

Representative Kim F. Coleman proposes the following substitute bill:

INCENTIVE FOR EFFECTIVE TEACHERS IN HIGH

POVERTY SCHOOLS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Lyle W. Hillyard

7	Cosponsors:	Adam Gardiner	Val K. Potter
8	Stewart E. Barlow	Stephen G. Handy	Susan Pulsipher
9	Walt Brooks	Eric K. Hutchings	V. Lowry Snow
10	LaVar Christensen	Ken Ivory	Raymond P. Ward
11	Brad M. Daw	Michael S. Kennedy	Christine F. Watkins
12	James A. Dunnigan	John Knotwell	Brad R. Wilson
13	Rebecca P. Edwards	Michael E. Noel	
14	Steve Eliason	Jeremy A. Peterson	

LONG TITLE

General Description:

This bill creates the Effective Teachers in High Poverty Schools Incentive Program.

Highlighted Provisions:

This bill:

- ▶ creates the Effective Teachers in High Poverty Schools Incentive Program

(program);

- ▶ defines terms;

- ▶ authorizes the State Board of Education to award a salary bonus to an eligible



25 teacher;

26 ▶ excludes a teacher salary bonus from compensation for purposes of a state

27 retirement program;

28 ▶ requires the State Board of Education to evaluate the effectiveness of the program

29 and submit a report to the Education Interim Committee; and

30 ▶ makes technical corrections.

31 **Money Appropriated in this Bill:**

32 This bill appropriates:

33 ▶ to the State Board of Education -- Minimum School Program -- Related to Basic

34 School Program, as an ongoing appropriation:

35 • from the Education Fund, \$644,700; and

36 ▶ to the State Board of Education -- Minimum School Program - Categorical Program

37 Administration, as an ongoing appropriation:

38 • from the Education Fund, \$27,000.

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **49-12-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

44 **49-13-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

45 **49-22-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

46 ENACTS:

47 **53A-17a-173**, Utah Code Annotated 1953



49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section **49-12-102** is amended to read:

51 **49-12-102. Definitions.**

52 As used in this chapter:

53 (1) "Benefits normally provided":

54 (a) means a benefit offered by an employer, including:

55 (i) a leave benefit of any kind;

56 (ii) insurance coverage of any kind if the employer pays some or all of the premium for
57 the coverage;

58 (iii) employer contributions to a health savings account, health reimbursement account,
59 health reimbursement arrangement, or medical expense reimbursement plan; and

60 (iv) a retirement benefit of any kind if the employer pays some or all of the cost of the
61 benefit; and

62 (b) does not include:

63 (i) a payment for social security;

64 (ii) workers' compensation insurance;

65 (iii) unemployment insurance;

66 (iv) a payment for Medicare;

67 (v) a payment or insurance required by federal or state law that is similar to a payment
68 or insurance listed in Subsection (1)(b)(i), (ii), (iii), or (iv);

69 (vi) any other benefit that state or federal law requires an employer to provide an
70 employee who would not otherwise be eligible to receive the benefit; or

71 (vii) any benefit that an employer provides an employee in order to avoid a penalty or
72 tax under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 and the Health
73 Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and related federal
74 regulations, including a penalty imposed by Internal Revenue Code, Section 4980H.

75 (2) (a) "Compensation" means, except as provided in Subsection (2)(c), the total
76 amount of payments made by a participating employer to a member of this system for services
77 rendered to the participating employer, including:

78 (i) bonuses;

79 (ii) cost-of-living adjustments;

80 (iii) other payments currently includable in gross income and that are subject to social
81 security deductions, including any payments in excess of the maximum amount subject to
82 deduction under social security law;

83 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
84 or other benefits authorized by federal law; and

85 (v) member contributions.

86 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed

87 under Internal Revenue Code, Section 401(a)(17).

88 (c) "Compensation" does not include:

89 (i) the monetary value of remuneration paid in kind, including a residence or use of
90 equipment;

91 (ii) the cost of any employment benefits paid for by the participating employer;

92 (iii) compensation paid to a temporary employee, an exempt employee, or an employee
93 otherwise ineligible for service credit;

94 (iv) any payments upon termination, including accumulated vacation, sick leave
95 payments, severance payments, compensatory time payments, or any other special payments;
96 [~~or~~]

97 (v) any allowances or payments to a member for costs or expenses paid by the
98 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
99 housing costs, insurance costs, equipment costs, and dependent care costs[:]; or

100 (vi) a teacher salary bonus described in Section 53A-17a-172.

101 (d) The executive director may determine if a payment not listed under this Subsection
102 (2) falls within the definition of compensation.

103 (3) "Final average salary" means the amount calculated by averaging the highest five
104 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), (d),
105 and (e).

106 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
107 compensation in any one of the years used may not exceed the previous year's compensation by
108 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
109 of the dollar during the previous year, as measured by a United States Bureau of Labor
110 Statistics Consumer Price Index average as determined by the board.

111 (b) In cases where the participating employer provides acceptable documentation to the
112 office, the limitation in Subsection (3)(a) may be exceeded if:

113 (i) the member has transferred from another agency; or

114 (ii) the member has been promoted to a new position.

115 (c) If the member retires more than six months from the date of termination of
116 employment, the member is considered to have been in service at the member's last rate of pay
117 from the date of the termination of employment to the effective date of retirement for purposes

118 of computing the member's final average salary only.

119 (d) If the member has less than five years of service credit in this system, final average
120 salary means the average annual compensation paid to the member during the full period of
121 service credit.

122 (e) The annual compensation used to calculate final average salary shall be based on:

123 (i) a calendar year for a member employed by a participating employer that is not an
124 educational institution; or

125 (ii) a contract year for a member employed by an educational institution.

126 (4) "Participating employer" means an employer which meets the participation
127 requirements of Sections [49-12-201](#) and [49-12-202](#).

128 (5) (a) "Regular full-time employee" means an employee whose term of employment
129 for a participating employer contemplates continued employment during a fiscal or calendar
130 year and whose employment normally requires an average of 20 hours or more per week,
131 except as modified by the board, and who receives benefits normally provided by the
132 participating employer.

133 (b) "Regular full-time employee" includes:

134 (i) a teacher whose term of employment for a participating employer contemplates
135 continued employment during a school year and who teaches half-time or more;

136 (ii) a classified school employee:

137 (A) who is hired before July 1, 2013; and

138 (B) whose employment normally requires an average of 20 hours per week or more for
139 a participating employer, regardless of benefits provided;

140 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
141 of January 1, 1990, as provided in Section [49-12-407](#);

142 (iv) a faculty member or employee of an institution of higher education who is
143 considered full-time by that institution of higher education; and

144 (v) an individual who otherwise meets the definition of this Subsection (5) who
145 performs services for a participating employer through a professional employer organization or
146 similar arrangement.

147 (c) "Regular full-time employee" does not include a classified school employee:

148 (i) (A) who is hired on or after July 1, 2013; and

149 (B) who does not receive benefits normally provided by the participating employer
150 even if the employment normally requires an average of 20 hours per week or more for a
151 participating employer;

152 (ii) (A) who is hired before July 1, 2013;

153 (B) who did not qualify as a regular full-time employee before July 1, 2013;

154 (C) who does not receive benefits normally provided by the participating employer;

155 and

156 (D) whose employment hours are increased on or after July 1, 2013, to require an
157 average of 20 hours per week or more for a participating employer; or

158 (iii) who is a person working on a contract:

159 (A) for the purposes of vocational rehabilitation and the employment and training of
160 people with significant disabilities; and

161 (B) that has been set aside from procurement requirements by the state pursuant to
162 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

163 (6) "System" means the Public Employees' Contributory Retirement System created
164 under this chapter.

165 (7) "Years of service credit" means:

166 (a) a period consisting of 12 full months as determined by the board;

167 (b) a period determined by the board, whether consecutive or not, during which a
168 regular full-time employee performed services for a participating employer, including any time
169 the regular full-time employee was absent on a paid leave of absence granted by a participating
170 employer or was absent in the service of the United States government on military duty as
171 provided by this chapter; or

172 (c) the regular school year consisting of not less than eight months of full-time service
173 for a regular full-time employee of an educational institution.

174 Section 2. Section 49-13-102 is amended to read:

175 **49-13-102. Definitions.**

176 As used in this chapter:

177 (1) "Benefits normally provided" has the same meaning as defined in Section
178 49-12-102.

179 (2) (a) Except as provided in Subsection (2)(c), "compensation" means the total

180 amount of payments made by a participating employer to a member of this system for services
181 rendered to the participating employer, including:

182 (i) bonuses;

183 (ii) cost-of-living adjustments;

184 (iii) other payments currently includable in gross income and that are subject to social
185 security deductions, including any payments in excess of the maximum amount subject to
186 deduction under social security law; and

187 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
188 or other benefits authorized by federal law.

189 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
190 under Internal Revenue Code, Section 401(a)(17).

191 (c) "Compensation" does not include:

192 (i) the monetary value of remuneration paid in kind, including a residence or use of
193 equipment;

194 (ii) the cost of any employment benefits paid for by the participating employer;

195 (iii) compensation paid to a temporary employee, an exempt employee, or an employee
196 otherwise ineligible for service credit;

197 (iv) any payments upon termination, including accumulated vacation, sick leave
198 payments, severance payments, compensatory time payments, or any other special payments;
199 [or]

200 (v) any allowances or payments to a member for costs or expenses paid by the
201 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
202 housing costs, insurance costs, equipment costs, and dependent care costs[:]; or

203 (vi) a teacher salary bonus described in Section [53A-17a-172](#).

204 (d) The executive director may determine if a payment not listed under this Subsection
205 (2) falls within the definition of compensation.

206 (3) "Final average salary" means the amount calculated by averaging the highest three
207 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), and
208 (d).

209 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
210 compensation in any one of the years used may not exceed the previous year's compensation by

211 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
212 of the dollar during the previous year, as measured by a United States Bureau of Labor
213 Statistics Consumer Price Index average as determined by the board.

214 (b) In cases where the participating employer provides acceptable documentation to the
215 office, the limitation in Subsection (3)(a) may be exceeded if:

216 (i) the member has transferred from another agency; or

217 (ii) the member has been promoted to a new position.

218 (c) If the member retires more than six months from the date of termination of
219 employment and for purposes of computing the member's final average salary only, the
220 member is considered to have been in service at the member's last rate of pay from the date of
221 the termination of employment to the effective date of retirement.

222 (d) The annual compensation used to calculate final average salary shall be based on:

223 (i) a calendar year for a member employed by a participating employer that is not an
224 educational institution; or

225 (ii) a contract year for a member employed by an educational institution.

226 (4) "Participating employer" means an employer which meets the participation
227 requirements of Sections [49-13-201](#) and [49-13-202](#).

228 (5) (a) "Regular full-time employee" means an employee whose term of employment
229 for a participating employer contemplates continued employment during a fiscal or calendar
230 year and whose employment normally requires an average of 20 hours or more per week,
231 except as modified by the board, and who receives benefits normally provided by the
232 participating employer.

233 (b) "Regular full-time employee" includes:

234 (i) a teacher whose term of employment for a participating employer contemplates
235 continued employment during a school year and who teaches half time or more;

236 (ii) a classified school employee:

237 (A) who is hired before July 1, 2013; and

238 (B) whose employment normally requires an average of 20 hours per week or more for
239 a participating employer, regardless of benefits provided;

240 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
241 of January 1, 1990, as provided in Section [49-13-407](#);

242 (iv) a faculty member or employee of an institution of higher education who is
243 considered full time by that institution of higher education; and

244 (v) an individual who otherwise meets the definition of this Subsection (5) who
245 performs services for a participating employer through a professional employer organization or
246 similar arrangement.

247 (c) "Regular full-time employee" does not include a classified school employee:

248 (i) (A) who is hired on or after July 1, 2013; and
249 (B) who does not receive benefits normally provided by the participating employer
250 even if the employment normally requires an average of 20 hours per week or more for a
251 participating employer;

252 (ii) (A) who is hired before July 1, 2013;
253 (B) who did not qualify as a regular full-time employee before July 1, 2013;
254 (C) who does not receive benefits normally provided by the participating employer;

255 and

256 (D) whose employment hours are increased on or after July 1, 2013, to require an
257 average of 20 hours per week or more for a participating employer; or

258 (iii) who is a person working on a contract:

259 (A) for the purposes of vocational rehabilitation and the employment and training of
260 people with significant disabilities; and
261 (B) that has been set aside from procurement requirements by the state pursuant to
262 Section [63G-6a-805](#) or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

263 (6) "System" means the Public Employees' Noncontributory Retirement System.

264 (7) "Years of service credit" means:

265 (a) a period consisting of 12 full months as determined by the board;
266 (b) a period determined by the board, whether consecutive or not, during which a
267 regular full-time employee performed services for a participating employer, including any time
268 the regular full-time employee was absent on a paid leave of absence granted by a participating
269 employer or was absent in the service of the United States government on military duty as
270 provided by this chapter; or

271 (c) the regular school year consisting of not less than eight months of full-time service
272 for a regular full-time employee of an educational institution.

273 Section 3. Section **49-22-102** is amended to read:

274 **49-22-102. Definitions.**

275 As used in this chapter:

276 (1) "Benefits normally provided" has the same meaning as defined in Section

277 [49-12-102](#).

278 (2) (a) "Compensation" means, except as provided in Subsection (2)(c), the total
279 amount of payments made by a participating employer to a member of this system for services
280 rendered to the participating employer, including:

281 (i) bonuses;

282 (ii) cost-of-living adjustments;

283 (iii) other payments currently includable in gross income and that are subject to social
284 security deductions, including any payments in excess of the maximum amount subject to
285 deduction under social security law;

286 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
287 or other benefits authorized by federal law; and

288 (v) member contributions.

289 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
290 under Internal Revenue Code, Section 401(a)(17).

291 (c) "Compensation" does not include:

292 (i) the monetary value of remuneration paid in kind, including a residence or use of
293 equipment;

294 (ii) the cost of any employment benefits paid for by the participating employer;

295 (iii) compensation paid to a temporary employee or an employee otherwise ineligible
296 for service credit;

297 (iv) any payments upon termination, including accumulated vacation, sick leave
298 payments, severance payments, compensatory time payments, or any other special payments;

299 [~~or~~]

300 (v) any allowances or payments to a member for costs or expenses paid by the
301 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
302 housing costs, insurance costs, equipment costs, and dependent care costs~~[-];~~ or

303 (vi) a teacher salary bonus described in Section [53A-17a-172](#).

304 (d) The executive director may determine if a payment not listed under this Subsection
305 (2) falls within the definition of compensation.

306 (3) "Corresponding Tier I system" means the system or plan that would have covered
307 the member if the member had initially entered employment before July 1, 2011.

308 (4) "Final average salary" means the amount calculated by averaging the highest five
309 years of annual compensation preceding retirement subject to Subsections (4)(a), (b), (c), (d),
310 and (e).

311 (a) Except as provided in Subsection (4)(b), the percentage increase in annual
312 compensation in any one of the years used may not exceed the previous year's compensation by
313 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
314 of the dollar during the previous year, as measured by a United States Bureau of Labor
315 Statistics Consumer Price Index average as determined by the board.

316 (b) In cases where the participating employer provides acceptable documentation to the
317 office, the limitation in Subsection (4)(a) may be exceeded if:

- 318 (i) the member has transferred from another agency; or
- 319 (ii) the member has been promoted to a new position.

320 (c) If the member retires more than six months from the date of termination of
321 employment, the member is considered to have been in service at the member's last rate of pay
322 from the date of the termination of employment to the effective date of retirement for purposes
323 of computing the member's final average salary only.

324 (d) If the member has less than five years of service credit in this system, final average
325 salary means the average annual compensation paid to the member during the full period of
326 service credit.

327 (e) The annual compensation used to calculate final average salary shall be based on:

- 328 (i) a calendar year for a member employed by a participating employer that is not an
329 educational institution; or
- 330 (ii) a contract year for a member employed by an educational institution.

331 (5) "Participating employer" means an employer which meets the participation
332 requirements of:

- 333 (a) Sections [49-12-201](#) and [49-12-202](#);
- 334 (b) Sections [49-13-201](#) and [49-13-202](#);

335 (c) Section 49-19-201; or

336 (d) Section 49-22-201 or 49-22-202.

337 (6) (a) "Regular full-time employee" means an employee whose term of employment
338 for a participating employer contemplates continued employment during a fiscal or calendar
339 year and whose employment normally requires an average of 20 hours or more per week,
340 except as modified by the board, and who receives benefits normally provided by the
341 participating employer.

342 (b) "Regular full-time employee" includes:

343 (i) a teacher whose term of employment for a participating employer contemplates
344 continued employment during a school year and who teaches half time or more;

345 (ii) a classified school employee:

346 (A) who is hired before July 1, 2013; and

347 (B) whose employment normally requires an average of 20 hours per week or more for
348 a participating employer, regardless of benefits provided;

349 (iii) an appointive officer whose appointed position is full time as certified by the
350 participating employer;

351 (iv) the governor, the lieutenant governor, the state auditor, the state treasurer, the
352 attorney general, and a state legislator;

353 (v) an elected official not included under Subsection (6)(b)(iv) whose elected position
354 is full time as certified by the participating employer;

355 (vi) a faculty member or employee of an institution of higher education who is
356 considered full time by that institution of higher education; and

357 (vii) an individual who otherwise meets the definition of this Subsection (6) who
358 performs services for a participating employer through a professional employer organization or
359 similar arrangement.

360 (c) "Regular full-time employee" does not include:

361 (i) a firefighter service employee as defined in Section 49-23-102;

362 (ii) a public safety service employee as defined in Section 49-23-102;

363 (iii) a classified school employee:

364 (A) who is hired on or after July 1, 2013; and

365 (B) who does not receive benefits normally provided by the participating employer

366 even if the employment normally requires an average of 20 hours per week or more for a
367 participating employer;

368 (iv) a classified school employee:

369 (A) who is hired before July 1, 2013;

370 (B) who did not qualify as a regular full-time employee before July 1, 2013;

371 (C) who does not receive benefits normally provided by the participating employer;

372 and

373 (D) whose employment hours are increased on or after July 1, 2013, to require an
374 average of 20 hours per week or more for a participating employer; or

375 (E) who is a person working on a contract:

376 (I) for the purposes of vocational rehabilitation and the employment and training of
377 people with significant disabilities; and

378 (II) that has been set aside from procurement requirements by the state pursuant to
379 Section [63G-6a-805](#) or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

380 (7) "System" means the New Public Employees' Tier II Contributory Retirement
381 System created under this chapter.

382 (8) "Years of service credit" means:

383 (a) a period consisting of 12 full months as determined by the board;

384 (b) a period determined by the board, whether consecutive or not, during which a
385 regular full-time employee performed services for a participating employer, including any time
386 the regular full-time employee was absent on a paid leave of absence granted by a participating
387 employer or was absent in the service of the United States government on military duty as
388 provided by this chapter; or

389 (c) the regular school year consisting of not less than eight months of full-time service
390 for a regular full-time employee of an educational institution.

391 Section 4. Section **53A-17a-173** is enacted to read:

392 **53A-17a-173. Effective Teachers in High Poverty Schools Incentive Program --**
393 **Salary bonus -- Evaluation.**

394 (1) As used in this section:

395 (a) "Board" means the State Board of Education.

396 (b) "Cohort" means a group of students, defined by the year in which the group enters

397 grade 1.

398 (c) "Eligible teacher" means a teacher who:

399 (i) is employed as a teacher in a high poverty school at the time the teacher is
400 considered by the board for a salary bonus; and

401 (ii) achieves a median growth percentile of 70 or higher:

402 (A) a full school year before the school year the eligible teacher is being considered by
403 the board for a salary bonus under this section, regardless of whether the teacher was employed
404 the previous school year by a high poverty school or a different public school; and

405 (B) while teaching at any public school in the state a course for which a statewide
406 criterion-referenced test or online computer adaptive test is administered as described in
407 Section [53A-1-603](#).

408 (d) "High poverty school" means a public school:

409 (i) in which:

410 (A) more than 20% of the enrolled students are classified as children affected by
411 intergenerational poverty; or

412 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

413 (ii) (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for
414 each school year since meeting that criteria at least 15% of the enrolled students at the public
415 school have been classified as children affected by intergenerational poverty; or

416 (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for
417 each school year since meeting that criteria at least 60% of the enrolled students at the public
418 school have qualified for free or reduced lunch.

419 (e) "Intergenerational poverty" means the same as that term is defined in Section
420 [35A-9-102](#).

421 (f) "Median growth percentile" means a number that describes the comparative
422 effectiveness of a teacher in helping the teacher's students achieve growth in a year by
423 identifying the median student growth percentile of all the students a teacher instructs.

424 (g) "Program" means the Effective Teachers in High Poverty Schools Incentive
425 Program created in Subsection (2).

426 (h) "Public school" means:

427 (i) a charter school; or

428 (ii) a local school within a school district that enters negotiated employment
429 agreements that allow for differentiated pay for teaching positions identified by the school
430 district as hard to fill.

431 (i) "Student growth percentile" is a number that describes where a student ranks in
432 comparison to the student's cohort.

433 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to
434 provide an annual salary bonus for an eligible teacher.

435 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
436 Rulemaking Act, make rules for the administration of the program and payment of a salary
437 bonus.

438 (c) The board shall make an annual salary bonus payment in a fiscal year that begins on
439 July 1, 2017, and each fiscal year thereafter.

440 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate
441 money to fund the program.

442 (b) Money appropriated for the program shall include money for the following
443 employer-paid benefits:

444 (i) social security; and

445 (ii) Medicare.

446 (4) (a) (i) Except as provided in Subsection (4)(c), an eligible teacher shall receive an
447 annual salary bonus each year that the teacher is an eligible teacher.

448 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
449 increased annual salary bonus described in Subsection (4)(b).

450 (b) The annual salary bonus for an eligible teacher is as follows:

451 (i) for a teacher who is a first-time eligible teacher, \$5,000;

452 (ii) for a teacher who is a second-time eligible teacher, \$6,000;

453 (iii) for a teacher who is a third-time eligible teacher, \$7,000;

454 (iv) for a teacher who is a fourth-time eligible teacher, \$8,000;

455 (v) for a teacher who is a fifth-time eligible teacher, \$9,000; and

456 (vi) for a teacher who is a sixth-time or more eligible teacher, \$10,000.

457 (c) An eligible teacher may not receive an annual salary bonus under this section if, at
458 the time the salary bonus would be awarded, the teacher is employed in a position that the

459 teacher's employing school district has not identified as a position that is difficult to recruit new
460 employees to fill or in which it is difficult to retain existing employees.

461 (5) The board shall:

462 (a) determine if a teacher is an eligible teacher; and

463 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school
464 district and school district administrators.

465 (6) The board shall:

466 (a) distribute money from the program to school districts and charter schools in
467 accordance with this section and board rule; and

468 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
469 salary bonus amounts described in Subsection (4)(b).

470 (7) Money received from the program shall be used by a school district or charter
471 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for
472 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection
473 (3)(b).

474 (8) If an eligible teacher is awarded a salary bonus under this section, the local school
475 board of the school district that is the employer of the eligible teacher shall, at the time a
476 payment is received under Subsection (6)(a), ensure in writing to the board that the local school
477 board is placing high quality teachers with equal distribution throughout the school district.

478 (9) (a) After the third year salary bonus payments are made, and each succeeding year,
479 the board shall evaluate the extent to which a salary bonus described in this section:

480 (i) improves recruitment and retention of effective teachers in high poverty schools by
481 at least:

482 (A) surveying teachers who receive the salary bonus; and

483 (B) examining turnover rates of teachers who receive the salary bonus compared to
484 teachers who do not receive the salary bonus; and

485 (ii) affects student outcomes.

486 (b) In addition to the evaluation described in Subsection (9)(a), the board shall, after
487 the third-year salary bonus payments are made, evaluate whether a local school board has
488 complied with assurances given by the local school board under Subsection (8).

489 (c) Each year that the board conducts an evaluation described in Subsection (9)(a), the

490 board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation
491 to the Education Interim Committee on or before November 30.

492 (10) Notwithstanding this section, if the appropriation for the program is insufficient to
493 cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

494 **Section 5. Appropriation.**

495 The following sums of money are appropriated for the fiscal year beginning July 1,
496 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for
497 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
498 Act, the Legislature appropriates the following sums of money from the funds or accounts
499 indicated for the use and support of the government of the state of Utah.

500 ITEM 1

501 To State Board of Education -- Minimum School Program -- Related to Basic Program

502 From Education Fund \$644,700

503 Schedule of Programs:

504 Effective Teachers in High Poverty

505 Schools Incentive Program \$644,700

506 ITEM 2

507 To State Board of Education -- Minimum School Program - Categorical Program

508 Administration

509 From Education Fund \$27,000

510 Schedule of Programs:

511 Effective Teachers in High Poverty

512 Schools Incentive Program \$27,000

513 The Legislature intends that the State Board of Education:

514 (1) use the \$644,700 ongoing appropriation described in this section to award a salary
515 bonus and pay an authorized employer-paid benefit to an eligible teacher as part of the program
516 described in Section 53A-17a-172; and

517 (2) use the \$27,000 ongoing appropriation described in this section to administer and
518 evaluate the program described in Section 53A-17a-172.