

1 **R277. Education, Administration.**

2 **R277-312. Online Educator Licensure.**

3 **R277-312-1. 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) Subsection [53E-3-501](#)(1)(a), which directs the Board to make rules regarding
8 the certification of educators; and

9 (c) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute
10 the Board's duties and responsibilities under the Utah Constitution and state law .

11 (2) The purpose of this rule is to provide procedures to ensure that consistency,
12 quality, and fairness are maintained for online educator license transaction processes.
13

14 **R277-312-2. Definitions.**

15 ~~[(1)(a) "EdUcate" means a part of USIMS, and successor to the database known~~
16 ~~as CACTUS, which is the electronic database maintained on educator licenses and~~
17 ~~license applications, which may include:~~

18 ~~——(i) personal directory information;~~

19 ~~——(ii) educational background;~~

20 ~~——(iii) endorsements;~~

21 ~~——(iv) employment history;~~

22 ~~——(v) professional development information;~~

23 ~~——(vi) evidence of criminal background checks; and~~

24 ~~——(vii) a record of disciplinary action taken by the Board against the educator.~~

25 ~~——(b) Information contained in an individual's EdUcate file may only be released in~~
26 ~~accordance with Title 63G, Chapter 2, Government Records Access Management Act.]~~

27 ([2]1) "LEA," for purposes of this rule, includes the Utah Schools for the Deaf
28 and Blind.

29 ([3]2) "License," for purposes of this rule, has the same meaning as described in
30 29 Subsection [53E-6-102\(3\)](#).

31 ([4]3) "License record" means the electronic record of license holder and license
32 applicant personal information and credentials maintained by the Superintendent in
33 ~~[EdUcate]~~ CACTUS or USIMS.

34 ([5]4) "License transaction" means the interactions between a license holder or
35 applicant and the Superintendent that may result in issuance of :

- 36 (a) a license;
- 37 (b) a renewal of a license; or
- 38 (c) a modification of a license or license record.

39 ([6]5) "Online license transaction" means those license transactions that take
40 place through EdUcate.

41 ([7]6)(a) "USIMS" or "Utah Schools Information Management System" means a
42 comprehensive tool maintained by the Superintendent for collecting, processing,
43 providing oversight, and reporting on education data for the state.

44 (b) USIMS is the successor to the CACTUS database, which maintains data on
45 educator licenses and license applications, which may include:

- 46 (i) personal directory information;
- 47 (ii) educational background;
- 48 (iii) endorsements;
- 49 (iv) employment history;
- 50 (v) professional development information;
- 51 (vi) evidence of criminal background checks; and
- 52 (vii) a record of disciplinary action taken by the Board against the educator.

53 (c) Information contained in an individual's license record may only be released
54 in accordance with Title 63G, [Chapter 2](#), Government Records Access Management
55 Act.

56 ([8]7) "Utah Professional Practices Advisory Commission" or "UPPAC" means a

57 Commission established to assist and advise the Board in matters relating to the
58 professional practices of educators, consistent with Title 53E, Chapter 6, [Part 5](#), Utah
59 Professional Practices Advisory Commission.

60

61 **R277-312-3. Procedures.**

62 (1) Board rules, statutory and Board definitions, and requirements established by
63 statute and Board rules shall apply to any license transaction, regardless of whether the
64 transactions occur online or by other means.

65 (2)(a) Educators may receive an electronic or paper verification of a licensure
66 transaction.

67 (b) A verification provided under Subsection (2)(a) is not an educator license.

68 (3) ~~[EdUcate]~~ USIMSSs shall be the final repository of educator information and
69 credentials for LEAs and other authorized ~~[EdUcate]~~ USIMS users.

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

74 (5) The Superintendent shall conduct educator licensing transactions
75 electronically.

76 (6) Approved Utah educator preparation institutions, LEAs, and other CACTUS
77 and USIMS users shall cooperate with the Superintendent by using the online tools and
78 procedures provided by the Superintendent for transmission of information related to
79 licensing.

80 (7)(a) An LEA shall maintain accurate records in CACTUS and USIMS.

81 (b) An LEA shall update the license record of a licensee with a change in
82 employment status within two weeks of the change of status.

83 (8) The Superintendent may suspend access to CACTUS or USIMS for any user
84 found negligent in maintaining accurate records until the user completes additional

85 training.

86

87 **R277-312-4. Monitoring by the Superintendent.**

88 (1) The Superintendent shall establish a monitoring program that provides for
89 review of online licensure transactions for:

90 (a) accuracy;

91 (b) reliability; and

92 (c) completeness.

93 (2) The Superintendent may subject any licensure transaction to monitoring:

94 (a) within one year without cause; or

95 (b) at any time with cause.

96 (3) An LEA may designate individuals, subject to approval by the
97 Superintendent, to have the opportunity to access and review licenses acquired or
98 renewed online to verify licensure of employees.

99 (4)(a) Monitoring conducted under Subsection (2) may include a review of
100 license holder documentation to verify the statements made by the license holder as
101 part of the online license transaction.

102 (b) In order to verify that the assertions made by a license holder were accurate,
103 a license holder may be required to submit:

104 (i) transcripts;

105 (ii) records of participation in professional development activities;

106 (iii) supervisor letters or endorsements; and

107 (iv) other documentation requested by the Superintendent.

108 (5) If the Superintendent finds that a license applicant or license holder
109 intentionally provided false, misleading, or otherwise inaccurate information in a license
110 transaction, the Superintendent shall forward the information to UPPAC.

111 (6) The Superintendent may void a license transaction that was completed on
112 the basis of inaccurate information at any time with notice to the license holder.

113 **R277-312-5. License Applicant and License Holder Responsibilities.**

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

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

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

123
124 **R277-312-6. Licensing Costs.**

125 (1) The Superintendent shall maintain an automated and self-sustaining
126 licensing process.

127 (2) The Superintendent shall incorporate current and emerging electronic and
128 information technologies to better meet the needs of applicants for new licenses, for
129 current license holders, for recommending institutions, for LEAs and the general public,
130 to the extent funds are available.

131 (3) The Superintendent shall maintain accurate records and documentation of:

132 (a) the costs of online licensing; and

133 (b) the costs of any Superintendent review responsibilities.

134
135 **R277-312-7. Licensing Records.**

136 (1) The Superintendent shall record documentation of online licensure
137 transactions in [~~EdUcate~~] CACTUS or USIMS.

138 (2)(a) A license applicant shall submit a social security number as part of the
139 license application process.

140 (b) A license applicant's social security number shall be classified as private in

141 accordance with Subsection [63G-2-302\(2\)\(d\)](#).

142 (3) A license applicant or license holder shall update personal information in
143 ~~[EdUcate]~~ the educator's licensing record in a timely manner.

144 (4) The Superintendent may use licensing data ~~[from EdUcate]~~ for research and
145 other valid educational purposes, consistent with Board data release policies.

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

148 (a) licenses issued by the Board;

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

150 (c) an educator's current assignment;

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

152 (e) an educator's education background; ~~[and]~~

153 (f) Board disciplinary action against an educator's license, which resulted in:

154 (i) a reprimand;

155 (ii) a suspension;

156 (iii) a revocation; or

157 (iv) license reinstatement~~[-]~~; and

158 (g) an educator's voluntary surrender under Rule [R277-216](#).

159 (6) The Superintendent shall provide an online licensing database where the
160 general public may access the information classified as public in Subsection (5).

161
162 **KEY: online, licensure**

163 **Date of Last Change: November 8, 2021**

164 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(a);**
165 **53E-3-401(4)**

166