

# Policies and Procedures

August 2019

## **Anti-Harassment Policy**

East Hollywood is committed to providing an environment free from harassment and other forms of illegal discrimination based upon sex, race, color, ethnic background, sexual orientation, national origin, religion, creed, age, citizenship, disability, and/or veteran status. It is the belief of EHHS that an environment free from discrimination and harassment is a necessary part of a healthy learning and working atmosphere. Discrimination, harassment and retaliation are prohibited by Title IV, VI, and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. Employment discrimination is also prohibited by the Utah Anti-Discrimination Act, UCA 34A-5.

EHHS is committed to eliminating illegal discrimination through education and administrative support. Within the educational environment, sexual harassment is prohibited between students, between employees and students, between non-employees and students, between employees and employees, and between employees and other persons.

If you are aware of any harassment or are subjected to harassment personally, please speak with an administrator or the school counselor immediately so the problem can be stopped. The administration cannot correct a situation they are unaware of.

## **Building**

Students are responsible for cleaning up after themselves. Sometimes they may need teachers to remind them to do so. Please frequently encourage your students to be respectful of the building and property.

## **Building walkthrough**

In addition to locking the doors and turning off the lights when you are the last person leaving the building, it is also important to walk through the entire building making certain no students are in the building and checking all the equipment. Make sure to turn off all the computer equipment in the building, especially the projectors. The lamps for the projectors cost over \$300 dollars each, and the wear and tear caused by leaving the machine on is significant. Please be sure that all of the equipment in the building gets turned off, including all computers and any printers, TVs, and other items. This will not only save electricity, but will also help our equipment last longer.

## **Classroom Parties**

Utah State Law prohibits students from consuming “homemade” food in a classroom setting. Classroom parties also create added expenses—not only for food but maintenance and cleaning of school facilities. For these reasons classroom parties are discouraged.

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## **Counseling for Students**

The school counselor is available throughout the school day to meet with students. Unless a student has a crisis or an emergency, he or she should sign up to meet with the counselor on the sign-up sheet in the office. The counselor will meet with students in the order they are listed. If a student does have an emergency during your class, you may send them, or if the crisis is sufficiently urgent, escort them immediately to the counselor's office.

## **Course Disclosures/Curriculum Maps/Lesson Plans**

Teachers must submit a course disclosure, curriculum map, and lesson plans for each course they teach to the principal. Maps should include Utah standards, goals and objectives, learning activities, and assessments.

## **Crisis Response Plan**

Posted in every classroom is a Crisis Response Plan flip Chart. Teachers should follow instructions outlined in that plan.

## **Dress Code**

Generally, men should wear dress trousers and shirts. Ties are optional. Jeans are acceptable if they are in good condition. No T-shirts or shorts. Principal must authorize any exceptions to the dress code.

Women will wear opaque, conservative blouses or dresses. Low neck lines, sleeveless blouses, or tight-fitting clothing are inappropriate. Dresses and skirts are to be no shorter than knee length, and slits in skirts should not be above the knee. Jeans and Capri's are acceptable if they are in good condition. No T-shirts, shorts, short skirts.

## **Drills: Fire, Earthquake and Lockdown**

Four times during the school year we will have a fire drill to check how long it takes to evacuate the building. The building is equipped with a fire alarm system. Teachers should show their students the designated evacuation plan before the first fire drill of the year, and then lead their class outside when a fire drill is called. Before leaving the room, be sure to bring your class roll, turn off the classroom lights, and close the door. Everyone will meet outside in designated areas where teachers will call roll for their classes. The principal will notify you when you may return to the building.

Earthquake and Lockdown drills will also take place. Teachers will receive instructions on protocol for the drills prior to the drill.

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## **Electronic Equipment**

Teachers are not to move any computers or other electronic equipment in their classrooms. If equipment needs to be moved, please contact the facility manager or IT manager.

## **Employee Requirement to Report Arrests\***

Utah State Law and East Hollywood High School requires licensed educators (including ARL candidates) to report ANY arrests\* within 48 hours of the arrest. These reports must be made to the Executive Director of the school. The Charter School Director must notify the Utah State Office of Education within 48 hours of notification by the educator. Failure to report arrests will result in disciplinary licensing action as well as possible termination of employment. In addition to the legal requirement to report arrests, licensed employees must also report ANY conviction, regardless of the offense, including pleas in abeyance and diversion agreements.

\*Arrest means any detention that involves fingerprinting at the initial interaction with police OR at a later time.

## **Enforcement of Rules/Policies**

Teachers are expected to follow, support and enforce all school rules and policies (food, dress code, language, no backpacks in classroom, etc.) (see Employee Agreement)

## **Evaluations**

Teachers will complete a self evaluation and develop professional goals each year. Teachers will have 1 to 2 formal observations each school year and at least two(2) informal walkthroughs performed by the principal. Teachers are expected to have learning objectives visibly posted for students. For observations teachers should have a copy of their lesson plan ready.

## **Faculty Meetings**

Faculty meetings are held monthly, Wednesday after school at 3:15 p.m. **All** faculty and staff members (full or part-time) are expected to attend unless excused by the principal. Meetings will be used to keep teachers informed, disseminate professional information, coordinate activities, and transact other business as determined by the faculty and administration. Teachers are encouraged to submit items for the agenda. These items should be submitted to the principal by Friday preceding the meeting. Unexcused absences will be cause for payroll deduction of up to one-half day for each absence. Each employee may miss 1 (one) faculty meetings during the year without payroll deduction.

## **Field Trips**

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Well planned and meaningful activity field trips are fundamental to a complete education and provide enhanced learning opportunities for students. Field trips must be approved by the principal by completing the Activity Form, and parents must sign consent forms to allow the students to participate. All teachers and all students are required to attend the field trips unless other arrangements have been made. Students who are not in attendance will receive an absent mark for the day. With the rising costs of transportation, teachers should carefully select the most meaningful field trips for their students. Teachers must track attendance at field trips and turn in a hard copy to the attendance officer.

## **Grading**

The evaluation of a student's work is one of the most serious responsibilities of a teacher. Any mark or grade given should reflect the teacher's sincere and best judgment as to the quality of student performance. Your marking practice should encourage students to succeed, but should not be inflated.

Students are expected to do their best in classes, participate fully, hand in their assignments, and attend all classes. Doing so will ensure their greatest chances for success and good grades.

In order to maintain both uniformity and objectivity in grading, East Hollywood will use the point percentage system. Under such a system, a teacher gives a definite point value to all assignments, quizzes, reports, and tests. The teacher records the point totals for all assignments and tests, and posts possible point totals several times during the term so the students can figure out where they stand. At the end of the term, the teacher adds up each student's total points earned and divides it by the total points possible to convert it to a percentage and a letter grade. A teacher may designate extra work to be used as extra credit points, but these points can raise the student's grade no more than one grade level.

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The following scale should be used as a guideline. Note that neither an A+ nor an F+ or F- will be given.

Grade	Points Earned	Point Value	Comment
A	93-100	4.00	Excellent
A-	90-92		
B+	87-89	3.00	Good
B	84-86		
B-	80-83		
C+	77-79	2.00	Average
C	74-76		
C-	70-73		
D+	67-69	1.00	Passing
D	64-66		
D-	60-63		
F	0-59	0.00	Failed
P	n/a	n/a	Passing; given for special classes
I	n/a	n/a	Incomplete; can be changed to a passing grade if made up

Grades are issued at the end of each term and progress reports are issued in the middle of each term.

## Submitting Grades

Teachers input all grades into the SIS system. Grades must be posted the day after a term ends. Report cards will be out three days after grades are posted. It is extremely important that these deadlines are met so that parents and students can be notified of grades earned. Grade book questions and concerns should be submitted to the registrar.

## Honor Roll

Students who achieve a GPA of 3.5 or higher on their end-of-term/trimester report card will be on the school honor roll and receive certificates and recognition in an assembly following each term.

## Hallway Monitoring

Teachers should feel a responsibility to be on hall duty at all times. No teacher should condone poor citizenship or destruction of property. Teachers are expected to stand outside their classrooms, in the hallway, between classes to maintain order during breaks.

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## Health Procedures

Teachers may not dispense any medication. Small first aid kits are kept in each classroom. A more substantial first aid kit is kept in the main office. Students are not allowed to be in possession of drugs of any kind. If a student has a prescription that must be administered during school, with the exception of inhalers needed for asthma, he or she is required to give the prescription to the front office along with the instructions for its use and a parent authorization statement and an administrator will control the substance.

## Hiring Paperwork

All newly-hired faculty and staff need to work with either the executive director or the business manager to complete their necessary paperwork. This includes IRS Forms W-4 and I-9 and insurance paperwork to qualify for benefits.

Teachers must also submit copies of the following:

- Resume
- Teaching Certificate
- Photocopy of Driver's License and Social Security Card
- Emergency Contact Information (a form will be provided)
- Background check for non-certified/licensed employees.

Employees are responsible to see that current contact information is maintained in their employee file (current address, phone number, e-mail addresses, etc.)

## Insurance Benefits

All full-time employees employed in permanent positions are eligible for health insurance through Educators Mutual Insurance (school pays premium for employee), dental and vision insurance and supplemental insurance through AFLAC, and Utah State Retirement Fund (URS).

## Internet Use

The Internet cannot be used for any of the following:

- Obscene purposes such as the receipt, storage, or distribution of pornography and/or other inappropriate material.
- To harass, intimidate or otherwise annoy another person, e.g., broadcasting unsolicited messages or sending mail after being told it is unwanted.
- Tamper with other people's data or to gain unauthorized access to data on the local network or the Internet.
- Commercial use, product advertisement, political lobbying, religious, or other unsanctioned activities.
- Reconfigure, change settings, or purposely cause harm to any computer system.

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Violating any of the guidelines listed above can result in restricted access, disciplinary or legal action including, but not limited to, criminal prosecution under appropriate local, state, and federal laws, and/or termination of employment. Internet history and surveillance cameras will be checked periodically to insure that there is no misuse of Internet and computer privileges.

East Hollywood makes no warranties of any kind whether expressed or implied, for the service it is providing. East Hollywood will not be responsible for any damages you suffer while on this system. These damages may include, but are not limited to, loss of data as result of delays, non-deliveries, mis-deliveries, or service interruptions caused by the system or your errors or omissions (i.e. forgetting to save, etc...). Use of any information obtained via the information system is at your own risk. East Hollywood accepts no responsibility for the accuracy of information obtained through electronic information resources.

## Keys

It is imperative that we keep the building and facility secure with all doors locked. Teachers/staff will be issued the keys necessary to their specific needs.

- Do not let students into the building unless you are there to supervise them at all times.
  - ***Do not EVER give your keys to students!***
  - Do not leave students in the building without supervision.
  - If you lose your key, you will be charged the fee to re-key the necessary doors.

Students are expected to be clear of all areas of the building by 3:45 and clear of the campus by 4:00 p.m. unless they are supervised by a faculty/staff member and are engaged in a school related activity.

## Length of Day

Teachers are required to report for school at least thirty-five minutes before the beginning of school and remain at least fifty minutes after school (7:45 am-3:45 pm). Every veteran teacher will recognize this time as minimum. In this time period before and after school, teachers are encouraged to plan their work, make themselves available to students, contact parents, etc. Teachers who arrive late or leave early, unless approved by the Principal, will be subject to payroll deduction.

## Licensure/Certification of Teachers

All educators employed by East Hollywood must have either a current educator license, be officially accepted in the State Alternative Licensure Program, or have appropriate authorizations to teach. It is the responsibility of educators to keep their education credentials up-to-date and provide a current copy of all licenses and endorsements for their employee file.

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Employees are responsible for all costs associated with obtaining/maintaining their educator credentials.

## **Mail Boxes/Email Account**

Each teacher/staff member is assigned a mailbox in the main office. Please check your mailbox each morning. Announcements, notices, and assignments will be issued through this system. A significant amount of our communication will be through email, and teachers & staff are requested to maintain their school account and be regularly aware of its contents. Email accounts are set up and maintained by the Computer Technician.

## **Maintenance of Room**

Classrooms and offices should be kept clean and orderly. Teachers and staff members should strive to make the rooms as pleasant as possible. Some guidelines include:

1. Do not use masking tape or other kinds of tape on painted walls.
2. Do not drive nails into the wall.
3. Chairs, tables and desks should be straightened each day. Have students pick up all paper from the floor.
4. Teachers are encouraged to report any maintenance or computer problems to appropriate personnel (or to the principal in emergencies).

Teachers are responsible to vacuum their classrooms, place trash can close to the door inside the classroom and generally clean their rooms each day after school. Custodians will not be cleaning classrooms, but will empty the trash cans.

## **Parental Consent Forms**

Certain school activities require that a parent or guardian sign a consent form in order for students to participate. Signed forms will also be necessary for units that will be taught on sensitive topics. Most often, this will only apply to health classes. See the administration if you believe you have a unit or activity that needs a consent form to be signed.

## **Parent-Teacher-Student Conferences (PTSC)**

Because we want to encourage parents to have a high level of involvement with their students at East Hollywood, we hold parent-teacher conferences in the middle of every other term. On the days of the conferences, students will have a half day of school, in order to allow you as a teacher to prepare. You are ***REQUIRED*** to attend these conferences and provide parents with the breakdown of the students' grades, missing assignments, etc. Be positive about the students and praise their positive performance and improvement. It is imperative that you arrange your personal schedule to allow your attendance at EVERY Parent-Teacher-Student Conference. Non-attendance is grounds for payroll deduction or other disciplinary action.

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In order to avoid long lines and extensive waiting for the parents, please keep your visits with each parent between 5 and 7 minutes. If the parent requires a lengthier discussion, please set up a meeting with that parent for a later date.

## **Patriotism**

As a public school, we are required by law to recite the Pledge of Allegiance each week in our classrooms. Although the students are not required to participate, please encourage them to do so. The Pledge of Allegiance will be recited during the announcements on Monday mornings.

## **Paid Holidays**

The days-off schedule for teachers follows the student calendar. Teachers are not required to be here when school is out, except for Professional Development days which are mandatory.

## **Paydays**

Paychecks will be issued on the last business day of each month (including December!). Salaried teachers are paid over a 12-month period. During the summer months, their paychecks will be mailed to them (if not using direct deposit). Checks or copies of direct deposit slips will be placed in employee mailboxes in the main office on the day of payroll.

## **Personal/Sick Days**

Full time permanent employees will receive eight(8) paid personal/sick days per year. The year runs with the contract dates: from August 16, 2019 (August 15 for newly hired employees) to June 3, 2020. For staff employees, the year runs from August 1 to July 31.

If you will be absent from your work responsibilities for either a personal reason or an illness, you MUST contact the principal and notify him/her of your absence. Personal/sick days will be recorded in your employee file. If you use more than your allotted days, your hourly wage for the time you were absent will be deducted from your paycheck.

Personal/sick days are counted regardless of whether or not a teacher needs a substitute in their classroom. If you are absent, a personal/sick day will be logged.

Unused personal/sick days do not accrue from year to year but are reset at the beginning of a new contract period.

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## **Prayer**

East Hollywood High School has no policy that prevents or otherwise denies participation in constitutionally protected prayer. Students are allowed to pray in school if they choose; however, a teacher may not lead the class in a prayer.

## **Professional Development**

There are three (3) professional development days scheduled this school year. Attendance is mandatory for all teachers (part and full-time) and may not be excused. Teacher work days, or professional development days, are designed to strengthen staff skills, abilities, and unity. The dates for professional development are planned as part of the master calendar in May the previous year. Absences on professional development days will be the cause for a full day payroll deduction for each absence.

## **Professional Learning Communities**

Professional Learning Communities are held on Wednesday after school at 3:15pm. **All** teachers are expected to attend PLC meetings. During this time, teachers will be collaborating on the school-wide goals and student success, as it relates to individual students as well as programs. Each PLC is required to submit an agenda with attendance and minutes from each meeting. Unexcused absences will be the cause for payroll deduction of up to one-half day for each absence. Each employee may miss two (2) PLC meetings during the year without payroll deduction.

## **Purchasing Supplies**

All purchasing must be approved by or through the principal, executive director or business manager and must follow state procurement guidelines. No teacher or staff member is permitted to purchase any supplies from the Internet, local companies, or other suppliers unless they have prior authorization.

Textbook requests should be made through the principal.

Each full time teacher is entitled to receive \$150 per year reimbursement for classroom supplies purchased with personal funds. Supplies, equipment and materials purchased and reimbursed is the property of the school and must stay at the school. Teachers should request reimbursement on the standard reimbursement forms available online or in the office.

For supplies and equipment not included above, approval for expenses must be received in advance by the principal, executive director or the business manager. Employees must complete the reimbursement form, attach all receipts and have the principal sign the form.

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Reimbursement forms must be turned in within 60 days of incurred expense and submitted no later than the 25<sup>th</sup> of the month in order to receive payment by the last business day of the month.

## **Standardized Testing Requirements /Schedules**

Standardized testing occurs as mandated by the Utah State Office of Education. Your classroom curriculum should be structured to prepare your students to take these exams and do well on them. Teachers are required to map out curriculum based on the core curriculum standards, including the implementation of the Common Core Curriculum. All teachers should familiarize themselves with the state core requirements for their subject areas and design lesson plans to include them. The core curriculum, as well as its correlation to standardized assessment, can be found on the USOE website [www.usoe.k12.ut.us](http://www.usoe.k12.ut.us).

## **Selling**

State Laws hold that it is illegal for school officials, teachers, etc., to act as agents for any company or firm in selling their products or publications for school use.

## **Solicitors, Agents, and Visitors**

No solicitor, agent or visitor is to contact teachers during school hours without first obtaining consent from the school administration. Administration should be notified and grant permission for any visitors to be on campus.

## **Special Education Students**

Our diverse population includes a number of Special Education students. The teachers of these students need to be aware of their needs and their Individual Education Plans (IEPs). An IEP outlines the student's specific needs and accommodations for testing, instruction, one-on-one help, etc. The Special Education instructor creates the IEPs with the student, their parents, the school counselor, and the student's other teachers as well. Once the IEP is created, the Special Ed teacher or the counselor will meet with you to review the needs and plans of your special education students.

As a teacher, you are legally responsible to accommodate the Special Ed students' needs based on their IEP. Make sure that any needed accommodations are provided and that the student continues to progress through their educational plan. Failure to do so will bring serious legal consequences to the school and to the individual teacher.

## **Requirement to provide Special Education and 504 Accommodations**

Utah State Law requires public schools and licensed educators to provide whatever Special Education and 504 accommodations the IEP Teams and Guidance Counselors determine the student needs. These services are critical to student success and all employees will be held accountable to provide such services, and in fact, are legally liable if they fail to do so. It is important that teachers understand that either refusal to provide such services or failing to do so cannot be tolerated.

## **State Retirement Fund**

As a state educational entity, East Hollywood High School offers retirement benefits to full-time permanent employees. The retirement fund is a qualified, tax-deferred plan offered through Utah State Retirement System. See the executive director or business manager about your policy.

## **Supervision of Students/Leaving Class**

Teachers/staff are responsible for any students assigned to the teacher/staff member's classroom/area. Excepting emergencies or situations specifically negotiated with and documented by the principal, the following guidelines are required of teachers/staff:

- Students are to remain in the cafeteria, the lobby or outside before school and in the main lobby or outside after school unless supervised by an EHHS employee.
- Teachers/staff should NEVER leave students unsupervised outside of the lobbies/restrooms.
- Except for office aides with official business, students should not enter the main office or the faculty room without specific permission.
- Students should not be allowed to leave the classroom unless they have specific business elsewhere and have a hall pass.
- Students in crises, needing counseling or “breaks” should be sent to the office.
- Students needing a separate place to work apart from the classroom can be sent to the office or to the library.
- Students may not check themselves out of a class. If a student is required to check-out, office staff will call the classroom using the intercom or a notice signed by a staff member will be sent to teachers by the main office.
- Any employee, upon encountering a student who is not in an appropriate area, or is unsupervised, or does not have an appropriate pass, should direct the student to move to an appropriate/supervised area or back to class.
- Employees should never be alone in the building with any student.
- Employees should not be alone with a student in any room that does not have a window allowing observation from outside the room, an opened door, or another staff member outside the door.
- Teachers should not allow students to be in their class unless they are registered for that class.

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- Students are not allowed to be in the computer lab unsupervised.

## Substitute Teachers

As soon as you are aware that you will be absent, you have the responsibility to call East Hollywood High School – regardless of whether or not you arrange for your own substitute. You are responsible for finding your own substitute.

Under no circumstances are teachers to employ or in any way reimburse substitutes. This is violation of the regulations of the Board of Education. Payment for all substitutes' work must be made from East Hollywood and be processed through the school's system. The substitute will receive a paycheck from the school and as required by law, taxes will be deducted.

Teachers should adequately prepare work, notes, and lesson plans that can be easily found for their substitutes so that the students have a meaningful working day even if the teacher is absent. When choosing a substitute, try to enlist the same people so that they may gain familiarity with our school, students, and procedures. Teachers should also instruct the substitute to report to the main office when coming to work so that proper paperwork may be completed for compensation and taxes (another reason to enlist the same people over time).

## Viewing Videos in Class

Teachers should not get into the habit of regularly viewing videos in their classes. Videos may be an important supplementary tool for instruction, but cannot be used as your main medium of instruction. Most students learn better from hands-on activities and group discussions. In order to facilitate the intellectual growth of all your students, learn to integrate a variety of media in your classroom. Very seldom should an entire film or video be shown in class. Short clips or segments should be used to teach specific concepts.

When choosing a clip from a video to be shown in class, make certain that the content is appropriate and relevant to what you are studying. Also, videos should not contain objectionable content. Not Rated, G, PG, and PG-13 videos are acceptable, but even within those bounds, you are asked to use your own judgment of a movie's appropriateness. R-rated movies or above are not acceptable and should never be shown in a public school setting. If you would like to show a curriculum-related video that is controversial, such as Schindler's List or Saving Private Ryan, you will need to first obtain permission from the principal and then have parents sign a permission slip before showing it in class. If you choose to show such a movie, you must provide another option for students who either choose not to watch the film or do not receive parental consent.

## Educators Code of Ethics

### **R277. Education, Administration.**

#### **R277-515. Utah Educator Standards.**

##### **R277-515-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Diversion agreement" means an agreement between a prosecutor and defendant entered into prior to a conviction delaying prosecution of a criminal charge for a specified period of time and contingent upon the defendant satisfying certain conditions.
- C. "Educator or professional educator" means a person who currently holds a license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license. The "professional" denotes that the individual holds or is seeking a Utah educator license as opposed to a paraprofessional or a volunteer or unlicensed teacher in a classroom
- D. "Felony offense" means any offense for which an individual is charged with a first, second or third degree felony under the Utah Criminal Code, Title 76, the Public Employees Ethics Act, Title 67, Chapter 16, the Clandestine Drug Lab Act, Title 58 Chapter 37d, the Procurement Code, Title 63G, Chapter 6, or any other statute in the Utah Code establishing a felony.
- E. "Illegal drug(s)" means a substance included in Schedules I, II, III, IV, or V of Section 58-37-4, and also includes a drug or substance included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513, or any controlled substance analog.
- F. "Illegal sexual conduct" means any conduct proscribed under the Utah Criminal Code, Sections 76-5-401 through 406, Section 76-5a-1-4, and Section 76-9-704 through 704.
- G. "Licensing discipline" means sanctions ranging from an admonition, a letter of warning, a written reprimand, suspension of license, and revocation of license, or other appropriate disciplinary measures, for violation of professional educator standards.
- H. "Misdemeanor offense" means any offense for which an individual is charged with a Class A, B, or C misdemeanor under the Utah Criminal Code, Title 76, the Public Employees Ethics Act, Title 67, Chapter 16, the Clandestine Drug Lab Act, Title 58 Chapter 37d, the Procurement Code, Title 63G, Chapter 6, or any other statute in the Utah Code establishing a misdemeanor.
- I. "Plea in abeyance" means a plea of guilty or no contest which is not entered as a judgment or conviction but is held by a court in abeyance for a specified period of time.
- J. "School-related activity" means any event, activity or program occurring at the school before, during or after school hours or which students attend at a remote location as representatives of the school or with the school's authorization, or both.
- K. "Stalking" means the act of intentionally or knowingly engaging in a course of conduct directed at a specific person as defined in Section 76-5-106.5.
- L. "Utah Core Curriculum" means minimum academic standards provided through courses as established by the Board which shall be mastered by all students K-12 as a requisite for graduation from Utah's secondary schools.

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M. "Utah Public Employees Ethics Act" means the provisions established in Section 67-16-1-14.

N. "Utah Professional Practices Advisory Commission (Commission)" means a commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.

O. "USOE" means the Utah State Office of Education.

P. "Weapon(s)" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

## **R277-515-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the Board, by Section 53A-1-402(1)(a) which directs the Board to make rules regarding the certification of educators, by Section 53A-6 which provides all laws related to educator licensing and professional practices, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish statewide standards for public school educators that provide notice to educators and prospective educators and notice and protection to public school students and parents. The rule also recognizes that licensed public school educators are professionals and, as such, should share common professional standards, expectations and role model responsibilities. The rule distinguishes behavior for which educators shall receive license discipline from behavior that all Utah educators should aspire to and for which license discipline shall be initiated only in egregious circumstances or following a pattern of offenses.

## **R277-515-3. Educator as a Role Model of Civic and Societal Responsibility.**

A. The professional educator is responsible for compliance with federal, state, and local laws.

B. The professional educator shall familiarize himself with professional ethics and is responsible for compliance with applicable professional standards.

C. Failing to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator, upon receiving a Utah educator license:

(1) shall not be convicted of any felony or misdemeanor offense which adversely affects the individual's ability to perform assigned duties and carry out the responsibilities of the profession, including role model responsibilities.

(2) shall not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;

(3) shall not commit any act of cruelty to children or any criminal offense involving children;

(4) shall not be convicted of a stalking crime;

(5) shall not possess or distribute illegal drugs, or be convicted of any crime related to illegal drugs, including prescription drugs not specifically prescribed for the individual;

(6) shall not be convicted of any illegal sexual conduct, including offenses that are plea bargained to lesser offenses from an initial sexual offense;

(7) shall not be subject to a diversion agreement specific to sex-related or drug-related offenses, plea in abeyance, court-imposed probation or court supervision related to criminal

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charges which could adversely impact the educator's ability to perform the duties and responsibilities of the profession;

(8) shall not provide to students or allow students, under the educator's supervision or control to consume alcoholic beverages or unauthorized drugs;

(9) shall not attend school or a school-related activity in an assigned supervisory capacity, while possessing, using, or under the influence of alcohol or illegal drugs;

(10) shall not intentionally exceed the prescribed dosages of prescription medications while at school or a school-related activity;

(11) shall cooperate in providing all relevant information and evidence to the proper authorities in the course of an investigation by a law enforcement agency or by Child Protective Services regarding potential criminal activity. However, an educator shall be entitled to decline to give evidence against himself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(12) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services pursuant to Sections 53A-6-502 and 62A-4a-409 and comply with Board rules and school district policies regarding the reporting of suspected child abuse;

(13) shall strictly adhere to state laws regarding the possession of firearms, while on school property or at school-sponsored activities, and enforce district policies related to student access to or possession of weapons;

(14) shall not solicit, encourage or consummate an inappropriate relationship, written, verbal, or physical, with a student or minor;

(15) shall not participate in sexual, physical, or emotional harassment or any combination toward any public school-age student or colleague, nor knowingly allow harassment toward students or colleagues;

(16) shall not make inappropriate contact in any communication-written, verbal, or electronic-with minor, student, or colleague, regardless of age or location;

(17) shall not interfere or discourage students' or colleagues' legitimate exercise of political and civil rights, acting consistent with law and school district/school policies;

(18) shall provide accurate and complete information in required evaluations of himself, other educators, or students, as directed, consistent with the law;

(19) shall be forthcoming with accurate and complete information to appropriate authorities regarding known educator misconduct which could adversely impact performance of professional responsibilities, including role model responsibilities, by himself or others;

(20) shall provide accurate and complete information required for licensure, transfer, or employment purposes; and

(21) shall provide accurate and complete information regarding qualifications, degrees, academic or professional awards or honors, and related employment history when applying for employment or licensure.

(22) shall notify the USOE at the time of application for licensure of past license disciplinary action or license discipline from other jurisdictions;

(23) shall notify the USOE honestly and completely of past criminal convictions at the time of the license application and renewal of licenses; and

(24) shall provide complete and accurate information during an official inquiry or investigation by school district, state, or law enforcement personnel.

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D. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed, most readily, if educators have received previous documented warning(s) from the educator's employer.

(1) An educator shall not exclude a student from participating in any program, or deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation, and shall not engage in conduct that would encourage a student(s) to develop a prejudice on these grounds or any other, consistent with the law.

(2) An educator shall maintain confidentiality concerning a student unless revealing confidential information to authorized persons serves the best interest of the student and serves a lawful purpose, consistent with federal and state Family Educational Rights and Privacy Acts (FERPA).

(3) Consistent with the Utah Public Officers' and Employees' Ethics Act, Section 53A-1-402.5, and Board rules, a professional educator:

(a) shall not accept bonuses or incentives from vendors, potential vendors, or gifts from parents of students, or students where there may be the appearance of a conflict of interest or impropriety;

(b) shall not accept or give gifts to students that would suggest or further an inappropriate relationship;

(c) shall not accept or give gifts to colleagues that are inappropriate or further the appearance of impropriety;

(d) may accept donations from students, parents, and businesses donating specifically and strictly to benefit students;

(e) may accept, but not solicit, nominal appropriate personal gifts for birthdays, holidays and teacher appreciation occasions, consistent with school or school district policies and the Utah Public Officers' and Employees' Ethics Act;

(f) shall not use his position or influence to:

(i) solicit colleagues, students or parents or students to purchase equipment, supplies, or services from the educator or participate in activities that financially benefit the educator unless approved in writing by the local school board or governing board;

(ii) promote athletic camps, summer leagues, travel opportunities, or other outside instructional opportunities from which the educator receives personal remuneration, and that involve students in the educator's school system, unless approved in writing consistent with local school board or governing board policy and Board rule; and

(g) shall not use school property, facilities, or equipment for personal enrichment, commercial gain, or for personal uses without express supervisor permission.

## **R277-515-4. Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards.**

A. A professional educator maintains a positive and safe learning environment for students, and works toward meeting educational standards required by law.

B. Failure to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator, upon receiving a Utah educator license:

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(1) shall take prompt and appropriate action to prevent harassment or discriminatory conduct towards students or school employees that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;

(2) shall resolve disciplinary problems according to law, school board policy, and local building procedures and strictly protect student confidentiality and understand laws relating to student information and records;

(3) shall supervise students appropriately at school and school-related activities, home or away, consistent with district policy and building procedures and the age of the students;

(4) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety or learning;

(5) shall demonstrate honesty and integrity by strictly adhering to all state and district instructions and protocols in managing and administering standardized tests to students consistent with Section 53A-1-608 and R277-473;

(a) shall cooperate in good faith with required student assessments;

(b) shall encourage students' best efforts in all assessments;

(c) shall submit and include all required student information and assessments, as required by state law and State Board of Education rules; and

(d) shall attend training and cooperate with assessment training and assessment directives at all levels.

(6) shall not use or attempt to use school district or school computers or information systems in violation of the school district's acceptable use policy for employees or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility; and

(7) shall not knowingly possess, while at school or any school-related activity, any pornographic material in any form.

C. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed, most readily, if educators have received previous documented warning(s) from the educator's employer: A professional educator:

(1) shall demonstrate respect for diverse perspectives, ideas, and opinions and encourage contributions from a broad spectrum of school and community sources, including communities whose heritage language is not English;

(2) shall use appropriate language, eschewing profane, foul, offensive, or derogatory comments or language;

(3) shall maintain a positive and safe learning environment for students;

(4) shall work toward meeting educational standards required by law;

(5) shall teach the objectives contained in the Utah Core Curriculum;

(6) shall not distort or alter subject matter from the Core in a manner inconsistent with the law and shall use instructional time effectively; and

(7) shall use instructional time effectively consistent with school and school district policies.

## **R277-515-5. Professional Educator Responsibility for Compliance with School District Policies.**

A. Failure to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator:

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(1) understands and follows Board rules and local board policies  
(2) understands and follows school and administrative policies and procedures;  
(3) understands and respects appropriate boundaries, established by ethical rules and school policies and directives, in teaching, supervising and interacting with students and colleagues; and

(4) shall conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with school and school district policy.

B. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed most readily, if educators have received previous documented warning(s) from the educator's employer. The professional educator:

(1) shall resolve grievances with students, colleagues, school community members, and parents professionally, with civility, and in accordance with school district/charter school policies; and

(2) shall follow school district/charter school policies for collecting money from students, accounting for all money collected, and not commingling any school funds with personal funds.

## **R277-515-6. Professional Educator Conduct.**

A. A professional educator exhibits integrity and honesty in relationships with school and district administrators and personnel.

B. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed most readily, if educators have received previous documented warning(s) from the educator's employer. The professional educator:

(1) shall communicate professionally and with civility with colleagues, school and community specialists, administrators and other personnel;

(2) maintains a professional and appropriate relationship and demeanor with students, colleagues and school community members and parents;

(3) shall not promote personal opinions, personal issues, or political positions as part of the instructional process in a manner inconsistent with law; expresses personal opinions professionally and responsibly in the community served by the school;

(4) shall comply with school and district policies, supervisory directives, and generally-accepted professional standards regarding appropriate dress and grooming at school and school-related events;

(5) shall work diligently to improve the educator's own professional understanding, judgment, and expertise;

(6) shall honor all contracts for professional services;

(7) shall perform all services required or directed by the educator's contract with the school district, school, or charter school with professionalism consistent with local policies and Board rules; and

(8) shall recruit other educators for employment in another position only within district timelines and guidelines.

## **R277-515-7. Violations of Professional Ethics.**

A. This rule establishes standards of ethical decorum and behavior for licensed educators in Utah.

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B. Provisions of this rule do not prevent, circumvent, replace, nor mirror criminal or potential charges that may be issued against professional educators.

C. The Board and USOE shall adhere to the provisions of this rule in licensing and disciplining licensed Utah educators.

D. Reporting and employment provisions related to professional ethics are provided in:

- (1) Section 53A-3-410;
- (2) Section 53A-6-501;
- (3) Section 53A-11-403; and
- (4) R277-514-5.

**KEY: educators, professional, standards**

**Date of Enactment or Last Substantive Amendment: August 7, 2008**

**Notice of Continuation: November 15, 2012 Authorizing, and Implemented or Interpreted**

**Law: Art X Sec 3; 53A-1-402(1)(a); 53A-6; 53A-1-401(3) R277. Education, Administration.**

## **EDUCATION EMPLOYEE REQUIRED REPORTS**

**R277. Education, Administration.**

**R277-516. Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees.**

**R277-516-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information;
- (6) completion of employee background checks; and
- (7) a record of disciplinary action taken against the educator.

C. "DPS" means the Department of Public Safety.

D. "Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are traditional public school teachers, charter school teachers, school administrators, USOE and school district specialists). A licensed educator may or may not be employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are in alternative routes to licensing programs or positions and individuals who hold district- or charter school-specific licenses.

E. "Public education employer" means the education entity that hires and employs an individual, including public school districts, the Utah State Office of Education, Regional Service Centers, and charter schools.

F. "USOE" means the Utah State Office of Education.

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## **R277-516-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the Board, by Sections 53A-1-301(3)(a) and 53A-1-301(3)(d)(x) which instructs the State Superintendent of Public Instruction (Superintendent) to perform duties assigned by the Board that include presenting to the Governor and the Legislature each December a report of the public school system for the preceding year that includes investigation of all matters pertaining to the public schools, and statistical and financial information about the school system which the Superintendent considers pertinent; and by Sections 53A-1-402(1)(a)(i) and (iii) which direct the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services, and the evaluation of instructional personnel.

B. The purpose of this rule is ensure that all students who are compelled by law to attend public schools, subject to release from school attendance consistent with Section 53A-11-102, are instructed and served by public school teachers and employees who have not violated laws that would endanger students in any way.

## **R277-516-3. Licensed Public Education Employee Personal Reporting of Arrests.**

A. A licensed educator who is arrested for the following alleged offenses shall report the arrest within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director or designee:

- (1) any matters involving arrests for alleged sex offenses;
- (2) any matters involving arrests for alleged drug-related offenses;
- (3) any matters involving arrests for alleged alcohol-related offenses; and
- (4) any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

B. A licensed educator shall report convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance or diversion agreement.

C. The district superintendent, charter school director or designee shall report conviction, arrest or offense information received from licensed educators to the USOE within 48 hours of receipt of information from licensed educators. The USOE shall develop an electronic reporting process on the USOE website.

D. The licensed educator shall report for work following the arrest and notice to the employer unless directed not to report for work by the employer, consistent with school district or charter school policy.

## **R277-516-4. Non-licensed Public Education Employee Background Check Policies.**

A. School districts and charter schools shall adopt policies for non-licensed public education employee background checks that include at least the following components:

- (1) periodic background checks of non-licensed employees;
- (2) non-licensed employees shall submit to criminal background checks at least every six years;

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B. School district and charter school policies shall determine the background check process necessary based on the non-licensed employee's assignment.

C. School districts and charter schools shall submit to the Utah Department of Public Safety a complete list of non-licensed employees including names, dates of birth, and social security numbers.

## **R277-516-5. Non-licensed Public Education Employee Arrest Reporting Policy Required from School Districts and Charter Schools.**

A. School districts/charter schools shall have a policy requiring reporting of designated offenses by non-licensed public employees and all employees who drive motor vehicles as an employment responsibility.

B. School districts/charter schools shall have an employee reporting policy for non-licensed employees adopted in an open board meeting no later than September 15, 2009. The policy shall be available on the school district/charter school website or provided to the USOE or both.

C. The policy shall include the following minimum components:

(1) reporting of the following:

(a) convictions, including pleas in abeyance and diversion agreements;

(b) any matters involving arrests for alleged sex offenses;

(c) any matters involving arrests for alleged drug-related offenses;

(d) any matters involving arrests for alleged alcohol-related offenses; and

(e) any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

(2) a timeline for receiving reports from non-licensed public education employees;

(3) immediate suspension from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation;

(4) immediate suspension from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation;

(5) adequate due process for the accused employee consistent with Section 53A-3-410(10);

(6) a process to review arrest information and make employment decisions that protect both the safety of students and the confidentiality and due process rights of employees;

(7) timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees. Records shall:

(a) include final administrative determinations and actions following investigation; and

(b) be maintained only as necessary to protect the safety of students and with strict requirements for the protection of confidential employment information.

## **R277-516-6. Public Education Employer Responsibilities Upon Receipt of Arrest Information from Employees.**

A. A public education employer that receives arrest information about a licensed public education employee shall review arrest information and assess the employment status consistent with Section 53A-6-501, R277-515, and the school district/charter school's policy.

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B. A public education employer that receives arrest information about a non-licensed public education employee shall review arrest information and assess the employee's employment status considering the non-licensed public education employee's assignment and consistent with a local board-approved policy for ethical behavior of non-licensed employees.

C. A local board shall provide appropriate training to non-licensed public education employees about the provisions of the local board's policy for self-reporting and ethical behavior of non-licensed public education employees.

D. A public education employer shall cooperate with the USOE in investigations of licensed educators.

## **R277-516-7. USOE Responsibility for Review of Arrest/Conviction Information Regarding Current or Prospective Licensees.**

A. The USOE shall review self-disclosure reports received from public education employers who received the information from licensed educators pursuant to this rule, or reports from DPS regarding arrests/convictions of current or prospective licensees in a timely manner.

B. The USOE shall:

(1) require the current or prospective licensee to immediately submit his fingerprints to DPS for a background check;

(2) place a flag on the licensee's CACTUS file indicating a background check issue;

(3) evaluate, after consultation with the public education employer and consistent with procedures under Section 53A-6-401 and R686-100, for potential licensing action.

**KEY: school employees, self reporting**

**Date of Enactment or Last Substantive Amendment: December 8, 2009**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-301(3)(a); 53A-1-301(3)(d)(x); 53A-1-402(1)(a)(i); 53A-1-402(1)(a)(iii)**

## Educators Code of Ethics

**R277. Education, Administration.**

**R277-515. Utah Educator Standards.**

**R277-515-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Diversion agreement" means an agreement between a prosecutor and defendant entered into prior to a conviction delaying prosecution of a criminal charge for a specified period of time and contingent upon the defendant satisfying certain conditions.

C. "Educator or professional educator" means a person who currently holds a license, held a license at the time of an alleged offense, is an applicant for a license, or is a person in training to obtain a license. The "professional" denotes that the individual holds or is seeking a Utah educator license as opposed to a paraprofessional or a volunteer or unlicensed teacher in a classroom

D. "Felony offense" means any offense for which an individual is charged with a first, second or third degree felony under the Utah Criminal Code, Title 76, the Public Employees Ethics Act, Title 67, Chapter 16, the Clandestine Drug Lab Act, Title 58 Chapter 37d, the

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Procurement Code, Title 63G, Chapter 6, or any other statute in the Utah Code establishing a felony.

E. "Illegal drug(s)" means a substance included in Schedules I, II, III, IV, or V of Section 58-37-4, and also includes a drug or substance included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513, or any controlled substance analog.

F. "Illegal sexual conduct" means any conduct proscribed under the Utah Criminal Code, Sections 76-5-401 through 406, Section 76-5a-1-4, and Section 76-9-704 through 704.

G. "Licensing discipline" means sanctions ranging from an admonition, a letter of warning, a written reprimand, suspension of license, and revocation of license, or other appropriate disciplinary measures, for violation of professional educator standards.

H. "Misdemeanor offense" means any offense for which an individual is charged with a Class A, B, or C misdemeanor under the Utah Criminal Code, Title 76, the Public Employees Ethics Act, Title 67, Chapter 16, the Clandestine Drug Lab Act, Title 58 Chapter 37d, the Procurement Code, Title 63G, Chapter 6, or any other statute in the Utah Code establishing a misdemeanor.

I. "Plea in abeyance" means a plea of guilty or no contest which is not entered as a judgment or conviction but is held by a court in abeyance for a specified period of time.

J. "School-related activity" means any event, activity or program occurring at the school before, during or after school hours or which students attend at a remote location as representatives of the school or with the school's authorization, or both.

K. "Stalking" means the act of intentionally or knowingly engaging in a course of conduct directed at a specific person as defined in Section 76-5-106.5.

L. "Utah Core Curriculum" means minimum academic standards provided through courses as established by the Board which shall be mastered by all students K-12 as a requisite for graduation from Utah's secondary schools.

M. "Utah Public Employees Ethics Act" means the provisions established in Section 67-16-1-14.

N. "Utah Professional Practices Advisory Commission (Commission)" means a commission established to assist and advise the Board in matters relating to the professional practices of educators, as established under Section 53A-6-301.

O. "USOE" means the Utah State Office of Education.

P. "Weapon(s)" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

## **R277-515-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the Board, by Section 53A-1-402(1)(a) which directs the Board to make rules regarding the certification of educators, by Section 53A-6 which provides all laws related to educator licensing and professional practices, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish statewide standards for public school educators that provide notice to educators and prospective educators and notice and protection to public school students and parents. The rule also recognizes that licensed public school educators are professionals and, as such, should share common professional standards, expectations and role model responsibilities. The rule distinguishes behavior for which

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educators shall receive license discipline from behavior that all Utah educators should aspire to and for which license discipline shall be initiated only in egregious circumstances or following a pattern of offenses.

## **R277-515-3. Educator as a Role Model of Civic and Societal Responsibility.**

A. The professional educator is responsible for compliance with federal, state, and local laws.

B. The professional educator shall familiarize himself with professional ethics and is responsible for compliance with applicable professional standards.

C. Failing to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator, upon receiving a Utah educator license:

(1) shall not be convicted of any felony or misdemeanor offense which adversely affects the individual's ability to perform assigned duties and carry out the responsibilities of the profession, including role model responsibilities.

(2) shall not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;

(3) shall not commit any act of cruelty to children or any criminal offense involving children;

(4) shall not be convicted of a stalking crime;

(5) shall not possess or distribute illegal drugs, or be convicted of any crime related to illegal drugs, including prescription drugs not specifically prescribed for the individual;

(6) shall not be convicted of any illegal sexual conduct, including offenses that are plea bargained to lesser offenses from an initial sexual offense;

(7) shall not be subject to a diversion agreement specific to sex-related or drug-related offenses, plea in abeyance, court-imposed probation or court supervision related to criminal charges which could adversely impact the educator's ability to perform the duties and responsibilities of the profession;

(8) shall not provide to students or allow students, under the educator's supervision or control to consume alcoholic beverages or unauthorized drugs;

(9) shall not attend school or a school-related activity in an assigned supervisory capacity, while possessing, using, or under the influence of alcohol or illegal drugs;

(10) shall not intentionally exceed the prescribed dosages of prescription medications while at school or a school-related activity;

(11) shall cooperate in providing all relevant information and evidence to the proper authorities in the course of an investigation by a law enforcement agency or by Child Protective Services regarding potential criminal activity. However, an educator shall be entitled to decline to give evidence against himself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(12) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services pursuant to Sections 53A-6-502 and 62A-4a-409 and comply with Board rules and school district policies regarding the reporting of suspected child abuse;

(13) shall strictly adhere to state laws regarding the possession of firearms, while on school property or at school-sponsored activities, and enforce district policies related to student access to or possession of weapons;

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(14) shall not solicit, encourage or consummate an inappropriate relationship, written, verbal, or physical, with a student or minor;

(15) shall not participate in sexual, physical, or emotional harassment or any combination toward any public school-age student or colleague, nor knowingly allow harassment toward students or colleagues;

(16) shall not make inappropriate contact in any communication-written, verbal, or electronic-with minor, student, or colleague, regardless of age or location;

(17) shall not interfere or discourage students' or colleagues' legitimate exercise of political and civil rights, acting consistent with law and school district/school policies;

(18) shall provide accurate and complete information in required evaluations of himself, other educators, or students, as directed, consistent with the law;

(19) shall be forthcoming with accurate and complete information to appropriate authorities regarding known educator misconduct which could adversely impact performance of professional responsibilities, including role model responsibilities, by himself or others;

(20) shall provide accurate and complete information required for licensure, transfer, or employment purposes; and

(21) shall provide accurate and complete information regarding qualifications, degrees, academic or professional awards or honors, and related employment history when applying for employment or licensure.

(22) shall notify the USOE at the time of application for licensure of past license disciplinary action or license discipline from other jurisdictions;

(23) shall notify the USOE honestly and completely of past criminal convictions at the time of the license application and renewal of licenses; and

(24) shall provide complete and accurate information during an official inquiry or investigation by school district, state, or law enforcement personnel.

D. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed, most readily, if educators have received previous documented warning(s) from the educator's employer.

(1) An educator shall not exclude a student from participating in any program, or deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation, and shall not engage in conduct that would encourage a student(s) to develop a prejudice on these grounds or any other, consistent with the law.

(2) An educator shall maintain confidentiality concerning a student unless revealing confidential information to authorized persons serves the best interest of the student and serves a lawful purpose, consistent with federal and state Family Educational Rights and Privacy Acts (FERPA).

(3) Consistent with the Utah Public Officers' and Employees' Ethics Act, Section 53A-1-402.5, and Board rules, a professional educator:

(a) shall not accept bonuses or incentives from vendors, potential vendors, or gifts from parents of students, or students where there may be the appearance of a conflict of interest or impropriety;

(b) shall not accept or give gifts to students that would suggest or further an inappropriate relationship;

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(c) shall not accept or give gifts to colleagues that are inappropriate or further the appearance of impropriety;

(d) may accept donations from students, parents, and businesses donating specifically and strictly to benefit students;

(e) may accept, but not solicit, nominal appropriate personal gifts for birthdays, holidays and teacher appreciation occasions, consistent with school or school district policies and the Utah Public Officers' and Employees' Ethics Act;

(f) shall not use his position or influence to:

(i) solicit colleagues, students or parents or students to purchase equipment, supplies, or services from the educator or participate in activities that financially benefit the educator unless approved in writing by the local school board or governing board;

(ii) promote athletic camps, summer leagues, travel opportunities, or other outside instructional opportunities from which the educator receives personal remuneration, and that involve students in the educator's school system, unless approved in writing consistent with local school board or governing board policy and Board rule; and

(g) shall not use school property, facilities, or equipment for personal enrichment, commercial gain, or for personal uses without express supervisor permission.

## **R277-515-4. Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards.**

A. A professional educator maintains a positive and safe learning environment for students, and works toward meeting educational standards required by law.

B. Failure to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator, upon receiving a Utah educator license:

(1) shall take prompt and appropriate action to prevent harassment or discriminatory conduct towards students or school employees that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;

(2) shall resolve disciplinary problems according to law, school board policy, and local building procedures and strictly protect student confidentiality and understand laws relating to student information and records;

(3) shall supervise students appropriately at school and school-related activities, home or away, consistent with district policy and building procedures and the age of the students;

(4) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety or learning;

(5) shall demonstrate honesty and integrity by strictly adhering to all state and district instructions and protocols in managing and administering standardized tests to students consistent with Section 53A-1-608 and R277-473;

(a) shall cooperate in good faith with required student assessments;

(b) shall encourage students' best efforts in all assessments;

(c) shall submit and include all required student information and assessments, as required by state law and State Board of Education rules; and

(d) shall attend training and cooperate with assessment training and assessment directives at all levels.

(6) shall not use or attempt to use school district or school computers or information systems in violation of the school district's acceptable use policy for employees or access

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information that may be detrimental to young people or inconsistent with the educator's role model responsibility; and

(7) shall not knowingly possess, while at school or any school-related activity, any pornographic material in any form.

C. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed, most readily, if educators have received previous documented warning(s) from the educator's employer: A professional educator:

(1) shall demonstrate respect for diverse perspectives, ideas, and opinions and encourage contributions from a broad spectrum of school and community sources, including communities whose heritage language is not English;

(2) shall use appropriate language, eschewing profane, foul, offensive, or derogatory comments or language;

(3) shall maintain a positive and safe learning environment for students;

(4) shall work toward meeting educational standards required by law;

(5) shall teach the objectives contained in the Utah Core Curriculum;

(6) shall not distort or alter subject matter from the Core in a manner inconsistent with the law and shall use instructional time effectively; and

(7) shall use instructional time effectively consistent with school and school district policies.

## **R277-515-5. Professional Educator Responsibility for Compliance with School District Policies.**

A. Failure to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator:

(1) understands and follows Board rules and local board policies

(2) understands and follows school and administrative policies and procedures;

(3) understands and respects appropriate boundaries, established by ethical rules and school policies and directives, in teaching, supervising and interacting with students and colleagues; and

(4) shall conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with school and school district policy.

B. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed most readily, if educators have received previous documented warning(s) from the educator's employer. The professional educator:

(1) shall resolve grievances with students, colleagues, school community members, and parents professionally, with civility, and in accordance with school district/charter school policies; and

(2) shall follow school district/charter school policies for collecting money from students, accounting for all money collected, and not commingling any school funds with personal funds.

## **R277-515-6. Professional Educator Conduct.**

A. A professional educator exhibits integrity and honesty in relationships with school and district administrators and personnel.

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B. Failure to adhere to the following may result in licensing discipline as defined in R277-515-1G. Penalties shall be imposed most readily, if educators have received previous documented warning(s) from the educator's employer. The professional educator:

(1) shall communicate professionally and with civility with colleagues, school and community specialists, administrators and other personnel;

(2) maintains a professional and appropriate relationship and demeanor with students, colleagues and school community members and parents;

(3) shall not promote personal opinions, personal issues, or political positions as part of the instructional process in a manner inconsistent with law; expresses personal opinions professionally and responsibly in the community served by the school;

(4) shall comply with school and district policies, supervisory directives, and generally-accepted professional standards regarding appropriate dress and grooming at school and school-related events;

(5) shall work diligently to improve the educator's own professional understanding, judgment, and expertise;

(6) shall honor all contracts for professional services;

(7) shall perform all services required or directed by the educator's contract with the school district, school, or charter school with professionalism consistent with local policies and Board rules; and

(8) shall recruit other educators for employment in another position only within district timelines and guidelines.

## **R277-515-7. Violations of Professional Ethics.**

A. This rule establishes standards of ethical decorum and behavior for licensed educators in Utah.

B. Provisions of this rule do not prevent, circumvent, replace, nor mirror criminal or potential charges that may be issued against professional educators.

C. The Board and USOE shall adhere to the provisions of this rule in licensing and disciplining licensed Utah educators.

D. Reporting and employment provisions related to professional ethics are provided in:

(1) Section 53A-3-410;

(2) Section 53A-6-501;

(3) Section 53A-11-403; and

(4) R277-514-5.

**KEY: educators, professional, standards**

**Date of Enactment or Last Substantive Amendment: August 7, 2008**

**Notice of Continuation: November 15, 2012 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a); 53A-6; 53A-1-401(3) R277. Education, Administration.**

## **EDUCATION EMPLOYEE REQUIRED REPORTS**

**R277. Education, Administration.**

**R277-516. Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees.**

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## **R277-516-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:
  - (1) personal directory information;
  - (2) educational background;
  - (3) endorsements;
  - (4) employment history;
  - (5) professional development information;
  - (6) completion of employee background checks; and
  - (7) a record of disciplinary action taken against the educator.
- C. "DPS" means the Department of Public Safety.
- D. "Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are traditional public school teachers, charter school teachers, school administrators, USOE and school district specialists). A licensed educator may or may not be employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are in alternative routes to licensing programs or positions and individuals who hold district- or charter school-specific licenses.
- E. "Public education employer" means the education entity that hires and employs an individual, including public school districts, the Utah State Office of Education, Regional Service Centers, and charter schools.
- F. "USOE" means the Utah State Office of Education.

## **R277-516-2. Authority and Purpose.**

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the Board, by Sections 53A-1-301(3)(a) and 53A-1-301(3)(d)(x) which instructs the State Superintendent of Public Instruction (Superintendent) to perform duties assigned by the Board that include presenting to the Governor and the Legislature each December a report of the public school system for the preceding year that includes investigation of all matters pertaining to the public schools, and statistical and financial information about the school system which the Superintendent considers pertinent; and by Sections 53A-1-402(1)(a)(i) and (iii) which direct the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services, and the evaluation of instructional personnel.
- B. The purpose of this rule is ensure that all students who are compelled by law to attend public schools, subject to release from school attendance consistent with Section 53A-11-102, are instructed and served by public school teachers and employees who have not violated laws that would endanger students in any way.

## **R277-516-3. Licensed Public Education Employee Personal Reporting of Arrests.**

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A. A licensed educator who is arrested for the following alleged offenses shall report the arrest within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director or designee:

- (1) any matters involving arrests for alleged sex offenses;
- (2) any matters involving arrests for alleged drug-related offenses;
- (3) any matters involving arrests for alleged alcohol-related offenses; and
- (4) any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

Chapter 5, Offenses Against the Person.

B. A licensed educator shall report convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance or diversion agreement.

C. The district superintendent, charter school director or designee shall report conviction, arrest or offense information received from licensed educators to the USOE within 48 hours of receipt of information from licensed educators. The USOE shall develop an electronic reporting process on the USOE website.

D. The licensed educator shall report for work following the arrest and notice to the employer unless directed not to report for work by the employer, consistent with school district or charter school policy.

## **R277-516-4. Non-licensed Public Education Employee Background Check Policies.**

A. School districts and charter schools shall adopt policies for non-licensed public education employee background checks that include at least the following components:

- (1) periodic background checks of non-licensed employees;
- (2) non-licensed employees shall submit to criminal background checks at least every six years;

B. School district and charter school policies shall determine the background check process necessary based on the non-licensed employee's assignment.

C. School districts and charter schools shall submit to the Utah Department of Public Safety a complete list of non-licensed employees including names, dates of birth, and social security numbers.

## **R277-516-5. Non-licensed Public Education Employee Arrest Reporting Policy Required from School Districts and Charter Schools.**

A. School districts/charter schools shall have a policy requiring reporting of designated offenses by non-licensed public employees and all employees who drive motor vehicles as an employment responsibility.

B. School districts/charter schools shall have an employee reporting policy for non-licensed employees adopted in an open board meeting no later than September 15, 2009. The policy shall be available on the school district/charter school website or provided to the USOE or both.

C. The policy shall include the following minimum components:

- (1) reporting of the following:
  - (a) convictions, including pleas in abeyance and diversion agreements;
  - (b) any matters involving arrests for alleged sex offenses;
  - (c) any matters involving arrests for alleged drug-related offenses;

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- (d) any matters involving arrests for alleged alcohol-related offenses; and
- (e) any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.
- (2) a timeline for receiving reports from non-licensed public education employees;
- (3) immediate suspension from student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation;
- (4) immediate suspension from transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation;
- (5) adequate due process for the accused employee consistent with Section 53A-3-410(10);
- (6) a process to review arrest information and make employment decisions that protect both the safety of students and the confidentiality and due process rights of employees;
- (7) timelines and procedures for maintaining records of arrests and convictions of non-licensed public education employees. Records shall:
  - (a) include final administrative determinations and actions following investigation; and
  - (b) be maintained only as necessary to protect the safety of students and with strict requirements for the protection of confidential employment information.

## **R277-516-6. Public Education Employer Responsibilities Upon Receipt of Arrest Information from Employees.**

A. A public education employer that receives arrest information about a licensed public education employee shall review arrest information and assess the employment status consistent with Section 53A-6-501, R277-515, and the school district/charter school's policy.

B. A public education employer that receives arrest information about a non-licensed public education employee shall review arrest information and assess the employee's employment status considering the non-licensed public education employee's assignment and consistent with a local board-approved policy for ethical behavior of non-licensed employees.

C. A local board shall provide appropriate training to non-licensed public education employees about the provisions of the local board's policy for self-reporting and ethical behavior of non-licensed public education employees.

D. A public education employer shall cooperate with the USOE in investigations of licensed educators.

## **R277-516-7. USOE Responsibility for Review of Arrest/Conviction Information Regarding Current or Prospective Licensees.**

A. The USOE shall review self-disclosure reports received from public education employers who received the information from licensed educators pursuant to this rule, or reports from DPS regarding arrests/convictions of current or prospective licensees in a timely manner.

B. The USOE shall:

- (1) require the current or prospective licensee to immediately submit his fingerprints to DPS for a background check;
- (2) place a flag on the licensee's CACTUS file indicating a background check issue;

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(3) evaluate, after consultation with the public education employer and consistent with procedures under Section 53A-6-401 and R686-100, for potential licensing action.

**KEY: school employees, self reporting**

**Date of Enactment or Last Substantive Amendment: December 8, 2009**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-301(3)(a); 53A-1-301(3)(d)(x); 53A-1-402(1)(a)(i); 53A-1-402(1)(a)(iii)**