

**HIGH POVERTY SCHOOLS TEACHER BONUS PROGRAM**

**AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: Kathleen A. Riebe

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**LONG TITLE**

**General Description:**

This bill makes amendments related to criteria for schools and teachers eligible for the Effective Teachers in High Poverty Schools Incentive Program.

**Highlighted Provisions:**

This bill:

- ▶ waives the requirement for the State Board of Education (state board) to assign to each school an overall rating using an A through F letter grading scale for the 2020-2021 school year;
  - ▶ amends the eligibility requirements for teachers in high poverty schools to receive a salary bonus in the 2021-2022 and 2022-2023 school years;
  - ▶ provides that a school that qualified as a high poverty school in the 2019-2020 school year qualifies as a high poverty school for the 2020-2021 school year;
  - ▶ requires the state board to:
    - create a method to norm-reference available reading assessments to determine teacher eligibility for salary bonuses awarded in the 2022-2023 school year for teachers in grades 4 through 12;
    - maintain a list of high poverty schools and make the list available to teachers;
- and
- send an email to a teacher who receives a salary bonus; and



28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **53E-5-204**, as last amended by Laws of Utah 2020, Chapter 266

36           **53F-2-513**, as last amended by Laws of Utah 2020, Chapters 306 and 408



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

39           Section 1. Section **53E-5-204** is amended to read:

40           **53E-5-204. Rating schools.**

41           (1) Except as provided in Subsection (3), and in accordance with this part, the state  
42 board shall annually assign to each school an overall rating using an A through F letter grading  
43 scale where, based on the school's performance level on the indicators described in Subsection  
44 (2):

- 45           (a) an A grade represents an exemplary school;
- 46           (b) a B grade represents a commendable school;
- 47           (c) a C grade represents a typical school;
- 48           (d) a D grade represents a developing school; and
- 49           (e) an F grade represents a critical needs school.

50           (2) A school's overall rating described in Subsection (1) shall be based on the school's  
51 performance on the indicators described in:

- 52           (a) Section **53E-5-205**, for an elementary school or a middle school; or
- 53           (b) Section **53E-5-206**, for a high school.

54           (3) (a) For a school year in which the state board determines it is necessary to establish,  
55 due to a transition to a new assessment, a new baseline to determine student growth described  
56 in Section **53E-5-210**, the state board is not required to assign an overall rating described in  
57 Subsection (1) to a school to which the new baseline applies.

58           (b) For the 2017-2018, 2018-2019, ~~[and]~~ 2019-2020, and 2020-2021 school years, the

59 state board:

60 (i) shall evaluate a school based on the school's performance level on the indicators  
61 described in Subsection (2) and in accordance with this part; and

62 (ii) is not required to assign a school an overall rating described in Subsection (1).

63 Section 2. Section 53F-2-513 is amended to read:

64 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**  
65 **Salary bonus -- Evaluation.**

66 (1) As used in this section:

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

69 (b) "Eligible teacher" means a teacher who ~~is~~ is employed as a teacher in a high  
70 poverty school at the time the teacher is considered by the state board for a salary bonus~~;~~,  
71 and:

72 ~~[(i)]~~ (i) a full school year before the school year the eligible teacher is being  
73 considered by the state board for a salary bonus under this section, regardless of whether the  
74 teacher was employed the previous year by a high poverty school or a different public school,  
75 either:

76 (A) achieves a median growth percentile of 70 or higher while teaching at any public  
77 school in the state a course for which a standards assessment is administered as described in  
78 Section 53E-4-303; or

79 (B) ~~[teaches grade 1, 2, or 3, and]~~ achieves at least 85% of students whose progress is  
80 assessed as typical or better at the end of the year assessment while teaching grade 1, 2, or 3 at  
81 any public school in the state at which a benchmark assessment is administered as described in  
82 Section 53F-2-503~~;~~;

83 (ii) for a salary bonus awarded in the 2021-2022 school year, regardless of whether the  
84 teacher was employed the previous year by a high poverty school or a different public school,  
85 either:

86 (A) in the 2018-2019 school year, achieves a median growth percentile of 70 or higher  
87 while teaching at any public school in the state a course for which a standards assessment is  
88 administered as described in Section 53E-4-303; or

89 (B) in the 2018-2019 school year, achieves at least 85% of students whose progress is

90 assessed as typical or better at the end of the year assessment while teaching grade 1, 2, or 3 at  
91 any public school in the state at which a benchmark assessment is administered as described in  
92 Section 53F-2-503; or

93 (iii) for a salary bonus awarded in the 2022-2023 school year, regardless of whether the  
94 teacher was employed the previous year by a high poverty school or a different public school,  
95 either:

96 (A) in the 2021-2022 school year, achieves at least 85% of students whose progress is  
97 assessed as typical or better at the end of the year assessment while teaching grade 1, 2, or 3 at  
98 any public school in the state at which a benchmark assessment is administered as described in  
99 Section 53F-2-503; or

100 (B) teaches grades 4 through 12, and achieves the criteria under the method that the  
101 state board creates as described in Subsection (2)(b)(iv).

102 (c) "High poverty school" means a public school:

103 (i) in which:

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

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

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

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

113 (iii) for the 2021-2022 school year, that met the criteria described in Subsection  
114 (1)(c)(i) or (ii) in the 2019-2020 school year.

115 (d) "Intergenerational poverty" means the same as that term is defined in Section  
116 35A-9-102.

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

120 (f) "Program" means the Effective Teachers in High Poverty Schools Incentive

121 Program created in Subsection (2).

122 (g) "Student growth percentile" is a number that describes where a student ranks in  
123 comparison to the student's cohort.

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

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

128 (i) the administration of the program;

129 (ii) payment of a salary bonus; [~~and~~]

130 (iii) application requirements[-]; and

131 (iv) a method for:

132 (A) norm-referencing available reading assessment data for grades 4 through 12; and

133 (B) for using the data described in Subsection (2)(b)(iv)(A) to set criteria for the  
134 purpose of determining teacher eligibility for salary bonuses awarded in the 2022-2023 school  
135 year for teachers in grades 4 through 12.

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

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

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

143 (i) social security; and

144 (ii) Medicare.

145 (4) (a) (i) A charter school or school district school shall annually apply to the state  
146 board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus  
147 each year that the teacher is an eligible teacher.

148 (ii) A teacher need not be an eligible teacher in consecutive years to receive the  
149 increased annual salary bonus described in Subsection (4)(b).

150 (b) The annual salary bonus for an eligible teacher is \$7,000.

151 (c) A public school that applies on behalf of an eligible teacher under Subsection

152 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible  
153 teacher is awarded the salary bonus.

154 (d) The state board shall:

155 (i) award a salary bonus to an eligible teacher based on the order that an application  
156 from a public school on behalf of the eligible teacher is received[-]; and

157 (ii) send an email to each teacher to whom the state board awards a salary bonus that:

158 (A) congratulates the teacher and thanks the teacher for working in the education field;

159 (B) explains how the teacher's instruction was statistically significant in helping the  
160 teacher's students achieve academic growth;

161 (C) notifies the teacher that the teacher may be eligible to receive a salary bonus in the  
162 future if the teacher continues employment at a high poverty school; and

163 (D) notifies the teacher that the state board maintains a list of high poverty schools that  
164 is available to teachers.

165 (5) The state board shall:

166 (a) determine if a teacher is an eligible teacher; [~~and~~]

167 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school  
168 district and school district administrators[-]; and

169 (c) maintain a list of high poverty schools and make the list available to teachers.

170 (6) The state board shall:

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

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

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

179 (8) (a) After the third year salary bonus payments are made, and each succeeding year,  
180 the state board shall evaluate the extent to which a salary bonus described in this section  
181 improves recruitment and retention of effective teachers in high poverty schools by [~~at least: (i)~~  
182 ~~surveying teachers who receive the salary bonus; and (ii)] examining turnover rates of teachers~~

183 who receive the salary bonus compared to teachers who do not receive the salary bonus.

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

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

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

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

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