

Effective 7/1/2015

53A-6-405 Ineligibility for educator license.

- (1) The board may refuse to issue a license to a license applicant if the board finds good cause for the refusal, including behavior of the applicant:
 - (a) found pursuant to a criminal, civil, or administrative matter after reasonable opportunity for the applicant to contest the allegation; and
 - (b) considered, as behavior of an educator, to be:
 - (i) immoral, unprofessional, or incompetent behavior; or
 - (ii) a violation of standards of ethical conduct, performance, or professional competence.
- (2) The board may not issue, renew, or reinstate an educator license if the license applicant or educator:
 - (a) was convicted of a felony of a sexual nature;
 - (b) pled guilty to a felony of a sexual nature;
 - (c) entered a plea of no contest to a felony of a sexual nature;
 - (d) entered a plea in abeyance to a felony of a sexual nature;
 - (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
 - (f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
 - (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:
 - (i) not a minor; and
 - (ii) enrolled in a school where the license applicant or educator is or was employed; or
 - (h) admits to the board or UPPAC that the license applicant or educator committed conduct that amounts to:
 - (i) a felony of a sexual nature; or
 - (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or (g).
- (3) If an individual is ineligible for licensure under Subsection (1) or (2), a public school may not:
 - (a) employ the person in the public school; or
 - (b) allow the person to volunteer in the public school.
- (4)
 - (a) If the board denies licensure under this section, the board shall immediately notify the applicant of:
 - (i) the denial; and
 - (ii) the applicant's right to request a hearing before UPPAC.
 - (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 board based the denial.
 - (c) If the board receives a request for a hearing described in Subsection (4)(b), the board shall direct UPPAC to hold a hearing.

Repealed and Re-enacted by Chapter 311, 2015 General Session