

R277. Education, Administration.

R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks.

R277-500-1. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53E-6-201 which requires the Board to make rules requiring participation in professional learning activities in order for educators to retain Utah licensure, and Subsection 53E-3-401(4) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions and requirements for an educator to renew a Utah educator license. This rule requires verification of employment, development of a professional learning plan, and documentation of activities consistent with Title 53E, Chapter 6, Education Professional Licensure.

R277-500-2. Definitions.

A. "Acceptable alternative professional learning activity" means an activity that may not fall within a specific category under R277-500-5 but is consistent with this rule.

B. "Accredited" means a teacher preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or the Council for the Accreditation of Educator Preparation (CAEP).

C. "Accredited school," for purposes of this rule, means a public or private school that has met standards considered to be essential for the operation of a quality school program and has received formal approval by the Northwest Accreditation Commission.

D. "Active educator," for purposes of this rule, means an individual holding a valid license issued by the Board who is employed by a Utah public LEA, accredited private school, or USOE, or who was employed by a Utah public LEA or accredited private school in a role covered by the license for at least three years in the individual's renewal period.

E. "Active educator license" means a license that is currently valid for employment in a position requiring an educator license.

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

G. "College/university course" means a course taken through an institution approved under Section 53E-6-303.

H. "Course work successfully completed" for purposes of this rule means the student earns a grade C or better in approved university or university level course work or USOE professional learning credit.

I. "Documentation of professional learning activities" means:

- (1) an original student transcript of university/college courses;
- (2) an LEA or USOE-sponsored electronic record of professional learning activities;
- (3) a summary, explanation, or copy of the product of a professional learning activity signed by the educator's supervisor or a licensed administrator ;
- (4) a certificate of completion for an approved professional learning conference, workshop, institute, symposium, educational travel experience or staff development; or
- (5) an agenda or conference program demonstrating sessions and duration of professional learning activities.

J. "Educational research" means conducting research on education issues or investigating education innovations.

K. "Inactive educator" means an individual:

- (1) who holds a valid license issued by the Board;
 - (2) who is not currently employed by a Utah public LEA or accredited private school;
- and
- (3) who was employed by a Utah public LEA or accredited private school in a role covered by the license for less than three years in the individual's renewal period.

L. "Inactive educator license" means a license issued by the Board, other than a suspended or revoked license, that is currently not valid due to the holder's failure to complete requirements for license renewal.

M. "LEA" or "local education agency" means a school district or a charter school.

N. "Level 1 license" means a Utah professional educator license issued:

- (1) to an applicant upon completion of an approved preparation program or an alternative preparation program; or

(2) to an applicant that holds an educator license issued by another state or country that has also met all ancillary requirements established by law or rule.

O. "Level 2 license" means a Utah professional educator license issued to an applicant after the applicant meets the following:

(1) completion of all requirements for a Level 1 license;

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

(3) completion of:

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

(b)(i) one year of successful education experience in a Utah public LEA or accredited private school; and

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

(4) completion of any additional requirements established by law or rule.

P. "Level 3 license" means a Utah professional educator license issued to an educator who:

(1) holds a current Utah Level 2 license; and

(2)(a) received National Board Certification;

(b) received a doctorate in education or in a field related to a content area in a unit of:

(i) the public education system; or

(ii) an accredited private school; or

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

Q. "License" means an authorization which permits the license holder to serve in a professional capacity in a public LEA or accredited private school.

R. "Licensed administrator" means:

(1) an individual holding an active educator license that is valid for employment in

a public school administrative position; or

(2) an individual currently employed by a Utah charter school in an administrative position.

S. "License renewal points" means the points accumulated by a Utah license holder through activities approved under this rule for the purpose of satisfying requirements of Section 53E-6-201.

T. "National Board Certification" means the successful completion of the National Board for Professional Teaching Standards (NBTPS) process, a three-year process, that may include:

- (1) national content-area assessment;
- (2) an extensive portfolio; and
- (3) assessment of video-taped classroom teaching experience.

U. "Professional growth plan" means a plan created and reviewed annually by an active educator and the educator's direct supervisor that details the professional goals of the educator based on the Utah Effective Teaching and Educational Leadership Standards consistent with R277-520 and related to the educator's self-assessment and formal evaluation required under Section 53G-11-504.

V. "Professional learning" means engaging in activities that improve or enhance an educator's practice.

W. "Professional learning plan" means a document prepared by a Utah educator consistent with this rule.

X. "Superintendent" means the State Superintendent of Public Instruction or the Superintendent's designee.

Y. "University level course" means a course:

- (1) that has the same academic rigor and requirements of a university or college course;
- (2) taught by appropriately trained individuals; and
- (3) designated as a university level course by the Superintendent.

Z. "UPPAC" means the Utah Professional Practices Advisory Commission under Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission.

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

BB. "USOE professional learning credit" means a course, approved by the Superintendent under R277-519-3, that educators may participate in to:

- (1) renew a license;
- (2) teach in another subject area; or
- (3) teach at another grade level.

CC. "Verification of employment" means official documentation of employment as an educator listing the educator's assignment and years of service, signed by the supervising administrator.

R277-500-3. Educator License Renewal Requirements.

A. Professional Learning Plan for Active Educators

(1) An active educator, in collaboration with the active educator's supervisor, shall develop and maintain a professional learning plan as a subset of the active educator's professional growth plan.

(2) The professional learning plan shall outline the professional learning activities in which the educator will participate during the educator's current license renewal cycle;

(3) The professional learning plan shall be developed by taking into account:

(a) the educator's professional goals;

(b) curriculum relevant to the educator's current or anticipated assignment;

(c) goals and priorities of the LEA and school;

(d) available student data relevant to the educator's current or anticipated assignment;

(e) feedback from the educator's yearly evaluation required under Section 53G-11-504;

(f) the requirements under R277-522 if the educator is a Level 1 licensed educator.

(4) The professional learning plan for active educators shall include two hours of professional learning on youth suicide prevention consistent with Section 53G-9-704.

(5) The professional learning plan shall be reviewed and signed annually by the

educator and supervisor and may be adjusted as appropriate.

(6) The educator is responsible for creation of the professional learning plan in collaboration with the designated supervisor.

(7) The educator is responsible for maintaining documentation associated with the plan and the annual review of the plan.

(8) The LEA may create tools or policies or both to assist educators in meeting this responsibility.

B. Professional Learning Plan for Inactive Educators

(1) All inactive educators intending to renew an educator license shall, in collaboration with a licensed administrator, develop and maintain a professional learning plan.

(2) The professional learning plan shall outline the professional learning activities in which the educator will participate during the educator's current license renewal cycle.

(3) The plan shall take into account:

(a) the educator's professional goals;

(b) current license areas of concentration and endorsements;

(c) current trends relevant to the educator's current license areas of concentration and endorsements;

(d) the Utah Core Standards relevant to the educator's current license areas of concentration and endorsements;

(4) The professional learning plan shall be reviewed and signed by the educator and a licensed administrator at the beginning of the license renewal cycle and again at the end of the license renewal cycle.

(5) The educator shall develop the professional learning plan and maintain documentation of the plan.

C. License Renewal Points

(1) To be valid for renewal, the professional learning plan shall document that the educator has earned the appropriate number of license renewal points as defined in R277-500-3.

(2) License holders may accrue license renewal points beginning with the date of

each new license renewal.

(3) A Level 1 license holder shall earn at least 100 license renewal points in each three year period. A Level 1 license may only be renewed consistent with R277-504-3D.

(4) A Level 2 license holder shall earn at least 200 license renewal points in each 5 year period.

(5) A Level 3 license holder shall earn at least 200 license renewal points in each 7 year period.

D. Documentation

(1) Each Utah license holder shall be responsible for maintaining documentation supporting completion of the professional learning plan.

(2) It is the educator's responsibility to retain documentation of professional learning activities with appropriate signatures.

(3) All documentation relevant to the professional learning plan shall be retained by the educator for a minimum of two years from the designated renewal date.

E. Educator Ethics Review

(1) Completion of the USOE Educator Ethics Review shall be required for the renewal of a Utah educator license beginning January 1, 2011.

(2) No license may be renewed prior to the completion of the USOE Educator Ethics Review.

(3) The Ethics Review shall be completed within one calendar year prior to license renewal.

F. The Superintendent may renew an educator's license if:

(1) the educator's background check is complete; and

(2) the educator is currently enrolled in ongoing monitoring through registration with the systems described in Section 53G-11-404.

R277-500-4. Educator License Renewal Procedures.

A. An active educator license holder shall satisfy the final review and obtain the appropriate signatures regarding completion of the professional learning plan between January 1 and June 30 of the educator's assigned renewal year.

(1) A Level 2 or 3 educator license holder who has completed all additional requirements for renewal shall complete the online renewal provided by USOE between January 1 and June 30 of the educator's assigned renewal year.

(2) A Level 1 educator license holder who has completed all additional requirements for renewal shall submit the Professional Learning Plan Completion Form to the USOE between January 1 and June 30 of the educator's assigned renewal year. Forms that are not complete or do not bear original signatures shall not be processed.

(3) An educator's failure to complete the online process or submit the completion form consistent with deadlines in this rule shall result in beginning anew the administrative licensure process, including all attendant fees and criminal background checks.

B. An inactive educator license holder shall satisfy the final review and obtain the appropriate signatures regarding completion of the professional learning plan within one calendar year prior to the date on which the inactive educator license holder is directed/scheduled to renew the license.

(1) A Level 2 or 3 educator license holder who has completed all additional requirements for renewal shall complete the online renewal process provided by USOE between January 1 and June 30 of the educator's assigned renewal year.

(2) A Level 1 educator license holder who has completed all additional requirements for renewal shall submit the Professional Learning Plan Completion Form to the USOE between January 1 and June 30 of the educator's assigned renewal year. Forms that are not complete or do not bear original signatures shall not be processed.

(3) An educator's failure to complete the online process or submit the completion form consistent with deadlines shall result in beginning anew the licensure process, including all attendant fees and criminal background checks.

C(1) An educator shall obtain the signature of the educator's direct administrative supervisor on the educator's renewal form.

(2) The educator's direct administrative supervisor described in R277-500-4C(1) shall be a licensed administrator.

(3) If an educator's supervisor is not a licensed administrator then the form shall be signed by the next highest administrative supervisor who is a licensed administrator.

(4) If the educator is the highest administrative authority in the LEA then the form shall be signed by the president or chairperson of the LEA's governing board.

D. An educator who is seeking a license renewal shall obtain the signature of a licensed administrator on the educator's license renewal form.

E(1) The Superintendent shall charge a fee, set by the Superintendent, to an educator seeking renewal from an inactive status or requesting level changes.

(2) The Superintendent shall charge an educator with an active license renewal fee consistent with R277-502

F. The Superintendent shall audit a random sample of approximately ten percent of the annual online renewals.

G. An educator selected for an audit described in R277-500-4F:

(1) shall submit the Professional Learning Plan Completion Form with the appropriate signatures to the USOE in a timely manner.

(2) shall receive a warning letter and may be referred to UPPAC if documentation is not submitted as requested.

(3) shall be referred to UPPAC for possible license discipline if the documentation reveals fraudulent or unprofessional actions.

H. The Superintendent may review or audit renewal transactions including the professional learning plan, signatures, and documentation of professional learning activities.

R277-500-5. Categories of Acceptable Activities for License Renewal.

A(1) An educator may earn licensure renewal points based on the educator's employment in a position requiring a Utah educator license during the educator's license cycle.

(2) An educator may only count years of employment with satisfactory performance evaluations for license renewal points.

(3) A Level 1 license holder may earn 25 license renewal points per year of employment to a maximum of 50 points per license cycle.

(4) A Level 2 or 3 license holder may earn 35 license renewal points per year of

employment to a maximum of 105 points per license cycle.

B(1) An educator shall complete a college or university course with a C or better, or a pass, to have the course apply to the educator's license.

(2) Each semester hour of university or college credit, as recorded on an official transcript, equals 18 license renewal points.

C(1) USOE professional learning credit:

(a) shall be approved as described in R277-519-3; and

(b) shall be successfully completed through attendance and through completion of required project(s).

(2) Each semester credit hour equals 15 license renewal points.

(3) An LEA may request approval of USOE professional learning credit by submitting a request to the Superintendent through the USOE-sponsored online professional learning tracking system.

(4) An LEA shall request approval from the Superintendent at least four weeks prior to the beginning date of the scheduled professional learning activity.

(5) The professional learning credit may be denied if the LEA does not seek approval from the Superintendent in advance.

D. An LEA-sponsored or approved professional learning activity:

(1) shall be approved by the LEA at least four weeks prior to the scheduled activity;

and

(2) may include LEA or school based professional learning such as:

(a) participating in professional learning communities;

(b) development of LEA or school curriculum;

(c) planning and implementation of a school improvement plan;

(d) mentoring a Level 1 teacher;

(e) engaging in instructional coaching;

(f) conducting action research;

(g) studying student work with colleagues to inform instruction.

E. Each clock hour of scheduled professional learning activity time equals one license renewal point, not to exceed 25 points per activity per year.

F(1) Acceptable alternative professional learning activities for an educator include activities that enhance or improve education, yet may not fall into a specific category if the activities are approved by:

- (a) the educator's supervisor;
- (b) by a licensed administrator if the educator is an inactive educator; or
- (c) the Superintendent, with prior written approval by the Superintendent.

(2) Each clock hour of participation equals one license renewal point, not to exceed 25 points per activity.

G. Conferences, workshops, institutes, symposia, or staff-development programs:

(1) Acceptable workshops and programs shall be approved by the educator's supervisor, by a licensed administrator if the educator is an inactive educator, or with prior written approval by the Superintendent.

(2) Each clock hour of participation equals one license renewal point, not to exceed 25 points per activity.

G. Content and pedagogy testing:

(1) Acceptable tests include those approved by the Board.

(2) Each Board-approved test score report submitted, with a passing score, equals 25 license renewal points.

(3) Each test must be related to the educator's current or potential license area(s) or endorsement(s).

(4) No more than two test score reports may be submitted in a license cycle.

H. Utah university sponsored cooperating teachers:

(1) An educator working as a cooperating teacher with one or more student teachers may earn license renewal points.

(2) Each clock hour spent supervising, collaborating with, and mentoring assigned student teachers equals one license renewal point not to exceed 25 points per license renewal cycle.

I. Service in a leadership role in a national, state-wide, or LEA-recognized professional education organization:

(1) Acceptable service shall be approved by the educator's supervisor or by a

licensed administrator if the educator is an inactive educator.

(2) Each clock hour of participation equals one license renewal point, not to exceed 10 points per year.

J. Educational research and innovation that results in a final, demonstrable product:

(1) Acceptable activities shall be approved by the educator's supervisor or by a licensed administrator if the educator is an inactive educator.

(2) The research activity shall be consistent with school and LEA policy.

(3) Each clock hour of participation equals one license renewal point, not to exceed 35 points per activity.

K. Substituting in a Utah public LEA or accredited private school:

(1) shall be considered an acceptable professional learning activity only for inactive educators paid and authorized as substitutes.

(2) Two hours of documented substitute time equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle.

(3) Verification of hours shall be documented on LEA or school letterhead, list dates of employment, and signed by the supervising administrator.

L. Paraprofessional or volunteer service in a Utah public LEA or accredited private school:

(1) shall be considered an acceptable professional learning activity only for inactive educators.

(2) Three hours of documented paraprofessional or volunteer service equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle.

(3) Verification of hours shall be documented on LEA or school letterhead, list dates of service, and signed by the supervising administrator.

M. Credit for LEA lane change or other purposes is determined by the LEA and is awarded at the LEA's discretion. USOE professional learning credit should not be assumed to be credit for LEA purposes, such as salary or lane change credit.

R277-500-6. Board Directive to Educator License Holders for Fingerprint Background Check.

A(1) The Superintendent shall require a licensed educator or license applicant to submit to a fingerprint background check and ongoing monitoring by the Superintendent through registration with the systems described in Section 53G-11-404 as a condition of licensure in Utah.

(2) A licensed educator shall submit a new fingerprint background check for ongoing monitoring within one calendar year prior to the date of the educator's next license renewal after July 1, 2015.

(3) A license applicant shall submit a new fingerprint background check for ongoing monitoring by the Superintendent.

(a) If a license applicant submits a new fingerprint background check on or after July 1, 2015, the Superintendent shall require the license applicant to be enrolled in ongoing monitoring before the Superintendent may issue a new license to the license applicant.

(b) The Superintendent may issue a new license to a license applicant without enrolling the license applicant in ongoing monitoring if the license applicant's background check was cleared:

- (i) less than three years prior to the issue date of the license; and
- (ii) prior to July 1, 2015,

(4) The Superintendent shall discontinue monitoring an individual through the systems described in Section 53G-11-404:

(a) for a licensed educator, one year after the expiration of the most recently issued license; or

(b) for a license applicant, five years after the submission of the background check.

(5) If the fingerprint background check for a licensed educator or a license applicant is incomplete or under review by the Utah Professional Practices Advisory Commission (UPPAC), the individual's CACTUS file will direct the reviewer of the file to the Superintendent for further information.

B. The Superintendent may direct a Utah educator license holder to have a criminal fingerprint background check under Section 53E-6-401 for good cause shown.

C. If an educator license holder fails to comply with the directive in a reasonable time, following reasonable notice, and adequate due process, the educator license holder's

license may be put into a pending status in the educator's CACTUS file subject to the educator license holder's compliance with the directive.

D. The Board or its designee may review an educator license holder's compliance with the directive prior to the final decision about the educator license holder's license status.

R277-500-7. Exceptions or Waivers to this Rule.

A. The Superintendent may make exceptions to the provisions of this rule for unique and compelling circumstances if the exception is granted consistent with the purposes of this rule and the authorizing statutes.

B. An educator may request an exception described in R277-500-7A.

C. An educator shall submit a request to the Superintendent for an exception described in R277-500-7C in writing at least 30 days prior to the license holder's renewal date.

D. The Superintendent shall approve or deny a request for an exception described in R277-500-7C in a timely manner.

E. A denial of a request described in R277-500-7D is not subject to administrative appeal.

KEY: educator license renewal, professional learning, fingerprint background check

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Authorizing, and Implemented, or Interpreted Law: 53E-6-201; 53E-3-401(4)