

R277-312 received final approval by the Utah State Board of Education on April 7, 2022. R277-312 was published in the May 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of June 7, 2022.

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

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

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

(c) 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 .

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

#### **R277-312-2. Definitions.**

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

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

~~—(ii) educational background;~~

~~—(iii) endorsements;~~

~~—(iv) employment history;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

([8]7) "Utah Professional Practices Advisory Commission" or "UPPAC" means a Commission established to assist and advise the Board in matters relating to the professional practices of educators, consistent with Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission.

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### **R277-312-3. Procedures.**

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

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

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

(3) ~~[Educate]~~USIMSS shall be the final repository of educator information and credentials for LEAs and other authorized ~~[Educate]~~USIMS users.

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

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

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

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

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

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

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

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

(a) accuracy;

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(b) reliability; and

(c) completeness.

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

(a) within one year without cause; or

(b) at any time with cause.

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

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

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

(i) transcripts;

(ii) records of participation in professional development activities;

(iii) supervisor letters or endorsements; and

(iv) other documentation requested by the Superintendent.

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

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

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

(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.

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(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.

#### **R277-312-6. Licensing Costs.**

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

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

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

- (a) the costs of online licensing; and
- (b) the costs of any Superintendent review responsibilities.

#### **R277-312-7. Licensing Records.**

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

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

(b) A license applicant's social security number shall be classified as private in accordance with Subsection 63G-2-302(2)(d).

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

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

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

- (a) licenses issued by the Board;

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- (b) endorsements on an educator's license;
- (c) an educator's current assignment;
- (d) an educator's assignment history in Utah public schools;
- (e) an educator's education background;~~and~~
- (f) Board disciplinary action against an educator's license, which resulted in:
  - (i) a reprimand;
  - (ii) a suspension;
  - (iii) a revocation; or
  - (iv) license reinstatement~~[-]; and~~
- (g) an educator's voluntary surrender under Rule R277-216.

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

**KEY: online, licensure**

**Date of Last Change: 2022~~November 8, 2021~~**

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