R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

R277. Education, Administration.
R277-502. Educator Licensing and Data Retention.
R277-502-1. Definitions.

A. "Accredited" means a [~~teacher~~]Board-approved educator preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC) or [~~one of the major regional accrediting associations as defined under R277-503-1L~~]the Council for Accreditation of Educator Preparation (CAEP).

B. "Accredited school" for purposes of this rule, means public or private school that meets standards essential for the operation of a quality school program and has received formal approval through a regional accrediting association.

C. "Authorized staff" for purposes of this rule means an individual designated by the USOE or an LEA and approved by the USOE and who has completed CACTUS training.

D. "Board" means the Utah State Board of Education.

E. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history; and

[~~(5) professional development information; and~~]

([~~6~~]5) a record of disciplinary action taken against the educator.

F. "ESEA subject" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA).

[~~F~~]G. "LEA" means a local education agency, including local school boards/public school districts[~~ and~~], charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[~~G~~]H. "Letter of Authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

[~~H~~]I. "Level 1 license" means a Utah professional educator license issued upon completion of a[~~n~~] Board-approved educator preparation program or an alternative preparation program, or [~~pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have also~~]to an applicant that holds an educator license issued by another state or country that has met all ancillary requirements established by law or rule.

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[~~I~~]J. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license [~~as well as any additional requirements established by law or rule relating to professional preparation or experience~~]and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

[~~J~~]K. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received[~~, in the educator's field of practice, National Board certification or a doctorate from an accredited institution~~] National Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language hearing Association (ASHA) certification.

[~~K~~]L. "License areas of concentration" means designations to licenses obtained by completing a[~~n~~] Board-approved educator preparation program or an alternative preparation program in a specific area of educational studies to include the following: Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Middle (still valid, but not issued after 1988, 5-9), Secondary (6-12), Administrative/Supervisory (K-12), Career and Technical Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders, Speech-Language Pathologist, Speech-Language Technician. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

[~~L~~]M. "License endorsement (endorsement)" means a specialty field or area earned through completing required course work [~~equivalent to at least an academic minor (with pedagogy)~~]established by the USOE or through demonstrated competency approved by the USOE; the endorsement shall be listed on the Professional Educator License indicating the specific qualification(s) of the holder.

[~~M~~]N. "Professional [~~development~~]learning plan" means a plan developed by an educator [~~and approved by~~]in collaboration with the educator's supervisor [~~that includes locally or Board-approved education-related training or activities that enhance an educator's background. Professional development points are required for~~

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~~periodic educator license renewal~~]consistent with R277-500 detailing appropriate professional learning activities for the purpose of renewing the educator's license.

[~~N~~]O. "Renewal" means reissuing or extending the length of a license consistent with R277-50[~~1~~]0.

[~~O~~]P. "State Approved Endorsement Program (SAEP)" means a [~~professional development plan on which an educator is working to obtain an endorsement~~]plan in place developed between the USOE and a licensed educator to direct the completion of endorsement requirements by the educator consistent with R277-520-11.

Q. "USOE" means the Utah State Office of Education.

R277-502-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-6-104 which gives the Board power to issue licenses, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. This rule specifies the types of license levels and license areas of concentration available and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah. The rule provides a process of criteria for educators whose licenses have lapsed and return to the teaching profession. All licensed educators employed in the Utah public schools shall be licensed consistent with this rule in order for the district to receive full funding under Section 53A-17a-107(2).

R277-502-3. Program Approval.

A. The Board shall accept educator license recommendations from [~~NCATE accredited, TEAC accredited or competency-based regionally accredited organizations~~]educator preparation programs that have applied for Board approval and have met the requirements described in this rule and the Standards for Program Approval established by the Board in R277-504, R277-505, or R277-506 as determined by USOE.

B. The Board, or its designee, shall establish deadlines and uniform forms and procedures for all aspects of licensing.

C. To be approved for license recommendation the educator preparation program shall:

(1) be accredited;

(2) have a physical location in Utah where students attend classes or if the program provides only online instruction:

(a) the program's primary headquarters shall be located in Utah and

(b) the program shall be licensed to do business in Utah through the Utah Department of Commerce;

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

(3) include coursework designated to ensure that the educator is able to meet the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530;

(4) in the case of content endorsements, include coursework that is, at minimum, equivalent to the course requirements for the endorsement as established by USOE;

(5) establish entry requirements designed to ensure that only high quality individuals enter the licensure program such as:

(a) minimum High School/College GPA;

(b) minimum college entry exam scores (ACT/SAT);

(c) passing of a basic skills test;

(d) disposition testing or entrance interview.

(6) require a USOE-cleared fingerprint background check; and

(7) include a student teaching or intern experience that meets the requirements detailed in R277-504, R277-505, and R277-506.

D. USOE representatives shall be a part of the accrediting team for any Board-approved educator preparation program seeking to maintain or receive program approval. USOE representatives shall be responsible for:

(1) observing and monitoring the accreditation process;

(2) reviewing of subject specific programs to determine if the program meets state standards for licensure in specific areas;

(3) reviewing of program procedures to ensure that Board requirements for licensure are followed;

(4) reviewing licensure candidate files to determine if Board requirements for licensure are followed by the program.

E. Upon receiving formal accreditation approval, a Board-approved educator preparation program shall prepare a report in conjunction with USOE for the Board that includes:

(1) program summary;

(2) accreditation findings;

(3) program areas of distinction;

(4) program enrollment;

(5) program goals and direction.

F. New educator preparation programs that seek Board approval or previously Board-approved educator preparation programs that seek approval for additional license area preparation and endorsements shall submit applications to USOE including:

(1) information detailing the exact license areas of concentration and endorsements that the program intends to award;

(2) detailed course information, including required course lists, course descriptions, and course syllabi for all courses that will be required as part of a program;

(3) detailed information showing how the required coursework will ensure that the educator satisfies all standards in the Utah Effective Teaching Standards and Educational Leadership Standards established in R277-530 and Professional Educator Standards established in R277-515;

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

(4) information about program timelines and anticipated enrollment.

G. Applications for new educator preparation programs shall be approved by the Board.

H. Applications for previously Board-approved educator preparation programs desiring Board approval for additional license areas and endorsements:

(1) shall be reviewed and approved by USOE;

(2) may receive preliminary approval pending Utah State Board of Regents approval of the new program if the program is within a public institution.

I. An educator preparation program seeking accreditation may apply to the Board for probationary approval not to exceed two years contingent on the completion of the accreditation process.

J. A previously Board-approved educator preparation program shall submit an annual report to USOE by July 1. The report shall include the following:

(1) student enrollment counts designated by anticipated license area of concentration and endorsement and disaggregated by gender and ethnicity;

(2) information regarding any significant changes to course requirements or course content;

(3) the program's response to USOE-identified areas of concern or areas of focus;

(4) information regarding any program-determined areas of concern or areas of focus and the program's planned response.

K. The USOE shall provide reporting criteria to Board-approved educator preparation programs regarding the annual report and USOE-designated areas of concern or focus by January 31 annually.

L. Educator preparation programs that submit inadequate or incomplete information to the USOE may be placed on a probationary status by USOE.

M. Board-approved educator preparation programs on probationary status that continue to fail to meet requirements may have their license recommendation status revoked in full or in part by the Board with at least one year notice.

R277-502-4. License Levels, Procedures, and Periods of Validity.

A. Level 1 License Requirements

[~~A.~~](1) An initial license, the Level 1 license, is issued to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program, or an educator with a professional educator license from another state.

([~~1~~]a) LEAs and Board-approved educator preparation [~~institutions~~]programs shall cooperate in preparing candidates for the educator Level 1 license. The resources of both may be used to assist candidates in preparation for licensing.

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

([~~2~~]b) The recommendation indicates that the individual has satisfactorily completed the programs of study required for the preparation of educators and has met licensing standards in the license areas of concentration for which the individual is recommended.

([~~3~~]2) The Level 1 license is issued for three years.

([~~4~~]3) A[~~n~~] Level 1 license [~~educator~~]holder shall satisfy all requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

([~~5~~]4) An educator [~~shall satisfy all federal requirements for an educator license~~]qualified to teach any ESEA subject shall be considered Highly Qualified in at least one ESEA subject prior to moving from Level 1 to Level 2.

([~~6~~]5) A license applicant who has received or completed license preparation activities or coursework inconsistent with this rule may present compelling information and documentation for review and approval by the USOE to satisfy the licensing requirements.

B. Level 2 License Requirements

[~~B.~~](1) A Level 2 license may be issued by the Board to a Level 1 license holder upon satisfaction of all USOE requirements for the Level 2 license and upon the recommendation of the employing LEA.

([~~1~~]2) The recommendation shall be made following the completion of three years of successful, professional growth and educator experience, satisfaction of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, any additional requirements imposed by the employing LEA, and before the Level 1 license expires.

([~~2~~]3) A Level 2 license shall be issued for five years and shall be valid unless suspended or revoked for cause by the Board.

([~~3~~]4) The Level 2 license may be renewed for successive five year periods consistent with R277-50[~~1~~]0, Educator Licensing Renewal.

[~~(4) A Level 2 license holder shall satisfy all federal requirements for an educator license holder prior to renewal after June 30, 2006 to remain highly qualified.~~]

C. Level 3 License Requirements

[~~C.~~](1) A Level 3 license may be issued by the Board to a Level 2 license holder who:

(a) has achieved [~~National Board Professional Teaching Standards Certification or who holds a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association (ASHA), or who holds a doctorate in the educator's field of practice~~]National Board Certification; or

(b) has a doctorate in education in a field related to a content area in a unit of the public education system or an accredited private school; or

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

(c) holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.

([~~1~~]2) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

([~~2~~]3) The Level 3 license may be renewed for successive seven year periods consistent with R277-50[~~1~~]0.

([~~3~~]4) A Level 3 license [~~may~~]shall [~~be renewed~~]revert to a Level 2 license if the holder fails to maintain[~~s~~] National Board [~~Professional Teaching Standards~~]Certification status or fails to maintain[~~s~~] a current Certificate of Clinical Competence from the American Speech-Language-Hearing Association.

D. License Renewal Timeline

Licenses expire on June 30 of the year of expiration recorded on CACTUS and may be renewed any time after January of [~~that~~]the same year. Responsibility for [~~securing~~]license renewal [~~of the license~~]rests solely with the holder.

R277-502-5. Professional Educator License Areas of Concentration, and Endorsements and Under-Qualified Employees.

A. Unless excepted under rules of the Board, to be employed in the public schools in a capacity covered by the following license areas of concentration, a person shall hold a valid license issued by the Board in the respective license areas of concentration:

(1) Early Childhood (K-3);
(2) Elementary (1-8);
(3) Elementary (K-6);
(4) Middle (still valid, [~~but not~~]and issued [~~after~~]before 1988, 5-9);
(5) Secondary (6-12);
(6) Administrative/Supervisory (K-12);
(7) Career and Technical Education;
(8) School Counselor;
(9) School Psychologist;
(10) School Social Worker;
(11) Special Education (K-12);
(12) Preschool Special Education (Birth-Age 5);
(13) Communication Disorders;
(14) Speech-Language Pathologist;
(15) Speech-Language Technician.

B. Under-qualified educators:

(1) Educators who are licensed and hold the appropriate license area of concentration but who are working out of their endorsement area(s) shall request and prepare an SAEP to complete the requirements of an endorsement with a USOE education specialist; or

(2) Letters of Authorization

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

(a) [~~Local boards~~]LEAs may request from the Board a Letter of Authorization for educators employed by the local board who have not completed requirements for areas of concentration or endorsements.

(b) An approved Letter of Authorization is valid for one year[~~ and may be renewed for a total of three years~~].

(c) Educators [~~working under letters of authorization shall not be considered highly qualified~~]may be approved for no more than three Letters of Authorization throughout their employment in Utah schools. Exceptions to the three Letters of Authorization limitation may be granted by the State Superintendent of Public Instruction or his designee on a case by case basis following specific approval of the request by the LEA governing board. Letters of Authorization prior to the 2000-2001 school year are not counted in this limit.

(d) Following the expiration of the Letter of Authorization, the educator who [~~has~~]is still not[~~ been~~] completely approved for licensing shall be considered under qualified.

C. License[~~s~~] areas of concentration may be endorsed to indicate qualification in a subject or content area. An endorsement is not valid for employment purposes without a current license and license area of concentration.

R277-502-6. Returning Educator Relicensure.

A. A previously licensed educator with an expired license may renew an expired license upon satisfaction of the following:

(1) Completion of criminal background check including review of any criminal offenses and approval by the Utah Professional Practices Advisory Commission;

(2) Employment by an [~~school district/charter school~~]LEA;

(3) Completion of a one-year [~~A~~] professional [~~development~~]learning plan developed jointly by the school principal or charter school director and the returning educator consistent with R277-500 that also considers the following:

(a) previous successful public school teaching experience;

(b) formal educational preparation;

(c) period of time between last public teaching experience and the present;

(d) school goals for student achievement within the employing school and the educator's role in accomplishing those goals;

(e) returning educator's professional abilities, as determined by a formal discussion and observation process completed within the first 30 days of employment; and

(f) completion of additional necessary professional development for the educator, as determined jointly by the principal/school and educator.

(4) Filing of the professional development plan within 30 days of hire;

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

(5) Successful completion of required Board-approved exams for licensure;

(6) Satisfactory experience as determined by the [~~school district/charter school~~]LEA with a trained mentor; and

(7) Submission to the USOE of the completed and signed Return to Original License Level Application, available on the USOE Educator Quality and Licensing website prior to June 30 of the school year in which the educator seeks to return.

B. The Professional Learning Plan is independent of the License Renewal Point requirements in R277-500-3C.

[~~B~~]C. Returning educators who previously held a Level 2 or Level 3 license shall be issued a Level 1 license during the first year of employment. Upon completion of the requirements listed in R277-502-6A and a satisfactory [~~school district/charter school~~]LEA evaluation, if available, the employing LEA may recommend [~~reinstatement of~~]the educator's return to Level 2 or Level 3 licensure[~~ at a Level 2 or 3~~].

[~~C~~]D. Returning educators who taught less than three consecutive years in a public or accredited private school shall complete the Early Years Enhancement requirements before moving from Level 1 to Level 2 licensure.

R277-502-7. Professional Educator License Reciprocity.

A. Utah is a member of the Compact for Interstate Qualification of Educational Personnel under Section 53A-6-201.

B. A Level 1 license may be issued to an [~~graduate of an educator preparation program from an accredited institution of higher education in another state~~]individual holding a professional educator license in another state who has completed preparation equivalent to Board-approved standards and who has completed Board-approved testing, as required by R277-503-3.

(1) If the applicant has three or more continuous years of previous educator experience in a public or accredited private school, a Level 2 license may be issued upon the recommendation of the employing Utah LEA after at least one year.

(2) If the applicant has less than three years of previous educator experience in a public or accredited private school, a Level 2 license may be issued following satisfaction of the requirements of R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.

R277-502-8. Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS).

A. CACTUS maintains public, protected and private information on licensed Utah educators. Private or protected information includes such items as home address, date of birth, social security number, and any disciplinary action taken against an individual's license.

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

B. A CACTUS file shall be opened on a licensed Utah educator when:

(1) the individual initiates a USOE background check, or

(2) the USOE receives a[~~n~~] paraprofessional license application [~~for a license from an individual seeking licensing in Utah~~]from an LEA.

C. The data in CACTUS may only be changed as follows:

(1) Authorized USOE staff or authorized LEA staff may change demographic data.

(2) Authorized USOE staff may change licensing data such as endorsements, degrees, license areas of concentration and licensed work experience.

(3) Authorized employing LEA staff may update data on educator assignments for the current school year only.

D. A licensed individual may view his own personal data. An individual may not change or add data except under the following circumstances:

(1) A licensed individual may change his demographic data when renewing his license.

(2) A licensed individual [~~may~~]shall contact his employing LEA for the purpose of correcting demographic or current educator assignment data.

(3) A licensed individual may petition the USOE for the purpose of correcting any errors in his [~~personal~~]CACTUS file.

E. Individuals currently employed by public or private schools under letters of authorization or as interns are included in CACTUS.

F. Individuals working in LEAs as student teachers are included in CACTUS.

G. Designated individuals have access to CACTUS data:

(1) Training shall be provided to designated individuals prior to granting access.

(2) Authorized USOE staff may view or change CACTUS files on a limited basis with specific authorization.

(3) For employment or assignment purposes only, authorized LEA staff members may access data on individuals employed by their own LEA or data on licensed individuals who do not have a current assignment in CACTUS.

(4) Authorized LEA staff may also view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.

(5) CACTUS information belongs solely to the USOE. The USOE shall make the final determination of information included in or deleted from CACTUS.

(6) CACTUS data consistent with Section 63G-2-301(1) under the Government Records Access and Management Act are public information and shall be released by the USOE.

R277-502 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON NOVEMBER 2, 2012. THE AMENDED RULE IS PUBLISHED IN THE DECEMBER 1, 2012 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JANUARY 7, 2013.

R277-502-9. Professional Educator License Fees.

A. The Board[~~, or its designee,~~] shall establish a fee schedule for the issuance and renewal of licenses and endorsements consistent with 53A-6-105. All endorsements to which the applicant is entitled may be issued or renewed with the same expiration date for one licensing fee.

B. A fee may be charged for a valid license to be reprinted or for an endorsement to be added.

C. All costs [~~of~~]for testing, evaluation, and course work shall be borne by the applicant unless other arrangements are agreed to in advance by the employing LEA.

D. Costs to review nonresident educator applications may exceed the cost to review resident applications due to the following:

(1) The review is necessary to ensure that nonresident applicants' training satisfies Utah's course and curriculum standards.

(2) The review of nonresident licensing applications is time consuming and potentially labor intensive;

(3) Differentiated fees shall be set consistent with the time and resources required to adequately review all applicants for educator licenses.

[~~E. Costs may include an expediting fee if an applicant seeks to have a license application reviewed before applications received earlier.~~]

KEY: professional competency, educator licensing
Date of Enactment or Last Substantive Amendment: [~~October 22, 2009~~]2013
Notice of Continuation: August 14, 2012
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)