

R277. Education, Administration.

R277-309. Appropriate Licensing and Assignment of Teachers.

R277-309-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

(c) Subsection 53E-6-201([2]3)(a), which authorizes the Board to rank, endorse, or classify licenses.

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

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

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

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

R277-309-2. Definitions.

(1) "Advance placement course" or "AP" course means the same as that term is defined in Section 53F-2-408.5.

([4]2) "Co-teaching" means the instructional arrangement in which a general education teacher and a special education teacher deliver core instruction along with specialized instruction, as needed, to a diverse group of students in a single instructional space or class.

(3) "Concurrent enrollment course" or "CE" course means the same as that term is defined in Section 53E-10-301.

(4) "Content area degree" means a bachelor's degree or higher in an academic field substantially related to an educator's assigned subject or course.

([2]5) "Content specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.

([3]6) "Educator license" means an associate, professional, or LEA-specific license issued by the Superintendent under Rule R277-301.

([4]7) "Elementary setting" means an instructional model where students typically have a single class with a single teacher primarily responsible for instruction in all core standards established in Rule R277-700.

(8) "Eligible instructor" means the same as that term is defined in Section 53E-10-301.

(9) "International Baccalaureate program" or "IB" program means the same as that term is defined in Section 53F-2-408.5.

([5]10) "License area[s] of concentration" has the same meaning as described in Section R277-301-2, including elementary education, secondary education, special education, and career and technical education.

([6]11) "License endorsement" or "endorsement" has the same meaning as described in Section R277-301-2, including special education mild or moderate, special education severe disabilities, mathematics, English language arts, and dance.

([7]12) "Secondary setting" means an instructional model where students typically rotate among classes taught by multiple teachers that are considered subject matter experts, primarily responsible for instruction in the core standards in an area as established by the Board in Rule R277-700.

R277-309-3. Required Licensing.

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

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

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

- (a) holds a current educator license; or
- (b)(i) submitted an application for licensure to the Superintendent; and
- (ii) is in the process of becoming fully licensed and endorsed within 60 days of assignment.

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

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

- (b) teaching supplies and materials under Subsection 53F-2-527(2).

(5) An educator may appeal to the Superintendent to designate an additional related subject area consistent with Subsection R277-301-4(12).

(6) Notwithstanding Subsections (1) and (2), an LEA may employ an unlicensed individual in an educator role who:

- (a) teaches career and technical education courses under Section 53E-6-204;

- (b) fills in for a regular classroom teacher during the teacher's absence under Section 53E-6-901; or

- (c) works in a charter school administrative assignment under Subsection 53G-5-407(5).

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

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

- (a) an elementary or secondary license area of concentration with the appropriate endorsement or content area degree for all assigned courses, including:
 - (i) a medical degree for health related courses;
 - (ii) a law degree for civics or law related courses; or
 - (iii) an applied science degree for science courses; or

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

- (i) the appropriate endorsement; or
- (ii) at least three years of related occupational experience with the relevant career cluster; or

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

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

(a) a secondary or a career and technical education license area of concentration with the appropriate endorsement or content area degree for all assigned courses, including:

- (i) a medical degree for health related courses;
- (ii) a law degree for civics or law related courses; or
- (iii) an applied science degree for science courses.

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

- (i) the appropriate endorsement;
- (ii) content area degree; or
- (iii) at least three years of related occupational experience with the relevant career cluster; or

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

(9) An educator assigned to teach an AP course, IB course, or CE course shall:

(a) hold a secondary or a career and technical educational license area of concentration with:

- (i) the appropriate endorsement; or

_____ (ii) content area degree;
_____ (b) be an eligible instructor;
_____ (c) be approved as an adjunct or equivalent faculty member within an institution
of higher education's supervising department or program; and
_____ (d) for an educator assigned to teach an AP or IB course, satisfy the course
authorization requirements that the applicable governing body establishes for teaching
the course.

([9]10) A general education teacher in a co-teaching setting shall hold:

- (a) a current educator license;
- (b) an appropriate license area of concentration; and
- (c) an endorsement or content area degree appropriate for the course.

([40]11)(a) An educator assigned to serve or teach a class of students with disabilities shall hold a current educator license with a special education license area of concentration and special education endorsement or content area degree.

(b) A special education teacher in a co-teaching setting shall hold a special education license area of concentration and special education endorsement or content area degree.

([14]12) An educator assigned to serve preschool-aged students with disabilities shall hold a current educator license with a preschool special education license area of concentration and the appropriate endorsement or content area degree.

([12]13) An educator assigned to serve preschool-aged students who are deaf and hard of hearing shall hold a current educator license with:

- (a) a preschool special education license area of concentration and a deaf and hard of hearing endorsement or content area degree; or
- (b) a deaf education license area of concentration.

([13]14) An educator assigned to serve deaf and hard of hearing students shall hold:

- (a) a current educator license with a special education license area of concentration and deaf and hard of hearing endorsement or content area degree; or

(b) a deaf education license area of concentration.

(~~14~~15) An educator assigned to provide student support services as defined in Rule R277-306 shall hold a current educator license with the appropriate support service license area of concentration.

(16) An educator assigned as school counselor as defined in Rule R277-306 shall hold a current educator license with a school counselor license area of concentration and a college and career readiness certificate as defined in Rule R277-921.

(~~15~~17) An educator assigned as a school-based or LEA-based specialist shall hold a current educator license with the appropriate license area of concentration and endorsement or content area degree as defined by the LEA.

(~~16~~18) An educator assigned as a principal or vice principal in a school district shall hold a current educator license and a school leadership license area of concentration.

(~~17~~19) A special education director for a charter school shall hold a current educator license with a license area of concentration in one of the following areas consistent with Section 53G-5-407:

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

(~~18~~20) An educator assigned in any other position that requires an educator license, as defined by the LEA, shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the district.

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

(~~20~~21) Notwithstanding Subsection R277-309-3(1), an individual may hold a school social work, speech language pathologist, or audiologist assignment in an LEA with an appropriate license issued by the Division of Professional Licensing.

(~~21~~22) Notwithstanding the requirements of Subsections (6) through (~~9~~10), an educator may be assigned to teach a class in a secondary setting for which the educator does not hold the appropriate endorsement for up to 25% of the educator's total instructional assignment, if the educator:

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

(i) deaf education;

(ii) secondary education; or

(iii) career and technical education;

(b) is not assigned to teach driver education; and

(c) is qualified to teach the course, as determined by the LEA.

(23) Notwithstanding the requirements of Subsection (9), an eligible instructor may teach AP and IB courses for the same content area, provided the educator satisfies the course authorization requirements that the applicable governing body establishes for teaching the course.

KEY: educator, license, assignment

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