

R277-309 received final approval by the Utah State Board of Education on June 3, 2021. R277-309 will be published in the July 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 8, 2021.

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)(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) "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.

([4]2) "Content specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.

([2]3) "Educator license" means an associate, professional, or LEA-specific license issued by the Superintendent under Rule R277-301.

([3]4) "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.

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([4]5)(a) "License areas 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.

([5]6)(a) "License endorsement" or "endorsement" has the same meaning as described in Section R277-301-2, including special education mild/moderate, special education severe disabilities, mathematics, English language arts, and dance.

([6]7) "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) is in the process of becoming fully licensed and endorsed.

(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) Educator quality funds under Subsection 53F-2-305(2) and Rule R277-486.

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

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(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:

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

(b) 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 for all assigned courses; or

(b) 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) 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 appropriate for the course.

([9]10)(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; and

(b) ~~[if the]~~if an educator is the teacher of record of secondary mathematics for students with disabilities, the educator shall also hold the appropriate endorsement for the course, unless in a co-teaching setting with a general educator who is properly licensed and endorsed.

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

([40]11) 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.

([44]12) An educator assigned to serve deaf and hard of hearing students shall hold:

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

(b) a deaf education license area of concentration.

(~~[12]~~13) 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.

(~~[13]~~14) 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 as defined by the LEA.

(~~[14]~~15) 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.

(~~[15]~~16) An educator assigned in any other position that requires an educator license, as defined by the ~~[district]~~LEA, shall hold a current educator license with the appropriate license area of concentration and endorsement as defined by the district.

(~~[16]~~17) An educator assigned in an administrative position in a charter school is exempt from Subsections (14) and (15) consistent with Section 53G-5-405.

(~~[17]~~18) Notwithstanding Subsection R277-309-3(1), an individual may hold a school social work assignment in an LEA without a school social worker license area of concentration.

KEY: educator, license, assignment

Date of Enactment or Last Substantive Amendment: July 23, 2020

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