

Part 3

Utah Professional Practices Advisory Commission

53A-6-301 Utah Professional Practices Advisory Commission.

The Utah Professional Practices Advisory Commission, UPPAC, is established to assist and advise the board in matters relating to the professional practices of educators.

Repealed and Re-enacted by Chapter 108, 1999 General Session

53A-6-302 UPPAC members -- Executive secretary.

- (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members, nine of whom shall be licensed educators in good standing, and two of whom shall be members nominated by the education organization within the state that has the largest membership of parents of students and teachers.
- (2) Six of the voting members shall be persons whose primary responsibility is teaching.
- (3)
 - (a) The state superintendent of public instruction shall appoint an employee to serve as executive secretary.
 - (b) Voting members are appointed by the superintendent as provided under Section 53A-6-303.
- (4) Board employees shall staff UPPAC activities.

Amended by Chapter 144, 2016 General Session

53A-6-303 Nominations -- Appointment of commission members -- Reappointments.

- (1)
 - (a) The board shall adopt rules establishing procedures for nominating and appointing individuals to voting membership on UPPAC.
 - (b) Nomination petitions must be filed with the state superintendent prior to June 16 of the year of appointment.
 - (c) A nominee for appointment as a member of UPPAC as an educator must have been employed in the representative class in the Utah public school system or a private school accredited by the board during the three years immediately preceding the date of appointment.
- (2) The state superintendent of public instruction shall appoint the members of the commission.
- (3) Appointments begin July 1 and are for terms of three years and until a successor is appointed.
- (4) Terms of office are staggered so that approximately 1/3 of UPPAC members are appointed annually.
- (5) A member may not serve more than two terms.

Enacted by Chapter 108, 1999 General Session

53A-6-304 Filling of vacancies.

- (1) A UPPAC vacancy occurs if a member resigns, fails to attend three or more meetings during a calendar year, or no longer meets the requirements for nomination and appointment.
- (2) If a vacancy occurs, the state superintendent shall appoint a successor to fill the unexpired term.

- (3) If the superintendent does not fill the vacancy within 60 days, the board shall make the appointment.
- (4) Nominations to fill vacancies are submitted to the superintendent in accordance with procedures established under rules of the board.

Enacted by Chapter 108, 1999 General Session

53A-6-305 Meetings and expenses of UPPAC members.

- (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of the members.
- (2) Members of UPPAC serve without compensation but are allowed reimbursement for actual and necessary expenses under the rules of the Division of Finance.
- (3) The board shall pay reimbursement to UPPAC members out of the Professional Practices Restricted Subfund in the Uniform School Fund.

Enacted by Chapter 108, 1999 General Session

53A-6-306 UPPAC duties and procedures.

- (1) The board may direct UPPAC to review a complaint about an educator and recommend that the board:
 - (a) dismiss the complaint; or
 - (b) investigate the complaint in accordance with this section.
- (2)
 - (a) The board may direct UPPAC to:
 - (i) in accordance with this section, investigate a complaint's allegation or decision; or
 - (ii) hold a hearing.
 - (b) UPPAC may initiate a hearing as part of an investigation.
 - (c) Upon completion of an investigation or hearing, UPPAC shall:
 - (i) provide findings to the board; and
 - (ii) make a recommendation for board action.
 - (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to adversely affect an educator's license unless UPPAC gives the educator an opportunity for a hearing.
- (3)
 - (a) The board may:
 - (i) select an independent investigator to conduct a UPPAC investigation with UPPAC oversight; or
 - (ii) authorize UPPAC to select and oversee an independent investigator to conduct an investigation.
 - (b) In conducting an investigation, UPPAC or an independent investigator shall conduct the investigation independent of and separate from a related criminal investigation.
 - (c) In conducting an investigation, UPPAC or an independent investigator may:
 - (i) in accordance with Section 53A-6-603 administer oaths and issue subpoenas; or
 - (ii) receive evidence related to an alleged offense, including sealed or expunged records released to the board under Section 77-40-109.
 - (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may recommend that the board initiate a background check on an educator as described in Section 53A-15-1504.
 - (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense against a minor child if the educator voluntarily surrendered a license or certificate or allowed a license

or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.

- (4) The board may direct UPPAC to:
 - (a) recommend to the board procedures for:
 - (i) receiving and processing complaints;
 - (ii) investigating a complaint's allegation or decision;
 - (iii) conducting hearings; or
 - (iv) reporting findings and making recommendations to the board for board action;
 - (b) recommend to the board or a professional organization of educators:
 - (i) standards of professional performance, competence, and ethical conduct for educators; or
 - (ii) suggestions for improvement of the education profession; or
 - (c) fulfill other duties the board finds appropriate.
- (5) UPPAC may not participate as a party in a dispute relating to negotiations between:
 - (a) a school district and the school district's educators; or
 - (b) a charter school and the charter school's educators.
- (6) The board shall make rules establishing UPPAC duties and procedures.

Repealed and Re-enacted by Chapter 311, 2015 General Session

Amended by Chapter 311, 2015 General Session, (Coordination Clause)

Amended by Chapter 389, 2015 General Session

53A-6-307 Licensing power of the board -- Licensing final action -- Appeal rights.

- (1) The board holds the power to license educators.
- (2)
 - (a) The board shall take final action with regard to an educator license.
 - (b) An entity other than the board may not take final action with regard to an educator license.
- (3)
 - (a) In accordance with Subsection (3)(b), a license applicant or an educator may seek judicial review of a final action made by the board under this chapter.
 - (b) A license applicant or educator may file a petition for judicial review of the board's final action if the license applicant or educator files a petition within 30 days after the day on which the license applicant or educator received notice of the final action.

Repealed and Re-enacted by Chapter 311, 2015 General Session