

Emery County School District



Policy: GCQFA—Professional Staff Reports of Arrest

Date Adopted: 12 August 2009
Current Review / Revision: 12 August 2009

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

Licensed Educator

For the purposes of this policy, a "licensed educator" means an individual who holds a valid Utah educator license, including classroom teachers, district specialists, and administrators. It also includes individuals who are student teaching, who are in alternative routes to licensing programs or positions and individuals who hold district-specific licenses. A licensed educator may or may not be employed in a position that requires an educator license.

Reporting of Arrests, Convictions, Pleas in Abeyance and Diversion Agreements

A licensed educator who is arrested for the following alleged offenses shall report the arrest in writing as soon as possible or within 48 hours to the licensed educator's immediate supervisor and to the Superintendent:

- 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) offense against the person under Title 76, Chapter 5, Offenses Against the Person.

In the same manner, 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.

The immediate supervisor of a licensed educator receiving a report as described in this policy shall contact the Superintendent as soon as possible to ensure that the report is properly made.

The Superintendent or designee shall report arrest, conviction or offense information received from licensed educators to the Utah State Office of Education within 48 hours of receipt of information from the licensed educators.

Reporting to Work

The licensed educator shall report for work following the report of arrest or offenses unless directed not to report for work by their immediate supervisor or the Superintendent.

Review of Arrest/Conviction Information

The Superintendent or designee shall review the information about a licensed educator and assess the employment status consistent with Utah Code Section 53E-6-604, State Board Rule R277-515, and local Board Policy and shall cooperate with the USOE in investigations of licensed educators.

Licensed educators shall be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses that may endanger students during the period of investigation.

Confidentiality and Due Process

Arrest and offense information received shall immediately be reviewed and a determination shall be made with regard to the immediate steps that need to be taken to both protect the safety of students and the confidentiality of employees. Final employee action will be determined after consultation with the Superintendent and in accordance with existing employee disciplinary policies, including due process and appeal procedures.

Records

Records shall include final administrative decisions and actions following investigation and shall only be maintained as necessary to protect the safety of students and with strict requirements for the protection of confidential employment information. Records shall also be kept in accordance with record archiving requirements.