

SCHOOL BOARD ETHICS COMPLAINT INVESTIGATION

REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Candice B. Pierucci

LONG TITLE

General Description:

This bill addresses the process for an ethics complaint regarding a local school board member.

Highlighted Provisions:

This bill:

- ▶ clarifies the process for an ethics complaint regarding a local school board member;
- ▶ prohibits a school district from establishing a local political subdivision ethics commission;
- ▶ requires that an ethics complaint against a local school board member be reviewed by the Political Subdivisions Ethics Review Commission; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-15-103, as renumbered and amended by Laws of Utah 2018, Chapter 461

ENACTS:

53G-4-206, Utah Code Annotated 1953

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

31 Section 1. Section **53G-4-206** is enacted to read:

32 **53G-4-206. Ethics complaint -- Political Subdivisions Ethics Review Commission.**

33 A person may file a complaint for an alleged violation of Title 67, Chapter 16, Utah
34 Public Officers, and Employees, Ethics Act, by a member of a local school board in accordance
35 with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission.

36 Section 2. Section **63A-15-103** is amended to read:

37 **63A-15-103. Local ethics commission permitted -- Filing requirements.**

38 (1) A political subdivision, other than a municipality described in Section **10-3-1311**,
39 [~~or~~] a county described in Section **17-16a-11**, or a school district may establish a local political
40 subdivision ethics commission within the political subdivision to review a complaint against a
41 political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers'
42 and Employees' Ethics Act.

43 (2) A political subdivision other than a school district may enter into an interlocal
44 agreement with another political subdivision, in accordance with Title 11, Chapter 13,
45 Interlocal Cooperation Act, to establish a local political subdivision ethics commission to
46 review a complaint against a political subdivision officer or employee subject to Title 67,
47 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

48 (3) (a) A person filing a complaint for an ethics violation of Title 67, Chapter 16, Utah
49 Public Officers' and Employees' Ethics Act, shall file the complaint with:

50 (i) a local political subdivision ethics commission, if the political subdivision has
51 established a local political subdivision ethics commission under Subsection (1) or (2); or

52 (ii) the commission if the political subdivision has not established a local political
53 subdivision ethics commission or is a school district.

54 (b) A political subdivision that receives a complaint described in Subsection (3)(a)
55 may:

56 (i) accept the complaint if the political subdivision has established a local political
57 subdivision ethics commission in accordance with Subsection (1) or (2); or

- 58 (ii) forward the complaint to the commission:
- 59 (A) regardless of whether the political subdivision has established a local political
- 60 subdivision ethics commission; [or]
- 61 (B) if the political subdivision has not established a local political subdivision ethics
- 62 commission[.]; or
- 63 (C) if the complaint is regarding a member of a local school board as defined in
- 64 Section [53E-1-102](#).