



## UTAH STATE BOARD OF EDUCATION

### Internal Audit Department

#### Audit Brief

#### Licensing (22-02)

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### Scope, Objective, and Methodology

On April 7, 2022, the Utah State Board of Education (Board), approved an audit of the licensing system. The purpose of the audit is to analyze the design and implementation of the educator licensing process at the state and local level, inclusive of potential impacts. To achieve the purpose, fiscal years 2022 and 2023 were selected to complete the review; however, in instances where trend data was required or sufficient information was not readily available in the selected years, data back to fiscal year 2018 was included.

To conduct the audit, licensing data that is regularly reported by LEAs to the Utah State Board of Education office (USB E) and retained in the Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) information system, was reviewed. In addition, Internal Audit reviewed supporting documentation stored in USB E shared drives, sampled ten percent of local education agencies (LEAs), conducted interviews with USB E and LEA staff, and conducted several short surveys.

### Licensing System - Performance Conclusions

Although the Board and the USB E have taken many steps over recent years to design and implement an effective licensing system, questions and concerns remain. Of note:

- Compliance objectives outlining the purpose, design, implementation, and monitoring are misaligned.
- High professional standards typically associated with a license may have been compromised.
- The licensor-licensee relationship is subordinated to other entities (e.g., LEAs, Educator Preparation Programs (EPPs), foreign countries).
- License levels, areas of concentration, and endorsements are overly complex.
- Licensing processes are generally efficient and effective but are regarded as difficult more often than not.
- Licensing information systems, documentation, and monitoring, which are intended to support the licensing system, are at times confusing and lack adequate controls and reliability.

**Causes:** Potential causes include multi-tiered governance resulting in thousands of pages of regulations with inadequate internal control systems, supply and demand pressures, insufficient communications, and limited resources.

***Effects:*** Potential effects include misalignment between stated objectives and current performance, decreases in student proficiency, LEA administrative burden to manage teacher recruitment, increased friction between licensed educators, continued strain on limited resources, increased risk and liability, and decreased success for our state and nation.

***Recommendations:*** Suggestions to help promote continuous improvement include reconsidering the purpose of the educator license as outlined in statute and whether the current licensing system is meeting the purpose, restoring the licenser-licensee relationship, and continuing to develop an efficient and effective licensing system inclusive of a comprehensive system of internal controls.

## **Licensing System - Findings of Noncompliance**

**USBE Noncompliance:** Several areas of noncompliance were identified, including a lack of monitoring license renewals, awarding LEA-specific licenses to individuals without an application from an LEA board, 40% of educator licenses from fiscal years 2020 through 2022 had an assigned license expiration date that exceeded the valid length of a license, and 50% of Associate Educator License (AEL) applications reviewed had inaccessible records.

To remedy the noncompliance, the USBE should ensure all components of its internal control system are effectively designed, implemented, and operating, and operating together in an integrated manner.

**Other Noncompliance:** LEAs exhibited internal control weakness resulting in noncompliance in several areas including: Open and Public meetings, LEA-specific requirements, tracking the use of substitutes, policy development, and non-licensed educators in the classroom.

Additional noncompliance specific to educators includes educators renewing licenses or applying for licenses or endorsements prior to completing the required forms or required training (e.g., Student Data Privacy training).

To remedy noncompliance by LEAs and educators, the USBE and LEAs should ensure that their internal control systems are effectively designed and operating to provide reasonable assurance that compliance objectives are being met.

## **Management Response**

USBE management concurs with the audit findings and recommendations.



Utah State Board of Education  
Internal Audit Department

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**Licensing Audit**

22-02

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Report No. 22-02

## Licensing

June 1, 2023

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Audit Performed by:

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Debbie Davis, Chief Audit Executive  
Phone: (801) 538-7639

June 1, 2023

Chair Jim Moss  
Utah State Board of Education  
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Salt Lake City, UT 84111

Chair Moss,

On April 7, 2022, in accordance with the Bylaws of the Utah State Board of Education (Board), the Board authorized the Internal Audit Department (IA) to perform an audit of licensing within the Utah public education system. Within the same month, IA started allocating resources to the audit as they became available.

To conduct the audit, IA performed the following procedures:

1. Gained an understanding, through research and inquiry, of applicable laws and regulations.
2. Collected information and data from local education agencies, government websites, and the Utah State Board of Education (USBE).
3. Reviewed and analyzed the collected information and data and developed conclusions.

We have identified the procedures performed during the audit; the conclusions from those procedures are included in this report. When feasible, suggestions for improvement are provided.

Internal audits are conducted in conformance with the current International Standards for the Professional Practice of Internal Auditing, consistent with Utah Code Annotated and Utah Administrative Code.

By its nature, this report focuses on performance and internal control exceptions, weaknesses, and non-compliance. This focus should not be understood to mean the programs and/or processes reviewed during this audit do not demonstrate various

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strengths and accomplishments. We appreciate the courtesy and assistance extended to us by the staff of the LEAs and the USBE during the audit. A response to the audit was provided by the USBE and is included within the report.

This report is intended solely for the information and use of the Board, the USBE, and local education agencies. However, pursuant to Utah Code 63G-2 Government Records Access Management Act, this report is a public record, and its distribution is not limited. If you have any questions, please contact me at (801) 538-7639.

Sincerely,

A handwritten signature in black ink that reads "Deborah Davis". The signature is written in a cursive, flowing style.

Deborah Davis, CPA  
Chief Audit Executive, Utah State Board of Education

cc: Members of the Utah State Board of Education (USBE)  
Sydnee Dickson, State Superintendent of Public Instruction, USBE  
Patty Norman, Deputy Superintendent of Student Achievement, USBE  
Angie Stallings, Deputy Superintendent of Policy, USBE  
Scott Jones, Deputy Superintendent of Operations, USBE

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## I. Audit Scope and Objective

On April 7, 2022, the Utah State Board of Education (Board), approved an audit of the licensing system. The purpose of the audit is to analyze the design and implementation of the educator licensing process at the state and local level, inclusive of potential impacts. To achieve the purpose, fiscal years 2022 and 2023 were selected to complete the review; however, in instances where trend data was required or sufficient information was not readily available in the selected years, data back to fiscal year 2018 was included.

Background checks are an important part in the design of the licensing system to ensure high standards regarding fitness for service; however, background checks were not included within the scope of this audit. In the *Educational Service Provider Audit 21-02 IV.3.A.Effect.iv Background Checks*, background checks were reviewed and concerns were raised regarding the background check process within the public education system.

## II. Audit Methodology

To ensure an accurate but efficient audit, Internal Audit (IA) identified a ten percent sample of local education agencies (LEAs) to participate. LEAs selected to participate were notified via an electronic letter and provided an opportunity to participate in an opening conference to ensure transparency and clarity.

To conduct the audit, licensing data that is regularly reported by LEAs to the Utah State Board of Education office (USBE) and retained in the Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) information system, was reviewed. In addition to reviewing the data within CACTUS, Internal Audit reviewed supporting documentation stored in USBE shared drives, conducted interviews with USBE and LEA staff, and conducted several short but informative surveys.

On October 24, 2022, a survey was administered to the sampled LEAs' self-selected representatives. 100% of sampled LEAs participated in the survey. On January 9, 2023, additional surveys were administered to educators in three groups: 1) educators obtaining a professional license, 2) educators obtaining an associate license, and 3) educators who renewed their license. In the three latter surveys, a sample of 50 educators for each group were selected to participate. In all four surveys, the intent was to obtain additional perspective from individuals who have participated in the licensing process.

Based on the results of the data reviewed, interviews, and surveys, conclusions were drawn to meet the stated audit objective. Conclusions are generally presented as observations regarding performance or findings. Observations on performance are presented first, see



**IV.1 Performance of the Licensing System**, followed by findings. Findings are presented in two sections titled **IV.2.A USBE Compliance** and **IV.2.B Other Compliance**

To facilitate ease of understanding the report, please also see **Appendix A – Glossary**, **Appendix B – USBE Licensing Infographic**, and **Appendix C - Criteria**, which includes Utah Code and Board Rule.

Of note, the term “compliance objective(s),” which is used extensively in this report, is clarified both here and in **Appendix A**. For purposes of this report, the term compliance objective is synonymous with legal requirement, which is in alignment with the statement below from *Standards for Internal Control in the Federal Government (The Green Book)*, published by the Government Accountability Office (emphasis added):

*Compliance Objectives*

*OV2.22 In the government sector, objectives related to compliance with applicable laws and regulations are very significant. Laws and regulations often prescribe a government entity’s objectives, structure, methods to achieve objectives, and reporting of performance relative to achieving objectives. Management considers objectives in the category of compliance comprehensively for the entity and determines what controls are necessary to design, implement, and operate for the entity to achieve these objectives effectively.*

### **III. Data Reliability**

Internal Audit previously raised concerns with CACTUS data in the 2018 *CACTUS Data Accuracy and Reliability Audit*. Throughout this licensing audit, several concerns related to the system of internal controls over educator data have also been identified. For example, CACTUS relies heavily on manual entry, lacks many common system controls to ensure data integrity, and is therefore highly reliant on competent individuals. On several occasions during the audit, data provided by the USBE contained errors requiring modifications. See **IV.1.B.v Licensing Systems** and **IV.1.B.vi Documentation** for additional details.

The USBE is aware of various concerns within its existing licensing information systems and is developing the Utah Schools Information Management System (USIMS). Several functions in USIMS are available and are actively being used in conjunction with CACTUS. Program Development and Educator Licensing staff are also working on issues identified with implementing the new information system, some of which the audit confirmed. See **IV.1.B.v Licensing Systems** for additional details.

Although many measures were taken to ensure the quality and reliability of the data used to conduct the analyses herein, some risk may still exist. However, it is the opinion of IA

that the data used to arrive at the results included in the report are sufficiently reliable to meet the objective of the audit.

## IV. Overall Conclusions

Although the Board and the USBE have taken many steps over recent years to design and implement an effective licensing system, questions and concerns remain. Of note:

**Multi-tiered governance:** The sheer number of compliance objectives—included in hundreds of pages of statutes, rules, and policies—are difficult, if not impossible, to manage without highly effective internal control systems.

**Internal Control Systems:** The concerns identified herein, confirming results from a previous audit, indicate a lack of highly effective internal control systems at the USBE and LEAs.

- Performance of the licensing system is in question as detailed in **IV.1 Performance of the Licensing System**
- Noncompliance, as detailed in **IV.2 Compliance in the Licensing System** is a common result.

Specifically:

- Compliance objectives outlining the purpose, design, implementation, and monitoring are misaligned;
- High professional standards typically associated with a license may have been compromised;
- Licensor-Licensee relationship is subordinated to other entities (e.g., LEAs, Educator Preparation Programs (EPPs), foreign countries);
- License levels, areas of concentration, and endorsements are overly complex.
- Licensing processes are generally efficient and effective, but are regarded as difficult more often than not;
- Licensing information systems, documentation, and monitoring, which are intended to support the licensing system, are at times confusing and lack adequate controls and reliability.

The information found within the following sections provides details to support the conclusions above.

## 1. Performance of the Licensing System

Performance and compliance are interrelated because they are both driven by internal control system components and principles. Concerns related to performance and compliance must be considered in context of the entire report to understand significance (i.e., which is more concerning—poor performance or noncompliance). Furthermore, both individual concerns and concerns in their totality should be considered when determining significance.

Performance observations and concerns are presented in three sections titled 1) **IV.1.A Design, Licensing System**, 2) **IV.1.B Implementation, Licensing System**, and 3) **IV.1.C Monitoring, Licensing System**. The first section outlines criteria (i.e., what should happen) for the licensing system, the last two sections provide the condition (i.e., what is happening) of the licensing system, meaning how the licensing system is performing. To consider why there are gaps between the criteria and condition and what that means, see **IV.1.D Cause, Effect, and Recommendation**.

### A. Design, Licensing System

#### *i. Purpose of the Licensing System*

Understanding the objective of the licensing system is imperative to understanding its current design and implementation. To obtain the needed context, Internal Audit reviewed relevant criteria. First, “The Legislature envisions an educated citizenry...” (53E-2-301(1)). Utah Code provides some additional insight, stating, “The continuous cultivation of an informed and virtuous citizenry among succeeding generations is essential to the state and the nation,” and that “public schools fulfill a vital purpose in the education and preparation of informed and responsible citizens” (53E-2-201(1)(a) and (d)). Utah Code also states that it “recognizes that [the] public education’s mission is to assure Utah the best educated citizenry...” (53E-2-301(2)). Finally, the Legislature states that it “acknowledges that education is perhaps the most important function of state and local governments, recognizing that the future success of our state and nation depend in large part upon the existence of a responsible and educated citizenry” (53E-6-103(1)(a)). In short, Utah’s citizens, through their elected representatives, have placed a significant focus on the importance of an educated citizenry.

To achieve this objective, the Legislature found in Utah Code 53E-6-103(2)(a)(i)-(iii) that:

1. “Quality teaching is the basic building block of successful schools and, outside of home and family circumstances, the essential component of student achievement;

2. The high quality of teachers is absolutely essential to enhance student achievement and to assure educational excellence in each classroom in the state's public schools; and
3. The implementation of a comprehensive continuum of data-driven strategies regarding recruitment, preservice, licensure, induction, professional development, and evaluation is essential if the state and its citizens expect every classroom to be staffed by a skilled, caring, and effective teacher."

The Legislature also found that it is "...of critical importance that education, including instruction, administrative, and supervisory services, be recognized as a profession, and that those who are licensed or seek to become licensed and to serve as educators, meet high standards both as to qualifications and fitness for service as educators through quality recruitment and preservice programs before assuming their responsibilities in the schools" (53E-6-103(2)(b)).

Finally, the Legislature provided the following definition:

"License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools" (53E-6-102(3)).

Such a purpose appears to be consistent with the United States government's Bureau of Labor and Statistics' expectation that states, "Licenses and certifications show that a person has the specific knowledge or skill needed to do a job." (See: <https://www.bls.gov/careeroutlook/2016/article/will-i-need-a-license-or-certification.htm>)"

Based on the above legislatively codified provisions, the licensing system was established to ensure "high standards both as to qualifications and fitness" of educators "before assuming their responsibilities in the schools" (53E-6-103(b)(i)).

## *ii. Authority*

Utah Code grants the Board rulemaking authority to establish a system for educator licensing, including rules to 1) rank, endorse, or otherwise classify licenses and 2) establish the criteria for obtaining, retaining, and reinstating licenses (53E-6-201). This, in addition to the definition of license above, effectively creates the licensor-licensee relationship between the Board and an educator.

Consistent with its rulemaking authority the Board has implemented many Board Rules (e.g., R277-301) to aid in the implementation of a licensing system. Board Rule further clarifies that an individual can only be issued one single active Utah educator license at a time by the State Superintendent (R277-301-3(2)).

*iii. Licenses, License Areas of Concentration, and Endorsements*

Effective January 1, 2020, three levels of educator licensing were codified in statute, professional educator license (PEL), associate educator license (AEL), and LEA-specific educator license (LEA-specific). Although the three levels enable an educator to teach in the classroom, they are not equal. Based on a review of Board Rule, license levels are ranked according to level of qualifications as follows: PEL, AEL, and LEA-specific (R277-301-3).

Using its authority, the Board has approved the creation of multiple tiers of qualifications beyond license levels.

According to the USBE (see **Appendix B**), each license has a license area of concentration (e.g., elementary education, secondary education, audiology), and some have an endorsement (e.g., driver education, fine arts) to indicate a specialization in a content area or particular set of skills. The metaphor the USBE uses is that of a tree: the educator license is the trunk, license areas of concentration (e.g., Elementary Education) are the branches, and endorsements (e.g., fine arts) are the leaves.

According to Board Rule, an educator license shall include at least one license area of concentration, and that concentration will further be classified in levels of PEL, AEL, or LEA-specific (R277-301-3). A license is not limited to a single license area of concentration. However, a license area of concentration can only be associated with an area of concentration level equal to or lesser than the license level held. For example, Board Rule states, "An associate educator license may only include associate or LEA-specific areas of concentration..." and "An LEA-specific may only include LEA-specific areas of concentration..." (R277-301-3(5) and (6)).

Similar to areas of concentration, endorsements can also be added to a license; unlike areas of concentration though, not all licenses require an endorsement. However, consistent with areas of concentration, endorsements are further classified by license levels, and can only be associated with an endorsement level equal to or lesser than the license level held.

*iv. Licensing and Employment*

According to Utah Code "An individual employed in a position that requires licensure by the state board shall hold the license that is appropriate to the position" (53E-6-201(2)). Board Rule further clarifies that "All teachers in public schools shall hold a current educator license along with appropriate license areas of concentration and endorsements..." (R277-309-3(1)). Board Rule also provides specific scenarios such as, an educator assigned to teach a class in kindergarten through grade 3 shall hold a current educator license with an early childhood license area of concentration, an elementary license area of concentration,

or for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration (R277-309-4(1)).

*v. Obtaining a License*

The Board has provided direction in Board Rule R277-301 and other rules, on how an individual may obtain each license level, which involves both content knowledge and pedagogical compliance objectives.

The licensing process also includes that “the state board shall require a license applicant to submit to a criminal background check and ongoing monitoring as a condition for licensing (53E-6-401)).

Finally, the Board has determined the length a license is valid. For example, a PEL, license area, or endorsement is valid for five years, and an AEL, as well as an LEA-specific, are valid for three (see R277-301-5(2), R277-301-4(2), and R277-301(7)(3) respectively). Finally, “All licenses expire on June 30 of the year of expiration...” (R277-301-3(9)(a).

*vi. Renewing a License*

Board Rules also formalize the steps necessary to renew a license. Any time after January 1 of the year of expiration through June 30 of the same year, Board Rule enables educators to renew their license (R277-301-3(9)(a)). However, the “[r]esponsibility for license renewal rests solely on the licensee” (R277-301-3(9)(b)). LEAs facilitate renewal by providing opportunities for the educator to “complete a minimum of the equivalent of 20 license renewal hours... of professional learning activities to all such license holders annually, which shall include trainings required by state law or Board rule” (R277-302-6(1)).

To renew their license, educators attest they have completed all required trainings and professional renewal activities, outlined in Board Rule, which, once verified by a licensed administrator, serves as evidence their license may be renewed.

*vii. Licensing Information System and Support*

As noted in III. **Data Reliability**, the USBE implemented CACTUS to track and monitor educator data. CACTUS tracks information on license levels, areas of concentration, endorsements, assignment histories, whether an educator is considered qualified for the assignment, and more. As previously noted, the USBE is in-process of designing and implementing a new database system (USIMS), which should have enhanced usability and internal controls. USBE staff are assigned to support current and prospective licensees in the process to obtain and maintain their license, and to maintain the database.

## **B. Implementation, Licensing System**

### ***i. Licensor-Licensee Relationship***

As noted above, the licensor-licensee relationship is between the Board and the individual educator; however, in practice, it is not so simple.

#### **a. Licensing Roles**

When an educator receives a license for the first time, the educator is recommended for licensure by a recommending entity (e.g., EPP or foreign country—for international guest teachers). The Board, with support from their staff (i.e., USBE), approves or denies the license.

While the Board monitors most recommending entity preparation programs, it does not perform a detail review of applications to ensure license applicants meet compliance objectives. Rather, the recommending entity ensures license applicants meet compliance objectives (e.g., review of transcripts, demonstrated competency). The Board then approves licenses based on the recommendation.

#### **b. Renewal Roles**

License renewal is not a process only between the licensee and licensor. Board Rule requires involvement of a current licensed administrator without a conflict of interest with the educator for the licensee to renew their license. The licensee fills out a form demonstrating completion of the compliance objectives for renewal and then the licensed administrator verifies the information on the renewal form and signs the form. The educator attests that all compliance objectives have been met and retains the form in the event they are selected for monitoring.

Given the licensor-licensee relationship is between the Board and the educator, not a licensed administrator, the compliance objective for the administrator seems incompatible and unnecessarily adds to an administrator's list of tasks. When surveyed, some LEAs also expressed frustration with their role in the renewal process, and what value it provides. Finally, if the administrator works frequently with the educator, there may be a conflict of interest for the administrator to review the form.

### ***ii. Licensed vs. "High Standards Both as to Qualifications and Fitness for Service"***

Although licensing was intended to ensure "high standards both as to qualifications and fitness of service," for educators "before assuming their responsibilities in the school," it may not. Currently, only the PEL specifically states that an educator needs to demonstrate that the individual meets licensure compliance objectives established in Board Rule prior to teaching in the classroom. The other two licenses (i.e., AEL and LEA-specific) permit an

individual to provide educational services either while working to meet the compliance objectives, or without meeting compliance objectives that are objective and consistent throughout the public education system. Furthermore, these non-professional licenses appear contrary to the definition of license, which is the essence of licensing (i.e., working in a professional capacity).

#### **a. AEL Considerations**

For example, while EPP-enrolled AEL applicants will eventually take courses that teach each subject required by the professional learning modules, there is no guarantee that the courses will be taken prior to receiving their license. Therefore, some AELs may be teaching without a basic understanding of professional subjects. When surveying a group of AEL applicants, the following free responses, which are shown in their original text, were provided based on the AEL respondents' experiences.

- "I was told point blank by a principal they do not like hiring AELs and most schools feel the same. Some schools refuse to even interview them. I could not secure a teaching job. It didnt matter my 20 plus years of business experience. It was basically pointless for me to get this with zero hopes of being hired. I will not be furthering my path on this as I will continue to run into the same problems. Its very unfortunate as I think I could have been really good but because they would have to put effort into me, they wont hire."
- "I think the AEL doesn't mean much to my particular school district in terms of job change or pay or any other change I noticed."
- "The AEL requirements did very little to accurately assess classroom readiness."

#### **b. LEA-specific Considerations**

While interviewing USBE staff it was noted that the USBE will generally approve and award an LEA-specific to any applicant for whom the LEA board applies without question or evidence of completed pedagogical or content compliance objectives. This is likely due to the fact that the Board has given the responsibility to the LEA board to establish those compliance objectives. This seems contrary to the licensor-licensee relationship described above.

For schools with individuals holding LEA-specific, LEAs are required by Board Rule to prominently post information on each school's website showing the percentage of individuals holding LEA-specific (R277-301-7(10)). See **IV.2.B.i.LEA Internal Controls** for additional details. This provision in Board Rule underscores that the Board wants to ensure parents are specifically aware of the lack of qualifications of LEA-specific licensees in classrooms.



### c. APPEL Considerations

Questions related to high standards may not be limited to non-professional licenses. Recently, the Board provided opportunities for entities (e.g., LEAs) to create programs (i.e., APPEL) to train educators to receive a PEL. The USBE's program monitoring may suggest there is room for improvement. Between February 2022 through January 2023, the USBE monitored 21 APPEL programs. Of the 21 programs reviewed:

- Ten (48%) passed with suggestions (i.e., passed with minimal to no problems).
- Seven (33%) passed with stipulations (i.e., the program has one year to remedy the identified issues otherwise it will be placed on probation).
- Three (14%) are on probation (i.e., the review identified significant deficiencies, or the program was previously placed on "passed with stipulations" and did not resolve the stipulations within the 1-year remediation period).
- One (5%) voluntarily closed and was not able to provide evidence the candidates it recommended for licensure met all the compliance objectives. All PEL candidates were reportedly reverted by the USBE to be LEA-specific. See **IV.2.A.ii Default to LEA-specific Licenses** for additional details.

During APPEL program monitoring reviews, Educator Licensing staff identified, and this audit verified, that APPEL programs are attesting educators have met all requirements to receive a PEL (e.g., Ethics Review) prior to educators actually meeting all requirements of Board Rule. See **IV.1.C Monitoring, Licensing System** for additional details.

### d. Substitute Considerations

Possibly contributing to perceptions about licensing is the circumstance that a licensed educator can be replaced by a substitute who is not required to have a license per Utah Code (53E-6-901(1)). Such a practice generally does not happen in other licensed professions for either short or long periods of time. See **IV.2.B.i LEA Internal Control** for additional details.

### e. Other General Considerations

Not everyone appears to agree that licensure is necessary to ensure high standards or quality in education. Free response answers of 16 sampled LEAs indicate that some LEAs believe that personal characteristics and experience may be as important, if not more important, in determining an educator's success. For example,

LEAs, as shown in their own words, expressed the following:

- "The success of the teacher has more to do with their personal character and experience than any other factor..."
- "Teacher preparation courses are menaingful, but success also falls to the individual."

Furthermore, only five of the 16 (31%) sampled LEAs believed that whether an educator is professionally licensed is an indicator of classroom success.

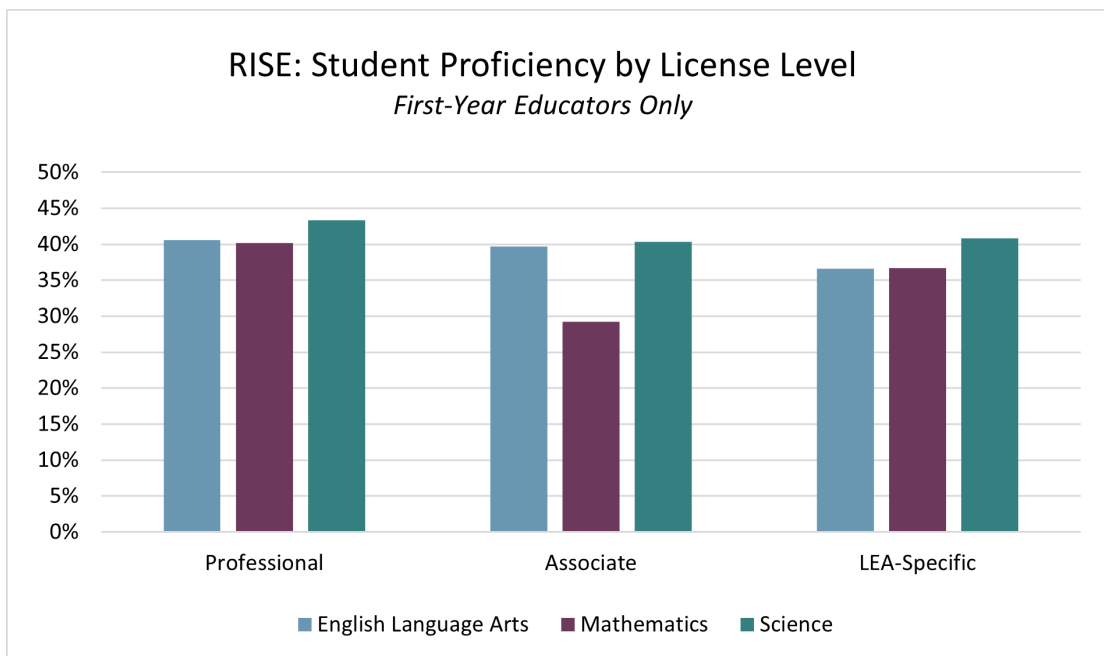
LEA consideration of the value of licensure does not appear to be limited to just license level, but also the type of EPP recommending licensure. Of the 16 sampled LEAs:

- Eight (50%) agreed that regardless of whether an applicant went through a traditional EPP, an APPEL program, or an LEA-specific program, each educator is equally successful.
- Ten (63%) agreed that LEA-specific educators perform as well as PEL educators; given that an LEA-specific educator does not necessarily have any formal training in education, this seems significant.
- However, only six (38%) of the sampled LEAs agreed that the type of program an educator takes to become licensed (e.g., EPP, APPEL, LEA-specific) has no real impact on student outcomes.

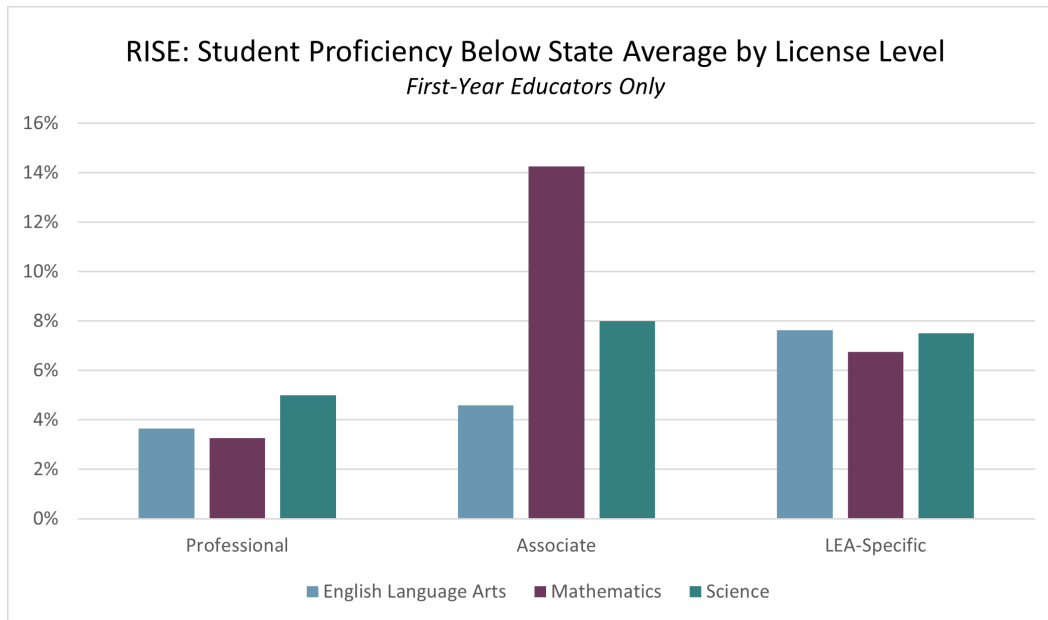
**f. RISE (Readiness Improvement Success Empowerment) Student Results**

To find out whether license level was impactful in student outcomes, we conducted a review of state fiscal year (SFY) 2022 RISE assessments for all first-year educators. First-year educators were selected in an effort to eliminate as many variables as possible.

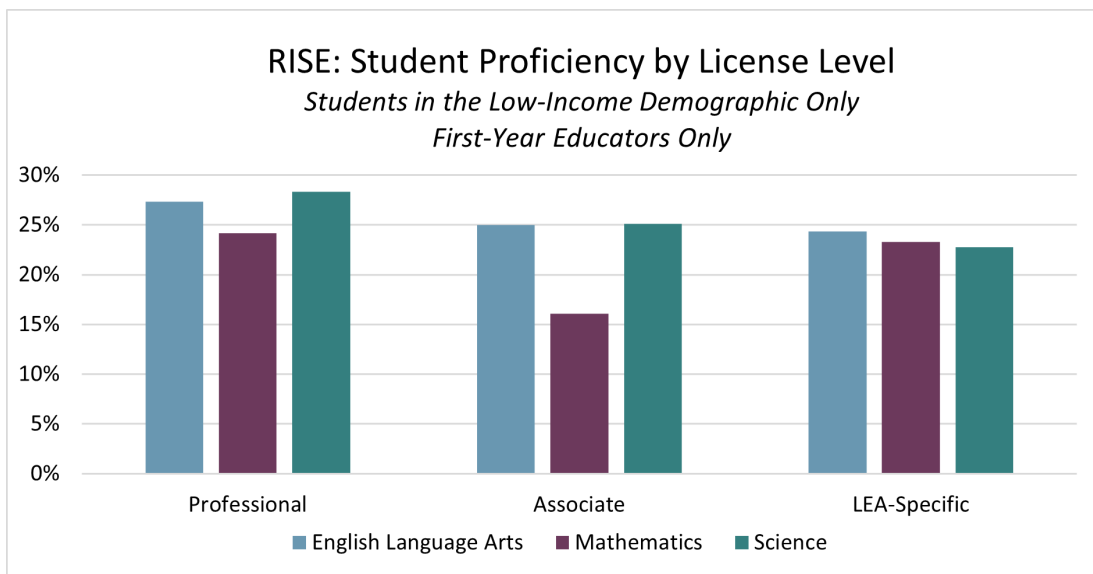
As shown in the graph below, in their first year, students taught by educators holding a PEL performed better on average, in all three subjects.



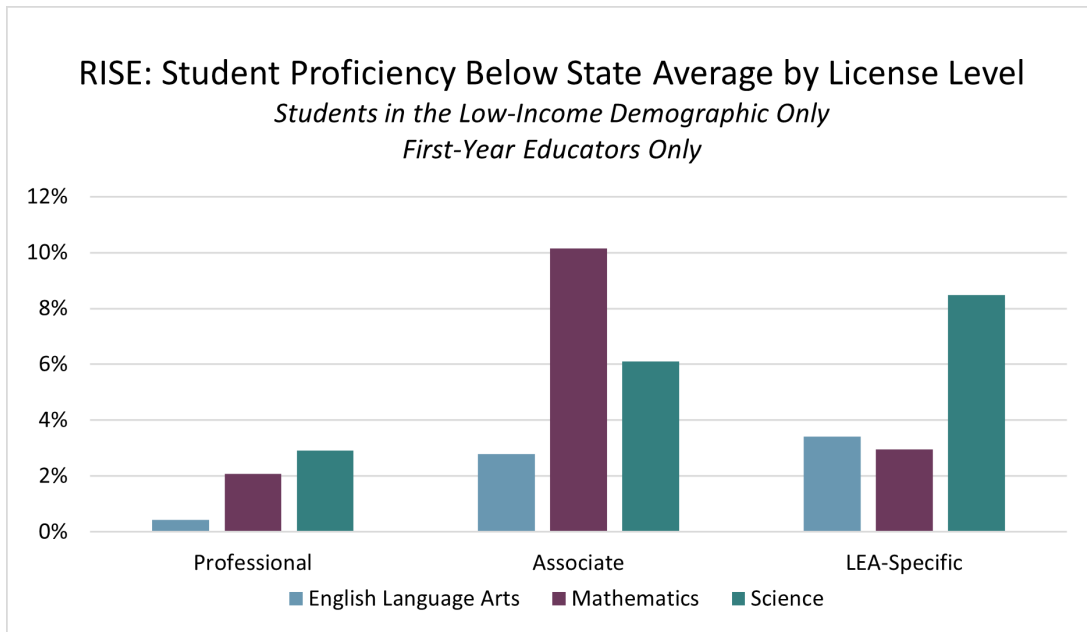
However, when compared to the state average RISE scores associated with all educators (see chart below), even first-year educators holding a PEL underperformed, though at a lower rate than their non-professionally licensed counterparts.



As shown below, first-year educators holding a PEL also outperformed their first-year non-professionally licensed counterparts when working with the students in the low-income demographic.



However, the chart below shows that even first-year educators holding a PEL underperformed with students in the low-income demographic when compared to the state average associated with all educators on the RISE assessment.



**g. Summary**

In summary, the current practice of licensing alone does not provide the assurance of a high standard of service provided. In fact, it appears the current primary purpose of licensing is to ensure every individual in a classroom has a license more than to ensure every licensee is highly qualified. Variables other than licensing may be more indicative of the quality of service provided.

*iii. License Levels, Areas of Concentration, and Endorsements*

Because a license alone does not appear to be enough to ensure a high standard of quality education, the design of the licensing structure is more complex in comparison to other professions. For example, when one gets licensed as a Certified Public Accountant (CPA), there is only one license. The license qualifies an individual to practice in any of the common areas within the profession such as audit, accounting, tax, or information systems. Although one can obtain additional certifications—think areas of concentration or endorsements—typically, it is to become more competitive in the job market, not as a requirement to demonstrate competency—and it is not required by the licenser.

CPAs are not alone in this common practice amongst licensed professionals. Consider attorneys: attorneys practice in many fields of law, including nuanced and complex areas such as international law, immigration law, criminal law, tax law, and even education law,

all with a single license. Although there are some minor exceptions (e.g., patent law), they are not the standard.

Clarifications like license levels, areas of concentration, and endorsements may have a degree of necessity; however, it may have become an overly nuanced standard to ensure a licensed educator is actually qualified to teach. In fact, 60 of 1303 (5%) course codes assigned to educators in CACTUS do not have a single fully qualified educator assigned. See **IV.2.B.i LEA Internal Controls** for additional details.

Moreover, the complexity may be ultimately working against the system it was intended to support given the use of fully qualified FTEs (full-time equivalent) is trending downward, falling from 89% to 87% between SFY18 – SFY22. See **IV.2.B.i LEA Internal Controls** for additional details. In SFY2022, 8% of courses were taught by unqualified educators, as determined by reviewing FTE. See **IV.2.B.i LEA Internal Controls** for additional details.

This may explain why some LEAs have expressed frustration with the current licensing designations and the usefulness of the LEA-specific to flexibly meet their needs. From the sample of 16 LEAs surveyed, comments included,

- “[LEA-specific] should be available to anyone for any license. Don’t exclude Special Education.”
- “I mostly use LEA-licensed educators for part-time elective positions like theatre or computer science, or for someone with a secondary license who actually wants to teach elementary.”

Other comments from sampled LEAs expressed frustration with the licensing compliance objectives. One LEA indicated that some secondary endorsements “seem very difficult to obtain, especially when we have a teacher shortage.” Another suggested the USBE “eliminate the requirement for applicants from out of state to first receive their license from the host state prior to applying for an OOS [out-of-state] license.” And yet another LEA stated, “PPAT test seems unnecessary. Praxis does not demonstrate high quality or effective teaching strategies.”

#### *iv. Licensing Process*

To analyze sentiments about the licensing processes, several surveys were conducted using a sample of LEAs and educators. Prior to conducting surveys, several analyses were done to obtain an objective perspective of the varying processes.

##### **a. Efficiency, Licensing Process**

To analyze the efficiency of the licensing process, multiple approaches were taken.

First, to provide some context, though not a perfect comparison, the Utah Division of Professional Licensing (DOPL) reported that in the past year (Nov. 2021 – Nov. 2022), 70% of license applications, across approximately 100 license classifications were processed within seven days.

Next, the USBE’s reported AEL processing time range of three to six weeks was compared to the reported processing times of six neighboring states. The USBE’s reported processing time maximum for AELs was less than three other states reported license processing times, and equal to two other states. The table below shows license processing as a range (if applicable). For example, Utah’s license processing takes three to six weeks, while Colorado showed only a maximum of six weeks.

License Processing Time in Weeks		
State	Minimum	Maximum
New Mexico	4	4
Nevada	2.5	6
Utah (AEL)	3	6
Colorado	6	6
Arizona	3	8
Wyoming	6	12
Idaho	14	16

To verify if the USBE is processing applications consistent with the reported range of three to six weeks, 40 randomly selected AEL applications were reviewed. Of the 40 applications, 34 (85%) applications resulted in an awarded AEL. The average application process time was 31 days, which is within the reported processing range reported by the USBE. Twenty-one of the 40 (53%) AEL applications did not contain any errors and took 24 days on average to process. AEL applications with errors (e.g., lacked proper verification) took 18 days longer, on average, to resolve the issues and process the application.

Finally, 97 PEL applicants were selected and analyzed to determine the average processing time for PEL applications by PEL type. After PEL applicants completed all compliance objectives for professional licensure, the USBE processed and awarded licenses within 11 days on average. For university-recommended applicants, the USBE immediately awards licenses; however, it takes educators an average of five days to complete the process. On the other hand, processing times for non-university-recommended applicants (e.g., International Guest Teachers, Out-of-State applicants) had an average processing time as high as 41 days.

Also see **IV.1.B.vi Documentation** for additional items impacting the efficiency of the licensing process.

In summary, the USBE's processes were somewhat efficient, though there is room for improvement.

#### **b. Effectiveness, Licensing Process**

To determine if the application process is effective, the following analyses were conducted.

Data for 1,877 AEL applications submitted between July 2021 through August 2022 were reviewed; recent applications were selected to ensure the most relevant process was evaluated. Of the 1,877 AEL applications submitted, 1,683 (90%) were approved to receive a new AEL designation (either a license or an endorsement). Of the 1,683 successful AEL applicants, 1,383 (74%) later held an active assignment in CACTUS.

A review of the USBE's renewal process identified that the license-renewal form requires educators to report on non-renewal compliance activities (i.e., Youth Suicide Prevention, Annual Assessment Ethics Review, and Annual Code of Conduct training), which is neither effective nor efficient.

A review of educator completion of the Student Data Privacy training required for renewal, between December 2018 and October 2022, identified that only 13,789 of 33,026 (42%) educators completed the training.

In summary, the analyses above identify concerns with the effectiveness of licensing and renewal processes. See **IV.1.D Cause, Effect, and Recommendation** for possible explanations.

#### **c. General Process Sentiments**

Feedback from 16 sampled LEAs included the following regarding the licensing process:

One LEA stated, "The folks in the USBE licensing department go above and beyond... Cannot thank them enough for their support this year." However, not all feedback was positive. Other LEAs remarked:

- "Very cumbersome process."
- "It's still a laborious process."
- "Too many times we have to apply for LEA-specific licenses because we are waiting on USBE to process paperwork submitted."

The above sentiments may explain why in a review of 15 sampled LEA rationale for LEA-specific licenses or endorsements in SFY2022, 185 of 332 (56%) LEA applicant requests were on behalf of educators who were enrolled in an institution that could result in a PEL or AEL, had an out-of-state license, or were pending or renewing a license or endorsement. Of the 185 applicants:

- 118 (64%) applicants were enrolled in a licensure program.
- 42 (23%) applicants held out-of-state licenses.

- 12 (6%) applicants were awaiting EPP recommendations, exam scores to post, or otherwise waiting for their pending application to be approved.
- 13 (7%) applicants held expired licenses and applied for an LEA-specific while completing the renewal process.

To obtain additional insight about how individuals felt about their experience with the PEL, AEL, and Renewal licensing processes, a survey was sent to a sample of individuals in each group. Results are reflected below.

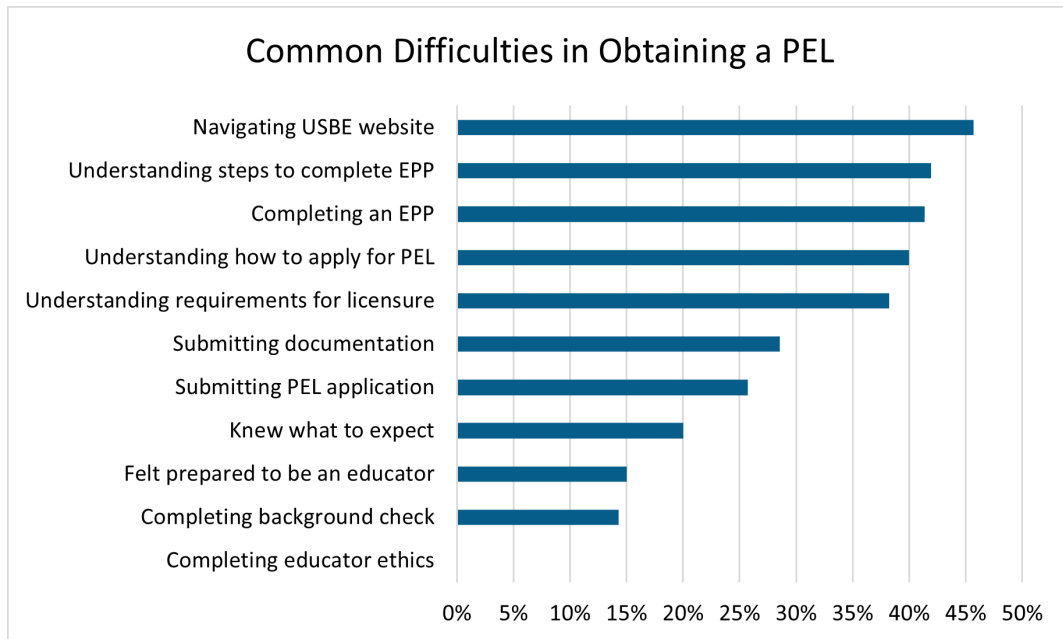
**d. Performance, PEL**

Between November 1, 2021, and November 1, 2022, 4,151 educators obtained a PEL, from which a sample of 50 were selected for participation in a survey. Of those surveyed, 35 (70%) responded, with 24 (69%) respondents reporting they contacted the USBE for support during the application process. Of the 24 respondents who contacted the USBE:

- 22 (92%) agreed USBE staff were knowledgeable,
- 23 (96%) agreed USBE staff were professional, and
- 20 (83%) agreed USBE staff quickly resolved their question or concern.

Feelings of difficulty may have influenced whether a PEL survey respondent contacted the USBE for help. Thirteen of 24 (54%) who contacted the USBE felt the process was difficult, while three of 11 (36%) who did not contact the USBE felt the process was difficult. PEL respondents reported similar levels of ease or difficulty with the process, regardless of the pathway used ((e.g., OOS, International Guest Teacher (IGT), University recommended)).

The most common difficulty shared among PEL survey respondents was navigating the USBE website, as shown in the chart below:

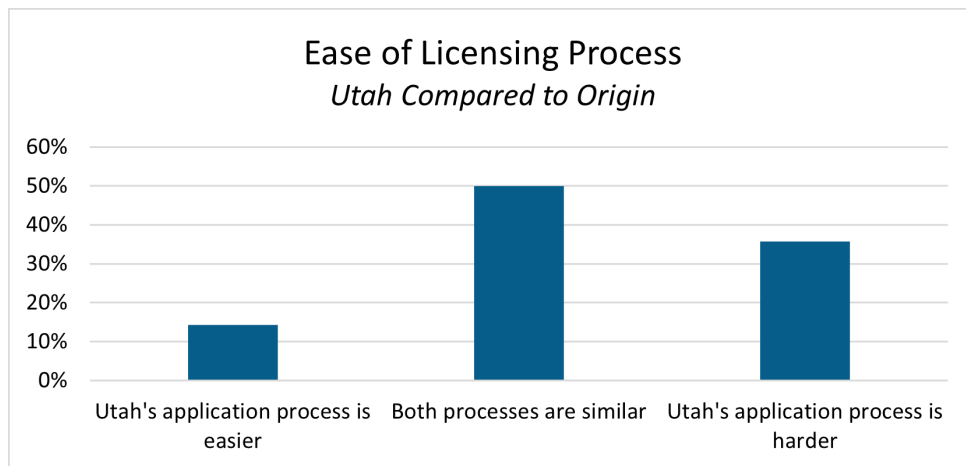




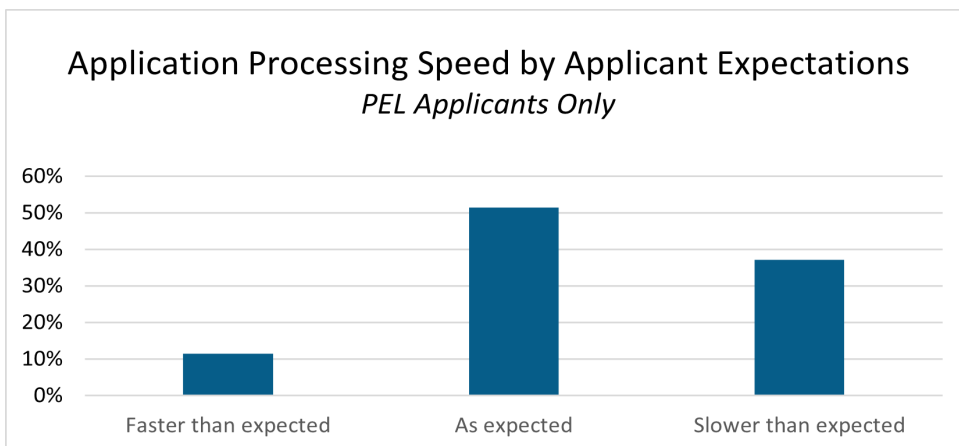
When comparing responses regarding difficulties by pathway, respondents noted the following, which are listed by program:

- APPEL program: Difficulty understanding the steps to complete their educator preparation program.
- ARL (Alternative Route to Licensure) or other former program: Overall higher levels of difficulty than other programs.
- University-based program: Difficulty applying for their educator license and navigating the USBE website.

PEL survey respondents who went through either the OOS or IGT pathway were asked to respond to whether they felt Utah's licensing process was easier, harder, or similar to the process of their licensing origin (e.g., a different state or country). As shown below, the majority of PEL respondents felt both processes were similar; however, of those not stating the processes were similar, more people felt it was harder than easier.



Of the 35 PEL survey respondents, 18 (51%) felt the USBE's processing time was about what they expected. The chart below illustrates if the USBE's license application processing time met the PEL respondents' expectations.



PEL survey respondents who thought the license application approval process was slower than was expected provided additional explanation about why they felt the USBE took longer than expected to process their application, including:

- USBE review and processing
- Applicant error in completing or submitting an application
- USBE technical difficulties
- COVID-related issues
- LEA processes

PEL survey respondents provided additional comments with suggestions to improve the licensing process, including:

- Developing and publishing communication protocols to ensure customer service, including a hierarchy of contacts if responses are not provided or questions are not resolved.
- Using consistent and defined terminology that non-educators can understand as there are other license areas (e.g., school psychologist)

Some additional comments (shown in their original text, without any editing) from survey respondents, are included below to provide further perspective.

- “I had to complete and pass the edTPA in order to obtain and qualify for my license. I do not feel the assessment really prepared me for being an educator.”
- “I tried applying when the system was down so i had to wait months.”
- “There are more than one type of form depending on the link you follow. One form is shortened and the other requires a lot more information and boxes to check off. It adds to the confusion of what to fill out to get to approved.”

Interestingly, two of the PEL survey respondents (6%) misunderstood whether they were licensed and what documentation verifies their license. One educator indicated they had a diploma from their country but not a PEL; a review of CACTUS showed they did have a PEL. The other educator indicated they never received a license certificate. These comments are indicative of the importance, or lack of importance, educators subscribe to a license. A similar comment from an AEL survey respondent is noted below, **see IV.1.B.iv.e**

## **Performance AEL**

### **e. Performance, AEL**

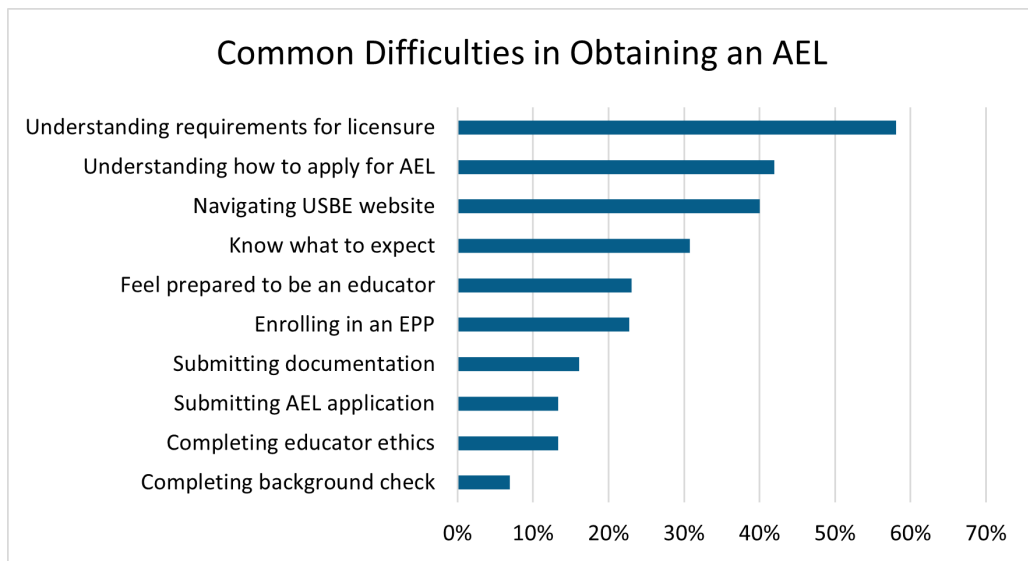
Between January and October 2022, 984 educators obtained an AEL, from which a sample of 50 were selected for participation in a survey. Of those surveyed, 31 (62%) responded, with 19 (61%) reporting their overall experience to obtain an AEL was either extremely difficult or somewhat difficult. Twenty (65%) of the 31 respondents reported contacting the USBE for support during the application process, of which:

- 17 (85%) agreed USBE staff were knowledgeable and
- 18 (90%) agreed USBE staff were professional.

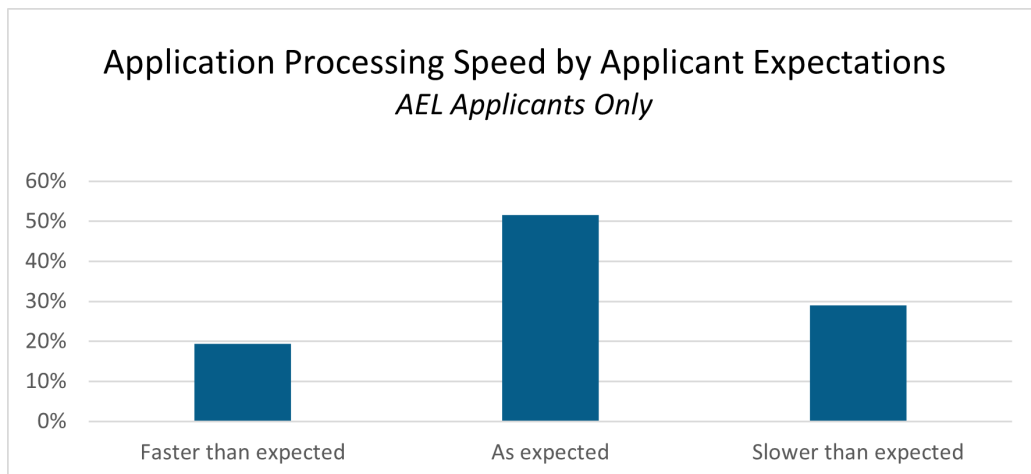
However, of the 20 respondents that contacted the USBE, only 11 (55%) agreed USBE staff quickly resolved their question or concern.

Feelings of difficulty did not appear to significantly influence whether a AEL survey respondent contacted the USBE for help. Twelve of 20 (60%) AEL survey respondents who contacted the USBE felt the process was difficult, while seven of 11 (64%) who did not contact the USBE felt the process was difficult.

As shown in the chart below, the most common difficulty shared among AEL survey respondents (58%) was not understanding the compliance objectives to obtain an AEL.



Of the 31 AEL survey respondents, 16 (52%) felt the USBE's processing time was about what they expected. The chart below illustrates whether the USBE's license application processing time met the AEL survey respondents' expectations.



AEL respondents who thought the license application approval process was slower than expected provided an explanation about why they felt the USBE took longer than expected to process their application, including:

- USBE backlog,
- Delayed or miscommunication from USBE staff,
- Technical difficulties,
- Praxis results were slow to post,
- Internship complications

AEL survey respondents also provided some suggestions for improvement, regarding AEL compliance objective clarity and USBE communications, including:

- Using consistent and defined terminology
- Updating the USBE website and including a flowchart with all compliance objectives
- Developing and publishing communication protocols, including response timelines and a hierarchy of contacts if questions are not resolved.

Additional comments (shown in their original text, without any editing) are included below to provide further perspective regarding AEL survey respondents' sentiments.

- "The PPAT was not helpful in preparing me for the classroom. I did it to jump through the hoops, however it did not have any educational value. I wish I could say otherwise because of how much time went into the process."
- "If USBE wants teachers to fill the teaching shortage, the path to licensure should be expedited over the summer so that people who are qualified and want to fill those positions can."
- "More clarification, more streamlined process, acceptance of BS degrees from local universities as enough for 3 year license even if all classes don't line up exactly to standards... Not making me take the Social Studies Praxis even though I have a college degree."
- "I would change the expectation that test scores are uploaded with the application. USBE receives all tests scores, so having to upload them again seems unnecessary."

The most informative comment might have come from an individual selected to participate in the AEL survey who, when contacted, responded, "I do not have my license yet so should not take this survey." A review of the educator's CACTUS record demonstrated they had received their AEL and two endorsements two months prior. Either they were unaware they were licensed, which is thought provoking, or the AEL is so comparatively insignificant—consistent with comments in **IV.1.B.ii Licensed vs. "High Standards Both as to Qualifications and Fitness for Service"**—that they did not recognize it as an educator license.

#### f. Performance, Renewal

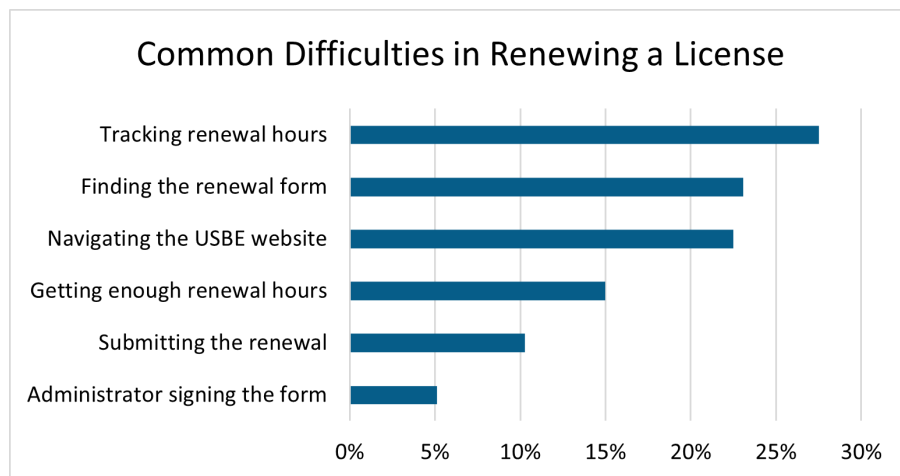
A sample of 50 PELs who renewed their license between July 2021 and June 2022 were selected for participation in a survey. Of those surveyed 40 (80%) responded, with 17 (43%) respondents reporting they contacted the USBE for support during the renewal process. Of the 17 renewal survey respondents who contacted the USBE:

- 14 (82%) agreed USBE staff were knowledgeable,
- 15 (88%) agreed USBE staff were professional, and
- 14 (82%) agreed USBE staff quickly resolved their question or concern.

Although the percentages of those agreeing with the above statements were still high, they indicate less agreement than that reported by the PEL and AEL respondents.

Feelings of difficulty may have influenced whether a renewal survey respondent contacted the USBE for help. Seven of 17 (41%) renewal survey respondents who contacted the USBE felt the process was difficult, while four of 23 (17%) renewal survey respondents who did not contact the USBE felt the process was difficult.

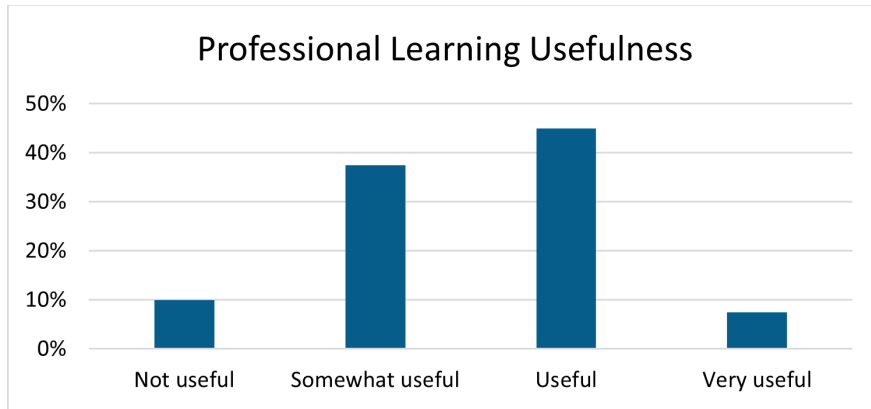
The most common difficulty shared among renewal survey respondents (28%) was tracking renewal hours, as shown in the chart below:



Of the 40 renewal respondents that were asked about the professional learning activities they participated in:

- 36 (90%) felt professional learning activities are at least somewhat useful,
- 38 (95%) felt that approximately half or more of the renewal activities were relevant to their role as an educator,
- 39 (98%) felt the quality of the renewal activities provided by their school and/or LEA were of average quality or higher.

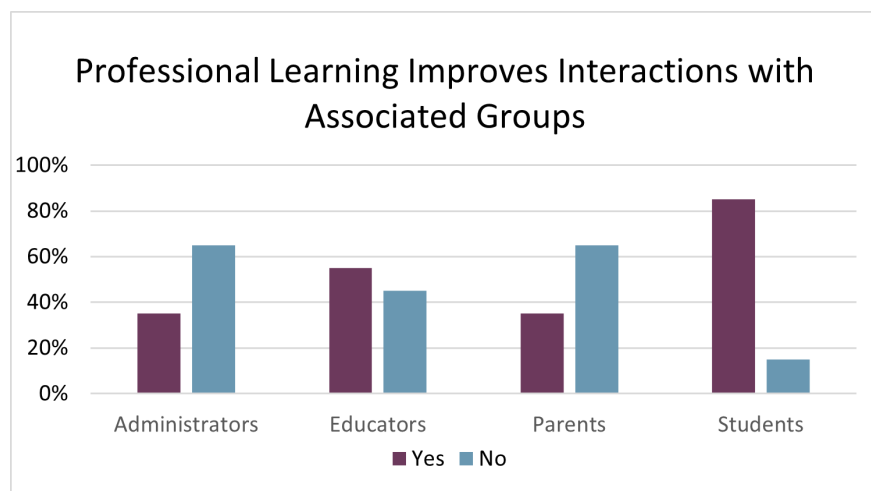
The following chart provide a detailed breakdown regarding the usefulness of professional learning activities.



Currently, educators are required to obtain 100 hours of professional learning activities over the five-year licensing cycle to renew their license (i.e., 20 hours per year on average). When asked the ideal number of professional learning activity hours per year, the most common answer among the respondents (48%) was 20 hours. However, there were more renewal respondents who would rather see the number of hours decline (45%) than increase (8%).

When asked about professional learning outcomes, renewal survey respondents indicated that outcomes are primarily focused on student outcomes and identifying student needs. Thirty-three percent of respondents did not feel that learning outcomes are focused on classroom management, which may at least partially explain one reason why a [recent audit](#) from the Office of the Legislative Auditor General (OLAG) that found heavy workloads (e.g., large class sizes) is a driving factor for teacher turnover.

Other significant factors of teacher turnover, identified in the same OLAG report, are parent-teacher communications and relationships with administrators. As shown in the chart below, when asked whether professional development or educator learning activities help improve relationships within education, 65% of renewal survey respondents reported they do not improve interactions with administrators or parents.



Some renewal survey respondents shared suggestions to improve the process, including:

- Create a video walking through the renewal process.
- Notify educators when USBE monitoring of their renewal is complete or successfully passed.
- Design an online system to track points automatically.
- Shorten the renewal period, so instead of maintaining documentation for five years, they can submit every one or two years.

Some additional comments (shown in their original text, without any editing) from the survey, are included below to provide further perspective.

- “The hours I used for renewal (university classes) were much more helpful to me as an educator than the professional development offered by my district. I truly think the PD in my district is a huge waste of time.”
- “I feel like all teachers spend a lot of time collaborating, researching, engaging in Professional communities and trying to improve their practice. I think we spent way more than the required time, but trying to keep track, document them all, show the evidence to admin and hold onto the paperwork for 5 years is extremely challenging.”
- “Apparently there were multiple versions of the renewal form. I found the correct one eventually, but not before filling out the wrong one and then taking it to my administrator.”
- “We just need to get the districts to give meaningful Professional Development geared towards improving relations between students, parents, and fellow teachers.”
- “I couldn't figure out where and what they wanted on the form. It was unclear where the hours were supposed to go and how to complete the suicide prevention portion.”

Similar to PEL and AEL survey respondents, it appears the renewal process, or the outcome of the process, is not understood by all who participated. For example, one educator stated, “I haven't had to renew yet; interesting you chose me to answer this [renewal] survey.” However, a review of CACTUS shows the educator had renewed their license online approximately one year before the survey was administered.

Since the current license renewal process (R277-302-4(b)) requires verification and a signature by “a current licensed administrator,” LEA perspective on the renewal process was also sought. In a survey of the 16 sampled LEAs, only four (25%) reported concerns as follows:

- Two of 16 (13%) LEAs disagreed with the statement, “It is easy for our educators to renew their license.”

- Two of 16 (13%) LEAs disagreed with the statement, “USBE monitoring of license renewals is beneficial.”
- Three of 16 (19%) LEAs disagreed with the statement, “The educator renewal process is efficient.”

The four LEAs expressing disagreement that the renewal process was easy, beneficial, or efficient were asked whether the LEA would be willing to provide additional feedback on the difficulties they have experienced; all four LEAs (100%) responded. Feedback (shown in its original text, without any editing) included:

- “Educators struggle with knowing what paperwork to fill out and what to turn in.”
- “The biggest issue was communication during Covid.”
- “Educators struggle to get responses and feedback in a timely matter.”
- “Many times documents were lost when trying to renew licenses after they were sent to the USBE, emails were not returned, staff changes were not clearly communicated so many times emails and phone calls were sent to employees that no longer worked there.”

#### v. *Licensing Systems*

According to *The Green Book* (13.04), relevant data from reliable sources is vital to properly monitor whether a program is operating effectively. Reliable data is highly dependent on quality information systems. While reviewing the licensing information systems, a number of concerns were identified, including:

1. USBE-hosted youth suicide prevention training does not have information system controls in CANVAS to prevent participants from downloading the completion certificate prior to completing the training.
2. There are no information system controls in CANVAS that ensure educators complete the Student Data Privacy training prior to receiving credit.
3. CACTUS does not currently have the ability to automatically track, and therefore monitor, its performance with regard to licensure processing times.
4. Parameters within USBE information systems allow for practices that can lead to unreliable data, for example:
  - a. Given the definition of "teacher of record" is not limited to a licensed educator, or even the individual in the classroom, UTREx teacher of record data may be misleading. For example:
    - i. LEAs can assign administrators as the teacher of record, regardless of whether the administrator is actually teaching the course. In a review of state fiscal year (SFY) 2022 discrepancy reports for 16 selected LEAs, a sample of 50 educators revealed that seven (14%) licensed employees were assigned to an administrative position as well as a teaching position.



Although it is possible to be both an administrator and a teacher, some of the situations are clearly not reflective of who is actually teaching students. For example, one CACTUS ID was associated with a principal who held a total of 25 assignments (i.e., one administrative, 24 teaching).

- ii. Some school counselors list their own CACTUS ID as the teacher of record for concurrent enrollment courses, even though generic “college” CACTUS IDs exist for this reason; see also the *Educational Service Provider Audit 21-02 IV.3.C*.
- b. CACTUS and UTREx have different codes to identify the same course assignments.
5. CACTUS is susceptible to both human-input error and USIMS-to-CACTUS system errors and does not prevent obvious data errors. For example, an LEA-specific endorsement was “issued” on 9/23/23, several months in the future. See **IV.1.B.vi Documentation** for additional details.
6. USBE internal controls to ensure reliability of data used to report data to the federal government (i.e., *EDFacts*) do not appear sufficient to identify errors. See **IV.1.B.vi Documentation** for additional details.
7. Throughout a given state fiscal year, LEAs may modify an educator’s CACTUS record. While many potential edits seem reasonable and justifiable, necessary even, there are no controls to validate the changes.
8. While a modification log exists that tracks manual entries in CACTUS, regular reviews of the log are not standard practice.

Although the USBE is currently transitioning from multiple information systems to USIMS, the transition has not been without concerns as well. USIMS was unable to process educator applicants by the time the contract with previous information system, Utah Interactive, expired and applications transitioned to USIMS. This resulted in 423 hours of technical assistance provided by Educator Licensing staff to applicants over a six-week period. USBE Educator Licensing and Information Technology (IT) staff are frequently collaborating to resolve issues as they are identified.

#### *vi. Documentation*

According to *The Green Book* (OV4.08), documentation is a necessary part of an effective internal control system. While reviewing the licensing process and information systems, several concerns were identified, including:

##### **a. Documentation Standards**

1. Record Retention:
  - a. In a review of multiple licensing specific USBE retention schedules, several concerns were identified including:

- i. Multiple retention schedules cover identical information and have different retention compliance objectives.
- ii. The primary licensing-specific retention schedules (GRS 1441 and Series 6951):
  - 1. Have not been updated since they were approved in 1987 and 1998 respectively, even though regulations related to licensing have been updated multiple times,
  - 2. Are not comprehensively reflective of licensing records created under current licensing laws, Board Rules and processes, and
  - 3. Include obsolete terminology and outdated references to regulations.
- iii. GRS 1441 states the USBE's teacher certification system includes items (e.g., in-service training, salary information) that it no longer includes or includes inconsistently.
- iv. GRS 1441 has a retention length of "Retain until superseded, and then destroy records". This length is not prudent given the value of the information included in the information system.
  - 1. For example, although some demographic or training information could be superseded; information regarding criminal history, assignments, and experience should likely be maintained for a longer term, such as the 75 years retention that is required for Series 6951.
- 2. The same type of educator-submitted files related to licensing may be stored in multiple applications or drives.

**b. Incorrect Data and Reports**

The following concerns were identified based on various analyses and inquiries.

- 1. Ten of 97 (10%) PEL educator files had inconsistencies when comparing the file to reports generated from the files.
- 2. Thirty-three of 1,558 (2%) renewal forms had data entry errors (e.g., wrong dates) or omissions (e.g., blank but required fields). One form also included an incorrect calculation which resulted in an incorrect total.
- 3. Two licenses had incorrect lengths of licensure status.
- 4. One of 32,802 (0%) educator's information had a license expiration date other than June 30.
- 5. The draft data supporting the ED*Facts* report had an error resulting in an understatement of qualified educators, which equated to 554 of 41,173 (1%) educators assigned to 1,128 of 81,540 (1%) courses.
- 6. In attempting to contact 56 educators who recently received an PEL, AEL, or renewed their license, we identified three (5%) educators with incorrect contact information in CACTUS.

- a. USBE monitoring of license renewals has also identified outdated contact information on renewal forms as an issue.

### C. Monitoring, Licensing System

According to *The Green Book* (OV2.01), monitoring for operating effectiveness is a necessary part of an effective internal control system. During the audit, we performed a high-level review of several monitoring programs. Identified deficiencies, by program, are included below.

1. LEA-specific:
  - a. The USBE does not monitor:
    - i. To ensure LEAs are providing required trainings to LEA-specific educators within their first year of employment, nor
    - ii. whether LEAs have established content knowledge and pedagogical requirements.
  - b. See **IV.2.B.i LEA Internal Controls** for additional details.
2. Educator License Renewals:
  - a. USBE monitoring guidance for renewals:
    - i. Includes direction to monitor renewal forms and ensure the form includes the signature of a current administrator; but does not require a review of source documentation of professional learning activities. Therefore, the monitoring activity does not provide assurance that 1) educators actually participated in professional learning activities, nor that 2) the current administrator actually verified information on the form as is required. See **IV.1.B.i Licensor-Licensee Relationship** for related information.
    - ii. Indicates the monitor should verify educator completion of Student Data Privacy training. However, in practice, the USBE verifies educator enrollment in, not completion of the training. See **IV.2.B.ii Educator License Renewal** for additional details.
  - b. USBE monitoring of renewals is backlogged and struggling to provide reviews in time to be relevant. Specifically, as of 11/25/22, the USBE has yet to process 800 of 1,588 (51%) educator renewal forms selected for review between March 2021 through October 2022. See **IV.2.A.i Licensing Renewal Monitoring** for additional details.
3. APPEL Programs:
  - a. Although the USBE has established ongoing monitoring of APPEL programs, the review does not appear to be sufficient to ensure efficient, effective, and consistent outcomes, which is not to say the monitoring has not found

problems. See IV.1.B.ii **Licensed vs. “High Standards Both as to Qualifications and Fitness for Service”** for related information.

Furthermore, the review is not consistent with the compliance objectives set forth in Board Rule. For example, we noted the following:

- b. Program reviews are limited to a review of recommended licensees, and include limited consideration of program processes that lead to prospective licensee recommendations.
  - i. For example, during the application process, APPEL programs are required to detail program operations (e.g., roles and responsibilities), describe how the program will ensure compliance with applicable regulations (i.e., program outlines), and provide reliable recommendations, etc. However, during program reviews, the USBE does not request or review APPEL program policies and procedures (i.e., control activities) to ensure the program was established consistent with the application, or whether stated controls are properly operating to provide a reasonable level of assurance that the recommendations provided by the program are reliable.
- c. Program reviews are done based on the APPEL Program Review Guidelines for 2022-2023, which provides a limited structure (e.g., checklist) that requires a significant amount of subjectivity based on the competencies of the individuals conducting the reviews.
- d. The APPEL Program Review Guidelines for 2022-2023, include two possible outcome decisions at the conclusion of the review that are not included in Board Rule: 1) Program Reviewed with Suggestions, and 2) Program Reviewed with Stipulations. The Guidelines indicate that lack of remediation of concerns for the latter option may lead to probation, which option is included in Board Rule. Furthermore, the guidelines also states that if the stipulations are not addressed during this probationary period, the program’s approval status will be revoked, and the program will no longer be able to recommend educators for licensure; however, this insinuates that the USBE will revoke the approval status, not the Board (R277-303-3(6) and (7)).

In summary, although the USBE has identified numerous problems while monitoring various programs and licenses, program monitoring lacks standard processes to ensure compliance with applicable regulations.

#### **D. Cause, Effect, and Recommendation**

**Cause:** The observations noted above have various causes; some work was done to identify patterns or trends. Causes may include:

## 1. Multi-Tiered Governance and Internal Control Systems

As stated in the *2020-11: Performance Audit of Public Education's Governance Structure* (p.21) audit, "Educational governance is one of the most consistently debated policy questions..." and the debate includes "...the often overlapping and sometimes broadly defined roles of the Legislature, the Utah State Board of Education (USB E), and [LEAs]".

Multi-tiered governance has led to thousands of pages of statutes, rules, and policies specific to the public education system, including the licensing process. The sheer number of compliance objectives is difficult, if not impossible, to manage without highly effective internal control systems. Based on concerns identified herein, see **IV.2 Compliance in the Licensing System**, and a previous audit, the USB E and LEAs do not have a highly effective internal control system (See *USB E and LEA Internal Control Systems Audit 20-01 III.B*).

## 2. Supply and Demand Pressure

Government, and specifically education, is not immune from the continual pressures of supply and demand. Utah Code requires that "An individual employed in a position that requires licensure by the state board shall hold the license that is appropriate to the position," effectively creating a specific demand (53E-6-201(2)). Board Rules defining which license level, areas of concentration, and endorsements are required for each position have effectively defined the supply.

Unfortunately, as noted in the December *2021-13 Performance Audit of Teacher Retention Within Utah's Public Education System* audit, demand exceeds supply. The audit states: "Teacher shortages exist in many parts of the state and mostly in rural LEAs (Audit Summary)." Therefore, an excess of demand over supply increases pressure within the public education system to find solutions.

An additional factor of demand that may add pressure is the need to provide custodial care. The qualification standards for custodial care are likely different, though incorporated within the qualification standards to educate student (i.e., substitute vs. licensed educator).

## 3. Communication

The public education system for the state of Utah encompasses over 150 LEAs and well over 30,000 licensed educators. Of note, educator licenses are not limited to the educators with active assignments in the public education system; 277 of 1,558 (18%) educators who were sampled for renewal monitoring between March 2021 through October 2022 were not assigned to an LEA at the time of renewing.

Compliance objectives for the licensing process include roles and responsibilities for these local entities and individuals, as well as the state. This necessitates a significant amount of

written and verbal communication from the USBE with both LEAs and individuals, as well as provision of clear, concise materials and website content; communications and content were identified as lacking by survey respondents. See **IV.1.B.iv Licensing Process, particularly subsections c-f** for related information.

#### 4. Resources

Educator Licensing includes approximately 18 FTEs; 18 FTEs to support over 30,000 educators and over 150 LEAs reflects the critical nature of related information systems and accountability systems supported by comprehensively designed and implemented policies, procedures, and processes.

**Effect:** Potential effects of the above performance observations and causes include:

1. Misalignment between the stated objective of licensing system, and the current performance of the licensing system (i.e., ensuring each educator is licensed). See **IV.1 Performance of the Licensing System** for related information.
2. Decrease to already low system-wide proficiency rates of students in core subjects.
3. Continued or increased LEA administrative burden to manage teacher recruitment and retention, as well as parent and taxpayer expectations.
4. Increased friction between licensed educators, administrators, and the USBE, specifically between educators with different license levels.
5. Limited resources are further strained. Examples include:
  - a. The USBE requires LEAs to submit justification for issuing an LEA-specific but does not review submitted justifications.
  - b. As noted previously, 56% of LEA requests for LEA-specifics were on behalf of educators who were enrolled in an institution that could result in a PEL or an AEL, had an out-of-state license, or were pending or renewing a license or endorsement. See **IV.1.B.iv.c General Process Sentiments** for related information.
  - c. Six of 40 (15%) AEL applicants, submitting applications between September 2021 and August 2022, chose not to complete the compliance objectives to obtain their AEL. At the time of verification (1/12/23), these educators have had at least seven months to complete the compliance objectives and reapply yet have not.
  - d. Nineteen of 40 (48%) AEL applications could not be processed by the USBE on the first attempt and had to be returned to the applicant for correction. Projecting the error rate to the population, an estimated 674 to 1,316 (32% - 63%) applications (based on a 95% confidence level with a  $\pm 15\%$  confidence interval) were returned to applicants to address issues in SFY2022.

- e. Many applicants submitted multiple applications for the same type of license, and at least two individuals applied for an AEL they already held. Specifically, during SFY2022, 136 of 1877 (7%) applicants submitted multiple AEL applications. The majority of these applications were resubmitted prior to Educator Licensing even viewing the original application.
  - f. 126 of 151 (83%) duplicate applications were submitted within Educator Licensing's stated timeline of application processing (i.e., six weeks or 42 days).
6. Increased risk and liability to the state and LEAs if:
- a. Guidelines are implemented but are not required in law, and
  - b. Compliance objectives are not met.
    - i. For example, six of 15 (40%) sampled LEAs, representing 20 of 332 (6%) applications, sought licensing or endorsement options that were no longer legally allowed (e.g., LEA-specific SPED), or
    - ii. Individuals were awarded a license, or their license was renewed without completing all licensing compliance objectives.
7. Decreased success for our state and nation, which depends "...in large part upon the existence of a responsible and educated citizenry (see Utah Code 53E-6-103)."

**Recommendations:** Recommendations are provided as suggestions to address the observations and causes noted above. Although recommendations are provided, it is the responsibility of the respective governing boards and administrative teams to understand the findings and take appropriate corrective action. Recommendations should not be construed as an audit requirement for governing boards and administrative teams; they are suggestions to help promote continuous improvement that will mitigate performance risks.

Recommendations include:

1. The USBE, in collaboration with the Utah Legislature and LEAs, should reconsider the purpose of an educator license as outlined in statute and whether the current licensing system is meeting that objective. Additional factors to consider include:
  - a. Increase supply by simplifying the licensing structure and process, similar to other regulated professions, by:
    - i. Restoring credibility to the PEL,
    - ii. Offering optional certifications rather than areas of concentration or endorsements; this has the added benefit of promoting competition in the industry, and

- iii. Reducing the licensing renewal cycles (e.g., from five years to two years), which has the benefit of reducing the professional learning record retention burden.
- 2. The Board and the USBE should consider restoring the licensor-licensee relationship by eliminating the LEA training compliance objectives and third-party verification of license renewals. This would:
  - a. Eliminate confusion regarding roles and responsibilities and increase educator investment and priority in the importance of their license, and
  - b. Reduce LEA administrative burdens, which aligns with efforts of the Reports and Requirements Task Force.
- 3. Finally, the USBE should continue to work toward providing the simplest, most efficient and effective licensing system, inclusive of all internal control system components and principles.

## 2. Compliance in the Licensing System

As previously stated, performance and compliance are interrelated because they are both driven by internal control system components and principles. Concerns related to performance and compliance must be considered in context of the entire report to understand significance (i.e., which is more concerning—poor performance or noncompliance). Furthermore, both individual concerns and concerns in their totality should be considered when determining significance.

Compliance findings are presented in two sections titled 1) **IV.2.A USBE Compliance** and 2) **IV.2.B Other Compliance**. The former relates to the USBE's oversight of the licensing system, while the latter addresses concerns related to compliance of other non-USBE entities and personnel who participate in the licensing system.

All findings are presented using the following five elements:

- 1. Criteria: What should happen (e.g., code, statute, best practices)?
- 2. Condition: What is happening?
- 3. Cause: Why did the Condition happen?
- 4. Effect: What is the impact? Why should you care?
- 5. Recommendation: What action could be considered to resolve the Cause?

### A. USBE Compliance

#### *i. Licensing Renewal Monitoring*

**Criteria:** Utah Admin. Code R277-302 Educator Licensing Renewal. (Effective November 10, 2020 – July 22, 2022) states,



4(2) The Superintendent shall monitor a random sample of approximately ten percent of annual renewals that utilize automated or online procedures.

Utah Admin. Code R277-500 Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks. (Effective August 26, 2015 – July 9, 2020) states,

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

**Condition:** While reviewing the license renewal process, several compliance concerns related to monitoring were identified. For example:

1. The USBE did not monitor any renewals for calendar year 2020.
2. The USBE's process for sampling 10% of renewals does not account for the full population of individuals renewing their license as it leaves out some renewals from educators with expired licenses.
3. The USBE's monitoring of renewals is lagging. The USBE selected 1,558 educators between March 2021 and October 2022 (20 months), to monitor their renewal forms for compliance. As of November 2022, the USBE had yet to process 800 (51%) of these educator renewal forms. Of the 758 that were processed, 60 (8%) had pending errors that still needed to be resolved, most which date back to May 2021.

However, given the questions raised regarding the monitoring of renewals, see **IV.1.C Monitoring, Licensing System**, the actual extent of noncompliance is unknown.

**Cause:** Potential causes include:

1. Weaknesses in the Internal Control Environment:
  - a. Lack of awareness or understanding of related compliance objectives
  - b. Staff Turnover
  - c. Educator unfamiliarity with CACTUS and not maintaining correct contact information in CACTUS
  - d. Implementation of a new supporting information system (Qualtrics)
  - e. The skipped year (i.e., 2020) dates back to the onset of COVID
2. Weaknesses in Risk Management and Control Activities:
  - a. Lack of risk management and a risk response to design and implement comprehensive policies and procedures for the renewal process, which stresses available, though limited, resources. For example,
    - i. A limited number of individuals who can access and generate production reports in CACTUS.
    - ii. USBE staff fixes errors rather than returning incomplete or inaccurate forms to educators to correct.

**Effect:** Stakeholders of the public education system may not have assurance from the licensor (i.e., USBE) that educators are maintaining continued competency, potentially putting students, data, etc. at risk. With renewal reviews backlogged, this potential effect may further be perpetuated. See **IV.1.C Monitoring, Licensing System** for related information.

**Recommendation:** To achieve compliance objectives in Board Rule, the USBE should ensure all components of its internal control system for monitoring renewals are effectively designed, implemented, and operating, and operating together in an integrated manner. If compliance objectives cannot be met, the USBE should communicate to the Board which objectives cannot be met and either request waiver of the compliance objective or request a revision to Board Rule.

*ii. Default to LEA-specific*

**Criteria:** Utah Admin. Code R277-301 Educator Licensing. (Date of Last Change: July 15, 2022) states,

7(1) The Superintendent may issue an LEA-specific educator license to a candidate if:

(b) an LEA governing board applies on behalf of the candidate

**Condition:** For three of four (75%) educators, the USBE converted PELs—awarded on recommendation of an APPEL program that voluntarily closed for noncompliance— to LEA-specifics, without an application from the LEA board.

**Cause:** Potential causes include:

1. Weaknesses in the Internal Control Environment:
  - a. Lack of awareness or understanding of related compliance objectives.
2. Weaknesses in Risk Management and Control Activities:
  - a. Lack of risk management and a risk response to design and implement comprehensive policies and procedures for awarding LEA-specifics.

**Effect:** Potential effects include:

1. Undermining of the value of an educator license, specifically an LEA-specific, if compliance objectives to receive an LEA-specific are not met.
2. Undermining local licensing responsibilities and state board license authority.

**Recommendation:** To achieve compliance objectives in Board Rules, the USBE should ensure all components of its internal control system for LEA-specific are effectively designed, implemented, and operating, and operating together in an integrated manner. In response to this concern, Educator Licensing staff have already taken steps to remedy the

information documented in CACTUS; additional steps should also be taken to notify both the affected educators and the LEAs.

*iii. Length of Valid License Status*

**Criteria:** Utah Admin. Code R277-502 Educator Licensing and Data Retention. (Repealed 12/9/2021)

4(10) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

4(11) A Level 3 license may be renewed for successive seven year periods consistent with Rule R277-500.

Utah Admin. Code R277-301 Educator Licensing. (Effective January 1, 2020; Date of Last Change June 7, 2022) states,

3(9)(a) All licenses expire on June 30 of the year of expiration and a licensee may renew any time after January 1 of the same year.

4(2) An associate educator license, license area, or endorsement is valid for three years.

5(2) A professional educator license, license area, or endorsement is valid for five years.

7(3) An LEA-specific license, license area, or endorsement is valid for three years.

**Condition:** 12,946 of 32,458 (40%) educators licensed from SFY20 - SFY22 had an assigned license expiration date that extended the length of time the license was valid beyond the length of time allowed.

The following table illustrates, for licenses awarded from 2020 to 2022, the weighted averages with the maximum number of valid years by license type and year:

Year	PEL (max = 5 years)	LEA-specific (max = 3 years)	AEL (max = 3 years)
2020	3.98	2.71	2.77
2021	5.17	2.20	2.89
2022	5.26	1.81	3.29
<b>Total</b>	4.56	2.32	2.89

Reflected differently, for PEL, there is a contradiction in the current licensing cycle between the length a license is valid (i.e., five years) and the date a license expires.

Day License Awarded	Expiration Date	Days	Years before Renewing
1/1/2020	6/30/2025	2007	5.50
2/1/2020	6/30/2025	1976	5.41
3/1/2020	6/30/2025	1947	5.33
4/1/2020	6/30/2025	1916	5.25
5/1/2020	6/30/2025	1886	5.17
6/1/2020	6/30/2025	1855	5.08
7/1/2020	6/30/2025	1825	5.00
8/1/2020	6/30/2025	1794	4.92
9/1/2020	6/30/2025	1763	4.83
10/1/2020	6/30/2025	1733	4.75
11/1/2020	6/30/2025	1702	4.66
12/1/2020	6/30/2025	1672	4.58

**Cause:** Potential causes include:

1. Weaknesses in Control Activities:
  - a. Lack of risk management to related compliance objectives and a risk response to:
    - i. Design and implement comprehensive policies and procedures for renewing licenses, and
    - ii. Program information systems and design accountability systems to meet compliance objectives.

**Effect:** A potential perception of inconsistency and unfairness by educators seeking to renew licenses.

**Recommendations:** To achieve compliance objectives for licensing educators, the USBE should ensure all components of its internal control system for licensing are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specific to rulemaking, the Board could consider one of the following:

1. Modifying Board Rules, and supporting information and accountability systems, to enable licenses to expire at the end of the period of validity (e.g., a five-year PEL would expire five years from the date it is awarded).
2. Establishing a system licensure cycle so that all licenses, or specific license levels, expire on exactly the same date and in the same year, similar to DOPL (see R156-1-308a). Although this may mean the initial licensure period for an individual is less than the established licensure cycle, this has the benefit of simplifying programming, administration, accountability, and data analysis.

- a. If a system licensure cycle was established, continuing education credit compliance objectives for the initial licensure period may also have to be reconsidered or waived, but there is precedent for this with at least some DOPL licenses.
- 3. Adding language to Board Rule R277-302 that defines renewals and either includes the license cycle years for each license or references Board Rule R277-301, which includes this information.

*iv. International Guest Teachers*

**Criteria:** Utah Admin. Code R277-310 International Guest Teachers (Date of Enactment or Last Substantive Amendment: September 24, 2020 – present) states,

3(7)(b) Notwithstanding Subsection R277-301-5(2), a professional license issued in accordance with this Rule R277-310 is valid for three years.

Utah Admin. Code R277-310 International Guest Teachers. (Date of Enactment or Last Substantive Amendment: September 24, 2020) states,

3(3) The Superintendent shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.

3(7)(a) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive a professional license.

4(2) A guest teacher shall cooperate with the Superintendent in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the Superintendent.

(7)(a) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive a professional license.

**Condition:** One of two (50%) IGT licenses, from a sample of 40 PELs, was approved for longer than the three-year maximum period allowed by Board Rule. The IGT license was issued for a five-year period.

Additionally, the USBE does not have copies of credentials or transcripts for one of two (50%) IGTs that were reviewed as part of a sample of 40 individuals receiving a PEL.

**Cause:** Potential causes include:

- 1. Weaknesses in the Internal Control Environment:
  - a. Lack of awareness or understanding of related compliance objectives by Educator Licensing staff, because they rely on:
    - i. Review and information from staff in other USBE sections, and

- ii. The IGT's native country to verify educator credentials and vet applicants.
2. Weaknesses in Risk Management and Control Activities:
  - a. Lack of risk management and a risk response to design and implement comprehensive policies and procedures for awarding PELs to IGTs. This is particularly critical as 1) elements of the licensing process are spread between multiple USBE sections, and 2) the process includes analysis and information from multiple individuals in more than one country.

**Effect:** The Board may not be able to provide assurance on, and stakeholders of the public education system may not be able to rely on, licensing cycle consistency regarding IGT educator competency.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE should ensure all components of its internal control system for licensing IGTs are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the Board could consider:

1. Revising the license cycle for IGT's from three years to five years, similar to other PELs,
2. Centralizing all licensing tasks and responsibilities with Educator Licensing to ensure consistency, and/or
3. Requiring credentials be submitted for all IGT educators, with copies maintained at the USBE.

Furthermore, Educator Licensing should consider reviewing all licenses awarded to IGTs to ensure their expiration date is congruent with Board Rule.

#### *v. Record Retention*

**Criteria:** USBE, Teaching and Learning Retention Series 6951 (Approved 3/1987) states,

The Board of Education is designated to license all educators for the state (Utah Code 53A-6-104(2003) [for updated code, see 53E-6-201]). Records document the training and experience of teachers who have been licensed to teach in the state, including previous certifications, educational degrees, and teaching positions.

Retain for 75 year(s)

**Condition:** Eleven of 22 (50%) AEL applications reviewed had inaccessible records. Essentially, applications submitted prior to May 2021 become inaccessible, as the information system used to maintain the uploaded documents does not preserve the data.

**Cause:** Potential causes include:

1. Weaknesses in the Internal Control Environment:
  - a. Lack of awareness or understanding of record retention compliance objectives
  - b. Lack of adequate resources to fulfill responsibilities to achieve objectives.
    - i. Educator Licensing indicated maintaining documents would require a new FTE.
2. Weaknesses in Risk Management and Control Activities:
  - a. Lack of risk management and a risk response to design and implement comprehensive policies and procedures for record retention, based on data collection systems, information systems, and accountability systems used.
    - i. Educator Licensing identified the need to utilize a system to collect application data until USIMS is fully operational. Initially, Qualtrics was used as an information system to retain data, including attachments, which is not the primary objective of that system.

**Effect:** The Board cannot provide assurance that AELs met licensing compliance objectives or were processed correctly.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE should ensure all components of its internal control system for record retention (for all license types) are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE should consider retaining current information in Qualtrics by downloading the files to agency shared drives.

Educator Licensing has acknowledged the risk and identified a new platform with expanded capabilities and assurances of documentation retention for the full retention period.

*vi. License Compliance Objectives*

**Criteria:** Utah Admin. Code R277-301 Educator Licensing. (Effective 1/11/22 – 6/7/22) states,

5(1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-5.

(2) A professional educator license, license area, or endorsement is valid for five years.

(3) The general requirements for a professional educator license shall include:

(a) all general requirements for an associate educator license under Subsection R277-301-5(4);

(b) completion of:

(i) a bachelor's degree or higher from a regionally accredited institution; or

- (ii) skill certification in a specific CTE area as established by the Superintendent;
- (c) for an individual with an early childhood, elementary, special education, or pre-school special education license area of concentration, completion of a literacy preparation assessment; and
- (d) one of the following:
  - (i) a recommendation from a Board-approved educator preparation program...

4(5) The general requirements for an associate educator license shall include:

- (b) completion of the educator ethics review within one calendar year prior to the application...

**Condition:** One of 97 (1%) sampled educators received their PEL prior to the educator record showing the completion of all compliance objectives (i.e., completing an ethics review and receiving a recommendation from a Board-approved educator preparation program).

**Cause:** Potential causes include:

1. Weakness in Risk Management and Control Activities:
  - a. As noted in **III Data Reliability**, concerns have been identified with CACTUS, and the USBE is in-process of designing and implementing the USIMS information system. However, CACTUS allows for manual entry and/or override of controls (i.e., backdating) by staff, which likely occurred in this case to correct a technical difficulty with the information system.

**Effect:** Potential effects include:

1. Unreliable data, which could be included in reports provided to policymakers.
2. Inefficiencies related to manual processes and corrections.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE should ensure all components of its internal control system for the licensing process are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE should consider whether the issue is significant enough to do the following:

1. Implement additional controls (e.g., segregation of duties or a supervisor review) to all manual overrides of CACTUS.
2. Require justification and documentation of each override be retained, and
3. Require incidents be both logged and reported to IT for information system improvements.



## B. Other Compliance

### *i. LEA Internal Controls*

**Criteria:** R277-113 LEA Fiscal and Auditing Policies. (Date of Last Change: November 8, 2021) states,

6(1) An LEA governing board shall have the following responsibilities:

- (a) approve written fiscal policies and procedures required by Section R277-113-5;
- (b) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;

2 CFR §200.303 Internal controls states, the non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

**Condition:** Based on a sample of 16 LEAs, effective internal control systems sufficient to provide reasonable assurance that compliance objectives will be achieved have not been designed and implemented.

**Cause:** Potential causes include:

1. Weaknesses in the Internal Control Environment:
  - a. Limited experience and/or expertise of governing boards and administrations with internal control system oversight design and implementation.
  - b. Lack of awareness or understanding of, or an indifference to, compliance objectives.
  - c. Lack of adequate resources to fulfill responsibilities to achieve objectives.

**Effect:** Identified effects as noted throughout the audit for the review of a sample of 16 LEAs include:

1. Open & Public Meetings:

- a. One of 16 (6%) LEAs did not post approved local board meeting minutes to either their LEA website or the state public meeting notice website (see **Appendix C: I.1 & 9**).
2. LEA-specific
- a. Six of 16 (38%) LEAs either provided inaccurate information related to local board approval of their licensing compliance objectives for LEA-specific, or for one LEA, the local board did not approve related policy changes though they were informed (see **Appendix C: II.1 & 5; IV.1**).
  - b. Nine of 16 (56%) LEAs do not have established content knowledge compliance objectives for LEA-specific applicants, or if they do, the requirements are so vague they are rendered subjective and inconsistent (see **Appendix C: II.5**).
  - c. Fourteen of 16 (94%) LEAs do not have pedagogical compliance objectives for LEA-specific applicants. Instead, it appears LEAs rely on mentoring programs after the educator is hired and licensed to provide pedagogical support (see **Appendix C: II.5**).
  - d. Thirteen of 15 (87%) LEAs (15 because one LEA's file upload was inaccessible) cannot verify their LEA-specific educators receive training in educator ethics, classroom management and instruction, basic special education law and instruction, and the Utah Effective Teaching Standards (UETS) (see **Appendix C: II.5**).
  - e. Seven of 28 (25%) schools, from five of 16 (31%) LEAs, did not prominently post some or all of the required LEA-specific information on their website (see **Appendix C: II.5**).
3. Substitutes
- a. Three of 16 (19%) LEAs reported they do not track the use of substitute teachers (see **Appendix C: I.8**).
4. Policy Development
- a. One of 15 (7%) LEAs' policies stated that an LEA-specific educator would be trained on the four required areas within 18 months, which is contrary to the 12-month required timeline (see **Appendix C: II.5**).
5. Educators in the Classroom
- a. Between 1/27/2023 and 2/22/23, the USBE had identified at least 18 LEAs employing 213 educators without an educator license (additional educators at other LEAs were also subsequently identified); LEAs were notified of this noncompliance and requested to indicate how it would be addressed. Of the 213 educators, 45 (21%) were identified to hold an expired license and 168 (79%) to have never held any license (see **Appendix C: I.4 & 6; II.11**).
  - b. For both charter schools and districts, the growth of non-qualified FTEs outpaced the growth of qualified FTEs over the course of five years (SFY2018 – SFY2022).

- i. Specifically, charter school growth of non-qualified FTEs increased by 42% as compared to 22% for qualified FTEs, although overall numbers of non-qualified are small in comparison. Districts likewise saw greater growth of non-qualified FTEs, at 36%, compared to just 2% growth in its use of qualified FTEs. Overall, 58% of LEAs experienced more non-qualified FTE growth than qualified growth (see **Appendix C I.4 & 6; II.11**).
- ii. For 153 LEAs with all five years of trend data available, 97 (63%) experienced a decline in use of fully qualified FTEs; two (1%) LEAs use only fully qualified FTEs—these LEAs are small, maintain less than 20 FTEs, and are run by institutions of higher education (see **Appendix C I.4 & 6; II.11**).
- c. In SFY 2022, 618 of 69,466 (1%) course assignments (under Elementary, Early Childhood, Secondary, and Special Education) requiring licensure were filled by individuals without a license (see **Appendix C: I.4 & 6; II.11**).
- d. As of November 1, 2022, five of 1,431 (0.3%) educators who applied for an AEL between July 2021 to August 2022, were not licensed for their active assignment in CACTUS (see **Appendix C: I.4 & 6; II.11**).

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE and LEAs should ensure all components of their internal control systems for the licensing process are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE should consider:

1. Implementing more robust controls on LEA-specifics or redesign the licensing system to prevent unqualified individuals from becoming licensed educators.
2. Requiring all educators, LEA-specific educators in particular, complete the USBE's training modules on ethics, classroom management and instruction, special education law and instruction, and the UETS—and verifying completion prior to awarding a license.
3. Removing the provision that allows educators with an LEA-specific to renew their LEA-specific indefinitely (i.e., they should be on a path to eventually become fully qualified).

*ii. Educator License Renewal*

**Criteria:** Utah Admin. Code R277-302 Educator Licensing Renewal. (Date of Last Change: July 22, 2022) states,

5(1) An educator is responsible for acquiring and retaining documentation and signatures related to the completion of professional learning activities used to meet the requirements of this rule.

(2) An educator shall finalize all renewal documentation during the six months prior to the date of renewal.

(3) An educator shall retain all documentation related to a renewal application under this rule for no less than two years from the date of renewal.

Utah Admin. Code R277-312 Online Educator Licensure. (Date of Last Change: June 7, 2022) states,

5(1) A license applicant or license holder shall supply accurate and complete information in all license transactions.

(2) A license applicant or license holder shall maintain files and documentation of the information provided in a license transaction for a period of one year after the completion of the license transaction.

(3) A license applicant or license holder that intentionally supplies inaccurate, misleading, false, or otherwise unreliable information in any license transaction shall be subject to the full range of disciplinary actions that may be applied by UPPAC and the Board, consistent with Rule R277-215.

**Condition:** Four of 40 (10%) sampled educators renewed their license without a completed renewal form. The signed renewal form must be completed and maintained by the licensee; but is not required to be submitted to the USBE unless the individual is selected for monitoring. Therefore, these four educators intentionally supplied inaccurate information to the USBE by completing the renewal process without the documentation necessary to justify the renewal.

Additionally, 239 of 758 (32%) renewal forms reviewed, had errors that required further educator action. Common errors include the following: outdated contact information stored in CACTUS, missing administration signatures, miscalculated renewal hours, missing CACTUS IDs, and incomplete trainings.

**Cause:** Potential causes include:

1. Weakness in the Internal Control Environment:
  - a. Misunderstanding or indifference of educators to compliance objectives, reinforced by lack of accountability by the USBE as there is no enforced consequence for 1) failing to provide the renewal form, 2) incorrectly completing the form, or 3) failing to respond to USBE requests for corrected forms in a timely manner.
    - i. There is also no consequence for renewing after the January 1 – June 30 renewal window (i.e., no repercussion for allowing a license to expire).

**Effect:** Potential effects include:

1. Increased risk and liability to the state and LEAs if licenses are renewed without educators meeting all licensing renewal compliance objectives.
2. Unreliable data, which could be included in reports provided to policymakers.
3. Inefficiencies related to corrections.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE and LEAs should ensure all components of their internal control system for the licensing renewal process are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE should consider:

1. Returning all incorrect and incomplete renewal forms to the educator for correction. There may also be situations when referring educators, who are not complying with compliance objectives (i.e., R277-302 or R277-312), to UPPAC may be appropriate.
2. Regarding the renewal form:
  - a. Risk-assessing barriers to compliance objectives to determine elements to include on the renewal form,
  - b. Automating the renewal form, and if possible, programming the information system to match CACTUS IDs to educator and administrator names, and
  - c. Requiring all educators renewing their license to submit the renewal form—not just those sampled for monitoring.
  - d. Also see **IV.1.B.i Licensor-Licensee Relationship** and **IV.1.C.viii Monitoring, Licensing System** for related information and **IV.1.D Cause, Effect, and Recommendation** regarding the Licensor- Licensee Relationship.

### *iii. Educator Student Data Privacy Training*

**Criteria:** Utah Admin. Code R277-487 Public School Data Confidentiality and Disclosure. (Date of Enactment or Last Substantive Amendment: November 8, 2019) states,

9(1) The Superintendent shall develop a student and data security and privacy training for educators.

(2) Beginning in the 2018-19 school year, an educator shall complete the training developed in accordance with Subsection (1) as a condition of re-licensure.

**Condition:** Two of 40 (5%) educators sampled did not complete the Student Data Privacy training prior to renewing their license.

**Cause:** Potential causes include:

1. Weakness in the Internal Control Environment:

- a. Misunderstanding or indifference of educators to compliance objectives outlining the compliance objectives for renewal, reinforced by a lack of accountability by the USBE.
- 2. Weaknesses in Risk Management and Control Activities:
  - a. Lack of risk management and a risk response to design and implement comprehensive policies and procedures for Student Data Privacy training.
    - i. For example, as previously noted, license renewal monitoring only reviews for enrollment in the training, not completion of the training; based on a review of training information, only 42% of educators from December 2018 and October 2022 completed the training.

**Effect:** A potential increase in risk and liability to the state and LEAs if licenses are renewed without educators meeting all licensing renewal compliance objectives. In this case by not knowing content of required trainings educators may not maintain student data privacy, which increases risk to student safety and may include fees for noncompliance.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE and educators should ensure all components of their internal control system for the Student Data Privacy training are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE should address risk responses, ensuring educators complete Student Data Privacy training prior to having their license renewed. Risk responses could include adding information system controls or monitoring control activities.

*iv. Educator Endorsements*

**Criteria:** Utah Admin. Code R277-309. Appropriate Licensing and Assignment of Teachers (Date of Enactment or Last Substantive Amendment: August 12, 2021) states,

3(1) All teachers in public schools shall hold a current educator license along with appropriate license areas of concentration and endorsements that is not suspended or revoked by the Board under Section 53E-6-604.

**Condition:** Seven of 40 (18%) applicants sampled for associate endorsements were denied because the applicant could not prove they met the compliance objectives.

**Cause:** Potential causes include:

- 1. Weakness in the Internal Control Environment:

- i. Not understanding compliance objectives for endorsements and applying for any they are interested in, not those for which they are qualified.
- ii. Applying prior to completing necessary courses.
- iii. Not completing all parts of the application (e.g., approval from Career and Technical Education that they meet all compliance objectives for the endorsement).

**Effect:** Potential effects include:

1. Applicants for endorsements may need to spend additional time performing redundant activities, which may impact their perception of the profession.
2. Inefficiencies related to redundant processes, leading to wasted resources.

**Recommendation:** To achieve compliance objectives for licensing educators, the USBE educators should ensure all components of their internal control systems for endorsement applications are effectively designed, implemented, and operating, and operating together in an integrated manner.

Specifically, the USBE may consider revising the endorsement-application process so that applicants need to submit only one application to only one department (i.e., Educator Licensing). For example, CTE has its own endorsement process, which requires applicants to submit applications to both Educator Licensing and to CTE.

## V. Appendices

### Appendix A – Glossary

Term or Acronym	Term or Acronym Description
AEL	Associate Educator License
APPEL	Alternate Pathway to Professional Educator License
ARL	Alternate Route to Licensure
Board	Utah State Board of Education's constitutionally established and elected body of 15 members.
CACTUS	Comprehensive Administration of Credentials for Teachers in Utah Schools
CE	Concurrent Enrollment
Compliance Objectives	"In the government sector, objectives related to compliance with applicable laws and regulations are very significant. Laws and regulations often prescribe a government entity's objectives, structure, methods to achieve objectives, and reporting of performance relative to achieving objectives. Management considers objectives in the category of compliance comprehensively for the entity and determines what controls are necessary to design, implement, and operate for the entity to achieve these objectives effectively." <i>The Green Book OV2.22</i>
Control Activities	The actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system, which includes the entity's information system. <i>Green Book OV2.04</i>
Control Environment	"The foundation for an internal control system. It provides the discipline and structure to help an entity achieve its objectives." <i>The Green Book OV2.04</i>
CTE	Career and Technical Education
Design	A plan to achieve established objectives (i.e., to show the look and function or workings of a system before it is implemented); should be comprehensive and documented, including identification of necessary forms, personnel, tools, etc. Plans may be documented as rules, policies, procedures, processes.



Documentation	"Documentation is a necessary part of an effective internal control system. The level and nature of documentation vary based on the size of the entity and the complexity of the operational processes the entity performs. Management uses judgment in determining the extent of documentation that is needed. Documentation is required for the effective design, implementation, and operating effectiveness of an entity's internal control system. The Green Book includes minimum documentation requirements..." <i>The Green Book OV4.08</i>
edTPA	Performance-based, subject specific assessment and support system used by teacher preparation programs (see <a href="https://www.edtpa.com/pageview.aspx?f=gen_aboutedtpa.html">https://www.edtpa.com/pageview.aspx?f=gen_aboutedtpa.html</a> )
EPP	Educator Preparation Program
FTE	Full-time Equivalent
Implementation	Put a plan into effect; execute the previously designed plan
LEA-specific	LEA-specific License
Monitoring for Operating Effectiveness	Formally review, inspect, or examine the operation of a designed and implemented plan to achieve objectives
OOS	Out-of-State
PEL	Professional Educator License
PPA	Pedagogical Performance Assessment
PPAT	Praxis Performance Assessment for Teachers
Praxis	A test to measure the knowledge and skills you need to prepare for the classroom (see <a href="https://www.ets.org/praxis/site.html">https://www.ets.org/praxis/site.html</a> )
RISE	Readiness Improvement Success Empowerment: The RISE assessment is a computer adaptive criterion referenced assessment system that includes summative tests for English Language Arts (ELAs), Mathematics, Science, and Writing.
Risk	The possibility of an event occurring that will have an impact on the achievement of objectives. <i>International Standards for the Professional Practice of Internal Auditing, Glossary</i>
Risk Assessment	"Assesses the risks facing the entity as it seeks to achieve its objectives. This assessment provides the basis for developing appropriate risk responses." <i>The Green Book OV2.04</i>

The Green Book	<p><a href="#"><i>Standards for Internal Control in the Federal Government</i></a> (Issued September 2014 by the Comptroller General of the United States.</p> <p>“The Green Book defines the standards for internal control in the federal government...The standards provide criteria for assessing the design, implementation, and operating effectiveness of internal control in federal government entities to determine if an internal control system is effective. Nonfederal entities* may use the Green Book as a framework to design, implement, and operate an internal control system.” <i>The Green Book OV2.01</i></p> <p><i>*The Green Book is the standard the federal government indicates nonfederal entities (e.g., the USBE, LEAs) should use for federal grants management (see 2 CFR 200.303). The Board also indicates it as the standard for LEAs (R277-113-6).</i></p>
UETS	Utah Effective Teacher Standards and Indicators; these articulate what effective teaching and learning look like in the Utah public education system.
UPPAC	Utah Professional Practices Advisory Commission
USB E	Utah State Board of Education office
USIMS	Utah Schools Management Information System
UTREx	Utah eTranscript and Record Exchange

# UTAH EDUCATOR LICENSING

Effective July 1, 2020

The **Utah State Board of Education** restructured the educator licensing model (Board Rule R277-301). Below is an outline of the new educator licensing structure, **minimum requirements**, and terminology.

## 3 LEVELS OF EDUCATOR LICENSES

### Minimum Requirements



#### LEA-SPECIFIC:

- ☑ Educator must establish a USBE-cleared background check and ethics review.
- ☑ LEA Board must apply on behalf of educator.
- ☑ LEA must create a personalized plan for educator support.
- ☑ LEA must post percentage of assignments with educators on LEA-specific license area or endorsement.

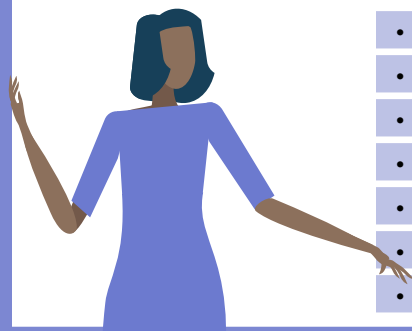
#### ASSOCIATE LICENSE:

- ☑ USBE-cleared background check and ethics review
- ☑ Bachelor degree: completed or enrolled
- ☑ Content knowledge competency: tests, major, or experience
- ☑ Completed USBE pedagogical modules

#### PROFESSIONAL LICENSE:

- ☑ USBE-cleared background check and ethics review
- ☑ Content knowledge competency: tests, major, or experience
- ☑ Completed university-based or alternate educator preparation program

## 14 LICENSE AREAS OF CONCENTRATION



- |  |                               |
|--|-------------------------------|
| • Audiologist                          | • School Counselor            |
| • Career and Technical Education (CTE) | • School Leadership           |
| • Deaf Education                       | • School Psychologist         |
| • Early Childhood Education            | • School Social Worker        |
| • Elementary Education                 | • Special Education           |
| • Secondary Education                  | • Speech-Language Pathologist |
| • Preschool Special Education          | • Speech-Language Technician  |

## NUMEROUS ENDORSEMENTS—An abbreviated list

- |                                      |                          |                              |
|--------------------------------------|--------------------------|------------------------------|
| • Career & Technical Education (CTE) | • Instructional Coaching | • American Sign Language     |
| • Driver Education                   | • Library Media          | • Deaf/Blind                 |
| • Dual Language Immersion            | • Mathematics            | • Deaf and Hard of Hearing   |
| • Educational Technology             | • Physical Education     | • Mild/Moderate Disabilities |
| • English As a Second Language       | • Reading                | • Severe Disabilities        |
| • English Language Arts              | • Science                | • Visual Impairments         |
| • Fine Arts                          | • STEM                   |                              |
| • Gifted and Talented                | • Social Studies         |                              |
| • Health Education                   | • World Languages        |                              |



## Appendix C – Criteria

*General Note: The most current reference for each criterion is shown below. However, there is historical criterion that was also effective during the scope of this audit that was reviewed. Historical criterion is not included herein; however, criteria with relevant historical criteria is designated with an asterisk.*

### I. Utah Code Annotated

1. **52-4-203** Written minutes of open meetings -- Public records -- Recording of meetings. *(Effective 7/1/2021)*
  - (g) A public body that is not a state public body or a specified local public body shall:
    - (ii) within three business days after approving written minutes of an open meeting:
      - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or
      - (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted;
    - (h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.
    - (i) Approved minutes of an open meeting are the official record of the meeting.
2. **53E-2-201** Policy for Utah's public education system. *(Effective 5/14/2019)*
  - (1)
    - (a) The continuous cultivation of an informed and virtuous citizenry among succeeding generations is essential to the state and the nation.
    - (b) The state's public education system is established and maintained as provided in Utah Constitution, Article X, and this public education code.
    - (c) Parents have the primary responsibility for the education of their children and elect representatives in the Legislature and on state and local school boards to administer the state public education system, which provides extensive support and assistance. All children of the state are entitled to a

free elementary and secondary public education as provided in Utah Constitution, Article X.

- (d) Public schools fulfill a vital purpose in the education and preparation of informed and responsible citizens who:
  - (i) fully understand and lawfully exercise their individual rights and liberties;
  - (ii) become self-reliant and able to provide for themselves and their families; and
  - (iii) contribute to the public good and the health, welfare, and security of the state and the nation.

3. **53E-2-301** Public education's vision and mission. *(Effective 5/14/2019)*

- (1) The Legislature envisions an educated citizenry that encompasses the following foundational principles:
  - (a) citizen participation in civic and political affairs;
  - (b) economic prosperity for the state by graduating students who are college and career ready;
  - (c) strong moral and social values; and
  - (d) loyalty and commitment to constitutional government.
- (2) The Legislature recognizes that public education's mission is to assure Utah the best educated citizenry in the world and each individual the training to succeed in a global society by providing students with:
  - (a) learning and occupational skills;
  - (b) character development;
  - (c) literacy and numeracy;
  - (d) high quality instruction;
  - (e) curriculum based on high standards and relevance; and
  - (f) effective assessment to inform high quality instruction and accountability.
- (3) The Legislature:
  - (a) recognizes that parents are a child's first teachers and are responsible for the education of their children;
  - (b) encourages family engagement and adequate preparation so that students enter the public education system ready to learn; and
  - (c) intends that the mission detailed in Subsection (2) be carried out through a responsive educational system that guarantees local school communities autonomy, flexibility, and client choice, while holding them accountable for results.

4. **53E-6-102** Definitions. *(Effective 5/14/2019)*
  - (2) "Educator" means:
    - (a) a person who holds a license;
    - (b) a teacher, counselor, administrator, librarian, or other person required, under rules of the state board, to hold a license; or
    - (c) a person who is the subject of an allegation which has been received by the state board or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.
  - (3) "License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools.
  
5. **53E-6-103** Legislative findings on teacher quality -- Declaration of education as a profession. *(Effective 5/14/2019)*
  - (1)
    - (a) The Legislature acknowledges that education is perhaps the most important function of state and local governments, recognizing that the future success of our state and nation depend in large part upon the existence of a responsible and educated citizenry.
  - (2)
    - (a) The Legislature finds that:
      - (i) quality teaching is the basic building block of successful schools and, outside of home and family circumstances, the essential component of student achievement;
      - (ii) the high quality of teachers is absolutely essential to enhance student achievement and to assure educational excellence in each classroom in the state's public schools; and
      - (iii) the implementation of a comprehensive continuum of data-driven strategies regarding recruitment, preservice, licensure, induction, professional development, and evaluation is essential if the state and its citizens expect every classroom to be staffed by a skilled, caring, and effective teacher.
    - (b) In providing for the safe and effective performance of the function of or seek to become licensed and to serve as educators:

- (i) meet high standards both as to qualifications and fitness for service as educators through quality recruitment and preservice programs before assuming their responsibilities in the schools;
  
- 6. **53E-6-201** State board licensure. *(Effective 7/1/2020)*
  - (1) To be fully implemented by July 1, 2020, and, if technology and funds are available, the state board shall establish in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a system for educator licensing that includes:
    - (a) an associate educator license that permits an individual to provide educational services in a public school while working to meet the requirements of a professional educator license;
    - (b) a professional educator license that permits an individual to provide educational services in a public school after demonstrating that the individual meets licensure requirements established in state board rule; and
    - (c) an LEA-specific educator license issued by the state board at the request of an LEA's governing body that is valid for an individual to provide educational services in the requesting LEA's schools.
  
  - (2) An individual employed in a position that requires licensure by the state board shall hold the license that is appropriate to the position.
  
  - (3)
    - (a) The state board may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rank, endorse, or otherwise classify licenses and establish the criteria for obtaining, retaining, and reinstating licenses.
  
- 7. **53E-6-401** Background checks. *(Effective 5/14/2019)*

In accordance with Section 53G-11-403, the state board shall require a license applicant to submit to a criminal background check and ongoing monitoring as a condition for licensing.
  
- 8. **53E-6-901** Substitute teachers. *(Effective 1/24/2018)*
  - (1) A substitute teacher need not hold a license to teach, but school districts are encouraged to hire licensed personnel as substitutes when available.

- (2) A person must submit to a background check under Section 53G-11-402 prior to employment as a substitute teacher.
  - (3) A teacher's position in the classroom may not be filled by an unlicensed substitute teacher for more than a total of 20 days during any school year unless licensed personnel are not available.
9. **53G-5-405** Application of statutes and rules to charter schools. *(Effective 5/12/2020)*
- (5) Each charter school shall be subject to:
    - (a) Title 52, Chapter 4, Open and Public Meetings Act;

## II. Utah Administrative Code (Rule)

1. **R277-113-6** LEA Governing Board Fiscal Responsibilities. *(Date of Last Change: November 8, 2021)*
- (1) An LEA governing board shall have the following responsibilities:
    - (a) approve written fiscal policies and procedures required by Section R277-113-5;
    - (b) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;
2. **R277-301-3** Licensing Structure. *(Effective July 9, 2020 – Current; Date of Last Change: July 15, 2022)*
- (1) Utah educator licenses include the following licenses:
    - (a) Associate educator license;
    - (b) Professional educator license; and
    - (c) LEA-specific educator license.
  - (2) The Superintendent may only issue one single active Utah educator license to an individual.



- (5) An associate educator license may only include associate or LEA-specific license areas of concentration and endorsements.
  - (6) An LEA-specific educator license may only include LEA-specific license areas of concentration and endorsements.
  - (9)
    - (a) All licenses expire on June 30 of the year of expiration and a licensee may renew any time after January 1 of the same year.
    - (b) Responsibility for license renewal rests solely with the licensee
3. **R277-301-4\*** Associate Educator License Requirements. *(Effective January 11, 2022 – Current; Date of Last Change: July 15, 2022)*
- (2) An associate educator license, license area, or endorsement is valid for three years.
  - (5) The general requirements for an associate educator license shall include:
    - (b) completion of the educator ethics review within one calendar year prior to the application.
  - (10) Additional requirements for an associate educator license shall include:
    - (a) successful completion of professional learning modules created or approved by the Superintendent in:
      - (i) educator ethics;
      - (ii) classroom management and instruction;
      - (iii) basic special education law and instruction;
      - (iv) the Utah Effective Teaching Standards described in Rule R277-530; or
    - (b) enrollment in a university-based Board-approved educator preparation program.
4. **R277-301-5\*** Professional Educator License Requirements. *(Effective June 24, 2021 – Current; Date of Last Change: July 15, 2022)*
- (1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-5.

- (2) A professional educator license, license area, or endorsement is valid for five years.
  - (3) The general requirements for a professional educator license shall include:
    - (a) all general requirements for an associate educator license under Subsection R277-301-5(4) [sic];
    - (b) completion of:
      - (i) a bachelor's degree or higher from a regionally accredited institution; or
      - (ii) skill certification in a specific CTE area as established by the Superintendent;
    - (c) for an individual with an early childhood, elementary, special education, or pre-school special education license area of concentration, completion of a literacy preparation assessment; and
    - (d) one of the following:
      - (i) a recommendation from a Board-approved educator preparation program;
5. **R277-301-7\*** LEA-specific Educator License Requirements. *(Effective July 15, 2022 – Current; Date of Last Change: July 15, 2022)*
- (1) The Superintendent may issue an LEA-specific educator license to a candidate if:
    - (a) the LEA requesting the LEA-specific educator license has an adopted policy, posted on the LEA's website, which includes:
      - (i) educator preparation and support:
        - (A) as established by the LEA; and
        - (B) aligned with the Utah Effective Teaching Standards described in Rule R277-530;
      - (ii) criteria for employing educators with an LEA-specific license; and
      - (iii) compliance with all requirements of this rule;
    - (b) an LEA governing board applies on behalf of the candidate;
    - (c) the candidate meets all the requirements in this Section R277-301-7; and
    - (d) within the first year of employment, the LEA trains the candidate on:
      - (i) educator ethics;
      - (ii) classroom management and instruction;
      - (iii) basic special education law and instruction; and
      - (iv) the Utah Effective Teaching Standards described in R277-530.
  - (2) An LEA-specific license, license area, or endorsement is valid only within the

requesting LEA.

- (3) An LEA-specific license, license area, or endorsement is valid for three years.
  - (9) The content knowledge and pedagogical requirements for an LEA-specific educator license shall be established by the LEA governing board.
  - (10) An LEA school that requests an LEA-specific license, license area, or endorsement shall prominently post the following information on each school's website:
    - (a) disclosure of the fact that the school employs individuals holding LEA-specific educator licenses, license areas, or endorsements;
    - (b) an explanation of the types of licenses issued by the board;
    - (c) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the school based on the employees' FTE as reported to the Superintendent; and
    - (d) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-312-7(6).
6. **R277-302-4** Superintendent Responsibilities. *(Effective: November 10, 2020 – July 22, 2022)*
- (1) The Superintendent shall establish application procedures for Utah educator license renewal that:
    - (b) require verification of the educator's completed license renewal hours by the signature of a current licensed administrator without a conflict of interest with the educator
  - (2) The Superintendent shall monitor a random sample of approximately ten percent of annual renewals that utilize automated or online procedures.
7. **R277-302-5** Educator Responsibilities. *(Effective: November 10, 2020 – Current; Date of Last Change: July 22, 2022)*
- (1) An educator is responsible for acquiring and retaining documentation and signatures related to the completion of professional learning activities used to meet the requirements of this rule.

- (2) An educator shall finalize all renewal documentation during the six months prior to the date of renewal.
  - (3) An educator shall retain all documentation related to a renewal application under this rule for no less than two years from the date of renewal.
  - (4) If an educator's renewal application is identified for monitoring in accordance with Subsections R277-302-4(2) and (3), the educator shall submit any requested documentation to the Superintendent in a timely manner.
  
8. **R277-302-6\*** LEA Responsibilities. *(Effective: July 22, 2022 – Current; Date of Last Change: July 22, 2022)*
  - (1) An LEA that employs an individual holding a professional Utah educator license shall provide opportunities for the individual to complete a minimum of the equivalent of 20 license renewal hours as defined in Section R277-302-7 of professional learning activities to all such license holders annually, which shall include trainings required by state law or Board rule.
  
9. **R277-302-7** Professional Renewal Activities. *(Effective July 22, 2022 – Current; Date of Last Change: July 22, 2022)*
  - (1) An educator with a current assignment in a Utah LEA shall complete renewal hours in at least two of the areas identified in this Section R277-302-7, subject to the maximum renewal hours in Subsection (4).
  
10. **R277-309-3** Required Licensing *(Effective July 23, 2020 – Current; Date of Last Change: August 22, 2022)*
  - (1) All teachers in public schools shall hold a current educator license along with appropriate license areas of concentration and endorsements that is not suspended or revoked by the Board under Section 53E-6-604.
  
11. **R277-309-4\*** Appropriate Licenses, License Areas of Concentration, and Endorsements. *(Effective August 22, 2022 – Current; Date of Last Change: August 22, 2022)*
  - (1) An educator assigned to teach a class in kindergarten through grade 3 shall hold a current educator license with:

- (a) an early childhood license area of concentration;
  - (b) an elementary license area of concentration; or
  - (c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.
- (2) An educator assigned to teach a class in grade 4 through grade 8 in an elementary setting shall hold a current educator license with:
- (a) an elementary license area of concentration;
- (8) An educator assigned to teach a class in grade 9 through grade 12 shall hold a current educator license with:
- (a) a secondary or a career and technical education license area of concentration with the appropriate endorsement for all assigned courses;
- (10)
- (a) An educator assigned to serve or teach a class of students with disabilities shall hold a current educator license with a special education license area of concentration and special education endorsement;
- (12) An educator assigned to serve deaf and hard of hearing students shall hold:
- (a) a current educator license with a special education license area of concentration and deaf and hard of hearing endorsement; or
  - (b) a deaf education license area of concentration.
- (17) An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.
- (18) An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.
12. **R277-310-3** Superintendent Responsibilities. *(Date of Enactment or Last Substantive Amendment: September 24, 2020 – present)*
- (3) The Superintendent shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.
- (7)
- (a) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive a professional license.

(b) Notwithstanding Subsection R277-301-5(2), a professional license issued in accordance with this Rule R277-310 is valid for three years.

13. **R277-310-4** International Guest Teacher Requirements. *(Date of Enactment or Last Substantive Amendment: September 24, 2020 – present)*

(2) A guest teacher shall cooperate with the Superintendent in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the Superintendent.

14. **R277-312-5** License Applicant and License Holder Responsibilities. *(Effective November 8, 2021 – Current; Date of Last Change: June 7, 2022)*

(1) A license applicant or license holder shall supply accurate and complete information in all license transactions.

(2) A license applicant or license holder shall maintain files and documentation of the information provided in a license transaction for a period of one year after the completion of the license transaction.

(3) A license applicant or license holder that intentionally supplies inaccurate, misleading, false, or otherwise unreliable information in any license transaction shall be subject to the full range of disciplinary actions that may be applied by UPPAC and the Board, consistent with Rule R277-215.

15. **R277-487-9** Data Security and Privacy Training for Educators. *(Date of Enactment or Last Substantive Amendment: November 8, 2019)*

(1) The Superintendent shall develop a student and data security and privacy training for educators.

(2) Beginning in the 2018-19 school year, an educator shall complete the training developed in accordance with Subsection (1) as a condition of re-licensure.

16. **R277-502-4** License Levels, Procedures, and Periods of Validity. *(Date of Enactment or Last Substantive Amendment: February 7, 2020; Repealed 12/9/2021)*

(10) A Level 3 license is valid for seven years unless suspended or revoked for cause by the Board.

(11) A Level 3 license may be renewed for successive seven year periods consistent with Rule R277-500.

### III. Utah General Retention Schedule

1. **General Retention Schedule 1441** Teacher certification systems. (*Effective 5/1998*)

#### **Description**

This computer system documents all teachers certified to teach in the State of Utah. The Utah State Office of Education (USOE) adds basic information on certified teachers including degrees, state in-service training, certificates, and endorsements while the district is responsible for keeping employment information current. The district adds current assignments including an accurate specific percentage breakdown (e.g., 50 percent physical education, 25 percent teaching history, 25 percent teaching English), salary, lane and step, number of days working, and credit summary. The information is updated monthly and is audited by the USOE. When the teacher moves from one district to another, the employee must be terminated before the new district can add current information. The system includes demographic data (i.e., name, social security number, date of birth, home address), certificates and endorsements, criminal history (if any), inservice training received, and a listing of professional teaching experience.

#### **Retention and Disposition**

Retain until superseded, and then destroy records.

2. **Board of Education.** Office of Education. Teaching and Learning Series 6951 Teacher Licensing Records (*Approved 03/1987*)

#### **Description**

The Board of Education is designated to license all educators for the state (Utah Code 53A-6-104(2003) [for updated code, see 53E-6-201]). Records document the training and experience of teachers who have been licensed to teach in the state, including previous certifications, educational degrees, and teaching positions.

## Retention

Retain for 75 year(s)

### IV. Code of Federal Regulations

1. **2 CFR 200.303** Internal controls. *(Effective August 13, 2020)*

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).





April 28, 2023

Deborah Davis, CPA  
Chief Audit Executive  
Utah State Board of Education  
PO Box 144200  
Salt Lake City, UT 84114-4200

Dear Ms. Davis:

The Utah State Board of Education (USBE) management team appreciates the work of you and your team in conducting and presenting us with the results of Audit Report No. 22-02, Licensing Audit Report, on educator licensing. The USBE values honest and transparent assessments of our operations in the interest of supporting educators, LEAs, and their students. This audit provides us valuable insights and opportunities to refine educator licensing policies and procedures. We carefully reviewed your findings and recommendations and concur with your observations.

We have already taken steps to address the issues raised in your report, including clarifying educator license renewal requirements and implementing a new online license application system. We believe that these actions are important steps that effectively address concerns identified in the audit report as we continue to implement improvements to educator licensing.

We appreciate the professionalism and thoroughness of your audit team and thank you for your valuable contribution to USBE. We look forward to continuing our journey together as we strive for operational excellence and simplification for our LEAs and educators.

Sincerely,

Sydnee Dickson, Ed.D.  
State Superintendent of Public Instruction  
Utah State Board of Education

cc: James Moss, Board Chair  
Molly Hart, Board Vice Chair  
Jennie Earl, Board Vice Chair  
Scott Jones, Deputy Superintendent of Operations  
Patty Norman, Deputy Superintendent of Student Achievement  
Angie Stallings, Deputy Superintendent of Policy  
Sarah Young, Chief of Staff