

**REGULATION OF TEACHER - STUDENT
RELATIONSHIPS**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the State Board of Education to revoke an educator's license under certain conditions.

Highlighted Provisions:

This bill:

► requires the State Board of Education to revoke an educator's license if the educator commits a sexual offense against a minor or engages in sexual activity with a student; and

► makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-6-501, as enacted by Laws of Utah 1999, Chapter 108

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-6-501** is amended to read:



28 **53A-6-501. Disciplinary action against educator.**

29 (1) (a) The board shall take appropriate action against [any] a person who is, or at the
30 time of an alleged offense was, the holder of a license, and:

31 (i) who, after having had a reasonable opportunity to contest the allegation, has been
32 found pursuant to a criminal, civil, or administrative action to have exhibited behavior
33 evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or
34 other violation of standards of ethical conduct, performance, or professional competence; or

35 (ii) who has been alleged to have exhibited such behavior or committed such a
36 violation.

37 (b) Prior to taking action based upon an allegation or the decision of an administrative
38 body other than UPPAC, the board shall direct UPPAC to review the allegations and any
39 related administrative action and provide findings and recommendations to the board.

40 (c) No adverse recommendation may be made without giving the accused person an
41 opportunity for a hearing.

42 (d) The board's action may include:

43 (i) revocation or suspension of a license;

44 (ii) restriction or prohibition of recertification;

45 (iii) a warning or reprimand;

46 (iv) required participation in and satisfactory completion of a rehabilitation or
47 remediation program; or

48 (v) other action which the board finds to be appropriate after a review of the UPPAC
49 findings and recommendations.

50 (e) The license holder is responsible for the costs of rehabilitation or remediation
51 required under this section.

52 (2) (a) Upon receipt of findings from UPPAC, the board shall revoke the license of a
53 person who:

54 (i) commits a sexual offense against a minor child; or

55 (ii) engages in sexually explicit conduct, including the conduct defined in Section
56 76-5a-2, with a student, including a student who is not a minor.

57 [~~2~~] (b) Upon receipt of findings and recommendation from UPPAC, the board may
58 permanently revoke the license of [any] a person who [~~has committed a sexual offense against~~

59 a ~~minor child or~~] has exhibited other behavior which the board finds to be irremediable.

Legislative Review Note
as of 1-14-08 11:21 AM

Office of Legislative Research and General Counsel

H.B. 287 - Regulation of Teacher - Student Relationships

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs for individuals, businesses, or local governments.
