Effective 1/24/2018

Chapter 6
Education Professional Licensure

Part 1
General Provisions

53E-6-101 Title.

This chapter is known as "Education Professional Licensure."

Enacted by Chapter 1, 2018 General Session

53E-6-102 Definitions.

As used in this chapter:

(1) "Certificate" means a license issued by a governmental jurisdiction outside the state.

(2) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

(3) "Educator" means:

(a) a person who holds a license;

(b) a teacher, counselor, administrator, librarian, or other person required, under rules of the state board, to hold a license;

(c) for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from:

(i) the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act; or

(ii) the State Board of Education; or

(d) a person who is the subject of an allegation which has been received by an LEA, the state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.

(4) "License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools.

(5) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

(6) "School" means a public or private entity that provides educational services to a minor child.

(7) "UPPAC" means the Utah Professional Practices Advisory Commission.

Amended by Chapter 140, 2026 General Session

53E-6-103 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 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 designed to provide opportunities to demonstrate competency in a school classroom setting;
(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 51, 2024 General Session

Part 2
Licensing

53E-6-201 State board licensure.
(1) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a system for educator licensing that includes:
(a) an associate educator license that permits an individual to provide educational services in a public school while working to meet the requirements of a professional educator license;
(b) a professional educator license that permits an individual to provide educational services in a public school after demonstrating that the individual meets licensure requirements established in state board rule;
(c) an LEA-specific educator license issued by the state board at the request of an LEA's governing body that is valid for an individual to provide educational services in the requesting LEA's schools;
(d) beginning in the 2023-2024 school year, a provider-specific license issued by the state board at the request of an authorized online course provider described in Section 53F-4-504 that:

(i) is valid for an individual to provide educational services to a student enrolled in an online course described in Section 53F-4-503; and
(ii) contains eligibility criteria that is no more stringent than the requirements for a license described in Subsection (1)(c); and
(e) beginning in the 2029-2030 school year, the creation or modification of licenses if any are created or modified under Section 53G-6-206.
(2) An individual employed in a position that requires licensure by the state board shall hold the license that is appropriate to the position.
(3)
(a)
(i) Except as provided in Subsection (3)(a)(ii), the state board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to rank, endorse, or otherwise classify licenses and establish the criteria for obtaining, retaining, and reinstating licenses.
(ii) The state board may not make licensure contingent upon passage of a pedagogical performance assessment.
(iii) The state board shall consider employment duration as a preschool teacher in a child care program, as that term is defined in Section 26B-2-401, as equivalent to employment duration in a district school, charter school, or accredited private school for purposes of relicensing.
(b) An educator who is enrolling in a course of study at an institution within the state system of higher education to satisfy the state board requirements for retaining a license is exempt from tuition, except for a semester registration fee established by the Utah Board of Higher Education, if:
(i) 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
(ii) enrollments are determined by each institution under rules and guidelines established by the Utah Board of Higher Education in accordance with findings of fact that space is available for the educator's enrollment.

Amended by Chapter 404, 2025 General Session

53E-6-204 Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, a spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state may work as an educator without being licensed under this title if:
(a) the spouse holds a valid educator license issued by any other state or jurisdiction recognized by the state board; and
(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.
(2) For an active military member, eligible military spouse, DOD civilian, or spouse of a DOD civilian who holds a license that is not unencumbered, as that term is defined in Section 53E-6-1101, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in the sending state, except where the receiving state does not have an equivalent license.
(3) An individual with industry experience as an LEA determines, may work as an educator without being licensed under this title if the individual:

(a) demonstrates expertise related to a career and technical education course or catalyst center program;
(b) passes a criminal background check as required by Section 53G-11-402; and
(c) completes any training required by the LEA prior to or during the teaching assignment.
(4) Notwithstanding any other provision of state law, an educator employed pursuant to Subsection (3) shall be considered qualified in determining the state funding distribution of career and technical education funding.

Amended by Chapter 438, 2025 General Session
Amended by Chapter 478, 2025 General Session

53E-6-205 License by endorsement.
(1) Subject to Subsections (3) through (6), the state board shall issue a license to an applicant who has been issued a certificate in another state, district, or territory of the United States if:
(a) the state board determines that the certificate encompasses a similar scope of practice as the license sought in this state;
(b) the applicant has at least one year of experience practicing under the certificate; and
(c) the applicant's certificate is in good standing in the other state, district, or territory.
(2) Subject to Subsections (3) through (6), the state board may issue a license to an applicant who:
(a) has been issued a certificate in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i)
(A) the state board determines that the applicant's education, experience, and skills demonstrate competency in the profession for which licensure is sought in this state; and
(B) the applicant has at least one year of experience practicing under the certificate; or
(ii) the state board determines that the certification requirements of the other state, district, territory, or jurisdiction at the time the certificate was issued were substantially similar to the requirements for the license sought in this state; or
(b) has never been issued a certificate in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
(ii) the state board determines that the education or experience was substantially similar to the education or experience requirements for the license sought in this state.
(3) The state board may refuse to issue a license to an applicant under this section if:
(a) the state board determines that there is reasonable cause to believe that the applicant is not qualified to receive the license in this state; or
(b) the applicant has a previous or pending disciplinary action related to the applicant's certificate.
(4) Before the state board issues a license to an applicant under this section, the applicant shall:
(a) pay a fee determined by the state board under Section 63J-1-504; and
(b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the profession for which licensure is sought in this state.
(5) The state board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.
(6) This section is subject to and may be supplemented or altered by licensure endorsement provisions or multistate licensure compacts in specific parts of this chapter.

Enacted by Chapter 222, 2023 General Session

53E-6-206 Expansion of traditional and alternative programs for teacher training.

(1)
(a) By July 1, 2028, the state board and the Utah Board of Higher Education, in consultation with administrators and staff directly responsible for hiring licensed educators at an LEA or regional education service agency as defined in Section 53G-4-410, shall develop a strategy for modifying traditional and alternative programs for training teachers.
(b) The strategy described in Subsection (1)(a) shall include consideration of:
(i) competency-based approaches;
(ii) experiential learning, including apprenticeships; and
(iii) degree-agnostic qualifications.

(2)
(a) Subject to having an agreement between at least one institution of higher education and the state board, the state board shall modify requirements for traditional and alternative training program licenses to accommodate the strategy described in Subsection (1).
(b) The changes described in Subsection (2)(a) may include the modification of requirements necessary for:
(i) a license based on an associates degree;
(ii) competency-based training programs;
(iii) accommodations for non-traditional students;
(iv) credit for competency obtained through prior learning or experience; or
(v) other options that would accommodate the strategy described in Subsection (1).

Enacted by Chapter 51, 2024 General Session

Part 3
Licensing Requirements

53E-6-301 Qualifications of applicants for licenses -- Changes in qualifications.

(1) As used in this section:
(a) "Literacy preparation assessment" means an examination that evaluates an individual's knowledge of the science of reading, related to literacy instruction for an individual who teaches preschool, elementary school, or special education.
(b) "Required literacy preparation assessment" means a literacy preparation assessment that the state board uses to determine the qualifications of license applicants.

(2) The state board shall establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the scholarship, competencies, training, and experience required of license applicants.

(3)
(a) The state 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.

(4)
(a) Except as provided in Subsection (4)(b), the state board may determine by examination or otherwise the qualifications of license applicants.

(b) The state board may not make licensure contingent upon passage of a pedagogical performance assessment.

(5) If the state board uses a required literacy preparation assessment under Subsection (4):

(a)

(i) the state board shall make rules to allow an LEA to hire a license applicant who does not successfully pass the required literacy preparation assessment for a limited duration pending successful passage; and

(ii) the license applicant is not eligible for a professional educator license described in Section 53E-6-201 until the license applicant successfully passes the required literacy preparation assessment; and

(b) the state board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) establish exemptions for the required literacy preparation assessment; and

(ii) develop a pathway to demonstrate early literacy competency as an exception to the requirement to pass the required literacy preparation assessment.

Amended by Chapter 51, 2024 General Session

53E-6-302 Educator preparation programs.

(1) As used in this section:

(a) "Center" means the Center for the School of the Future at Utah State University established in Section 53H-4-304.

(b) "Educator preparation program" means:

(i) a university teacher education program; or

(ii) a program that prepares individuals using an alternative pathway to licensure, as the state board provides, that does not include content or time requirements that conflict with the content or time requirements described in rule made by the state board in accordance with Subsection (2).

(c) "Required literacy preparation assessment" means the same as that term is defined in Section 53E-6-301.

(d) "Science of reading" means the same as that term is defined in Section 53G-10-801.

(e) "University teacher preparation program" means a program that an institution of higher education offers to prepare educators for licensure.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish standards for approval of an educator preparation program.

(3) The state board shall ensure that standards adopted under Subsection (2):

(a) meet or exceed generally recognized national standards for preparation of educators; and

(b) include requirements for educator preparation programs to:

(i) provide instruction in the science of reading; and

(ii) prepare license applicants to pass the required literacy preparation assessment at no cost to the applicants for the preparation, including providing ongoing preparation for up to three total attempts of the required literacy preparation assessment.

(4) The Utah Board of Higher Education and the state board shall each designate an employee of each board's staff to jointly:

(a) work with education deans of state institutions of higher education to coordinate university teacher preparation programs that may include:

(i) monitoring courses for university teacher preparation programs; and

(ii) working with course instructors for university teacher preparation programs;

(b) act as a liaison between:
(i) the Utah Board of Higher Education;
(ii) the state board;
(iii) local school boards or charter school governing boards; and
(iv) representatives of university teacher preparation programs; and
(c) report the employee's findings and recommendations for the improvement of teacher preparation programs to:
(i) the state board; and
(ii) education deans of state institutions of higher education.
(5) The state board, in consultation with the Utah Board of Higher Education, shall:
(a) in good faith, consider the findings and recommendations described in Subsection (4)(c); and
(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules, as the state board determines is necessary, to implement recommendations described in Subsection (4)(c).
(6) The center shall develop a plan, in collaboration with the Utah Board of Higher Education and the state board, to improve, for elementary teacher graduates and elementary administrator preparation graduates from a state institution of higher education:
(a) the knowledge of the science of reading; and
(b) the ability to apply the science of reading instruction with a focus on how the instruction leads to third-grade proficiency in reading and writing.
(7) The Utah Board of Higher Education and the state board shall jointly:
(a) monitor accreditation of university programs regarding the science of reading preparation described in Subsection (3)(b); and
(b)
(i) develop strategies to provide support for preparation programs with low rates of passage on the required literacy preparation assessment; and
(ii) provide increasing levels of support to a preparation program with low rates of passage on the required literacy preparation assessment for two consecutive years.

Amended by Chapter 154, 2026 General Session

53E-6-303 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 state board; or
(b) accredited by an accrediting organization recognized by the state board.
(2) The state board may grant an exemption from Subsection (1) to an individual who shows good cause for the granting of the exemption.

Amended by Chapter 186, 2019 General Session

53E-6-307 Certification in other jurisdictions -- Impact on licensing in Utah.
(1) An applicant for a license, renewal of a license, or reinstatement of a license shall provide the administrator of teacher licensing with an affidavit, stating under oath the current status of any certificate, license, or other authorization required for a professional position in education, which the applicant holds or has held in any other jurisdiction.

(2) An applicant for a license who has held a teacher's license in any other jurisdiction or who graduated from an institution of higher education in another state shall also provide the administrator of teacher licensing with:
  (a) a complete listing of the higher education institutions attended by the applicant, whether the applicant's enrollment or eligibility for completion of a program was terminated by the institution, and, if so, the reasons for termination;
  (b) a complete list of prior school employers; and
  (c) a release on a form provided by the administrator permitting the state board to obtain records from other jurisdictions and from institutions of higher education attended by the applicant, including expunged or otherwise protected records, relating to any offense described substantially in the same language as in Section 53G-11-405.
(3) If the applicant's certificate, license, or authorization as an educator in any other jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is currently not valid for any other reason, the state board may not grant the requested license, renewal, or reinstatement until it has received confirmation from the administrator of professional certification in that jurisdiction that the applicant would be eligible for certification or licensure in that jurisdiction.
(4) The state board may not withhold a license for the sole reason that the applicant would be ineligible for certification, licensure, or authorization in the jurisdiction referred to in Subsection (3) because of failure to meet current requirements in that jurisdiction relating to education, time in service, or residence.

Amended by Chapter 186, 2019 General Session

Part 4
Background and Employment Checks

53E-6-401 Background checks.

In accordance with Section 53G-11-403, the state board shall require a license applicant to submit to a criminal background check and ongoing monitoring as a condition for licensing.

Amended by Chapter 186, 2019 General Session

53E-6-402 State board-required licensing or employment recommendations -- Local public school-required licensing recommendations -- Notice requirements for affected parties -- Exemption from liability.

(1)
  (a) The state board shall provide the appropriate administrator of a public or private school or of an agency outside the state that is responsible for licensing or certifying educational personnel with a recommendation or other information possessed by the state board that has significance in evaluating the employment or license of:
    (i) a current or prospective school employee;
    (ii) an educator or education license holder; or
    (iii) a license applicant.
  (b) Information supplied under Subsection (1)(a) shall include:
    (i) the complete record of a hearing; and

(ii) the investigative report for matters that:
(A) the educator has had an opportunity to contest; and
(B) did not proceed to a hearing.
(2) At the request of the state board, an administrator of a public school or school district shall, and an administrator of a private school may, provide the state board with a recommendation or other information possessed by the school or school district that has significance in evaluating the:
(a) license of an educator or education license holder; or
(b) potential licensure of a license applicant.
(3) If the state board decides to deny licensure or to take action against an educator's license based upon information provided under this section, the state board shall:
(a) give notice of the information to the educator or license applicant; and
(b) afford the educator or license applicant an opportunity to respond to the information.
(4) A person who, in good faith, provides a recommendation or discloses or receives information under this section is exempt from civil and criminal liability relating to that recommendation, receipt, or disclosure.

Amended by Chapter 186, 2019 General Session

53E-6-403 Tie-in with the Criminal Investigations and Technical Services Division.
(1) The state board shall:
(a) designate employees to act, with state board supervision, as an online terminal agency with the Department of Public Safety's Criminal Investigations and Technical Services Division under Section 53-10-108; and
(b) provide relevant information concerning current or prospective employees or volunteers upon request to other school officials as provided in Section 53E-6-402.
(2) The cost of the online service shall be borne by the entity making the inquiry.

Amended by Chapter 186, 2019 General Session

Part 5
Utah Professional Practices Advisory Commission

53E-6-501 Utah Professional Practices Advisory Commission established.
The Utah Professional Practices Advisory Commission, UPPAC, is established to assist and advise the state board in matters relating to the professional practices of educators.

Amended by Chapter 186, 2019 General Session

53E-6-502 UPPAC members -- Executive secretary.
(1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members, nine of whom shall be licensed educators in good standing, and two of whom shall be members nominated by the education organization within the state that has the largest membership of parents of students and teachers.
(2) Six of the voting members shall be persons whose primary responsibility is teaching.
(3)

(a) The state superintendent shall appoint an employee to serve as executive secretary.
(b) Voting members are appointed by the state superintendent as provided under Section 53E-6-503.
(4) State board employees shall staff UPPAC activities.

Amended by Chapter 186, 2019 General Session

53E-6-503 Nominations -- Appointment of commission members -- Reappointments.
(1)
(a) The state board shall adopt rules establishing procedures for nominating and appointing individuals to voting membership on UPPAC.
(b) Nomination petitions must be filed with the state superintendent prior to June 16 of the year of appointment.
(c) A nominee for appointment as a member of UPPAC as an educator must have been employed in the representative class in the Utah public school system or a private school accredited by the state board during the three years immediately preceding the date of appointment.
(2) The state superintendent shall appoint the members of the commission.
(3) Appointments begin July 1 and are for terms of three years and until a successor is appointed.
(4) Terms of office are staggered so that approximately 1/3 of UPPAC members are appointed annually.
(5) A member may not serve more than two terms.

Amended by Chapter 186, 2019 General Session

53E-6-504 Filling of vacancies.
(1) A UPPAC vacancy occurs if a member resigns, fails to attend three or more meetings during a calendar year, or no longer meets the requirements for nomination and appointment.
(2) If a vacancy occurs, the state superintendent shall appoint a successor to fill the unexpired term.
(3) If the state superintendent does not fill the vacancy within 60 days, the state board shall make the appointment.
(4) Nominations to fill vacancies are submitted to the state superintendent in accordance with procedures established under rules of the state board.

Amended by Chapter 186, 2019 General Session

53E-6-505 Meetings and expenses of UPPAC members.
(1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of the members.
(2) Members of UPPAC serve without compensation but are allowed reimbursement for actual and necessary expenses under the rules of the Division of Finance.
(3) The state board shall pay reimbursement to UPPAC members out of the Income Tax Fund.

Amended by Chapter 456, 2022 General Session

53E-6-506 UPPAC duties and procedures.
(1) The state board may direct UPPAC to review a complaint about an educator and recommend that the state board:

(a) dismiss the complaint; or
(b) investigate the complaint in accordance with this section.
(2)
(a) The state board may direct UPPAC to:
(i) in accordance with this section, investigate a complaint's allegation or decision; or
(ii) hold a hearing.
(b) UPPAC may initiate a hearing as part of an investigation.
(c) Upon completion of an investigation or hearing, UPPAC shall:
(i) provide findings to the state board; and
(ii) make a recommendation for state board action.
(d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to adversely affect an educator's license unless UPPAC gives the educator an opportunity for a hearing.
(3)
(a) The state board may:
(i) select an independent investigator to conduct a UPPAC investigation with UPPAC oversight; or
(ii) authorize UPPAC to select and oversee an independent investigator to conduct an investigation.
(b) In conducting an investigation, UPPAC or an independent investigator shall conduct the investigation independent of and separate from a related criminal investigation.
(c) In conducting an investigation, UPPAC or an independent investigator may:
(i) in accordance with Section 53E-6-606, administer oaths and issue subpoenas; or
(ii) receive evidence related to an alleged offense, including sealed or expunged records released to the state board under Section 77-40a-403.
(d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may recommend that the state board initiate a background check on an educator as described in Section 53G-11-403.
(e) UPPAC has a rebuttable presumption that an educator committed a sexual offense against a minor child if the educator voluntarily surrendered a license or certificate or allowed a license or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.
(4) The state board may direct UPPAC to:
(a) recommend to the state board procedures for:
(i) receiving and processing complaints;
(ii) investigating a complaint's allegation or decision;
(iii) conducting hearings; or
(iv) reporting findings and making recommendations to the state board for state board action;
(b) recommend to the state board or a professional organization of educators:
(i) standards of professional performance, competence, and ethical conduct for educators; or
(ii) suggestions for improvement of the education profession; or
(c) fulfill other duties the state board finds appropriate.
(5) UPPAC may not participate as a party in a dispute relating to negotiations between:
(a) a school district and the school district's educators; or
(b) a charter school and the charter school's educators.
(6) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures, including a system to address UPPAC complaints in a timely and expedient manner.

Amended by Chapter 501, 2025 General Session

Part 6
License Denial and Discipline

53E-6-601 Definition.

As used in this part "hearing" means a proceeding held in accordance with generally accepted principles of due process and administrative law in which definite issues of fact or of law are tried before a hearing body, and in which proceeding evidence is presented and witnesses heard, and in which the party against whom the proceedings are held has a right to:

(1) appear with or without counsel to present evidence, confront and cross-examine witnesses, or subpoena witnesses; and

(2) obtain a decision based solely upon evidence presented to the hearing body in the presence of both parties or representatives of both parties, recognizing that presence is satisfied if a party has been given a reasonable opportunity to attend, even if the party fails to do so.

Renumbered and Amended by Chapter 1, 2018 General Session

53E-6-602 Licensing power of the state board -- Licensing final action -- Appeal rights.

(1) The state board holds the power to license educators.

(2)

(a) The state board shall take final action with regard to an educator license.

(b) An entity other than the state board may not take final action with regard to an educator license.

(3)

(a) In accordance with Subsection (3)(b), a license applicant or an educator may seek judicial review of a final action made by the state board under this chapter.

(b) A license applicant or educator may file a petition for judicial review of the state board's final action if the license applicant or educator files a petition within 30 days after the day on which the license applicant or educator received notice of the final action.

Amended by Chapter 186, 2019 General Session

53E-6-603 Ineligibility for educator license.

(1) The state board may refuse to issue a license to a license applicant if the state board finds good cause for the refusal, including behavior of the applicant:

(a) found pursuant to a criminal, civil, or administrative matter after reasonable opportunity for the applicant to contest the allegation; and

(b) considered, as behavior of an educator, to be:

(i) immoral, unprofessional, or incompetent behavior; or

(ii) a violation of standards of ethical conduct, performance, or professional competence.

(2) The state board may not issue, renew, or reinstate an educator license if the license applicant or educator:

(a) was convicted of a felony of a sexual nature;

(b) pled guilty to a felony of a sexual nature;

(c) entered a plea of no contest to a felony of a sexual nature;

(d) entered a plea in abeyance to a felony of a sexual nature;
(e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
(f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
(g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
(i) is not enrolled in an adult education program in an LEA;
(ii) is not a minor; and
(iii)
(A) is enrolled in an LEA where the license applicant or educator is employed; or
(B) is a participant in an extracurricular program in which the educator is involved; or
(h) admits to the state board or UPPAC that the license applicant or educator committed conduct that amounts to:
(i) a felony of a sexual nature; or
(ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or (g).

(3)
(a) If an individual is ineligible for licensure under Subsection (2), a public school may not:
(i) employ the individual in the public school in a paid or unpaid capacity; or
(ii) allow the individual to volunteer in the public school.
(b) If an individual is ineligible for licensure under Subsection (1) for conduct that does not fall within Subsection (2), the restriction described in Subsection (3)(a) applies only if:
(i) the conduct underlying the ineligibility determination involved:
(A) actual physical, emotional, or psychological harm to a child;
(B) a credible risk of harm to a child;
(C) sexual misconduct, grooming, or boundary violations;
(D) abuse, exploitation, violence, or serious endangerment; or
(E) conduct demonstrating an ongoing threat to student safety; or
(ii) the state board issues written findings demonstrating:
(A) a specific, articulable risk to students or the school environment; and
(B) that a lesser restriction is insufficient to protect student safety.
(c) The restriction described in Subsection (3)(a) does not apply automatically to an individual who is ineligible for licensure under Subsection (1) if the underlying conduct involved:
(i) administrative or documentation errors;
(ii) procedural or communication failures;
(iii) record keeping mistakes;
(iv) unintentional misstatements unrelated to student safety; or
(v) technical violations that lack evidence of actual harm or credible risk of harm to students.

(4)
(a) If the state board denies licensure under this section, the state board shall immediately notify the applicant of:
(i) the denial; and
(ii) the applicant's right to request a hearing before UPPAC.
(b) Upon receipt of a notice described in Subsection (4)(a), an applicant may, within 30 days after the day on which the applicant received the notice, request a hearing before UPPAC for the applicant to review and respond to all evidence upon which the state board based the denial.
(c) If the state board receives a request for a hearing described in Subsection (4)(b), the state board shall direct UPPAC to hold a hearing.

Amended by Chapter 490, 2026 General Session

53E-6-604 State board disciplinary action against an educator.

(1)
(a) The state board shall direct UPPAC to investigate an allegation, administrative decision, or judicial decision that evidences an educator is unfit for duty because the educator exhibited behavior that:
(i) is immoral, unprofessional, or incompetent; or
(ii) violates standards of ethical conduct, performance, or professional competence.
(b) If the state board determines an allegation or decision described in Subsection (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the allegation or decision without an investigation or hearing.

(2) The state board shall direct UPPAC to investigate and allow an educator to respond in a UPPAC hearing if the state board receives an allegation that the educator:
(a) was charged with a felony of a sexual nature;
(b) was convicted of a felony of a sexual nature;
(c) pled guilty to a felony of a sexual nature;
(d) entered a plea of no contest to a felony of a sexual nature;
(e) entered a plea in abeyance to a felony of a sexual nature;
(f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
(g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor; or
(h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
(i) is not enrolled in an adult education program in an LEA;
(ii) is not a minor; and
(iii)
(A) is enrolled in an LEA where the educator is employed; or
(B) is a participant in an extracurricular program in which the educator is involved.

(3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board shall direct UPPAC to:
(a) investigate the alleged violation; and
(b) hold a hearing to allow the educator to respond to the allegation.

(4) Upon completion of an investigation or hearing described in this section, UPPAC shall:
(a) provide findings to the state board; and
(b) make a recommendation for state board action.

(5)
(a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and recommendation, the state board may:
(i) revoke the educator's license;
(ii) suspend the educator's license;
(iii) restrict or prohibit the educator from renewing the educator's license;
(iv) warn or reprimand the educator;
(v) enter into a written agreement with the educator that requires the educator to comply with certain conditions;
(vi) direct UPPAC to further investigate or gather information; or
(vii) take other action the state board finds to be appropriate for and consistent with the educator's behavior.

(b) Upon review of UPPAC's findings and recommendation, the state board shall revoke the license of an educator who:
(i) was convicted of a felony of a sexual nature;
(ii) pled guilty to a felony of a sexual nature;
(iii) entered a plea of no contest to a felony of a sexual nature;
(iv) entered a plea in abeyance to a felony of a sexual nature;
(v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
(vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
(vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:
(A) is not enrolled in an adult education program in an LEA;
(B) is not a minor; and
(C) is enrolled in an LEA where the educator is employed or is a participant in an extracurricular program in which the educator is involved; or
(viii) admits to the state board or UPPAC that the applicant committed conduct that amounts to:
(A) a felony of a sexual nature; or
(B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi), or (vii).
(c) The state board may not reinstate a revoked license.
(d) Before the state board takes adverse action against an educator under this section, the state board shall ensure that the educator had an opportunity for a UPPAC hearing.
(e) If the state board suspends or revokes an educator's license under this section, the state board shall determine whether the restrictions described in Section 53E-6-604.5 apply to the educator.
(6) Notwithstanding any other provision in this section, the state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require an LEA to notify the state board, UPPAC, and the educator of a complaint from a parent against an educator alleging a violation of educator licensing standards.

Amended by Chapter 490, 2026 General Session

53E-6-604.5 Restrictions on employment and volunteer service following license suspension or revocation.
(1) As used in this section:
(a) "Qualifying serious misconduct" means conduct that:
(i) caused actual physical, emotional, or psychological harm to a child;
(ii) created a credible risk of harm to a child;
(iii) involved sexual misconduct, grooming, or boundary violations;
(iv) involved abuse, exploitation, violence, or serious endangerment; or
(v) demonstrates an ongoing threat to student safety.
(b) "Technical violation" means conduct that:
(i) involved administrative or documentation errors;
(ii) involved procedural or communication failures;
(iii) involved record keeping mistakes;
(iv) involved unintentional misstatements unrelated to student safety; or
(v) constituted a technical violation of licensing standards that lacks evidence of actual harm or credible risk of harm to students.
(2)

(a) Beginning with cases opened on or after May 6, 2026, if the state board revokes an educator's license under Subsection 53E-6-604(5)(b) or for qualifying serious misconduct, a public school may not:
(i) employ the educator in the public school in a paid or unpaid capacity; or
(ii) allow the educator to volunteer in the public school.
(b) The restriction described in Subsection (2)(a) applies automatically upon the effective date of the license revocation.

(3)
(a) If the state board revokes an educator's license for conduct that does not constitute qualifying serious misconduct under Subsection (2), the restriction described in Subsection (2)(a) applies only if the state board issues written findings that:
(i) identify a specific, articulable risk to students or the school environment based on the educator's conduct; and
(ii) explain why a lesser restriction is insufficient to protect student safety.
(b) If the state board does not issue the written findings described in Subsection (3)(a), a public school may employ the educator in a capacity that does not require a license or allow the educator to volunteer in the public school, subject to:
(i) the public school's employment and volunteer policies; and
(ii) any other applicable employment or volunteer screening requirements the LEA establishes.

(4)
(a) If the state board suspends an educator's license for qualifying serious misconduct, a public school may not, during the period of suspension:
(i) employ the educator in the public school in a paid or unpaid capacity; or
(ii) allow the educator to volunteer in the public school.
(b) The restriction described in Subsection (4)(a) applies automatically upon the effective date of the license suspension.

(5)
(a) If the state board suspends an educator's license for conduct that does not constitute qualifying serious misconduct under Subsection (4), the restriction described in Subsection (4)(a) applies during the period of suspension only if the state board issues written findings that:
(i) identify a specific, articulable risk to students or the school environment based on the educator's conduct; and
(ii) explain why allowing the educator to work or volunteer in a public school during the suspension period, even in a capacity not requiring a license, would be insufficient to protect student safety.
(b) If the state board does not issue the written findings described in Subsection (5)(a), the educator may, during the period of suspension:
(i) work in a public school in a capacity that does not require a license; or
(ii) volunteer in a public school, subject to any other applicable employment or volunteer screening requirements.

(6) The state board may not issue a restriction described in Subsection (2)(a) or (4)(a) for a technical violation unless:
(a) the educator engaged in a pattern of repeated technical violations that demonstrates disregard for licensing standards; and
(b) the state board issues written findings that:
(i) document the pattern of repeated violations;
(ii) identify a specific, articulable risk to students or the school environment; and

(iii) explain why a lesser sanction is insufficient.

(7)

(a) The written findings required under Subsections (3)(a), (5)(a), and (6)(b) shall:

(i) be based on evidence presented during the UPPAC hearing or investigation;

(ii) address the specific circumstances of the educator's conduct;

(iii) consider any mitigating factors; and

(iv) explain the basis for the determination that the restriction is necessary and proportional.

(b) The state board shall provide the educator with a copy of the written findings required under this section.

(8) This section does not limit:

(a) the authority of a public school to establish and enforce employment and volunteer policies that are more restrictive than the requirements of this section;

(b) the authority of the state board to impose conditions or restrictions on an educator's license under Subsection 53E-6-604(5)(a)(v) or (vii); or

(c) the requirement under Section 53E-6-201 that an individual employed in a position requiring licensure hold an appropriate license.

(9) Nothing in this section:

(a) permits an individual to work in a position requiring licensure without holding the appropriate license as required by Section 53E-6-201;

(b) prohibits the board from establishing rules regarding conduct that is not a qualifying serious misconduct or a technical violation; and

(c) prohibits the state board from considering aggravating or mitigating factors that may vary in each case.

Enacted by Chapter 490, 2026 General Session

53E-6-605 Designation of hearing officer or panel -- Review of findings.

(1) UPPAC or a state or local school board charged with responsibility for conducting a hearing may conduct the hearing itself or appoint a hearing officer or panel to conduct the hearing and make recommendations concerning findings.

(2) UPPAC or the local school board shall review the record of the hearing and the recommendations, and may obtain and review, in the presence of the parties or their representatives, additional relevant information, prior to issuing official findings.

(3) UPPAC shall provide a panel of its members to serve as fact finders in a hearing at the request of the educator who is the subject of the hearing.

Amended by Chapter 186, 2019 General Session

53E-6-606 Administering of oaths -- Issuance of subpoenas.

(1) UPPAC or a state or local school board charged with responsibility for conducting an investigation or a hearing under this chapter may administer oaths and issue subpoenas in connection with the investigation or hearing.

(2) If a hearing is before a hearing officer or panel, the hearing officer or panel may administer oaths, and the appointing body may issue subpoenas upon the request of the hearing officer or panel.

(3) Subpoenas shall be enforced upon the petition of the issuing body by the district court in the jurisdiction where the subpoena was issued, in the same manner as subpoenas issued by the court.

Renumbered and Amended by Chapter 1, 2018 General Session

53E-6-607 Policies for conducting hearings -- Standard of proof.

(1) The state board and each local school board shall adopt policies for the conduct of hearings to ensure that requirements of due process are met.

(2) An accused party shall be provided not less than 15 days before a hearing with:

(a) notice of the hearing;

(b) the law, rule, or policy alleged to have been violated;

(c) sufficient information about the allegations and the evidence to be presented in support of the allegations to permit the accused party to prepare a meaningful defense;

(d) a copy of the policies under which the hearing will be conducted; and

(e) if the proceeding may result in suspension or revocation of a license:

(i) a statement explaining the potential restrictions on employment and volunteer service under Section 53E-6-604.5;

(ii) a statement of the circumstances under which the restrictions apply automatically; and

(iii) a statement of the circumstances under which the restrictions require written findings by the state board.

(3) If an accused party fails to request a hearing within 30 days after written notice is sent to the party's address as shown on the records of the local school board, for actions taken under the auspices of a local school board, or on the records of the state board, for actions taken under the auspices of the state board, then the accused party shall be considered to have waived the right to a hearing and the action may proceed without further delay.

(4) Hearing fact finders shall use the preponderance of evidence standard in deciding all questions unless a higher standard is required by law.

(5) Unless otherwise provided in this public education code, the decisions of state and local school boards are final determinations under this section, appealable to the appropriate court for review.

Amended by Chapter 490, 2026 General Session

Part 7
Unprofessional and Unlawful Conduct

53E-6-701 Mandatory reporting of physical or sexual abuse of students.

(1) For purposes of this section, "educator" means, in addition to a person included under Section 53E-6-102, a person, including a volunteer or temporary employee, who at the time of an alleged offense was performing a function in a private school for which a license would be required in a public school.

(2) In addition to any duty to report suspected cases of child abuse or neglect under Section 80-2-602, an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief and all other relevant information to the school principal, to the superintendent, or to the state board.

(3) A school administrator who has received a report under Subsection (2) or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educator shall immediately report that information to the state board.

(4) Upon notice that an educator allegedly violated Subsection (2) or (3), the state board shall direct UPPAC to investigate the educator's alleged violation as described in Section 53E-6-604.
(5) A person who makes a report under this section in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

Amended by Chapter 335, 2022 General Session

53E-6-702 Reimbursement of legal fees and costs to educators.

(1) As used in this section:
(a) "Action" means any action, except those referred to in Section 52-6-201, brought against an educator by an individual or entity other than:
(i) the entity who licenses the educator; and
(ii) the LEA that employs the educator or employed the educator at the time of the alleged act or omission.
(b) "Educator" means:
(i) an individual who holds or is required to hold a license as defined by the state board and is employed by an LEA located within the state; or
(ii) for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from:
(A) the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act; or
(B) the State Board of Education.
(2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover reasonable attorney fees and costs incurred in the educator's defense against an individual or entity who initiates an action against the educator if:
(a) the action is brought for any act or omission of the educator during the performance of the educator's duties within the scope of the educator's employment; and
(b) it is dismissed or results in findings favorable to the educator.
(3) An educator who recovers under this section is also entitled to recover reasonable attorney fees and costs necessarily incurred by the educator in recovering the attorney fees and costs allowed under Subsection (2).

Amended by Chapter 140, 2026 General Session

53E-6-703 Professional competence or performance -- Administrative hearing by local school board -- Action on complaint.

(1)
(a) No civil action by or on behalf of a student relating to the professional competence or performance of a licensed employee of a school district, or to the discipline of students by a licensed employee, application of in loco parentis, or a violation of ethical conduct by an employee of a school district, may be brought in a court until at least 60 days after the filing of a written complaint with the local school board of the district, or until findings have been issued by the local school board after a hearing on the complaint, whichever is sooner.
(b) As used in Subsection (1)(a), "in loco parentis" means the power of professional school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible parent in dealing with students in school-related matters.
(c) A parent of a student has standing to file a civil action against an employee who provides services to a school attended by the student.

(2) Within 15 days of receiving a complaint under Subsection (1), a local school board may elect to refer the complaint to the state board.
(3) If a complaint is referred to the state board, no civil action may be brought in a court on matters relating to the complaint until the state board has provided a hearing and issued its findings or until 90 days after the filing of the complaint with the local school board, whichever is sooner.

Amended by Chapter 186, 2019 General Session

Part 8
Dispute Resolution for Contract Negotiations

53E-6-801 Mediation of contract negotiations.
(1) The president of a professional local organization which represents a majority of the licensed employees of a school district or the chairman or president of a local school board may, after negotiating for 90 days, declare an impasse by written notification to the other party and to the state board.
(2) The party declaring the impasse may request the state superintendent to appoint a mediator for the purpose of helping to resolve the impasse if the parties to the dispute have not been able to agree on a third party mediator.
(3) Within five working days after receipt of the written request, the state superintendent shall appoint a mediator who is mutually acceptable to the local school board and the professional organization representing a majority of the licensed employees.
(4) The mediator shall meet with the parties, either jointly or separately, and attempt to settle the impasse.
(5) The mediator may not, without the consent of both parties, make findings of fact or recommend terms for settlement.
(6) Both parties shall equally share the costs of mediation.
(7) Nothing in this section prevents the parties from adopting a written mediation procedure other than that provided in this section.
(8) If the parties have a mediation procedure, they shall follow that procedure.

Amended by Chapter 186, 2019 General Session

53E-6-802 Appointment of hearing officer -- Hearing process.
(1) If a mediator appointed under Section 53E-6-801 is unable to effect settlement of the controversy within 15 working days after his appointment, either party to the mediation may by written notification to the other party and to the state superintendent request that their dispute be submitted to a hearing officer who shall make findings of fact and recommend terms of settlement.
(2) Within five working days after receipt of the request, the state superintendent shall appoint a hearing officer who is mutually acceptable to the local school board and the professional organization representing a majority of the certificated employees.
(3) The hearing officer may not, without consent of both parties, be the same person who served as mediator.

(4) The hearing officer shall meet with the parties, either jointly or separately, may make inquiries and investigations, and may issue subpoenas for the production of persons or documents relevant to all issues in dispute.
(5) The state board and departments, divisions, authorities, bureaus, agencies, and officers of the state, local school boards, and the professional organization shall furnish the hearing officer, on request, all relevant records, documents, and information in their possession.
(6) If the final positions of the parties are not resolved before the hearing ends, the hearing officer shall prepare a written report containing the agreements of the parties with respect to all resolved negotiated contract issues and the positions that the hearing officer considers appropriate on all unresolved final positions of the parties.
(7) The hearing officer shall submit the report to the parties privately within 10 working days after the conclusion of the hearing or within the date established for the submission of posthearing briefs, but not later than 20 working days after the hearing officer's appointment.
(8) Either the hearing officer, the professional organization, or the local school board may make the report public if the dispute is not settled within 10 working days after its receipt from the hearing officer.
(9)
  (a) The state superintendent may determine the majority status of any professional organization which requests assistance under this section.
  (b) The decision of the state superintendent is final unless it is clearly inconsistent with the evidence.

Amended by Chapter 186, 2019 General Session

Part 9
Additional Credentials

53E-6-901 Substitute teachers.
(1) As used in this section, "substitute teacher" means a licensed or non-licensed individual who is employed by a school district to fill in for a regular classroom teacher during the teacher's temporary absence from the classroom.
(2) When hiring substitute teachers, school districts shall prioritize licensed educators as substitutes when available.
(3) An individual shall submit to a background check in accordance with Section 53G-11-402 prior to employment as a substitute teacher.
(4) An individual may not serve as a substitute teacher if:
  (a) the individual is ineligible to hold a license under Section 53E-6-603; or
  (b) the individual's license has been suspended or revoked and the restrictions described in Section 53E-6-604.5 apply to the individual.

Amended by Chapter 216, 2026 General Session

53E-6-902 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;
(c) support school-based professional learning; and
(d) provide feedback on the demonstration of competencies for an applicant seeking licensure through a preparation program.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
(a) define the role of a teacher leader, including the functions described in Subsection (2); and
(b) establish the minimum criteria for a teacher to qualify as a teacher leader.
(4) The state board shall solicit recommendations from school districts and educators regarding:
(a) appropriate resources to provide a teacher leader; and
(b) appropriate ways to compensate a teacher leader.

Amended by Chapter 51, 2024 General Session

53E-6-903 STEM education endorsements and incentive program.
(1) As used in this section, "STEM" means science, technology, engineering, and mathematics.
(2) The state board shall:
(a) develop STEM education endorsements; and
(b) create and implement financial incentives for:
(i) an educator to earn an elementary or secondary STEM education endorsement described in Subsection (2)(a); and
(ii) a school district or a charter school to have STEM endorsed educators on staff.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules establishing the uses of STEM education endorsements described in Subsection (2), including that:
(a) an incentive for an educator to take a course leading to a STEM education endorsement may only be given for a course that carries higher-education credit; and
(b) a school district or a charter school may consider a STEM education endorsement as part of an educator's salary schedule.

Amended by Chapter 408, 2020 General Session

Part 11
Interstate Teacher Mobility Compact

53E-6-1100 Article I -- Purpose.
(1) The purpose of this compact is to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure. Through this compact, the member states seek to establish a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines.
(2) This compact is intended to achieve the following objectives and should be interpreted accordingly. The member states hereby ratify the same intentions by subscribing hereto:
(a) create a streamlined pathway to licensure mobility for teachers;
(b) support the relocation of eligible military spouses;

(c) facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;
(d) enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;
(e) support the retention of teachers in the profession by removing barriers to relicensure in a new state; and
(f) maintain state sovereignty in the regulation of the teaching profession.

Enacted by Chapter 222, 2023 General Session

53E-6-1101 Article II -- Definitions.

(1) As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:
(a) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve;
(b) "Adverse action" means any limitation or restriction imposed by a member state's licensing authority, such as revocation, suspension, reprimand, probation, or limitation on the licensee's ability to work as a teacher;
(c) "Bylaws" means those bylaws established by the commission;
(d) "Career and technical education license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in P-12 public educational settings in a specific career and technical education area;
(e) "Charter member states" means a member state that has enacted legislation to adopt this compact where such legislation predates the initial meeting of the commission after the effective date of the compact;
(f) "Commission" means the interstate administrative body which membership consists of delegates of all states that have enacted this compact, and which is known as the Interstate Teacher Mobility Compact Commission;
(g) "Commissioner" means the delegate of a member state;
(h) "Eligible license" means a license to engage in the teaching profession which requires at least a bachelor's degree and the completion of a state approved program for teacher licensure;
(i) "Eligible military spouse" means the spouse of an individual in full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve moving as a result of a military mission or military career progression requirements or are on their terminal move as a result of separation or retirement, to include surviving spouses of deceased military members;
(j) "Executive committee" means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the commission as provided for herein;
(k) "Licensing authority" means an official, agency, board, or other entity of a state that is responsible for the licensing and regulation of teachers authorized to teach in P-12 public educational settings;
(l) "Member state" means any state that has adopted this compact, including all agencies and officials of such a state;
(m) "Receiving state" means any state where a teacher has applied for licensure under this compact;
(n) "Rule" means any regulation promulgated by the commission in accordance with Section 53E-6-1107, which shall have the force of law as a rule promulgated in accordance with Title

63G, Chapter 3, Utah Administrative Rulemaking Act, and which shall be binding in each member state;

(o) "State" means a state, territory, or possession of the United States, and the District of Columbia;

(p) "State practice laws" means a member state's laws, rules, and regulations that govern the teaching profession, define the scope of such profession, and create the methods and grounds for imposing discipline;

(q) "State specific requirements" means a requirement for licensure covered in coursework or examination that include content of unique interest to the state;

(r) "Teacher" means an individual who currently holds an authorization from a member state that forms the basis for employment in the P-12 public schools of the state to provide instruction in a specific subject area, grade level, or student population; and

(s) "Unencumbered license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in P-12 public educational settings. An unencumbered license is not a restricted, probationary, provisional, substitute, or temporary credential.

(2) The definitions described in Section 53E-1-102 do not apply to this compact.

Enacted by Chapter 222, 2023 General Session

53E-6-1102 Article III -- Licensure under the compact.

(1) Licensure under this compact pertains only to the initial grant of a license by the receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.

(2) Each member state shall, in accordance with the rules of the commission, define, compile, and update as necessary, a list of eligible licenses and career and technical educational licenses that the member state is willing to consider for equivalency under this compact and provide the list to the commission. The list shall include those licenses that a receiving state is willing to grant to teachers from other member states, pending a determination of equivalency by the receiving state's licensing authority.

(3) Upon the receipt of an application for licensure by a teacher holding an unencumbered eligible license, the receiving state shall determine which of the receiving state's eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state's licensing authority and may include a determination that the applicant is not eligible for any of the receiving state's eligible licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one or more unencumbered license(s) that, in the receiving state's sole discretion, are equivalent to the license(s) held by the teacher in any other member state.

(4) For active military members and eligible military spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in any other member state, except where the receiving state does not have an equivalent license.

(5) For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except where a career and technical education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach career and technical education. A receiving state may require career and

technical education teachers to meet state industry recognized requirements, if required by law in the receiving state.

Enacted by Chapter 222, 2023 General Session

53E-6-1103 Article IV -- Licensure not under the compact.

(1) Except as provided in Section 53E-6-1105, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.
(2) When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state specific requirements as a condition of licensure renewal or advancement in that state.
(3) For the purposes of determining compensation, a receiving state may require additional information from teachers receiving a license under the provisions of this compact.
(4) Nothing in this compact shall be construed to limit the power of a member state to control and maintain ownership of its information pertaining to teachers, or limit the application of a member state's laws or regulations governing the ownership, use, or dissemination of information pertaining to teachers.
(5) Nothing in this compact shall be construed to invalidate or alter any existing agreement or other cooperative arrangement which a member state may already be a party to, or limit the ability of a member state to participate in any future agreement or other cooperative arrangement to:
  (a) award teaching licenses or other benefits based on additional professional credentials, including, but not limited to National Board Certification;
  (b) participate in the exchange of names of teachers whose license has been subject to an adverse action by a member state; or
  (c) participate in any agreement or cooperative arrangement with a nonmember state.

Enacted by Chapter 222, 2023 General Session

53E-6-1104 Article V -- Teacher qualifications and requirements for licensure under the compact.

(1) Except as provided for active military members or eligible military spouses in Subsection 53E-6-1102(4), a teacher may only be eligible to receive a license under this compact where that teacher holds an unencumbered license in a member state.
(2) A teacher eligible to receive a license under this compact shall, unless otherwise provided for herein:
  (a) upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and
  (b) provide the receiving state with the information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

Enacted by Chapter 222, 2023 General Session

53E-6-1105 Article VI -- Discipline and adverse actions.

(1) Nothing in this Compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

(2) Member states shall be authorized to receive, and shall provide, files and information regarding the investigation and discipline, if any, of teachers in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which originally provided that information.

Enacted by Chapter 222, 2023 General Session

53E-6-1106 Article VII -- Establishment of the Interstate Teacher Mobility Compact Commission.

(1) The interstate compact member states hereby create and establish a joint public agency known as the Interstate Teacher Mobility Compact Commission:
  (a) the commission is a joint interstate governmental agency comprised of states that have enacted the Interstate Teacher Mobility Compact; and
  (b) nothing in this interstate compact shall be construed to be a waiver of sovereign immunity.
(2)
  (a) Each member state shall have and be limited to one delegate to the commission, who shall be given the title of commissioner.
  (b) The commissioner shall be the primary administrative officer of the state licensing authority or their designee.
  (c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed.
  (d) The member state shall fill any vacancy occurring in the commission within 90 days.
  (e) Each commissioner shall be entitled to one vote about the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.
  (f) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.
  (g) The commission shall establish by rule a term of office for commissioners.
(3) The commission shall have the following powers and duties:
  (a) establish a code of ethics for the commission;
  (b) establish the fiscal year of the commission;
  (c) establish bylaws for the commission;
  (d) maintain its financial records in accordance with the bylaws of the commission;
  (e) meet and take such actions as are consistent with the provisions of this interstate compact, the bylaws, and rules of the commission;
  (f) promulgate uniform rules to implement and administer this interstate compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law;
  (g) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;

(h) purchase and maintain insurance and bonds;
(i) borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state, or an associated nongovernmental organization that is open to membership by all states;
(j) hire employees, elect, or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
(k) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;
(l) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
(m) establish a budget and make expenditures;
(n) borrow money;
(o) appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws;
(p) provide and receive information from, and cooperate with, law enforcement agencies;
(q) establish and elect an executive committee;
(r) establish and develop a charter for an Executive Information Governance Committee to advise on facilitating exchange of information; use of information, data privacy, and technical support needs, and provide reports as needed;
(s) perform such other functions as may be necessary or appropriate to achieve the purposes of this interstate compact consistent with the state regulation of teacher licensure; and
(t) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact.

(4)
(a) The executive committee of the Interstate Teacher Mobility Compact Commission shall have the power to act on behalf of the commission according to the terms of this interstate compact.
(b) The executive committee shall be composed of eight voting members:
(i) the commission chair, vice chair, and treasurer; and
(ii) five members who are elected by the commission from the current membership:
(A) four voting members representing geographic regions in accordance with commission rules; and
(B) one at large voting member in accordance with commission rules.
(c) The commission may add or remove members of the executive committee as provided in commission rules.
(d) The executive committee shall meet at least once annually.
(e) The executive committee shall have the following duties and responsibilities:
(i) recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by interstate compact member states such as annual dues, and any compact fee charged by the member states on behalf of the commission;
(ii) ensure commission administration services are appropriately provided, contractual or otherwise;
(iii) prepare and recommend the budget;
(iv) maintain financial records on behalf of the commission;
(v) monitor compliance of member states and provide reports to the commission; and

(vi) perform other duties as provided in rules or bylaws.

(f)

(i) All meetings of the commission shall be open to the public, and public notice of meetings shall be given in accordance with commission bylaws.

(ii) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(A) non-compliance of a Member State with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) current, threatened, or reasonably anticipated litigation;

(D) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(E) accusing any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigative records compiled for law enforcement purposes;

(I) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(J) matters specifically exempted from disclosure by federal or member state statute; and

(K) other matters as set forth by commission bylaws and rules.

(iii) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(iv) The commission shall keep minutes of commission meetings and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(g)

(i) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(ii) The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(iii) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission, in accordance with the commission rules.

(iv) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(v) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to accounting procedures

established under commission bylaws. All receipts and disbursements of funds of the commission shall be reviewed annually in accordance with commission bylaws, and a report of the review shall be included in and become part of the annual report of the commission.

(h)

(i) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(ii) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(iii) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Enacted by Chapter 222, 2023 General Session

53E-6-1107 Article VIII -- Rulemaking.

(1) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(3) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(4) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and bylaws.

(5) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
(a) meet an imminent threat to public health, safety, or welfare;
(b) prevent a loss of Commission or Member State funds;
(c) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
(d) protect public health and safety.

Enacted by Chapter 222, 2023 General Session

53E-6-1108 Article IX -- Facilitating information exchange.

(1) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.
(2) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing licensee information in the member state.

Enacted by Chapter 222, 2023 General Session

53E-6-1109 Article X -- Oversight, dispute resolution, and enforcement.

(1)
(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law.
(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.
(c) All courts and all administrative agencies shall take judicial notice of the compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasijudicial proceeding in a member state pertaining to the subject matter of this compact, or which may affect the powers, responsibilities, or actions of the commission.
(d) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.
(2)
(a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and
(ii) provide remedial training and specific technical assistance regarding the default.
(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
(4) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the state licensing authority and each of the member states.
(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
(6) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.
(7) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.
(8)
(a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.
(b) The commission shall promulgate a rule providing for both binding and nonbinding alternative dispute resolutions for disputes as appropriate.
(9)
(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
(b) By majority vote, the commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Enacted by Chapter 222, 2023 General Session

53E-6-1110 Article XI -- Effectuation, withdrawal, and amendment.
(1) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state.
(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different from the model compact statute.

(b) A charter member state whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 53E-6-1109.
(c) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in Subsection 53E-6-1106(3)(t) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.
(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member States should be less than 10.
(3) Any state that joins the compact after the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state, as the rules and bylaws may be amended as provided in this compact.
(4)
(a) Any member state may withdraw from this compact by enacting a statute repealing the same.
(b) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.
(c) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.
(5) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Enacted by Chapter 222, 2023 General Session

53E-6-1111 Article XII -- Construction and severability.
(1) This compact shall be liberally construed to effectuate the purposes thereof.
(2) The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or a state seeking membership in the compact, or of the United States or the applicability thereof to any other government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.
(3) If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Enacted by Chapter 222, 2023 General Session

53E-6-1112 Article XIII -- Consistent effect and conflict with other state laws.
(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.
(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.
(3) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Enacted by Chapter 222, 2023 General Session