

**SCHOOL BOARD ETHICS COMPLAINT INVESTIGATION**

**REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**General Description:**

This bill addresses the process for an ethics complaint regarding a local school board member.

**Highlighted Provisions:**

This bill:

- ▶ clarifies the process for an ethics complaint regarding a local school board member;
- ▶ prohibits a school district from establishing a local political subdivision ethics commission;
- ▶ requires that an ethics complaint against a local school board member be reviewed by the Political Subdivisions Ethics Review Commission; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63A-15-103**, as renumbered and amended by Laws of Utah 2018, Chapter 461

ENACTS:

**53G-4-206**, Utah Code Annotated 1953

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

31 Section 1. Section **53G-4-206** is enacted to read:

32 **53G-4-206. Ethics complaint -- Political Subdivisions Ethics Review Commission.**

33 A person may file a complaint for an alleged violation of Title 67, Chapter 16, Utah  
34 Public Officers, and Employees, Ethics Act, by a member of a local school board in accordance  
35 with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission.

36 Section 2. Section **63A-15-103** is amended to read:

37 **63A-15-103. Local ethics commission permitted -- Filing requirements.**

38 (1) A political subdivision, other than a municipality described in Section **10-3-1311**,  
39 [~~or~~] a county described in Section **17-16a-11**, or a school district may establish a local political  
40 subdivision ethics commission within the political subdivision to review a complaint against a  
41 political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers'  
42 and Employees' Ethics Act.

43 (2) A political subdivision other than a school district may enter into an interlocal  
44 agreement with another political subdivision, in accordance with Title 11, Chapter 13,  
45 Interlocal Cooperation Act, to establish a local political subdivision ethics commission to  
46 review a complaint against a political subdivision officer or employee subject to Title 67,  
47 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

48 (3) (a) A person filing a complaint for an ethics violation of Title 67, Chapter 16, Utah  
49 Public Officers' and Employees' Ethics Act, shall file the complaint with:

50 (i) a local political subdivision ethics commission, if the political subdivision has  
51 established a local political subdivision ethics commission under Subsection (1) or (2); or

52 (ii) the commission if the political subdivision has not established a local political  
53 subdivision ethics commission or is a school district.

54 (b) A political subdivision that receives a complaint described in Subsection (3)(a)  
55 may:

56 (i) accept the complaint if the political subdivision has established a local political  
57 subdivision ethics commission in accordance with Subsection (1) or (2); or

- 58           (ii) forward the complaint to the commission:
- 59           (A) regardless of whether the political subdivision has established a local political
- 60 subdivision ethics commission; [or]
- 61           (B) if the political subdivision has not established a local political subdivision ethics
- 62 commission[.]; or
- 63           (C) if the complaint is regarding a member of a local school board as defined in
- 64 Section [53E-1-102](#).