

Required Reporting of Arrest for Employees and Students

Purpose:

This policy outlines the need and procedure for reporting an arrest for any employee, volunteer, board member or student.

Policy:

A licensed educator (as defined in UCA 53A-6-401), any and all other employees, and volunteers of the School (as defined in R277-516-4) who are cited, charged and/or arrested with the following alleged offenses must report the incident(s) as soon as possible, within 48 hours, using the Educator Notification of Arrest form, to the school Director:

1. any matters involving an alleged felony, or relevant misdemeanor offenses;
2. any matters involving minors;
3. any matters involving alleged sex offenses;
4. any matters involving alleged drug-related offenses;
5. any matters involving alleged alcohol-related offenses;
6. any matters for which the subject is currently under court ordered probation; and/or
7. any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Person.

The employee, board member, or volunteer shall report to the School Director, any convictions, including convictions identified above, any pleas in abeyance, and any diversion agreements as soon as possible, within 48 hours, upon receipt of notice of conviction, plea in abeyance, or diversion agreement using the Educator Notification of Arrest form.

The School Director shall report arrest, conviction, or offense information to the Board of Directors as legally allowed by law, on all employees, board members, and volunteers.

The School Director shall report arrest, conviction, or offense information received from Licensed Educators to the Educator Licensing Department of the Utah State Board of Education (USBE, State Board or UPPAC) within 48 hours through forms found on the USBE website (UPPAC page of the Educator Licensing Department).

The employee shall report for work following an arrest and notice to the School Director unless directed not to report for work by administration. Volunteers may report for volunteering activities following an arrest and notice to the Director unless directed not to report for volunteering activities by administration.

The school may take employment or disciplinary action (up to and including dismissal), refuse to consider an applicant for employment, or refuse to hire a selected applicant for any offense relevant to the applicant's assignment, refuse appointment to or dismiss a current member of the Board of Directors, or refuse to grant volunteering privileges to volunteers. Offenses relevant to all school assignments include, but are not limited to, the following:

1. Any matters involving an alleged felony, or relevant misdemeanor offenses;
2. Any matters involving minors;

3. Any matters involving alleged sex offenses;
4. Any matters involving alleged drug-related offenses;
5. Any matters involving alleged alcohol-related offenses;
6. Any matters for which the subject is currently under court ordered probation; and
7. Any matters involving alleged offenses against the person under Title 76, Chapter 5, Offenses against the Person.

In the event a student is adjudicated the follow process will be in place (Utah code 53G-8-403)

- (1) Within three days of receiving the information from the juvenile court or a law enforcement agency, the School Director of the school the juvenile attends or last attended shall be notified.
- (2) Upon receipt of the information, the School Director shall:
 - (a) make a notation in a secure file other than the student's permanent file; and
 - (b) if the student is still enrolled in the school, notify staff members who, should know of the adjudication.
- (3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.
- (4) Access to secure files shall be limited to persons authorized to receive information under this part.

Additional References

Utah Code Annotated (UCA) § 53-10-108-Limited Use of Records for Employment Purposes
UCA § 53A-1a-512 – Criminal Background Checks on School Personnel
UCA § 53A-3-410 – Criminal Background Checks on School Personnel
UCA § 53A-6-401 – Background Checks Utah Administrative Code
(UAC) R277-501 – Educator Licensing Renewal and Timelines
UAC R277-481 – Charter School Oversight, Monitoring and Appeals
UAC R277-516 – Education Employee Required Reports of Arrests
UAC53G-8-403-- Public Education System -- Local Administration