

**584-036-0081**

### **Conditional Assignment Permits**

(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 conditional assignment permit (CAP) for any educator holding a Initial, Continuing, Basic, Standard or Five-year License.

(2) Use of a conditional assignment permit by a charter school or private school is voluntary. However, a CAP 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 CAP is required when teaching out-of-field under any of the following circumstances:

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

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

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

**EXAMPLE :** A physical education teacher without a health endorsement teaching health three periods of the day would require a CAP 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; or

**EXAMPLE :** If the physical education teacher above was teaching one period of health and one period of math; then a CAP 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 CAP: The CAP is not a license, but only temporary conditional approval to teach out-of-field under the following conditions:

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

(b) Three years only for endorsements requiring an academic program.

(c) The CAP will not be “back dated.” Time spent on assignments where the district failed to request the CAP; will be deducted from the allowable CAP 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) The CAP is not renewable and is not eligible for a 120 day extension beyond its expiration date.

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

(6) Licenses not eligible for a CAP 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) Other Special CAP Limitations:

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

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

(c) An educator seeking conditional assignment 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 CAP for school counseling if the assignment exceeds .50 FTE.

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

(10) A district, charter school or private school must:

(a) Apply for a CAP by October 1 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.

(11) CAPs 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) A CAP cannot be renewed or later re-issued for the same authorization level or specialty endorsement approved.

(13) After a CAP 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. Continuing to work as an educator on an expired CAP 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 CAP 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 - 42.232

Hist.: TSPC 11-2006, f. & cert. ef. 8-17-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 6-2007, f. & cert. ef. 9-12-07; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 8-2009, f. & cert. ef. 12-15-09