

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 may~~
35 ~~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 achievements~~
41 ~~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 year,~~
43 ~~such as an out-of-state candidate or individual pursuing an alternative license, who has not~~
44 ~~completed the requirements for a Level 1, 2, or 3 license or who has not completed~~
45 ~~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 subjects~~
96 ~~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 indicating~~
101 ~~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 and~~

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

119
120 ~~**R277-520-4. Appropriate Licenses with Areas of Concentration and Endorsements.**~~

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

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

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

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

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

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

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

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

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

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

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

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

145 ~~—— (b) for an educator assigned to teach a class composed of deaf and hard of hearing~~

146 ~~students, a deaf education (birth-age 22) license area of concentration with the appropriate~~
147 ~~subject or content endorsement for all assigned courses.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

179

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

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

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

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

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

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

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

194 ~~—— (i) description;~~

195 ~~—— (ii) recruitment efforts;~~

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

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

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

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

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

203 ~~—— (6) An individual has exceptional skills, expertise, and experience that make the~~

204 ~~individual the primary candidate for the position, then:~~

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

207 ~~—— (i) information about the position;~~

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

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

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

211 ~~—— (c) the Superintendent shall notify the individual and the LEA if the Superintendent~~
212 ~~approves the documented information.~~

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

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

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

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

222 ~~—— (10) An eminence authorization may apply to:~~

223 ~~—— (a) an individual without a teaching license; or~~

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

227

228 **~~R277-520-6. Routes to Appropriate Endorsements for Teachers.~~**

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

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

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

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

239

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

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

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

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

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

253

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

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

259 ~~—— (2) If an LEA does not appropriately employ and assign teachers consistent with~~
260 ~~this R277-520, the LEA may have state appropriated professional staff cost program funds~~
261 ~~withheld pursuant to R277-486, Professional Staff Cost Formula, pursuant to the Board's~~

REPEAL
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262 ~~authority under Section 53E-3-401.~~

263

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

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

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

267 ~~**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-**~~

268 ~~**201(2)(a)]**~~