

## Part 1 General Provisions

### **53A-6-101 Title.**

This chapter is known as the "Educator Licensing and Professional Practices Act."

Repealed and Re-enacted by Chapter 108, 1999 General Session

### **53A-6-102 Legislative findings on teacher quality -- Declaration of education as a profession.**

- (1)
- (a) The Legislature acknowledges that education is perhaps the most important function of state and local governments, recognizing that the future success of our state and nation depend in large part upon the existence of a responsible and educated citizenry.
  - (b) The Legislature further acknowledges that the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and assist parents in fulfilling that responsibility.
- (2)
- (a) The Legislature finds that:
    - (i) quality teaching is the basic building block of successful schools and, outside of home and family circumstances, the essential component of student achievement;
    - (ii) the high quality of teachers is absolutely essential to enhance student achievement and to assure educational excellence in each classroom in the state's public schools; and
    - (iii) the implementation of a comprehensive continuum of data-driven strategies regarding recruitment, preservice, licensure, induction, professional development, and evaluation is essential if the state and its citizens expect every classroom to be staffed by a skilled, caring, and effective teacher.
  - (b) In providing for the safe and effective performance of the function of educating Utah's children, the Legislature further finds it to be of critical importance that education, including instruction, administrative, and supervisory services, be recognized as a profession, and that those who are licensed or seek to become licensed and to serve as educators:
    - (i) meet high standards both as to qualifications and fitness for service as educators through quality recruitment and preservice programs before assuming their responsibilities in the schools;
    - (ii) maintain those standards in the performance of their duties while holding licenses, in large part through participating in induction and ongoing professional development programs focused on instructional improvement;
    - (iii) receive fair, systematic evaluations of their performance at school for the purpose of enhancing the quality of public education and student achievement; and
    - (iv) have access to a process for fair examination and review of allegations made against them and for the administration of appropriate sanctions against those found, in accordance with due process, to have failed to conduct themselves in a manner commensurate with their authority and responsibility to provide appropriate professional services to the children of the state.

Amended by Chapter 49, 2013 General Session

**53A-6-103 Definitions.**

As used in this chapter:

- (1) "Accredited institution" means an institution meeting the requirements of Section 53A-6-107.
- (2)
  - (a) "Alternative preparation program" means preparation for licensure in accordance with applicable law and rule through other than an approved preparation program.
  - (b) "Alternative preparation program" includes the competency-based licensing program described in Section 53A-6-104.5.
- (3) "Ancillary requirement" means a requirement established by law or rule in addition to completion of an approved preparation program or alternative education program or establishment of eligibility under the NASDTEC Interstate Contract, and may include any of the following:
  - (a) minimum grade point average;
  - (b) standardized testing or assessment;
  - (c) mentoring;
  - (d) recency of professional preparation or experience;
  - (e) graduation from an accredited institution; or
  - (f) evidence relating to moral, ethical, physical, or mental fitness.
- (4) "Approved preparation program" means a program for preparation of educational personnel offered through an accredited institution in Utah or in a state which is a party to a contract with Utah under the NASDTEC Interstate Contract and which, at the time the program was completed by the applicant:
  - (a) was approved by the governmental agency responsible for licensure of educators in the state in which the program was provided;
  - (b) satisfied requirements for licensure in the state in which the program was provided;
  - (c) required completion of a baccalaureate; and
  - (d) included a supervised field experience.
- (5) "Board" means the State Board of Education.
- (6) "Certificate" means a license issued by a governmental jurisdiction outside the state.
- (7) "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
- (8) "Educator" means:
  - (a) a person who holds a license;
  - (b) a teacher, counselor, administrator, librarian, or other person required, under rules of the board, to hold a license; or
  - (c) a person who is the subject of an allegation which has been received by the board or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.
- (9)
  - (a) "Endorsement" means a stipulation appended to a license setting forth the areas of practice to which the license applies.
  - (b) An endorsement shall be issued upon completion of a competency-based teacher preparation program from a regionally accredited university that meets state content standards.
- (10) "License" means an authorization issued by the board which permits the holder to serve in a professional capacity in the public schools. The five levels of licensure are:
  - (a) "letter of authorization," which is:
    - (i) a temporary license issued to a person who has not completed requirements for a competency-based, or level 1, 2, or 3 license, such as:

- (A) a student teacher; or
- (B) a person participating in an alternative preparation program; or
- (ii) a license issued, pursuant to board rules, to a person who has achieved eminence, or has outstanding qualifications, in a field taught in public schools;
- (b) "competency-based license" which is issued to a teacher based on the teacher's demonstrated teaching skills and abilities;
- (c) "level 1 license," which is a license issued upon completion of:
  - (i) a competency-based teacher preparation program from a regionally accredited university; or
  - (ii) an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements established by law or rule;
- (d) "level 2 license," which is a license issued after satisfaction of all requirements for a level 1 license as well as any additional requirements established by law or rule relating to professional preparation or experience; and
- (e) "level 3 license," which is a license issued to an educator who holds a current Utah level 2 license and has also received, in the educator's field of practice, National Board certification or a doctorate from an accredited institution.
- (11) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.
- (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is administered through NASDTEC.
- (13) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.
- (14) "Necessarily existent small school" means a school classified as a necessarily existent small school in accordance with Section 53A-17a-109.
- (15) "Rule" means an administrative rule adopted by the board under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (16) "School" means a public or private entity which provides educational services to a minor child.
- (17) "Small school district" means a school district with an enrollment of less than 5,000 students.
- (18) "UPPAC" means the Utah Professional Practices Advisory Commission.

Amended by Chapter 144, 2016 General Session

**53A-6-104 Board licensure.**

- (1)
  - (a) The board may issue licenses for educators.
  - (b) A person employed in a position that requires licensure by the board shall hold the appropriate license.
- (2)
  - (a) The board may by rule rank, endorse, or otherwise classify licenses and establish the criteria for obtaining and retaining licenses.
  - (b)
    - (i) The board shall make rules requiring participation in professional development activities or compliance with a school district professional development plan as provided in Subsection (4) in order for educators to retain their licenses.
    - (ii) An educator who is enrolling in a course of study at an institution within the state system of higher education to satisfy the professional development requirements of Subsection (2)

- (b)(i) is exempt from tuition, except for a semester registration fee established by the State Board of Regents, if:
  - (A) the educator is enrolled on the basis of surplus space in the class after regularly enrolled students have been assigned and admitted to the class in accordance with regular procedures, normal teaching loads, and the institution's approved budget; and
  - (B) enrollments are determined by each institution under rules and guidelines established by the State Board of Regents in accordance with findings of fact that space is available for the educator's enrollment.
- (3) Except as provided in Subsection (4), unless suspended or revoked by the board, or surrendered by the educator:
  - (a) a letter of authorization is valid for one year, or a shorter period as specified by the board, subject to renewal by the board in accordance with board rules;
  - (b) a competency-based license remains valid;
  - (c) a level 1 license is valid for three years, subject to renewal by the board in accordance with board rules;
  - (d) a level 2 license is valid for five years, subject to renewal by the board in accordance with board rules; and
  - (e) a level 3 license is valid for seven years, subject to renewal by the board in accordance with board rules.
- (4) Unless suspended or revoked by the board, or surrendered by the educator, a level 1, level 2, level 3, or competency-based license shall remain valid if:
  - (a) the license holder is employed by a school district that has a comprehensive program to maintain and improve educators' skills in which performance standards, educator evaluation, and professional development are integrated; and
  - (b) the license holder complies with school or school district professional development requirements.

Amended by Chapter 315, 2003 General Session

**53A-6-104.1 Reinstatement of a license.**

- (1) An educator who previously held a license and whose license has expired may have the license reinstated by:
  - (a) filing an application with the board on the form prescribed by the board;
  - (b) paying the fee required by Section 53A-6-105; and
  - (c) submitting to a criminal background check as required by Section 53A-15-1504.
- (2) Upon successful completion of the criminal background check and verification that the applicant's previous license had not been revoked, suspended, or surrendered, the board shall reinstate the license.
- (3) An educator whose license is reinstated may not be required to obtain professional development not required of other educators with the same number of years of experience, except as provided in Subsection (4).
- (4) The principal of the school at which an educator whose license is reinstated is employed shall provide information and training, based on the educator's experience and education, that will assist the educator in performing the educator's assigned position.
- (5) The procedures for reinstating a license as provided in this section do not apply to an educator's license that expires while the educator is employed in a position requiring the license.

Amended by Chapter 389, 2015 General Session

**53A-6-104.5 Licensing by competency.**

- (1) A competency-based license to teach may be issued based on the demonstrated competence of a teacher as provided in this section.
- (2) A local school board or charter school may request, and the board shall grant, upon receipt of documentation from the local school board or charter school verifying the person's qualifications as specified in this section, a competency-based license to a person who meets the qualifications specified in this section and submits to a criminal background check as required in Section 53A-15-1504.
- (3) A local school board or charter school may request a competency-based license if the candidate meets the following qualifications:
  - (a) a license candidate who teaches one or more core academic subjects in an elementary school shall:
    - (i) hold at least a bachelor's degree; and
    - (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum;
  - (b) a license candidate who teaches one or more core academic subjects in a middle or secondary school shall:
    - (i) hold at least a bachelor's degree; and
    - (ii) have demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
      - (A) passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or
      - (B) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate academic major, or advanced certification or credentialing; or
  - (c) a license candidate who teaches subjects other than a core academic subject in an elementary, middle, or high school shall:
    - (i) hold a bachelor's degree, associate's degree, or skill certification; and
    - (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the person suited for the teaching position.
- (4) A school district or charter school:
  - (a) shall monitor and assess the performance of each teacher holding a competency-based license; and
  - (b) may recommend that the competency-based license holder's training and assessment be reviewed by the board for a level 1 license.

Amended by Chapter 144, 2016 General Session

**53A-6-105 Licensing fees -- Credit to subfund -- Payment of expenses.**

- (1) The board shall levy a fee for each new, renewed, or reinstated license or endorsement in accordance with Section 63J-1-504.
- (2) Fee payments are credited to the Professional Practices Restricted Subfund in the Uniform School Fund.
- (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and the costs of collecting license fees from the restricted subfund.

- (4) The board shall submit an annual report to the Legislature's Public Education Appropriations Subcommittee informing the Legislature about the fund, fees assessed and collected, and expenditures from the fund.

Amended by Chapter 144, 2016 General Session

**53A-6-106 Qualifications of applicants for licenses -- Changes in qualifications.**

- (1) The board shall establish by rule the scholarship, training, and experience required of license applicants.
- (2)
  - (a) The board shall announce any increase in the requirements when made.
  - (b) An increase in requirements shall become effective not less than one year from the date of the announcement.
- (3) The board may determine by examination or otherwise the qualifications of license applicants.

Repealed and Re-enacted by Chapter 108, 1999 General Session

**53A-6-107 Teacher preparation programs.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish standards for approval of a preparation program or an alternative preparation program.
- (2) The board shall ensure that standards adopted under Subsection (1) meet or exceed generally recognized national standards for preparation of educators, such as those developed by the:
  - (a) Interstate New Teacher Assessment and Support Consortium;
  - (b) National Board for Professional Teaching Standards; or
  - (c) Council for the Accreditation of Educator Preparation.
- (3) The board shall designate an employee of the board's staff to:
  - (a) work with education deans of state institutions of higher education to coordinate on-site monitoring of teacher preparation programs that may include:
    - (i) monitoring courses for teacher preparation programs;
    - (ii) working with course instructors for teacher preparation programs; and
    - (iii) interviewing students admitted to teacher preparation programs;
  - (b) act as a liaison between:
    - (i) the board;
    - (ii) local school boards or charter school governing boards; and
    - (iii) representatives of teacher preparation programs; and
  - (c) report the employee's findings and recommendations for the improvement of teacher preparation programs to:
    - (i) the board; and
    - (ii) education deans of state institutions of higher education.
- (4) The board shall:
  - (a) in good faith, consider the findings and recommendations described in Subsection (3)(c); and
  - (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules, as the board determines is necessary, to implement recommendations described in Subsection (3)(c).

Amended by Chapter 239, 2016 General Session

**53A-6-108 Prohibition on use of degrees or credit from unapproved institutions.**

- (1) An individual may not use a postsecondary degree or credit awarded by a postsecondary institution or program to gain a license, employment, or any other benefit within the public school system unless the institution or program was, at the time the degree or credit was awarded:
  - (a) approved for the granting of the degree or credit by the board; or
  - (b) accredited by an accrediting organization recognized by the board.
- (2) The board may grant an exemption from Subsection (1) to an individual who shows good cause for the granting of the exemption.

Repealed and Re-enacted by Chapter 108, 1999 General Session

**53A-6-109 Substitute teachers.**

- (1) A substitute teacher need not hold a license to teach, but school districts are encouraged to hire licensed personnel as substitutes when available.
- (2) A person must submit to a background check under Section 53A-15-1503 prior to employment as a substitute teacher.
- (3) A teacher's position in the classroom may not be filled by an unlicensed substitute teacher for more than a total of 20 days during any school year unless licensed personnel are not available.
- (4) A person who is ineligible to hold a license for any reason other than professional preparation may not serve as a substitute teacher.

Amended by Chapter 389, 2015 General Session

**53A-6-110 Administrative/supervisory letters of authorization.**

- (1) A local school board may request, and the board may grant, a letter of authorization permitting a person with outstanding professional qualifications to serve in any position that requires a person to hold an administrative/supervisory license or certificate, including principal, assistant principal, associate principal, vice principal, assistant superintendent, administrative assistant, director, specialist, or other district position.
- (2) The board may grant a letter of authorization permitting a person with outstanding professional qualifications to serve in a position that requires a person to hold an administrative/supervisory license or certificate.

Amended by Chapter 144, 2016 General Session

**53A-6-111 Teacher classifications.**

- (1) As used in this section:
  - (a) "Associate teacher" means a person who does not currently hold a level 1, 2, or 3 license, but is permitted to teach in a public school under another authorization.
  - (b) "Teacher" means a person who currently holds a level 1, 2, or 3 license.
- (2) Each school district and school shall identify and distinguish between teachers and associate teachers, including using the appropriate title in all communication with parents, guardians, and members of the public.
- (3) Lists of teachers and associate teachers shall be maintained at each school and shall be available for review by any person upon request.

Enacted by Chapter 46, 2004 General Session

**53A-6-113 Alternative preparation program -- Work experience requirement.**

An individual who is employed at least half time in a position for which a teacher's license is required pursuant to board rule, including a position in an online school or a school that uses digital technologies for instruction or blended learning, satisfies the work experience requirement for participation in an alternative preparation program.

Enacted by Chapter 417, 2014 General Session

**53A-6-114 National Board certification reimbursement.**

(1) As used in this section:

- (a) "Eligible educator" means an educator who:
  - (i) holds a current National Board certification; and
  - (ii) is employed as an educator by an LEA.
- (b) "Local education agency" or "LEA" means:
  - (i) a school district;
  - (ii) a charter school; or
  - (iii) the Utah Schools for the Deaf and the Blind.

- (2)
  - (a) Subject to legislative appropriations and Subsection (2)(b), the board shall reimburse an eligible educator for the cost to attain or renew a National Board certification.
  - (b) The board may only issue a reimbursement under Subsection (2)(a) for a certification attained or renewed after July 1, 2016.
- (3) The board shall reimburse an eligible educator under this section on a first come, first served basis.
- (4) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying procedures and timelines for reimbursing costs under Subsection (2).

Enacted by Chapter 217, 2016 General Session

**53A-6-115 Teacher leaders.**

- (1) As used in this section, "teacher" means an educator who has an assignment to teach in a classroom.
- (2) There is created the role of a teacher leader to:
  - (a) work with a student teacher and a teacher who supervises a student teacher;
  - (b) assist with the training of a recently hired teacher; and
  - (c) support school-based professional learning.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board:
  - (a) shall make rules that:
    - (i) define the role of a teacher leader, including the functions described in Subsection (2); and
    - (ii) establish the minimum criteria for a teacher to qualify as a teacher leader; and
  - (b) may make rules that create an endorsement for a teacher leader.
- (4) A school district or charter school may assign a teacher to a teacher leader position without a teacher leader endorsement.
- (5)
  - (a) The board shall solicit recommendations from school districts and educators regarding:

- (i) appropriate resources to provide a teacher leader; and
- (ii) appropriate ways to compensate a teacher leader.
- (b) The board shall report the board's findings and recommendations described in Subsection (5) (a) to the Education Interim Committee on or before the committee's November 2016 interim meeting.

Enacted by Chapter 328, 2016 General Session

**53A-6-116 JROTC instructors.**

- (1) As used in this section:
  - (a) "Junior Reserve Officer's Training Corps instructor" or "JROTC instructor" means an individual who:
    - (i) provides instruction authorized by 10 U.S.C. Sec. 2031; and
    - (ii) is qualified to provide instruction in accordance with 10 U.S.C. Sec. 2033.
  - (b) "Junior Reserve Officer's Training Corps program" or "JROTC program" means a program established in a school district or charter school as described in 10 U.S.C. Sec. 2031.
- (2) A school district, a charter school, or the board may not require that a JROTC instructor hold a license as described in this part to teach a course that is part of a JROTC program.
- (3) A JROTC instructor shall submit to a background check under Section 53A-15-1503 as a condition for employment in a school district or charter school.

Enacted by Chapter 27, 2016 General Session