

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.

17

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.]~~
59 teaching supplies and materials under Subsection 53F-2-527(2).

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

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

65 (a) an early childhood license area of concentration;

66 (b) an elementary license area of concentration; or

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

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

71 (a) an elementary license area of concentration; or

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

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

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

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

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

85 (a) an elementary license area of concentration;

86 (b) a secondary license area of concentration with the appropriate endorsement
87 for all assigned courses; or

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

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

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

94 (b) for an educator assigned to teach a career and technical education class, a
95 secondary or a career and technical education license area of concentration with:

96 (i) the appropriate endorsement; or

97 (ii) at least three years of related occupational experience with the relevant
98 career cluster; or

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

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

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

106 (b) for an educator assigned to teach a career and technical education class, a
107 secondary or a career and technical education license area of concentration with:

108 (i) the appropriate endorsement; or

109 (ii) at least three years of related occupational experience with the relevant
110 career cluster; or

111 ([b]c) for an educator assigned to teach deaf and hard of hearing students, a
112 deaf education license area of concentration with the appropriate endorsement for all
113 assigned courses.

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

- 115 (a) a current educator license;
- 116 (b) an appropriate license area of concentration; and
- 117 (c) an endorsement appropriate for the course.
- 118 (10)(a) An educator assigned to serve or teach a class of students with
- 119 disabilities shall hold a current educator license with a special education license area of
- 120 concentration and special education endorsement. ~~[-and~~
- 121 ~~(b) If an educator is the teacher of record of secondary mathematics for students~~
- 122 ~~with disabilities, the educator shall also hold the appropriate endorsement for the~~
- 123 ~~course, unless in a co-teaching setting with a general educator who is properly licensed~~
- 124 ~~and endorsed.]~~
- 125 ([e]b) A special education teacher in a co-teaching setting shall hold a special
- 126 education license area of concentration and special education endorsement.
- 127 (11) An educator assigned to serve preschool-aged students with disabilities
- 128 shall hold a current educator license with a preschool special education license area of
- 129 concentration and the appropriate endorsement.
- 130 (12) An educator assigned to serve preschool-aged students who are deaf and
- 131 hard of hearing shall hold a current educator license with:
- 132 (a) a preschool special education license area of concentration and a deaf and
- 133 hard of hearing endorsement; or
- 134 (b) a deaf education license area of concentration.
- 135 ([12]13) An educator assigned to serve deaf and hard of hearing students shall
- 136 hold:
- 137 (a) a current educator license with a special education license area of
- 138 concentration and deaf and hard of hearing endorsement; or
- 139 (b) a deaf education license area of concentration.
- 140 ([13]14) An educator assigned to provide student support services as defined in
- 141 Rule R277-306 shall hold a current educator license with the appropriate support
- 142 service license area of concentration.

143 ([14]15) An educator assigned as a school-based or LEA-based specialist shall
144 hold a current educator license with the appropriate license area of concentration and
145 endorsement as defined by the LEA.

146 ([15]16) An educator assigned as a principal or vice principal in a school district
147 shall hold a current educator license and a school leadership license area of
148 concentration.

149 ([16]17) A special education director for a charter school shall hold a current
150 educator license with a license area of concentration in one of the following areas
151 consistent with Section 53G-5-407:

- 152 (a) special education;
- 153 (b) preschool special education;
- 154 (c) speech language pathologist; or
- 155 (d) school psychologist.

156 ([17]18) An educator assigned in any other position that requires an educator
157 license, as defined by the LEA, shall hold a current educator license with the
158 appropriate license area of concentration and endorsement as defined by the district.

159 ([18]19) An educator assigned in an administrative position in a charter school is
160 exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

161 ([19]20) Notwithstanding Subsection R277-309-3(1), an individual may hold a
162 school social work, speech language pathologist, or audiologist assignment in an LEA
163 ~~[without a school social worker license area of concentration]~~ with an appropriate
164 license issued by the Division of Occupational and Professional Licensing.

165 (21) Notwithstanding the requirements of Subsections (6) through (9), an
166 educator may be assigned to teach a class in a secondary setting for which the
167 educator does not hold the appropriate endorsement for up to 25% of the educator's
168 total instructional assignment, if the educator:

169 (a) holds a current educator license with a professional license area of
170 concentration in:

171 (i) deaf education;

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- 172 (ii) secondary education; or
173 (iii) career and technical education;
174 (b) is not assigned to teach driver education; and
175 (c) is qualified to teach the course, as determined by the LEA.

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177 **KEY: educator, license, assignment**

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

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

180 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-**
181 **6-201(2)(a)**

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