

SB0312S01 compared with SB0312

~~{Omitted text}~~ shows text that was in SB0312 but was omitted in SB0312S01

inserted text shows text that was not in SB0312 but was inserted into SB0312S01

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Educator License Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John D. Johnson

House Sponsor: Doug Welton

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LONG TITLE

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General Description:

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This bill modifies provisions relating to educator license discipline and restrictions on employment and volunteer service.

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Highlighted Provisions:

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This bill:

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- ▶ amends provisions relating to ineligibility for educator licensure following license denial;

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- ▶ establishes a tiered framework for restrictions on employment and volunteer service following license suspension or revocation;

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- ▶ requires automatic restrictions for serious misconduct involving actual harm or credible risk to children;

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- ▶ requires written findings demonstrating specific risk for restrictions in other cases;

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- ▶ exempts technical violations from automatic work and volunteer restrictions;

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- ▶ enacts provisions governing restrictions on employment and volunteer service following disciplinary action;

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- ▶ modifies notice requirements for disciplinary proceedings; and

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19 ▸ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53E-6-603** , as last amended by Laws of Utah 2020, Chapter 327

27 **53E-6-604** , as last amended by Laws of Utah 2024, Chapter 20

28 **53E-6-607** , as last amended by Laws of Utah 2019, Chapter 186

29 **53E-6-901** , as last amended by Laws of Utah 2024, Chapter 22

30 ENACTS:

31 **53E-6-604.5** , Utah Code Annotated 1953

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

34 Section 1. Section **53E-6-603** is amended to read:

35 **53E-6-603. Ineligibility for educator license.**

36 (1) The state board may refuse to issue a license to a license applicant if the state board finds good cause for the refusal, including behavior of the applicant:

38 (a) found pursuant to a criminal, civil, or administrative matter after reasonable opportunity for the applicant to contest the allegation; and

40 (b) considered, as behavior of an educator, to be:

41 (i) immoral, unprofessional, or incompetent behavior; or

42 (ii) a violation of standards of ethical conduct, performance, or professional competence.

44 (2) The state board may not issue, renew, or reinstate an educator license if the license applicant or educator:

46 (a) was convicted of a felony of a sexual nature;

47 (b) pled guilty to a felony of a sexual nature;

48 (c) entered a plea of no contest to a felony of a sexual nature;

49 (d) entered a plea in abeyance to a felony of a sexual nature;

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- (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
- 52 (f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
- 54 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
- 56 (i) is not enrolled in an adult education program in an LEA;
- 57 (ii) is not a minor; and
- 58 (iii)
- (A) is enrolled in an LEA where the license applicant or educator is employed; or
- 60 (B) is a participant in an extracurricular program in which the educator is involved; or
- 62 (h) admits to the state board or UPPAC that the license applicant or educator committed conduct that amounts to:
- 64 (i) a felony of a sexual nature; or
- 65 (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or (g).
- 67 [~~(3) If an individual is ineligible for licensure under Subsection (1) or (2), a public school may not:~~]
- 69 [~~(a) employ the person in the public school; or~~]
- 70 [~~(b) allow the person to volunteer in the public school.~~]
- 71 (3)
- (a) If an individual is ineligible for licensure under Subsection (2), a public school may not:
- 73 (i) employ the individual in the public school in a paid or unpaid capacity; or
- 74 (ii) allow the individual to volunteer in the public school.
- 75 (b) If an individual is ineligible for licensure under Subsection (1) for conduct that does not fall within Subsection (2), the restriction described in Subsection (3)(a) applies only if:
- 78 (i) the conduct underlying the ineligibility determination involved:
- 79 (A) actual physical, emotional, or psychological harm to a child;
- 80 (B) a credible risk of harm to a child;
- 81 (C) sexual misconduct, grooming, or boundary violations;
- 82 (D) abuse, exploitation, violence, or serious endangerment; or
- 83 (E) conduct demonstrating an ongoing threat to student safety; or
- 84 (ii) the state board issues written findings demonstrating:
- 85 (A) a specific, articulable risk to students or the school environment; and
- 86 (B) that a lesser restriction is insufficient to protect student safety.

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- 87 (c) The restriction described in Subsection (3)(a) does not apply automatically to an individual who is
ineligible for licensure under Subsection (1) if the underlying conduct involved:
- 90 (i) administrative or documentation errors;
91 (ii) procedural or communication failures;
92 (iii) record keeping mistakes;
93 (iv) unintentional misstatements unrelated to student safety; or
94 (v) technical violations that lack evidence of actual harm or credible risk of harm to students.
96 (4)
- (a) If the state board denies licensure under this section, the state board shall immediately notify the applicant of:
- 98 (i) the denial; and
99 (ii) the applicant's right to request a hearing before UPPAC.
- 100 (b) Upon receipt of a notice described in Subsection (4)(a), an applicant may, within 30 days after the day on which the applicant received the notice, request a hearing before UPPAC for the applicant to review and respond to all evidence upon which the state board based the denial.
- 104 (c) If the state board receives a request for a hearing described in Subsection (4)(b), the state board shall direct UPPAC to hold a hearing.
- 106 Section 2. Section **53E-6-604** is amended to read:
107 **53E-6-604. State board disciplinary action against an educator.**
108 (1)
- (a) The state 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:
- 111 (i) is immoral, unprofessional, or incompetent; or
112 (ii) violates standards of ethical conduct, performance, or professional competence.
- 113 (b) If the state board determines an allegation or decision described in Subsection (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the allegation or decision without an investigation or hearing.
- 116 (2) The state board shall direct UPPAC to investigate and allow an educator to respond in a UPPAC hearing if the state board receives an allegation that the educator:
- 118 (a) was charged with a felony of a sexual nature;
119 (b) was convicted of a felony of a sexual nature;

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- 120 (c) pled guilty to a felony of a sexual nature;
- 121 (d) entered a plea of no contest to a felony of a sexual nature;
- 122 (e) entered a plea in abeyance to a felony of a sexual nature;
- 123 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor
child;
- 125 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a
minor; or
- 127 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
- 129 (i) is not enrolled in an adult education program in an LEA;
- 130 (ii) is not a minor; and
- 131 (iii)
- (A) is enrolled in an LEA where the educator is employed; or
- 132 (B) is a participant in an extracurricular program in which the educator is involved.
- 133 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board shall direct
UPPAC to:
- 135 (a) investigate the alleged violation; and
- 136 (b) hold a hearing to allow the educator to respond to the allegation.
- 137 (4) Upon completion of an investigation or hearing described in this section, UPPAC shall:
- 138 (a) provide findings to the state board; and
- 139 (b) make a recommendation for state board action.
- 140 (5)
- (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and recommendation,
the state board may:
- 142 (i) revoke the educator's license;
- 143 (ii) suspend the educator's license;
- 144 (iii) restrict or prohibit the educator from renewing the educator's license;
- 145 (iv) warn or reprimand the educator;
- 146 (v) enter into a written agreement with the educator that requires the educator to comply with
certain conditions;
- 148 (vi) direct UPPAC to further investigate or gather information; or
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(vii) take other action the state board finds to be appropriate for and consistent with the educator's behavior.

- 151 (b) Upon review of UPPAC's findings and recommendation, the state board shall revoke the license of
an educator who:
- 153 (i) was convicted of a felony of a sexual nature;
- 154 (ii) pled guilty to a felony of a sexual nature;
- 155 (iii) entered a plea of no contest to a felony of a sexual nature;
- 156 (iv) entered a plea in abeyance to a felony of a sexual nature;
- 157 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a
minor child;
- 159 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a
minor;
- 161 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
- 163 (A) is not enrolled in an adult education program in an LEA;
- 164 (B) is not a minor; and
- 165 (C) is enrolled in an LEA where the educator is employed or is a participant in an extracurricular
program in which the educator is involved; or
- 167 (viii) admits to the state board or UPPAC that the applicant committed conduct that amounts to:
- 169 (A) a felony of a sexual nature; or
- 170 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi), or (vii).
- 172 (c) The state board may not reinstate a revoked license.
- 173 (d) Before the state board takes adverse action against an educator under this section, the state board
shall ensure that the educator had an opportunity for a UPPAC hearing.
- 175 (e) If the state board suspends or revokes an educator's license under this section, the state board shall
determine whether the restrictions described in Section 53E-6-604.5 apply to the educator.
- 178 (6) Notwithstanding any other provision in this section, the state board shall make rules, in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require an LEA to notify the
state board, UPPAC, and the educator of a complaint from a parent against an educator alleging a
violation of educator licensing standards.

182 Section 3. Section **3** is enacted to read:

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53E-6-604.5. Restrictions on employment and volunteer service following license suspension or revocation.

- 185 (1) As used in this section:
- 186 (a) "Qualifying serious misconduct" means conduct that:
- 187 (i) caused actual physical, emotional, or psychological harm to a child;
- 188 (ii) created a credible risk of harm to a child;
- 189 (iii) involved sexual misconduct, grooming, or boundary violations;
- 190 (iv) involved abuse, exploitation, violence, or serious endangerment; or
- 191 (v) demonstrates an ongoing threat to student safety.
- 192 (b) "Technical violation" means conduct that:
- 193 (i) involved administrative or documentation errors;
- 194 (ii) involved procedural or communication failures;
- 195 (iii) involved {~~recordkeeping~~} ~~record keeping~~ mistakes;
- 196 (iv) involved unintentional misstatements unrelated to student safety; or
- 197 (v) constituted a technical violation of licensing standards that lacks evidence of actual harm or credible risk of harm to students.
- 199 (2)
- (a) {H} ~~Beginning with cases opened on or after May 6, 2026, if~~ the state board revokes an educator's license under Subsection 53E-6-604(5)(b) or for qualifying serious misconduct, a public school may not:
- 201 (i) employ the educator in the public school in a paid or unpaid capacity; or
- 202 (ii) allow the educator to volunteer in the public school.
- 203 (b) The restriction described in Subsection (2)(a) applies automatically upon the effective date of the license revocation.
- 205 (3)
- (a) If the state board revokes an educator's license for conduct that does not constitute qualifying serious misconduct under Subsection (2), the restriction described in Subsection (2)(a) applies only if the state board issues written findings that:
- 208 (i) identify a specific, articulable risk to students or the school environment based on the educator's conduct; and
- 210 (ii) explain why a lesser restriction is insufficient to protect student safety.

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- 212 (b) If the state board does not issue the written findings described in Subsection (3)(a), a public school
may employ the educator in a capacity that does not require a license or allow the educator to
volunteer in the public school, subject to:
- 215 (i) the public school's employment and volunteer policies; and
216 (ii) any other applicable employment or volunteer screening requirements the LEA establishes.
218 (4)
- (a) If the state board suspends an educator's license for qualifying serious misconduct, a public school
may not, during the period of suspension:
- 220 (i) employ the educator in the public school in a paid or unpaid capacity; or
221 (ii) allow the educator to volunteer in the public school.
- 222 (b) The restriction described in Subsection (4)(a) applies automatically upon the effective date of the
license suspension.
- 224 (5)
- (a) If the state board suspends an educator's license for conduct that does not constitute qualifying
serious misconduct under Subsection (4), the restriction described in Subsection (4)(a) applies
during the period of suspension only if the state board issues written findings that:
- 228 (i) identify a specific, articulable risk to students or the school environment based on the educator's
conduct; and
- 230 (ii) explain why allowing the educator to work or volunteer in a public school during the suspension
period, even in a capacity not requiring a license, would be insufficient to protect student safety.
- 211 (b) If the state board does not issue the written findings described in Subsection ~~(3)(a)~~ (5)(a), the
educator may, during the period of suspension:
- 213 (i) work in a public school in a capacity that does not require a license; or
214 (ii) volunteer in a public school, subject to any other applicable employment or volunteer screening
requirements.
- 216 ~~{(4) }~~
- ~~{(a) {If the state board suspends an educator's license for qualifying serious misconduct, a public school~~
~~may not, during the period of suspension:} }~~
- 218 ~~{(i) {employ the educator in the public school in a paid or unpaid capacity; or} }~~
- 219 ~~{(ii) {allow the educator to volunteer in the public school.} }~~
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~~{(b) {The restriction described in Subsection (4)(a) applies automatically upon the effective date of the license suspension.}}~~

222 ~~{(5) }~~

~~{(a) {If the state board suspends an educator's license for conduct that does not constitute qualifying serious misconduct under Subsection (4), the restriction described in Subsection (4)(a) applies during the period of suspension only if the state board issues written findings that:}}~~

226 ~~{(i) {identify a specific, articulable risk to students or the school environment based on the educator's conduct; and}}~~

228 ~~{(ii) {explain why allowing the educator to work or volunteer in a public school during the suspension period, even in a capacity not requiring a license, would be insufficient to protect student safety.}}~~

231 ~~{(b) {If the state board does not issue the written findings described in Subsection (5)(a), the educator may, during the period of suspension:}}~~

233 ~~{(i) {work in a public school in a capacity that does not require a license; or}}~~

234 ~~{(ii) {volunteer in a public school, subject to any other applicable employment or volunteer screening requirements.}}~~

236 (6) The state board may not issue a restriction described in Subsection (2)(a) or (4)(a) for a technical violation unless:

238 (a) the educator engaged in a pattern of repeated technical violations that demonstrates disregard for licensing standards; and

240 (b) the state board issues written findings that:

241 (i) document the pattern of repeated violations;

242 (ii) identify a specific, articulable risk to students or the school environment; and

243 (iii) explain why a lesser sanction is insufficient.

244 (7)

(a) The written findings required under Subsections (3)(a), (5)(a), and (6)(b) shall:

245 (i) be based on evidence presented during the UPPAC hearing or investigation;

246 (ii) address the specific circumstances of the educator's conduct;

247 (iii) consider any mitigating factors; and

248 (iv) explain the basis for the determination that the restriction is necessary and proportional.

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(b) The state board shall provide the educator with a copy of the written findings required under this section.

252 (8) This section does not limit:

253 (a) the authority of a public school to establish and enforce employment and volunteer policies that are more restrictive than the requirements of this section;

255 (b) the authority of the state board to impose conditions or restrictions on an educator's license under Subsection 53E-6-604(5)(a)(v) or (vii); or

257 (c) the requirement under Section 53E-6-201 that an individual employed in a position requiring licensure hold an appropriate license.

261 (9) Nothing in this section:

259 (9){ (a) } {Nothing in this section} permits an individual to work in a position requiring licensure without holding the appropriate license as required by Section 53E-6-201{.};

264 (b) prohibits the board from establishing rules regarding conduct that is not a qualifying serious misconduct or a technical violation; and

266 (c) prohibits the state board from considering an aggravating or mitigating factors that may vary in each case.

268 Section 4. Section **53E-6-607** is amended to read:

269 **53E-6-607. Policies for conducting hearings -- Standard of proof.**

263 (1) The state board and each local school board shall adopt policies for the conduct of hearings to ensure that requirements of due process are met.

265 (2) An accused party shall be provided not less than 15 days before a hearing with:

266 (a) notice of the hearing;

267 (b) the law, rule, or policy alleged to have been violated;

268 (c) sufficient information about the allegations and the evidence to be presented in support of the allegations to permit the accused party to prepare a meaningful defense; ~~and~~

271 (d) a copy of the policies under which the hearing will be conducted[-]; and

272 (e) if the proceeding may result in suspension or revocation of a license:

273 (i) a statement explaining the potential restrictions on employment and volunteer service under Section 53E-6-604.5;

275 (ii) a statement of the circumstances under which the restrictions apply automatically; and

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(iii) a statement of the circumstances under which the restrictions require written findings by the state board.

279 (3) If an accused party fails to request a hearing within 30 days after written notice is sent to the party's address as shown on the records of the local school board, for actions taken under the auspices of a local school board, or on the records of the state board, for actions taken under the auspices of the state board, then the accused party shall be considered to have waived the right to a hearing and the action may proceed without further delay.

285 (4) Hearing fact finders shall use the preponderance of evidence standard in deciding all questions unless a higher standard is required by law.

287 (5) Unless otherwise provided in this public education code, the decisions of state and local school boards are final determinations under this section, appealable to the appropriate court for review.

297 Section 5. Section **53E-6-901** is amended to read:

298 **53E-6-901. Substitute teachers.**

292 (1) As used in this section, "substitute teacher" means a licensed or non-licensed individual who is employed by a school district to fill in for a regular classroom teacher during the teacher's temporary absence from the classroom.

295 (2) When hiring substitute teachers, school districts shall prioritize licensed educators as substitutes when available.

297 (3) An individual shall submit to a background check in accordance with Section 53G-11-402 prior to employment as a substitute teacher.

299 (4) A teacher's position in the classroom may not be filled by a non-licensed substitute teacher for more than a total of 20 days during any school year unless a licensed educator is not available.

302 (5) An individual [~~who is ineligible to hold a license for reasons described in Title 53E, Chapter 6, Part 6, License Denial and Discipline,~~] may not serve as a substitute teacher[.]; if:

305 (a) the individual is ineligible to hold a license under Section 53E-6-603; or

306 (b) the individual's license has been suspended or revoked and the restrictions described in Section 53E-6-604.5 apply to the individual.

315 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-4-26 3:00 PM