

R277. Education, Administration.

R277-520. Appropriate Licensing and Assignment of Teachers.

R277-520-1. 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)(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 in order for local school boards to receive federal funds.

R277-520-2. Definitions.

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

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

(a) English;

(b) reading or language arts;

(c) mathematics;

(d) science;

(e) foreign languages;

(f) civics and government;

(g) economics;

(h) arts;

- (i) history; and
- (j) geography.

(3) "Demonstrated competency" means that a teacher shall demonstrate current expertise to teach a specific class or course through the use of lines of evidence which may include:

- (a) completed Board approved course work;
- (b) content tests; or
- (c) years of successful experience including evidence of student performance.

(4) "Eminence" means distinguished ability in rank, in attainment of superior knowledge and skill in comparison with the generally accepted standards and achievements in the area in which the authorization is sought as provided in R277-520-5.

(5) "Letter of authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

(6) "Level 1 license" means:

- (a) a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program; or
- (b) pursuant to an agreement under the NASDTEC Interstate Agreement, to candidates who have also met all ancillary requirements established by law or rule.

(7) "Level 2 license" means a Utah professional educator license issued to an applicant after the Level 2 applicant:

- (a) completes all requirements for a Level 1 license;
- (b) completes the requirements under R277-522 for a teacher whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public or accredited private school;
- (c) completes:
 - (i) at least three years of successful education experience in a Utah public LEA or accredited private school; or
 - (ii)(A) one year of successful education experience in a Utah public LEA or

accredited private school; and

(B) at least three years of successful education experience in a public LEA or accredited private school outside of Utah; and

(d) completes additional requirements established by law or rule.

(8) "Level 3 license" means a Utah professional educator license issued to an educator who:

(a) holds a current Utah Level 2 license; and

(b) receives:

(i) National Board Certification;

(ii) a doctorate in:

(A) education; or

(B) a field related to a content area in a unit of the public education system or an accredited private school; or

(iii)(A) a Speech-Language Pathology area of concentration; and

(B) currently holds American Speech-Language Hearing Association (ASHA) certification.

(9)(a) "License areas of concentration" means a designation to a license obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies that may include:

(i) Early Childhood (k-3);

(ii) Elementary (k-6);

(iii) Elementary 1-8;

(iv) Middle (still valid, but not issued after 1988, 5-9);

(v) Secondary (6-12):

(vi) Administrative/Supervisory (k-12);

(vii) Career and Technical Education;

(viii) School Counselor;

(ix) School Psychologist;

(x) School Social Worker;

(xi) Special Education (k-12);

- (xii) Preschool Special Education (birth-age 5);
- (xiii) Communication Disorders;
- (xiv) Speech-Language Pathologist; and
- (xv) Speech-Language Technician.

(b) License areas of concentration may also bear endorsements relating to subjects or specific assignments.

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

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

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

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

R277-520-3. Required Licensing.

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

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

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

(4) Failure to ensure that an educator has appropriate licensure may result in the Board withholding all LEA funds related to salary supplements under Section 53F-2-405 and R277-110 and educator quality under Subsection 53F-2-305(2) and R277-486 until teachers are appropriately licensed pursuant to the Board's authority under Section 53E-3-401.

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

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

- (a) an early childhood (k-3) license area of concentration;
- (b) an elementary (k-6) license area of concentration;
- (c) for an educator assigned to teach a class in grade 1 through grade 3, an elementary (1-8) license area of concentration; or
- (d) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education (birth-age 22) 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 Utah Educator License with:

- (a) an elementary (k-6) or an elementary (1-8) 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 (birth-age 22) license area of concentration.

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

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

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

- (a) an elementary (1-8) or a secondary (6-12) license area of concentration with the appropriate subject/content endorsement for all assigned courses; or
- (b) for an educator assigned to teach a class composed of deaf and hard of hearing students, a deaf education (birth-age 22) license area of concentration with the appropriate subject or content endorsement for all assigned courses.

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

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

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

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

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

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

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

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

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

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

(12) An educator assigned in an administrative position requiring an educator license, as defined by the district, shall hold a current Utah Educator License and an administrative/supervisory (k-12) license area of concentration.

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

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

R277-520-5. Eminence.

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

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

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

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

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

(a) the LEA shall submit the following documented information to the Superintendent annually:

(i) description;

(ii) recruitment efforts;

(iii) the qualifications of all applicants; and

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

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

(c) the Superintendent shall notify the individual and the LEA if the Superintendent approves the documented information;

(d) the LEA shall submit a request for a Letter of Authorization to the Board for the individual through normal administrative procedures; or

(6) An individual has exceptional skills, expertise, and experience that make the individual the primary candidate for the position, then:

(a) the LEA shall submit the following documented information to the Superintendent annually:

(i) information about the position;

(ii) the individual's expertise, and experience; and

(iii) the LEA's rationale for hiring the individual.

(b) the Superintendent shall review the information within 15 days of receipt.

(c) the Superintendent shall notify the individual and the LEA if the Superintendent approves the documented information.

(d) the LEA shall submit a request for a Letter of Authorization to the Board for the individual through normal administrative procedures.

(7) An LEA shall require an individual teaching with an eminence authorization to have a criminal background check consistent with Section 53E-6-401 prior to employment by the LEA.

(8) An LEA that employs the teacher with an eminence authorization shall determine the amount and type of professional development required of the teacher.

(9) An LEA that employs a teacher with an eminence authorization shall apply for renewal of the authorization annually.

(10) An eminence authorization may apply to:

(a) an individual without a teaching license; or

(b) an unusual and infrequent teacher situation where a license-holder is needed to teach in a subject area for which the license-holder is not endorsed, but in which the license-holder may be eminently qualified.

R277-520-6. Routes to Appropriate Endorsements for Teachers.

(1) An educator may add an endorsement to an existing license area of concentration by completing the endorsement requirements established by the Board.

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

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

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

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

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

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

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

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

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

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

(2) If an LEA does not appropriately employ and assign teachers consistent with this R277-520, the LEA may have state appropriated professional staff cost program funds withheld pursuant to R277-486, Professional Staff Cost Formula, pursuant to the Board's authority under Section 53E-3-401.

KEY: educator, license, assignment

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

Notice of Continuation: June 6, 2017

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