

UPPAC NEWS

A BI-ANNUAL NEWSLETTER FROM THE UTAH PROFESSIONAL
PRACTICES ADVISORY COMMISSION

YOU MIGHT GET REFERRED TO UPPAC IF....

Not too long ago, your scribe used no more than a fifteen-minute respite from the cares of the day to listen to some of the musings of Jeff Foxworthy. You know, if your dad walks you to school because you're both in the same grade, you might be a redneck. Or, if you go to the family reunion to meet women, you might be a redneck. Or for good measure, if you refer to the fifth grade as "my senior year," you might be a redneck. As I wondered who out there would be limited to one call per day by the UFO hotline, I wondered if there might not be a learning moment to come out of this.

For example, if you commit a murder, you might get referred to UPPAC.¹ If you date your student, you might get referred to UPPAC. If you lose your cool and physically assault a student for misbehaving, you might get referred to UPPAC. Or if you go in to give your colleague a hug and manage to slide your hand under her blouse, you might get referred to UPPAC. But of course, those seem fairly obvious. If you're going to the trouble of reading the entirety of this article, you deserve some

useful information that may help keep you out of trouble. So, I queried the nice folks that serve on UPPAC, and we hope these tips just might be educational.

If you help your student understand the question on the SAGE test, you might get referred to UPPAC. An educator must "strictly [adhere] to all state and LEA instructions and protocols in managing and administering a standardized test." R277-217-3(14). UPPAC has received cases where teachers gave students questions from previous tests to study, gave students hints to understand a question, read questions to students, or even changed answers for students. All these violated our educator standards.

If you go through the self-checkout line with your groceries, you might get referred to UPPAC. An educator is expected to "comply with all federal, state, and local laws." R277-217-3(1). Every month UPPAC conducts hearings where educators went through the self-checkout and accidentally (or intentionally) forgot to ring up or

UPPAC MEMBERSHIP

UPPAC would like to thank community member Corey Fairholm, Susanne Kuresa from Logan School District, and Cynthia Phillips from the Weilenmann School of Discovery, who completed their terms of service in June 2022. We'd also like to welcome our new members, community member Joann Brown, Joe B. Wright from the Southwest Educational Development Center, and Keranne Dayberry from Summit Academy. If you have an interest in educator ethics and would be interested in serving on UPPAC, we'll be recruiting for 2 open positions in May.

¹ Nothing in this article should be inferred to suggest that someone referred to UPPAC is a redneck, or, that even if

someone referred to UPPAC is a redneck, that there's anything wrong with that. #Redneck lives matter.

incorrectly scanned an item.² They walked out with retail theft charges on their record. The self-checkout may not be worth the consequences. Take the time to have a checker ring up your items.

If you sync naked selfies to your work computer, you might get referred to UPPAC. An educator may not “expose students to material the educator knows or should have known to be inappropriate given the age or maturity of the students.” R277-217-2(19). Have you ever plugged your phone into the school laptop and had your pictures sync to the school network, even that risqué photo you took for your special someone? Have you ever projected your phone or laptop onto the screen and forgotten to minimize that questionable content you were viewing? More than one Utah teacher’s students have been exposed to the teacher’s most intimate parts because the teacher wasn’t careful about what was synced or projected. Even if your picture gallery doesn’t have dirty photos, do you really want your photos synced to your LEA network?

If you share media with your students that you haven’t previewed, you might get referred to UPPAC. Along the same veins as the previous issue, it is not uncommon for UPPAC to get a case, where a teacher finds a YouTube video that looks like it might relate to the curriculum, or just looks like a good way to keep the kiddos quiet for a while. It usually goes something like, ten minutes in, the teacher is busy grading a test when the swear words start playing or the kids start giggling from something inappropriate like a phallic object that comes on the screen. You don’t want to be responsible for exposing students to this.

If you hang out with your students for social fulfillment, you might get referred to UPPAC. Educators are role models. R277-217-1(2)(c). An educator must maintain a professional relationship with students, treat students with dignity and respect, and maintain appropriate verbal, emotional and social boundaries. R277-217-3(2). If you have students hanging out alone in your classroom after hours, if you chat about your personal life with students, or if you help

your students pass off fake dance invitations to that annoying girl in class, you might get referred to UPPAC.

If you text a reminder to your students from your personal phone, you might get referred to UPPAC. As a teacher, you may not cross boundaries with students in writing, verbally, or physically. R277-217-2(5)-(6). It’s not uncommon for UPPAC to see that an educator has sent a reminder to a student that an assignment is due, or that a practice is cancelled. The student saves the number in their phone and before long, the student starts a benign conversation. It begins innocently enough, but soon inappropriate discussions ensue, questionable emojis are exchanged, boundaries are crossed, and in short order licenses are lost. Time and again, when UPPAC receives allegations that a teacher pursued an inappropriate relationship with a student, it starts with messages exchanged over text or social media. A good rule of thumb is to avoid sharing personal contact information (text, email, or social media profiles) with students. Use apps approved by your LEA for communication whenever possible. And if you ever need to send a message to a single student, copy the student’s parent or an administrator, because transparency will keep UPPAC at bay.

If you have a questionable side hustle, you might get referred to UPPAC. The state board can take action against an educator license for “immoral, incompetent, or unprofessional behavior.” Utah Code Ann. § 53E-6-603(1)(b)(i). UPPAC has seen cases where an educator posted a questionable picture online, looking for money, or looking for love, only for someone in the LEA community (who surely came across it strictly by accident) or a law enforcement officer, to discover the website and scandal to ensue. While an educator has the right to free speech and self-expression, as a role model, an educator should consider whether the pictures they post or the words they say will undermine their credibility in the classroom or put their professional licensure at risk.

If you grab a student when you’re upset, you might get referred to UPPAC. We all know that you have that student who tries your patience in the best of times. Your students

² Interestingly, most of these cases all come from the West Jordan location of a certain megastore based out of Arkansas.

Even with inflation, their prices are better than criminal court fines.

speak out of turn, bother their neighbors, frustrate your lesson plans, and drive you to the brink. But don't jump off! An educator may not "use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided [by law]." While there may be limited circumstances, such as self-defense or when another student is danger, when a modicum of physical force is called for, these circumstances are few and far between. Especially when a teacher is older and bigger than a student, reasonably and necessary force to prevent injury to others must meet a low threshold. An educator

should not hit, grab, scratch, wrestle with, drag, or throw things at a student.

If you ever have questions or need guidance on professionalism. Utah's educator standards can serve as a reminder of the limits created by our state board. <https://schools.utah.gov/file/5a431cd9-51c7-4ccb-af1d-889b1204935f>. In this new year, may you not end up like the folks in this newsletter. Don't be referred to UPPAC!

UPPAC EDUCATOR DISCIPLINE

A Summary of Utah State Board of Education Licensing Actions from January 2022 to December 2022

Surrender

UPPAC Case No. 21-1811

An educator touched a student's arm, hair, and mask. On one occasion, the educator brushed the girl's breast as he was touching her arm. The educator hit a student on the butt with a computer cord. Also, the educator sang a modified version of a song referencing sex. Upon review of the educator's internet use, the District found that on 19 occasions between January 19, 2021, and March 24, 2021, the educator viewed sites for women's underwear, lingerie, and other inappropriate sites. Several times, these viewings happened while students were in his classroom, during class.

UPPAC Case No. 21-1812

An educator was in the hallway after the final bell of the school day. The educator grabbed one student by the collar of his shirt and pushed him into the wall, causing him to hit his head. He punched one student in the head two times, causing goose eggs. The educator also pushed three other students. The educator pleaded guilty to Aggravated Assault, a third degree felony, and four counts of misdemeanor Assault.

UPPAC Case No. 21-1813

An educator was under UPPAC reprimand status for alcohol-related behavior at school and received a new misdemeanor criminal conviction for Driving Under the Influence.

UPPAC Case No. 21-1835

An educator violated boundaries by crossing verbal, physical, emotional, and social lines with a male student. The boundary violations included using profanity in the presence of a student, inappropriate gift giving to or from the student, engaging in inappropriate or unprofessional contact outside of educational program activities, exchanging personal email or phone numbers with a student for a noneducational purpose or use, interacting privately with a student through social media, computer, or handheld devices, and discussing with a student inappropriate details about an educator's personal life or personal issues or a student's personal life or personal issues.

UPPAC Case No. 21-1856

An educator conducted a pen pal relationship with an inmate at the Utah State Prison. Over 140 letters were collected between the two men. At least 39 letters contained sexualized content that referenced specific students at the school where the educator taught.

UPPAC Case No. 21-1859

An educator was communicating one-on-one through email with a 13-year-old female former student. The educator attended a parent-teacher conference with the same student after he transferred to teaching at the high school. The educator also followed two female 13-year-old students on Instagram, and they followed his Instagram account.

UPPAC Case No. 22-1905

An educator committed numerous boundary violations, including messaging individual students on SnapChat, sending numerous inappropriate pictures of herself to students on SnapChat, hot-tubbing with students and posting pictures of herself and the students in swimsuits on the educator's personal Facebook page, allowing students to be her friends on her personal Facebook page, driving alone in her car with individual students, and groups of students, without following the proper school and parent approval process, inviting students to outside activities, including to her home, changing in the girls locker room with female students, and switching bras from her person with at least one other student.

Revocation

UPPAC Case No. 19-1694

An educator engaged in sexual acts with a fifteen-year-old male on multiple occasions. The educator pled guilty to one count of felony Forcible Sexual Abuse, and one count of felony Sexual Exploitation of a Minor.

UPPAC Case No. 20-1780

An educator asked a student to stay behind in his class to work on Math and tried to sit the student in his lap. The educator often had the same student sit at his desk and would rub her leg under the desk while other students were working in the classroom. The educator had previously received a UPPAC reprimand for similar behavior.

Suspension

UPPAC Case No. 19-1589

An educator had completed a reinstatement hearing to lift his suspension, but USBE had not approved the reinstatement. The educator was still under suspension and took a position in a Utah k-12 charter school. The educator received an additional six-month suspension for violating the terms of suspension.

UPPAC Case No. 20-1741

An educator consumed alcohol at work, was intoxicated at work, including during parent conferences, and drove away from the school while intoxicated. Additionally, on two separate occasions, the educator was charged and convicted of Driving Under the Influence of Drugs/Alcohol. The educator received a minimum eighteen-month suspension of her educator's license.

UPPAC Case No. 20-1756

An educator engaged in a pattern of inappropriate contact by initiating and encouraging approximately 113 unprofessional email communications with a student. The educator encouraged an inappropriate relationship with a student, failed to maintain a professional educator/student relationship, failed to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services, and failed to take appropriate steps to notify a student's parents and refer a student to appropriate prevention services when a student threatened suicide or self-harm. The educator received a minimum three-year suspension of her educator's license.

UPPAC Case No. 20-1769

An educator engaged in a pattern of boundary violations with a female student, which led to a sexual relationship that began in July 2012, after the student graduated from high school. The student only reported the misconduct years later. The educator received a minimum two-year suspension of her educator's license.

UPPAC Case No. 20-1772

An educator actively participated in the bullying of three female students. The educator also committed numerous boundary violations with students including allowing unlicensed students to drive her personal vehicle and making negative and hurtful comments about students to other students. The educator received a minimum one-year suspension of her educator's license.

UPPAC Case No. 20-1789

An educator texted multiple students to discuss his mental health. The educator emailed, texted, and sent videos to a female student over a period of months. He also went to her house on two occasions to give her treats. He hugged her on multiple occasions and rubbed her thigh. On two occasions, the educator snuck the same student into his classroom in a large utility bin during the school's pandemic shutdown. The educator pled guilty to one count of misdemeanor Unlawful Detention of a Minor, which plea was held in abeyance. The educator received a minimum five-year suspension of his educator's license.

UPPAC Case No. 21-1793

An educator told his principal he was exposed to Covid and needed to quarantine, requiring him to miss school. The educator gave the school three fabricated medical documents to support that he tested positive for Covid.

The educator received a minimum six-month suspension of his educator's license.

UPPAC Case No. 21-1810

An educator kissed a female student on two separate occasions. Additionally, the educator gave the same student several gifts over the years, went to the student's workplace and left some bubbles on her car. The educator sent the student a picture of himself where he was naked from the waist up. The educator received a text from the student that contained a photo of her in a bathtub surrounded by bubbles, but you could only see her face. The educator followed the student's Instagram and Facebook accounts. The educator received a minimum five-year suspension of his educator's license.

UPPAC Case No. 21-1815

An educator was attending her crossing guard duties when her principal noted she appeared to be under the influence of alcohol. The educator admitted to drinking alcohol that morning before school. She submitted to a breath test at Workmed and had a positive BAC of .199. The educator received a minimum one-year suspension of her educator's license.

UPPAC Case No. 21-1838

An educator verbally bullied, harassed, and threatened students during a "get to know you" activity on the first day of the 2021-2022 school year. The educator received a minimum three-year suspension of her educator's license.

UPPAC Case No. 21-1839

An educator submitted driver's ed certificates for payment with her School District and entered completion dates into the Driver License Division record-keeping system for student classroom and driving work that had not yet been completed. The educator received a minimum two-year suspension of her educator's license.

UPPAC Case No. 21-1842

An educator was convicted of 18 counts of felony Forgery, 1 count felony tampering with evidence, and 1 count felony non-residential burglary. The educator failed to notify her LEA or UPPAC of this conviction within 48 hours as required by statute. The educator received a minimum ten-year suspension of her educator's license.

UPPAC Case No. 21-1848

An educator engaged in a pattern of boundary violations by inappropriately touching multiple students'

heads and hair and grabbing/squeezing their shoulders with both hands causing student discomfort. The educator also placed his hands around a female student's neck and shook her head. The educator received a minimum one-year suspension of his educator's license.

UPPAC Case No. 22-1867

An educator used his school-issued computer on three separate occasions to access pornographic material. He did not access the material at school or during school hours. A student took a screen shot of the educator's pornography-related search history. The educator received a minimum one-year suspension of his educator's license.

Reprimand

UPPAC Case No. 20-1748

An educator engaged in minimally inappropriate physical conduct with students and unprofessional communications and conduct with co-workers. The educator received a reprimand.

UPPAC Case No. 21-1814

An educator created and posted nude photos and pornographic videos of herself that she shared with subscribers on websites. The educator also posted nude photos and images of herself in risqué and sexually suggestive outfits on other social media accounts. The educator received a reprimand.

UPPAC Case No. 21-1822

An educator used the school's forklift to move four student cars that were parked in the fire lane, causing damage to at least one vehicle. The educator received a reprimand.

UPPAC Case No. 21-1828

An educator engaged in sexual banter with his male coworker. Conversation topics included sexual innuendo and pornography. The coworker initially engaged in the banter, but over time tried to avoid the exchanges, and even changed his schedule to avoid conversation with the educator. The educator received a reprimand.

UPPAC Case No. 21-1830

An assistant principal engaged in consensual sexually suggestive conduct with two subordinates. The educator received a reprimand.

UPPAC Case No. 21-1836

An educator was charged with DV Assault, a class B misdemeanor, and DV Criminal Mischief, a Class B misdemeanor in 2020, for an incident that occurred with her boyfriend. The educator was charged with DUI, a class B misdemeanor, and Assault on a Peace Officer, a class A misdemeanor, in 2021. The educator pled guilty to DUI, a class B misdemeanor, and Assault on a Peace Officer, which was amended to a class B misdemeanor. The domestic violence charges for which UPPAC opened an investigation into the educator, were dismissed as part of the plea agreement. The educator received a reprimand.

UPPAC Case No. 21-1844

An educator engaged in inappropriate behavior with a female student that violated boundaries appropriate for a student-teacher relationship, including sending multiple messages of a personal nature on social media, meeting with the student one-on-one during and after school hours, and having conversations regarding topics of a personal nature. The educator received a reprimand.

UPPAC Case No. 21-1847

An educator had inappropriate text conversations with a student. The educator received a reprimand.

UPPAC Case No. 21-1850

An educator was charged with a DUI w/accident and failed to report the criminal charges to his LEA or UPPAC within 48 hours. The educator had a prior DUI charge in 2016 that he failed to report to his LEA or UPPAC within 48 hours and received a Letter of Warning from UPPAC in that case. The educator received a reprimand.

UPPAC Case No. 21-1852

An educator publicly yelled at, punished, berated, demeaned, and humiliated his students, and made students stand in line during recess for misbehaving on the way to recess. The educator received a reprimand.

UPPAC Case No. 21-1854

An administrator violated School and health department Covid-19 protocols by allowing an asymptomatic student who had tested positive for Covid-19 to remain at school while positive. The administrator did not notify the School nurse, contact tracer, or his supervisor. The educator received a reprimand.

UPPAC Case No. 21-1857

An educator became overly involved with a student, engaging in multiple instances of inappropriate behavior which violated boundaries appropriate for a student-teacher relationship, including transporting the student to and from school multiple times and communicating with the student on her personal cell phone. The educator changed and attempted to change the student's class schedule despite not being authorized to do so. The educator received a reprimand.

UPPAC Case No. 22-1872

An educator accidentally projected onto her elementary school classroom screen a photo of herself nude from the waist up that she had sent to her husband the previous day using an app she often uses to communicate with her colleagues. The educator received a reprimand.

UPPAC Case No. 22-1911

An educator engaged in inappropriate behavior with students that violated boundaries appropriate for a student-teacher relationship, including sending text messages to students, which were inappropriate and unprofessional, and not directly related to school. The educator received a reprimand.

Letter of Warning

UPPAC Case No. 20-1734

An educator had a student report that he was kicked by the educator while he was trying to get up off the ground. A long, red mark was observed on the student's side in the spot he said he was kicked. Video of the incident also supported that the educator had kicked the student. The educator denied kicking the student, stating that he only kicked the student's jacket that was on the floor. The educator received a letter of warning.

UPPAC Case No. 21-1800

An educator pushed a student off a desk when he tried to pass her in a walkway, causing him to fall to the ground. The educator had previously pushed and sworn at this same student on another occasion. The educator received a letter of warning.

UPPAC Case No. 21-1802

An educator posted threatening political tweets about politicians to his personal Twitter account. The LEA also found partially nude photos of women on his work computer, which he claimed were synced from his personal iCloud account without his knowledge. Finally, the educator was alleged to have engaged in

inappropriate communications with a student in 2016. The educator received a letter of warning.

UPPAC Case No. 21-1804

An educator received seven complaints from various staff and parents. The allegations included complimenting students' looks, the discussion of his political views and his health and family in class, his unprofessional communications with parents and staff, and allegations of yelling at or berating students. The educator received a letter of warning.

UPPAC Case No. 21-1827

An educator engaged in personal discussions with a student, shared her phone number with two students, and did not immediately report that a student had marijuana at school. The educator received a letter of warning.

UPPAC Case No. 21-1829

An educator related inappropriate sexual experiences with a teacher at his school in front of a student on at least two occasions. The educator received a letter of warning.

UPPAC Case No. 21-1831

An educator yelled at students during instructional time. The educator also cursed in front of and at students. The educator received a letter of warning.

UPPAC Case No. 21-1833

An educator had email contact with a student after she no longer was her teacher. In the emails, the educator shared personal details about her life and voiced her love, appreciation, and support for the student. The educator received a letter of warning.

UPPAC Case No. 21-1845

An administrator at a charter school, signed a USBE endorsement application for one of his teachers before fully confirming she met the requirements. The teacher then quit before he could confirm that she met the requirements. The administrator then requested that USBE remove his signature from the application. The educator received a letter of warning.

UPPAC Case No. 21-1851

An educator made inappropriate comments in class about homosexuality and abortion, which were unrelated to class curriculum. The educator received a letter of warning.

UPPAC Case No. 21-1861

An educator neglected his duties as an administrator due to an inappropriate relationship with a subordinate classified staff member in which they spent excessive time together at school. The educator received a letter of warning.

UPPAC Case No. 22-1865

An educator was criminally charged with Child Abuse involving physical injury, a Class A misdemeanor. This charge involved discipline of his 11-year-old son. The educator received a letter of warning.

UPPAC Case No. 22-1870

An educator was charged with Failure to Stay in One Lane, an infraction, and Driving Under the Influence of Alcohol/Drugs, a class B misdemeanor. On March 30, 2022, the educator entered a guilty plea for Impaired Driving, a class B misdemeanor. The educator received a letter of warning.

UPPAC Case No. 22-1900

An educator was charged with Criminal Trespass and Domestic Violence in the Presence of a Child. On August 9, 2022, the educator pled guilty and entered a 24-month Plea in Abeyance for the misdemeanor criminal charge. The educator received a letter of warning.

UPPAC Case No. 21-EH32

An educator was involved in a 10–15-minute verbal argument with a student. The argument was witnessed by other students and community members. The educator received a letter of warning.

UPPAC Case No. 21-EH34

A first-year educator pushed a student to get him away from her. The educator received a letter of warning.

UPPAC Case No. 21-EH33

An educator was frustrated with a student's behavior and threw pliers at the wall about 2 feet behind the student and hit the wall about 6" above the floor. The educator received a letter of warning.

UPPAC Case No. 22-EH4

An educator was charged with Retail Theft, a class B misdemeanor. The educator failed to scan about \$100 worth of items in the self-checkout lane. On January 19, 2022, the educator pled no contest to Retail Theft, a class B misdemeanor. Her plea was held in abeyance for a period of twelve (12) months. The educator received a letter of warning.

UPPAC Case No. 22-EH7

An educator was charged with six (6) shoplifting charges. The educator used the self-checkout lane and did not confirm that all items were rung up prior to leaving the store. This occurred on six different dates. On February 10, 2022, the educator pled guilty to two of the charges and the other four were dismissed. The educator received a letter of warning.

UPPAC Case No. 22-EH9

An educator slapped a student after she engaged in a physical struggle with him to retrieve an object he was threatening to stab another student with. The educator received a letter of warning.

UPPAC Case No. 22-EH10

An educator was involved in a physical struggle with a student and held onto the student's backpack after the student cut the lunch line and took a slice of pizza without entering his student id number. The educator received a letter of warning.

UPPAC Case No. 22-EH12

An administrator, while trying to maintain crowd control at a sporting event, pushed a male student in the chest after warning a large group of students to stop and not enter the playing area after the game ended. The educator received a letter of warning.

UPPAC Case No. 22-EH27

An educator selected a random answer for the last question on a student's RISE test and submitted the test. The educator believed at the time that all test questions had to be answered before the test could be submitted. The educator received a letter of warning.

UPPAC Case No. 22-EH34

An educator was called the "n-word" by a student and responded to the student by saying "Don't call me the 'n-word.'" 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 or call (801) 538-7835.