

SB0099S03 compared with SB0099S01

~~{Omitted text}~~ shows text that was in SB0099S01 but was omitted in SB0099S03

inserted text shows text that was not in SB0099S01 but was inserted into SB0099S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 Excellence in Education and Leadership Supplement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Karen M. Peterson

3 LONG TITLE

4 General Description:

5 This bill amends existing timeline and appropriation requirements to the Excellence in
6 Education and Leadership Supplement.

7 Highlighted Provisions:

8 This bill:

- 9 ▶ amends existing timeline and appropriation requirements to the Excellence in Education and
Leadership Supplement;
- 11 ▶ requires the State Board of Education to obtain and house a web-based application portal; and
- 13 ▶ makes technical changes.

14 Money Appropriated in this Bill:

- 15 ▶ This bill appropriates \$600,000 in operating and capital budgets for fiscal year 2026, all of
16 which is from the various sources as detailed in this bill.

17 Other Special Clauses:

18 This bill provides a special effective date.

20 AMENDS:

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21 **53F-2-526** ~~{(Effective 05/07/25)}~~(Effective upon governor's approval), as enacted by Laws of
Utah 2024, Chapter 374 ~~{(Effective 05/07/25)}~~(Effective upon governor's approval), as enacted
by Laws of Utah 2024, Chapter 374

23

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

25 Section 1. Section **53F-2-526** is amended to read:

26 **53F-2-526.** ~~{(Effective 05/07/25)}~~(Effective upon governor's approval)**Excellence in
Education and Leadership Supplement.** <compare mode="add">(Compare Error)</compare>

27 (1)As used in this section:

28 ~~{(2)}~~ (a) "Center" means the Center for the School of the Future at Utah State University established in
Section 53B-18-801.

30 ~~{(a)}~~ (b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines
using an LEA's assessment methods, including:

32 ~~{(b)}~~ (i) student growth or achievement measures;

33 ~~{(c)}~~ (ii) professional evaluations;

34 ~~{(3)}~~ (iii) parent surveys; and

35 (iv) other data-driven criteria the LEA establishes and the center verifies for validity.

36 (c) "Eligible teacher" includes an individual whom an LEA participating in the program employs and
who holds:

38 (i) a license the state board issues; and

39 (ii) a position that includes a current classroom teaching assignment.

40 (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.

41 (e) "LEA" means:

42 (i) a school district;

43 (ii) a charter school;

44 (iii) the Utah Schools for the Deaf and Blind; and

45 ~~{(iii)}~~ (iv) a regional education service agency.

46 (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).

48 (g) "Tier performance level" means the following levels of performance for a teacher in comparison to
all teachers the center determines in accordance with Subsection (7):

50 (i) the top 5% of teachers;

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- 51 (ii) the next 6%-10% of teachers; and
- 52 (iii) the next 11%-25% of teachers.
- 53 (h) "Top-performing" means the top 25% of teachers in comparison to all teachers the center determines using the methods described in Subsection (1)(b).
- 55 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the Excellence in Education and Leadership Supplement to provide a ~~[salary supplement]~~ performance-based award to an eligible teacher in recognition for outstanding instructional talent.
- 59 (3)
- (a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the program to the center.
- 61 (b) If an LEA declares an intent to participate in the program, the LEA shall:
- 62 (i) develop a process for a school principal or the principal's designee to assess a teacher's performance consistent with this section to determine if a teacher is an eligible teacher, including the corresponding tier performance level; and
- 65 (ii) create an appeals process for an employee who is not nominated to be an eligible teacher.
- 67 (4) [H] 15, 2025, an LEA shall:
- 68 (a) attend a training that the center creates regarding the guidelines for developing a process described in Subsection (3); and
- 70 (b) develop and submit for approval the LEA's process described in Subsection (3) to the center.
- 72 (5)
- (a) The center shall review the LEA's process described in Subsection (3) and approve the process or request that the LEA make changes to the submitted process.
- 74 (b) If the center requests changes to the LEA's submitted process, the LEA shall work with the center to make necessary changes to receive final approval from the center.
- 76 (c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.
- 78 (6) Before the start of the 2025-2026 school year, an LEA with an approved process as described in Subsection (5) shall:
- 80 (a) ensure each school principal or the principal's designee attends a training that the center creates regarding:
- 82 (i) how to effectively use the LEA's approved process to select and submit to the center nominations for eligible teachers, including the corresponding tier performance level; and

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- 85 (ii) how to protect student and educator data privacy when submitting nominations and applications, as
described in Subsection (9)(b)(ii).
- 87 (b) provide information to teachers within the LEA regarding the program and how the school's
principal or principal's designee will use the approved LEA process to make nominations of eligible
teachers; and
- 90 (c) ensure each school principal or the principal's designee [uses] is able to use the LEA's approved
process to evaluate and select which teachers within the school to nominate as eligible teachers,
including the corresponding tier performance level[; ~~and~~] .
- 93 [~~(d) as provided in Subsection (9), submit to the center a list of the nominated eligible teachers for the
center to consider.~~]
- 95 (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment
process that:
- 97 (a) uses the methods described in Subsection (1)(b);
- 98 (b) calibrates the submissions an LEA submits to determine, for all nominated teachers statewide,
which teachers are eligible teachers, including the corresponding tier performance level;
- 101 (c) may use additional criteria as determined by the center in consultation with participating LEAs; and
- 103 (d) establishes a scoring rubric including the scores required for a designation in each tier performance
level.
- 105 (8)
- (a) The center shall collaborate with LEAs to create:
- 106 (i) selection and submission guidelines for:
- 107 (A) the approval of the LEA's process as described in Subsection (5); and
- 108 (B) the list of nominated eligible teachers described in Subsection (6);
- 109 (ii) methods to determine student growth and achievement measures for subject areas that do not
have standardized assessment data;
- 111 (iii) the weightings for each element of the assessment process described in Subsection (7); and
- 113 (iv) the trainings described in this section.
- 114 (b) The center may provide program related technical assistance to an LEA.
- 115 (9)
- (a) An LEA shall:
- 116

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- (i) apply to the center on behalf of the nominated eligible teachers within the LEA through a process and format that the center determines; and
- 118 (ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation under this section every three years.
- 120 (b) The center shall:
- 121 (i) create an application process for an LEA to submit the list of nominated eligible teachers described in Subsection (9)(a), including a deadline for submission of the list of nominated teachers to the center;
- 124 (ii) coordinate with the state board in the creation of the application process described in Subsection (9) (b)(i) to ensure that any sharing of student and educator data during the application process:
- 127 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99;
- 129 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
- 130 (C) uses disclosure avoidance techniques, including aggregating and otherwise de-identifying data;
- 132 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible teacher through the process described in Subsection (7);
- 134 (iv) verify:
- 135 (A) the validity of the LEA's process and assessment of an eligible teacher as described in Subsections (4) and (5); and
- 137 (B) the nominations described in Subsection (7) with the LEA and school administrators;
- 139 (v) certify a list of eligible teachers, including the total amount of funding the LEA receives for the LEA's eligible teachers; and
- 141 (vi) provide the list described in Subsection [~~(9)(b)(iv)~~] (9)(b)(v) to the state board.
- 142 (10)
- (a) Subject to legislative appropriations, the state board shall:
- 143 (i) within 45 days of receiving the list described in Subsection (9)(b)(v) from the center, disburse funding to an LEA in the amount the center verifies that an LEA qualifies to receive for [~~salary supplement~~] performance-based awards under this section; [~~and~~]
- 147 (ii)
- [~~(A) except as provided in Subsection (10)(a)(ii)(B),~~] of the funds appropriated under this section to the center; and
- 149

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~~[(B) provide no more than \$500,000 to the center each fiscal year from the funds described in Subsection (10)(a)(ii)(A).]~~

151 develop a method to compensate an LEA for program administration that:
152 does not exceed 4% of the total funds appropriated under this section;
153 first compensates an LEA for fixed efforts associated with development and management of the LEA's
teacher performance-based award program; and
155 allocates any remaining balance to compensate an LEA for variable efforts associated with ongoing
program administration and management.

157 (b) The annual ~~[salary supplement]~~ performance-based award for an eligible teacher is:

158 (i) \$10,000 for a teacher in the top 5% of teachers;

159 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and

160 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.

161 (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall receive an
additional ~~[salary supplement]~~ performance-based award that is equal in amount to the eligible
teacher's ~~[salary supplement]~~ performance-based award described in Subsection (10)(b).

165 (11)

(a) An LEA shall:

166 (i) within 45 days of receiving the LEA's funds from the state board for all eligible teachers, use the
program funds to provide a [salary supplement] performance-based award equal to the amount
specified in Subsection (10) for each eligible teacher in each tier performance level; and

170 (ii) provide the [salary supplement] performance-based award in an eligible teacher's regularly
occurring compensation in equal amounts through the contracted school years related to the
[salary supplement] performance-based award.

173 (b) An LEA:

174 ~~[(i) may use up to 4% of the money appropriated to the LEA for salary supplements to cover~~
~~administrative costs associated with implementing the program;]~~

176 ~~[(ii)]~~ (i) may use money appropriated to the LEA for the [salary supplement] performance-based award
for employer-paid benefits;[~~and~~]

178 ~~[(iii)]~~ (ii) may not include a [salary supplement] performance-based award received under this section:

180 (A) in a retirement calculation; or

181 (B) as part of retirement contributions[-] ; and

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- 182 may not reduce an eligible teacher's award to ensure the LEA maintains the funds described in
183 Subsection (10)(a)(iii).
- 184 (c) The [~~salary supplement~~] performance-based award is not part of an eligible teacher's base pay, and
is subject to the eligible teacher's designation as an eligible teacher.
- 186 (12) [~~Notwithstanding the provisions of this section~~] Except as provided for in Subsection (11),
if the appropriation for the program is insufficient to cover the costs associated with [~~salary~~
187 ~~supplement~~] performance-based awards, an LEA may distribute the funds to each eligible teacher of
the same tier of performance level on a pro rata basis.
- 190 (13)
- (a) [~~The center and the state board shall collaborate regarding data sharing and other relevant~~
191 ~~interactions to facilitate the successful administration of the program.~~] To optimize the center's
192 successful implementation of the program, including achievement of the program's intended
193 outcomes, the center and the state board shall collaborate regarding all:
- 195 {(i) student achievement data;}
196 {(ii) teacher data; and}
197 {(iii) any other relevant data as the center and the state board determines.}
- 198 {(b) The state board shall:}
199 {(i) consult with the center; and}
200 {(ii) contract with a third party to obtain and house a web-based access portal for transparency to:}
202 {(A) allow a teacher to track the teacher's student's academic achievement and growth and assess within
the teacher's LEA the teacher's individual progress toward becoming an eligible teacher nominee;}
205 {(B) report results of the chosen model or models at the district, school, and subject or grade levels;}
207 {(C) provide diagnostic data showing the growth and achievement trends for different groups of
students associated with a teacher, school, charter system, or district; and}
- 210 {(D) provide resources for teachers to interpret the model results, training modules, and receive or
request technical support.}
- 212 {(e) The state board shall use up to 11% of the total funds appropriated under this section for the web-
based access portal described in Subsection (13)(b).}
- 214 (14)

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- (a) An eligible teacher that receives a [~~salary supplement~~] performance-based award under the program has no vested property right in the [~~salary supplement~~] performance-based award or the designation as an eligible teacher.
- 217 (b) An eligible teacher's [~~salary supplement~~] performance-based award and designation under this section are void if the school principal or principal's designee, LEA, or the center made or certified the designation improperly.
- 220 (15)
- (a) Subject to prioritization of the Audit Subcommittee, unless the state board contracts a private auditor in accordance with Subsection (15)(b), the Office of the Legislative Auditor General established under Section 36-12-15 shall, in any fiscal year:
- 224 (i) conduct an audit of the program including:
- 225 (A) an evaluation of the implementation of the program; and
- 226 (B) the efficacy of the program, including program outcomes; and
- 227 (ii) prepare and submit a written report for an audit described in this section in accordance with Subsection 36-12-15(4)(b)(ii).
- 229 (b) Subject to legislative appropriations, the state board may contract with an external auditor to perform the audit described in this Subsection (15).
- 231 (16)
- (a) The center shall report to the Education Interim Committee no later than the 2024 October meeting the following:
- 233 (i) the methodology and process the center develops to achieve the requirements of Subsection (7);
- 235 (ii) relevant data and updates resulting from the collaborations described in Subsection (8);
- 237 (iii) any recommendations for future legislation; and
- 238 (iv) data regarding [~~salary supplement~~] performance-based award programs, including:
- 239 (A) different approaches used to reward teacher performance, including different evaluation methods;
- 241 (B) research outlining the effectiveness and impact of different [~~salary supplement~~] performance-based award amounts on teacher retention; and
- 243 (C) other considerations for impactful [~~salary supplement~~] performance-based award programs in relation to teacher retention.
- 245 (b) Beginning November 1, 2026, the center shall provide an annual report to the Education Interim Committee regarding:

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- 247 (i) the statewide metrics used in accordance with Subsection (7);
248 (ii) de-identified and aggregated data showing the number of:
249 (A) [~~salary supplement~~] performance-based awards per school, including total number of eligible
teachers in each school;
251 (B) eligible teachers in high poverty schools;
252 (C) eligible teachers in each tier performance level;
253 (D) eligible teachers in subject areas that do not have standardized assessments; and
255 (E) [~~salary supplement~~] performance-based award denials per school, including the reasons for a denial;
257 (iii) proportion of eligible teachers in:
258 (A) school districts; and
259 (B) charter schools; and
260 (iv) teacher retention data for a school where an eligible teacher is employed.

268 Section 2. **FY 2026 Appropriations.**

269 The following sums of money are appropriated for the fiscal year beginning July 1,
270 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
271 fiscal year 2026.

272 Subsection 2(a). **Operating and Capital Budgets**

273 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
274 Legislature appropriates the following sums of money from the funds or accounts indicated for
275 the use and support of the government of the state of Utah.

276 ITEM 1 To State Board of Education - Minimum School Program - Related to Basic
277 School Programs

278 From Public Education Economic Stabilization Restricted Account, One-time 600,000

280 Schedule of Programs:

281 Effective Teachers in High Poverty Schools Incentive Program 600,000

283 Section 3. **Effective date.**

This bill takes effect:

- 277 (1) {~~This bill takes effect~~} except as provided in {~~Subsections (2)-(3)}~~ **Subsection (2)**}, May 7, 2025; or
278 (2) if approved by two-thirds of all members elected to each house:
279 (a) upon approval by the governor;
280

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(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

282 (c) in the case of a veto, the date of veto override.

283 ~~{(3) {The actions affecting Section 53F-2-526 take effect on May 7, 2025.}}~~

2-21-25 7:15 AM