LEGISLATIVE GENERAL COUNSEL
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H.B. 208
1st Sub. (Buff)

Representative Norman K Thurston proposes the following substitute bill:

TEACHER LICENSURE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses changes in teacher licensure requirements.

Highlighted Provisions:

This bill:

- amends legislative findings on teacher competency;
- directs the State Board of Education (state board) and the Utah Board of Higher Education to develop a strategy for expanding traditional and alternative programs for training and licensing teachers;
- prohibits the state board from requiring a pedagogical performance assessment to obtain licensure;
- amends rulemaking authority for the state board;
- limits the delegation of authority regarding preparation programs;
- clarifies roles for local education agencies; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

1st Sub. H.B. 208

Utah Code Sections Affected:

AMENDS:

53E-6-103, as last amended by Laws of Utah 2019, Chapter 186

53E-6-201, as last amended by Laws of Utah 2023, Chapter 368

53E-6-301, as last amended by Laws of Utah 2022, Chapter 285

53E-6-302, as last amended by Laws of Utah 2022, Chapter 285

53E-6-902, as last amended by Laws of Utah 2020, Chapter 408

53G-11-509, as last amended by Laws of Utah 2019, Chapter 293

ENACTS:

53E-6-206, Utah Code Annotated 1953

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

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

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 [~~before assuming their responsibilities in the schools~~] 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.

Section 2. Section **53E-6-201** is amended to read:

53E-6-201. State board licensure.

(1) The state board shall [~~establish in rule made~~] 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; [~~and~~]

(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 Subsection 53F-4-504 that:

(i) is valid for an individual to provide educational services to a student enrolled in an online course described in 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, one or more licenses created 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) [~~The~~] Except as provided in Subsection (3)(a)(ii), the state board may [~~by rule made~~] make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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.

(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.

Section 3. Section **53E-6-206** is enacted to read:

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 shall

develop a strategy for expanding 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 create or 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 creation and modification of requirements necessary for:

(i) a license based on an applied 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).

Section 4. Section **53E-6-301** is amended to read:

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[~~,~~]:

(a) the scholarship, competencies, training, and experience required of license applicants[~~-~~]; and

(b) the criteria and training for an individual who certifies a licensure candidate's demonstration of competencies.

(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) [~~The~~] 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.

Section 5. Section **53E-6-302** is amended to read:

53E-6-302. Educator preparation programs.

(1) As used in this section:

(a) "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).

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

(c) "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 state board shall designate an employee of the state board's staff to:

(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 state board;

(ii) local school boards or charter school governing boards; and

(iii) 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 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) Subject to legislative appropriations, the Utah Board of Higher Education shall:

(a) provide matching funds to each of the state's institutions of higher education with a university teacher preparation program:

(i) to hire an additional faculty member who has training in the science of reading and the science of reading instruction; and

(ii) in an amount equal to 75% of the cost of making the hire described in Subsection (6)(a) if the institution provides 25% of the cost; and

(b) consult the state superintendent regarding:

(i) criteria for the hire described in Subsection (6)(a) that would qualify for a distribution of funding; and

(ii) an individual institution's fulfillment of the criteria described in Subsection (6)(b)(i) before distributing funding.

(7) An institution that hires an additional faculty member shall coordinate with the science of reading panel described in Section 53E-3-1003 to include two members of the panel in the institution's hiring process.

(8) The state board shall:

(a) monitor accreditation of university programs regarding the science of reading preparation described in Subsection (3)(b) at the institutions described in Subsection (6)(a); 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.

Section 6. Section **53E-6-902** is amended to read:

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; [~~and~~]

(c) support school-based professional learning[~~.~~]; and

(d) certify 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.

Section 7. Section **53G-11-509** is amended to read:

53G-11-509. Mentor for provisional educator.

(1) In accordance with [~~Subsections~~] Section 53E-6-902, Subsection 53E-2-302(7), and Subsections 53E-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.

(2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.

(3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.

(4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Section 8. **Effective date.**

This bill takes effect on May 1, 2024.