

TEACHER CERTIFICATION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Keele Johnson

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT FIRST-TIME APPLICANTS FOR CERTIFICATION TO WORK IN THE PUBLIC SCHOOLS TAKE AND PASS A BASIC SKILLS TEST AND DEMONSTRATE PROFICIENCY IN THE APPLICANT'S SPECIFIC SUBJECT AREA; PROVIDING FOR IMPLEMENTATION OF THE TESTING PROGRAM BY JANUARY 1, 2000; AND PROVIDING FOR A REPORT TO THE LEGISLATURE'S EDUCATION INTERIM COMMITTEE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-6-103, as last amended by Chapters 263 and 280, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-6-103** is amended to read:

53A-6-103. Qualifications of applicants for certificates -- Changes in qualifications -- Criminal background check.

(1) The State Board of Education shall establish the scholarship, training, and experience required of applicants for certificates.

(2) (a) The board shall announce any increase in the requirements when made.

(b) The requirements shall become effective not less than one year from the date of the announcement.

(3) (a) The board [may] shall determine [~~by examination or otherwise~~] the qualifications of applicants for first-time certificates[-] to include:

(i) requiring an applicant for first-time certification to take and pass a basic skills examination and demonstrate subject matter proficiency in the applicant's specific subject area;

(ii) the board developing, in collaboration with the state's colleges of education and local

28 school boards, the instruments and procedures required to implement Subsection (3)(a)(i) by
29 January 1, 2000; and

30 (iii) monitoring the results of the first year of the testing program under Subsection
31 (3)(a)(i), and reporting those results to the Legislature's Education Interim Committee prior to
32 November 30, 2000, together with any recommendations, if necessary, for modification of the
33 program.

34 (b) (i) The board may determine by examination or otherwise the qualifications of
35 applicants for recertification.

36 (ii) As used in Subsection (3)(b)(i), recertification includes renewal of a certificate and
37 reinstatement of a lapsed, suspended, or revoked certificate.

38 (4) (a) (i) The State Office of Education, hereafter referred to as "office," shall require an
39 applicant for certification to submit to a criminal background check as a condition for certification.

40 (ii) As used in Subsection (4)(a)(i), certification includes reinstatement of a lapsed,
41 suspended, or revoked certificate.

42 (b) (i) The office shall establish a procedure for fingerprinting the applicant and submitting
43 the prints to the Criminal Investigations and Technical Services Division of the Department of
44 Public Safety, established in Section 53-10-103, for checking against applicable state, regional, and
45 national criminal records files.

46 (ii) The Criminal Investigations and Technical Services Division shall release to the office
47 the information received in response.

48 (c) An applicant shall have opportunity to respond to any information received as a result
49 of the background check.

50 (d) (i) In preparing recommendations concerning certification for submission to the state
51 board, the office shall consider only the following matters to the extent that they are relevant to the
52 certification sought by the applicant:

53 (A) convictions;

54 (B) any matters involving an alleged sexual offense;

55 (C) any matters involving an alleged felony or class A misdemeanor drug offense;

56 (D) any matters involving an alleged offense against the person under Title 76, Chapter
57 5;

58 (E) any matters involving a felony or class A misdemeanor property offense alleged to

59 have occurred within the previous three years; and

60 (F) any matters involving any other type of criminal offense if more than one occurrence
61 of the same type of offense is alleged to have taken place within the previous eight years.

62 (ii) This Subsection (4)(d) applies to matters occurring both before and after the effective
63 date of this Subsection (4)(d).

64 (e) If a recommendation is made for denial of certification because of information obtained
65 through a criminal background check, the person shall receive written notice of the reasons for the
66 recommendation and have an opportunity to respond in accordance with procedures set forth under
67 rules of the Professional Practices Advisory Commission.

68 (f) Information obtained under this section is confidential and may only be disclosed as
69 provided in this part.

70 (g) The applicant shall pay the costs of conducting the background check.

Legislative Review Note
as of 12-28-98 8:46 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel