

R277-301 received final approval by the Utah State Board of Education on April 6, 2023. R277-301 will be published in the May 1, 2023, Utah State Bulletin, subject to a 30-day comment period, with a planned effective date of June 7, 2023.

## **R277. Education, Administration.**

### **R277-301. Educator Licensing.**

#### **R277-301-1. Authority and Purpose.**

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah.

#### **R277-301-2. Definitions.**

(1) "Accredited school" means a public or private school that:

(a) meets standards essential for the operation of a quality school program; and

(b) has received formal approval through a regional accrediting association.

(2) "Currently enrolled" means:

(a) that an individual has been formally accepted into a Board-approved educator preparation program; and

(b) that the program considers the individual to be an active participant.

(3) "Educator preparation program" means the same as that term is defined in Section R277-303-2.

~~[(4) "Eminence" means the same as that term is defined in Section R277-303-9.]~~

~~[(5) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:~~

~~(a) provide instruction in a specific content area; or~~

~~(b) apply a specific set of skills in an education setting.~~

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([6]5) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

([7]6)(a) "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:

- (i) Early Childhood;
- (ii) Elementary;
- (iii) Secondary;
- (iv) School-Leadership;
- (v) Career and Technical Education or "CTE";
- (vi) School Counselor;
- (vii) School Psychologist;
- (viii) Special Education;
- (ix) Pre-school Special Education;
- (x) Deaf Education;
- (xi) Speech-Language Pathologist;
- (xii) Speech-Language Technician;
- (xiii) School Social Worker; and
- (xiv) Audiologist.

([8]7) "Licensing Jurisdiction" means the designated educator licensing authority in any foreign country or state of the United States of America and the Department of Defense Education Activity (DoDEA).

([9]8) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

([10]9) "NASDTEC Stage 2 Educator License" means a license issued to an individual who holds a bachelor's degree and has completed an approved program but has not met the jurisdiction-specific requirement for a Stage 3 license of a member jurisdiction.

([11]10) "Renewal" means reissuing or extending the length of a license consistent with Rule R277-302.

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### **R277-301-3. License Structure.**

- (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.
- (3) An educator license shall include at least one license area of concentration.
- (4) License areas of concentration and endorsements shall have a designation of:
  - (a) associate;
  - (b) professional; or
  - (c) LEA-specific.
- (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.
- (7) An educator may add a license area or endorsement to an existing license or license area of concentration by meeting the requirements for an associate, professional, or LEA-specific endorsement as established in this rule.
- (8) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of licensing.
- (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) Notwithstanding Subsection (9)(a), an LEA-specific license may only renew after July 1 of the year of expiration.
- (~~b~~)c) Responsibility for license renewal rests solely with the licensee.

### **R277-301-4. Associate Educator License Requirements.**

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(1) The Superintendent shall issue an associate educator license to an individual that applies for the license and that meets all requirements in this Section R277-301-4.

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

(3) The Superintendent may only renew an associate educator license if:

(a) the individual has less than three years of experience in a Utah public or accredited private school; or

(b) the individual is employed by a Utah public or accredited private school and the employer has requested a one year extension of the license.

(4) Notwithstanding Subsection (3), the Superintendent may not renew an associate license with a license area in special education or related services, if the educator has three years of experience with the associate license.

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

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application; ~~and~~

(c) one of the following:

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

(ii) current enrollment in a university-based Board-approved educator preparation program that will result in a bachelor's degree or higher from a regionally accredited institution; or

(iii) skill certification in a specific CTE area as established by the Superintendent ~~[-]; and~~

(d) minimum competencies, as defined by the Superintendent.

(6) The content knowledge requirements for an associate educator license shall include:

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(a) for an elementary license area, demonstration of the content competency criteria established by the Superintendent;

(b) for a secondary or CTE license area with a content endorsement, or for an endorsement being added to a professional license area, one of the following:

(i)(A) passage of a content knowledge test approved by the Superintendent, where required; or

(B) demonstration of the competency criteria established by the Superintendent if no content knowledge test is required;

(ii) a bachelor's degree or higher with a major in the content area from a regionally accredited university; or

(iii) enrollment in a program that will result in a degree described in Subsection (6)(b)(ii);

(c) for an early childhood license area, demonstration of the content competency criteria established by the Superintendent; and

(d) for a school leadership license area, enrollment in:

(i) a university-based Board-approved educator preparation program; or

(ii) an educator preparation program administered by the Superintendent.

(7) Notwithstanding, Subsection (5)(c)(ii);[7]

(a) an applicant for an associate educator license with the following license areas:

(i) special education (K-12);

(ii) pre-school special education;

(iii) deaf education;

(iv) audiologist;

(v) speech-language technician; or

(vi) speech-language pathologist;

(b) shall meet the following requirements for an associate educator license:

(i) demonstrate content knowledge competencies approved by the Superintendent;

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(ii) complete a special education law and instruction training approved by the Superintendent;

(iii) earn a bachelor's degree in a field approved by the Superintendent; and

(iv) enroll in a preparation program as provided in Subsection (9).

(8)(a) For a special education or pre-school special education license area, an applicant for an associate educator license shall enroll in a:

(i) Board-approved non-university-based special education preparation program;

or

(ii) a special education program at a regionally accredited institution that will yield a NASDTEC Stage 2 educator license.

(b) For a deaf education license area, an applicant shall enroll in a deaf education program at a regionally accredited institution that will yield a NASDTEC Stage 2 educator license.

(c) For a speech-language pathologist license area, an applicant shall enroll in a speech-language pathologist program at a regionally accredited institution of higher education that:

(i) results in a masters degree or higher in speech-language pathology; and

(ii) will yield a NASDTEC Stage 2 educator license.

(d) For a school counselor license area, an applicant shall enroll in a school counselor program at a regionally accredited institution of higher education that:

(i) results in a masters degree or higher in school counseling; and

(ii) will yield a NASDTEC Stage 2 educator license.

(e) For a speech-language technician license area, an applicant shall:

(i) enroll in a speech-language technician program that is:

(A) approved by the Board; or

(B) administered by the Superintendent; or

(ii) complete the requirements of certified speech-language pathology assistant through the American Speech-Language Hearing Association.

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(f) For an audiologist license area, an applicant shall enroll in an audiology program at a regionally accredited institution of higher education that will yield a NASDTEC Stage 2 educator license.

(9) Notwithstanding Subsection (5)(c)(ii), an applicant for an associate educator license with a license area in school psychologist or school social worker shall meet the following requirements:

(a) demonstrate content knowledge competencies approved by the Superintendent;

(b) earn a Bachelor's degree; and

(c) complete all requirements for a regionally accredited master's level preparation program, except completion of capstone school-based clinical experience and any co-requisite coursework.

(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.

(c) Notwithstanding Subsection (11)(a), the Superintendent may waive an individual module, if the module is not necessary given the preparation of an applicant.

(11) An educator that holds a professional license area of concentration and has met the competency criteria established by the Superintendent need not complete the requirements detailed in Subsection (6).

(12) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval by the Superintendent to satisfy the associate educator license requirements.

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(13) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under Subsection (12).

(14) An LEA that employs an individual that holds an associate educator license shall develop a personalized professional learning plan designed to support the educator in meeting the requirements for a professional educator license no later than 60 days after beginning work in the classroom, which shall:

- (a) be provided to the Superintendent upon request;
- (b) include a formal discussion and observation process no later than 30 days after beginning work in the classroom; and
- (c) consider:
  - (i) previous education related experience; and
  - (ii) previous educational preparation activities.

(15) An educator with an associate educator license may upgrade to a professional educator license at any time before expiration of the associate educator license if the educator meets all requirements of Section R277-301-5.

#### **R277-301-5. Professional Educator License Requirements.**

(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;



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(c) for an individual with an early childhood, elementary, or special education~~[-or pre-school special education]~~ license area of concentration, completion of a literacy preparation assessment;~~[-and]~~

(d) for an individual with a pre-school special education license area of concentration, demonstration of emergent literacy competencies, as defined by the Superintendent; and

~~(d)~~ (e) one of the following:

(i) a recommendation from a Board-approved educator preparation program; or  
(ii) a standard educator license in the area issued by a licensing jurisdiction outside of Utah that is currently valid or is renewable consistent with Section 53E-6-307.

~~(e)~~ (f) Notwithstanding, Subsection (c), a license applicant in an APPEL program who has an established professional learning plan before August 31, 2022, need not complete a literacy preparation assessment.

(4) The content knowledge requirements for a professional educator license, license area, and endorsement shall include:

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

(b) demonstration of all content knowledge competencies as established by the Superintendent; and

(c) passage of a content knowledge test provided by the Superintendent, where required by the Superintendent.

(5) An applicant for a secondary or CTE content area endorsement that holds a bachelor's degree or higher with a major in the content area from a regionally accredited university need not complete the requirement described in Subsection (4)(c).

(6) The pedagogical requirements for professional educator license shall include:

(a) demonstration of all pedagogical competencies as established by the Superintendent; and

(b) when applicable to the license area, passage of a pedagogical performance assessment meeting standards:

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- (i) established by the Superintendent; and
- (ii) approved by the Board.

(7) An individual holding a Utah level 1, level 2, or level 3 educator license on January 1, 2020 meets the pedagogical requirements described in Subsection (6).

(8) An individual holding a Utah level - APT educator license that is employed by a Utah LEA and an individual enrolled in ARL or a university-based Board-approved educator preparation program on January 1, 2020 may meet the content knowledge and pedagogical requirements described in this Section R277-301-6 by completing all requirements of the applicable program.

(9) An individual holding a Utah professional educator license and license area in early childhood education, elementary, secondary, CTE, special education, or deaf education is considered to have met the pedagogical performance assessment requirement of Subsection (5)(b) if applying to add any of the license areas in the subsection.

(10) An individual with an associate license with a speech-language technician license area who completes a school-based clinical experience meeting requirements established by the Superintendent meets the requirements for a professional license.

(11) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval or denial by the Superintendent to satisfy the professional educator license requirements.

(12) The Superintendent shall designate a panel of at least three individuals, including at least two Board licensed educators not employed by the Board, to review an appeal and make a recommendation to the Superintendent for the Superintendent's review and decision described in Subsection (11).

#### **R277-301-6. Educator Licenses Issued by Licensing Jurisdictions Outside of Utah.**

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(1) The Superintendent shall review applications for a Utah educator license for individuals holding educator licenses issued by licensing jurisdictions outside of Utah to determine if the applicant has met the requirements for a Utah license under this rule.

(2) The Superintendent shall accept scores from an applicant that meet the Utah standard for passing on assessments from licensing jurisdictions outside of Utah that utilize the same assessment as Utah as meeting the requirements of this rule.

(3) The Superintendent shall accept scores from an applicant on reasonably equivalent content knowledge or pedagogical performance assessments utilized by licensing jurisdictions outside of Utah that meet the passing standard of that jurisdiction as meeting the requirements of this rule.

(4) The Superintendent shall accept demonstrations of content knowledge and pedagogical competencies from an applicant utilized by licensing jurisdictions outside of Utah that are reasonably equivalent to Utah competencies.

(5) An individual with one year of successful experience in a public or accredited private school under a standard license issued by another jurisdiction need not complete the content knowledge and pedagogical assessment requirements in the areas and subjects taught.

(6) An individual holding a standard license from another jurisdiction that was enrolled in a preparation program before January 1, 2020 and received the standard license before August 1, 2021 need not complete the requirements of Subsection R277-301-5(6)(b).

#### **R277-301-7. LEA-specific Educator License Requirements.**

(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

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(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 Rule R277-530.

(2) An LEA-specific license, license area, or endorsement is valid only within the requesting LEA for the educator's current assignment.

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

(4) An LEA may not issue an LEA-specific license area of concentration to an educator for the following license areas:

- (a) special education;
- (b) pre-school special education;
- (c) deaf education;
- (d) school psychologist;
- (e) school social worker;
- (f) audiologist;
- (g) speech-language technician;[-or]
- (h) speech-language pathologist[-]; or
- (i) school counselor.

(5) An LEA may not issue an LEA-specific endorsement in drivers education.

(6) An LEA-specific license expires immediately if the educator's employment with the LEA that requested the license ends.

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(7) An LEA may request renewal of an LEA-specific license if an educator meets professional learning requirements established by the Superintendent.

(8) The general requirements for an LEA-specific educator license shall include:

(a) completion of a criminal background check, including:

(i) review of any criminal offenses and clearance in accordance with Rule R277-214; and

(ii) continued monitoring in accordance with Subsection 53G-11-403(1);

(b) completion of the educator ethics review within one calendar year before the application; and

(c) approval of the request by the LEA governing board in a public meeting no more than 60 days before the application, which includes the LEA's rationale for the request.

(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).

**~~[R277-301-8. Eminence.~~**

~~——(1) The purpose of an eminence designation is to allow an individual with exceptional training or expertise, consistent with Section R277-301-2, to teach or work in the public schools on a limited basis.~~

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~~———(2) An LEA may request an eminence designation for an LEA-specific license, license area, or endorsement for a teacher whose employment with the LEA is no more than 37% of a teacher's regular instructional load.~~

~~———(3)(a) The Superintendent may approve or deny a request under Subsection (2).~~

~~———(b) The Superintendent may require documentation of the exceptional training, skills, or expertise of a candidate for an eminence designation.~~

~~———(4)(a) The Superintendent may approve or deny the renewal of an LEA-specific license, license area, or endorsement with an eminence designation at the request of the LEA that requested the designation.~~

~~———(b) Subsection (4)(a) supersedes Subsection R277-301-7(5) for a licensee with an eminence designation.~~

~~———(c) If a request for an eminence designation or renewal of an eminence designation is denied by the Superintendent, the LEA may appeal the denial to the Board.~~

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#### **R277-301-9. Superintendent Annual Report to the Board.**

(1) The Superintendent shall annually report to the Board on licensing, including:

- (a) educator licensing;
- (b) educator preparation; and
- (c) equitable distribution of teachers.

(2) The Superintendent shall use a process approved by the Board to:

(a) establish the content knowledge competency requirements required for associate and professional endorsements; and

(b) review, adopt, and establish passing standards for all assessments required for educator licensing.

(3) The Superintendent shall create an ethics review for all licensed educators based upon Rule R277-217, Educator Standards and Local Education Agency (LEA) Reporting.

(4) The Superintendent may correct identified errors in licensing information with notice to the license holder.

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**R277-301-10. Licensee Enrollment in FBI Rapback.**

(1) An individual with an assignment in CACTUS or USIMS shall have a cleared background check and current enrollment in FBI Rapback in accordance with Section 53G-11-403.

(2) Notwithstanding Subsection (1), if an individual cannot enroll in FBI Rapback due to physiological limitations, the educator shall submit fingerprints and complete a new background check every two years.

(3) An LEA may not receive funding for an educator who is not in compliance with this section.

**KEY: professional competency, educator licensing**

**Date of Last Change: 2023~~[July 15, 2022]~~**

**Notice of Continuation: November 5, 2021**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-6-102; 53E-3-401**