

Effective 7/1/2015

53A-6-501 Board disciplinary action against an educator.

- (1)
 - (a) The board shall direct UPPAC to investigate an allegation, administrative decision, or judicial decision that evidences an educator is unfit for duty because the educator exhibited behavior that:
 - (i) is immoral, unprofessional, or incompetent; or
 - (ii) violates standards of ethical conduct, performance, or professional competence.
 - (b) If the board determines an allegation or decision described in Subsection (1)(a) does not evidence an educator's unfitness for duty, the board may dismiss the allegation or decision without an investigation or hearing.
- (2) The board shall direct UPPAC to investigate and allow an educator to respond in a UPPAC hearing if the board receives an allegation that the educator:
 - (a) was charged with a felony of a sexual nature;
 - (b) was convicted of a felony of a sexual nature;
 - (c) pled guilty to a felony of a sexual nature;
 - (d) entered a plea of no contest to a felony of a sexual nature;
 - (e) entered a plea in abeyance to a felony of a sexual nature;
 - (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
 - (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor; or
 - (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:
 - (i) not a minor; and
 - (ii) enrolled in a school where the educator is or was employed.
- (3) Upon notice that an educator allegedly violated Section 53A-6-502, the board shall direct UPPAC to:
 - (a) investigate the alleged violation; and
 - (b) hold a hearing to allow the educator to respond to the allegation.
- (4) Upon completion of an investigation or hearing described in this section, UPPAC shall:
 - (a) provide findings to the board; and
 - (b) make a recommendation for board action.
- (5)
 - (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and recommendation, the board may:
 - (i) revoke the educator's license;
 - (ii) suspend the educator's license;
 - (iii) restrict or prohibit the educator from renewing the educator's license;
 - (iv) warn or reprimand the educator;
 - (v) enter into a written agreement with the educator that requires the educator to comply with certain conditions;
 - (vi) direct UPPAC to further investigate or gather information; or
 - (vii) take other action the board finds to be appropriate for and consistent with the educator's behavior.
 - (b) Upon review of UPPAC's findings and recommendation, the board shall revoke the license of an educator who:
 - (i) was convicted of a felony of a sexual nature;
 - (ii) pled guilty to a felony of a sexual nature;

- (iii) entered a plea of no contest to a felony of a sexual nature;
- (iv) entered a plea in abeyance to a felony of a sexual nature;
- (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
- (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
- (vii) engaged 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 educator is or was employed; or
- (viii) admits to the board or UPPAC that the applicant committed conduct that amounts to:
 - (A) a felony of a sexual nature; or
 - (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi), or (vii).
- (c) The board may not reinstate a revoked license.
- (d) Before the board takes adverse action against an educator under this section, the board shall ensure that the educator had an opportunity for a UPPAC hearing.

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