

Superseded 7/1/2015

53A-6-501 Disciplinary action against educator.

- (1)
- (a) The board shall take appropriate action against a person who is, or at the time of an alleged offense was, the holder of a license, and:
 - (i) who, after having had a reasonable opportunity to contest the allegation, has been found pursuant to a criminal, civil, or administrative action to have exhibited behavior evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or other violation of standards of ethical conduct, performance, or professional competence; or
 - (ii) who has been alleged to have exhibited such behavior or committed such a violation.
 - (b) Prior to taking action based upon an allegation or the decision of an administrative body other than UPPAC, the board shall direct UPPAC to review the allegations and any related administrative action and provide findings and recommendations to the board.
 - (c) No adverse recommendation may be made without giving the accused person an opportunity for a hearing.
 - (d) The board's action may include:
 - (i) revocation or suspension of a license;
 - (ii) restriction or prohibition of recertification;
 - (iii) a warning or reprimand;
 - (iv) required participation in and satisfactory completion of a rehabilitation or remediation program; or
 - (v) other action which the board finds to be appropriate after a review of the UPPAC findings and recommendations.
 - (e) The license holder is responsible for the costs of rehabilitation or remediation required under this section.
- (2)
- (a) Upon receipt of findings or recommendations from UPPAC, the board shall permanently revoke the license of a person who:
 - (i) is convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
 - (ii) engages in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor; or
 - (iii) engages in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:
 - (A) not a minor; and
 - (B) enrolled in a school where the person is employed.
 - (b) Upon receipt of findings or recommendation from UPPAC, the board may permanently revoke the license of a person who has exhibited other behavior which the board finds to be irremediable.