

TEACHER SALARY SUPPLEMENT REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: Howard A. Stephenson

Cosponsors:	Kay J. Christofferson	Jefferson Moss
Patrice M. Arent	Steve Eliason	

LONG TITLE

General Description:

This bill amends provisions of the Teacher Salary Supplement Program.

Highlighted Provisions:

This bill:

- ▶ removes the teacher salary supplement from compensation calculations for retirement purposes;
- ▶ defines terms;
- ▶ provides a salary supplement for a teacher who has a degree in special education and is assigned to teach special education;
- ▶ decreases the initial base salary supplement to \$4,000;
- ▶ provides an additional annual salary supplement of \$1,000 not to exceed \$6,000 for an eligible teacher;
- ▶ amends other provisions related to an individual's eligibility for a teacher salary supplement; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **49-12-102**, as last amended by Laws of Utah 2017, Chapter 325

32 **49-13-102**, as last amended by Laws of Utah 2017, Chapter 325

33 **49-22-102**, as last amended by Laws of Utah 2017, Chapter 325

34 **53F-2-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2



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

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

38 **49-12-102. Definitions.**

39 As used in this chapter:

40 (1) "Benefits normally provided":

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

42 (i) a leave benefit of any kind;

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

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

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

49 (b) does not include:

50 (i) a payment for social security;

51 (ii) workers' compensation insurance;

52 (iii) unemployment insurance;

53 (iv) a payment for Medicare;

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

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

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

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

65 (i) bonuses;

66 (ii) cost-of-living adjustments;

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

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

72 (v) member contributions.

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

75 (c) "Compensation" does not include:

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

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

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

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

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

86 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
87 Section ~~[53A-17a-173]~~ [53F-2-513](#).

88 (d) The executive director may determine if a payment not listed under this Subsection

89 (2) falls within the definition of compensation.

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

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

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

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

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

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

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

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

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

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

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

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

- 120 (b) "Regular full-time employee" includes:
- 121 (i) a teacher whose term of employment for a participating employer contemplates
122 continued employment during a school year and who teaches half-time or more;
- 123 (ii) a classified school employee:
- 124 (A) who is hired before July 1, 2013; and
- 125 (B) whose employment normally requires an average of 20 hours per week or more for
126 a participating employer, regardless of benefits provided;
- 127 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
128 of January 1, 1990, as provided in Section [49-12-407](#);
- 129 (iv) a faculty member or employee of an institution of higher education who is
130 considered full-time by that institution of higher education; and
- 131 (v) an individual who otherwise meets the definition of this Subsection (5) who
132 performs services for a participating employer through a professional employer organization or
133 similar arrangement.
- 134 (c) "Regular full-time employee" does not include a classified school employee:
- 135 (i) (A) who is hired on or after July 1, 2013; and
- 136 (B) who does not receive benefits normally provided by the participating employer
137 even if the employment normally requires an average of 20 hours per week or more for a
138 participating employer;
- 139 (ii) (A) who is hired before July 1, 2013;
- 140 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 141 (C) who does not receive benefits normally provided by the participating employer;
- 142 and
- 143 (D) whose employment hours are increased on or after July 1, 2013, to require an
144 average of 20 hours per week or more for a participating employer; or
- 145 (iii) who is a person working on a contract:
- 146 (A) for the purposes of vocational rehabilitation and the employment and training of
147 people with significant disabilities; and
- 148 (B) that has been set aside from procurement requirements by the state pursuant to
149 Section [63G-6a-805](#) or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.
- 150 (6) "System" means the Public Employees' Contributory Retirement System created

151 under this chapter.

152 (7) "Years of service credit" means:

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

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

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

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

162 **49-13-102. Definitions.**

163 As used in this chapter:

164 (1) "Benefits normally provided" has the same meaning as defined in Section
165 [49-12-102](#).

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

169 (i) bonuses;

170 (ii) cost-of-living adjustments;

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

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

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

178 (c) "Compensation" does not include:

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

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

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

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

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

189 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
190 Section [~~53A-17a-173~~] [53F-2-513](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

223 (ii) a classified school employee:

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

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

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

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

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

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

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

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

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

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

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

242 and

243 (D) whose employment hours are increased on or after July 1, 2013, to require an

244 average of 20 hours per week or more for a participating employer; or

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

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

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

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

251 (7) "Years of service credit" means:

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

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

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

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

261 **49-22-102. Definitions.**

262 As used in this chapter:

263 (1) "Benefits normally provided" has the same meaning as defined in Section
264 49-12-102.

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

268 (i) bonuses;

269 (ii) cost-of-living adjustments;

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

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

- 275 (v) member contributions.
- 276 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
277 under Internal Revenue Code, Section 401(a)(17).
- 278 (c) "Compensation" does not include:
- 279 (i) the monetary value of remuneration paid in kind, including a residence or use of
280 equipment;
- 281 (ii) the cost of any employment benefits paid for by the participating employer;
- 282 (iii) compensation paid to a temporary employee or an employee otherwise ineligible
283 for service credit;
- 284 (iv) any payments upon termination, including accumulated vacation, sick leave
285 payments, severance payments, compensatory time payments, or any other special payments;
- 286 (v) any allowances or payments to a member for costs or expenses paid by the
287 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
288 housing costs, insurance costs, equipment costs, and dependent care costs; or
- 289 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
290 Section [~~53A-17a-173~~] [53F-2-513](#).
- 291 (d) The executive director may determine if a payment not listed under this Subsection
292 (2) falls within the definition of compensation.
- 293 (3) "Corresponding Tier I system" means the system or plan that would have covered
294 the member if the member had initially entered employment before July 1, 2011.
- 295 (4) "Final average salary" means the amount calculated by averaging the highest five
296 years of annual compensation preceding retirement subject to Subsections (4)(a), (b), (c), (d),
297 and (e).
- 298 (a) Except as provided in Subsection (4)(b), the percentage increase in annual
299 compensation in any one of the years used may not exceed the previous year's compensation by
300 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
301 of the dollar during the previous year, as measured by a United States Bureau of Labor
302 Statistics Consumer Price Index average as determined by the board.
- 303 (b) In cases where the participating employer provides acceptable documentation to the
304 office, the limitation in Subsection (4)(a) may be exceeded if:
- 305 (i) the member has transferred from another agency; or

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

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

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

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

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

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

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

320 (a) Sections [49-12-201](#) and [49-12-202](#);

321 (b) Sections [49-13-201](#) and [49-13-202](#);

322 (c) Section [49-19-201](#); or

323 (d) Section [49-22-201](#) or [49-22-202](#).

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

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

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

332 (ii) a classified school employee:

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

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

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

337 participating employer;

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

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

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

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

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

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

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

350 (iii) a classified school employee:

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

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

355 (iv) a classified school employee:

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

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

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

359 and

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

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

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

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

367 (7) "System" means the New Public Employees' Tier II Contributory Retirement

368 System created under this chapter.

369 (8) "Years of service credit" means:

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

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

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

378 Section 4. Section **53F-2-504** is amended to read:

379 **53F-2-504. Teacher Salary Supplement Program -- Appeal process.**

380 (1) As used in this section:

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

382 (b) "Certificate teacher" means a teacher who holds a National Board certification.

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

384 (i) has an assignment to teach:

385 (A) a secondary school level mathematics course;

386 (B) integrated science in grade [~~seven or eight~~] 7 or 8;

387 (C) chemistry;

388 (D) physics; [~~or~~]

389 (E) computer science; or

390 (F) special education;

391 (ii) holds the appropriate endorsement for the assigned course;

392 (iii) has qualifying educational background; and

393 (iv) (A) is a new employee; or

394 (B) received a satisfactory rating or above on the teacher's most recent evaluation.

395 (d) "Endorsement" means a stipulation, authorized by the board and appended to a
 396 license, that specifies an area of practice to which the license applies.

397 (e) "Field of computer science" means:

398 (i) computer science; or

- 399 (ii) computer information technology.
- 400 (f) "Field of science" means:
- 401 (i) integrated science;
- 402 (ii) chemistry;
- 403 (iii) physics;
- 404 (iv) physical science; or
- 405 (v) general science.
- 406 (g) "License" means the same as that term is defined in Section [53E-6-102](#).
- 407 ~~(d)~~ (h) "National Board certification" means the same as that term is defined in
- 408 Section [53E-6-102](#).
- 409 ~~(e)~~ (i) "Qualifying educational background" means:
- 410 (i) for a teacher who is assigned a secondary school level mathematics course:
- 411 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; ~~or~~
- 412 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 413 requirements that are substantially equivalent to the course requirements for a bachelor's degree
- 414 major, master's degree, or doctoral degree in mathematics; or
- 415 (C) a license with a mathematics level four endorsement, as established by the board;
- 416 (ii) for a teacher who is assigned a grade ~~[seven or eight]~~ 7 or 8 integrated science
- 417 course, chemistry course, or physics course~~;~~:
- 418 (A) a bachelor's degree major, master's degree, or doctoral degree in~~;~~ a field of
- 419 science;
- 420 ~~[(A) integrated science;]~~
- 421 ~~[(B) chemistry;]~~
- 422 ~~[(C) physics;]~~
- 423 ~~[(D) physical science;]~~
- 424 ~~[(E) general science; or]~~
- 425 ~~(F)~~ (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 426 requirements that are substantially equivalent to the course requirements of those required for a
- 427 degree ~~[listed in Subsections (1)(e)(ii)(A) through (E);]~~ described in Subsection (1)(i)(ii)(A); or
- 428 (C) a license with a chemistry, physics, or physical science endorsement, as established
- 429 by the board;

430 (iii) for a teacher who is assigned a computer science course~~[-]~~;

431 (A) a bachelor's degree major, master's degree, or doctoral degree in~~[-]~~ a field of

432 computer science;

433 ~~[(A) computer science;]~~

434 ~~[(B) computer information technology; or]~~

435 ~~[(C)]~~ (B) a bachelor's degree major, master's degree, or doctoral degree that has course

436 requirements that are substantially equivalent to the course requirements of those required for a

437 degree ~~[listed in Subsections (1)(c)(iii)(A) and (B).]~~ described in Subsection (1)(i)(iii)(A); or

438 (C) a license with a computer science level two endorsement, as established by the

439 board; or

440 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,

441 master's degree, or doctoral degree in special education.

442 ~~[(f)]~~ (j) "Title I school" means a school that receives funds under the Elementary and

443 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

444 ~~[(g)]~~ (k) "Title I school certificate teacher" means a certificate teacher who is assigned

445 to teach at a Title I school.

446 (2) (a) Subject to future budget constraints, the Legislature shall:

447 (i) annually appropriate money to the Teacher Salary Supplement Program~~[-]~~ to

448 maintain annual salary supplements provided in previous years; and

449 (ii) provide salary supplements to new recipients.

450 (b) Money appropriated for the Teacher Salary Supplement Program shall include

451 money for the following employer-paid benefits:

452 (i) except as provided in Subsection (2)(c), retirement;

453 (ii) workers' compensation;

454 (iii) Social Security; and

455 (iv) Medicare.

456 (c) A salary supplement awarded on or after July 1, 2018, is not included in an eligible

457 teacher's compensation as defined in Section [49-12-102](#), [49-13-102](#), or [49-22-102](#).

458 (3) (a) ~~[(f)]~~ The annual salary supplement for an eligible teacher who is assigned full

459 time to teach one or more courses listed in Subsections (1)(c)(i)(A) through ~~[(E)]~~ (F) is

460 ~~[\$4,100]~~ \$4,000 and funded through an appropriation described in Subsection (2).

461 (b) (i) Beginning July 1, 2019, for each year after an eligible teacher receives the
462 supplement described in Subsection (3)(a), an eligible teacher shall, subject to Subsection
463 (3)(b)(iv), receive the following salary supplement in addition to \$4,000:

464 (A) \$1,000 for the first subsequent supplement year;
465 (B) \$2,000 for the second subsequent supplement year;
466 (C) \$3,000 for the third subsequent supplement year;
467 (D) \$4,000 for the fourth subsequent supplement year;
468 (E) \$5,000 for the fifth subsequent supplement year; and
469 (F) \$6,000 for the sixth subsequent supplement year and each subsequent supplement
470 year thereafter.

471 (ii) If an eligible teacher received a salary supplement under this section before July 1,
472 2018, the previous salary supplement does not count toward eligibility for an additional salary
473 supplement described in Subsection (3)(b)(i).

474 (iii) An eligible teacher's employer school district, charter school, or the Utah Schools
475 for the Deaf and the Blind, shall pay 50% of a salary supplement described in Subsection
476 (3)(b)(i).

477 (iv) Except as provided in Subsection (3)(b)(v), a teacher may only receive a salary
478 supplement described in Subsection (3)(b)(i) if the teacher is an eligible teacher in a year
479 immediately succeeding a year in which the teacher received a salary supplement under
480 Subsection (3)(a) or (3)(b)(i).

481 (v) If, after a period of ineligibility, a teacher is an eligible teacher:

482 (A) the teacher shall receive the salary supplement described in Subsection (3)(a); and

483 (B) each year succeeding the year in which the teacher receives the supplement
484 described in Subsection (3)(a), the teacher shall receive the corresponding salary supplement
485 described in Subsection (3)(b)(i) for each consecutive year the teacher is an eligible teacher.

486 ~~[(ii)]~~ (c) An eligible teacher who has a part-time assignment to teach one or more
487 courses listed in Subsections (1)(c)(i)(A) through ~~[(E)]~~ (F) shall receive a partial salary
488 supplement based on the number of hours worked in [a] the course assignment ~~[that meets the~~
489 requirements of Subsections (1)(c)(ii) and (iii)].

490 ~~[(b)]~~ (d) The annual salary supplement for a certificate teacher is \$750.

491 ~~[(e)]~~ (e) (i) The annual salary supplement for a Title I school certificate teacher is

492 \$1,500.

493 (ii) A certificate teacher who qualifies for a salary supplement under Subsections
494 (3)~~(b) and (c)~~ (d) and (e) may only receive the salary supplement that is greater in value.

495 (4) The board shall:

496 (a) create an online application system for a teacher to apply to receive a salary
497 supplement through the Teacher Salary Supplement Program;

498 (b) determine if a teacher:

499 (i) (A) is an eligible teacher; and

500 (B) has a course assignment as listed in Subsections (1)(c)(i)(A) through ~~(F)~~ (F);

501 (ii) is a certificate teacher; or

502 (iii) is a Title I school certificate teacher;

503 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
504 district and school administrators; and

505 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate
506 teachers.

507 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher
508 shall apply with the board before the conclusion of a school year to receive the salary
509 supplement authorized in this section.

510 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may
511 apply with the board, after verification that the requirements under this section have been
512 satisfied, to receive a salary supplement after the completion of:

513 (i) the school year as an annual award; or

514 (ii) a semester or trimester as a partial award based on the portion of the school year
515 that has been completed.

516 (6) (a) The board shall establish and administer an appeal process for a teacher to
517 follow if the teacher applies for ~~the~~ a salary supplement and ~~is not certified under Subsection~~
518 ~~(4)~~ does not receive a salary supplement under Subsection (8).

519 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
520 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree
521 major with course requirements that are substantially equivalent to the course requirements for
522 a degree ~~listed~~ described in:

523 (A) Subsection (1)~~(e)~~(i)(i)(A);
524 ~~[(B) Subsections (1)(e)(ii)(A) through (E); or]~~
525 ~~[(C) Subsections (1)(e)(iii)(A) and (B).]~~
526 (B) Subsection (1)(i)(ii)(A);
527 (C) Subsection (1)(i)(iii)(A); or
528 (D) Subsection (1)(i)(iv).
529 (ii) A teacher shall provide transcripts and other documentation to the board in order
530 for the board to determine if the teacher has a degree or degree major with course requirements
531 that are substantially equivalent to the course requirements for a degree listed in:
532 (A) Subsection (1)~~(e)~~(i)(i)(A);
533 ~~[(B) Subsections (1)(e)(ii)(A) through (E); or]~~
534 ~~[(C) Subsections (1)(e)(iii)(A) and (B).]~~
535 (B) Subsection (1)(i)(ii)(A);
536 (C) Subsection (1)(i)(iii)(A); or
537 (D) Subsection (1)(i)(iv).
538 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
539 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.
540 (ii) A teacher shall provide to the board a certificate or other related documentation in
541 order for the board to determine if the teacher holds a current certificate.
542 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
543 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:
544 (A) holds a current certificate; and
545 (B) is assigned to teach at a Title I school.
546 (ii) A teacher shall provide to the board:
547 (A) information described in Subsection (6)(c)(ii); and
548 (B) verification that the teacher is assigned to teach at a Title I school.
549 (7) (a) The board shall distribute money appropriated to the Teacher Salary
550 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
551 Program in accordance with the provisions of this section.
552 (b) The board shall include the employer-paid benefits described under Subsection
553 (2)(b) in the amount of each salary supplement.

554 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
555 salary supplement limits described under Subsection (3).

556 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
557 a school district or charter school to provide a salary supplement equal to the amount specified
558 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
559 teacher.

560 (b) ~~[The]~~ Except as provided in Subsection (2)(c), the salary supplement is part of the
561 teacher's base pay, subject to the teacher's qualification as an eligible teacher, a certificate
562 teacher, or a Title I school certificate teacher every year, semester, or trimester.

563 (9) Notwithstanding the provisions of this section, if the appropriation for the program
564 is insufficient to cover the costs associated with salary supplements, the board ~~[may limit or~~
565 ~~reduce the salary supplements]~~ shall distribute the funds in the Teacher Salary Supplement
566 Program on a pro rata basis.

567 Section 5. **Effective date.**

568 This bill takes effect on July 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel