



# UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair     David L. Thomas, First Vice Chair  
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen     Brittney Cummins     Jefferson Moss  
Laura Belnap     Linda B. Hansen     Spencer F. Stokes  
Leslie B. Castle     Mark Huntsman     Terryl Warner  
Barbara W. Corry     Stan Lockhart     Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction  
Lorraine Austin, Board Secretary

## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Angie Stallings, Associate Superintendent  
Policy and Communication

**DATE:** August 11-12, 2016

**ACTION:** Discussion of July 26, 2016 Public Hearing Record for Administrative Rule  
*R277-511 Academic Pathway to Teaching (APT) Level 1 License*

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**Background:** A public hearing was held on July 26, 2016 (Hearing) regarding proposed rule R277-511 *Academic Pathway to Teaching (APT) Level 1 License*. The Board will receive the Hearing record from the Hearing officer and may discuss the contents of the Hearing record, which include:

- A copy of proposed rule R277-511;
- The requests for a public hearing on R277-511;
- Written comments submitted by interested parties (written comments can be accessed at <http://schools.utah.gov/law/Administrative-Rules/USBE-Public-Hearing-Information/WrittenPublicComment.aspx>);
- The hearing recording;
- A list of persons who offered public comment at the Hearing;
- A memorandum describing the Hearing process;
- A Board request for an advisory opinion from the Division of Administrative Rules (DAR);
- An advisory opinion from DAR; and
- An APT Non-Standard Licensure Comparisons Form distributed at the Hearing.

**Board Strategic Plan:** This item supports the Educational Equity Imperative and Strategy in the Board's Strategic Plan by focusing on high quality instruction that is central to high student achievement and Oversight for which the State Board has responsibility.

**Anticipated Action:** The Board may consider directing staff to make R277-511, as published in the July 1, 2016 Utah State Bulletin, effective or the Board may take additional action.

**Contact:** Ben Rasmussen, 801-538-7835  
Angie Stallings, 801-538-7550



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Sydnee Dickson, State Superintendent of Public Instruction  
Lorraine Austin, Board Secretary

## HEARING RECORD

To:                      Utah State Board of Education

From:                  Ben Rasmussen, Hearing Officer

Date:                  August 12, 2016

Re:                      July 26, 2016 Public Hearing on Proposed Rule R277-511

This Hearing Record is submitted to the Utah State Board of Education ("Board") for the Board's review, evaluation, and consideration pursuant to UCA 63G-3-302(11)(b) and R15-1-5(5).

## BACKGROUND

On July 1, 2016, Proposed Rule R277-511 *Academic Pathway to Teaching (APT) Level 1 License* was published in the Utah Bulletin as approved by the Board in June. On or before fifteen days of publication, the following groups requested a hearing:

1. Utah Association of Mathematics Teacher Educators
2. Utah Foreign Language Association
3. Utah House Democratic Caucus
4. Utah Education Association
5. Utah Council of Teachers of English
6. American Board for Certification of Teacher Excellence

The Hearing was scheduled to be held on July 26, 2016 at 4:00 p.m. before the Law and Licensing Committee of the Board, which is comprised of five Board members. The Hearing was noticed as required by law.

Thirteen of the fifteen Board members were present at the Hearing, constituting a quorum. However, no action was taken by the Board at the Hearing.

Board Members present included Chair David Crandall, First Vice Chair David Thomas, Second Vice Chair Jennifer Johnson, Dixie Allen, Laura Belnap, Leslie Castle, Barbara Corry, Brittney Cummins, Linda Hansen, Mark Huntsman, Stan Lockhart, Jefferson Moss, and Terryl Warner. Members Spencer Stokes and Joel Wright were excused.

An electronic verbatim recording of the Hearing was made and is accessible online at <http://www.schools.utah.gov/law/Administrative-Rules/USBE-Public-Hearing-Information.aspx>.

Pursuant to R15-1-5(5), the following items are attached hereto, as the hearing record:

- Exhibit A Copy of proposed Rule R277-511
- Exhibit B Requests for Hearing (from six groups listed above)
- Exhibit C Notice of the hearing date, time, place, and subject on the Utah Public Notice Website
- Exhibit D Emails from Lorraine Austin, Board Secretary, to those who requested the Hearing
- Exhibit E Notice of Hearing posted at least 24 hours before the Hearing at the Board's office
- Exhibit F Written comments submitted by interested parties
- Exhibit G Hearing recording
- Exhibit H List of persons who offered public comment at the Hearing
- Exhibit I Memorandum describing hearing process dated July 20, 2016
- Exhibit J Revised Memorandum describing hearing process dated July 22, 2016
- Exhibit K Email from Tracey Watson (UEA General Counsel) to Board dated July 22, 2016
- Exhibit L Letter from Assistant AG Nicole Call responding to Tracey Watson dated July 26, 2016
- Exhibit M Board request from Angela Stallings, Associate Superintendent, for an advisory opinion from Office of Administrative Rules (OAR) dated July 20, 2016
- Exhibit N OAR advisory opinion dated July 22, 2016
- Exhibit O APT Non-Standard Licensure Comparisons Form (distributed at hearing)

# EXHIBIT A

1 **R277. Education, Administration.**

2 **R277-511. Academic Pathway to Teaching (APT) Level 1 License.**

3 **R277-511-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and  
6 supervision over public education in the Board;

7 (b) Section 53A-6-104, which allows the board by rule, to rank, endorse, or  
8 otherwise to:

9 (i) classify licenses; and

10 (ii) establish the criteria for an educator to obtain or retain a license; and

11 (c) Section 53A-1-401, which allows the Board to make rules to execute the  
12 Board's duties and responsibilities under the Utah Constitution and state law.

13 (2) The purpose of this rule is to provide standards and procedures:

14 (a) for an applicant to obtain an Academic Pathway to Teaching (APT) level  
15 1 license; and

16 (b) for an APT level 1 license holder to obtain a level 2 license.

17 **R277-511-2. Definitions.**

18 (1)(a) "APT level 1 license" means a license obtained through the academic  
19 path to teaching process as described in this rule.

20 (b) "APT level 1 license" includes:

21 (i) an APT level 1 license with an Elementary (K-6) Concentration; and

22 (ii) an APT Level 1 License with a Secondary (6-12) Concentration and an  
23 Endorsement.

24 (2) "LEA administrator" means a school building principal or LEA administrator  
25 who:

26 (i) supervises an APT level 1 licensee; and

27 (ii) may recommend the APT level 1 licensee for Level 2 licensure to the  
28 Superintendent as described in Section R277-511-6.

29 (3) "Master teacher" means a level 2 or level 3 licensed teacher designated  
30 as a master teacher by an LEA through the demonstration of consistent leadership,  
31 focused collaboration, distinguished teaching, and continued professional growth.

32 **R277-511-3. Superintendent Responsibilities.**

33 (1) The Superintendent shall create an application for an APT level 1 license  
34 and publish the application on the Board's website.

35 (2) The Superintendent shall approve an application for an APT level 1  
36 license if the applicant meets all of the requirements of Section R277-511-4 or  
37 Section R277-511-5.

38 **R277-511-4. Requirements for an APT Level 1 License with an Elementary (K-6)**  
39 **Concentration.**

40 (1) To qualify for an APT level 1 license with an Elementary (K-6)  
41 Concentration, an applicant shall:

- 42 (a) complete the application described in Subsection R277-511-3(1);
- 43 (b) have completed a bachelor's degree or higher;
- 44 (c) submit postsecondary transcripts to the Superintendent;
- 45 (d) receive a passing score on the Elementary Education: Multiple Subjects  
46 Praxis Assessment;

- 47 (e) complete the educator ethics review on the Board's website;
- 48 (f) successfully pass a background check as described in R277-516; and
- 49 (g) pay the applicable licensing fee.

50 (2) An APT level 1 license with an Elementary (K-6) Concentration is:

- 51 (a) equivalent to the Level 1 license as described in R277-500 and R277-502  
52 as to length and professional development expectations; and
- 53 (b) subject to the same renewal procedures.

54 **R277-511-5. Requirements for an APT Level 1 License with a Secondary (6-12)**  
55 **Concentration and an Endorsement.**

56 (1) To qualify for an APT Level 1 License with a Secondary (6-12)  
57 Concentration and an Endorsement, an applicant shall:

- 58 (a) complete the application described in Subsection R277-511-3(1);
- 59 (b) have completed a bachelor's degree or higher;
- 60 (c) submit postsecondary transcripts to the Superintendent;
- 61 (d) receive a passing score on one of the following that is related to the

62 subject, field, or area to which they are seeking an APT Level 1 License with a  
63 Secondary (6-12) Concentration and an Endorsement:

- 64 (i) a Praxis II Subject Assessment; or
- 65 (ii) another Board-approved content knowledge assessment;
- 66 (e) complete the educator ethics review on the Board's website;
- 67 (f) successfully pass a background check as described in R277-516; and
- 68 (g) pay the applicable licensing fee.

69 (2) Except as provided in Subsection (3), an APT Level 1 License with a  
70 Secondary (6-12) Concentration and an Endorsement is:

- 71 (a) equivalent to the Level 1 license as described in R277-500 and R277-502  
72 as to length and professional development expectations; and
- 73 (b) subject to the same renewal procedures.

74 (3) An APT Level 1 License with a Secondary (6-12) Concentration and an  
75 Endorsement holder may only seek an additional endorsement after the APT Level  
76 1 License with a Secondary (6-12) Concentration holder obtains a level 2 license.

77 **R277-511-6. Requirements for an LEA that Employs an APT Level 1 License**  
78 **Holder.**

79 If an LEA employs an APT level 1 license holder, the LEA shall:

- 80 (1) assign a master teacher to serve as a mentor to the APT level 1 license  
81 holder; and
- 82 (2) prepare the APT level 1 license holder to meet the Utah Effective Educator  
83 Standards described in R277-530-5.

84 **R277-511-7. Requirements for an APT Level 1 License Holder to Gain a Level**  
85 **2 License.**

86 (1) To receive a Level 2 license, an APT level 1 license holder shall:

- 87 (a)(i) complete three years of teaching full-time under supervision of the  
88 master teacher mentor and LEA administrator; or
- 89 (ii) complete four years of at least 0.4 FTE teaching under the supervision of  
90 a master teacher mentor and the LEA administrator;
- 91 (b) satisfy all Entry Years Enhancement for Quality Teaching requirements

92 designated in R277-522;

93 (c) complete any additional requirements of the recommending LEA, including  
94 coursework and professional learning that the recommending LEA requires;

95 (d) complete the educator ethics review on the Board's website;

96 (e) renew the educator's background check as required in R277-516; and

97 (f) obtain a recommendation from:

98 (i) the master teacher mentor; and

99 (ii) the LEA administrator; and

100 (g) pay applicable licensing fees.

101 (2)(a) An APT level 1 license holder seeking a level 2 license may request a  
102 one year extension of the APT level 1 license at the recommendation of the master  
103 teacher mentor and the LEA Administrator up to a maximum of two one-year  
104 extensions.

105 (b) Unless required by the recommending LEA, the years of teaching in  
106 Subsection (1)(a) do not need to be consecutive.

107

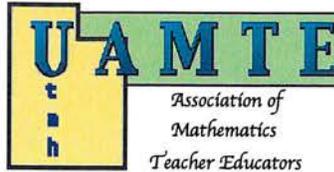
108 **KEY: Academic Pathway to Teaching, educator licensure**

109 **Date of Enactment of Last Substantive Amendment: 2016**

110 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104;**

111 **53A-1-401**

# EXHIBIT B



July 5, 2016

David Crandall, Chair  
Utah State Board of Education  
PO Box 144200  
Salt Lake City, UT 84114

Dear Mr. Crandall,

I am the president of the Utah Association of Mathematics Teacher Educators (UAMTE), an organization of over 30 university professors and district specialists from across the state of Utah who work with pre-service and in-service mathematics teachers. I am writing as the representative of this organization to express our concern about the proposed Utah Administrative Rule R277-511 that would offer a new alternative path by which individuals could be licensed to teach in the state.

I would like to formally request a public hearing on this proposed Board Rule. As I understand the procedure, an organization of more than 10 members can make a request for a public hearing. Since our organization meets that requirement, I am making this formal request on behalf of UAMTE.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Vessela Ilieva', is written in a cursive style.

Vessela Ilieva, Ph.D.  
President, UAMTE  
vessela.ilieva@uvu.edu  
801-863-5183



David Crandall, Chair  
Utah State Board of Education  
PO Box 144200  
Salt Lake City, UT 84114

July 7, 2016

Dear Chairman Crandall:

I am writing on behalf of the Utah Foreign Language Association (UFLA), a statewide professional organization for foreign language educators at the K-16 level, comprised of over 560 members.

As teachers and teacher educators, we have serious concerns about proposed Board Rule R277-511, "Academic Pathway to Teaching (APT) Level 1 License." The purpose of this letter is to formally request a public hearing on this proposed rule. As per state policy, we are submitting this request within 15 days after the publication of the proposed rule (July 1), and we understand that the Board is required to hold a hearing (a) before the rule becomes effective, and (b) no less than seven days nor more than 30 days after receipt of the request for hearing.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "IAS", is written over a light gray horizontal line.

Isabel Asensio, UFLA President

**UFLA Executive Board Members**

Isabel Asensio, Weber State University  
Danielle Asay, Brigham Young University  
Blair Bateman, Brigham Young University  
Electra Fielding, Weber State University  
Ana Raquel Galán, North Davis Prep. Acad.

Jeff Packer, Utah Valley University  
Lucia Taylor, Dixie State University  
Arron Wheeler, Roy Junior High School  
Mike Wood, Timberline Middle School  
Tom Mathews, Weber State University

# Utah House Democratic Caucus

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July 1, 2016

Chairman David Crandall  
Utah State Board of Education  
250 East 500 South  
Salt Lake City, UT 84111

RE: Rule Change R277-511

Dear Chairman Crandall,

The Utah House Democratic Caucus, consisting of twelve members of the Utah House of Representatives, formally requests a public hearing concerning R277-511 Academic Pathway to Teaching (APT) Level 1 Licensure pursuant to Utah State Code 63G-3-302(2).

For several years the legislature and the State Board of Education have faced the reality of a growing shortage of qualified teachers in Utah. Our current teachers are retiring and our college students are not interested in pursuing the profession. College graduates are voting with their diplomas – saying no thanks to an underpaid job that comes with overbearing regulation and policy-maker scrutiny and criticism.

Effective teaching requires far more than content knowledge; learning how to communicate effectively with children in an educational setting on-the-job is difficult in the best of circumstances and will not place the best teachers in front of every Utah student. In addition to filling classrooms with unprepared adults, implementation of this policy will not create a pool of highly qualified teachers for Utah's classrooms and will continue to damage current teacher morale.

This dramatic change in licensure standards deserves to be heard and weighed in on by all those involved. Parents, students, teachers, administrators and interested members of the public should be given the opportunity to comment on who is considered by the State Board of Education to be a suitable classroom instructor and the best path for teacher preparation. Thank you for your time and we look forward to the hearing.

Sincerely,

A handwritten signature in black ink that reads "B. King".

Representative Brian King

A handwritten signature in blue ink that reads "Rebecca Chavez-Houck".

Representative Rebecca Chavez-Houck



Representative Joel Briscoe



Representative Patrice Arent



Representative Susan Duckworth



Representative Lynn Hemingway



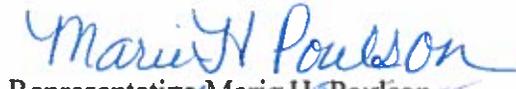
Representative Sandra Hollins



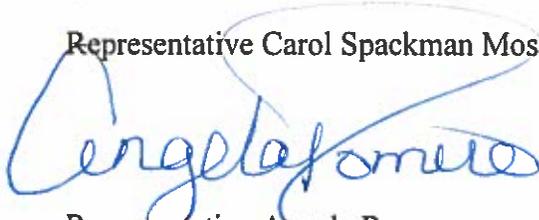
Representative Brad King



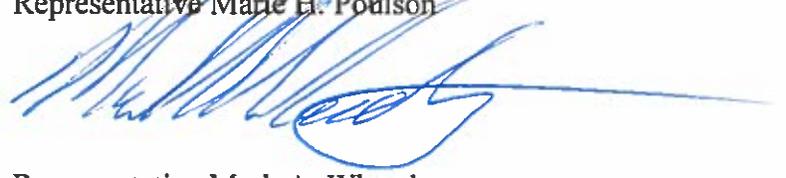
Representative Carol Spackman Moss



Representative Marie H. Poulson



Representative Angela Romero



Representative Mark A. Wheatley



875 E. Pontiac Drive  
Murray, Utah 84107-5299  
Tel: 801-266-4461  
Fax: 801-265-2249  
[myUEA.org](http://myUEA.org)

Sharon Gallagher-Fishbaugh, *President*  
Tom Nedreberg, *Vice President*  
Lisa Nentl-Bloom, *Executive Director*  
Heidi Matthews, *NEA State Director*  
Edward T Sanderson, *NEA State Director*

July 12, 2016

David Crandall, Chair, Utah State Board of Education  
Dr. Sydnee Dickson, State Superintendent of Public Instruction  
Angela Stallings, Associate Superintendent, Policy and Communication  
Utah State Office of Education  
250 E 500 S  
Salt Lake City UT 84111-3272  
*Transmitted via email*

Re: Request for Public Hearing on Proposed Rule R277-511

Chair Crandall, Superintendent Dickson and Associate Superintendent Stallings:

This is a request for a public hearing before the entire Utah State Board of Education pursuant to Utah Code 63G-3-302(2)(b). More specifically, this request is made by Lisa Nentl-Bloom, Executive Director, and on behalf of the Utah Education Association, an interested association having not fewer than 10 members. This request is made not more than 15 days after the publication date of the proposed rules. The rule for which we request a hearing is as follows:

R277-511 Academic Pathway to Teaching (APT) Level 1 License.

It is our understanding that several other groups have requested a hearing on this rule as well. We hope you will provide sufficient time for all voices to be heard at this hearing or at an additional hearing. Thank you for your consideration and attention to this request.

Sincerely,

Lisa Nentl-Bloom  
Executive Director, Utah Education Association

# UCTE

Utah Council of Teachers of English

July 13, 2016

RE: Request for a Public Hearing for R277-511

To David Crandall, Chair of the Utah State Board of Education:

On behalf of the executive board of the Utah Council of Teachers of English, the state affiliate of the National Council of Teachers of English, I request a public hearing concerning the Utah State Board of Education rule 277-511.

As the professional organization representing English and language arts teachers across the state of Utah, we are deeply invested in the quality of teachers in Utah classrooms and the experiences Utah students have with those teachers. Along with members of the board, we recognize the seriousness of the teacher shortage problem Utah schools are facing right now and that this challenge mirrors similar problems being dealt with by states across the nation. However, rather than solving the teacher shortage problem, we feel strongly that the proposed changes in R277-511 have significant potential to lower standards for teacher quality. A number of research studies shows that teacher quality plays a central role in student learning and directly influences student achievement. At the same time, according to the Association for Supervision and Curriculum Development, the definition of "effective teachers" includes those with formal teacher preparation, who understand not just the content they teach, but also how to teach. Our organization is deeply concerned that the academic pathway to teaching approach outlined in R277-511 removes provisions put in place to ensure teachers receive the pedagogical preparation to help them become effective teachers.

We look forward to working with the Utah State Board of Education to identify solutions to these issues that are in the best interest of students and Utah's future and that do not lower the standards for teachers entering the profession.

Sincerely,



Dawan L. Coombs, Ph.D.  
Utah Council of Teachers of English, President



July 14, 2016

Mr. David Crandall  
Chairman  
Utah State Board of Education  
250 East 500 South  
P.O. Box 144200  
Salt Lake City, Utah  
84114-2000

Ref: Rule R277-511  
Academic Pathway to Teaching (APT) License Level 1

Dear Chairman Crandall,

The American Board for Certification of Teacher Excellence (ABCTE) has reviewed the above rule and commends the Utah State Board of Education for taking this bold step to get more teachers into the classroom. There are several hurdles to teaching that discourage potential teachers from getting in the field. Your policy change will eliminate many of the hurdles that Utah has had in place in recent years.

ABCTE, which has certified over 300 educators in Utah, formally requests a public hearing concerning Rule R277-511 Academic Pathway to Teaching (APT) License Level 1 pursuant to Utah Code 63G-3-302. Please see all attached hearing request letters, signed by ABCTE-certified teachers and stakeholders.

Additionally, ABCTE thanks the Utah State Board of Education for the opportunity to provide comments on APT and offers the following:

#### Test Entity Approval

- Rule R277-511 should allow other test-providing entities to come before the Board to seek approval to offer their test under APT. The proposed rule allows this process for secondary education but is specifically silent regarding elementary education. Praxis will be a monopoly provider for elementary education tests under APT if this is not modified.

#### ABCTE Inclusion

- ABCTE should be given equal status with Praxis, included in the rule as an approved secondary education certification test option, and should also be listed in the rule as an approved elementary education certification test option.

ABCTE is currently an approved competency-based test program in Utah; however, our 2008 approval language puts us under the ARL program. Our requested adjustment to the language of Rule R277-511 would ensure that more soon-to-be teachers have access to our preparation services.

ABCTE offers a complete package to fully prepare an individual entering the teaching field. Our program was designed to recognize the individual who lives in the small rural community that wants to do more with a bachelor degree earned years ago. Our market is the individual who is ready for a career change but due to life issues—mortgages, car payments, and family costs—finds the challenge of attending classes for two years to be an insurmountable hurdle.

Future employers such as local school districts and principals should be able to assure parents that teachers in their classrooms are ready to perform effectively during the very first year. Our program has a 15-year track record in 12 states of doing just that.

In 2001, the U.S. Department of Education created ABCTE for the specific purpose of offering states an alternative route for getting more qualified teachers in the classroom. Thus, the Department funded the initial ABCTE test development, involving more than 700 stakeholders nationwide.

Furthermore, our record speaks for itself. The national teacher retention rate is 67 percent; yet, ABCTE graduates demonstrate an 85 percent retention rate during the first three years of teaching. Our graduates are diverse—23 percent are minorities, compared to the educator national average of 17 percent. While, nationally, one-third of middle school math and science teachers are not certified to teach these subjects, 32 percent of ABCTE candidates pursue certification in math or science. Finally, 95 percent of recently surveyed public school principals rate our teachers to be as effective, or more effective, than their peers.

Again, Rule R277-511 is a bold move by the Utah Board of Education and you are to be commended. Our requests will provide potential teachers with more quality choices in how they prepare themselves for future employment as educators in the state of Utah.

Sincerely,

*Frank Attkisson*

Frank Attkisson

Chairman

The American Board for Certification of Teacher Excellence

407 709-8586

[fattkisson@abcte.org](mailto:fattkisson@abcte.org)

[www.abcte.org](http://www.abcte.org)



I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: C. Demie Date: 7-14-14

Print: Catherine J. Demie



I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 2.7-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: Brenda Michele Mansfield Date: 7/15/2014

Print: Brenda Michele Mansfield



I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: Heather McEntire

Date: 7/14/2010

Print: Heather McEntire

**AMERICAN BOARD**

**FOR TEACHERS & EDUCATORS**

I, the undersigned, would like my signature to accompany Frank Williams's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE); ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 237-511 Academic Pathway to Teaching (APT) License Level 1.

*Earlet Meiners*

DATE: 7/14/16

NAME: Earlet Meiners



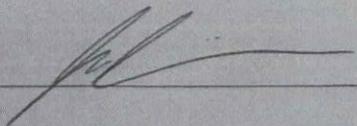
I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: \_\_\_\_\_  \_\_\_\_\_ Date: 7/14/16

Print: Melante Olmstead \_\_\_\_\_



I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign:  \_\_\_\_\_

Date: 7/14/2016

Print: Jake Piispanen \_\_\_\_\_

AMERICAN BOARD

For. Certified. For. Teachers.

I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: Samantha Piispahan

Date: 7/14/14

Print: Samantha Piispahan



I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign:  Date: 7-14-16

Print: Robert Wilkes

I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: Kimberly Brown

Date: 07/14/2016

Print: Kimberly Brown

I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT) License Level 1.

Sign: Shanan Cutler

Date: 7-14-2016

Print: Shanan Cutler

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2 **R277-511. Academic Pathway to Teaching (APT) Level 1 License.**

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11 (c) Section 53A-1-401, which allows the Board to make rules to execute the  
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23 Endorsement.

24 (2) "LEA administrator" means a school building principal or LEA administrator  
25 who:

26 (i) supervises an APT level 1 licensee; and

27 (ii) may recommend the APT level 1 licensee for Level 2 licensure to the  
28 Superintendent as described in Section R277-511-6.

29 (3) "Master teacher" means a level 2 or level 3 licensed teacher designated  
30 as a master teacher by an LEA through the demonstration of consistent leadership,  
31 focused collaboration, distinguished teaching, and continue professional growth.

32 **R277-511-3. Superintendent Responsibilities.**

33 (1) The Superintendent shall create an application for an APT level 1 license  
34 and publish the application on the Board's website.

35 (2) The Superintendent shall approve an application for an APT level 1  
36 license if the applicant meets all of the requirements of Section R277-511-4 or 37  
Section R277-511-5.

38 **R277-511-4. Requirements for an APT Level 1 License with an Elementary (K-6)**  
39 **Concentration.**

40 (1) To qualify for an APT level 1 license with an Elementary (K-6)  
41 Concentration, an applicant shall:

- 42 (a) complete the application described in Subsection R277-511-3(1);
- 43 (b) have completed a bachelor's degree or higher;
- 44 (c) submit postsecondary transcripts to the Superintendent;
- 45 (d) receive a passing score on the Elementary Education: Multiple Subjects  
46 Praxis Assessment; or

47 (e) **receive a passing score on the Elementary Education Content and**  
**Pedagogy Assessment of American Board Certification for Teachers of**  
48 **Excellence**

- 48 (f) complete the educator ethics review on the Board's website;
- 49 (g) successfully pass a background check as described in R277-516; and
- 50 (h) pay the applicable licensing fee.

51 (2) An APT level 1 license with an Elementary (K-6) Concentration is:

- 52 (a) equivalent to the Level 1 license as described in R277-500 and R277-502  
53 as to length and professional development expectations; and
- 54 (b) subject to the same renewal procedures.

55 **R277-511-5. Requirements for an APT Level 1 License with a Secondary (6-12)**  
56 **Concentration and an Endorsement.**

57 (1) To qualify for an APT Level 1 License with a Secondary (6-12)  
58 Concentration and an Endorsement, an applicant shall:

- 59 (a) complete the application described in Subsection R277-511-3(1);
- 60 (b) have completed a bachelor's degree or higher;

- 61 (c) submit postsecondary transcripts to the Superintendent;  
62 (d) receive a passing score on one of the following that is related to the  
63 subject, field, or area to which they are seeking an APT Level 1 License with a  
64 Secondary (6-12) Concentration and an Endorsement:  
65 (i) a Praxis Subject Assessment; or  
66 (ii) **American Board Certification for Teachers of Excellence or**  
67 (ii) another Board-approved content knowledge assessment;  
68 (e) complete the educator ethics review on the Board's website;  
69 (f) successfully pass a background check as described in R277-516; and  
70 (g) pay the applicable licensing fee.  
71 (2) Except as provided in Subsection (3), an APT Level 1 License with a  
72 Secondary (6-12) Concentration and an Endorsement is:  
73 (a) equivalent to the Level 1 license as described in R277-500 and R277-502  
74 as to length and professional development expectations; and  
75 (b) subject to the same renewal procedures.  
76 (3) An APT Level 1 License with a Secondary (6-12) Concentration and an  
77 Endorsement holder may only seek an additional endorsement after the APT Level  
78 1 License with a Secondary (6-12) Concentration holder obtains a level 2 license.

79 **R277-511-6. Requirements for an APT Level 1 License Holder to Gain a Level**  
80 **2 License.**

- 81 (1) To receive a Level 2 license, an APT level 1 license holder shall:  
82 (a)(i) complete three years of teaching full-time under supervision of the  
83 master teacher mentor and LEA administrator; or  
84 (ii) complete four years of at least 0.5 FTE teaching under the supervision of  
85 a master teacher mentor and the LEA administrator;  
86 (b) satisfy all Entry Years Enhancement for Quality Teaching requirements  
87 designated in R277-522;  
88 (c) complete any additional requirements of the recommending LEA, including  
89 coursework and professional learning that the recommending LEA requires;  
90 (d) complete the educator ethics review on the Board's website;  
91 (e) renew the educator's background check as required in R277-516; and  
92 (f) obtain a recommendation from:

93 (i) the master teacher mentor; and

94 (ii) the LEA administrator; and

95 (g) pay applicable licensing fees.

96 (2)(a) An APT level 1 license holder seeking a level 2 license may request a  
97 one year extension of the APT level 1 license at the recommendation of the master  
98 teacher mentor and the LEA Administrator.

99 (b) Unless required by the recommending LEA, the years of teaching in  
100 Subsection (1)(a) do not need to be consecutive.

100 **KEY: Academic Pathway to Teaching, educator licensure**

101 **Date of Enactment of Last Substantive Amendment: 2016**

102 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104;**

103 **53A-1-401**

# EXHIBIT C

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## State Board of Education: State Board of Education Law and Licensing Committee

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**Entity:** State Board of Education**Body:** [State Board of Education Law and Licensing Committee](#)**Subject:** Education Teachers**Notice Title:** USBE Law & Licensing Committee Public Hearing**Notice Type:** Hearing**Event Start Date & Time:** July 26, 2016 4:00 PM**Event End Date & Time:** July 26, 2016 6:00 PM**Description/Agenda:**

REVISED NOTICE OF HEARING ON  
ADMINISTRATIVE RULE R277-511  
UTAH STATE BOARD OF EDUCATION  
LAW AND LICENSING COMMITTEE  
July 26, 2016  
4:00 p.m. to 6:00 p.m.

Utah State Board of Education Building  
Board Room  
250 East 500 South  
Salt Lake City, Utah

This hearing is being convened to receive public comment on Administrative Rule R277-511 Academic Pathway to Teaching (APT) Level 1 License.

Public Comment Process: See the attached revised memo outlining the process for taking public comment at the hearing. Preference will be given to those who sign up in advance.

The rule and written public comment can be accessed at:

<http://www.schools.utah.gov/law/Adminstrative-Rules/USBE-Public-Hearing-Information.aspx>

**Notice of Special Accommodations:**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call Lorraine Austin at (801) 538-7517, giving at least three working days notice.

**Notice of Electronic or telephone participation:**

<http://uvc.uen.net/videos/channel/84/>

**Meeting Location:**

250 E 500 South  
Salt Lake City , 84111

[Map this!](#)**Contact Information:**

Lorraine Austin  
[lorraine.austin@schools.utah.gov](mailto:lorraine.austin@schools.utah.gov)  
(801)538-7517

**Download Attachments:**

[7262016Hearing.mp3](#) Audio Recording  
Added 2016/07/27 11:57 AM

[PublicCommentMemo.pdf](#) Public Information Handout  
Added 2016/07/20 12:37 PM

[RevisedPublicCommentMemo.pdf](#) Public Information Handout  
Added 2016/07/22 02:20 PM

[R277511.pdf](#) Public Information Handout  
Added 2016/07/12 02:32 PM

**Audio File Address**

<http://uvc.uen.net/videos/channel/84/>

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Other Information

This notice was posted on: July 12, 2016 02:32 PM

This notice was last edited on: July 22, 2016 02:18 PM

Board/Committee Contacts

Member	Email	Phone
<p>&lt; &gt;</p>		

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# EXHIBIT D

## **Austin, Lorraine**

---

**From:** Austin, Lorraine  
**Sent:** Friday, July 8, 2016 11:41 AM  
**To:** 'Vessela Ilieva'  
**Subject:** Public Hearing on R277-511  
**Attachments:** 7-26-16 hearing - R277-511.pdf

Please be aware that a public hearing on R277-511 has been scheduled for July 26 from 4:00 p.m. to 6:00 p.m. at the Utah State Board of Education Building. The hearing notice is attached.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

## **Austin, Lorraine**

---

**From:** Austin, Lorraine  
**Sent:** Friday, July 8, 2016 11:55 AM  
**To:** 'Isabel Asensio'  
**Subject:** Hearing on R277-511  
**Attachments:** 7-26-16 hearing - R277-511.pdf

Please be aware that a public hearing on R277-511 has been scheduled on July 26 from 4:00 p.m. to 6:00 p.m. at the Utah State Board of Education Building. The hearing notice is attached.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

## Austin, Lorraine

---

**From:** Austin, Lorraine  
**Sent:** Friday, July 15, 2016 10:07 AM  
**To:** 'Dawan Coombs'  
**Subject:** RE: request for a public hearing for R277  
**Attachments:** 7-26-16 hearing - R277-511.pdf

A public hearing on rule R277-511 has been scheduled on July 26, 4:00 to 6:00 p.m. at the Utah State Board of Education building. The notice is attached.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

**From:** Dawan Coombs [mailto:dawancoombs@gmail.com]  
**Sent:** Thursday, July 14, 2016 1:06 AM  
**To:** Crandall, Dave <crandall@xmission.com>  
**Cc:** Dickson, Sydnee <Sydnee.Dickson@schools.utah.gov>  
**Subject:** request for a public hearing for R277

Mr. David Crandall, Chair of the Utah State Board of Education:

The attached letter formally outlines a request from the board of the Utah Council of Teachers of English for a public hearing on rule 277. As the state affiliate of the National Council of Teachers of English and as the professional organization in the state of Utah for English and language arts teachers, we are concerned by the implications of this rule for both students and teachers. This letter outlines the issues and challenges we see with this rule and emphasizes the importance of further inquiry before making changes to state alternative route to licensure policies.

Thank you,

Dawan Coombs, PhD  
Utah Council of Teachers of English, President

## Austin, Lorraine

---

**From:** Austin, Lorraine  
**Sent:** Friday, July 8, 2016 12:03 PM  
**To:** 'briansking@le.utah.gov'; 'rchouck@le.utah.gov'; 'jbriscoe@le.utah.gov';  
'sduckworth@le.utah.gov'; 'shollins@le.utah.gov'; 'csmoss@le.utah.gov';  
'angelaromero@le.utah.gov'; 'parent@le.utah.gov'; 'lhemingway@le.utah.gov';  
'bradking@le.utah.gov'; 'mariepoulson@le.utah.gov'; 'markwheatley@le.utah.gov'  
**Subject:** Hearing on R277-511  
**Attachments:** 7-26-16 hearing - R277-511.pdf

Please be aware that a public hearing on R277-511 has been scheduled for July 26 from 4:00 p.m. to 6:00 p.m. at the Utah State Board of Education Building. The hearing notice is attached.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

## **Austin, Lorraine**

---

**From:** Austin, Lorraine  
**Sent:** Wednesday, July 20, 2016 11:30 AM  
**To:** 'Lisa Nentl-Bloom [UT]'  
**Subject:** July 26 R277-511 Hearing Process  
**Attachments:** 7-26-16 R277-511 hearing process.pdf

Please see the attached memo regarding the process that will be followed in the July 26 hearing requested by your organization. UEA has been scheduled to speak for ten minutes beginning at 4:35 p.m.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

## Austin, Lorraine

---

**From:** Austin, Lorraine  
**Sent:** Friday, July 15, 2016 10:18 AM  
**To:** 'Frank Attkisson'  
**Subject:** RE: Filing Comments and Request of Hearing

Both ways of delivery are appropriate. If you could also send the material electronically that would be helpful. There have been five entities that have requested the hearing, which has been scheduled for July 26.

*Lorraine Austin*, Board Secretary  
Utah State Board of Education  
250 East 500 South  
PO Box 144200  
Salt Lake City, UT 84114-4200  
801-538-7517

---

**From:** Frank Attkisson [mailto:fattkisson@abcte.org]  
**Sent:** Friday, July 15, 2016 10:13 AM  
**To:** Austin, Lorraine <lorraine.austin@schools.utah.gov>  
**Subject:** Filing Comments and Request of Hearing

Ms Austin,

Our organization will be filing comments today on the proposed Teacher Certification/Licensure Rule. In addition, we will have 10 interested individuals requesting a hearing as well. I am aware that one has already been filed but this will be an additional request.

I am in Salt Lake City and will deliver the printed comments to your office this afternoon. In addition I can send them as an attachment. Is this your appropriate procedure? Is there anything else I need to do?

Frank Attkisson

Chairman

American Board Certification for Teachers of Excellence  
[www.abcte.org](http://www.abcte.org)  
407 709-8586

# EXHIBIT E



## REVISED NOTICE OF HEARING ON ADMINISTRATIVE RULE R277-511

UTAH STATE BOARD OF EDUCATION  
LAW AND LICENSING COMMITTEE

July 26, 2016  
4:00 p.m. to 6:00 p.m.

Utah State Board of Education Building  
Board Room  
250 East 500 South  
Salt Lake City, Utah

This hearing is being convened to receive public comment on Administrative Rule R277-511 *Academic Pathway to Teaching (APT) Level 1 License*.

**Public Comment Process:** See the attached **revised** memo outlining the process for taking public comment at the hearing. Preference will be given to those who sign up in advance.

The rule and written public comment can be accessed at:  
<http://www.schools.utah.gov/law/Administrative-Rules/USBE-Public-Hearing-Information.aspx>

---

The meeting will be streamed live at <http://uvc.uen.net/videos/channel/84/>.

**Accommodations:** In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for the meeting should contact Lorraine Austin at 801-538-7517 or [lorraine.austin@schools.utah.gov](mailto:lorraine.austin@schools.utah.gov) giving at least three working days' notice.

# EXHIBIT F

Written comments can be viewed at:

<http://schools.utah.gov/law/Administrative-Rules/USBE-Public-Hearing-Information/WrittenPublicComment.aspx>

# EXHIBIT G

The hearing recording can be accessed at:

<http://www.schools.utah.gov/board/Meetings/Audiocast/2016.aspx>

# EXHIBIT H

INDIVIDUALS SPEAKING AT R277-511 PUBLIC HEARING ON JULY 26, 2016

Individuals from Organizations Requesting the Hearing

Utah Association of Mathematics Teacher Educators  
Doug Corry

Utah Foreign Language Association  
Blair Bateman  
Brigham Young University

Utah House Democratic Caucus  
Representative Marie Poulsen  
Representative Carol Spackman Moss  
Representative Joel Briscoe

Utah Education Association  
Heidi Matthews, President  
Barb Whitman  
Lisa DeFranz  
Sarah Jones

Utah Council of Teachers of English  
Kim Irvine, Past President

American Board for Certification of Teacher Excellence (ABCTE)  
Frank Attkisson

Oppose

Mary Burbank, Assistant Dean  
Urban Institute for Teacher Education  
1721 Campus Center Drive, SAEC 2260  
Salt Lake City, Utah 84112

Gordon Gibb  
Department of Counseling Psychology  
and Special Education  
Brigham Young University  
Provo, Utah 84602

Brad Asay  
On behalf of AFT  
2261 South Redwood Road, Suite K  
Salt Lake City, Utah 84119

Kristin Hadley  
Teacher Education Department  
Weber State University  
3848 Harrison Blvd.  
Ogden, Utah 84408

INDIVIDUALS SPEAKING AT R277-511 PUBLIC HEARING ON JULY 26, 2016

Curtis Benjamin  
Northern Utah UEA  
550 North Main, #215  
Logan, Utah 84321

Christy Giblon  
On behalf of Provo Education Association  
1808 West 1000 South  
Springville, Utah 84663

Cara Baldree  
Lincoln Elementary  
1090 South Roberta Street  
Salt Lake City, Utah 84111

Mohsen Ghaffari  
282 10<sup>th</sup> Avenue  
Salt Lake City, Utah 84103

James Maughan, Public School Teacher

John Arthur, Teacher

Roger Donohoe

Heidi Jensen, Teacher

Michael McDonough  
3169 Kaibab Way  
Salt Lake City, Utah 84109

Laurie Williams, Teacher

Michele Alba, Educator  
607 East 100 South  
Salt Lake City, Utah 84102

Susan Johnston, Educator  
1104 Foxcrest  
Park City, Utah 84098

Daniel Cherri, Educator  
1448 West Burbank Avenue  
Salt Lake City, Utah 84104

Ruth Heagren, AFT and Teacher  
2065 West 7455 South  
Salt Lake City, Utah 84084

Marinda McDonald, Student Teacher

Jennifer Boehme  
JEA/UEA  
10233 South Mystic Creek Bay  
South Jordan, Utah 84095  
Jennifer Gravier, Educator  
UEA  
1421 East 5600 South  
South Ogden, Utah 84405

Lois P. Gravier  
994 East 5775 South  
South Ogden, Utah 84405

INDIVIDUALS SPEAKING AT R277-511 PUBLIC HEARING ON JULY 26, 2016

Support

Lincoln Fillmore  
Utah State Senate  
320 State Capitol  
P.O. Box 145115  
Salt Lake City, Utah 84114

Ross Hirschi, Teacher

Christine Cooke  
Sutherland Institute  
15 West South Temple, Ste. 200  
Salt Lake City, Utah 84101

Cindy Phillips, Executive Director  
Weilenmann School  
4237 West Kilby Road  
Park, Utah 84098

April Thompson  
Lakeview Academy  
527 West 400 North  
Saratoga Springs, Utah 84045

Daniel Baker  
American Preparatory Academy  
12892 South Pony Express Road  
Draper, Utah 84020

Laura Leavitt  
American Preparatory Academy  
12892 South Pony Express Road  
Draper, Utah 84020  
Steve Williams

Royce Van Tassell  
Utah Association of Public Charter Schools  
PO Box 2583  
Salt Lake City, UT 84110

Joylin Lincoln  
Lakeview Academy  
527 West 400 North  
Saratoga Springs, Utah 84045

Heidi Jensen  
Granite School District  
2500 South State Street  
Salt Lake City, Utah 84115-3110

**R277-511 HEARING PUBLIC COMMENT SIGN UP**  
**INDIVIDUALS OPPOSED TO THE RULE**

**PLEASE PRINT**

<u>Name</u>	<u>Address</u>	<u>Affiliation</u>
Mary Burbank <i>MB</i>	Urban Institute for Teacher Ed U of U College of Ed	Assistant Dean, U of U
Gordon Gibb	Dept. of Counseling Psychology and Special Ed	BYU
Brad Asay		On behalf of AFT
Kristin Hadley	Teacher Education Dept	WSU
Curtis Benjamin		Northern Utah UEA
Christy Giblon	1808 W 1000 S, Springville, UT	On behalf of Provo Education Assoc
Cara Baldree	<i>2199 S. Lake #4, SLC</i>	Lincoln Elementary, SLC 2015
Mohsen Ghaffari		Utah Teacher of the Year

**R277-511 HEARING PUBLIC COMMENT SIGN UP**  
**INDIVIDUALS OPPOSED TO THE RULE**

**PLEASE PRINT**

<u>Name</u>	<u>Address</u>	<u>Affiliation</u>
<u>Ryan Tommer</u>	<u>3174. 900 E. SLC</u>	<u>Music Educator</u>
<u>Mary Chamberlin</u>		<u>Glendale Middle School</u>
<u>James Maughan</u>		<u>Public school teacher</u>
<u>John Arthur</u>		<u>Teacher</u>
<u>Roger Donohoe</u>		
<u>Heidi Jensen</u>		<u>Teacher</u>
<u>Michael McDonough</u>	<u>3169 Kaibab Way, SLC</u>	
<u>Laurie Williams</u>		<u>Teacher</u>
<del><u>Marilee Coles-Ritchie</u></del>	<del><u>1103 E 2700 S</u></del>	<del><u>Parent</u></del>
<u>Michele Alba</u>	<u>607 E 100 S</u>	<u>teacher</u>

R277-511 HEARING PUBLIC COMMENT SIGN UP  
INDIVIDUALS OPPOSED TO THE RULE

PLEASE PRINT

<u>Name</u>	<u>Address</u>	<u>Affiliation</u>
<del>[scribble]</del>	<del>1590 W SOLEM, VT 84058</del>	<del>Granite School District</del>
Susan Johnston	1104 Foxcrest / PC / VT 84098	
Sue Womack		Educator
Michele Alba	607 E 100 S.	
<del>Fast Jones</del>	<del>982 S (502 E)</del>	Education
Daniel Cherrri	1446 west Burbank ave	Educator
Rick Hagen	2065 W 7455 SO	AFT + 33yr teacher
Dag Cory	675 E 170 N AF 84003	VAMTE
Dave VanLangeveld	807 North the little D # 84103	Retired educator
Jill VanLangeveld	"	"

**R277-511 HEARING PUBLIC COMMENT SIGN UP**  
**INDIVIDUALS OPPOSED TO THE RULE**

**PLEASE PRINT**

Name

Address

Affiliation

Marinda McDonald

Student Teacher

Amanda Phillips

6894 Countrywood Cir. Middlebury, VT

Educator

Heather M. Reich

1055 S. Claudia Hill WJ, VA

JEA

Gordon Gibb

1051 E. 600 S. PL. Grove

special educator

~~Kevin Tommer~~

~~397 1/2 Smith 300 East, 466~~

~~Educator~~

Jennifer Boehme

10733 S. Mysticbreek Bay

JEA/UEA

Jennifer Graviet

1421 E. 5600 S. S. Ogden, UT 84403

UEA/Educator

DAVE GABA

TEACHERS of Tomorrow

**R277-511 HEARING PUBLIC COMMENT SIGN UP**  
**INDIVIDUALS OPPOSED TO THE RULE**

**PLEASE PRINT**

<u>Name</u>	<u>Address</u>	<u>Affiliation</u>
Lois P. Graviet	999 East 5175 South, South Ogden, Utah 84405	
BLAIR BATEMAN	1066 W 990 N Provo 84604	UTAH FOREIGN LANG. ASSOC. (BYU)
Jeff Packer	735 cherry Hill Dr. Pl. Grove 84062	Utah Foreign Language Assoc/UMU
Isabel Asensio	1733 Shadow Valley Dr. Ogden, UT 84403	UFLA (Utah Foreign Lang. Association) WS
LYNN FLEMING	1513 Ashford Dr. SLC 84128	
Mohsen Ghaffari	282 10 <sup>th</sup> Ave SLC, 84103	Utah 2015 Teacher of the Year
Michelle Shimmitt	7557 Rope Kay Dr. Midvale, UT 84017	Canyons District
Denise Willmore	158 Park Meadows	BIFL
Dinah Friedman	2404 S. Elizabeth #3	Teacher-SLCSD

**R277-511 HEARING PUBLIC COMMENT SIGN UP  
INDIVIDUALS IN SUPPORT OF THE RULE**

**PLEASE PRINT**

Name

Address

Affiliation

Lincoln Fillmore

Utah State Senate

Nyman Brookf

Ross Hirschi

Teacher

Christine Cooke

Sutherland Institute

Chaela Mcdonald

Teacher

Centennial Middle School

Cindy Phillips

Executive Director

Weilenmann School

April Thompson

Instructional Coach

Lisa Moon

Channing Hall

Daniel Baker

American Preparatory Acad

*John Lakeview Academy*

**R277-511 HEARING PUBLIC COMMENT SIGN UP  
INDIVIDUALS IN SUPPORT OF THE RULE**

**PLEASE PRINT**

Name

Address

Affiliation

Laura Leavitt

American Preparatory Acad

Steve Williams

Ryca Van Tassell

Utah Association of Public Charter Schools

Robyn Bagley

Career Path High

Diane Nelson

C S Lewis Academy

Joylin Linde

Lakeview Academy

Heidi Jensen

Granite School Dist. Teacher

# EXHIBIT I



# UTAH STATE BOARD OF EDUCATION

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Jennifer A. Johnson, Second Vice Chair

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Leslie B. Castle	Mark Huntsman	Terryl Warner
Barbara W. Corry	Stan Lockhart	Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction  
Lorraine Austin, Board Secretary

## MEMORANDUM

To: Law and Licensing Committee, Utah State Board of Education

From: Ben Rasmussen, Director of Law and Professional Practices

Date: July 20, 2016

Re: Public Hearing on Proposed Rule R277-511, Academic Pathway to Teaching (APT) Level 1 License

This memorandum will serve to outline the procedures to be followed in conjunction with the hearing scheduled on July 26, 2016 regarding Proposed Rule R277-511. In conjunction with R15-1-5(2), I have been appointed to be the hearing officer. The hearing will commence at 4:00 and the committee will hear public comment for at least one hour, but no longer than two hours. Interested parties are encouraged to submit written feedback to the committee, which will be provided to the committee and posted on the Board's website prior to the hearing. Written comment should be submitted by email to [rule.comments@schools.utah.gov](mailto:rule.comments@schools.utah.gov). Written comment will be accepted until close of business Friday, July 29, 2016.

Each organization that has submitted a formal request for a hearing as of today will be allotted up to ten minutes to present oral comment at the hearing. Other parties will be permitted to present as time allows, with priority given to those individuals who request to be heard in advance by emailing Board Secretary Lorraine Austin, [lorraine.austin@schools.utah.gov](mailto:lorraine.austin@schools.utah.gov), by 12:00 noon, Tuesday, July 26, 2016. Individuals should indicate whether they wish to speak in favor of or in opposition to the proposed rule. Individuals may be allowed between 2-3 minutes. Individuals speaking on behalf of an organization, other than those who have filed a formal request for hearing, may be allowed five minutes to speak in lieu of individual group members presenting. Speaking time may not be yielded to another individual. Those wishing to make public comment are asked to avoid restating points made in previous comments and avoid reading written comments that may be submitted to the hearing officer during the hearing. Due to time constraints, it is anticipated that Board members present will not ask questions of those speaking unless dialogue is invited by the speaker, in which case any interaction will count against the speaker's time.

The anticipated agenda for the hearing is as follows:

- 4:00 Opening comments by the hearing officer
- 4:05 Utah Association of Mathematics Teacher Educators
- 4:15 Utah Foreign Language Association
- 4:25 Utah House Democratic Caucus
- 4:35 Utah Education Association
- 4:45 Utah Council of Teachers of English
- 4:55 American Board for Certification of Teacher Excellence
- 5:05 Additional public comment to alternate between proponents and opponents of the rule.

It is anticipated that the hearing record will be submitted to the full Board for consideration at its August 12, 2016 Board meeting. Further questions regarding the conduct of the hearing may be directed to the hearing officer at [benjamin.rasmussen@schools.utah.gov](mailto:benjamin.rasmussen@schools.utah.gov).

# EXHIBIT J



# UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair     David L. Thomas, First Vice Chair  
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen     Brittney Cummins     Jefferson Moss  
Laura Belnap     Linda B. Hansen     Spencer F. Stokes  
Leslie B. Castle     Mark Huntsman     Terry Warner  
Barbara W. Corry     Stan Lockhart     Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction  
Lorraine Austin, Board Secretary

## MEMORANDUM (Revised)

To:             Law and Licensing Committee, Utah State Board of Education

From:          Ben Rasmussen, Director of Law and Professional Practices

Date:          July 22, 2016

Re:             Public Hearing on Proposed Rule R277-511, Academic Pathway to Teaching (APT)  
Level 1 License

This memorandum will serve to outline the procedures to be followed in conjunction with the hearing scheduled on July 26, 2016 regarding Proposed Rule R277-511. In conjunction with R15-1-5, I have been appointed to be the hearing officer. The hearing will commence at 4:00 and the committee will hear public comment pursuant to Admin Code R15-1-5, which states:

(3) Time. The officer shall open the hearing at the announced time and place and permit comment for a minimum of one hour. The hearing may be extended or continued to another day as necessary in the judgment of the officer.

(4) Comment.

(a) At the opening of the hearing, the officer shall explain the subject and purpose of the hearing and invite orderly, germane comment from all persons in attendance. The officer may set time limits for speakers and shall ensure equitable use of time.

(b) The agency shall have a representative at the hearing, other than the officer, who is familiar with the rule at issue and who can respond to requests for information by those in attendance.

(c) The officer shall invite written comment to be submitted at the hearing or after the hearing, within a reasonable time. Written comment shall be attached to the hearing minutes.

(d) The officer shall conduct the hearing as an open, informal, orderly, and informative meeting. Oaths, cross-examination, and rules of evidence are not required.

Interested parties are encouraged to submit written feedback to the committee, which will be provided to the committee and posted on the Board's website prior to the hearing. Written

comment should be submitted by email to [rule.comments@schools.utah.gov](mailto:rule.comments@schools.utah.gov). Written comment will be accepted until close of business Monday, August 1, 2016.

Each organization that has submitted a formal request for a hearing as of today will be allotted at least ten minutes to present oral comment at the hearing. Other parties will be permitted to present as time allows, with priority given to those individuals who request to be heard in advance by emailing Board Secretary Lorraine Austin, [lorraine.austin@schools.utah.gov](mailto:lorraine.austin@schools.utah.gov), by 12:00 noon, Tuesday, July 26, 2016. Individuals should indicate whether they wish to speak in favor of or in opposition to the proposed rule. Individuals may be allowed between 2-3 minutes. Individuals speaking on behalf of an organization, other than those who have filed a formal request for hearing, may be allowed 5 minutes to speak, in lieu of individual group members presenting.

The following organizations requested the hearing and will be heard in the following order:

Utah Association of Mathematics Teacher Educators

Utah Foreign Language Association

Utah House Democratic Caucus

Utah Education Association

Utah Council of Teachers of English

American Board for Certification of Teacher Excellence

After the organizations listed above provide their comments to the Board, additional public comment will be allowed, alternating between proponents and opponents of the rule.

At the end of the scheduled time for the hearing, if the hearing officer determines that additional time is necessary he will ask the Board members present if they want to extend the time and continue to hear comment or schedule another hearing. The hearing officer will compile the hearing record and submit it to the Board for consideration as soon as practicable after the comment period ends, so that the Board has a reasonable time to review, evaluate and consider the hearing report for the August 12, 2016 Board meeting.

Further questions regarding the conduct of the hearing may be directed to the hearing officer at [benjamin.rasmussen@schools.utah.gov](mailto:benjamin.rasmussen@schools.utah.gov).

# EXHIBIT K

From: Tracey Watson [UT] <[Tracey.Watson@myuea.org](mailto:Tracey.Watson@myuea.org)>  
Date: Fri, Jul 22, 2016 at 4:52 PM  
Subject: UEA's concerns regarding re: Notice and Memorandum for Public Hearing on R277-511  
To: Nicole Call <[ncall@utah.gov](mailto:ncall@utah.gov)>  
Cc: "Stallings, Angie" <[Angie.Stallings@schools.utah.gov](mailto:Angie.Stallings@schools.utah.gov)>, "Lisa Nentl-Bloom [UT]" <[Lisa.Nentl-Bloom@myuea.org](mailto:Lisa.Nentl-Bloom@myuea.org)>

Nicole,

I write to you as the Assistant Attorney General assigned to the Utah State Board of Education (“USBE”). For the purpose of making a record, I write to you as the General Counsel for the Utah Education Association. The purpose of this email is to present two significant concerns we have based on the original and revised memorandum posted on the Utah Public Notice Website and regarding the Public Hearing scheduled for Tuesday, July 26 and regarding proposed rule R277-511.

For the reasons set forth in more detail below, I first submit that this hearing is not properly noticed and should be noticed and conducted before the USBE as the “agency”, defined in statute and not before a committee of the agency. Second, I submit that the amount of time allotted to associations and to individuals should be generous enough to ensure that interested parties have a meaningful opportunity to comment (not just in writing but in the presence of USBE members) on proposed regulations before the regulations take effect. I submit these concerns in order to preserve any necessary and appropriate legal challenges following the hearing.

**1. The hearing should be noticed and held before the agency, not a committee of the agency.**

The meeting has been noticed by the Utah State Board of Education Law and Licensing Committee and the accompanying memorandum is addressed to the same Committee. I submit the law requires the agency to hold a hearing before the rule becomes effective. UCA 63G-3-302(2) and (3). The administrative rules permit the agency to appoint a hearing officer but nowhere in the regulations does the appointment of a hearing officer relieve the agency of having to be present at the hearing. Rather, agency is defined in the law as a “state board, authority, commission institution, department, division, officer or other state government entity...which is authorized or required by law to make rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform other similar actions or duties delegated by law.” UCA 63G-3-102(2). The Law and Licensing Committee is not a quorum of the Board and as such it does not have

full jurisdiction of the agency. The Law and Licensing Committee may make recommendations to the Board but under this law the agency is required to hold the hearing.

We previously argued this in recent litigation, *UEA v. USBE*, in Third District Court, Case no. 150908947. To date, the court issued one written decision. In the decision, the court did not directly answer this question but the court provided some guidance on the issue, “[a]lthough the parties devote significant attention in their briefing to the question of whether it’s appropriate for a hearing to occur before a hearing officer or whether the full Board must conduct the hearing, the more critical question is whether the Board even had the benefit of the hearing report at the time it promulgated Regulations... If it is permissible for the necessary hearings to occur before a hearing officer rather than the full Board, that is only true because the hearing officer considers and analyzes comments from interested parties and then *conveys* those comments and recommendations to the Board for consideration in promulgating regulations. The vehicle for conveying these comments is the hearing report...”

I remind you that since the Court addressed this issue, the contents of the hearing report have changed significantly and substantively with the USBE’s decision and action to repeal R277-100 and replace that with R15-1-5. For example, there is no longer a requirement for a written analysis or recommendation. As such, it is even more important for the Board to be present at the public hearing – to hear what the interested parties have to say and not just read their written comments before further discussion at the August 12 meeting. In explaining its decision, the Court concluded, “...**This is not a trivial concern. Rather, it is a failure of process that undermines the [sic] one of the essential purposes rulemaking procedures are designed to achieve – ensuring that interested parties have a meaningful opportunity to comment on proposed regulations and that the Board actually *considers* those comments before the regulations take effect, not at some point afterward.**” (emphasis in bold added).

**2. The amount of time allotted for the hearing should be sufficient to ensure that all interested parties have a meaningful opportunity to comment.**

I concede that we have no authoritative precedent clearly demarking how much time is sufficient to allow for meaningful comment. But in our recent litigation, the Court did emphasize that the purpose of a public hearing is to require the agency to provide all parties with a right to comment to be furnished with a meaningful opportunity to do so. I also believe the purpose of the public hearing is

to allow individuals and association to make comments before the agency – not just in writing, not just to a committee of the agency, but to appear and comment before the agency with the emotion and passion that text simply, cannot always replicate.

The revised memorandum appears to be a tad more lenient, in that it affords each association that formally requested the public hearing a minimum of 10 minutes, rather than a maximum of 10 minutes (as was originally outlined), and it no longer definitively penalizes the speaker's time should a member of the Law and Licensing Committee wish to engage in dialogue; but the revised memorandum continues to limit individuals to 2-5 minutes. Whether or not these times are sufficient will be tested at the hearing on Tuesday. I just hope the decision regarding time will be made in the light most favorable to provide all parties the meaningful opportunity to comment as anticipated under the law.

In summary, the Board is attempting to promulgate a rule that has generated the attention of many stakeholders, including but not limited to six association/agencies that represent more than 10 persons each. The Rule Making Act requires the Board allow these stakeholders and others, a meaningful voice, i.e. to speak – to speak aloud and publicly, as well as to write comments. The Board has elected to change its administrative procedures regarding public hearings and to limit the contents of the hearing report, but that does not limit the Board's legal duty to hear, and to consider, public comment. Any decisions or instructions should be made with the goal of the law in mind: openness, explanation, and participatory democracy in the rule making process. The hearing should be noticed before USBOE and the time allotted should be sufficient to ensure that EACH and ALL interested parties have a meaningful opportunity to comment before the regulation takes effect.

Thank you for your consideration of these concerns.

Sincerely,

Tracey

Tracey M. Watson  
Director of Legal Services & General Counsel  
Utah Education Association  
[Tracey.watson@utea.org](mailto:Tracey.watson@utea.org)  
[801-266-4461 x115](tel:801-266-4461)

# EXHIBIT L

# STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



**SEAN D. REYES**

ATTORNEY GENERAL

SPENCER E. AUSTIN  
Chief Criminal Deputy

PARKER DOUGLAS  
General Counsel Chief of Staff

TYLER R. GREEN  
Solicitor General

BRIDGET K. ROMANO  
Chief Civil Deputy

July 25, 2016

Tracey M. Watson  
Utah Education Association  
875 E Pontiac Dr.  
Murray, UT 84107  
[Tracey.Watson@myuea.org](mailto:Tracey.Watson@myuea.org)

RE: UEA's concerns regarding re: Notice and Memorandum for Public Hearing on R277-511

Dear Ms. Watson:

I write in response to your July 22, 2016 email regarding the process for the July 26, 2016 public hearing on R277-511. UEA claims: (1) "this hearing is not properly noticed and should be noticed and conducted before the USBE as the 'agency', defined in statute and not before a committee of the agency," and (2) "the amount of time allotted to associations and to individuals should be generous enough to ensure that interested parties have a meaningful opportunity to comment (not just in writing but in the presence of USBE members) on proposed regulations before the regulations take effect."

1. The hearing notice meets the legal requirements because a public hearing is not required to be held before the entire Board or a quorum of the Board.

In UEA's July 13, 2016 Request for Hearing on proposed R277-511, UEA requested the hearing be held before the entire Board. In anticipation the issue would be raised at the hearing, Associate Superintendent Angela Stallings requested the Office of Administrative Rules ("OAR") provide a decision pursuant to R15-1-5(8) on whether the entire board or a quorum of the board was required to hold the public hearing.

On or about July 22, 2016, OAR issued a decision on the issue. See attached. The Hearing Officer will read this into the record at the beginning of the hearing.

OAR's decision reflects only two people are required for a public hearing: a hearing officer, and a person who is familiar with the rule at issue and who can respond to requests for information by those in attendance. Despite OAR's decision that only these two individuals are required for the Board to hold a public hearing, the Board is holding the hearing before its Law and Licensing Committee ("Committee"). The Committee is comprised of five

# STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



**SEAN D. REYES**

ATTORNEY GENERAL

SPENCER E. AUSTIN  
Chief Criminal Deputy

PARKER DOUGLAS  
General Counsel Chief of Staff

TYLER R. GREEN  
Solicitor General

BRIDGET K. ROMANO  
Chief Civil Deputy

of the fifteen Board members. A Committee of the Board fits within the definition of "agency" in UCA 63G3-102(2).<sup>1</sup>

Furthermore, anyone can attend the public hearing including Board members, who are not on the Committee. Under these circumstances, the Board clearly meets the legal requirements for notice required to hold a public hearing.

2. The hearing officer has duties to: (a) "invite orderly, germane comment from all persons in attendance," (2) "ensure equitable use of time," and (3) "conduct the hearing as an open, informal, orderly, and informative meeting."

The hearing officer's revised memo to the Committee is to meet his duty to: (a) "invite orderly, germane comment from all persons in attendance," (2) "ensure equitable use of time," and (3) "conduct the hearing as an open, informal, orderly, and informative meeting." R15-1-5. Setting time limits for speakers is a hearing officer's way of meeting these duties to the Board and the public as provided in R15-1-5(4)(a).

Furthermore, setting time limits for speakers is routinely used for public hearings. For example, during public hearings for legislation, the Utah Legislature limits comments to 2 minutes. Like the Legislature, the Board is a state, elected, constitutional body. The Board is acting on its legislative authority when adopting rules, like the Legislature when it adopts statutes. Therefore, the time limits used by the Utah Legislature committees provides a reasonable basis for the time limits that apply to public hearings before the Board's committees.<sup>2</sup> The times allotted by the hearing officer is comparable to the time limits set by the Utah Legislature. On its face, the times set by the hearing officer are adequate.

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<sup>1</sup> Although UEA made a claim in UEA vs. USBE, case no 150908947, that the Board improperly held the hearing before the Law and Licensing Committee, the Court only addressed this claim in dicta. The Court did not hold that this procedure failed to comply with the legal requirements for holding a public hearing. The Court's focus was on the untimeliness of the hearing report for the Board to meaningfully consider the verbal and written comments. Such a claim is not present because the public hearing has not even been held yet.

<sup>2</sup> I note that the Legislature's public hearings are held before committees who make recommendations to the Legislature. This is similar to the process applied by the Board. Here, the Committee is holding the public hearing and the Committee will make recommendations to the Board on R277-511.

# STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



**SEAN D. REYES**

ATTORNEY GENERAL

SPENCER E. AUSTIN  
Chief Criminal Deputy

PARKER DOUGLAS  
General Counsel Chief of Staff

TYLER R. GREEN  
Solicitor General

BRIDGET K. ROMANO  
Chief Civil Deputy

3. The Board will meet its duty to review, evaluate, and consider all written and verbal comments.

All written and verbal comments will be reviewed, evaluated, and considered by the Board as required by UCA 63G-3-302(11)(b) and R15-1-5(5). For UEA to claim that the Board has not or will not at this point is premature. The Board has been elected to make policy decisions, like the one set forth in R277-511. The Board appreciates stakeholder input and will review, evaluate, and consider all written and verbal comments before the R277-511 is made effective. The Board voluntarily scheduled the hearing before the Committee because the Board wants to hear from stakeholders and receive a report from the hearing officer and recommendation from the Committee. If this were not so, the Board would have scheduled the hearing before a hearing officer and a person to respond to requests for information. However, the Board did not do this. Instead, the Board scheduled the hearing before a Committee, and any of the other ten Board members may also be present at the hearing as part of reviewing, evaluating, and considering all written and verbal comments. In addition to the public hearing, anyone may submit written comment to the Board as well as, contact Board members personally with their concerns. All of these are part of the open and participatory process for rulemaking. The Board will meet its duty to review, evaluate, and consider all written and verbal comments.

Thank you for providing your concerns. I hope this adequately addresses them, so the dialogue between our clients may continue.

Sincerely,

Nicole R. Call

cc:  
Board members  
Superintendent Syd Dickson  
Associate Superintendent Angela Stallings  
Hearing Officer Ben Rasmussen  
AAG Bryan Quesenberry

# EXHIBIT M

**From:** [Stallings, Angie](#)  
**To:** [mbroschi@utah.gov](mailto:mbroschi@utah.gov)  
**Cc:** [Call, Nicole](#); [Bryan Quesenberry](#); [Rasmussen, Benjamin](#); [Crandall, Dave](#); [Thomas, David](#); [Dickson, Sydnee](#); [Leslie Castle, JJ](#); [Austin, Lorraine](#)  
**Subject:** FW: Request for Hearing.  
**Date:** Wednesday, July 20, 2016 11:40:00 AM  
**Attachments:** [Public Hearing Request July 2016.pdf](#)  
**Importance:** High

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Mr. Broschinsky,

Attached is a public hearing request from the Utah Education Association (UEA) requesting a public hearing on R277-511 before the full State Board of Education (Board). The Board plans to have its Law and Licensing Committee, which consists of five Board members, to hold a public hearing next week on July 26<sup>th</sup> at 4pm. We've had 6 separate requests for a public hearing on R277-511.

The reason I am reaching out to you today is to request your assistance, pursuant to R15-1-8, to resolve a dispute in interpretation on the Board's rulemaking procedure for R277-511. The UEA believes that the public hearing on R277-511 is required to be held before the full Board (or at least a quorum of the full Board) and not just the Law and Licensing Committee, a hearing officer, and an agency representative. The Board and its counsel believe that R15-1-5 only requires the Board to have the public hearing before a hearing officer and a "representative at the hearing, other than the officer, who is familiar with the rule at issue and who can respond to requests for information by those in attendance." Subsections R15-1-5(2) and (4).

In addition to the public hearing on July 26<sup>th</sup>, the Board also plans to have either the Law and Licensing Committee Chair, or the appointed hearing officer, make a verbal report to the full Board during the Board's regularly scheduled meeting on August 12<sup>th</sup>. During the August 12<sup>th</sup> meeting the Board will then make a decision about what to do with R277-511 based on written comments submitted and any additional public comment received during the hearing.

We request that you assist us by issuing a decision with the Office of Administrative Rule's (OAR) interpretation. It appears that R15-1-5 anticipates that a dispute may arise during a public hearing, and asks a petitioner to "submit a written request for a decision to the director as soon as practicable after, or after recessing, the hearing, as provided in Section R15-5-6." Normally this petition would be submitted by UEA or another group, not the Board, after the hearing, if the group disagrees with the Board's interpretation of R15-1-5 as described above. Because we would like to move this rule forward quickly, and hopefully avoid litigation, we are proactively requesting that you assist us by issuing a decision outside of your normal timelines in advance of the public hearing. We would likely post your decision on our website and read the decision during the public hearing.

Could you please respond to this message and let me know whether you think that you will be able to provide us with your decision before the public hearing is set to take place next Tuesday, July 26<sup>th</sup>?

If you have any questions, please contact me at 801-205-4420 or Bryan Quesenberry, Assistant

Attorney General for the State Board of Education, at (801) 366-0340 or (801) 538-7885.

Thank you so much!  
Angie

Angela O. Stallings  
Associate Superintendent, Policy and Communication  
Utah State Board of Education  
250 East 500 South  
P.O. Box 144200  
Salt Lake City, UT 84114-4200  
angie.stallings@schools.utah.gov  
Office: 801-538-7550  
Cell: 801-205-4420

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**From:** Lisa Nentl-Bloom [UT] [mailto:Lisa.Nentl-Bloom@myuea.org]  
**Sent:** Wednesday, July 13, 2016 4:42 PM  
**To:** Crandall, Dave <crandall@xmission.com>; Dickson, Sydnee <Sydnee.Dickson@schools.utah.gov>; Stallings, Angie <Angie.Stallings@schools.utah.gov>  
**Subject:** Request for Hearing.

**July 13, 2016**

**David Crandall, Chair, Utah State Board of Education**  
**Dr. Sydnee Dickson, State Superintendent of Public Instruction**  
**Angela Stallings, Associate Superintendent, Policy and Communication**  
**Utah State Office of Education**  
**250 E 500 S**  
**Salt Lake City UT 84111-3272**

*Transmitted via email*

**Re: Request for Public Hearing on Proposed Rule R277-511**

**Chair Crandall, Superintendent Dickson and Associate Superintendent Stallings:**

**This is a request for a public hearing before the entire Utah State Board of Education pursuant to Utah Code 63G-3-302(2)(b). More specifically, this request is made by Lisa Nentl-Bloom, Executive Director, and on behalf of the Utah Education Association, an interested association having not fewer than 10 members. This request is made not more than 15 days after the publication date of the proposed rules. The rule for which we request a hearing is as follows:**

**R277-511 Academic Pathway to Teaching (APT) Level 1 License.**

**It is our understanding that several other groups have requested a hearing on this rule as well. We hope you will provide sufficient time for all voices to be heard at this hearing or at an additional hearing. Thank you for your consideration and attention to this request.**

Sincerely,

A handwritten signature in cursive script that reads "Lisa Nentl-Bloom".

**Lisa Nentl-Bloom**  
Executive Director, Utah Education Association

801-266-4461, ext. 104 (office) | 651-492-8894 (cell)

[Lisa.nentl-bloom@myuea.org](mailto:Lisa.nentl-bloom@myuea.org)

# EXHIBIT N



State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

Department of Administrative Services  
Office of Administrative Rules

KENNETH A. HANSEN  
Interim Executive Director, Department  
of Administrative Services

July 22, 2016

Angela Stallings, Associate Superintendent, Policy and Communication  
Utah State Board of Education  
250 E 500 S  
Salt Lake City UT 84111-3272

Dear Ms. Stallings:

I write in response to your email message dated July 20, 2016. I understand your question to be:

*Must Board of Education administrative rule hearings requested under the provisions of Subsection 63G-3-302(2)(b) be held before the entire Board or even a quorum of the Board?*

The answer is no. These hearings require only a hearing officer and an agency representative.

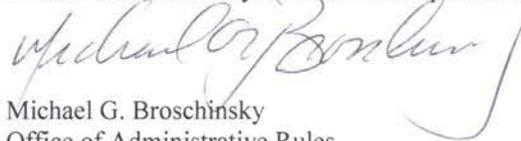
Subsection 63G-3-302(2)(b) directs an agency to hold a hearing if a request is submitted to the agency by "10 interested persons, or an interested association having not fewer than 10 members...." This subsection, and its parent section, speaks to the question of when a hearing must be held. There is no discussion of the procedures to follow during the hearing.

Subsection 63G-3-402(1)(m) directs the Office of Administrative Rules to "...require state agencies to comply with...hearing procedures...." Subsection 63G-3-402(2) then directs the Department of Administrative Services (the parent department for the Office) to establish by rule "all...hearing procedures necessary to make rules...." Hearing procedures are given in Rule R15-1.

Subsection R15-1-5(2)(a) requires that the agency head appoint a hearing officer. Subsection R15-1-5(4)(b) requires that the agency also have a representative present "who is familiar with the rule at issue and can respond to requests for information...."

These two individuals, the hearing officer and the representative, are the only two individuals required to be at the hearing representing the agency. There is nothing in Title 63G, Chapter 3 (the Utah Administrative Rulemaking Act) or Title R15 (rules of the Office of Administrative Rules) that would require an administrative rule hearing regarding a Board of Education rule to be held before the entire Board or a quorum of the Board.

Please let me know if you have further questions.



Michael G. Broschinsky  
Office of Administrative Rules

# EXHIBIT O

# Non-Standard Licensure Comparison

Academic Pathway to Teaching (APT) – R277-511	Student Teacher/Intern	Alternative Route to Licensure (ARL)	LEA-Specific Competency Based License
<b>License Issued:</b> Level 1 – APT	<b>License Issued:</b> Student	<b>License Issued:</b> ARL	<b>License Issued:</b> Level 1 – LEA-Specific
<b>Count<sup>1</sup>:</b> N/A	<b>Count<sup>1</sup>:</b> 306 <sup>2</sup>	<b>Count<sup>1</sup>:</b> 638	<b>Count<sup>1</sup>:</b> 119
<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>Bachelor’s Degree or Higher</li> <li>Pass Content Knowledge Test</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>Enroll in teacher prep program</li> <li>Pass Content Knowledge Test</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>Bachelor’s Degree or higher or 6 years of experience in the field (CTE only)</li> <li>Degree in subject or all content coursework required for the endorsement</li> <li>Hired by LEA or Accredited Private School in eligible subject and position (see R277-503)</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>Hired by an LEA in a position requiring a license</li> <li><b>Core Area:</b> <ul style="list-style-type: none"> <li>Bachelor’s Degree or Higher</li> <li>Pass Content Knowledge Test</li> </ul> </li> <li><b>Non-core Area:</b> <ul style="list-style-type: none"> <li>Associate’s Degree or Higher or Skill Certification</li> <li>Skills, talents or abilities specific to the teaching assignment, as determined by the LEA</li> </ul> </li> </ul>
<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Master Teacher to serve as mentor and work with license holder</li> <li>3 years full-time, or 4 years part time (FTE ≥ 0.4)</li> <li>Any requirements established by employing LEA</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Must be assigned a mentor or cooperating teacher to work with</li> <li>Minimum hours (see R277-504)</li> <li>Successful Evaluation by LEA and University</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Pass Content Knowledge Test</li> <li>Must be assigned a mentor to work with</li> <li>Pedagogy coursework or ABCTE demonstrated competency</li> <li>1 year full-time or 2 years part time (FTE ≥ 0.5) in eligible subject</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Must be employed by the LEA that requested the license</li> </ul>
<b>Leads to:</b> Level 2 License	<b>Leads to:</b> Level 1 License	<b>Leads to:</b> Level 1 License	<b>Leads to:</b> None
<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Individual must complete the EYE requirements simultaneous with any LEA established requirements</li> <li>Individual must be recommended for Level 2 by the both the employing principal and Master Teacher</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>University program must be CAEP accredited and meet all requirements of R277-502 and R277-504.</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Must be recommended for Level 1 license by employing principal</li> <li>May be used by currently licensed educators to earn an additional license area of concentration, in such cases pedagogy coursework is not required.</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Valid only in the LEA that requested the license</li> <li>Can lead to a Level 2 – LEA Specific license if the individual completes the EYE requirements (see R277-522)</li> </ul>

<sup>1</sup> Count of all active classroom teachers holding the type of license in a Utah public school as of the end of the 2015-16 school year; for reference, the total was 29,603 teachers with 216 individuals holding no license at all, 5,326 Level 1 license holders, and 21,837 Level 2 license holders.

<sup>2</sup> This count does not include all student teachers, only those hired as an intern or assigned as a teacher of record; Broad-approved Utah University Preparation Programs recommended 1,799 individuals for an initial Level 1 teaching license from 9/1/2015 to 7/26/2016.

# Non-Standard Licensure Comparison

Academic Pathway to Teaching (APT) - R277-511	Letter of Authorization	Letter of Eminence	Letter of Expanded Eminence
<b>License Issued:</b> Level 1 – APT	<b>License Issued:</b> Temporary	<b>License Issued:</b> Temporary	<b>License Issued:</b> Temporary
<b>Count<sup>3</sup>:</b> N/A	<b>Count<sup>3</sup>:</b> 807	<b>Count<sup>3</sup>:</b> 158	<b>Count<sup>3</sup>:</b> 7
<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>Bachelor’s Degree or Higher</li> <li>Pass Content Knowledge Test</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>None</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>None</li> </ul>	<b>Prerequisite:</b> <ul style="list-style-type: none"> <li>None</li> </ul>
<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Master Teacher to serve as mentor</li> <li>3 years full-time, or 4 years part time (FTE ≥ 0.4)</li> <li>Any requirements established by employing LEA</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Must be employed by an LEA in a position requiring a license</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Must be employed by an LEA in a position requiring a license</li> <li>Must be 0.37 Total FTE or less (1 or 2 classes per day)</li> </ul>	<b>Requirements while employed:</b> <ul style="list-style-type: none"> <li>Must be employed by an LEA in a position requiring a license</li> </ul>
<b>Leads to:</b> Level 2 License	<b>Leads to:</b> None	<b>Leads to:</b> None	<b>Leads to:</b> None
<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Individual must complete the EYE requirements simultaneous with any LEA established requirements</li> <li>Individual must be recommended for Level 2 by the both the employing principal and Master Teacher</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Valid for 1 school year</li> <li>Must be approved by the Utah State Board of Education (Consent Calendar)</li> <li>Educators limited to 3 Letters of Authorization during career unless granted an exception by the State Superintendent (R277-502)</li> <li>Count does not include licensed individuals utilizing a Letter of Authorization to teach in an area in which the individual is not licensed</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Valid for 1 school year</li> <li>Must be approved by the Utah State Board of Education (Consent Calendar; included with Letters of Authorization)</li> <li>Not subject to the limit set for Letters of Authorization (3 per career)</li> </ul>	<b>Special Notes:</b> <ul style="list-style-type: none"> <li>Valid for 1 school year</li> <li>Must be approved by the Utah State Board of Education (Consent Calendar; separate from all other Letter of Authorization requests)</li> <li><i>May only be requested if:</i> <ul style="list-style-type: none"> <li>the LEA can find no other qualified individual to fill the position; or</li> <li>the individual has exceptional skills, expertise, and experience that make him the primary candidate for the position. (R277-520)</li> </ul> </li> </ul>

<sup>3</sup> Count of all active classroom teachers holding the type of license in a Utah public school as of the end of the 2015-16 school year; for reference, the total was 29,603 teachers with 216 individuals holding no license at all, 5,326 Level 1 license holders, and 21,837 Level 2 license holders.