

Hearing Requests for R277-511

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

Mr. Broschinsky,

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

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

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

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

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

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

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

Thank you so much!
Angie

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

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

July 13, 2016

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

Transmitted via email

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

Chair Crandall, Superintendent Dickson and Associate Superintendent Stallings:

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

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

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

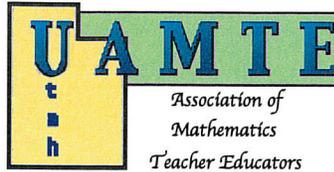
Sincerely,

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

Lisa Nentl-Bloom
Executive Director, Utah Education Association

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

Lisa.nentl-bloom@myuea.org



July 5, 2016

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

Dear Mr. Crandall,

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

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

Thank you for your consideration,

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

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



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

July 7, 2016

Dear Chairman Crandall:

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

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

Thank you for your consideration.

Respectfully,

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

Isabel Asensio, UFLA President

UFLA Executive Board Members

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

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

Utah House Democratic Caucus



July 1, 2016

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

RE: Rule Change R277-511

Dear Chairman Crandall,

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

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

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

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

Sincerely,

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

Representative Brian King

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

Representative Rebecca Chavez-Houck



Representative Joel Briscoe



Representative Patrice Arent



Representative Susan Duckworth



Representative Lynn Hemingway



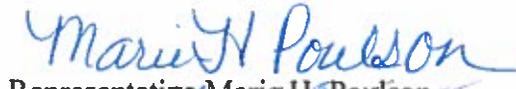
Representative Sandra Hollins



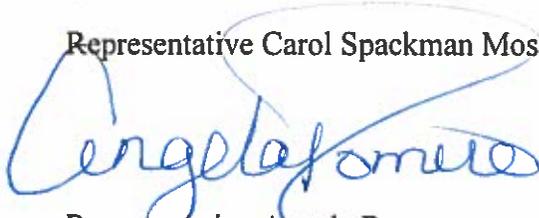
Representative Brad King



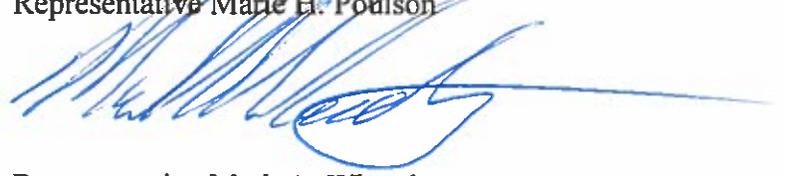
Representative Carol Spackman Moss



Representative Marie H. Poulson



Representative Angela Romero



Representative Mark A. Wheatley



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

July 12, 2016

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

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

Chair Crandall, Superintendent Dickson and Associate Superintendent Stallings:

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

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

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

Sincerely,

Lisa Nentl-Bloom
Executive Director, Utah Education Association

UCTE

Utah Council of Teachers of English

July 13, 2016

RE: Request for a Public Hearing for R277-511

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

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

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

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

Sincerely,



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



July 14, 2016

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

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

Dear Chairman Crandall,

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

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

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

Test Entity Approval

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

ABCTE Inclusion

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

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

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

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

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

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

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

Sincerely,

Frank Attkisson

Frank Attkisson

Chairman

The American Board for Certification of Teacher Excellence

407 709-8586

fattkisson@abcte.org

www.abcte.org



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

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

Print: Catherine J. Demie



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

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

Print: Brenda Michele Mansfield



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

Sign: Heather McEntire

Date: 7/14/2010

Print: Heather McEntire

AMERICAN BOARD

FOR TEACHERS & EDUCATORS

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

Earlet Meiners

DATE: 7/14/16

NAME: Earlet Meiners



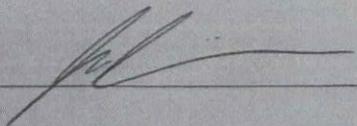
I, the undersigned, would like my signature to accompany Frank Attkisson's letter, in support of the American Board for Certification of Teacher Excellence (ABCTE). ABCTE formally requests a public hearing with the Utah State Board of Education concerning Rule 277-511 Academic Pathway to Teaching (APT)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

Sign: _____  _____ Date: 7/14/16

Print: Melante Olmstead _____



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

Sign:  _____

Date: 7/14/2016

Print: Jake Piispanen _____

AMERICAN BOARD

For. Certified. For. Teachers.

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

Sign: Samantha Piispahan

Date: 7/14/14

Print: Samantha Piispahan



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

Sign:  Date: 7-14-16

Print: Robert Wilkes

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

Sign: Kimberly Brown

Date: 07/14/2016

Print: Kimberly Brown

AMERICANBOARD

Your Community. Your Teachers.

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

Sign: Shanan Cutler

Date: 7-14-2016

Print: Shanan Cutler

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

9 (i) classify licenses; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 61 (c) submit postsecondary transcripts to the Superintendent;
62 (d) receive a passing score on one of the following that is related to the
63 subject, field, or area to which they are seeking an APT Level 1 License with a
64 Secondary (6-12) Concentration and an Endorsement:
65 (i) a Praxis Subject Assessment; or
66 (ii) **American Board Certification for Teachers of Excellence or**
67 (ii) another Board-approved content knowledge assessment;
68 (e) complete the educator ethics review on the Board's website;
69 (f) successfully pass a background check as described in R277-516; and
70 (g) pay the applicable licensing fee.

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

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

76 (3) An APT Level 1 License with a Secondary (6-12) Concentration and an
77 Endorsement holder may only seek an additional endorsement after the APT Level
78 1 License with a Secondary (6-12) Concentration holder obtains a level 2 license.

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

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

93 (i) the master teacher mentor; and

94 (ii) the LEA administrator; and

95 (g) pay applicable licensing fees.

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

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

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

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

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

103 **53A-1-401**