

## HB0212S02 compared with HB0212S01

~~text~~ shows text that was in HB0212S01 but was deleted in HB0212S02.

Inserted text shows text that was not in HB0212S01 but was inserted into HB0212S02.

**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.

Representative ~~{Kim F. Coleman}~~Mike Winder 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

Cosponsors:	Adam Gardiner	Jeremy A. Peterson
Stewart E. Barlow	<u>Craig Hall</u>	Val K. Potter
Walt Brooks	Stephen G. Handy	Susan Pulsipher
LaVar Christensen	Eric K. Hutchings	V. Lowry Snow
Brad M. Daw	Ken Ivory	Raymond P. Ward
James A. Dunnigan	Michael S. Kennedy	Christine F. Watkins
Rebecca P. Edwards	John Knotwell	Brad R. Wilson
Steve Eliason	Michael E. Noel	

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**LONG TITLE**

**General Description:**

## HB0212S02 compared with HB0212S01

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 teacher;
- ▶ excludes a teacher salary bonus from compensation for purposes of a state retirement program;
- ▶ requires the State Board of Education to evaluate the effectiveness of the program and submit a report to the Education Interim Committee; and
- ▶ makes technical corrections.

### Money Appropriated in this Bill:

This bill appropriates for fiscal year 2018:

- ▶ to the State Board of Education -- Minimum School Program -- Related to Basic School Program, as an ongoing appropriation:
  - from the Education Fund, ~~(\$644)~~ \$365, ~~(700)~~ 000; and
- ▶ to the State Board of Education -- Minimum School Program ~~(-)~~ = Categorical Program Administration, as an ongoing appropriation:
  - from the Education Fund, \$27,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

ENACTS:

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

## HB0212S02 compared with HB0212S01

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

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

### **49-12-102. Definitions.**

As used in this chapter:

(1) "Benefits normally provided":

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

(i) a leave benefit of any kind;

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

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

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

(b) does not include:

(i) a payment for social security;

(ii) workers' compensation insurance;

(iii) unemployment insurance;

(iv) a payment for Medicare;

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

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

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

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

(i) bonuses;

(ii) cost-of-living adjustments;

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

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

(v) member contributions.

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

(c) "Compensation" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) a classified school employee:

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

(7) "Years of service credit" means:

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

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

(c) the regular school year consisting of not less than eight months of full-time service

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for a regular full-time employee of an educational institution.

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

### **49-13-102. Definitions.**

As used in this chapter:

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

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

(i) bonuses;

(ii) cost-of-living adjustments;

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

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

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

(c) "Compensation" does not include:

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

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

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

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

[or]

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) a teacher whose term of employment for a participating employer contemplates



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continued employment during a school year and who teaches half time or more;

(ii) a classified school employee:

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

(7) "Years of service credit" means:

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

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

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

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

### **49-22-102. Definitions.**

As used in this chapter:

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

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

(i) bonuses;

(ii) cost-of-living adjustments;

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

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

(v) member contributions.

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

(c) "Compensation" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Sections 49-12-201 and 49-12-202;

(b) Sections 49-13-201 and 49-13-202;

(c) Section 49-19-201; or

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

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

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

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

(ii) a classified school employee:

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

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

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

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

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

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

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

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similar arrangement.

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

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

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

(iii) a classified school employee:

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

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

(iv) a classified school employee:

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

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

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

and

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

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

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

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

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

(8) "Years of service credit" means:

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

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

(c) the regular school year consisting of not less than eight months of full-time service

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for a regular full-time employee of an educational institution.

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

### **53A-17a-173. Effective Teachers in High Poverty Schools Incentive Program --**

#### **Salary bonus -- Evaluation.**

(1) As used in this section:

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

(b) "Cohort" means a group of students, defined by the year in which the group enters grade 1.

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

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

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

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

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

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

(i) in which:

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

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

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

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

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

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

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

~~{~~ (h) "Public school" means:

~~— (i) a charter school; or~~

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

~~}~~ ~~{i}~~ h "Student growth percentile" is a number that describes where a student ranks in comparison to the student's cohort.

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

(b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for:

(i) the administration of the program~~{ and }~~;

(ii) payment of a salary bonus; and

(iii) application requirements.

(c) The board shall make an annual salary bonus payment in a fiscal year that begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.

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

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

(i) social security; and

(ii) Medicare.

(4) (a) (i) ~~{Except as provided in Subsection (4)(c).}~~ A charter school or school district school shall annually apply to the board on behalf of an eligible teacher ~~{shall}~~ for an eligible teacher to receive an annual salary bonus each year that the teacher is an eligible teacher.

(ii) A teacher need not be an eligible teacher in consecutive years to receive the

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increased annual salary bonus described in Subsection (4)(b).

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

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

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

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

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

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

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

~~(c) An \$5,000;~~

(c) A public school that applies on behalf of an eligible teacher ~~may not receive an annual salary bonus~~ under ~~this section if, at the time~~ Subsection (4)(a)(i) shall pay half of the salary bonus ~~would be awarded, the teacher is employed in a position that the teacher's employing school district has not identified as a position that is difficult to recruit new employees to fill or in which it is difficult to retain existing employees~~ described in Subsection (4)(b) each year the eligible teacher is awarded the salary bonus.

(d) The board shall award a salary bonus to an eligible teacher based on the order that an application from a public school on behalf of the eligible is received.

(5) The board shall:

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

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

(6) The board shall:

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

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

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

~~(8) ~~If an eligible teacher is awarded a salary bonus under this section, the local school~~~~



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~~board of the school district that is the employer of the eligible teacher shall, at the time a payment is received under Subsection (6)(a), ensure in writing to the board that the local school board is placing high quality teachers with equal distribution throughout the school district.~~

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

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

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

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

~~(ii) affects student outcomes.~~

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

~~(c):~~

~~(b) Each year that the board conducts an evaluation described in Subsection (9)(a), the board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation to the Education Interim Committee on or before November 30.~~

~~(9) A public school shall annually notify a teacher:~~

~~(a) of the teacher's median growth percentile; and~~

~~(b) how the teacher's median growth percentile is calculated.~~

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

### Section 5. **Appropriation.**

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

#### ITEM 1

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

## HB0212S02 compared with HB0212S01

From Education Fund ~~(\$644)~~ \$365,700 ~~000~~

Schedule of Programs:

Effective Teachers in High Poverty

Schools Incentive Program ~~(\$644)~~ \$365,700 ~~000~~

### ITEM 2

To State Board of Education -- Minimum School Program ~~+~~ -- Categorical Program

#### Administration

From Education Fund \$27,000

Schedule of Programs:

Effective Teachers in High Poverty

Schools Incentive Program \$27,000

The Legislature intends that the State Board of Education:

(1) use the ~~(\$644)~~ \$365,700 ~~000~~ ongoing appropriation described in this section to award a salary bonus and pay an authorized employer-paid benefit to an eligible teacher as part of the program described in Section 53A-17a-172; and

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