

Douglas R. Welton proposes the following substitute bill:

**State Board of Education Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

Senate Sponsor:

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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.

**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 Requirements For 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, the state board shall make rules establishing a code of conduct and ethical rules for board members, incorporating standards and procedures relevant to the state board's constitutional and statutory roles.
- (b) The code of conduct and ethical rules shall include:
- (i) prohibitions on a board member:
    - (A) engaging in activities that would impair the board member's independence of judgment;
    - (B) improperly disclosing or using non-public information obtained by reason of the board member's position; and
    - (C) securing special privileges for the board member or others;
  - (ii) requirements that a board member:
    - (A) declare conflicts of interest and be recused from votes where a conflict exists;
    - (B) adhere to high ethical standards in the board member's interactions with students, educators, and the public;
    - (C) protect student rights including privacy of student records; and
    - (D) use proper channels in responding to public education needs, complaints, or concerns;
  - (iii) provisions for ethics training for board members;
  - (iv) in accordance with Section 53E-3-1202, a process for filing and reviewing ethics complaints against board members, including:
    - (A) the establishment of an independent review commission;
    - (B) standards of evidence and due process protections for accused members; and
    - (C) options for disciplinary action for violations; and
  - (v) a requirement that board members be held to the same ethical standards required of educators.
- (2) Beginning in 2026, on or before July 1 of each specified year, the state board shall seek input and recommendations for the code of conduct and ethical rules established under this section from:
- (a) the legislative Rules and General Oversight Committee in even-numbered years; and
  - (b) the House and Senate Ethics Committees in odd-numbered years.

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

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

- (1) Two or more registered voters residing in Utah or two or more members of the State Board of Education may file an ethics complaint against a board member for conduct they believe violates the code of conduct and ethical rules established under Section 53E-3-1201.
- (2) The individuals described in Subsection (1) shall file the complaint in writing with the independent review commission established under Section 53E-3-1203 and shall contain:
- (a) the name and position of the board member alleged to be in violation;
  - (b) the name, address, and telephone number of each individual filing the complaint;
  - (c) a description of each alleged violation, including references to the specific provisions of statute, rule, or the code of conduct alleged to be violated;
  - (d) evidence or sworn testimony supporting the allegations;
  - (e) a list of witnesses; and
  - (f) a statement that those filing believe the complaint is made in good faith and that the allegations are true and accurate to the best of their knowledge.
- (3) The independent review commission shall keep complaints confidential until the commission submits findings, factual reports, or recommendations on the complaint to the state board.

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

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

- (1) The state board shall appoint an independent review commission to review ethics complaints against board members.
- (2) The independent review commission shall consist of the following five members, each of whom is registered to vote in this state:
- (a) two members, who have served as judges of a court of record in this state, each of whom the board leadership shall appoint and the state board shall approve by a majority vote;
  - (b) two members, who have served as a member of the state board within the last four years before the date of appointment, each of whom the board leadership shall appoint and the state board shall approve by a majority vote; and
  - (c) one member, who has served as a superintendent or charter school director no more recently than two years from the date of appointment, whom the board leadership shall appoint and the state board shall approve by a majority vote.
- (3) A member of the commission may not, during the member's term of office on the commission, act or serve as:

(a) an officeholder as defined in Section 20A-11-101;

(b) an agency head as defined in Section 67-16-3;

(c) a lobbyist as defined in Section 36-11-102; or

(d) a principal as defined in Section 36-11-102.

(4) The independent review commission shall:

(a) review ethics complaints filed against board members to determine if the complaint states allegations which if true would constitute a violation of:

(i) statute;

(ii) administrative rule; or

(iii) the code of conduct and ethical rules described in Section 53E-3-1201;

(b) dismiss complaints that fail to state a violation or are largely frivolous in nature;

(c) for complaints stating a viable claim, conduct an investigation to determine if evidence exists to support the allegations, affording the accused board member due process including an opportunity to respond to the allegations;

(d) submit a factual report on each complaint, together with a recommendation for action or dismissal, to the state board; and

(e) maintain the rules of procedure for handling complaints, incorporating standards of evidence, due process, and confidentiality provisions.

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

**53E-3-1204 . Action by the State Board of Education on independent review commission recommendations.**

(1) Upon receipt of a factual report and recommendation from the independent review commission, the state board shall place the matter on the agenda for action at the earliest possible meeting.

(2) The state board shall provide the accused member an opportunity to respond in person or in writing before taking action.

(3) Based on the report and recommendation and any response from the accused member, the state board may:

(a) dismiss the complaint if the state board determines the allegations are unproven or insubstantial;

(b) issue a written reprimand if the state board determines the member committed a violation of statute, rule, or the code of conduct; or

(c) remove the member from any board leadership positions or subcommittee assignments.

131    (4) The state board shall maintain a record of any actions taken, which shall be classified as  
132        a public record.

133        Section 5. **Effective date.**

134    This bill takes effect on July 1, 2025.