



# 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, Deputy Superintendent  
Policy and Communication

**DATE:** November 3-4, 2016

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

---

**Background:** R277-512 was passed on first reading by the Board in its September meeting enacting stylistic updates and including a provision for an online public licensure look-up tool in connection with CACTUS. Following public comment, legal review, and further discussion of the rule by the UPPAC working group, the rule has received additional amendments which are now before the committee. The rule is also continued in accordance with Board policies and administrative rulemaking procedures.

### **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.

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

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]~~licenses and license applications,  
23 which may include:

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

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

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

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

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

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

30 ~~(b)~~ ~~[All-i]~~Information contained in an individual's CACTUS file ~~[is available to~~  
31 ~~the individual, but is classified private or protected under Section 63G-2-302 or 305-~~

32 ~~and is accessible only to specific designated individuals.]~~may only be released in  
33 accordance with Title 63G, Chapter 2, Government Records Access Management  
34 Act.

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

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

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

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

45 (a) a license~~;~~;

46 (b) a renewal of a license~~;~~;

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

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

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

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

### 57 **R277-512-3. Procedures.**

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

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

63 ~~(b) [but these shall not constitute the]~~A verification provided under Subsection  
64 (2)(a) is not an educator license.

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

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

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

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

78 **R277-512-4. Audits.**

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

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

82 ~~(b) reliability[;]; and~~

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

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

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

88 (a) within one year without cause; or

89 (b) at any time with cause.

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

94 ~~[D.](4)(a) [Audits]~~An audit conducted under Subsection (2) may include a  
95 review of license holder documentation to verify the statements made by the license  
96 holder as part of the online license transaction.

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

99 ~~(i) transcripts[;];~~

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

101 ~~(iii) supervisor letters or endorsements[;]; and~~

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

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

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

#### 111 **R277-512-5. License Applicant and License Holder Responsibilities.**

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

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

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

#### 121 **R277-512-6. Licensing Costs.**

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

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

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

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

132 (a) fees assessed[-and];

133 (b) costs of online licensing; and

134 (c) any [USOE]Superintendent review responsibilities.

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

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

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

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

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

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

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

150 (a) licenses issued by the Board;

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

152 (c) an educator's current assignment;

153 (d) an educator's assignment history in Utah public schools;

154 (e) an educator's education background; and

155 (f) Board disciplinary action against an educator's license, which resulted in:  
156 (i) letter of reprimand;  
157 (ii) suspension;  
158 (iii) revocation; or  
159 (iv) reinstatement.  
160 (6) The Superintendent shall provide an online licensing database where the  
161 general public may access the information classified as public in Subsection (5).

162 **KEY: online, licensure**

163 **Date of Enactment or Last Substantive Amendment: [~~January 23, 2007~~]2017**

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

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

166 **53A-1-401[(3)]**