

1 **R277. Education, Administration.**

2 ~~[R277-520. Appropriate Licensing and Assignment of Teachers.~~

3 ~~R277-520-1. 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 the~~
8 ~~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 in order~~
16 ~~for local school boards to receive federal funds.~~

17

18 ~~R277-520-2. Definitions.~~

19 ~~—— (1) "Content specialist" means a licensed educator who provides instruction or~~
20 ~~specialized support for students and teachers in a school setting.~~

21 ~~—— (2) "Core academic subjects or areas" under the Elementary and Secondary~~
22 ~~Education Act (ESEA), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11) means:~~

23 ~~—— (a) English;~~

24 ~~—— (b) reading or language arts;~~

25 ~~—— (c) mathematics;~~

26 ~~—— (d) science;~~

27 ~~—— (e) foreign languages;~~

28 ~~—— (f) civics and government;~~

29 ~~—— (g) economics;~~

- 30 ~~——(h) arts;~~
31 ~~——(i) history; and~~
32 ~~——(j) geography.~~
33 ~~——(3) "Demonstrated competency" means that a teacher shall demonstrate current~~
34 ~~expertise to teach a specific class or course through the use of lines of evidence which~~
35 ~~may include:~~
36 ~~——(a) completed Board approved course work;~~
37 ~~——(b) content tests; or~~
38 ~~——(c) years of successful experience including evidence of student performance.~~
39 ~~——(4) "Eminence" means distinguished ability in rank, in attainment of superior~~
40 ~~knowledge and skill in comparison with the generally accepted standards and~~
41 ~~achievements in the area in which the authorization is sought as provided in R277-520-5.~~
42 ~~——(5) "Letter of authorization" means a designation given to an individual for one~~
43 ~~year, such as an out-of-state candidate or individual pursuing an alternative license, who~~
44 ~~has not completed the requirements for a Level 1, 2, or 3 license or who has not~~
45 ~~completed necessary endorsement requirements and who is employed by an LEA.~~
46 ~~——(6) "Level 1 license" means:~~
47 ~~——(a) a Utah professional educator license issued upon completion of an approved~~
48 ~~preparation program or an alternative preparation program; or~~
49 ~~——(b) pursuant to an agreement under the NASDTEC Interstate Agreement, to~~
50 ~~candidates who have also met all ancillary requirements established by law or rule.~~
51 ~~——(7) "Level 2 license" means a Utah professional educator license issued to an~~
52 ~~applicant after the Level 2 applicant:~~
53 ~~——(a) completes all requirements for a Level 1 license;~~
54 ~~——(b) completes the requirements under R277-522 for a teacher whose employment~~
55 ~~as a Level 1 licensed educator began after January 1, 2003 in a Utah public or accredited~~
56 ~~private school;~~
57 ~~——(c) completes:~~
58 ~~——(i) at least three years of successful education experience in a Utah public LEA or~~

59 ~~accredited private school; or~~
60 ~~—— (ii)(A) one year of successful education experience in a Utah public LEA or~~
61 ~~accredited private school; and~~
62 ~~—— (B) at least three years of successful education experience in a public LEA or~~
63 ~~accredited private school outside of Utah; and~~
64 ~~—— (d) completes additional requirements established by law or rule.~~
65 ~~—— (8) "Level 3 license" means a Utah professional educator license issued to an~~
66 ~~educator who:~~
67 ~~—— (a) holds a current Utah Level 2 license; and~~
68 ~~—— (b) receives:~~
69 ~~—— (i) National Board Certification;~~
70 ~~—— (ii) a doctorate in:~~
71 ~~—— (A) education; or~~
72 ~~—— (B) a field related to a content area in a unit of the public education system or an~~
73 ~~accredited private school; or~~
74 ~~—— (iii)(A) a Speech-Language Pathology area of concentration; and~~
75 ~~—— (B) currently holds American Speech-Language Hearing Association (ASHA)~~
76 ~~certification.~~
77 ~~—— (9)(a) "License areas of concentration" means a designation to a license obtained~~
78 ~~by completing an approved preparation program or an alternative preparation program in a~~
79 ~~specific area of educational studies that may include:~~
80 ~~—— (i) Early Childhood (k-3);~~
81 ~~—— (ii) Elementary (k-6);~~
82 ~~—— (iii) Elementary 1-8;~~
83 ~~—— (iv) Middle (still valid, but not issued after 1988, 5-9);~~
84 ~~—— (v) Secondary (6-12);~~
85 ~~—— (vi) Administrative/Supervisory (k-12);~~
86 ~~—— (vii) Career and Technical Education;~~
87 ~~—— (viii) School Counselor;~~

88 ~~—— (ix) School Psychologist;~~
89 ~~—— (x) School Social Worker;~~
90 ~~—— (xi) Special Education (k-12);~~
91 ~~—— (xii) Preschool Special Education (birth-age 5);~~
92 ~~—— (xiii) Communication Disorders;~~
93 ~~—— (xiv) Speech Language Pathologist; and~~
94 ~~—— (xv) Speech Language Technician.~~
95 ~~—— (b) License areas of concentration may also bear endorsements relating to~~
96 ~~subjects or specific assignments.~~

97 ~~—— (10)(a) "License endorsement" or "endorsement" means a specialty field or area~~
98 ~~earned through completing required course work established by the Board or through~~
99 ~~demonstrated competency approved by the Board;~~

100 ~~—— (b) The endorsement shall be listed on the Professional Educator License~~
101 ~~indicating the specific qualification of the holder.~~

102 ~~—— (11) "Professional staff cost program funds" means funding provided to school~~
103 ~~districts based on the percentage of a district's professional staff that is appropriately~~
104 ~~licensed in the areas in which staff members teach.~~

105 ~~—— (12) "SAEP" means State Approved Endorsement Program. This identifies an~~
106 ~~educator working on a professional development plan to obtain an endorsement.~~

107

108 **~~R277-520-3. Required Licensing.~~**

109 ~~—— (1) All teachers in public schools shall hold a Utah educator license along with~~
110 ~~appropriate areas of concentration and endorsements.~~

111 ~~—— (2) An LEA shall receive assistance from the Superintendent to the extent of~~
112 ~~resources available to have all teachers fully licensed.~~

113 ~~—— (3) An LEA is expected to hire teachers who are licensed or in the process of~~
114 ~~becoming fully licensed and endorsed.~~

115 ~~—— (4) Failure to ensure that an educator has appropriate licensure may result in the~~
116 ~~Board withholding all LEA funds related to salary supplements under Section 53F-2-405~~

117 ~~and R277-110 and educator quality under Subsection 53F-2-305(2) and R277-486 until~~
118 ~~teachers are appropriately licensed pursuant to the Board's authority under Section~~
119 ~~53E-3-401.~~

120

121 **~~R277-520-4. Appropriate Licenses with Areas of Concentration and Endorsements.~~**

122 ~~—— (1) An educator assigned to teach a class in kindergarten through grade 3 shall~~
123 ~~hold a current Utah Educator License with:~~

124 ~~—— (a) an early childhood (k-3) license area of concentration;~~

125 ~~—— (b) an elementary (k-6) license area of concentration;~~

126 ~~—— (c) for an educator assigned to teach a class in grade 1 through grade 3, an~~
127 ~~elementary (1-8) license area of concentration; or~~

128 ~~—— (d) for an educator assigned to teach a class composed of deaf and hard of~~
129 ~~hearing students, a deaf education (birth-age 22) license area of concentration.~~

130 ~~—— (2) An educator assigned to teach a class in grade 4 through grade 8 in an~~
131 ~~elementary setting shall hold a current Utah Educator License with:~~

132 ~~—— (a) an elementary (k-6) or an elementary (1-8) license area of concentration; or~~

133 ~~—— (b) for an educator assigned to teach a class composed of deaf and hard of~~
134 ~~hearing students, a deaf education (birth-age 22) license area of concentration.~~

135 ~~—— (3) An elementary content specialist in Fine Arts or Physical Education shall hold a~~
136 ~~current Utah Educator License with an elementary or secondary license area of~~
137 ~~concentration with the appropriate K-12 content endorsement.~~

138 ~~—— (4) An elementary content specialist in reading or English as a Second Language~~
139 ~~shall hold a current Utah Educator License with an elementary or secondary license area~~
140 ~~of concentration with the appropriate subject/content endorsement.~~

141 ~~—— (5) An educator assigned to teach a class in grade 6 through grade 8, including~~
142 ~~middle-level, intermediate, and junior high schools, shall hold a current Utah Educator~~
143 ~~License with:~~

144 ~~—— (a) an elementary (1-8) or a secondary (6-12) license area of concentration with~~
145 ~~the appropriate subject/content endorsement for all assigned courses; or~~

146 ~~——(b) for an educator assigned to teach a class composed of deaf and hard of~~
147 ~~hearing students, a deaf education (birth-age 22) license area of concentration with the~~
148 ~~appropriate subject or content endorsement for all assigned courses.~~

149 ~~——(6) An educator assigned to teach a class in grade 9 through grade 12 shall hold a~~
150 ~~current Utah Educator License with:~~

151 ~~——(a) a secondary (6-12) or a career and technical education license area of~~
152 ~~concentration with the appropriate subject/content endorsement for all assigned courses;~~
153 ~~or~~

154 ~~——(b) for an educator assigned to teach a class composed of deaf and hard of~~
155 ~~hearing students, a deaf education (birth-age 22) license area of concentration with the~~
156 ~~appropriate subject or content endorsement for all assigned courses.~~

157 ~~——(7) An educator assigned to serve or teach a class of students with disabilities~~
158 ~~shall hold a current Utah Educator License with a special education (k-12) license area of~~
159 ~~concentration and, if the educator is the teacher of record of secondary mathematics for~~
160 ~~students with disabilities, shall also hold the appropriate subject/content endorsement.~~

161 ~~——(8) An educator assigned to serve preschool-aged students with disabilities shall~~
162 ~~hold a current Utah Educator License with a preschool special education (birth-age 5)~~
163 ~~license area of concentration.~~

164 ~~——(9) An educator assigned to serve deaf and hard of hearing students shall hold:~~

165 ~~——(a) a current Utah Educator License with a special education (k-12) license area of~~
166 ~~concentration and deaf and hard of hearing endorsement; or~~

167 ~~——(b) a deaf education (birth-age 22) license area of concentration.~~

168 ~~——(10) An educator assigned to provide student support services as defined in Rule~~
169 ~~R277-506 shall hold a current Utah Educator License with the appropriate support service~~
170 ~~license area of concentration.~~

171 ~~——(11) An educator assigned as a school-based or LEA-based specialist shall hold a~~
172 ~~current Utah Educator License with the appropriate license area of concentration and~~
173 ~~endorsement as defined by the LEA.~~

174 ~~——(12) An educator assigned in an administrative position requiring an educator~~

175 ~~license, as defined by the district, shall hold a current Utah Educator License and an~~
176 ~~administrative/supervisory (k-12) license area of concentration.~~

177 ~~—— (a) A superintendent of a school district may be licensed with a letter of~~
178 ~~authorization granted by the Board consistent with Section 53G-4-301.~~

179 ~~—— (b) An educator assigned in an administrative position in a charter schools is~~
180 ~~exempt from this requirement consistent with Section 53G-5-405.~~

181

182 **~~R277-520-5. Eminence.~~**

183 ~~—— (1) The purpose of an eminence authorization is to allow individuals with~~
184 ~~exceptional training or expertise, consistent with Subsection R277-520-2(4), to teach or~~
185 ~~work in the public schools on a limited basis.~~

186 ~~—— (2) Documentation of the exceptional training, skills or expertise may be required~~
187 ~~by the Superintendent prior to the approval of the eminence authorization.~~

188 ~~—— (3) Teachers with an eminence authorization may teach no more than 37% of the~~
189 ~~regular instructional load except as provided in Subsection (4).~~

190 ~~—— (4) In identified circumstances, teachers with an eminence authorization may~~
191 ~~teach more than 37% of the regular instructional load.~~

192 ~~—— (5) The Board may approve an eminence authorization if the LEA can find no~~
193 ~~other qualified individual to fill the position, then:~~

194 ~~—— (a) the LEA shall submit the following documented information to the~~
195 ~~Superintendent annually:~~

196 ~~—— (i) description;~~

197 ~~—— (ii) recruitment efforts;~~

198 ~~—— (iii) the qualifications of all applicants; and~~

199 ~~—— (iv) the LEA's rationale for hiring the individual;~~

200 ~~—— (b) the Superintendent shall review the information within 15 days of receipt;~~

201 ~~—— (c) the Superintendent shall notify the individual and the LEA if the Superintendent~~
202 ~~approves the documented information;~~

203 ~~—— (d) the LEA shall submit a request for a Letter of Authorization to the Board for the~~

204 individual through normal administrative procedures; or
205 ~~—— (6) An individual has exceptional skills, expertise, and experience that make the~~
206 ~~individual the primary candidate for the position, then:~~
207 ~~—— (a) the LEA shall submit the following documented information to the~~
208 ~~Superintendent annually:~~
209 ~~—— (i) information about the position;~~
210 ~~—— (ii) the individual's expertise, and experience; and~~
211 ~~—— (iii) the LEA's rationale for hiring the individual.~~
212 ~~—— (b) the Superintendent shall review the information within 15 days of receipt.~~
213 ~~—— (c) the Superintendent shall notify the individual and the LEA if the Superintendent~~
214 ~~approves the documented information.~~
215 ~~—— (d) the LEA shall submit a request for a Letter of Authorization to the Board for the~~
216 ~~individual through normal administrative procedures.~~
217 ~~—— (7) An LEA shall require an individual teaching with an eminence authorization to~~
218 ~~have a criminal background check consistent with Section 53E-6-401 prior to employment~~
219 ~~by the LEA.~~
220 ~~—— (8) An LEA that employs the teacher with an eminence authorization shall~~
221 ~~determine the amount and type of professional development required of the teacher.~~
222 ~~—— (9) An LEA that employs a teacher with an eminence authorization shall apply for~~
223 ~~renewal of the authorization annually.~~
224 ~~—— (10) An eminence authorization may apply to:~~
225 ~~—— (a) an individual without a teaching license; or~~
226 ~~—— (b) an unusual and infrequent teacher situation where a license holder is needed~~
227 ~~to teach in a subject area for which the license holder is not endorsed, but in which the~~
228 ~~license holder may be eminently qualified.~~
229
230 **~~R277-520-6. Routes to Appropriate Endorsements for Teachers.~~**
231 ~~—— (1) An educator may add an endorsement to an existing license area of~~
232 ~~concentration by completing the endorsement requirements established by the Board.~~

233 ~~——(2) An endorsement requirement in a core academic subject area shall include~~
234 ~~passage of a Board-approved content knowledge assessment.~~

235 ~~——(3) A teacher may demonstrate competency in subject areas of the teacher's~~
236 ~~teaching assignment as approved by the Superintendent to meet specific endorsement~~
237 ~~requirements except the Board-approved content knowledge assessment.~~

238 ~~——(4) An educator shall be properly endorsed consistent with Section R277-520-3 or~~
239 ~~have a Board-approved SAEP. Otherwise, the Board may withhold professional staff cost~~
240 ~~program funds pursuant to the Board's authority under Subsection 53E-3-401(4).~~

241

242 **~~R277-520-7. Board-Approved Endorsement Program (SAEP).~~**

243 ~~——(1) An educator assigned to teach in a subject for which the educator does not~~
244 ~~hold the appropriate endorsement and who has successfully completed at least 9~~
245 ~~semester credit hours of the endorsement requirements shall be placed on an SAEP as~~
246 ~~determined by the Superintendent.~~

247 ~~——(2) An individuals participating in an SAEP shall demonstrate progress toward~~
248 ~~completion of the required endorsements annually, as determined jointly by the LEA and~~
249 ~~the Superintendent.~~

250 ~~——(3) An SAEP may be granted for one two-year period and may be extended by the~~
251 ~~Superintendent for up to 2 additional years if the individual has made progress towards~~
252 ~~completing the SAEP.~~

253 ~~——(4) An individual currently participating in an SAEP is considered to hold the~~
254 ~~endorsement for the purposes of meeting the requirements of Section R277-520-4.~~

255

256 **~~R277-520-8. Background Check Requirement and Withholding of State Funds for~~**
257 **~~Non-Compliance.~~**

258 ~~——(1) An educators qualified under any provision of this R277-520 shall also satisfy~~
259 ~~the criminal background requirement of Section 53E-6-401 prior to unsupervised access to~~
260 ~~students.~~

261 ~~——(2) If an LEA does not appropriately employ and assign teachers consistent with~~

REPEAL
March 1, 2022

262 ~~this R277-520, the LEA may have state appropriated professional staff cost program funds~~
263 ~~withheld pursuant to R277-486, Professional Staff Cost Formula, pursuant to the Board's~~
264 ~~authority under Section 53E-3-401.~~

265

266 **KEY:** ~~educators, licenses, assignments~~

267 **Date of Enactment or Last Substantive Amendment:** ~~August 7, 2017~~

268 **Notice of Continuation:** ~~June 6, 2017~~

269 **Authorizing, and Implemented or Interpreted Law:** ~~Art X Sec 3; 53E-3-401(4);~~

270 ~~53E-6-201(2)(a)]~~