

R277-310 received final approval by the Utah State Board of Education on July 9, 2020. R277-310 will be published in the August 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 8, 2020.

R277. Education, Administration.

R277-310. International Guest Teachers.

R277-310-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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) Subsection 53E-6-201(3)(a), which allows the Board to establish the criteria for obtaining educator licenses.

(2) The purpose of this rule is to establish procedures for qualified international guest teachers to be effectively hired and placed by a Utah LEA with assistance and direction from the Superintendent to encourage cultural exchange and foreign language development among Utah public school students.

R277-310-2. Definitions.

(1) "International guest teacher" or "guest teacher" means a foreign educator who:

(a) has earned a public teaching credential or license in a foreign country;

(b) is currently legally residing in the United States and the state of Utah with the specific purpose to teach in Utah public schools; and

(c) is a resident of a foreign country that has a memorandum of understanding with the Board as described in Subsection R277-301-3(1).

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

R277-310-3. Superintendent Responsibilities.

(1) On behalf of the board, the Superintendent shall sign a Board-approved

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memorandum of understanding with the appropriate government agency of the country of origin.

(2) The Superintendent may work with guest teachers and their resident countries and the United States Department of State, if necessary, to secure appropriate visas or travel and work documents for guest teachers to legally teach in the public schools in Utah.

(3) The Superintendent shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.

(4) The Superintendent shall work with interested LEAs to make schools aware of guest teachers with specific credentials and language skills and to inform guest teachers about openings in specific grade levels and curriculum areas in various geographic locations in Utah.

(5)(a) The Superintendent shall review and approve a sending country's background check process.

(b) If an applicant successfully passes an approved background vetting process, the applicant meets the requirements of Subsection 53G-11-403(1) and Subsection R277-301-4(4)(a).

(6) The Board may determine that it will seek guest teachers only from foreign countries that provide transportation or per diem expenses or both for the Superintendent representatives to screen and interview potential guest teachers.

(7)(a) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive a professional license.

(b) Notwithstanding Subsection R277-301-5(2), a professional license issued in accordance with this Rule R277-310 is valid for three years.

R277-310-4. International Guest Teacher Requirements.

(1) A guest teacher shall have a United States issued social security number prior to an LEA processing any payment to the guest teacher.

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(2) A guest teacher shall cooperate with the Superintendent in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the Superintendent.

(3) A guest teacher shall assume all responsibility for living and transportation expenses while participating in the international guest teachers program.

(4) A guest teacher shall be responsible for compliance with all professional and ethical public school educator requirements.

(5) A guest teacher who violates an LEA employment policy or the Educator standards under Rule R277-217 may have the teacher's guest employment contract terminated consistent with at will employment provisions.

(6) The conduct of an individual guest teacher may influence continued participation in an international guest teacher program between the Board and a guest teacher's resident country.

R277-310-5. Other Provisions.

(1) The opportunity for a teacher from outside the United States to be licensed to teach in Utah schools with assistance provided by the Superintendent under this rule shall be available only to individuals from countries with which the Board has a memorandum of understanding.

(2) A business or third party may not facilitate a memorandum of understanding between a foreign country and the Board, but may facilitate the hiring process at the request of an LEA.

(3) Notwithstanding this Rule R277-310, an internationally credentialed educator may seek appropriate licensing to teach in Utah schools in accordance with Rule R277-301, even without a host country with a memorandum of understanding with the Board.

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(4) It is the responsibility of a prospective guest teacher or the guest teacher's home country to ensure that the guest teacher has the appropriate visa or authorization or both to live and teach in the United States for the agreed upon time period and teaching assignment.

KEY: international guest teachers

Date of Enactment or Last Substantive Amendment: September 8, 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201(3)(a)