

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

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: D. Chris Buttars

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to permanently revoke an educator's license if the educator commits a sexual offense against a minor or engages in sexual activity with a student; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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 from UPPAC, the board shall permanently revoke the
54 license of a person who:

55 (i) commits a sexual offense against a minor child; or

56 (ii) engages in sexually explicit conduct, including the conduct defined in Section
57 76-5a-2, with a student.

58 [~~2~~] (b) Upon receipt of findings and recommendation from UPPAC, the board may

59 permanently revoke the license of ~~[any]~~ a person who ~~[has committed a sexual offense against~~
60 ~~a minor child or]~~ has exhibited other behavior which the board finds to be irremediable.

Legislative Review Note
as of 1-11-08 12:36 PM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 286 - Permanent Teacher License Revocation for Sexual Activity with
Students**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs for individuals, businesses, or local governments.
