

Representative Matt MacPherson proposes the following substitute bill:

SCHOOL CODE OF CONDUCT PROTECTIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: _____



LONG TITLE

General Description:

This bill requires local education agencies to adopt a code of conduct and provides certain protections from retaliation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires each local education agency to adopt a code of conduct for staff members;
- ▶ prohibits retaliation against a staff member that reports a violation of the code of conduct or takes other reasonable action to protect a student;
- ▶ provides a process for a staff member to seek review of an adverse employment action that is taken in retaliation for compliance with the code of conduct; and
- ▶ grants rulemaking authority to the State Board of Education to implement a process to review adverse actions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 [53G-11-601](#), Utah Code Annotated 1953

28 [53G-11-602](#), Utah Code Annotated 1953

29

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

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

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

33 **[53G-11-601. Definitions.](#)**

34 As used in this part:

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

37 (a) the discharge of the staff member;

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

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

41 (2) "Code of conduct" means the same as that term is defined in Subsection
42 [63G-7-301\(3\)](#).

43 (3) "Staff member" means an employee, contractor, or volunteer with unsupervised
44 access to students.

45 (4) "Student" means:

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

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

49 Section 2. Section [53G-11-602](#) is enacted to read:

50 **[53G-11-602. Requirement to implement a code of conduct -- Protection from](#)**
51 **retaliation -- Rulemaking.**

52 (1) In accordance with Subsection [63G-7-301\(3\)](#), an LEA shall adopt and implement a
53 code of conduct.

54 (2) The code of conduct shall include provisions regarding reporting violations of the
55 code of conduct, including provisions to ensure that:

56 (a) a staff member may report confidentially; and

57 (b) a staff member who knowingly submits a false report is in violation of the code of
 58 conduct and is subject to disciplinary action.

59 (3) An LEA may not take adverse action toward a staff member for:

60 (a) taking reasonable action to protect a student from harm due to a violation of the
 61 LEA's code of conduct;

62 (b) acting in good faith to comply with the LEA's code of conduct;

63 (c) failing to comply with an expectation or instruction that would cause the staff
 64 member to violate the LEA's code of conduct; or

65 (d) (i) the staff member reports conduct as described in the LEA's code of conduct; and

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

67 (4) A staff member claiming an adverse action is retaliation as described in this section
 68 may request a review of the adverse action with the relevant ~~entity~~ **local** ~~entity~~ that oversees or
 68a supervises

69 the individual or entity alleged to have taken the adverse action.

70 (5) (a) If a staff member requests review of an adverse action under Subsection (4), the
 71 relevant entity shall conduct a review of the adverse action to determine whether the adverse
 72 action was retaliation against the staff member.

73 (b) If the relevant entity under Subsection (4) determines that the adverse action was
 74 retaliation against the staff member, the relevant entity shall require the individual or entity
 75 alleged to have taken the adverse action to:

76 (i) cease and desist any retaliatory action;

77 (ii) compensate the staff member for any lost wages or benefits due to retaliatory
 78 action, which compensation may not exceed reimbursement for, and payment of, lost wages
 79 and benefits to the staff member; or

80 (iii) do both Subsection (5)(b)(i) and (ii).

81 (c) If the relevant entity determines that the adverse action was retaliation against the
 82 staff member, the individual or entity found to have taken adverse action in violation of this
 83 section is subject to disciplinary action.

84 (d) ~~Entity~~ **(i)** ~~Entity~~ A staff member may appeal an entity's determination of an adverse action to
 84a that

85 entity's ~~entity~~ **local** ~~entity~~ supervisory entity.

85a ~~Entity~~ **(ii) The local school board is the final reviewing entity for purposes of review and appeal**
 85b **of an adverse action as described in this part.** ~~Entity~~

86 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 87 state board may adopt rules to implement this section.

88 Section 3. **Effective date.**

89 This bill takes effect on May 1, 2024.