

1 **R277. Education, Administration.**

2 ~~[R277-512. Online Licensure.~~

3 ~~R277-512-1. 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 the~~  
10 ~~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 license transaction processes.~~

13

14 ~~R277-512-2. Definitions.~~

15 ~~—— (1)(a) "Comprehensive Administration of Credentials for Teachers in Utah Schools~~  
16 ~~(CACTUS)" means the electronic file maintained on licenses and license applications,~~  
17 ~~which may include:~~

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

19 ~~—— (b) educational background;~~

20 ~~—— (c) endorsements;~~

21 ~~—— (d) employment history;~~

22 ~~—— (e) professional development information; and~~

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

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

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

28 ~~—— (3) "License," for purposes of this rule, means an authorization issued by the~~

29 ~~Board which permits the holder to serve in a professional capacity in the public schools~~  
30 ~~consistent with Subsection 53E-6-102(10).~~

31 ~~—— (4) "License record" means the electronic record of license holder and license~~  
32 ~~applicant personal information and credentials maintained by the Superintendent on the~~  
33 ~~CACTUS database.~~

34 ~~—— (5) "License transaction" means the interactions between a license holder or~~  
35 ~~applicant and the Superintendent that 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) "Online license transaction" means those license transactions that take place~~  
40 ~~via the process maintained by a contracted provider, chosen by the Superintendent.~~

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

45

46 **~~R277-512-3. Procedures.~~**

47 ~~—— (1) All current Board rules, statutory and Board definitions, and requirements~~  
48 ~~established by statute and Board rules shall apply to all license transactions, regardless of~~  
49 ~~whether the transactions occur online or by other means.~~

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

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

53 ~~—— (3) CACTUS shall be the final repository of educator information and credentials~~  
54 ~~for LEAs and other authorized CACTUS users.~~

55 ~~—— (4) Timelines, electronic processes and procedures, payment procedures,~~  
56 ~~formats, and other elements of online licensure transactions shall meet standards of~~

57 ~~quality, ease of use, and accessibility consistent with those generally found in other~~  
58 ~~wide-spread online processes.~~

59 ~~—— (5) The Superintendent shall conduct educator licensing transactions~~  
60 ~~electronically.~~

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

64

65 ~~**R277-512-4. Audits.**~~

66 ~~—— (1) The Superintendent shall establish an auditing program that provides for~~  
67 ~~review of online licensure transactions for:~~

68 ~~—— (a) accuracy;~~

69 ~~—— (b) reliability; and~~

70 ~~—— (c) completeness.~~

71 ~~—— (2) The Superintendent may subject any licensure transaction to audit:~~

72 ~~—— (a) within one year without cause; or~~

73 ~~—— (b) at any time with cause.~~

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

77 ~~—— (4)(a) An audit conducted under Subsection (2) may include a review of license~~  
78 ~~holder documentation to verify the statements made by the license holder as part of the~~  
79 ~~online license transaction.~~

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

82 ~~—— (i) transcripts;~~

83 ~~—— (ii) records of participation in professional development activities;~~

84 ~~—— (iii) supervisor letters or endorsements; and~~

85 ~~—— (iv) other documentation requested by the Superintendent.~~

86 ~~—— (5) If an audit finds that a license applicant or license holder intentionally provided~~  
87 ~~false, misleading, or otherwise inaccurate information in a license transaction, the audit~~  
88 ~~findings shall be forwarded to UPPAC.~~

89 ~~—— (6) A license transaction that was completed on the basis of inaccurate~~  
90 ~~information may be voided at any time with notice to the license holder.~~

91

92 **~~R277-512-5. License Applicant and License Holder Responsibilities.~~**

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

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

98 ~~—— (3) A license applicant or license holder that supplies inaccurate, misleading,~~  
99 ~~false, or otherwise unreliable information in any license transaction shall be subject to the~~  
100 ~~full range of disciplinary actions that may be applied by UPPAC and the Board.~~

101

102 **~~R277-512-6. Licensing Costs.~~**

103 ~~—— (1) The licensing process shall be automated and self-sustaining.~~

104 ~~—— (2) The Superintendent shall incorporate current and emerging electronic and~~  
105 ~~information technologies to better meet the needs of applicants for new licenses, for~~  
106 ~~current license holders, for recommending institutions, for LEAs and the general public.~~

107 ~~—— (3) The Superintendent shall determine and assess licensing fees to license~~  
108 ~~applicants that cover the actual and complete costs of licensing.~~

109 ~~—— (4) The Board's Licensing Section shall maintain accurate records and~~  
110 ~~documentation of:~~

111 ~~—— (a) fees assessed;~~

112 ~~—— (b) costs of online licensing; and~~

113 ~~\_\_\_\_\_ (c) any Superintendent review responsibilities.~~

114

115 **~~R277-512-7. Licensing Records.~~**

116 ~~\_\_\_\_\_ (1) The Superintendent shall record documentation of online licensure~~  
117 ~~transactions in CACTUS.~~

118 ~~\_\_\_\_\_ (2)(a) License applicants shall be required to submit a social security number in~~  
119 ~~order to be licensed.~~

120 ~~\_\_\_\_\_ (b) A license applicant's social security number shall be classified as private in~~  
121 ~~accordance with Subsection [63G-2-302\(2\)\(d\)](#).~~

122 ~~\_\_\_\_\_ (3) A license applicant or license holder shall update personal CACTUS~~  
123 ~~information in a timely manner.~~

124 ~~\_\_\_\_\_ (4) CACTUS records may be used by the Superintendent for research and other~~  
125 ~~valid educational purposes.~~

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

128 ~~\_\_\_\_\_ (a) licenses issued by the Board;~~

129 ~~\_\_\_\_\_ (b) endorsements on an educator's license;~~

130 ~~\_\_\_\_\_ (c) an educator's current assignment;~~

131 ~~\_\_\_\_\_ (d) an educator's assignment history in Utah public schools;~~

132 ~~\_\_\_\_\_ (e) an educator's education background; and~~

133 ~~\_\_\_\_\_ (f) Board disciplinary action against an educator's license, which resulted in:~~

134 ~~\_\_\_\_\_ (i) letter of reprimand;~~

135 ~~\_\_\_\_\_ (ii) suspension;~~

136 ~~\_\_\_\_\_ (iii) revocation; or~~

137 ~~\_\_\_\_\_ (iv) reinstatement.~~

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

140

141 **KEY:** ~~online, licensure~~  
142 **Date of Enactment or Last Substantive Amendment:** ~~January 10, 2017~~  
143 **Notice of Continuation:** ~~November 15, 2016~~  
144 **Authorizing, and Implemented or Interpreted Law:** ~~Art X Sec 3; [53E-3-501\(1\)\(a\)](#);~~  
145 ~~[53E-3-401\(4\)](#)~~