

UPPAC NEWS

A BI-ANNUAL NEWSLETTER FROM THE UTAH PROFESSIONAL
PRACTICES ADVISORY COMMISSION

NEW REASONS YOU MIGHT BE REFERRED TO UPPAC

You may remember that in our last edition we shared common issues that might get you referred to UPPAC. Hopefully, as an educator you've been careful in the last year to avoid the self-checkout and to not sync your phone with your school computer. As a new year begins, we wanted to take the opportunity to bring some recent changes to the Educator Standards to your attention. The State Board of Education has added to or updated the list of reasons you might get referred to UPPAC and these changes took effect on January 10, 2024. This rule is more commonly known as the Utah Educator Standards, found in Utah Admin. Code [R277-217](#). These changes add new expectations to what an educator may or may not do in the classroom, as well as make significant changes to each LEA's reporting obligations.

New Provisions of the Standards.

The first change to the Standards updates the Standards to be consistent with the sensitive materials law adopted by the Legislature. An educator may not "expose students to sensitive materials: (a) as defined in Section [53G-10-103](#); and (b) as determined by an educator's LEA." [R277-217-2\(19\)](#). Educators should use caution to make sure that instructional materials used comply with LEA policies and are approved by the LEA

where required. If you assign poetry to your class that you haven't carefully screened and that contains references to sexual matters or drug use, you might be referred to UPPAC.

Next, the Board has clarified that an educator may not discriminate against a student or harass a student on the basis of race, color, creed, sex, national origin, marital status, political or religious belief, physical or mental condition, family, social, or cultural background, sexual orientation, or gender identification. [R277-217-2\(23\)](#). This is an expansion of existing protections already spelled out in the Educator Standards rule. As an example, if you make jokes about a student related to the student's race, you might be referred to UPPAC.

The next change deals with discussion of a student's sexual orientation and gender identity. An educator may not "invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity." [R277-217-2\(24\)](#). In addition to this new language, an educator should use caution to make sure discussion of these issues is consistent with [Utah law](#). If you discuss these changes, especially without permission from a student's parent, you might be referred to UPPAC.

UPPAC MEMBERSHIP RECOGNITION

UPPAC would like to thank Stacy Stoker from Juab School District and Travis Cook from Provo School District who completed their terms of service on UPPAC in June 2023. We'd also like to welcome our new members, Heidi Wells from Ogden City School District and Gichin Marsden from Excelsior Academy Charter School. If you have an interest in educator ethics and would be interested in serving on UPPAC, watch for application information in May.

Another change reflects a concern frequently shared that educators are not trying to teach the approved curriculum, but to persuade students to espouse a particular viewpoint in any number of areas. The Standards now state that an educator may not “use the educator’s position, through instruction, materials, or symbols, to actively endorse, promote, or disparage a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint, in a manner inconsistent with the policy of the educator’s LEA.” [R277-217-2\(25\)](#). In this election year, if you actively seek to persuade your students to support Biden, Trump, Kennedy, or any of the other candidates running this year during contract hours, you might get referred to UPPAC.

The updates clarify that an educator should be cautious to follow approved curriculum for the instruction of sex education. An educator may not violate “Sections [53G-10-401](#) through [53G-10-403](#), Rule [R277-474](#), or other Utah law regarding sex education...” [R277-217-2\(28\)\(v\)](#).

The final change to the Standards addresses concerns that educators are drawing inappropriate materials from outside the curriculum. An educator shall "use supplemental materials consistent with LEA policy as required by Subsection [53G-4-402\(26\)](#)." Rule [R277-217-3\(15\)](#). This seeks to make the Standards consistent with legislative changes in this area. If you pull supplemental materials from apps or other resources in a way that is inconsistent with your LEA policy, you might get referred to UPPAC.

Reporting Requirements

Recent rule changes also impact the concerns that are reported to the UPPAC. Your LEA has always had an obligation to report all substantiated violations of

the Educator Standards to UPPAC. But now, the Board is asking for UPPAC to track and review a growing number of parent reports that may not have been considered in the past. Rule [R277-217-5](#).

Under the rule, an LEA now must report to UPPAC every time a parent makes an allegation that an educator has violated the Educator Standards, even if the LEA feels the allegations have no merit. An LEA’s report must be made within thirty days of receiving the report and must include: (1) the findings of the LEA’s internal investigation or administrative proceeding, (2) any criminal charges filed, (3) the LEA’s internal disciplinary action, and (4) other relevant evidence. Records of unsubstantiated cases, which aren’t pursued with a UPPAC investigation will be private records and will only be preserved at the state level for the minimum amount of time required by law.

It is also anticipated that there will be greater follow up by UPPAC on parent complaints to USBE’s internal audit hotline. These reports frequently include allegations against licensed educators.

It is anticipated that the increased reporting will provide valuable data to USBE in tracking parent concerns. Additionally, while it is not anticipated that UPPAC will investigate most cases that LEAs found no evidence to support, it is anticipated that adding a second review from UPPAC will be a positive step to addressing parent concerns.

If you have questions about the Educator Standards or reporting obligations, please don’t hesitate to contact [UPPAC](#) for additional guidance. In addition, UPPAC has a number of resources available [online](#) to help teachers understand and navigate our processes and expectations.