

1                                   **EDUCATOR LICENSING AMENDMENTS**

2                                   2004 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Sponsor: David N. Cox**

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6 **LONG TITLE**

7 **General Description:**

8           This bill modifies the State System of Public Education Code by amending educator  
9 licensing and license renewal provisions.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ provides that completion of the Passport to Teaching certification from the  
13 American Board for Certification of Teacher Excellence satisfies the requirements  
14 for a level 1 license;
- 15           ▶ provides that completion of the Master Teacher certification from the American  
16 Board for Certification of Teaching Excellence satisfies the requirements for a level  
17 3 license; and
- 18           ▶ provides that completion of either the Passport to Teaching certification or the  
19 Master Teacher certification satisfies all license points or other professional  
20 activities required for renewal of a level 1, 2, or 3 license.

21 **Monies Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53A-6-103**, as last amended by Chapter 315, Laws of Utah 2003



28           **53A-6-104**, as last amended by Chapter 315, Laws of Utah 2003



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

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

32           **53A-6-103. Definitions.**

33           As used in this chapter:

34           (1) "Accredited institution" means an institution meeting the requirements of Section  
35 53A-6-107.

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

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

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

- 44           (a) minimum grade point average;
- 45           (b) standardized testing or assessment;
- 46           (c) mentoring;
- 47           (d) recency of professional preparation or experience;
- 48           (e) graduation from an accredited institution; or
- 49           (f) evidence relating to moral, ethical, physical, or mental fitness.

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

- 54           (a) was approved by the governmental agency responsible for licensure of educators in  
55 the state in which the program was provided;
- 56           (b) satisfied requirements for licensure in the state in which the program was provided;
- 57           (c) required completion of a baccalaureate; and
- 58           (d) included a supervised field experience.

- 59 (5) "Board" means the Utah State Board of Education.
- 60 (6) "Certificate" means a license issued by a governmental jurisdiction outside the  
61 state.
- 62 (7) "Core academic subjects" means English, reading or language arts, mathematics,  
63 science, foreign languages, civics and government, economics, arts, history, and geography.
- 64 (8) "Educator" means:
- 65 (a) a person who holds a license;
- 66 (b) a teacher, counselor, administrator, librarian, or other person required, under rules  
67 of the board, to hold a license; or
- 68 (c) a person who is the subject of an allegation which has been received by the board or  
69 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a  
70 position requiring licensure.
- 71 (9) "Endorsement" means a stipulation appended to a license setting forth the areas of  
72 practice to which the license applies.
- 73 (10) "License" means an authorization issued by the board which permits the holder to  
74 serve in a professional capacity in the public schools. The five levels of licensure are:
- 75 (a) "letter of authorization," which is:
- 76 (i) a temporary license issued to a person who has not completed requirements for a  
77 competency-based, or level 1, 2, or 3 license, such as:
- 78 (A) a student teacher; or
- 79 (B) a person participating in an alternative preparation program; or
- 80 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,  
81 or has outstanding qualifications, in a field taught in public schools;
- 82 (b) "competency-based license" which is issued to a teacher based on the teacher's  
83 demonstrated teaching skills and abilities;
- 84 (c) "level 1 license," which is a license issued upon completion of:
- 85 (i) the Passport to Teaching certification from the American Board for Certification of  
86 Teacher Excellence; or
- 87 (ii) an approved preparation program or an alternative preparation program, or pursuant  
88 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all  
89 ancillary requirements established by law or rule;

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

93 (e) "level 3 license," which is a license issued to an educator who holds a current Utah  
94 level 2 license and has also received, in the educator's field of practice[;]:

95 (i) National Board certification;

96 (ii) Master Teacher certification from the American Board for Certification of  
97 Teaching Excellence; or

98 (iii) a doctorate from an accredited institution.

99 (11) "NASDTEC" means the National Association of State Directors of Teacher  
100 Education and Certification.

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

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

106 (14) "Necessarily existent small school" means a school classified as a necessarily  
107 existent small school in accordance with Section 53A-17a-109.

108 (15) "Office" means the Utah State Office of Education.

109 (16) "Rule" means an administrative rule adopted by the board under Title 63, Chapter  
110 46a, Utah Administrative Rulemaking Act.

111 (17) "School" means a public or private entity which provides educational services to a  
112 minor child.

113 (18) "Small school district" means a school district with an enrollment of less than  
114 5,000 students.

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

116 Section 2. Section **53A-6-104** is amended to read:

117 **53A-6-104. Board licensure.**

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

119 (b) A person employed in a position that requires licensure by the board shall hold the  
120 appropriate license.

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

123 (b) (i) The board shall make rules requiring participation in professional development  
124 activities or compliance with a school district professional development plan as provided in  
125 Subsection (4) in order for educators to retain their licenses.

126 (ii) An educator who is enrolling in a course of study at an institution within the state  
127 system of higher education to satisfy the professional development requirements of Subsection  
128 (2)(b)(i) is exempt from tuition, except for a semester registration fee established by the State  
129 Board of Regents, if:

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

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

136 (3) Except as provided in Subsection (4), unless suspended or revoked by the board, or  
137 surrendered by the educator:

138 (a) a letter of authorization is valid for one year, or a shorter period as specified by the  
139 board, subject to renewal by the board in accordance with board rules;

140 (b) a competency-based license remains valid;

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

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

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

147 (4) Unless suspended or revoked by the board, or surrendered by the educator, a level  
148 1, level 2, level 3, or competency-based license shall remain valid if:

149 (a) the license holder is employed by a school district that has a comprehensive  
150 program to maintain and improve educators' skills in which performance standards, educator  
151 evaluation, and professional development are integrated; and

152 (b) the license holder complies with school or school district professional development  
153 requirements.

154 (5) All license points or other professional activities required for renewal of a level 1,  
155 2, or 3 license shall be satisfied if the educator completes the Passport to Teaching certification  
156 or Master Teacher certification from the American Board for Certification of Teacher  
157 Excellence within the previous:

- 158 (a) three years for a level 1 license holder;
- 159 (b) five years for a level 2 license holder; or
- 160 (c) seven years for a level 3 license holder.

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**Legislative Review Note**  
**as of 1-26-04 12:25 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0110**

**Educator Licensing Amendments**

*03-Feb-04*

*11:51 AM*

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**State Impact**

Provisions of this bill may be handled within existing resources.

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**Individual and Business Impact**

No Fiscal Impact

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**Office of the Legislative Fiscal Analyst**