

1 **PERMANENT TEACHER LICENSE REVOCATION**
2 **FOR SEXUAL ACTIVITY WITH STUDENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Carl Wimmer**

6 Senate Sponsor: D. Chris Buttars

7 Cosponsor: Keith Grover

8
9 **LONG TITLE**

10 **General Description:**

11 This bill requires the State Board of Education to permanently revoke an educator's
12 license under certain conditions.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ requires the State Board of Education to permanently revoke an educator's license if
16 the educator commits a sexual offense against a minor or engages in sexually explicit
17 conduct with a student; and

18 ▶ makes technical corrections.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 **AMENDS:**

25 **53A-6-501**, as enacted by Laws of Utah 1999, Chapter 108

26
27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **53A-6-501** is amended to read:

29 **53A-6-501. Disciplinary action against educator.**

30 (1) (a) The board shall take appropriate action against ~~any~~ a person who is, or at the
31 time of an alleged offense was, the holder of a license, and:

32 (i) who, after having had a reasonable opportunity to contest the allegation, has been
33 found pursuant to a criminal, civil, or administrative action to have exhibited behavior
34 evidencing unfitness for duty, including immoral, unprofessional, or incompetent conduct, or
35 other violation of standards of ethical conduct, performance, or professional competence; or

36 (ii) who has been alleged to have exhibited such behavior or committed such a
37 violation.

38 (b) Prior to taking action based upon an allegation or the decision of an administrative
39 body other than UPPAC, the board shall direct UPPAC to review the allegations and any
40 related administrative action and provide findings and recommendations to the board.

41 (c) No adverse recommendation may be made without giving the accused person an
42 opportunity for a hearing.

43 (d) The board's action may include:

44 (i) revocation or suspension of a license;

45 (ii) restriction or prohibition of recertification;

46 (iii) a warning or reprimand;

47 (iv) required participation in and satisfactory completion of a rehabilitation or
48 remediation program; or

49 (v) other action which the board finds to be appropriate after a review of the UPPAC
50 findings and recommendations.

51 (e) The license holder is responsible for the costs of rehabilitation or remediation
52 required under this section.

53 (2) (a) Upon receipt of findings or recommendations from UPPAC, the board shall
54 permanently revoke the license of a person who:

55 (i) is convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses,
56 against a minor child;

57 (ii) engages in sexually explicit conduct, as defined in Section 76-5a-2, with a student

58 who is a minor; or
59 (iii) engages in sexually explicit conduct, as defined in Section 76-5a-2, with a student
60 who is:
61 (A) not a minor; and
62 (B) enrolled in a school where the person is employed.
63 ~~[(2)]~~ (b) Upon receipt of findings ~~[and]~~ or recommendation from UPPAC, the board
64 may permanently revoke the license of ~~[any]~~ a person who ~~[has committed a sexual offense~~
65 ~~against a minor child or]~~ has exhibited other behavior which the board finds to be irremediable.