**584-060-0250 (Amend)**

**License for Conditional Assignment**

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a school district, [~~registered charter school or registered private school~~] in Oregon may request a **License** for Conditional Assignment (LCA) for any educator holding an Initial, Continuing, Basic, Standard or **pre-1965** Five-year License.

**(2)** The purpose of an LCA is to allow a school district to request **misassignment for** an educator [~~be misassigned~~] to teach **in** an out-of-field **subject-matter** endorsement **area or at grade-levels for which the educator is not authorized to teach,** while the educator completes requirements necessary either to add the [~~same~~] **subject-matter** endorsement **or grade-level authorization** to the underlying license or to obtain a new license type.

[~~(2) Use of a License for Conditional Assignment by a charter school [or private school] is voluntary~~. ~~However, an LCA may be necessary for an educator teaching out of field in order for the educator to use that experience for addition of a new subject-matter endorsement or grade authorization area~~.]

(3)The LCA is required when teaching out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

(b) Assignment at any grade level not held on the underlying license;

**EXAMPLE**: A high school authorized teacher teaching in grade 4 would require an LCA for any amount of time teaching outside of her grade level.

**EXAMPLE** : A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(c) Teaching in more than one unendorsed subject-matter endorsement area **for any amount of time**; or

**EXAMPLE** : If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(d) Moving from one license to another;

**EXAMPLE**: A teacher moving to administration; an administrator moving to teaching (if educator does not hold a valid teaching license); a teacher moving to school psychology.

(4) Duration of the LCA: The LCA is a **provisional** license [~~, but it is unique in that it~~] **that** provides temporary conditional approval to teach out-of-field under the following conditions:

(a) One year for endorsements requiring only a test and experience to be added to a teaching license.

(b) Three years for endorsements requiring coursework exceeding nine quarter or six semester hours through an academic program.

[~~(c)~~] **(5)** The LCA will not be “back dated.” Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years). [~~Violation of this provision may be grounds for disciplinary action by the commission (see subsection (8) below.)~~ ]

[~~(d)~~] **(6)** The LCA is not renewable and is not eligible for a 120 day [~~extension~~] **grace period** beyond its expiration date.

[~~(e)~~] **(7)** The LCA is not a stand-alone license. [~~An~~] **The** underlying license must be kept current in order for the LCA to remain active. The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director upon reinstatement of the underlying license.

[~~(5)~~] **(8)** The district [, ~~charter school or private school~~] applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission that the educator did not grant the district [~~, charter school or private school~~] permission to add the LCA to the educator's license.

[~~(6)~~] **(9)** Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

(a) Any Restricted Transitional**;**

(b) Limited Teaching License;

(c) American Indian Language;

(d) Teaching Associate License;

(e) Career and Technical Education Teaching License;

(f) NCLB Alternative Route License;

(g) Substitute Teaching License

(h) Restricted Substitute Teaching License; or

(i) Exceptional Administrator License.

[~~(7) Districts and educators who violate the provisions of this rule may be subject to discipline pursuant to OAR 584-020-0040 or forfeiture of state school funds pursuant to ORS 342.173 and OAR 584-050-0060 to 584-050-0070~~.]

[~~(8)~~] **(10)** Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach.

(b) An educator seeking conditional assignment as an administrator must hold a master’s degree in education to be eligible for the LCA.

(c) [~~An educator seeking conditional assignment~~] **Applying educators** in either school counseling or school psychology must hold at least a bachelor’s degree or master’s degree in the respective field of counseling or psychology.

(d) Educators holding a Basic or Standard Teaching License must only seek a LCA for school counseling if the assignment exceeds .50 FTE.

**(e) Licenses for Conditional Assignment will not be issued in any special education teaching license area.**

[~~(e) An educator must have completed some coursework in an accredited special education program or have had some other significant experience related to special education as determined by the Executive Director to be eligible for an LCA in Special Education~~.](

**(f) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or authorized grade-levels in which the educator is seeking to teach out-of- field:**

**(A) Conditional assignment permit;**

**(B) Restricted Transitional;**

**(C) Emergency; [~~or~~]**

**(D) Transitional or out-of-state Initial Teaching License; or**

**(E) Out of state license in the out-of-field subject-area or grade-levels.**

[~~(9)~~] **(11)** The [~~conditional assignment permit~~] **LCA** is restricted to use within the district [~~,~~ ~~charter school or private school~~] that has applied for it. [~~However, a~~] **A** new district[~~, charter school or private school~~] may request [~~the same type of conditional assignment~~] **to transfer the LCA** so long as there is time remaining since the date the LCA was first issued.

[~~(10)~~] **(12)** A district [~~, charter school or private school~~] must:

(a) Apply for an LCA by October 31 for the fall term or otherwise within two weeks after the assignment has begun; [~~and~~]

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment**;**[~~.~~ ] **and**

**(c) Ensure that federal laws related to Highly Qualified Teachers are taken into account when applying for an LCA.**

[~~(11) LCAs submitted in error by the district, charter school or private school may be removed upon contacting TSPC in writing and indicating the nature of the error.~~

~~(12) An LCA cannot be renewed or later re-issued for the same authorization level or specialty endorsement approved~~.]

(13) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement, grade-level authorization or new licensure program in order to continue working in the area in which the educator [~~is not properly licensed~~.] **held the LCA.**  Continuing to work [~~as an educator~~] **in an out-of-field position** on an expired LCA is a violation of licensure law and is unauthorized. The license-holder or the assigning administrator or both may be subject to sanctions by the commission pursuant to OAR 584-020-0040.

[~~(14) Districts, charter schools or private schools and co-applicant educators may jointly petition the Executive Director for a hardship extension for up to one year under the following conditions:~~

~~(a) The district, charter school or private school and educator must explain hardship and the exact circumstances that have prevented the educator from obtaining the endorsement, authorization level or license needed to remain in the conditional assignment; and~~

~~(b) The educator has made significant progress toward completing the requirements which includes but is not limited to:~~

~~(A) Having taken any applicable subject-matter tests at least two times; or~~

~~(B) Has completed at least half of the coursework for any program required to continue to teach the subject; or~~

~~(C) Has taken steps toward completing an alternative assessment as part of meeting the LCA requirements; and~~

~~(c) The educator and the district, charter school or private school has a plan for completing the requirements for the assignment within the next calendar year~~. ]

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120–342.143, 342.153, 342.165, 342.223–342.232
Hist.: TSPC 8-2011, f. 12-15-11, cert. ef. 1-15-12