

1 **USE OF MINIMUM SCHOOL PROGRAM**

2 **NONLAPSING BALANCES**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Bradley G. Last

7

8 **LONG TITLE**

9 **General Description:**

10 This bill requires the State Board of Education to allocate certain Minimum School
11 Program nonlapsing balances.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the State Board of Education to allocate Minimum School Program
15 nonlapsing balances to provide:

- 16 • one-time signing bonuses for new teachers;
- 17 • one-time performance-based compensation; and
- 18 • a grant program to minimize the expenses of teachers to obtain the American
19 Board Distinguished Teacher certification and to provide additional
20 compensation to teachers who obtain that certification; and

21 ▶ makes technical corrections.

22 **Monies Appropriated in this Bill:**

23 This bill appropriates:

24 ▶ \$25,000,000 from Minimum School Program nonlapsing balances for fiscal year
25 2008-09 only.

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-17a-148**, as last amended by Laws of Utah 2006, Chapter 354

31 **63-55b-153**, as last amended by Laws of Utah 2007, Chapter 216

32 ENACTS:

33 **53A-6-113**, Utah Code Annotated 1953



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

36 Section 1. Section **53A-6-113** is enacted to read:

37 **53A-6-113. Grant program for distinguished teachers -- Additional compensation.**

38 (1) As used in this section:

39 (a) "American Board" means the American Board for Certification of Teacher

40 Excellence.

41 (b) "Distinguished Teacher" means the advanced credential offered by the American

42 Board.

43 (c) "Licensed teacher" means a teacher who holds:

44 (i) a level 1, level 2, or level 3 license; and

45 (ii) the endorsements required by board rule for the teacher's assignments.

46 (2) Subject to budget constraints, a grant program is created to:

47 (a) minimize out-of-pocket expenses of licensed teachers to obtain the American Board

48 Distinguished Teacher certification; and

49 (b) provide additional compensation to licensed teachers who obtain the American

50 Board Distinguished Teacher certification.

51 (3) The board shall award grants to school districts and charter schools for the purposes

52 stated in Subsection (2) from monies appropriated by the Legislature for those purposes.

53 (4) (a) To receive grant monies to minimize out-of-pocket expenses of licensed

54 teachers to obtain the American Board Distinguished Teacher certification, a school district or

55 charter school shall provide matching funds equal to the amount of the grant.

56 (b) A school district or charter school shall use grant monies received under Subsection

57 (4)(a) to pay for costs of licensed teachers directly related to obtaining American Board

58 Distinguished Teacher certification.

59 (5) (a) A school district or charter school may apply for grant monies to provide
60 additional compensation to licensed teachers who obtain the American Board Distinguished
61 Teacher certification.

62 (b) (i) A school district or charter school shall receive grant monies in the amount of
63 \$1,500 for each American Board Distinguished Teacher, except as provided in Subsection
64 (5)(b)(ii).

65 (ii) If the request for grant monies under this Subsection (5) exceed the monies
66 appropriated for the grant program, the board shall prorate the amounts of the grants based
67 upon the amount of grant monies available.

68 (c) Using school district or charter school funds, a school district or charter school may
69 match the grant monies to further increase compensation to teachers who obtain the American
70 Board Distinguished Teacher certification.

71 (6) School district or charter school participation in the program is voluntary and shall
72 be determined by the local school board or charter school governing board.

73 (7) (a) The board shall make rules in accordance with Title 63, Chapter 46a, Utah
74 Administrative Rulemaking Act, to administer this section.

75 (b) The rules shall include a formula, developed in consultation with school districts
76 and charter schools, that allocates the funding in a fair and equitable manner to qualified grant
77 applicants.

78 Section 2. Section **53A-17a-148** is amended to read:

79 **53A-17a-148. Use of nonlapsing balances.**

80 (1) (a) As used in this section, "new teacher" means a person who:

81 (i) is a licensed classroom teacher;

82 (ii) is hired by a school district or charter school to begin teaching during the 2008-09
83 school year;

84 (iii) did not work in this state as a classroom teacher at a school district or charter
85 school during the 2007-08 school year; and

86 (iv) has never received a signing bonus in this state.

87 (b) A new teacher may include a person who is returning to teaching after one or more
88 years of interrupted service.

89 (2) The State Board of Education may use Minimum School Program nonlapsing

90 balances to restore special education funding as follows:

91 ~~[(+)]~~ (a) up to \$902,538 is authorized in fiscal year 2005-06; and

92 ~~[(2)]~~ (b) up to \$902,538 is authorized in fiscal year 2006-07.

93 (3) The State Board of Education shall use Minimum School Program nonlapsing
94 balances as follows:

95 (a) \$5,000,000 shall be allocated to school districts and charter schools to provide
96 one-time signing bonuses for new teachers as provided under Subsection (4);

97 (b) \$19,000,000 shall be allocated to school districts and charter schools to provide
98 one-time performance-based compensation as provided under Subsection (5); and

99 (c) \$1,000,000 shall be used to establish a grant program to minimize the expenses of
100 teachers to obtain the American Board Distinguished Teacher certification and to provide
101 additional compensation to teachers who obtain that certification as provided in Section
102 53A-6-113.

103 (4) (a) Subject to the availability of funding, school districts and charter schools shall
104 provide a one-time signing bonus of \$1,000 to a new teacher.

105 (b) If the total bonuses under Subsection (4)(a) for all school districts and charter
106 schools exceed \$5,000,000, all bonuses shall be reduced pro rata so that the total bonuses do
107 not exceed \$5,000,000.

108 (c) To qualify for a bonus, a new teacher shall:

109 (i) be hired prior to October 1, 2008; and

110 (ii) teach for at least 30 days in the school district or charter school.

111 (5) (a) The \$19,000,000 for performance-based compensation shall be allocated to
112 qualifying school districts and charter schools on a per pupil basis.

113 (b) (i) To receive an allocation under Subsection (5)(a), a school district or charter
114 school shall submit, prior to July 1, 2008, a written performance-based compensation plan to
115 the State Board of Education.

116 (ii) The performance-based compensation plan shall provide specific information about
117 how the school district or charter school intends to spend its allocation, including:

118 (A) who is eligible for the performance-based compensation;

119 (B) criteria for awarding performance-based compensation;

120 (C) the instruments or assessments that may be used to measure or evaluate

121 performance;

122 (D) the amount of performance-based compensation that may be awarded; and

123 (E) whether the performance-based compensation will be based on individual, team, or
124 school-based performance, or a combination of those.

125 (iii) The State Board of Education shall send the plans to the Executive Appropriations
126 Committee and the Education Interim Committee on July 1, 2008 for review and comment.

127 (c) (i) A school district or charter school shall award performance-based compensation
128 from monies distributed under this section for employee performance during the 2008-09
129 school year.

130 (ii) Performance-based compensation monies may only be used in accordance with a
131 school district or charter school's performance-based compensation plan.

132 (iii) If a school district or charter school uses performance-based compensation monies
133 for purposes other than those stated in this Subsection (5) and its performance-based
134 compensation plan, the school district or charter school shall reimburse the monies that were
135 improperly used.

136 (d) A school district or charter school that awards performance-based compensation
137 from monies distributed under this section shall report the following information to the
138 Executive Appropriations Committee by June 30, ~~§~~ → [2008] 2009 ← ~~§~~ :

139 (i) the number of employees who received performance-based compensation;

140 (ii) the total number of employees;

141 (iii) the average performance-based compensation awarded to employees; and

142 (iv) the maximum performance-based compensation awarded to an employee.

143 Section 3. Section **63-55b-153** is amended to read:

144 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

145 (1) Section 53-3-210 is repealed February 1, 2007.

146 (2) Section 53A-1-403.5 is repealed July 1, 2012.

147 (3) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

148 (4) Section 53A-3-702 is repealed July 1, 2008.

149 (5) Section 53A-6-112 is repealed July 1, 2009.

150 (6) Section 53A-6-113 is repealed July 1, 2012.

151 [~~6~~] (7) Section 53A-17a-152 is repealed July 1, 2010.

Legislative Review Note
as of 3-4-08 7:42 AM

Office of Legislative Research and General Counsel

S.B. 281 - Use of Minimum School Program Nonlapsing Balances

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill requires the State Board of Education to use \$25,000,000 in Minimum School Program non-lapsing balances to provide grants and bonuses as outlined in the bill.

Individual, Business and/or Local Impact

Qualifying educators may benefit through increased one-time compensation associated with the new-teacher signing bonuses, performance-pay compensation, and grant program outlined in the bill.
