

1 **SUPPLEMENTAL EDUCATOR COVID-19 STIPEND**
2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: Ann Millner

7
8 **LONG TITLE**

9 **General Description:**

10 This bill re-enacts the Supplemental Educator COVID-19 Stipend in S.B. 1, Public
11 Education Base Budget Amendments, with the removal of an exclusion for certain
12 contracted employees of a local education agency.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms; and
16 ▶ re-enacts the Supplemental Educator COVID-19 Stipend in S.B. 1, Public

17 Education Base Budget Amendments, with the removal of an exclusion for
18 contracted employees of a local education agency whose contracts are funded using
19 federal money from the Coronavirus Relief Fund described in the Coronavirus Aid,
20 Relief, and Economic Security Act.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a special effective date.

25 This bill provides a coordination clause.

26 **Utah Code Sections Affected:**

27 ENACTS:



28 53F-2-418, Utah Code Annotated 1953

29 **Utah Code Sections Affected by Coordination Clause:**

30 53F-2-418, Utah Code Annotated 1953

31

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

33 Section 1. Section **53F-2-418** is enacted to read:

34 **53F-2-418. Supplemental Educator COVID-19 Stipend.**

35 (1) As used in this section:

36 (a) (i) "Classified school-level employee" means an individual:

37 (A) whom an LEA or RESA employs and directly pays; and

38 (B) who is assigned to work in a school setting.

39 (ii) "Classified school-level employee" includes the following categories that an LEA
40 reports to the state board:

41 (A) instructional paraprofessionals;

42 (B) library paraprofessionals;

43 (C) student support; and

44 (D) school and other support, including employees like janitors, bus drivers, and food
45 service; and

46 (iii) "Classified school-level employee" also includes an individual in LEA or RESA
47 administration or administration support if the individual works exclusively in a school setting
48 supporting students.

49 (b) "COVID-19 pandemic" means the spread of COVID-19 that the World Health
50 Organization declared a pandemic on March 11, 2020.

51 (c) "Employer-paid benefits" means a proportionate contribution toward retirement,
52 workers' compensation, Social Security, and Medicare.

53 (d) (i) "Licensed school-level educator" means an individual:

54 (A) whom the state board licenses or who holds a license that the state board
55 recognizes;

56 (B) whom an LEA or RESA employs and directly pays; and

57 (C) who is assigned to work in a school setting.

58 (ii) "Licensed school-level educator" includes the following categories that an LEA

59 reports to the state board:

60 (A) teachers, including preschool, kindergarten, elementary, secondary, and special
61 education teachers;

62 (B) support staff, including librarians, instructional leaders or specialists, counselors,
63 and other support staff including employees like psychologists and social workers; and

64 (C) administrators, including principals, assistant principals, and directors.

65 (e) (i) "Qualifying employee" means a licensed school-level educator or a classified
66 school-level employee who:

67 (A) was employed by an LEA or RESA as of December 1, 2020; and

68 (B) except for an employee whom an online-only charter school employs, is employed
69 by an LEA that provides a broad-based in-person learning option for all students in
70 kindergarten through grade 12 by February 8, 2021, or an RESA that works with LEAs that
71 provide a broad-based in-person learning option for all students in kindergarten through grade
72 12 by February 8, 2021.

73 (ii) "Qualifying employee" does not include:

74 (A) school district employees who are assigned to work in the central administration of
75 the school district, including superintendents, deputy and assistant superintendents, area and
76 regional directors, curriculum specialists, and support staff; or

77 (B) individuals with whom an LEA contracts but does not directly pay the individual or
78 report the individual to the state board in annual employment reports.

79 (f) "Regional education service agency" or "RESA" means the same as that term is
80 defined in Section [53G-4-410](#).

81 (g) "Stipend" means the one-time Supplemental Educator COVID-19 Stipend.

82 (2) There is created a one-time Supplemental Educator COVID-19 Stipend in
83 appreciation of work during the COVID-19 pandemic.

84 (3) (a) Subject to legislative appropriations, the state board shall allocate funds to a
85 qualifying education entity by March 30, 2021, to provide the stipend to qualifying employees
86 as follows:

87 (i) (A) for a licensed school-level educator, \$1,500; or

88 (B) for a classified school-level employee, \$1,000; and

89 (ii) employer paid benefits.

90 (b) The stipend shall be prorated for each employee based on full-time equivalent
91 status.

92 (c) Notwithstanding Subsection (3)(a), in the event that an allocation to an LEA or
93 RESA is insufficient to provide the full stipend to each qualifying employee whom the LEA or
94 RESA employs, the LEA or RESA shall reduce the amount of the stipend on a prorated basis.

95 (4) An LEA or RESA that receives an allocation from the state board under Subsection
96 (3) shall return any unexpended amounts to the state no later than June 30, 2021.

97 Section 2. **Effective date.**

98 If approved by two-thirds of all the members elected to each house, this bill takes effect
99 upon approval by the governor, or the day following the constitutional time limit of Utah
100 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
101 the date of veto override.

102 Section 3. **Coordinating H.B. 450 with S.B. 1 -- Superseding amendments.**

103 If this H.B. 450 and S.B. 1, Public Education Base Budget Amendments, both pass and
104 become law, it is the intent of the Legislature that the amendments to Section [53F-2-418](#) in this
105 bill superseded the amendments to Section [53F-2-418](#) in S.B. 1 when the Office of Legislative
106 Research and General Counsel prepares the Utah Code database for publication.