

## HB0233S04 compared with HB0233S01

~~{deleted text}~~ shows text that was in HB0233S01 but was deleted in HB0233S04.

Inserted text shows text that was not in HB0233S01 but was inserted into HB0233S04.

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~~{Representative Val K. Potter}~~Senator Howard A. Stephenson proposes the following substitute bill:

### 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

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#### 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

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and is assigned to teach special education;

- ▶ increases the initial base salary supplement to \$5,000;
- ▶ directs the Division of Finance to distribute money appropriated for teacher salary supplements;
- ▶ amends other provisions related to an individual's eligibility for a teacher salary supplement;
- ▶ creates the Teacher Salary Supplement Restricted Account; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

### ENACTS:

**53F-9-207, Utah Code Annotated 1953**

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*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,

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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;

(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

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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;

(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 supplement described in Section 53F-2-504 or bonus described in Section ~~[53A-17a-173]~~ 53F-2-513.

(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.

(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

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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;

(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;

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- (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 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;

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(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;

(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 supplement described in Section 53F-2-504 or bonus described in Section [~~53A-17a-173~~] 53F-2-513.

(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.

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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 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 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



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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;

(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:

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(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;

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

(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 supplement described in Section 53F-2-504 or bonus described in Section ~~[53A-17a-173]~~ 53F-2-513.

(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

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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:

- (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

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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 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:

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

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

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

(1) As used in this section:

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

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

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

(i) has an assignment to teach:

(A) a secondary school level mathematics course;

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

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(C) chemistry;

(D) physics; [or]

(E) computer science; or

(F) special education;

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

(iii) has qualifying educational background; and

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

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

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

(e) "Field of computer science" means:

(i) computer science; or

(ii) computer information technology.

(f) "Field of science" means:

(i) integrated science;

(ii) chemistry;

(iii) physics;

(iv) physical science; or

(v) general science.

(g) "License" means the same as that term is defined in Section 53E-6-102.

~~[(d)]~~ (h) "National Board certification" means the same as that term is defined in Section 53E-6-102.

~~[(e)]~~ (i) "Qualifying educational background" means:

(i) for a teacher who is assigned a secondary school level mathematics course:

(A) a bachelor's degree major, master's degree, or doctoral degree in mathematics;

~~{or}~~

(B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements for a bachelor's degree major, master's degree, or doctoral degree in mathematics; ~~{or}~~

~~{~~ (C) a license with a mathematics level four endorsement, as established by the board;

~~}~~ (ii) for a teacher who is assigned a grade [~~seven or eight~~] 7 or 8 integrated science

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course, chemistry course, or physics course[;]:

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

~~[(A) integrated science;]~~

~~[(B) chemistry;]~~

~~[(C) physics;]~~

~~[(D) physical science;]~~

~~[(E) general science; or]~~

~~[(F)] (B)~~ a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree ~~[listed in Subsections (1)(c)(ii)(A) through (E);]~~ described in Subsection (1)(i)(ii)(A); ~~†~~  
or

~~{ (C) a license with a chemistry, physics, or physical science endorsement, as established by the board;~~

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

~~(A)~~ a bachelor's degree major, master's degree, or doctoral degree in[;] a field of computer science; ~~or~~

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

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

~~[(C)] (B)~~ a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree ~~[listed in Subsections (1)(c)(iii)(A) and (B);]~~ described in Subsection (1)(i)(iii)(A); or

~~{ (C) a license with a computer science level two endorsement, as established by the board; or~~

~~‡~~ (iv) for a teacher who is assigned to teach special education, a bachelor's degree major, master's degree, or doctoral degree in special education.

~~[(f)] (j)~~ "Title I school" means a school that receives funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

~~[(g)] (k)~~ "Title I school certificate teacher" means a certificate teacher who is assigned to teach at a Title I school.

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

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(i) annually appropriate money to the Teacher Salary Supplement Program[-] to maintain annual salary supplements provided in previous years; and

(ii) provide salary supplements to new recipients.

(b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:

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

(ii) workers' compensation;

(iii) Social Security; and

(iv) Medicare.

(c) A salary supplement awarded on or after July 1, 2018, is not included in an eligible teacher's compensation as defined in Section 49-12-102, 49-13-102, or 49-22-102.

(3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full time to teach one or more courses listed in Subsections (1)(c)(i)(A) through ~~[(E)]~~ (F) is ~~[\$4,100]~~ \$5,000 and funded through an appropriation described in Subsection (2).

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

(b) The annual salary supplement for a certificate teacher is \$750.

(c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

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

(4) The board shall:

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

(b) determine if a teacher:

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

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

(ii) is a certificate teacher; or

(iii) is a Title I school certificate teacher;

(c) verify, as needed, the determinations made under Subsection (4)(b) with school



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district and school administrators; and

(d) certify a list to the Division of Finance of eligible teachers, certificate teachers, and Title I school certificate teachers, sorted by school district and charter school, and the amount of the respective teacher's salary supplement.

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

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

- (i) the school year as an annual award; or
- (ii) a semester or trimester as a partial award based on the portion of the school year

that has been completed.

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

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

- (A) Subsection (1)~~(c)]~~(i)(i)(A);  
~~[(B) Subsections (1)(c)(ii)(A) through (E); or]~~  
~~[(C) Subsections (1)(c)(iii)(A) and (B).]~~
- (B) Subsection (1)(i)(ii)(A);
- (C) Subsection (1)(i)(iii)(A); or
- (D) Subsection (1)(i)(iv).

(ii) A teacher shall provide transcripts and other documentation to the board in order for the board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in:

- (A) Subsection (1)~~(c)]~~(i)(i)(A);  
~~[(B) Subsections (1)(c)(ii)(A) through (E); or]~~

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~~[(C) Subsections (1)(c)(iii)(A) and (B):]~~

(B) Subsection (1)(i)(ii)(A);

(C) Subsection (1)(i)(iii)(A); or

(D) Subsection (1)(i)(iv).

(c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

(ii) A teacher shall provide to the board a certificate or other related documentation in order for the board to determine if the teacher holds a current certificate.

(d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

(A) holds a current certificate; and

(B) is assigned to teach at a Title I school.

(ii) A teacher shall provide to the board:

(A) information described in Subsection (6)(c)(ii); and

(B) verification that the teacher is assigned to teach at a Title I school.

(7) (a) The ~~[board]~~ Division of Finance shall distribute money ~~[appropriated to]~~ from the Teacher Salary Supplement ~~[Program]~~ Restricted Account created in Section 53F-9-207 to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.

(b) The board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement certified to the Division of Finance.

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

(8) (a) Money received from the Teacher Salary Supplement Program under Subsection (7)(a) shall be used by a school district or charter school to provide a salary supplement equal to the amount specified in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate teacher.

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

(9) Notwithstanding the provisions of this section, if the appropriation for the program

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is insufficient to cover the costs associated with salary supplements, the ~~[board {5}] may limit or reduce the salary supplements]~~ Division of Finance shall distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

Section 5. Section 53F-9-207 is enacted to read:

### 53F-9-207. Teacher Salary Supplement Restricted Account.

(1) There is created within the Uniform School Fund a restricted account known as the "Teacher Salary Supplement Restricted Account."

(2) The account shall be funded from appropriations made to the account by the Legislature.

(3) The account shall be used to fund teacher salary supplements for school districts and charter schools as provided in Section 53F-2-504.

(4) The Division of Finance shall distribute account money to school districts and charter schools for the Teacher Salary Supplement Program as provided in Section 53F-2-504.

Section ~~{5}~~6. **Effective date.**

This bill takes effect on July 1, 2018.