

Lincoln Fillmore proposes the following substitute bill:

1 **Excellence in Education and Leadership Supplement Modifications**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ broadens statewide eligibility for the performance-based teacher award program;
9 ▶ provides a process for teachers employed in non-participating local education agencies to
10 be considered for an award; and
11 ▶ makes conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 **AMENDS:**

18 **53F-2-526**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

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

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

21 **53F-2-526 . Excellence in Education and Leadership Supplement.**

22 (1) As used in this section:

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

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

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

- [**(ii)**] **(B)** professional evaluations;
- [**(iii)**] **(C)** parent or student surveys; and
- [**(iv)**] **(D)** other data-driven criteria the LEA establishes and the center verifies for validity.

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

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

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

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

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

(i) a school district;

(ii) a charter school;

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

(iv) a regional education service agency.

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

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

(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):

(i) the top 5% of teachers;

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

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

(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).

(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.

(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 leadership and achievement.

(3)(a) No later than December 31, 2024, an LEA shall declare the LEA's intent to

64 participate in the program to the center.

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

66 (i) develop a process for a school principal or the principal's designee to assess a
67 teacher's performance consistent with this section to determine if a teacher is an
68 eligible teacher, including the corresponding tier performance level; and
69 (ii) create an appeals process for an employee who is not nominated to be an eligible
70 teacher.

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

72 (a) attend a training that the center creates regarding the guidelines for developing a
73 process described in Subsection (3); and
74 (b) develop and submit for approval the participating LEA's process described in
75 Subsection (3) to the center.

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

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

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

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

86 (a) ensure each school principal or the principal's designee attends a training that the
87 center creates regarding:
88 (i) how to effectively use the participating LEA's approved process to select and
89 submit to the center nominations for eligible teachers, including the corresponding
90 tier performance level; and
91 (ii) how to protect student and educator data privacy when submitting nominations
92 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
94 and how the school's principal or principal's designee will use the approved
95 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
97 LEA's approved process to evaluate and select which teachers within the school to

98 nominate as eligible teachers, including the corresponding tier performance level.

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

- 102 (i) teaches a subject and grade for which the state administers a statewide assessment
103 measuring student academic growth or achievement;
- 104 (ii) receives a value-added growth model score the center calculates using statewide
105 data within the top 40% of all statewide value-added growth model results for
106 teachers not employed in a participating LEA, and in the teacher's taught and
107 assessed subjects and grades; and
- 108 (iii) receives certification from the state board that the teacher's license is not the
109 subject of a pending or active action before the Utah Professional Practices
110 Advisory Commission.

- 111 (b) The center shall identify the top 40% of teachers from non-participating LEAs
112 described in Subsection (7)(a) and issue an invitation through the state superintendent
113 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
115 to be nominated by an LEA under Subsection (3) and is not subject to the
116 LEA-developed process described in Subsections (3) and (4).

117 [(7)] (8)(a) In assessing if a nominated teacher is an eligible teacher or self-nominating
118 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
122 determine, for all nominated teachers statewide, which teachers are eligible
123 teachers, including the corresponding tier performance level; or
 - 124 (B) for the self-nomination teacher pathway, the submissions of applications from
125 all self-nomination teachers to determine, for all self-nomination teachers
126 statewide, which teachers qualify for a performance-based award because the
127 teacher falls within the top 25% statewide using the same assessment
128 weighting and tier performance level methodology described in this Subsection
129 (8);

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

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

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

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

140 [(8)] (9)(a) The center shall collaborate with participating LEAs to create:

141 (i) selection and submission guidelines for:

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

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

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

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

149 (iv) the trainings described in this section.

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

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

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

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

159 (d) The center may:

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

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

164 [(9)] (10)(a) [An] A participating LEA shall:

165 (i) apply to the center on behalf of the nominated eligible teachers within the LEA

166 through a process and format that the center determines; and

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

169 (b) The center shall:

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

173 (ii) coordinate with the state board in the creation of the application process described
174 in Subsection ~~[§9](b)(i)~~ (10)(b)(i) to ensure that any sharing of student and
175 educator data during the application process:

176 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part
177 99;

178 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and

179 (C) uses disclosure avoidance techniques, including aggregating and otherwise
180 de-identifying data;

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

183 (iv) verify:

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

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

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

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

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

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

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

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

199 ~~[§10]~~ (11)(a) Subject to legislative appropriations, the state board shall:

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

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

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

207 (A) does not exceed 4% of the total funds appropriated under this section;
208 (B) first compensates an LEA for fixed efforts associated with development and
209 management of the LEA's teacher performance-based award program; and
210 (C) allocates any remaining balance to compensate an LEA for variable efforts
211 associated with ongoing program administration and management.

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

214 (i) \$10,000 for a teacher in the top 5% of teachers;
215 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
216 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.

217 (c) If the eligible teacher or self-nomination teacher is employed at a high poverty
218 school, the eligible teacher or self-nomination teacher shall receive an additional
219 performance-based award that is equal in amount to the eligible teacher's or
220 self-nomination teacher's performance-based award described in Subsection [10](b)
221 (11)(b).

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

224 (A) the self-nomination teacher's employing LEA shall serve solely as fiscal agent
225 for payment of the performance-based award;
226 (B) the employing LEA is not required to implement or maintain an LEA process
227 under Subsection (3) or (4);
228 (C) the center shall certify the self-nomination teacher's tier performance level
229 directly to the state board; and
230 (D) the performance-based award shall match the award amounts of a
231 participating LEA awardee and shall be disbursed in equal installments through
232 the teacher's regularly occurring compensation and conclude by the end of the
233 program.

(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).

[(11)] (12)(a) An LEA shall:

- (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
- (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.

(b) An LEA:

- (i) may use money appropriated to the LEA for the performance-based award for employer-paid benefits;
- (ii) may not include a performance-based award received under this section:
 - (A) in a retirement calculation; or
 - (B) as part of retirement contributions; and
- (iii) may not reduce an eligible teacher's or self-nomination teacher's award to ensure the LEA maintains the funds described in Subsection [(10)(a)(iii)] (11)(a)(iii).

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

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

[13] (14)(a)(i) In accordance with state and federal privacy laws, the state board shall provide the following data to the center:

- (A) relevant student achievement data;
- (B) relevant teacher data; and
- (C) any other relevant data as the center determines.

(ii) If the center needs data from a non-participating LEA for purposes of the program, the state board:

(A) shall provide the data; and

268 (B) except as provided in Subsection (14)(b), may provide the data in a
269 de-identified manner, including providing an individual teacher's or student's
270 data with a unique identifier that is not associated with the teacher's or student's
271 name or school provided identification number.

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

275 [b)] (c) The state board shall:

- 276 (i) consult with the center; and
- 277 (ii) contract with a third party to obtain and house a secure web-based portal for
278 authorized LEA and state board users to:
 - 279 (A) allow a teacher to track the teacher's students' academic achievement and
280 growth and assess within the teacher's LEA the teacher's individual progress
281 toward becoming an eligible teacher nominee;
 - 282 (B) report results of the chosen model or models at the district, school, and subject
283 or grade levels;
 - 284 (C) provide diagnostic data showing the growth and achievement trends for
285 different groups of students associated with a teacher, school, charter system,
286 or district; and
 - 287 (D) provide resources for teachers to interpret the model results, training modules,
288 and receive or request technical support.

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

291 [(14)] (15)(a) An eligible teacher or self-nomination teacher that receives a
292 performance-based award under the program has no vested property right in the
293 performance-based award or the designation as an eligible teacher or self-nomination
294 teacher.

295 (b) An eligible teacher's or self-nomination teacher's performance-based award and
296 designation under this section are void if the school principal or principal's designee,
297 LEA, or the center made or certified the designation improperly.

298 [(15)] (16)(a) Subject to prioritization of the Legislative Audit Subcommittee, unless the
299 state board contracts a private auditor in accordance with Subsection [(15)(b)] (16)(b),
300 the Office of the Legislative Auditor General established under Section 36-12-15
301 shall, in any fiscal year:

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

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

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

305 (ii) prepare and submit a written report for an audit described in this section in

306 accordance with Subsection 36-12-15(6)(b).

307 (b) Subject to legislative appropriations, the state board may contract with an external

308 auditor to perform the audit described in this Subsection [15] (16).

309 [16] (17)(a) The center shall report to the Education Interim Committee no later than

310 the 2024 October meeting the following:

311 (i) the methodology and process the center develops to achieve the requirements of

312 Subsection [7] (8);

313 (ii) relevant data and updates resulting from the collaborations described in

314 Subsection [8] (9);

315 (iii) any recommendations for future legislation; and

316 (iv) data regarding performance-based award programs, including:

317 (A) different approaches used to reward teacher performance, including different

318 evaluation methods;

319 (B) research outlining the effectiveness and impact of different performance-based

320 award amounts on teacher retention; and

321 (C) other considerations for impactful performance-based award programs in

322 relation to teacher retention.

323 (b) Beginning November December 1, 2026, the center shall provide an annual report

324 to the Education 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

328 teachers and self-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

332 standardized assessments; and

333 (E) performance-based award denials per school, including the reasons for a

334 denial;

335 (iii) proportion of eligible teachers and self-nomination teachers in:

336 (A) school districts; and
337 (B) charter schools; and

338 (iv) teacher retention data for a school where an eligible teacher and self-nomination
339 teacher is employed.

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

342 (a) no later than December 1, 2026, the center shall provide to the state superintendent:
343 (i) the email addresses for invited applicants to the self-nomination program; and
344 (ii) any state board system specific identifier numbers for the invited applicants;
345 (b) no later than December 15, 2026, the state superintendent shall:
346 (i) ensure that all invited applicants have received an email invitation; and
347 (ii) report to the center any email delivery failures;
348 (c) no later than February 15, 2027, an invited self-nomination teacher shall indicate in
349 the center's system the teacher's intent to submit a self-nomination application;
350 (d) no later than April 15, 2027, a self-nomination teacher shall complete and submit the
351 teacher's self-nomination application to the center;
352 (e) no later than May 15, 2027, the center shall notify:
353 (i) each recognized self-nomination teacher of the teacher's tier performance level
354 and the amount of the performance-based award;
355 (ii) each recognized self-nomination teacher's employing LEA of the teacher's tier
356 performance level and the amount of the performance-based award; and
357 (iii) the state board of each recognized self-nomination teacher's tier performance
358 level and the amount of the performance-based award;
359 (f) no later than June 1, 2027, the state board shall disburse the performance-based
360 award funds to the employing LEA of each recognized self-nomination teacher; and
361 (g) beginning July 15, 2027, an employing LEA shall disburse the performance-based
362 award to each recognized self-nomination teacher in equal installments through the
363 teacher's regularly occurring compensation so that all awarded funds are disbursed
364 before the conclusion of the program described in Subsection (2).

365 **Section 2. Effective Date.**

366 This bill takes effect on May 6, 2026.