

1                                   **REGULATION OF TEACHER - STUDENT**

2   **RELATIONSHIPS**

3   2008 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Stephen E. Sandstrom**

6   Senate Sponsor: Curtis S. Bramble

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8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

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

17                   ▶ makes technical corrections.

18                   **Monies Appropriated in this Bill:**

19                   None

20                   **Other Special Clauses:**

21                   None

22                   **Utah Code Sections Affected:**

23                   AMENDS:

24                   **53A-6-501**, as enacted by Laws of Utah 1999, Chapter 108

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

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

28                   **53A-6-501. Disciplinary action against educator.**

29                   (1) (a) The board shall take appropriate action against ~~any~~ a person who is, or at the

30 time of an alleged offense was, the holder of a license, and:

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

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

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

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

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

43 (i) revocation or suspension of a license;

44 (ii) restriction or prohibition of recertification;

45 (iii) a warning or reprimand;

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

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

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

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

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

56 (ii) engages in sexually explicit conduct, as defined in Section 76-5a-2, with a student  
57 who is a minor; or

58            (iii) engages in sexually explicit conduct, as defined in Section 76-5a-2, with a student  
59 who is:

60            (A) not a minor; and

61            (B) enrolled in a school where the person is employed.

62            [~~2~~] (b) Upon receipt of findings [and] or recommendation from UPPAC, the board  
63 may permanently revoke the license of [any] a person who [has committed a sexual offense  
64 against a minor child or] has exhibited other behavior which the board finds to be irremediable.