

Effective 5/10/2016

53A-6-402 Board-required licensing or employment recommendations -- Local public school-required licensing recommendations -- Notice requirements for affected parties -- Exemption from liability.

- (1)
 - (a) The board shall provide the appropriate administrator of a public or private school or of an agency outside the state that is responsible for licensing or certifying educational personnel with a recommendation or other information possessed by the board that has significance in evaluating the employment or license of:
 - (i) a current or prospective school employee;
 - (ii) an educator or education license holder; or
 - (iii) a license applicant.
 - (b) Information supplied under Subsection (1)(a) shall include:
 - (i) the complete record of a hearing; and
 - (ii) the investigative report for matters that:
 - (A) the educator has had an opportunity to contest; and
 - (B) did not proceed to a hearing.
- (2) At the request of the board, an administrator of a public school or school district shall, and an administrator of a private school may, provide the board with a recommendation or other information possessed by the school or school district that has significance in evaluating the:
 - (a) license of an educator or education license holder; or
 - (b) potential licensure of a license applicant.
- (3) If the board decides to deny licensure or to take action against an educator's license based upon information provided under this section, the board shall:
 - (a) give notice of the information to the educator or license applicant; and
 - (b) afford the educator or license applicant an opportunity to respond to the information.
- (4) A person who, in good faith, provides a recommendation or discloses or receives information under this section is exempt from civil and criminal liability relating to that recommendation, receipt, or disclosure.

Amended by Chapter 199, 2016 General Session