

Karianne Lisonbee proposes the following substitute bill:

Educator License Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John D. Johnson

House Sponsor: Doug Welton

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ amends provisions relating to ineligibility for educator licensure following license denial;
- ▶ establishes a tiered framework for restrictions on employment and volunteer service following license suspension or revocation;
- ▶ requires automatic restrictions for serious misconduct involving actual harm or credible risk to children;
- ▶ requires written findings demonstrating specific risk for restrictions in other cases;
- ▶ exempts technical violations from automatic work and volunteer restrictions;
- ▶ enacts provisions governing restrictions on employment and volunteer service following disciplinary action;
- ▶ modifies notice requirements for disciplinary proceedings; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



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
37 finds good cause for the refusal, including behavior of the applicant:

38 (a) found pursuant to a criminal, civil, or administrative matter after reasonable
39 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
43 competence.

44 (2) The state board may not issue, renew, or reinstate an educator license if the license
45 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;

50 (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses,
51 against a minor child;

52 (f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
53 who is a minor;

54 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
55 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;
59 or

60 (B) is a participant in an extracurricular program in which the educator is
61 involved; or

62 (h) admits to the state board or UPPAC that the license applicant or educator committed

63 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

66 (g).

67 [~~(3) If an individual is ineligible for licensure under Subsection (1) or (2), a public school~~
68 ~~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
72 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
76 not fall within Subsection (2), the restriction described in Subsection (3)(a) applies
77 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.

87 (c) The restriction described in Subsection (3)(a) does not apply automatically to an
88 individual who is ineligible for licensure under Subsection (1) if the underlying
89 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
95 students.

96 (4)(a) If the state board denies licensure under this section, the state board shall

97 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
101 days after the day on which the applicant received the notice, request a hearing before
102 UPPAC for the applicant to review and respond to all evidence upon which the state
103 board based the denial.

104 (c) If the state board receives a request for a hearing described in Subsection (4)(b), the
105 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
109 decision, or judicial decision that evidences an educator is unfit for duty because the
110 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)
114 does not evidence an educator's unfitness for duty, the state board may dismiss the
115 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
117 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;

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,
124 against a minor child;

125 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
126 who is a minor; or

127 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
128 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
134 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
141 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
147 comply with certain conditions;
148 (vi) direct UPPAC to further investigate or gather information; or
149 (vii) take other action the state board finds to be appropriate for and consistent with
150 the educator's behavior.
- 151 (b) Upon review of UPPAC's findings and recommendation, the state board shall revoke
152 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
158 Offenses, against a minor child;
159 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
160 student who is a minor;
161 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
162 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
 166 extracurricular program in which the educator is involved; or
 167 (viii) admits to the state board or UPPAC that the applicant committed conduct that
 168 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),
 171 (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
 174 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
 176 state board shall determine whether the restrictions described in Section 53E-6-604.5
 177 apply to the educator.
- 178 (6) Notwithstanding any other provision in this section, the state board shall make rules, in
 179 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that
 180 require an LEA to notify the state board, UPPAC, and the educator of a complaint from
 181 a parent against an educator alleging a violation of educator licensing standards.

182 Section 3. Section **53E-6-604.5** is enacted to read:

183 **53E-6-604.5 . Restrictions on employment and volunteer service following license**
 184 **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 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
 198 actual harm or credible risk of harm to students.

- 199 (2)(a) Beginning with cases opened on or after May 6, 2026, if the state board revokes
200 an educator's license under Subsection 53E-6-604(5)(b) or for qualifying serious
201 misconduct, a public school may not:
- 202 (i) employ the educator in the public school in a paid or unpaid capacity; or
 - 203 (ii) allow the educator to volunteer in the public school.
- 204 (b) The restriction described in Subsection (2)(a) applies automatically upon the
205 effective date of the license revocation.
- 206 (3)(a) If the state board revokes an educator's license for conduct that does not constitute
207 qualifying serious misconduct under Subsection (2), the restriction described in
208 Subsection (2)(a) applies only if the state board issues written findings that:
- 209 (i) identify a specific, articulable risk to students or the school environment based on
210 the educator's conduct; and
 - 211 (ii) explain why a lesser restriction is insufficient to protect student safety.
- 212 (b) If the state board does not issue the written findings described in Subsection (3)(a), a
213 public school may employ the educator in a capacity that does not require a license or
214 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
217 establishes.
- 218 (4)(a) If the state board suspends an educator's license for qualifying serious misconduct,
219 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
223 effective date of the license suspension.
- 224 (5)(a) If the state board suspends an educator's license for conduct that does not
225 constitute qualifying serious misconduct under Subsection (4), the restriction
226 described in Subsection (4)(a) applies during the period of suspension only if the
227 state board issues written findings that:
- 228 (i) identify a specific, articulable risk to students or the school environment based on
229 the educator's conduct; and
 - 230 (ii) explain why allowing the educator to work or volunteer in a public school during
231 the suspension period, even in a capacity not requiring a license, would be
232 insufficient to protect student safety.

- 233 (b) If the state board does not issue the written findings described in Subsection (5)(a),
234 the educator may, during the period of suspension:
- 235 (i) work in a public school in a capacity that does not require a license; or
236 (ii) volunteer in a public school, subject to any other applicable employment or
237 volunteer screening requirements.
- 238 (6) The state board may not issue a restriction described in Subsection (2)(a) or (4)(a) for a
239 technical violation unless:
- 240 (a) the educator engaged in a pattern of repeated technical violations that demonstrates
241 disregard for licensing standards; and
- 242 (b) the state board issues written findings that:
- 243 (i) document the pattern of repeated violations;
244 (ii) identify a specific, articulable risk to students or the school environment; and
245 (iii) explain why a lesser sanction is insufficient.
- 246 (7)(a) The written findings required under Subsections (3)(a), (5)(a), and (6)(b) shall:
- 247 (i) be based on evidence presented during the UPPAC hearing or investigation;
248 (ii) address the specific circumstances of the educator's conduct;
249 (iii) consider any mitigating factors; and
250 (iv) explain the basis for the determination that the restriction is necessary and
251 proportional.
- 252 (b) The state board shall provide the educator with a copy of the written findings
253 required under this section.
- 254 (8) This section does not limit:
- 255 (a) the authority of a public school to establish and enforce employment and volunteer
256 policies that are more restrictive than the requirements of this section;
- 257 (b) the authority of the state board to impose conditions or restrictions on an educator's
258 license under Subsection 53E-6-604(5)(a)(v) or (vii); or
- 259 (c) the requirement under Section 53E-6-201 that an individual employed in a position
260 requiring licensure hold an appropriate license.
- 261 (9) Nothing in this section:
- 262 (a) permits an individual to work in a position requiring licensure without holding the
263 appropriate license as required by Section 53E-6-201;
- 264 (b) prohibits the board from establishing rules regarding conduct that is not a qualifying
265 serious misconduct or a technical violation; and
- 266 (c) prohibits the state board from considering an aggravating or mitigating factors that

267 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.**

- 270 (1) The state board and each local school board shall adopt policies for the conduct of
 271 hearings to ensure that requirements of due process are met.
- 272 (2) An accused party shall be provided not less than 15 days before a hearing with:
- 273 (a) notice of the hearing;
- 274 (b) the law, rule, or policy alleged to have been violated;
- 275 (c) sufficient information about the allegations and the evidence to be presented in
 276 support of the allegations to permit the accused party to prepare a meaningful
 277 defense; [~~and~~]
- 278 (d) a copy of the policies under which the hearing will be conducted[~~-~~] ; and
- 279 (e) if the proceeding may result in suspension or revocation of a license:
- 280 (i) a statement explaining the potential restrictions on employment and volunteer
 281 service under Section 53E-6-604.5;
- 282 (ii) a statement of the circumstances under which the restrictions apply automatically;
 283 and
- 284 (iii) a statement of the circumstances under which the restrictions require written
 285 findings by the state board.
- 286 (3) If an accused party fails to request a hearing within 30 days after written notice is sent
 287 to the party's address as shown on the records of the local school board, for actions taken
 288 under the auspices of a local school board, or on the records of the state board, for
 289 actions taken under the auspices of the state board, then the accused party shall be
 290 considered to have waived the right to a hearing and the action may proceed without
 291 further delay.
- 292 (4) Hearing fact finders shall use the preponderance of evidence standard in deciding all
 293 questions unless a higher standard is required by law.
- 294 (5) Unless otherwise provided in this public education code, the decisions of state and local
 295 school boards are final determinations under this section, appealable to the appropriate
 296 court for review.

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

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

- 299 (1) As used in this section, "substitute teacher" means a licensed or non-licensed individual
 300 who is employed by a school district to fill in for a regular classroom teacher during the

- 301 teacher's temporary absence from the classroom.
- 302 (2) When hiring substitute teachers, school districts shall prioritize licensed educators as
303 substitutes when available.
- 304 (3) An individual shall submit to a background check in accordance with Section
305 53G-11-402 prior to employment as a substitute teacher.
- 306 (4) A teacher's position in the classroom may not be filled by a non-licensed substitute
307 teacher for more than a total of 20 days during any school year unless a licensed
308 educator is not available.
- 309 (5) An individual [~~who is ineligible to hold a license for reasons described in Title 53E,~~
310 ~~Chapter 6, Part 6, License Denial and Discipline,~~] may not serve as a substitute teacher[-]
311 if:
- 312 (a) the individual is ineligible to hold a license under Section 53E-6-603; or
- 313 (b) the individual's license has been suspended or revoked and the restrictions described
314 in Section 53E-6-604.5 apply to the individual.

315 Section 6. **Effective Date.**

316 This bill takes effect on May 6, 2026.