

**SCHOOL CODE OF CONDUCT PROTECTIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matt MacPherson**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill codifies a code of conduct for public educators.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides a code of conduct for staff members of the public school system;
- ▶ requires reporting of violations of the code of conduct;
- ▶ requires all staff members to receive training on the code of conduct;
- ▶ prohibits retaliation against a staff member that reports a violation of the code of conduct; and
- ▶ provides a process for a staff member to seek review of an adverse employment action that is taken in retaliation for compliance with the code of conduct.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53G-11-601**, Utah Code Annotated 1953

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28 [53G-11-603](#), Utah Code Annotated 1953  
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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section [53G-11-601](#) is enacted to read:

34 **Part 6. Public Education Code of Conduct**

35 **[53G-11-601](#). Definitions.**

36 As used in this part:

37 (1) "Adverse employment action" means an action that has a negative impact on a staff  
38 member's employment status or work environment, including:

39 (a) the discharge of the staff member;

40 (b) the demotion of the staff member; or

41 (c) any other form of retaliation against the staff member in the terms, privileges, or  
42 conditions of employment.

43 (2) (a) "Boundary violation" means crossing verbal, physical, emotional, or social lines  
44 that staff must maintain in order to ensure structure, security, and predictability in an  
45 educational environment.

46 (b) "Boundary violation" may include, depending on the circumstances:

47 (i) isolated, one-on-one interactions with a student out of the line of sight of others;

48 (ii) meeting with a student in rooms with covered or blocked windows;

49 (iii) telling risqué jokes to, or in the presence of a student;

50 (iv) employing favoritism to a student;

51 (v) giving gifts to individual students;

52 (vi) staff member initiated frontal hugging or other uninvited touching;

53 (vii) photographing an individual student for a noneducational purpose or use;

54 (viii) engaging in inappropriate or unprofessional contact outside of educational  
55 program activities;

56 (ix) exchanging personal email or phone numbers with a student for a noneducational  
57 purpose or use;

58 (x) interacting privately with a student through social media, computer, or hand-held

- 59 devices; or
- 60 (xi) discussing an employee's personal life or personal issues with a student.
- 61 (c) "Boundary violation" does not include:
- 62 (i) offering praise, encouragement, or acknowledgment;
- 63 (ii) offering rewards available to all who achieve;
- 64 (iii) asking permission to touch for necessary purposes;
- 65 (iv) giving a pat on the back or a shoulder;
- 66 (v) giving a side hug;
- 67 (vi) giving a handshake or high five;
- 68 (vii) offering warmth and kindness;
- 69 (viii) utilizing public social media alerts to groups of students and parents; or
- 70 (ix) contact permitted by an IEP or Section 504 accommodation plan.
- 71 (3) "Grooming" means befriending and establishing an emotional connection with a
- 72 child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.
- 73 (4) "Sexual abuse" means the criminal conduct described in Subsection [76-5-404.1\(2\)](#),
- 74 and includes, regardless of the gender of any participant any of the following actions with the
- 75 intent to cause substantial emotional or bodily pain or arouse or gratify the sexual desire of any
- 76 individual:
- 77 (a) touching the anus, buttocks, pubic area, or genitalia of a student;
- 78 (b) touching the breast of a female student; or
- 79 (c) otherwise taking indecent liberties with a student with the intent to:
- 80 (i) cause substantial emotional or bodily pain; or
- 81 (ii) arouse or gratify the sexual desire of any individual.
- 82 (5) "Sexual battery" means:
- 83 (a) the criminal conduct described in Section [76-9-702.1](#); or
- 84 (b) the intentional touching, whether or not through clothing, the anus, buttocks, or any
- 85 part of the genitals of a student, or the breast of a female student, if the actor knows or should
- 86 know the actor's conduct, under the circumstances, is likely to cause affront or alarm to the
- 87 student being touched.
- 88 (6) "Sexual conduct" means any sexual contact or communication between a staff
- 89 member and a student including:

- 90           (a) sexual abuse;
- 91           (b) sexual battery; or
- 92           (c) a staff member and student sharing any sexually explicit or lewd communication,
- 93 image, or photograph.

94           (7) "Staff member" means an employee, contractor, or volunteer with unsupervised  
95 access to students.

96           (8) "Student" means:

97           (a) a child under 18 years old; or

98           (b) an individual over 18 years old if the individual is still enrolled in a public  
99 secondary school.

100           Section 2. Section **53G-11-602** is enacted to read:

101           **53G-11-602. Code of conduct policy.**

102           (1) Staff members shall act in a manner that acknowledges and reflects their inherent  
103 positions of authority and influence over students.

104           (2) Staff members shall recognize and maintain appropriate personal boundaries in  
105 teaching, supervising, and interacting with students, and shall avoid boundary violations,  
106 including behavior that could reasonably be considered grooming or lead to an appearance of  
107 impropriety.

108           (3) A staff member may not subject a student to any form of abuse including:

109           (a) physical abuse;

110           (b) verbal abuse;

111           (c) sexual abuse; or

112           (d) mental abuse.

113           (4) A staff member shall not touch a student in a way that makes a reasonably objective  
114 student feel uncomfortable.

115           (5) A staff member shall not engage in any sexual conduct toward or sexual relations  
116 with a student, including:

117           (a) viewing with a student, or allowing a student to view, pornography or any other  
118 sexually explicit or inappropriate images or content, whether video, audio, print, text, or other  
119 format;

120           (b) sexual battery; or

121 (c) sexual assault.

122 (6) Staff member communications with students, whether verbal or electronic, shall be  
123 professional and avoid boundary violations.

124 (7) A staff member shall not provide gifts, special favors, or preferential treatment to a  
125 student or group of students.

126 (8) A staff member shall not discriminate against a student on the basis of sex, religion,  
127 national origin, gender identity, sexual orientation, or any other prohibited class.

128 (9) Staff member use of electronic devices and social media to communicate with  
129 students shall comply with LEA policy, be professional, pertain to school activities or classes,  
130 and comply with the Family Educational Rights and Privacy Act.

131 (10) A staff member may not use or be under the influence of alcohol or illegal  
132 substances during work hours on school property or at school sponsored events while acting as  
133 a staff member.

134 (11) A staff member may not use any form of tobacco or electronic cigarettes on school  
135 property or at school sponsored activities in an employment capacity.

136 (12) A staff member shall cooperate in any investigation concerning allegations of  
137 actions, conduct, or communications that if proven, would violate this policy.

138 (13) This policy recognizes that familial relationships between a staff member and a  
139 student may provide for exceptions to certain provisions of this policy.

140 (14) Conduct prohibited by this policy is considered a violation of this policy  
141 regardless of whether the student may have consented.

142 (15) A staff member found in violation of this policy shall be subject to disciplinary  
143 action.

144 Section 3. Section **53G-11-603** is enacted to read:

145 **53G-11-603. Reporting.**

146 (1) A staff member who has reason to believe there has been a violation of this policy  
147 shall immediately report such conduct to an appropriate supervisor or school administrator.

148 (2) A staff member who reports as described in Subsection (1) may report  
149 confidentially.

150 (3) If a staff member has reason to believe a school administrator has violated this  
151 policy, the staff member shall immediately report the conduct to the administrator's supervisor.

152 (4) In addition to the obligation to report suspected child abuse or neglect to law  
153 enforcement or the Division of Child and Family Services under Section [62A-4a-403](#):

154 (a) a staff member who has reasonable cause to believe that a student may have been  
155 physically or sexually abused by a school staff member shall immediately report the belief and  
156 all other relevant information to the school administrator, or to the LEA administration;

157 (b) a school administrator who has received a report or who otherwise has reasonable  
158 cause to believe that a student may have been physically or sexually abused by a staff member  
159 shall immediately inform the LEA administration of the reported abuse; and

160 (c) if the staff member suspected to have abused a student holds a professional  
161 educator license issued by the state board, the LEA administration shall immediately report that  
162 information to the Utah Professional Practices Advisory Commission.

163 (5) A person who makes a report under this subsection in good faith shall be immune  
164 from civil or criminal liability that might otherwise arise by reason of that report.

165 (6) A staff member who has knowledge of suspected incidents of bullying shall  
166 immediately notify the students building administrator in compliance with the LEA's bullying  
167 policy.

168 (7) Failing to report suspected misconduct as required herein is a violation of this  
169 policy, the Utah educator standards, and in some instances, state law, and may result in  
170 disciplinary action.

171 (8) A staff member who knowingly submits a false report under this section is in  
172 violation of this code of conduct and is subject to disciplinary action.

173 Section 4. Section **53G-11-604** is enacted to read:

174 **53G-11-604. Code of conduct training.**

175 (1) Within a staff member's first 10 days of employment with an LEA, the LEA shall  
176 ensure that the staff member receives training regarding this policy, and the staff member shall  
177 acknowledge in writing having received training and understanding the policy.

178 (2) Beginning with the 2024-25 school year, and each school year thereafter, an LEA  
179 shall ensure that each staff member employed by the LEA receives training regarding this  
180 policy before the first day on which students will be in attendance for the school year, and each  
181 staff member shall acknowledge in writing having received training and understanding the  
182 policy.

183 Section 5. Section **53G-11-605** is enacted to read:

184 **53G-11-605. Protection from retaliation.**

185 (1) An LEA may not take an adverse employment action against a staff member if:

186 (a) the staff member refuses to comply with any action that the staff member

187 reasonably believes would violate this part; or

188 (b) (i) the staff member reports conduct as described in this part; and

189 (ii) the adverse employment action is based on the staff member's report.

190 (2) (a) In accordance with Subsection (2)(b), a staff member claiming an adverse

191 employment action is retaliation as described in this section may request a review of the

192 adverse employment action with:

193 (i) the LEA administration;

194 (ii) the local school board; or

195 (iii) the state board.

196 (b) A staff member may request review as described in Subsection (2)(a) with the

197 relevant body that oversees or supervises the individual or body alleged to have taken the

198 adverse employment action.

199 (3) (a) If a staff member requests review of an adverse employment action, the LEA,

200 the local school board, or the state board shall conduct a review of the adverse action to

201 determine whether the adverse employment action was retaliation against the staff member.

202 (b) If the LEA, the local school board, or the state board determines that the adverse

203 action was retaliation against the staff member, the LEA, the local school board, or the state

204 board may require the LEA to:

205 (i) cease and desist any retaliatory action;

206 (ii) compensate the staff member, which compensation may not exceed reimbursement

207 for, and payment of, lost wages and benefits to the staff member; or

208 (iii) do both Subsections (3)(a) and (b).

209 (c) If an LEA, the local school board, or the state board determines that the adverse

210 action was retaliation against the staff member, the individual or entity found to have taken

211 adverse action in violation of this section is subject to disciplinary action.

212 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

213 state board may adopt rules, as necessary, to implement this section.

214           Section 6. **Effective date.**  
215           This bill takes effect on May 1, 2024.