

## 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.

# **UPPAC EDUCATOR DISCIPLINE**

## **A Summary of Utah State Board of Education Licensing Actions from January 2023 to December 2023**

### **Surrender**

20-1740

An educator was charged with two felony counts of Aggravated Sexual Abuse of a Child. After a jury trial, he was convicted of one amended count of misdemeanor Sexual Battery. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

22-1878

An educator had inappropriate conversations with a student and pointed out to the student that he had an erection. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

22-1896

While under UPPAC investigation for boundary violations with a female student, an educator provided alcohol to a minor female student on three separate occasions. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

22-1923

An educator allegedly touched a female student inappropriately. The student did not report the misconduct for fourteen years. After the student disclosed, the educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

22-1924

An educator allegedly touched a student's genitals over her pants while she was babysitting in his home. He had personal conversations with students and contacted them on social media. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

23-2018

An educator met with a female student one-on-one and had personal conversations with her after having been instructed not to do so. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

23-2029

An educator allegedly made inappropriate comments, sexually suggestive comments to female students, in spite of directives discontinue inappropriate conversations. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

### **Revocation**

19-1705

An educator was convicted of six first-degree felony and two second-degree felony sex offenses involving a student. The educator's license was permanently revoked.

20-1739 – Default

An educator was convicted of two counts of Aggravated Sexual Abuse of a Child, both first-degree felonies. The educator's license was permanently revoked by default order.

21-1837 – Default

An educator was convicted of Theft of a Rental Vehicle, a third-degree felony. She also had two additional unresolved criminal cases and warrants for her arrest. The educator's license was permanently revoked by default order.

22-1887 – Default

An educator was convicted of felony Theft by Receiving Stolen Property after participating in a scheme to fence stolen televisions. UPPAC initially recommended the educator's license be suspended for no less than 10 years. The

educator's license was permanently revoked by default order.

#### 22-1914 – Default

An educator was convicted of two felony counts of Dealing in Material Harmful to a minor and one misdemeanor count of Enticing a minor by Internet or Text. The educator exchanged nude photos with a teenage boy through text messages and Snapchat. The educator's license was permanently revoked by default order.

#### 22-1926

An educator was convicted of three counts of Aggravated Sexual Abuse of a Child, all first-degree felonies. The educator's license was permanently revoked.

#### 22-1938

An educator was convicted of Rape and Forcible Sodomy, both first-degree felonies involving a student. The educator's license was permanently revoked.

#### 22-1942 – Default

An educator was convicted of one count of Aggravated Assault and one count of Tampering with a Witness, both third-degree felonies. The educator's license was permanently revoked by default order.

### **Suspension**

#### 20-1752

An educator was convicted of Exploitation of a Vulnerable Adult and Unlawful Dealing with Property by a Fiduciary, both third-degree felonies. The educator was a trustee over funds for her incapacitated parents and misused hundreds of thousands of dollars to the detriment of her parents' estate. The educator received a suspension of not less than ten years.

#### 20-1766

An educator was convicted of Aggravated Assault, a third-degree felony, after he was involved in a domestic violence incident with his estranged wife. The educator received an 18-month plea in abeyance. The educator received a suspension of

not less than ten years. The educator may request reinstatement of his educator's license after one year if all plea in abeyance requirements have been completed.

#### 21-1807

An educator received numerous complaints about behaving inappropriately towards female students, including touching students on the thigh or hand, making sexist jokes about women, staring at female student's bodies, commenting on student's bodies and outfits, calling students unwanted nicknames, and asking female students about their personal lives. The educator received a suspension of not less than five years.

#### 21-1820 - Default

An educator gave a student his cell phone number and texted with the student briefly before telling him that he could not do so. The educator also discussed sensitive topics in his classroom, made jokes inappropriate for the fifth-grade environment, and violated RISE testing protocol. UPPAC initially recommended the educator receive a reprimand. The educator's license was suspended for not less than one year by default order.

#### 21-1858

An educator was convicted of Child Abuse, a Class A misdemeanor, for slapping his two-year-old son resulting in physical injury. The educator received a suspension of not less than one year.

#### 22-1873 – Default

An educator participated in text conversations that were sexual in nature with a female student. UPPAC initially recommended the educator receive a suspension of not less than three years. The educator's license was suspended for not less than five years by default order.

#### 22-1898 – Default

An educator provided false/fraudulent information on her employment application (an education-related document) when she claimed she had an Ed.D. degree since 2020, but as of May 2022, she was only enrolled in a doctoral program and had not received her degree. UPPAC initially recommended the educator receive a suspension of

not less than one year. The educator's license was suspended for not less than two years by default order.

22-1908

An educator self-reported that he accessed pornography and indecent material on school equipment and on school property. The educator received a suspension of not less than six months.

22-1917

An educator frequently made inappropriate comments in class and touched students on the arms, shoulders, and back. The educator had received prior discipline at the district level for sexual harassment in 2014 and had many discussions with school principals about similar behavior since 2014. The educator also received an unrelated assault charge. The educator received a suspension of not less than two years.

22-1930

An educator/administrator touched his intern daily, hugged her, and grabbed her thigh. He removed stray hairs, dust, and crumbs from teachers' clothed breasts and buttocks. He made frequent comments about sex to these same teachers and intern. The educator received a suspension of not less than one year.

23-1950

An educator made crude and offensive comments to his co-workers, called them vulgar names, and had pornography on his district computer. The educator received a suspension for not less than three years.

23-1967

An educator was convicted of Unlawful Use of a Financial Transaction Card, a third-degree felony, after using her district credit card for \$14,662.00 of personal purchases. The educator received a suspension of not less than ten years, which may be reduced to three years if the educator successfully completes all plea in abeyance requirements.

23-1973 – Default

An educator improperly restrained a student. During an expedited hearing, the educator was disrespectful and profane. UPPAC initially recommended that the educator be reprimanded. The educator's license was suspended for not less than two years by default order.

### **Reprimand**

21-1853

After leaving the district, an educator self-reported to several district and school employees about various instances of misconduct during her time with the district, including leaving school early, forging her principal's signature on an IEP, inaccurately logging IEP sessions, and inaccurately scoring special education assessments. The educator received a reprimand.

22-1864

An educator got angry with a student and yelled, shook the student's desk, and tipped the student's desk over. The desk hit another student's foot. In a separate incident, the educator blew his whistle in a student's ear and shoved the student. The educator was convicted of Disorderly Conduct, a Class C misdemeanor. The educator received a reprimand.

22-1869

An educator with a language barrier inaccurately reported her educator license suspension and criminal conviction on a teaching job application. The educator received a reprimand.

22-1877

An educator was convicted of Impaired Driving, a Class B misdemeanor, after having prior convictions for Impaired Driving and Driving Under the Influence. The educator received a reprimand.

22-1885

An educator pulled a chair from under a student who fell asleep in his class and the student fell to the floor. The educator received a reprimand.

23-1913

An educator failed to comply with IEP requirements. He failed to invite administrators to meetings, collected signatures after meetings, held meetings without teachers or parents without following proper procedures, and repeatedly failed to send out Notices of Meetings. The educator received a reprimand.

22-1915

An educator developed a close relationship with a female student. He sent her over four hundred emails during a five-month period, many of which were overly friendly and familiar. The educator received a reprimand.

22-1919

An educator had conversations with a fifteen-year-old sweeper regarding her personal life, bought her a phone against her parents' wishes, and lent her a book with graphic poetry and sketches. The educator received a reprimand.

22-1921

An educator accepted and worked at a second full-time job during the same hours she was reported to be working as a Special Education Director at a charter school. The educator received a reprimand.

22-1933

An educator was accused of referring to a student's mother as a stripper. Notwithstanding direction not to involve the class, to prove she did not say this, the educator asked her elementary class to sign a paper which stated the student said her mother was a pole dancer. The educator received a reprimand.

22-1935

An educator messaged a student via Instagram over the course of three weeks. The messages included questioning the student's sexual orientation and giving relationship advice. The educator received a reprimand.

22-1943

An educator stole school supplies from her former employer's district media center by logging the supplies out under another teacher's name. She did this on seven occasions over four years. The value

of the supplies stolen was \$442.00. The educator received a reprimand.

23-1951

An educator asked students about their crushes via his personal email and a computer monitoring system. He also used his district computer to search for erotic books and access forums about erotic discipline. The educator received a reprimand.

23-1978

An educator put old computer monitors in new boxes and returned them to Best Buy. She was caught on her third attempt. She was convicted of misdemeanor Theft. The educator received a reprimand.

### **Letter of Warning**

21-1849

An administrator engaged in unprofessional communications with a teacher and another district employee, the majority of which occurred during school hours. He also met excessively with a teacher in his office, causing discomfort among staff members and affecting the teacher's job duties. Additionally, the administrator failed to follow proper financial protocols related to a district summer camp by giving himself and camp staff unauthorized pay increases. The educator failed to follow proper hiring protocols when hiring multiple student aides by failing to post the job openings before making the hires. The administrator received a letter of warning.

22-EH43

An educator attempted to get a student who was not enrolled in his PE class out of the gym. After the student swore at the educator several times, the educator grabbed the student by the shoulder and told him he was going to the office. The student immediately turned and punched the educator in the face, giving him a bloody nose. The educator restrained the student as the student continued trying to throw punches. The educator received a letter of warning.

22-EH46

On two separate dates an educator engaged in inappropriate physical contact with a Special Education student after the student refused to stop physically assaulting other students. The educator received a letter of warning.

22-EH52

An educator vaped in her classroom and in another teacher's classroom numerous times over a four-month period. There were no students present when she vaped. The educator received a letter of warning.

22-EH53

Another educator vaped in her classroom and in another teacher's classroom numerous times over a four-month period. There were no students present when she vaped. The educator received a letter of warning.

22-EH54

An educator removed a student from a slide on the playground due to icy and unsafe conditions. The educator then walked the student to the office. When the student resisted and refused to go to the office, the educator grabbed his wrist and forcibly directed him into the school. The educator received a letter of warning.

22-EH55

An educator accidentally struck a student in the face while attempting to grab a water bottle from the student who refused to put the bottle away. The student then sprayed the educator, soaking her face and shirt. The educator received a letter of warning.

22-EH56

An educator was substituting for a colleague. While attempting to deal with an extremely disruptive student, the educator grabbed the hood of the student's sweatshirt and pulled him into the intern vice principal's office. The educator received a letter of warning.

22-1863

An educator texted students and made inappropriate comments to students. The educator received a letter of warning.

22-1871

An educator physically removed a student with autism from her classroom and dragged him down a hallway. The educator received a letter of warning.

22-1875

While cleaning out an educator/ administrator's office, a school employee found a flask of alcohol in his desk. The flask contained a liquid that was 95% ethanol and which the administrator claimed was only used for cleaning purposes during the pandemic. The educator received a letter of warning.

22-1888

An educator asked a student if she had kissed certain boys, seated the student at a table next to the educator's desk, and followed the student on Instagram. The educator received a letter of warning.

22-1893

An educator was convicted of Disorderly Conduct based on a charge of Lewdness after engaging in sexual acts in a parked vehicle where they were observed by a police officer. The educator failed to report the conviction to her LEA. The educator received a letter of warning.

22-1895

An educator allowed students to use his personal iPad during an activity. The students swiped on the iPad and saw a picture of the educator's husband's penis. The educator received a letter of warning.

22-1910

An educator accessed and participated in an online chatroom during contract time on his school computer. The chatroom included dialogue on erectile dysfunction, erections, and orgasm. The educator inadvertently shared his computer screen which was seen by a student. The educator received a letter of warning.

22-1920

A parent observed that an educator smelled of marijuana, exhibited red, watery eyes, and seemed "out of it" at school on two consecutive days. Days later, the educator consented to a urinalysis test which was positive for marijuana and marijuana.

metabolite. The educator had a medical marijuana card. The educator received a letter of warning.

22-1936

An educator described a student's behavior as "hot," watched videos on a student's phone over her shoulder and took photographs of students in his Yearbook class. The educator received a letter of warning.

22-1939

An educator was convicted of one count of Unlawful Dealing of a Property by a Fiduciary, a Class A misdemeanor. The educator acted as trustee for the estate of a close family friend and used trust bank account funds for questionable purposes. The educator received a letter of warning.

22-1940

An educator yelled at his class multiple times, grabbed a phone from under a student's leg, knocked a student's hat off his head, and provided a student with Ibuprofen. The educator received a letter of warning.

23-EH6

An educator was questioning a male student involved in a snowball fight and tried to remove the student's hat. The educator accidentally grabbed the student's hair and hoodie. The student raised his fist and pushed the educator several times in the chest. The educator received a letter of warning.

23-EH7

An educator repeatedly asked a student to put away his cell phone and earbuds. The student did not comply, so the educator attempted to take the student's cell phone. The educator linked elbows with the student as the student struggled to get away. The educator grabbed the hood of the student's hoodie and walked him to the office. The educator received a letter of warning.

23-EH16

An educator violated the testing ethics policy by promising the students in his class a \$2 bill to motivate them in the upcoming Acadiance Reading

Assessment. The educator received a letter of warning.

23-EH22

An educator repeatedly asked a student to turn his chair around. The educator picked the student up by the armpits and turned the student's chair with his foot. The educator received a letter of warning.

23-EH23

An educator was joking with a student and referred to the student as a "little beaner." Later that day, the educator was helping with a spelling bee and asked the student to spell "beaner." The educator received a letter of warning.

23-EH34

An educator violated testing ethics by helping certain students on the RISE math test. She confirmed that an answer was correct and told a student that "e" stands for exponents. The educator received a letter of warning.

23-EH35

An educator sent two students to the hall to take the RISE test without a proctor. The educator had received four previous letters of warning from her school during the same school year. The educator received a letter of warning.

23-EH36

An educator played a video about Tourette's Syndrome. The educator had only previewed half of the six-minute video. The video included several profane or inappropriate terms. The educator received a letter of warning.

23-EH39

An educator showed her students artwork by Frida Kahlo. Several of the paintings depicted nudity and bare breasts. The educator found the art in the adios textbooks app which was paid for by the district. The educator received a letter of warning.

23-EH43

An educator violated testing ethics by invalidating student results on Acadiance tests and retesting students when the students did not score at the level the educator expected. The educator also highlighted certain problems on a standardized



math test and told students to do those problems first. The educator received a letter of warning.

23-EH46

An educator assumed a parent wanted to opt her student out of the Acadience reading test. The educator marked the opt-out form for the student's Acadience test where the parent was required to sign. The educator was given a letter of warning.

23-EH47

An educator grabbed a student by the arm or wrist and did not intervene when a paraprofessional improperly restrained the student. The educator received a letter of warning.

23-EH63

An educator threw a blanket at a student when he was tilting his chair on two legs, causing the student to fall to the floor. She also "bopped" students on the head with playbooks when they were not on task. The educator received a letter of warning.

23-EH64

An educator was playing a game during the last days of school where he asked students "who is most likely to" questions. The educator asked, "Who is most likely to take part in a three-person kiss?" He might have also asked, "Who is most likely to have a one-night make-out?" The educator received a letter of warning.

23-1946

An educator was convicted of Criminal Mischief, a Class C misdemeanor following a domestic violence incident with her husband. The educator received a letter of warning.

23-1953

An educator gave students his credit card to purchase drinks, shared personal dating information with students, and messaged with

students via Instagram and text. The messaging was initiated by the students. The educator received a letter of warning.

23-1962

An educator texted student a student saying she gave the student's number to a male student who thought the student was beautiful. The educator received a letter of warning.

23-1964

An educator was convicted of misdemeanor Driving Under the Influence. The educator received a letter of warning.

23-1965

An educator was convicted of misdemeanor Assault related to a domestic violence incident with her ex-husband. The educator received a letter of warning.

23-1982

An educator placed her hand on the back of a student's neck as she escorted the student from his chair to the front of the classroom. The educator took the student very close to the white board and asked if the student could see the board now. The educator received a letter of warning.

23-1983

A school counselor gave non-approved material about sexual readiness and unplanned pregnancy to a student without parental consent. The educator received a letter of warning.

23-1985

An educator grabbed a student by the arm, causing both the educator and student to fall to the ground. The educator received a letter of warning.

## QUESTIONS? PLEASE CONTACT US

Our UPPAC team is available if you need to report an ethical violation, have questions about the ethics of a situation, or if you would like us to provide training to your LEA regarding the educator standards. Please email UPPAC at [uppac@schools.utah.gov](mailto:uppac@schools.utah.gov) or call (801) 538-7835.