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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Deputy Superintendent
Policy and Communication

DATE: October 6-7, 2016

ACTION: R277-512 *Online Licensure* (Amendment and Continuation)

Background:

In September, the Law and Licensing Committee approved amendments to R277-512 on first reading. Amendments provide for Licensing to roll out the public licensee look-up tool and grant the public access to information on educator licenses. Technical and conforming changes were also approved, as well as continuation of the rule. The Board approved the amendments to R277-512 on second reading, but requested a legal review of the rule prior to final approval. The rule is returned to the Law and Licensing Committee for discussion on the legal review.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-512, as amended and continued, on second reading and, if approved by the Committee, the Board consider approving R277-512, as amended and continued, on third and final reading.

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1 **R277. Education, Administration.**

2 **R277-512. Online Licensure.**

3 **R277-512-~~[2]~~1. Authority and Purpose.**

4 ~~[A.]~~(1) This rule is authorized by:

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

7 (b) Section 53A-1-402(1)(a), which directs the Board to make rules regarding
8 the certification of educators~~[,]~~; and

9 (c) Section 53A-1-401~~[(3)]~~, which allows the Board to ~~[adopt rules in~~
10 ~~accordance with its responsibilities.]~~ make rules to execute the Board's duties and
11 responsibilities under the Utah Constitution and state law.

12 (2) The purpose of this rule is to provide procedures to ensure that
13 consistency, quality, and fairness are maintained as license transactions change to
14 online processes. ~~[Online licensure shall incorporate current and emerging~~
15 ~~electronic and information technologies to better meet the needs of applicants for~~
16 ~~new licenses, for current license holders, for recommending institutions, and for~~
17 ~~school districts and charter schools.]~~

18 **R277-512-~~[4]~~2. Definitions.**

19 ~~[A. "Board" means the Utah State Board of Education.]~~

20 ~~[B.]~~(1)(a) "Comprehensive Administration of Credentials for Teachers in Utah
21 Schools (CACTUS)" means the electronic file maintained on all licensed Utah
22 educators~~[. The file includes information such as]~~, which may include:

23 ~~[(1)]~~a) personal directory information;

24 ~~[(2)]~~b) educational background;

25 ~~[(3)]~~c) endorsements;

26 ~~[(4)]~~d) employment history;

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

28 ~~[(6)]~~f) a record of disciplinary action taken by the Board against the educator.

29 (b) ~~[All]~~i) Information contained in an individual's CACTUS file ~~[is available to~~
30 ~~the individual, but is classified private or protected under Section 63G-2-302 or 305~~
31 ~~and is accessible only to specific designated individuals.]~~may only be released in

32 accordance with Title 63G, Chapter 2, Government Records Access Management
33 Act.

34 (2) "LEA," for purposes of this rule, includes the Utah Schools for the Deaf
35 and Blind.

36 ~~[C.](3)~~ "License₁" for purposes of this rule₁ means an authorization issued by
37 the Board which permits the holder to serve in a professional capacity in the public
38 schools consistent with Section 53A-6-103.

39 ~~[D.](4)~~ "License record" means the electronic record of license holder and
40 license applicant personal information and credentials maintained by the
41 Superintendent on the CACTUS database~~[at the USOE].~~

42 ~~[E.](5)~~ "License transaction" means the interactions between a license holder
43 or applicant and the ~~[USOE or Board]~~ Superintendent that result in issuance of:

44 (a) a license~~;~~₁

45 (b) a renewal of a license~~;~~₁ or

46 (c) a modification of a license or license record ~~[by or from the USOE].~~

47 ~~[F.](6)~~ "Online license transaction" means those license transactions that take
48 place via the process maintained by ~~[the USOE]~~ a contracted provider, chosen by
49 the Superintendent.

50 ~~[G. "USOE" means the Utah State Office of Education.]~~

51 ~~[H.](7)~~ "Utah Professional Practices Advisory Commission" or "UPPAC"
52 means a Commission established to assist and advise the Board in matters relating
53 to the professional practices of educators, consistent with ~~[Sections 53A-6-304~~
54 ~~through 53A-6-307.]~~Title 53A, Chapter 6, Part 3, Utah Professional Practices
55 Advisory Commission.

56 **R277-512-3. Procedures.**

57 ~~[A.](1)~~ All current Board rules, statutory and Board definitions, and
58 requirements established by statute and Board rules shall apply to all license
59 transactions, regardless of whether the transactions occur online or by other means.

60 ~~[B.](2)(a)~~ Educators may receive an electronic or paper verification~~[s]~~ of a
61 licensure transaction~~[s]~~₁.

62 ~~(b) [but these shall not constitute the]~~A verification provided under Subsection

63 (2)(a) is not an educator license.

64 ~~[C.](3)~~ CACTUS shall be the final repository of educator information and
65 credentials for ~~[school districts, charter schools,]~~LEAs and other authorized CACTUS
66 users.

67 ~~[D.](4)~~ Timelines, electronic processes and procedures, payment procedures,
68 formats, and other elements of online licensure transactions shall meet standards
69 of quality, ease of use, and accessibility consistent with those generally found in
70 other wide-spread online processes.

71 ~~[E.—USOE](5)~~ The Superintendent shall conduct educator licensing
72 transactions~~[-shall take place]~~ electronically.

73 ~~[F.](6)~~ Approved Utah educator preparation institutions, ~~[school districts,~~
74 ~~charter schools]~~LEAs, and other CACTUS users shall cooperate with the
75 ~~[USOE]~~Superintendent by using the online tools and procedures provided by the
76 ~~[USOE]~~Superintendent for transmission of information related to licensing.

77 **R277-512-4. Audits.**

78 ~~[A.](1)~~ The ~~[USOE]~~Superintendent shall establish an auditing program that
79 provides for ~~[-adequate]~~ review of online licensure transactions~~[-]~~ for:

80 ~~(a) [The purpose of audits is to ensure the]~~accuracy~~[-];~~_i

81 ~~(b)~~ reliability~~[-];~~_i and

82 ~~(c)~~ completeness~~[-of online licensure transactions]~~.

83 ~~[B.—All licensure transactions may be subject to audit within one year of the~~
84 ~~completion of the transaction or at any time for cause.—Audits shall be conducted by~~
85 ~~USOE staff.]~~

86 (2) The Superintendent may subject any licensure transaction to audit:

87 (a) within one year without cause; or

88 (b) at any time with cause.

89 ~~[C.](3)~~ ~~[Individuals designated by school districts and charter schools and~~
90 ~~approved by the USOE shall]~~An LEA may designate individuals, subject to approval
91 by the Superintendent, to have the opportunity to access and review licenses
92 acquired or renewed online to verify licensure of employees.

93 ~~[D.](4)(a)~~ ~~[Audits]~~An audit conducted under Subsection (2) may include a

94 review of license holder documentation to verify the statements made by the license
95 holder as part of the online license transaction.

96 (b) In order to verify that the assertions made by a license holder were
97 accurate, a [The]license holder may be required to submit:

98 (i) transcripts[;];

99 (ii) records of participation in professional development activities[;];

100 (iii) supervisor letters or endorsements[;]; and

101 (iv) other documentation [needed to determine that the assertions of the
102 license holder made during the license transaction were accurate and
103 verifiable.]requested by the Superintendent.

104 [E.](5) If an audit finds that a license applicant or license holder intentionally
105 provided false, misleading, or otherwise inaccurate information in a license
106 transaction, the audit findings shall be forwarded to [the Utah Professional Practices
107 Advisory Commission]UPPAC.

108 [F.](6) A license transaction that was completed on the basis of inaccurate
109 information may be voided at any time with[reasonable] notice to the license holder.

110 **R277-512-5. License Applicant and License Holder Responsibilities.**

111 [A.](1) A [E]license applicant[s and] or license holder[s] shall supply accurate
112 and complete information[-as requested] in all license transactions.

113 [B.](2) A [E]license applicant[s and] or license holder[s] shall maintain files and
114 documentation of the information provided in [at]a license transaction[s] for a period
115 of one year after the completion of the license transaction.

116 [C.](3) A license applicant or license holder that supplies inaccurate,
117 misleading, false, or otherwise unreliable information in any license transaction shall
118 be subject to the full range of disciplinary actions that may be applied by [the Utah
119 Professional Practices Advisory Commission]UPPAC and the Board.

120 **R277-512-6. Licensing Costs.**

121 [A.](1) [The Utah legislative intent and the intent of the Board is that the] The
122 licensing process [should]shall be automated and[-should be] self-sustaining.

123 (2) The Superintendent shall incorporate current and emerging electronic and
124 information technologies to better meet the needs of applicants for new licenses, for
125 current license holders, for recommending institutions, for LEAs and the general
126 public.

127 ~~[B.](3)~~ The ~~[USOE]~~Superintendent shall determine and assess licensing fees
128 to license applicants that cover the actual and complete costs of licensing.

129 ~~[C.](4)~~ The ~~[USOE]~~Board's Licensing Section shall maintain accurate records
130 and documentation of:

131 (a) fees assessed~~[-and];~~

132 (b) costs of online licensing; and

133 (c) any ~~[USOE]~~Superintendent review responsibilities.

134 **R277-512-7. Licensing Records.**

135 ~~[A. Records](1)~~ The Superintendent shall record documentation of online
136 licensure transactions~~[-shall be recorded]~~ in CACTUS.

137 ~~[B.](2)(a)~~ License applicants shall be required to submit a social security
138 number in order to be licensed.

139 (b) A license applicant's [S]social security number[s] shall be [carefully
140 protected and only individuals specifically designated by school districts/charter
141 schools and approved by the USOE shall have access to licensing files]classified as
142 private in accordance with Subsection 62G-2-302(2)(d).

143 ~~[C.](3)~~ A ~~[L]~~license applicant~~[s and]~~ or license holder~~[s]~~ shall update personal
144 CACTUS information in a timely manner.

145 ~~[D.](4)~~ CACTUS records may be used by the ~~[USOE]~~Superintendent for
146 research and other valid educational purposes.

147 (5) The following records shall be classified as public pursuant to Title 63G,
148 Chapter 2, Government Records Access and Management Act:

149 (a) licenses issued by the Board;

150 (b) endorsements on an educator's license;

151 (c) [an educator's](#) current assignment;

152 (d) [an educator's](#) education background; and

153 (e) Board disciplinary action against [an educator's](#) license, which resulted in:

154 (i) suspension;
155 (ii) revocation; or
156 (iii) reinstatement.
157 (~~5~~6) The Superintendent shall provide an online licensing database where
158 the general public may access the ~~following~~ information ~~from CACTUS regarding~~
159 ~~an educator;~~classified as public in Subsection (5).

160 **KEY: online, licensure**

161 **Date of Enactment or Last Substantive Amendment: [~~January 23, 2007~~]2016**

162 **Notice of Continuation: [~~January 17, 2012~~]2016**

163 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a);**

164 **53A-1-401[~~(3)~~]**