

SB0085S01 compared with SB0085

{Omitted text} shows text that was in SB0085 but was omitted in SB0085S01

inserted text shows text that was not in SB0085 but was inserted into SB0085S01

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2 **LONG TITLE**

4 General Description:

5 This bill amends the Excellence in Education and Leadership Supplement to expand access
6 to the performance-based teacher award program.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ broadens statewide eligibility for the performance-based teacher award program;

10 ▶ provides a process for teachers employed in non-participating local education agencies to be
considered for an award; and

- ▶ makes conforming changes.

13 Money A

14 None

15 Other Sp

16 None

17 Utah Code

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19 **53F-2-526** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

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

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

23 **53F-2-526. Excellence in Education and Leadership Supplement.**

24 (1) As used in this section:

25 (a) "Center" means the Center for the School of the Future at Utah State University established in
Section [53H-3-304] 53H-4-304.

27 (b)

28 (i) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using
an LEA's assessment methods, including:

29 [(i)] (A) student growth or achievement measures;

30 [(ii)] (B) professional evaluations;

31 [(iii)] (C) parent or student surveys; and

32 [(iv)] (D) other data-driven criteria the LEA establishes and the center verifies for validity.

33 [(e)] (ii) "Eligible teacher" includes an individual whom an LEA participating in the program employs
and who holds:

34 [(i)] (A) a license the state board issues; and

35 [(ii)] (B) a position that includes a current classroom teaching assignment.

36 [(d)] (C) "High poverty school" means the same as that term is defined in Section 53F-2-513.

37 [(e)] (d) "LEA" means:

38 (i) a school district;

39 (ii) a charter school;

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

41 (iv) a regional education service agency.

42 [(f)] (e) "Program" means the Excellence in Education and Leadership Supplement created in
Subsection (2).

43 (f) "Self-nomination teacher" means a teacher who qualifies under Subsection (7).

44 (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)] (8):

45 (i) the top 5% of teachers;

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52 (ii) the next 6%-10% of teachers; and

53 (iii) the next 11%-25% of teachers.

54 (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).

56 (i) "Value-added growth model" means the student growth model the center uses statewide under Subsection (7) to calculate an individual teacher's contribution to student academic growth and determine comparative performance among teachers.

59 (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 performance-based award to an eligible teacher or self-nominating teacher in recognition for outstanding instructional talent which is evidenced by value added learning growth.

63 (3)

65 (a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the program to the center.

66 (b) If an LEA declares an intent to participate in the program, the LEA shall:

69 (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

71 (ii) create an appeals process for an employee who is not nominated to be an eligible teacher.

72 (4) No later than July 1, 2025, [an] a participating LEA shall:

74 (a) attend a training that the center creates regarding the guidelines for developing a process described in Subsection (3); and

76 (b) develop and submit for approval the participating LEA's process described in Subsection (3) to the center.

79 (5)

82 (a) The center shall review the participating LEA's process described in Subsection (3) and approve the process or request that the LEA make changes to the submitted process.

(b) If the center requests changes to the participating LEA's submitted process, the participating LEA shall work with the center to make necessary changes to receive final approval from the center.

(c) No later than August 15, 2025, the center shall provide final approval or denial of [an] a participating LEA's process.

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84 (6) Before August 31, 2025, [an] a participating LEA with an approved process as described in Subsection (5) shall:

86 (a) ensure each school principal or the principal's designee attends a training that the center creates regarding:

88 (i) how to effectively use the participating LEA's approved process to select and submit to the center nominations for eligible teachers, including the corresponding tier performance level; and

91 (ii) how to protect student and educator data privacy when submitting nominations and applications, as described in Subsection [(9)(b)(ii)] (10)(b)(ii);

93 (b) provide information to teachers within the participating LEA regarding the program and how the school's principal or principal's designee will use the approved participating LEA process to make nominations of eligible teachers; and

96 (c) ensure each school principal or the principal's designee is able to use the participating LEA's approved process to evaluate and select which teachers within the school to nominate as eligible teachers, including the corresponding tier performance level.

99 (7)

102 (a) An individual employed as a classroom teacher in an LEA that does not participate in the program under Subsection (3) may enter a self-nomination pathway to be considered for a performance-based award under this section if the teacher:

104 (i) teaches a subject and grade for which the state administers a statewide assessment measuring student academic growth or achievement;

108 (ii) receives a value-added growth model score the center calculates using statewide data within the top 40% of all statewide value-added growth model results for teachers not employed in a participating LEA, and in the teacher's taught and assessed subjects and grades; and

111 (iii) receives certification from the state board that the teacher's license is not the subject of a pending or active action before the Utah Professional Practices Advisory Commission.

114 (b) The center shall identify the top 40% of teachers from non-participating LEAs described in Subsection (7)(a) and issue an invitation through the state superintendent to those teachers to apply under the self-nomination pathway.

114 (c) A self-nomination teacher is not employed by a participating LEA and is not required to be nominated by an LEA under Subsection (3) and is not subject to the LEA-developed process described in Subsections (3) and (4).

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117 [7] (8)

(a) In assessing if a nominated teacher is an eligible teacher or self-nominating teacher, the center shall create an assessment process that:

119 [a] (i) uses the methods described in Subsection (1)(b);

120 [b] (ii) calibrates;

121 (A) for the eligible teacher pathway, the submissions an LEA submits to determine, for all nominated teachers statewide, which teachers are eligible teachers, including the corresponding tier performance level; or

124 (B) for the self-nomination teacher pathway, the submissions of applications from all self-nomination teachers to determine, for all self-nomination teachers statewide, which teachers qualify for a performance-based award because the teacher falls within the top 25% statewide using the same assessment weighting and tier performance level methodology described in this Subsection (8);

130 [e] (iii) may use additional criteria as determined by the center in consultation with participating LEAs; and

132 [d] (iv) establishes a scoring rubric including the scores required for a designation in each tier performance level~~[-]~~; and

134 (v) for purposes of a self-nomination teacher under Subsection (7), applies the same weighting of value-added growth measures as used for eligible teachers and may not include any additional LEA-developed criteria or measures beyond those described in this section.

138 (b) For a self-nomination teacher, the center shall perform the functions otherwise carried out by a participating LEA under Subsections (3) through (6) {for purposes of teacher evaluation} .

141 [8] (9)

(a) The center shall collaborate with participating LEAs to create:

142 (i) selection and submission guidelines for:

143 (A) the approval of the participating LEA's process as described in Subsection (5); and

145 (B) the list of nominated eligible teachers described in Subsection (6);

146 (ii) methods to determine student growth and achievement measures for subject areas that do not have standardized assessment data;

148 (iii) the weightings for each element of the assessment process described in Subsection [7] (8); and

150 (iv) the trainings described in this section.

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151 (b) In addition to the requirements in Subsection [(8)(a)] (9)(a), ~~[an]~~ a participating LEA may include
152 the following if the participating LEA collaborates with the center to do so:

154 (i) methods to determine student growth and achievement measures for subject areas that have
155 standardized assessment data; and

156 (ii) methods for combining measures described in Subsections [(8)(a)(ii)] (9)(a)(ii) and [(8)(b)(i)] (9)(b)
157 (i) as appropriate to assure compatibility across all subject areas.

159 (c) The center may provide program related technical assistance to an LEA.

160 (d) The center may:

161 (i) not incorporate LEA-developed additional measures when evaluating a self-nomination teacher; and

163 (ii) create standardized measures similar to those described in Subsection (9)(b) that apply to the cohort
164 within the self-nomination teacher pathway.

165 [(9)] (10)

166 (a) [An] A participating LEA shall:

167 (i) apply to the center on behalf of the nominated eligible teachers within the LEA through a
168 process and format that the center determines; and

169 (ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation
170 under this section every three years.

171 (b) The center shall:

172 (i) create an application process for ~~[an]~~ a participating LEA to submit the list of nominated eligible
173 teachers described in Subsection [(9)(a)] (10)(a), including a deadline for submission of the list of
174 nominated teachers to the center;

175 (ii) coordinate with the state board in the creation of the application process described in Subsection
176 [(9)(b)(i)] (10)(b)(i) to ensure that any sharing of student and educator data during the application
177 process:
178 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99;
179 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
180 (C) uses disclosure avoidance techniques, including aggregating and otherwise de-identifying data;

181 (iii) no later than October 1, 2026 December 1, 2026, determine if a nominated teacher is an eligible
182 teacher through the process described in Subsection [(7)] (8);

183 (iv) verify:

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(A) the validity of the participating LEA's process and assessment of an eligible teacher as described in Subsections (4) and (5); and

(B) the nominations described in Subsection [(7)] (8) with the LEA and school administrators;

(v) certify a list of eligible teachers and self-nomination teachers, including the total amount of funding the LEA receives for the LEA's eligible teachers or self-nomination teachers; and

(vi) provide the list described in Subsection [(9)(b)(v)] (10)(b)(v) to the state board.

(c) The center shall create a separate application process for a self-nomination teacher under Subsection (7), which shall:

(i) allow an invited teacher described in Subsection (7) to submit an application directly to the center;

(ii) require the license certification described in Subsection (7); and

(iii) collect all data necessary for tier performance level determination under Subsection (8).

[(10)] (11)

(a) Subject to legislative appropriations, the state board shall:

(i) within 45 days of receiving the list described in Subsection [(9)(b)(v)] (10)(b)(v) from the center, disburse funding to an LEA in the amount the center verifies that an LEA qualifies to receive for performance-based awards under this section;

(ii) allocate up to [4.25%] 5.05% of the funds appropriated under this section to the center; and

(iii) except as provided in Subsection (11)(d)(ii), develop a method to compensate an LEA for program administration that:

(A) does not exceed 4% of the total funds appropriated under this section;

(B) first compensates an LEA for fixed efforts associated with development and management of the LEA's teacher performance-based award program; and

(C) allocates any remaining balance to compensate an LEA for variable efforts associated with ongoing program administration and management.

(b) The annual performance-based award for an eligible teacher or self-nomination teacher is:

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

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

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

(c) If the eligible teacher or self-nomination teacher is employed at a high poverty school, the eligible teacher or self-nomination teacher shall receive an additional performance-based award that is equal

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in amount to the eligible teacher's or self-nomination teacher's performance-based award described in Subsection [(10)(b)] (11)(b).

223 (d)

(i) Notwithstanding Subsections (11)(a), (b), and (c), for a self-nomination teacher under Subsection (7):

225 (A) the self-nomination teacher's employing LEA shall serve solely as fiscal agent for payment of the performance-based award;

227 (B) the employing LEA is not required to implement or maintain an LEA process under Subsection (3) or (4);

229 (C) the center shall certify the self-nomination teacher's tier performance level directly to the state board; and

231 (D) the performance-based award shall match the award amounts of a participating LEA awardee and shall be disbursed in equal installments through the teacher's regularly occurring compensation and conclude by the end of the program.

235 (ii) A non-participating LEA acting as fiscal agent under this Subsection (11)(d) is not eligible for administrative compensation under Subsection (11)(a)(iii).

237 [(11)] (12)

(a) An LEA shall:

238 (i) within 45 days of receiving the LEA's funds from the state board for all eligible teachers or self-nomination teachers, use the program funds to provide a performance-based award equal to the amount specified in Subsection [(10)] (11) for each eligible teacher or self-nomination teacher in each tier performance level; and

243 (ii) provide the performance-based award in an eligible teacher's or self-nomination teacher's regularly occurring compensation in equal amounts through the contracted school years related to the performance-based award.

246 (b) An LEA:

247 (i) may use money appropriated to the LEA for the performance-based award for employer-paid benefits;

249 (ii) may not include a performance-based award received under this section:

250 (A) in a retirement calculation; or

251 (B) as part of retirement contributions; and

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252 (iii) may not reduce an eligible teacher's or self-nomination teacher's award to ensure the LEA
253 maintains the funds described in Subsection [(10)(a)(iii)] (11)(a)(iii).

254 (c) The performance-based award is not part of an eligible teacher's or self-nomination teacher's base
255 pay, and is subject to the eligible teacher's or self-nomination teacher's designation as an eligible
256 teacher or self-nomination teacher.

257 [(12)] (13) Except as provided for in Subsection [(11)] (12), if the appropriation for the program is
258 insufficient to cover the costs associated with performance-based awards, [an] a participating LEA
259 may distribute the funds to each eligible teacher of the same tier of performance level on a pro rata
260 basis.

261 [(13)] (14)

262 (a)

263 (i) In accordance with state and federal privacy laws, the state board shall provide the following
264 data to the center:
265 (A) relevant student achievement data;
266 (B) relevant teacher data; and
267 (C) any other relevant data as the center determines.

268 (ii) If the center needs data from a non-participating LEA for purposes of the program, the state
269 board:
270 (A) shall provide the data; and
271 (B) except as provided in Subsection (14)(b), may provide the data in a de-identified manner, including
272 providing an individual teacher's or student's data with a unique identifier that is not associated with
273 the teacher's or student's name or school provided identification number.

274 (b) Notwithstanding Subsection (14)(a)(ii), the state board shall provide reasonable additional data to
275 the center if current data the center receives is incomplete or insufficient for purposes of identifying
276 and inviting teachers under Subsection (7).

277 [(b)] (c) The state board shall:
278 (i) consult with the center; and
279 (ii) contract with a third party to obtain and house a secure web-based portal for authorized LEA and
280 state board users to:
281 (A) allow a teacher to track the teacher's students' academic achievement and growth and assess within
282 the teacher's LEA the teacher's individual progress toward becoming an eligible teacher nominee;

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283 (B) report results of the chosen model or models at the district, school, and subject or grade levels;

285 (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

288 (D) provide resources for teachers to interpret the model results, training modules, and receive or
request technical support.

290 [~~(e)~~] (d) The state board shall use up to 2.5% of the total funds appropriated under this section for the
web-based access portal described in Subsection [~~(13)(b)~~] (14)(c).

292 [~~(14)~~] (15)

296 (a) An eligible teacher or self-nomination teacher that receives a performance-based award under the
program has no vested property right in the performance-based award or the designation as an
eligible teacher or self-nomination teacher.

(b) An eligible teacher's or self-nomination teacher's 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.

299 [~~(15)~~] (16)

303 (a) Subject to prioritization of the Legislative Audit Subcommittee, unless the state board contracts a
private auditor in accordance with Subsection [~~(15)(b)~~] (16)(b), the Office of the Legislative Auditor
General established under Section 36-12-15 shall, in any fiscal year:

304 (i) conduct an audit of the program including:

305 (A) an evaluation of the implementation of the program; and

306 (B) the efficacy of the program, including program outcomes; and

308 (ii) prepare and submit a written report for an audit described in this section in accordance with
Subsection 36-12-15(6)(b).

310 (b) Subject to legislative appropriations, the state board may contract with an external auditor to
perform the audit described in this Subsection [~~(15)~~] (16).

312 [~~(16)~~] (17)

314 (a) The center shall report to the Education Interim Committee no later than the 2024 October meeting
the following:

312 (i) the methodology and process the center develops to achieve the requirements of Subsection
[~~(7)~~] (8);

(ii) relevant data and updates resulting from the collaborations described in Subsection [~~(8)~~] (9);

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316 (iii) any recommendations for future legislation; and
317 (iv) data regarding performance-based award programs, including:
318 (A) different approaches used to reward teacher performance, including different evaluation methods;
319 (B) research outlining the effectiveness and impact of different performance-based award amounts on
320 teacher retention; and
321 (C) other considerations for impactful performance-based award programs in relation to teacher
322 retention.

323 (b) Beginning [November] December 1, 2026, the center shall provide an annual report to the Education
324 Interim Committee regarding:
325 (i) the statewide metrics used in accordance with Subsection [(7)] (8);
326 (ii) de-identified and aggregated data showing the number of:
327 (A) performance-based awards per school, including total number of eligible teachers and self-
328 nomination teachers in each school;
329 (B) eligible teachers and self-nomination teachers in high poverty schools;
330 (C) eligible teachers and self-nomination teachers in each tier performance level;
331 (D) eligible teachers and self-nomination teachers in subject areas that do not have standardized
332 assessments; and
333 (E) performance-based award denials per school, including the reasons for a denial;
334 (iii) proportion of eligible teachers and self-nomination teachers in:
335 (A) school districts; and
336 (B) charter schools; and
337 (iv) teacher retention data for a school where an eligible teacher and self-nomination teacher is
338 employed.

339 (18) Notwithstanding any deadlines described in this section, for the self-nomination teacher pathway
340 described in Subsection (7), the following deadlines apply:

341 (a) no later than {October} December 1, 2026, the center shall provide to the state superintendent:
342 (i) the email addresses for invited applicants to the self-nomination program; and
343 (ii) any state board system specific identifier numbers for the invited applicants;
344 (b) no later than {October} December 15, 2026, the state superintendent shall:
345 (i) ensure that all invited applicants have received an email invitation; and
346 (ii) report to the center any email delivery failures;

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349 (c) no later than {December 1, 2026} February 15, 2027, an invited self-nomination teacher shall
indicate in the center's system the teacher's intent to submit a self-nomination application;

351 (d) no later than {January 31} April 15, 2027, a self-nomination teacher shall complete and submit the
teacher's self-nomination application to the center;

353 (e) no later than {February 28} May 15, 2027, the center shall notify:

354 (i) each recognized self-nomination teacher of the teacher's tier performance level and the amount of the
performance-based award;

356 (ii) each recognized self-nomination teacher's employing LEA of the teacher's tier performance level
and the amount of the performance-based award; and

358 (iii) the state board of each recognized self-nomination teacher's tier performance level and the amount
of the performance-based award;

360 (f) no later than {March 31, } June 1, 2027, the state board shall disburse the performance-based award
funds to the employing LEA of each recognized self-nomination teacher; and

362 (g) beginning {April 1, } July 15, 2027, an employing LEA shall disburse the performance-based award
to each recognized self-nomination teacher in equal installments through the teacher's regularly
occurring compensation so that all awarded funds are disbursed before the conclusion of the
program described in Subsection (2).

365 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-2-26 2:02 PM