

1 **R277. Education, Administration.**

2 **R277-309. Appropriate Licensing and Assignment of Teachers.**

3 **R277-309-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3. which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute
8 the Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Subsection 53E-6-201(2)(a), which authorizes the Board to rank, endorse, or
10 classify licenses.

11 (2) The purpose of this rule is to provide criteria for:

12 (a) local school boards to employ educators in appropriate assignments;

13 (b) the Board to provide state funding to local school boards for appropriately
14 qualified and assigned staff; and

15 (c) the Board and local school boards to satisfy the requirements of ESEA for
16 local school boards to receive federal funds.

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18 **R277-309-2. Definitions.**

19 (1) "Co-teaching" means the instructional arrangement in which a general
20 education teacher and a special education teacher deliver core instruction along with
21 specialized instruction, as needed, to a diverse group of students in a single
22 instructional space or class.

23 (2) "Content specialist" means a licensed educator who provides instruction or
24 specialized support for students and teachers in a school setting.

25 (3) "Educator license" means an associate, professional, or LEA-specific license
26 issued by the Superintendent under Rule R277-301.

27 (4) "Elementary setting" means an instructional model where students typically
28 have a single class with a single teacher primarily responsible for instruction in all core
29 standards established in Rule R277-700.

30 (5) "License areas of concentration" has the same meaning as described in
31 Section R277-301-2, including elementary education, secondary education, special
32 education, and career and technical education.

33 (6) "License endorsement" or "endorsement" has the same meaning as
34 described in Section R277-301-2, including special education mild/moderate, special
35 education severe disabilities, mathematics, English language arts, and dance.

36 (7) "Secondary setting" means an instructional model where students typically
37 rotate among classes taught by multiple teachers that are considered subject matter
38 experts, primarily responsible for instruction in the core standards in an area as
39 established by the Board in Rule R277-700.

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41 **R277-309-3. Required Licensing.**

42 (1) All teachers in public schools shall hold a current educator license along with
43 appropriate license areas of concentration and endorsements that is not suspended or
44 revoked by the Board under Section 53E-6-604.

45 (2) An LEA shall receive assistance from the Superintendent to the extent of
46 resources available to have all teachers hold a professional license, license area, and
47 endorsement in all areas in which the teacher is assigned.

48 (3) An LEA shall only hire a teacher who:

49 (a) holds a current educator license; or

50 (b)(i) submitted an application for licensure to the Superintendent; and

51 (ii) is in the process of becoming fully licensed and endorsed within 60 days of
52 assignment.

53 (4) In accordance with Section 53E-3-401, if an LEA hires an educator without
54 appropriate licensure, the Superintendent may recommend that the Board withhold the
55 following until the LEA's educators are appropriately licensed:

56 (a) LEA salary supplement funds under Section 53F-2-405 and Rule R277-110;
57 and

58 (b) Educator quality funds under Subsection 53F-2-305(2) and Rule R277-486.

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R277-309-4. Appropriate Licenses, License Areas of Concentration, and Endorsements.

(1) An educator assigned to teach a class in kindergarten through grade 3 shall hold a current educator license with:

- (a) an early childhood license area of concentration;
- (b) an elementary license area of concentration; or
- (c) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(2) An educator assigned to teach a class in grade 4 through grade 8 in an elementary setting shall hold a current educator license with:

- (a) an elementary license area of concentration; or
- (b) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education license area of concentration.

(3) An elementary content specialist in Fine Arts or Physical Education shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate K-12 endorsement.

(4) An elementary content specialist in reading or English as a Second Language shall hold a current educator license with an elementary or secondary license area of concentration with the appropriate endorsement.

(5) An elementary content specialist in any content area not listed in Subsections (3) and (4) shall hold a current educator license with an elementary, secondary, special education, or deaf education license area of concentration.

(6) An educator assigned to teach a class in grade 6 in a secondary setting shall hold a current educator license with:

- (a) an elementary license area of concentration;
- (b) a secondary license area of concentration with the appropriate endorsement for all assigned courses; or

87 (c) for an educator assigned to teach a class composed of deaf and hard of
88 hearing students, a deaf education license area of concentration.

89 (7) An educator assigned to teach a class in grade 7 or grade 8 in a secondary
90 setting shall hold a current educator license with:

91 (a) an elementary or secondary license area of concentration with the
92 appropriate endorsement for all assigned courses; or

93 (b) for an educator assigned to teach deaf and hard of hearing students, a deaf
94 education license area of concentration with the appropriate endorsement for all
95 assigned courses.

96 (8) An educator assigned to teach a class in grade 9 through grade 12 shall hold
97 a current educator license with:

98 (a) a secondary or a career and technical education license area of
99 concentration with the appropriate endorsement for all assigned courses; or

100 (b) for an educator assigned to teach deaf and hard of hearing students, a deaf
101 education license area of concentration with the appropriate endorsement for all
102 assigned courses.

103 (9) A general education teacher in a co-teaching setting shall hold:

104 (a) a current educator license;

105 (b) an appropriate license area of concentration; and

106 (c) an endorsement appropriate for the course.

107 (10)(a) An educator assigned to serve or teach a class of students with
108 disabilities shall hold a current educator license with a special education license area of
109 concentration and special education endorsement; and

110 (b) If an educator is the teacher of record of secondary mathematics for students
111 with disabilities, the educator shall also hold the appropriate endorsement for the
112 course, unless in a co-teaching setting with a general educator who is properly licensed
113 and endorsed.

114 (c) A special education teacher in a co-teaching setting shall hold a special
115 education license area of concentration and special education endorsement.

116 (11) An educator assigned to serve preschool-aged students with disabilities
117 shall hold a current educator license with a preschool special education license area of
118 concentration and the appropriate endorsement.

119 (12) An educator assigned to serve preschool-aged students who are deaf and
120 hard of hearing shall hold a current educator license with:

121 (a) a preschool special education license area of concentration and a deaf and
122 hard of hearing endorsement; or

123 (b) a deaf education license area of concentration.

124 ([12]13) An educator assigned to serve deaf and hard of hearing students shall
125 hold:

126 (a) a current educator license with a special education license area of
127 concentration and deaf and hard of hearing endorsement; or

128 (b) a deaf education license area of concentration.

129 ([13]14) An educator assigned to provide student support services as defined in
130 Rule R277-306 shall hold a current educator license with the appropriate support
131 service license area of concentration.

132 ([14]15) An educator assigned as a school-based or LEA-based specialist shall
133 hold a current educator license with the appropriate license area of concentration and
134 endorsement as defined by the LEA.

135 ([15]16) An educator assigned as a principal or vice principal in a school district
136 shall hold a current educator license and a school leadership license area of
137 concentration.

138 ([16]17) A special education director for a charter school shall hold a current
139 educator license with a license area of concentration in one of the following areas
140 consistent with Section 53G-5-407:

141 (a) special education;

142 (b) preschool special education;

143 (c) speech language pathologist; or

144 (d) school psychologist.

145 ([17]18) An educator assigned in any other position that requires an educator
146 license, as defined by the LEA, shall hold a current educator license with the
147 appropriate license area of concentration and endorsement as defined by the district.

148 ([18]19) An educator assigned in an administrative position in a charter school is
149 exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

150 ([19]20) Notwithstanding Subsection R277-309-3(1), an individual may hold a
151 school social work, speech language pathologist, or audiologist assignment in an LEA
152 [~~without a school social worker license area of concentration~~] with an appropriate
153 license issued by the Division of Occupational and Professional Licensing.

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155 **KEY: educator, license, assignment**

156 **Date of Last Change: August 22, 2022**

157 **Notice of Continuation: June 4, 2021**

158 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-**
159 **6-201(2)(a)**

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