review the hearing report and discuss the case at the next UPPAC meeting. After discussion, UPPAC will vote. UPPAC's decision may or may not adopt the hearing panel's recommendation.

Because UPPAC is an advisory body, UPPAC's decision still is not a final action; it is a recommendation to the Utah State Board of Education. After UPPAC makes its decision, your

case will be forwarded to the Board for a final decision and action. It will probably take about two months after your hearing to get a final decision from the Board.

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## What if my request for reinstatement is denied?

If the Board denies your request for reinstatement, your license is still suspended, and you remain ineligible to work or volunteer in a K-12 school in Utah. If this happens, the hearing report will designate the time you must wait before requesting another reinstatement hearing. The hearing report will also list the requirements you must complete, if any, before requesting another reinstatement hearing.

Please do not come to the hearing unprepared. If you have further questions, please contact the State Board of Education UPPAC staff:

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