

**State Board of Education Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

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**LONG TITLE****General Description:**

This bill establishes an ethics framework and complaint process for members of the State Board of Education.

**Highlighted Provisions:**

This bill:

- requires the State Board of Education (board) to establish code of conduct and ethical rules for members;
- outlines a process for filing and investigating ethics complaints against board members;
- creates an independent review commission to investigate complaints and recommend actions; and
- authorizes the board to discipline members for violations, including removal for serious offenses.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**53E-3-1201**, Utah Code Annotated 1953

**53E-3-1202**, Utah Code Annotated 1953

**53E-3-1203**, Utah Code Annotated 1953

**53E-3-1204**, Utah Code Annotated 1953

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

Section 1. Section **53E-3-1201** is enacted to read:

**Part 12. Ethics and Removal of State Board Members**

**53E-3-1201 . Ethics requirements governing State Board of Education members.**

(1)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

32 the state board shall make rules establishing a code of conduct and ethical rules for  
 33 board members, incorporating standards and procedures relevant to the state board's  
 34 constitutional and statutory roles.

35 (b) The code of conduct and ethical rules shall include:

36 (i) prohibitions on a board member:

37 (A) engaging in activities that would impair the board member's independence of  
 38 judgment;

39 (B) improperly disclosing or using non-public information obtained by reason of  
 40 the board member's position; and

41 (C) securing special privileges for the board member or others;

42 (ii) requirements that a board member:

43 (A) declare conflicts of interest and be recused from votes where a conflict exists;

44 (B) adhere to high ethical standards in the board member's interactions with  
 45 students, educators, and the public;

46 (C) protect student rights including privacy of student records; and

47 (D) use proper channels in responding to public education needs, complaints, or  
 48 concerns;

49 (iii) provisions for ethics training for board members;

50 (iv) in accordance with Section 53E-3-1202, a process for filing and reviewing ethics  
 51 complaints against board members, including:

52 (A) the establishment of an independent review commission;

53 (B) standards of evidence and due process protections for accused members; and

54 (C) options for disciplinary action for violations, including removal; and

55 (v) a requirement that board members be held to the same ethical standards required  
 56 of educators.

57 (2) Beginning in 2026, on or before July 1 of each specified year, the state board shall seek  
 58 input and recommendations for the code of conduct and ethical rules established under  
 59 this section from:

60 (a) the legislative Rules and General Oversight Committee in even-numbered years; and

61 (b) the House and Senate Ethics Committees in odd-numbered years.

62 Section 2. Section **53E-3-1202** is enacted to read:

63 **53E-3-1202 . Complaints against state board members - Filing.**

64 (1) Two or more registered voters residing in Utah or two or more members of the State  
 65 Board of Education may file an ethics complaint against a board member for conduct

- 66 they believe violates the code of conduct and ethical rules established under Section  
 67 53E-3-1201.
- 68 (2) The individuals described in Subsection (1) shall file the complaint in writing with the  
 69 independent review commission established under Section 53E-3-1203 and shall contain:
- 70 (a) the name and position of the board member alleged to be in violation;  
 71 (b) the name, address, and telephone number of each individual filing the complaint;  
 72 (c) a description of each alleged violation, including references to the specific provisions  
 73 of statute, rule, or the code of conduct alleged to be violated;  
 74 (d) evidence or sworn testimony supporting the allegations;  
 75 (e) a list of witnesses; and  
 76 (f) a statement that those filing believe the complaint is made in good faith and that the  
 77 allegations are true and accurate to the best of their knowledge.
- 78 (3) The independent review commission shall keep complaints confidential until the  
 79 commission submits findings, factual reports, or recommendations on the complaint to  
 80 the state board.

81 Section 3. Section **53E-3-1203** is enacted to read:

82 **53E-3-1203 . Review of ethics complaints by an independent review commission.**

- 83 (1) The state board shall appoint an independent review commission to review ethics  
 84 complaints against board members.
- 85 (2) The independent review commission shall consist of the following five members, each  
 86 of whom is registered to vote in this state:
- 87 (a) two members, who have served as judges of a court of record in this state, each of  
 88 whom the board leadership shall appoint and the state board shall approve by a  
 89 majority vote;
- 90 (b) two members, who have served as a member of the state board within the last four  
 91 years before the date of appointment, each of whom the board leadership shall  
 92 appoint and the state board shall approve by a majority vote; and
- 93 (c) one member, who has served as a superintendent or charter school director no more  
 94 recently than two years from the date of appointment, whom the board leadership  
 95 shall appoint and the state board shall approve by a majority vote.
- 96 (3) A member of the commission may not, during the member's term of office on the  
 97 commission, act or serve as:
- 98 (a) an officeholder as defined in Section 20A-11-101;  
 99 (b) an agency head as defined in Section 67-16-3;

- 100 (c) a lobbyist as defined in Section 36-11-102; or  
 101 (d) a principal as defined in Section 36-11-102.
- 102 (4) The independent review commission shall:
- 103 (a) review ethics complaints filed against board members to determine if the complaint  
 104 states allegations which if true would constitute a violation of:
- 105 (i) statute;  
 106 (ii) administrative rule; or  
 107 (iii) the code of conduct and ethical rules described in Section 53E-3-1201;
- 108 (b) dismiss complaints that fail to state a violation or are largely frivolous in nature;  
 109 (c) for complaints stating a viable claim, conduct an investigation to determine if  
 110 evidence exists to support the allegations, affording the accused board member due  
 111 process including an opportunity to respond to the allegations;
- 112 (d) submit a factual report on each complaint, together with a recommendation for action  
 113 or dismissal, to the state board; and
- 114 (e) maintain the rules of procedure for handling complaints, incorporating standards of  
 115 evidence, due process, and confidentiality provisions.

116 Section 4. Section **53E-3-1204** is enacted to read:

- 117 **53E-3-1204 . Action by the State Board of Education on independent review**  
 118 **commission recommendations.**
- 119 (1) Upon receipt of a factual report and recommendation from the independent review  
 120 commission, the state board shall place the matter on the agenda for action at the earliest  
 121 possible meeting.
- 122 (2) The state board shall provide the accused member an opportunity to respond in person  
 123 or in writing before taking action.
- 124 (3) Based on the report and recommendation and any response from the accused member,  
 125 the state board may:
- 126 (a) dismiss the complaint if the state board determines the allegations are unproven or  
 127 insubstantial;
- 128 (b) issue a written reprimand if the state board determines the member committed a  
 129 violation of statute, rule, or the code of conduct, but the violation is not serious  
 130 enough to warrant removal;
- 131 (c) remove the member from any board leadership positions; or  
 132 (d) subject to Subsection (4), vote to remove the member from the state board for serious  
 133 or repeated violations of statute, rule, or the code of conduct and ethical rules.

134 (4) If the state board seeks to remove a member, removal of a state board member requires  
135 a two-thirds vote of the remaining state board members.

136 (5) The state board shall maintain a record of any actions taken, which shall be classified as  
137 a public record.

138 Section 5. **Effective date.**

139 This bill takes effect on July 1, 2025.