

ALTERNATIVE TEACHER LICENSING

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies the State System of Public Education Code by allowing teacher licenses to be awarded based on the demonstrated competence of the teacher. This act allows local school boards to enter into individual contracts of employment with candidates for, and teachers holding, a district-specific license and provides that those candidates and teachers are ineligible for career employee status.

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

AMENDS:

53A-3-411, as enacted by Chapter 2, Laws of Utah 1988

53A-6-103, as last amended by Chapter 253, Laws of Utah 2002

53A-6-104, as last amended by Chapter 41, Laws of Utah 2002

53A-6-502, as enacted by Chapter 108, Laws of Utah 1999

53A-8-106, as repealed and reenacted by Chapter 324, Laws of Utah 1999

ENACTS:

53A-6-104.5, Utah Code Annotated 1953

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

Section 1. Section **53A-3-411** is amended to read:

53A-3-411. Employment of school personnel -- Length of contract -- Termination for cause.

(1) A local school board may enter into a written employment contract for a term not to exceed five years.

(2) Nothing in the terms of the contract shall restrict the power of a local school board to terminate the contract for cause at any time.

(3) Notwithstanding the provisions of a contract entered into with a local employee's



association, a local school board may negotiate individual contracts of employment with, or provide different employment benefits for, an employee who:

(a) holds a letter of authorization and is a candidate for a competency-based license pursuant to Section 53A-6-104.5; or

(b) holds a district-specific license issued under Section 53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103.

Section 2. Section **53A-6-103** is amended to read:

53A-6-103. Definitions.

As used in this chapter:

(1) "Accredited institution" means an institution meeting the requirements of Section 53A-6-107.

(2) (a) "Alternative preparation program" means preparation for licensure in accordance with applicable law and rule through other than an approved preparation program.

(b) "Alternative preparation program" includes the competency-based licensing program described in Section 53A-6-104.5.

(3) "Ancillary requirement" means a requirement established by law or rule in addition to completion of an approved preparation program or alternative education program or establishment of eligibility under the NASDTEC Interstate Contract, and may include any of the following:

(a) minimum grade point average;

(b) standardized testing or assessment;

(c) mentoring;

(d) recency of professional preparation or experience;

(e) graduation from an accredited institution; or

(f) evidence relating to moral, ethical, physical, or mental fitness.

(4) "Approved preparation program" means a program for preparation of educational personnel offered through an accredited institution in Utah or in a state which is a party to a contract with Utah under the NASDTEC Interstate Contract and which, at the time the program was completed by the applicant:

(a) was approved by the governmental agency responsible for licensure of educators in the state in which the program was provided;

(b) satisfied requirements for licensure in the state in which the program was provided;

(c) required completion of a baccalaureate; and

(d) included a supervised field experience.

(5) "Board" means the Utah State Board of Education.

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

(7) "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

~~[(7)]~~ (8) "Educator" means:

(a) a person who holds a license;

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

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

~~[(8)]~~ (9) "Endorsement" means a stipulation appended to a license setting forth the areas of practice to which the license applies.

~~[(9)]~~ (10) "License" means an authorization issued by the board which permits the holder to serve in a professional capacity in the public schools. The ~~[four]~~ five levels of licensure are:

(a) "letter of authorization," which is:

(i) a temporary license issued to a person who has not completed requirements for a district-specific, charter school-specific, or level 1, 2, or 3 license, such as:

(A) a student teacher [or a person hired to perform professional services on an emergency basis when fully qualified personnel are not available]; or

(B) a person participating in an alternative preparation program; or

(ii) a license issued, pursuant to board rules, to a person who has achieved eminence, or has outstanding qualifications, in a field taught in public schools;

(b) (i) "district-specific license" which:

(A) is a license issued by a school district to a teacher based on the teacher's demonstrated teaching skills and abilities; and

(B) allows the teacher to teach within the school district; and

(ii) "charter school-specific license" which:

(A) is a license issued by a charter school to a teacher based on the teacher's demonstrated teaching skills and abilities; and

(B) allows the teacher to teach at the charter school;

~~[(b)]~~ (c) "level 1 license," which is a license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all ancillary requirements established by law or rule;

~~[(c)]~~ (d) "level 2 license," which is a license issued after satisfaction of all requirements for a level 1 license as well as any additional requirements established by law or rule relating to professional preparation or experience; and

~~[(d)]~~ (e) "level 3 license," which is a license issued to an educator who holds a current Utah level 2 license and has also received, in the educator's field of practice, National Board certification or a doctorate from an accredited institution.

~~[(10)]~~ (11) "NASDTEC" means the National Association of State Directors of Teacher Education and Certification.

~~[(11)]~~ (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A, Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is administered through NASDTEC.

~~[(12)]~~ (13) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

~~[(13)]~~ (14) "Necessarily existent small school" means a school classified as a necessarily existent small school in accordance with Section 53A-17a-109.

~~[(14)]~~ (15) "Office" means the Utah State Office of Education.

~~[(15)]~~ (16) "Rule" means an administrative rule adopted by the board under Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

~~[(16)]~~ (17) "School" means a public or private entity which provides educational services to a minor child.

~~[(17)]~~ (18) "Small school district" means a school district with an enrollment of less than 5,000 students.

121 ~~[(18)]~~ (19) "UPPAC" means the Utah Professional Practices Advisory Commission.

122 Section 3. Section **53A-6-104** is amended to read:

123 **53A-6-104. Board licensure.**

124 (1) (a) The board may issue licenses for educators.

125 (b) ~~[(1)]~~ A person employed in a position that requires licensure by the board shall hold
126 the appropriate license.

127 ~~[(ii) The board shall issue a letter of authorization permitting a person to be employed
128 as a classroom teacher if requested by a local school board which has determined that:]~~

129 ~~[(A) the person has outstanding professional qualifications or extensive job experience
130 in the public or private sector in such areas as mathematics, science, business, information
131 technology, and applied technology; and]~~

132 ~~[(B) employment of the person would permit the school district to better meet the
133 educational goals of students.]~~

134 (2) (a) The board may by rule rank, endorse, or otherwise classify licenses and
135 establish the criteria for obtaining and retaining licenses.

136 (b)(i) The board shall make rules requiring participation in professional development
137 activities in order for educators to retain their licenses.

138 (ii) An educator who is enrolling in a course of study at an institution within the state
139 system of higher education to satisfy the professional development requirements of Subsection

140 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State
141 Board of Regents, if:

142 (A) the educator is enrolled on the basis of surplus space in the class after regularly
143 enrolled students have been assigned and admitted to the class in accordance with regular
144 procedures, normal teaching loads, and the institution's approved budget; and

145 (B) enrollments are determined by each institution under rules and guidelines
146 established by the State Board of Regents in accordance with findings of fact that space is
147 available for the educator's enrollment.

148 (3) Unless suspended or revoked by the board, or surrendered by the educator:

149 (a) a letter of authorization is valid for one year, or a shorter period as specified by the
150 board, subject to renewal by the board in accordance with board rules ~~[for a total of not more
151 than four years of full-time equivalent employment];~~

(b) a level 1 license is valid for three years, subject to renewal by the board in accordance with board rules;

(c) a level 2 license is valid for five years, subject to renewal by the board in accordance with board rules; and

(d) a level 3 license is valid for seven years, subject to renewal by the board in accordance with board rules.

Section 4. Section **53A-6-104.5** is enacted to read:

53A-6-104.5. Licensing by competency.

(1) A license to teach may be issued based on the demonstrated competence of a teacher as provided in this section.

(2) A school district or charter school may employ a candidate for a competency-based license if the candidate meets the following qualifications:

(a) as a prerequisite for employment, a license candidate who teaches one or more core academic subjects in an elementary school shall:

(i) hold at least a bachelor's degree; and

(ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum;

(b) as a prerequisite for employment, a license candidate who teaches one or more core academic subjects in a middle or secondary school shall:

(i) hold at least a bachelor's degree; and

(ii) have demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:

(A) passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or

(B) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate academic major, or advanced certification or credentialing; or

(c) as a prerequisite for employment, a license candidate who teaches subjects other than a core academic subject in an elementary, middle, or high school shall:

(i) hold a bachelor's degree, associate's degree, or skill certification; and

(ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the person suited for the teaching position.

(3) At the request of a school district or charter school, the board shall issue a letter of authorization permitting a person meeting the qualifications specified in Subsection (2) to be employed by the school district or charter school.

(4) A school district or charter school:

(a) shall monitor and assess the performance of each candidate for a competency-based license; and

(b) may award a candidate a district-specific or charter school-specific license if the candidate:

(i) completes a minimum of one year full-time employment experience; and

(ii) demonstrates competence in the skills relevant to the teaching position held by the candidate.

(5) In lieu of, or in addition to, awarding a license candidate a district-specific or charter school-specific license, a school district or charter school may recommend that the license candidate's training and assessment be reviewed by the Utah State Office of Education for a level 1 license.

Section 5. Section **53A-6-502** is amended to read:

53A-6-502. Mandatory reporting of physical or sexual abuse of students.

(1) For purposes of this section, "educator" means, in addition to a person included under ~~[Subsection]~~ Section 53A-6-103~~(7)~~, 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 62A-4a-403, 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, superintendent, or to the office.

(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 office.

(4) Failure to comply with Subsection (2) or (3) shall be considered unprofessional

conduct.

(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.

Section 6. Section **53A-8-106** is amended to read:

53A-8-106. Career employee status for provisional employees.

(1) A provisional employee must work for a school district on at least a half-time basis for three consecutive years to obtain career employee status.

(2) Policies of an employing school district shall determine the status of a career employee in the event of the following:

(a) the employee accepts a position which is substantially different from the position in which career status was achieved; or

(b) the employee accepts employment in another school district.

(3) If an employee who is under an order of probation or remediation in one assignment in a school district is transferred or given a new assignment in the district, the order shall stand until its provisions are satisfied.

(4) An employee who is given extra duty assignments in addition to a primary assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary employee in those extra duty assignments and may not acquire career status beyond the primary assignment.

(5) A teacher is not eligible for career employee status if the teacher:

(a) holds a letter of authorization and is a candidate for a competency-based license pursuant to Section 53A-6-104.5; or

(b) holds a district-specific license issued under Section 53A-6-104.5 and does not hold a level 1, 2, or 3 license as defined in Section 53A-6-103.

Legislative Review Note

as of 1-6-03 10:00 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Alternative Teacher Licensing***18-Feb-03***Bill Number SB0064***8:52 AM*

State Impact

Passage of this bill could incur additional costs for School Districts and Charter Schools who would be allowed to issue alternative teacher licenses. Costs to a school district could be as much as \$75,000 or more for computer programming, training and other implementation costs. Districts may also incur additional costs for State Office of Education services that may be needed to coordinate statewide data and provide technical support.

Individual and Business Impact

Some individuals will be able to obtain a teaching position under provisions of this bill.

Office of the Legislative Fiscal Analyst