

**Representative Bradley G. Last** proposes the following substitute bill:

**SUPPLEMENTAL EDUCATOR COVID-19 STIPEND**

**AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley G. Last**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ reenacts the Supplemental Educator COVID-19 Stipend in S.B. 1, Public Education Base Budget Amendments;
- ▶ removes an exclusion for contracted employees of a local education agency whose contracts are funded using federal money from the Coronavirus Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act; and
- ▶ ensures that teachers whom an LEA assigns to teach in an online setting or who work in an online-only district or charter school are eligible for the stipend.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill provides a special effective date.

27 This bill provides a coordination clause.

28 **Utah Code Sections Affected:**

29 ENACTS:

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

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

32 **53F-2-418**, Utah Code Annotated 1953

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

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

36 **53F-2-418. Supplemental Educator COVID-19 Stipend.**

37 (1) As used in this section:

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

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

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

41 (ii) "Classified school-level employee" includes the following categories that an LEA

42 reports to the state board:

43 (A) instructional paraprofessionals;

44 (B) library paraprofessionals;

45 (C) student support; and

46 (D) school and other support, including employees like custodians, bus drivers, and

47 food service; and

48 (iii) "Classified school-level employee" also includes an individual in LEA or RESA

49 administration or administration support if the individual works exclusively in a school setting

50 supporting students.

51 (b) "COVID-19 pandemic" means the spread of COVID-19 that the World Health

52 Organization declared a pandemic on March 11, 2020.

53 (c) "Employer-paid benefits" means a proportionate contribution toward retirement,

54 workers' compensation, Social Security, and Medicare.

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

56 (A) the state board licenses or who holds a license that the state board recognizes; and

57 (B) an LEA or RESA employs, directly pays, and assigns to work in an in-person or  
58 online school setting.

59 (ii) "Licensed school-level educator" includes the following categories that an LEA  
60 reports to the state board:

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

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

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

66 (e) (i) "Qualifying employee" means a licensed school-level educator or a classified  
67 school-level employee who was employed by an LEA or RESA as of December 1, 2020, and is  
68 employed by:

69 (A) 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; or

73 (B) an online-only charter school.

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

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

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

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

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

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

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

88 (i) (A) for a licensed school-level educator, \$1,500; or  
89 (B) for a classified school-level employee, \$1,000; and  
90 (ii) employer paid benefits.

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

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

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

98 **Section 2. Effective date.**

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

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

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