



Model Policy Webinar

OCTOBER 2025

BBC Board Members Vacancies on the Board

- ▶ S.B. 164 and H.B. 504, revisions to Utah Code § 20A-1-511
- ▶ S.B. 164: Specifies “calendar days” for time periods in the statute
- ▶ H.B. 504: Extension of the conflict of interest disclosure requirement to applicants
 - ▶ Prior extension to local boards of education as reflected in revisions to BBD Board Members Conflicts of Interest
 - ▶ H.B. 504 extended those requirements to candidates for various offices and applicants for appointment to various vacancies, including on local school boards
 - ▶ The local school board must notify the county clerk of a vacancy (existing or pending)
 - ▶ The applicants must complete and submit a conflict of interest disclosure to the county clerk before the meeting
 - ▶ The county clerk makes the disclosure public by posting it on the county website (apparently)
- ▶ Additional revision to BBD Board Members Conflicts of Interest
 - ▶ Permitted redaction of employment information for at-risk government employees (Utah Code § 63G-2-303(1)(a))

DAI Code of Conduct

- ▶ H.B. 21, Criminal Code Recodification
 - ▶ Amendment of Utah Code § 76-5c-208
 - ▶ Exemption for employees who view or access pornographic or indecent materials on school property for the purpose of investigation or enforcement
 - ▶ Provides clarification and reassurance for employees
- ▶ H.B. 105 Criminal Code Modifications
 - ▶ Utah Code § 76-5-422 “Sexual relations with an adult high school student”
 - ▶ Person at a high school in a position of special trust has sexual relations with an enrolled adult student
 - ▶ “Position of special trust”: Teachers, administrators, coaches, counselors, other position of authority with undue influence
 - ▶ No consent defense
 - ▶ Existing DAI prohibition for enrolled students and 2 years after graduation, to avoid proof and consent/cooperation issues
 - ▶ Practical problems for small communities
 - ▶ Clear standard for enrolled students even if adults

- ▶ Supplementary to DAH Drug Testing of Bus Drivers
 - ▶ Required by USBE rules mandating drug tests of employees who have a CDL or work in “safety sensitive positions”
 - ▶ Testing according to incorporated USBE rules, for reasonable suspicion, following an accident
- ▶ Testing for other employees
 - ▶ Testing is not essential for disciplinary action
 - ▶ Employees can be asked for consent to be tested
 - ▶ Cannot mandate testing without a policy (Utah Code § 34-41-103)
- ▶ Similarities to DAH
 - ▶ Grounds for testing, scope of testing, verification, testing during work, costs of testing
- ▶ Differences from DAH
 - ▶ Specific test procedures, consequences of positive tests, consequences of refusal or tampering

DAHA Drug Testing of Other Employees