

R277. Education, Administration.

R277-123. Process for Reporting Violations of Statute and Board Rule.

R277-123-1. Authority, Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-401(8)(a)(i), which directs the Board to create methods to review, investigate, and resolve compliance issues;

(d) Subsection 53E-3-401(8)(b), which allows the Board to take action for violations of the law, consistent with Subsection 53E-3-401(8)(b);

(e) Subsection 53E-3-401(8)(d), which directs the Board to make rules related to violations of the public education code or Board rule;

(f) Subsection 53E-3-401(8)(e), which allows the Board to establish a process in rule for an individual to bring a violation of statute or board rule to the attention of the Board;

(g) Subsections 53G-2-103(8), 53G-2-104(5), and 53G-2-105(6), which allow a report of violations of these subsections to the Board in accordance with Section 53E-3-401; and

(h) Subsection 53G-10-103(8)(b), which requires the Board to establish a process to allow an individual to report violations of that subsection by an LEA to the Board.

(2) The purpose of this rule is to establish a process for an individual to bring an alleged violation of statute or board rule to the attention of the Board.

(3)(a) Sections R277-123-6 and R277-123-9, insofar as they create requirements for LEAs, are categorized as Category 2 as described in Rule R277-111.

(b) The remainder of the rule is categorized as exempt as described in Rule R277-111.

R277-123-2. Definitions.

(1)(a) "Alleged violation" means an alleged violation of statute or Board rule.

(b) An "alleged violation" does not include a violation of a local school or LEA policy or procedure, except for purposes of Sections R277-123-6 and R277-123-9.

(2) "Complainant" means an individual who submits a complaint to the public education hotline.

(3) "Complaint against an individual Board member" means an alleged violation of law, Board Bylaws, or Board policy by a member of the Board.

(4) "Hotline complaint" means a complaint that includes an alleged violation or other concern submitted to the Board's public education hotline directly or forwarded to the IAD by an individual, entity, or agency, or submitted to a local education hotline and reported to IAD.

(5) "IAD" means the Board's Internal Audit Department.

(6) "Individual with standing" means, for purposes of Section R277-123-6 an individual described in Subsection 53G-10-103(3)(a).

(7) "Other concern" means a hotline complaint or concern that does not meet the requirement of Subsection 53E-3-401(8)(d).

(8) "Local education hotline" means the process maintained by an LEA where an individual may report a hotline complaint to the LEA.

(9) "Public education hotline" means the process maintained by the Board where an individual may report a hotline complaint.

(10)(a) "Resolved" means that an investigation has been completed.

(b) "Resolved" does not mean or require that the findings are satisfactory to any specific individual, LEA, or entity.

R277-123-3. Reports or Allegations of Misconduct to the Public Education Hotline Against Individual Board Members.

(1) Anyone may report an alleged violation or a complaint against an individual Board member to the public education hotline.

(2) For complaints against an individual Board member, the complaint:

(a) shall be filed by an individual having actual knowledge of the facts and circumstances supporting the complaint;

(b) shall identify the law, Board bylaw, or Board policy that is purported to be violated;

(c) may not be anonymous; and

(d) may not be filed during the 60 business days:

(i) immediately preceding a political nominating convention or regular primary election if the accused Board member is a candidate in the election; or

(ii) before a regular general election when an accused Board member is a candidate, unless the accused Board member is unopposed in the election.

R277-123-4. Hotline Complaints: Internal Audit Responsibilities.

(1) The IAD shall conduct a high-level screening of all hotline complaints or request additional information from the complainant within seven business days of receipt of the alleged violation.

(2) If, after two attempts to obtain information from a complainant as described in Subsection (1), the complainant does not respond to the IAD within 14 business days, the IAD shall close the hotline complaint and notify the complainant of closure.

(3) For hotline complaints with sufficient information, the IAD shall make referrals to one or more of the following, as appropriate:

(a) the Complainant;

(b) LEA leadership;

(c) the Board member of the district wherein the LEA is located;

(d) the applicable LEA, USBE section, charter authorizer, and other entity or organization responsible for receiving, investigating or resolving a hotline complaint;

(e) appropriate USBE special education staff for a hotline complaint related to special education, for review and resolution in accordance with Rule R277-750; and

(f) the Utah Professional Practices Advisory Commission, "UPPAC," for hotline complaints with allegations of educator misconduct, for review and resolution in accordance with Rules R277-210 through R277-217 and Title 53E, Chapter 6, Part 6, License Denial and Discipline.

(4)(a) When the IAD makes a referral to an LEA, the referral shall be sent to at least two members of LEA leadership.

(b) If a referral includes allegations about a specific individual, the IAD shall exclude that individual from the referral.

(5) The IAD may make referrals with limited or missing information and may reopen a closed hotline complaint if a complainant provides additional information or may take other action as permitted by law, including recommending corrective action.

(6) If a response is requested by a complainant, the IAD shall respond to the complainant within three business days or as soon as possible.

(7) The IAD may provide additional related resources and information to a complainant, where appropriate.

(8) The IAD shall provide training and informational materials for use by an LEA governing board and administration in maintaining a hotline and investigating alleged violations.

(9) For referrals to LEAs, the IAD shall:

(a) track and review summaries provided by LEAs received in accordance with Section R277-123-7;

(b) notify USBE sections that also received a referral of the summaries received in accordance with Section R277-123-7;

(c) present information on referrals, noncompliance, and relevant summaries of those referrals and noncompliance to the Board Audit Committee at least quarterly; and

(d) notify the Board member representing the district wherein the alleged noncompliance is alleged to have occurred.

(10) For LEAs who do not comply with Section R277-123-7, the IAD shall:

(a) notify the LEA governing board of the noncompliance;

(b) notify the Board Audit Committee, and Board Leadership as needed, for consideration of remedial action in accordance with Subsection 53E-3-401(8)(b);

(c) notify the Superintendency of noncompliance with state laws for consideration of corrective action;

(d) notify the Board member who represents the district where the alleged violation occurred; and

(e) for licensed educators, report noncompliance to UPPAC.

R277-123-5. Alleged Violations of Prohibited Discriminatory Submissions, Trainings, and Practices.

(1) For hotline complaints regarding Sections 53G-2-103, 53G-2-104, and 53G-2-105 and Rule R277-328, which prohibit discriminatory submissions, discriminatory trainings, or discriminatory employment practices, the IAD shall conduct a high-level screening of all hotline complaints within seven business days of receipt of the alleged violation.

(2)(a) The IAD shall notify the Board member representing the district of the involved LEA, and Board leadership, within seven business days of receiving a complaint;

(b) IAD shall continue to provide written status updates to the same recipients every 30 days until the complaint is resolved.

R277-123-6. IAD Reports to Board Members.

(1) Unless a Board member opts out from receiving the report, the IAD shall provide the Board member with a monthly report, no later than the 10th business day of the month, summarizing all hotline complaints received regarding LEAs or schools within the requesting Board member's district.

(2) The summary shall include:

(a) the category of the complaint;

(b) current status;

(c) resolution status; and

(d) if available, the complainant's contact information.

R277-123-7. Reports of Alleged Violations to a Local Education Hotline and Referrals to LEAs -- LEA Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that members of the governing board and LEA administration are provided with training on the requirements of this rule as part of the member or employee on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and information materials provided by the IAD in accordance with Subsection R277-123-3(9).

(3)(a) An LEA governing board shall allow individuals to report alleged violations by providing on the home page of the LEA website and each school's website:

(i) a readily accessible local education hotline; or

(ii) a link to the USBE public education hotline.

(4) An LEA that displays information for the public education hotline on its websites shall include a prominent notice that states: "Complaints or concerns can be filed by following the process as outlined here. Hotline complaints go directly to the State Board of Education Internal Audit Department and may be referred back to the LEA.

(5) An LEA shall have a policy outlining how the LEA responds to and resolves hotline complaints, regardless of whether the LEA receives the hotline complaint via referral from the IAD or a direct submission to a local education hotline.

(6)(a) The policy shall include a provision that if contact information for the complainant is available, the LEA must contact the complainant promptly, and document:

(i) the LEA personnel that contacted the complainant;

(ii) the type of contact made, such as phone or email;

(iii) the date of the contact; and

(iv) the resolution of the concern or action steps to be taken.

(b) The LEA shall make at least two good faith attempts to contact the complainant.

(7) An LEA receiving a hotline complaint shall disclose information concerning the allegations only as necessary to investigate the hotline complaint in accordance with the LEA's student and employee privacy policy.

(8) An LEA shall investigate consistent with due process, LEA process, and the law.

(9) An LEA receiving a hotline complaint referral from the IAD shall submit a summary to the IAD as requested by the IAD.

(10) An LEA shall submit a summary in accordance with the following timelines:

(a) An LEA shall submit a summary for a hotline complaint within 45 days of the referral;

(b) An LEA shall submit a summary for a hotline complaint related to prohibited discriminatory practices, prohibited discriminatory trainings, and prohibited discriminatory submissions, as described in Subsections 53G-2-103(8), 53-2-104(5), and 53G-2-105(6) within 14 days of the referral; and

(c) After the initial update, if a hotline complaint is not resolved within the summary submittal timeline the LEA shall provide an update to the IAD every 30 days after the initial IAD request until the hotline complaint is resolved.

(11) Nothing in this rule shall require the disclosure of information that is considered protected from disclosure or private under federal or state law.

(12) An LEA may respond to the IAD that the allegation is an issue that is the sole responsibility of the LEA or the LEA is reviewing the allegation consistent with local policy and the law.

R277-123-8. Superintendent Consultations Under this Rule.

(1) The Superintendent may consult with LEA leaders, staff, and others regarding public education concerns, issues, and problems.

(2) Such consultations do not need to be reported to the public education hotline, unless otherwise required by law.

R277-123-9. Resubmitted Alleged Violations of Statute or Board Rule.

(1) A complainant whose alleged violation is referred to another entity, may resubmit the alleged violation to the public education hotline.

(2) Upon receiving a resubmitted alleged violation, the IAD may complete a risk assessment and submit its assessment to the Board Audit Committee.

(3) At the direction of the Board Audit Committee, the IAD may conduct an investigation of the alleged violation, using standards and methodologies similar to those used when conducting audits under Rule R277-116.

(4) If the IAD conducts an investigation of a hotline complaint, the Section R277-116-4 apply to the entity at issue in the hotline complaint.

(5) After an investigation, if the IAD determines an alleged violation is substantiated or a significant risk is identified, the IAD may recommend:

(a) the Board Audit Committee recommend prioritization of an audit to the full Board;

(b) the Superintendent implement corrective or other action in accordance with Rule R277-114; or

(c) other appropriate action given the risks identified.

(6) If a complainant provided contact information, the IAD shall:

(a) notify the complainant in a timely manner if the resubmission was investigated or not; and

(b) if the resubmission was investigated, provide a summary of the resolution.

R277-123-10. Board Review of Appeals on LEA Sensitive Materials Decisions.

(1) An individual with standing may request the Board review an LEA determination on a sensitive materials appeal by filing a request on a form provided by the Board's legal counsel within 30 days of the LEA's final decision.

(2) The Board's legal counsel shall review an appeal submitted under Subsection (1) to determine if the request presents an allegation that the LEA violated the procedure outlined in the LEA's sensitive materials appeal policy.

(3)(a) If the Board's legal counsel determines that an appeal presents a question appropriate for Board review, the Board's legal counsel shall refer the appeal to Board leadership to place on a standing committee agenda.

(b) A standing committee shall make a recommendation to the Board for final action.

(c) The Board shall take action on an appeal within 60 days of the Board's legal counsel referring the matter to the Board.

(4) The Board may review an appeal of an LEA decision only to determine if the LEA appeals process violated the procedure outlined in the LEA's sensitive materials policy.

(5)(a) If the Board determines that an LEA did not correctly follow the procedure outlined in the LEA's sensitive materials review policy, the Board shall return the appeal to the LEA with an order stating:

- (i) the reasons for the Board's determination;
 - (ii) recommendations to the LEA, which may include a request to include a governing board review as part of the sensitive materials policy; and
 - (iii) a requirement that the LEA repeat its review process in compliance with the LEA's policy.
- (b) An LEA shall post an order issued under Subsection (5)(a) on its website.

KEY: hotline, report, and violations

Date of Last Change: August 7, 2025

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4) and (8)