

# HB0190S01 compared with HB0190

~~text~~ shows text that was in HB0190 but was deleted in HB0190S01.

text shows text that was not in HB0190 but was inserted into HB0190S01.

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Representative Melissa G. Ballard proposes the following substitute bill:

## LOCAL EDUCATION AGENCY~~SALARY AND~~ PERSONNEL

### AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: ~~\_\_\_\_\_~~ Michael K. McKell

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#### LONG TITLE

##### General Description:

This bill establishes additional mechanisms for ~~salary and~~ growth opportunities for certain school employees.

##### Highlighted Provisions:

This bill:

- ~~→~~ broadens the scope of the Teacher Salary Supplement Program by removing a requirement for a given number of years in a qualifying teaching background;
- broadens the scope of the Grow Your Own Educator Pipeline Program to include individuals seeking education to become a school psychologist or school social worker;

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- adds psychologists and social workers to a non-inclusive list of local education agency (LEA) employees for whom an LEA may establish a separate salary schedule;
- requires LEAs to ensure that the salary rate for certain positions meets a relative ~~minimum;~~ 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:

~~{ 53F-2-504, as last amended by Laws of Utah 2021, Chapter 328~~

~~{ 53F-5-218, as last amended by Laws of Utah 2022, Chapter 476~~

~~{ 53G-7-219, as last amended by Laws of Utah 2022, Chapter 214~~

~~}~~

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

Section 1. Section ~~{53F-2-504}~~ 53F-5-218 is amended to read:

~~{ 53F-2-504. **Teacher Salary Supplement Program.**~~

~~—— (1) As used in this section:~~

~~—— (a) "Eligible teacher" means a teacher who:~~

~~—— (i) has a qualifying educational background or qualifying teaching background;~~

~~—— (ii) has a supplement-approved assignment that corresponds to the teacher's qualifying educational background or qualifying teaching background;~~

~~—— (iii) qualifies for the teacher's supplement-approved assignment in accordance with state board rule; and~~

~~—— (iv) is a new employee or received at least a satisfactory rating on the teacher's most recent evaluation.~~

~~—— (b) "Field of computer science" means:~~

~~—— (i) computer science; or~~

~~—— (ii) computer information technology.~~

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~~—— (c) "Field of science" means:~~

~~—— (i) integrated science;~~

~~—— (ii) chemistry;~~

~~—— (iii) physics;~~

~~—— (iv) physical science; or~~

~~—— (v) general science.~~

~~—— (d) "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;~~

~~—— (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry course, or physics course:~~

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

~~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 of those required for a bachelor's degree major, master's degree, or doctoral degree in a field of science;~~

~~—— (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~~

~~—— (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 bachelor's degree major, master's degree, or doctoral degree in a field of computer science; 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.~~

~~—— (e) "Qualifying teaching background" means:~~

~~—— (i) the teacher has been teaching the same supplement-approved assignment in Utah public schools [for at least 10 years] during the current or most recent school year; or~~

~~—— (ii) the teacher has a professional deaf education license issued by the state board.~~

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- ~~—— (f) "Supplement-approved assignment" means an assignment to teach:~~
- ~~—— (i) a secondary school level mathematics course;~~
- ~~—— (ii) integrated science in grade 7 or 8;~~
- ~~—— (iii) chemistry;~~
- ~~—— (iv) physics;~~
- ~~—— (v) computer science;~~
- ~~—— (vi) special education; or~~
- ~~—— (vii) deaf education.~~
- ~~—— (2) (a) Subject to future budget constraints, the Legislature shall:~~
- ~~—— (i) annually appropriate money to the Teacher Salary Supplement Program to maintain annual salary supplements for eligible teachers 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) retirement;~~
- ~~—— (ii) workers' compensation;~~
- ~~—— (iii) Social Security; and~~
- ~~—— (iv) Medicare.~~
- ~~—— (3) (a) The annual salary supplement for an eligible teacher who is assigned full-time to a supplement-approved assignment is \$4,100 and funded through an appropriation described in Subsection (2):~~
- ~~—— (b) An eligible teacher who is assigned part-time to a supplement-approved assignment shall receive a partial salary supplement based on the number of hours worked in the supplement-approved assignment.~~
- ~~—— (4) The state 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 is an eligible teacher;~~
- ~~—— (c) verify, as needed, the determinations made under Subsection (4)(b) with school district and school administrators; and~~
- ~~—— (d) certify a list of eligible teachers.~~

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~~—— (5) An eligible teacher shall apply to the state board, as provided by the board to receive the salary supplement authorized in this section in accordance with state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~—— (6) (a) The state board shall establish and administer an appeal process for a teacher to follow if the teacher applies for a salary supplement and 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 with a qualifying educational background on the basis that the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.~~

~~—— (ii) A teacher shall provide transcripts and other documentation to the state board in order for the state board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the qualifying educational background associated with the teacher's supplement-approved assignment.~~

~~—— (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher with a qualifying teaching background on the basis that the teacher has a qualifying teaching background.~~

~~—— (ii) The teacher shall provide to the state board evidence to verify that the teacher has a qualifying teaching background.~~

~~—— (7) (a) The state board shall distribute money appropriated to the Teacher Salary Supplement Program to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.~~

~~—— (b) The state board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement.~~

~~—— (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 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.~~

~~—— (b) The salary supplement is part of an eligible teacher's base pay, subject to eligible~~

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~~teacher's qualification as an eligible teacher every year, semester, or trimester.~~

~~———— (9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the state board may distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.~~

~~———— Section 2. Section 53F-5-218 is amended to read:~~

### ‡ **53F-5-218. Grow Your Own Educator Pipeline Program.**

(1) As used in this section:

(a) "Paraprofessional" means an individual who:

(i) works with students in an LEA as a paraprofessional or in a similar teaching assistant position; and

(ii) is not licensed to teach.

(b) "Program" means the Grow Your Own [~~Teacher and School Counselor~~] Pipeline Program that this section creates.

(c) "School counselor" means an educator who is:

(i) licensed as a school counselor in accordance with state board rule; and

(ii) assigned to provide direct and indirect services to students in accordance with a school counseling program model that the state board provides.

(d) "School counselor assistant" means a student who is:

(i) enrolled in an accredited bachelor's degree program in a related field; and

(ii) completing the student's practicum experience in a school counseling department under the supervision of a licensed school counselor.

(e) "School counselor intern" means a student who is:

(i) enrolled in an accredited school counselor master's degree program; and

(ii) completing the student's hours of a supervised counseling internship by applying appropriate school counseling techniques under the supervision of a licensed school counselor.

(f) "School psychologist" means an individual:

(i) whom the state board licenses to practice as a school psychologist; and

(ii) who is assigned to provide direct and indirect services to students within the relevant school or LEA seeking program grant funding.

(g) "School social worker" means an individual:

(i) whom the state board licenses as a school social worker; and

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(ii) who is assigned to provide direct and indirect services to students within the relevant school or LEA seeking program grant funding.

[(f)] (h) "Teacher" means an educator who has an assignment to teach in a classroom.

(2) The Grow Your Own [~~Teacher and School Counselor~~] Educator Pipeline Program is a competitive grant program created to provide funding to LEAs to award scholarships to paraprofessionals, teachers, school counselor assistants, and school counselor interns within the LEA for education and training to become licensed teachers [or], licensed school counselors, licensed school psychologists, or licensed school social workers.

(3) The state board shall use money appropriated for the program to provide funding to LEAs that are awarded grants under the program to award scholarships to eligible candidates whom principals within the LEA nominate, in an amount that the state board determines.

(4) An LEA that participates in the program may select a candidate for a scholarship award if:

(a) the candidate is a resident of the state; and

(b) (i) for a paraprofessional:

(A) a school district or charter school has employed the candidate as a paraprofessional for at least one year before entering the program; or

(B) subject to Subsection (5), the candidate has experience outside the school district, charter school, or state that is equivalent to the experience described in Subsection (4)(b)

(i)(A);

(ii) for a teacher, the candidate:

(A) was a paraprofessional who was awarded a scholarship;

(B) was offered employment as a teacher before the teacher completed the training to become a professionally licensed teacher; and

(C) is working as a teacher for the same LEA where the teacher previously worked as a paraprofessional and was awarded the scholarship[-];

(iii) for a school counselor assistant, the candidate:

(A) is enrolled in a bachelor's degree program in a related field; and

(B) demonstrates a commitment to continue the school counselor assistant's education after graduation in school counseling; [or]

(iv) for a school counselor intern, the candidate is enrolled in an accredited school

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counselor master's degree program accredited by:

(A) the Council for Accreditation of Counseling and Related Educational Programs; or

(B) another regionally recognized accrediting body that meets the state board's

standards for school counselor education programs~~(f), (f.1)~~

(v) for a school psychologist student, including a student, practicum student, or intern, the candidate is enrolled in a school psychology education specialist or doctorate program that the National Association of School Psychologists accredits; or

(vi) for a candidate studying to become a school social worker, including a student or practicum intern, the candidate is enrolled in a masters level social work program that the Council of Social Work Education accredits.

(5) The percentage of an LEA's paraprofessional scholarship recipients who are eligible for a scholarship using equivalent experience under Subsection (4)(b)(i)(B) may not exceed 20%.

(6) A scholarship award under the program may only be used for:

(a) tuition, books, fees, and certification tests for required coursework and licensure;

(b) stipends for mentors or school counselor assistants; and

(c) if the LEA pays 0.15 of a full-time equivalent and all employee benefits, payment of a 0.35 full-time equivalent for:

(i) a paraprofessional, up to one semester of student teaching; or

(ii) a school counselor assistant or school counselor intern, up to two semesters of practicum or internship hours.

(7) ~~[A]~~ An LEA shall ensure that a paraprofessional scholarship recipient [must be] is continuously employed as a paraprofessional by the paraprofessional's LEA while pursuing a degree using scholarship money under the program.

(8) The state board shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the program, including rules regarding:

(a) grant and scholarship application procedures;

(b) procedures for distributing scholarship money;

(c) assignment and eligibility of qualified mentors;

(d) stipends for mentors or school counselor assistants;



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(e) administrative costs for regional education service agencies, as that term is defined in Section 53G-4-410; and

(f) eligibility requirements for potential candidates for scholarships regarding the completion of the Free Application for Federal Student Aid and the acceptance of other grants, tuition or fee waivers, and scholarships offered to the candidate.

~~{ Section 3. Section 53G-7-219 is amended to read:~~

~~53G-7-219. Medical specialists in public schools -- Separate salary schedules.~~

~~(1) As used in this section:~~

~~(a) "Qualified individual" means an individual who:~~

~~(i) is employed by an LEA; and~~

~~(ii) provides related services in a school-based setting.~~

~~(b) "Qualified individual" includes:~~

~~(i) an audiologist;~~

~~(ii) a speech-language pathologist;~~

~~(iii) a mental health practitioner;~~

~~(iv) a school nurse;~~

~~(v) an occupational therapist; [and]~~

~~(vi) a physical therapist[.];~~

~~(vii) a psychologist;~~

~~(viii) a school psychologist;~~

~~(ix) a licensed clinical social worker; and~~

~~(x) a school social worker, as that term is defined in Section 53F-5-218.~~

~~(c) "Related services" means the same as that term is defined in 34 C.F.R. 300.34.~~

~~(d) "School psychologist" means the same as that term is defined in Section 53F-5-218.~~

~~(e) "School social worker" means the same as that term is defined in Section~~

~~53F-5-218.~~

~~(2) An LEA may adopt a salary schedule, or salary schedules, for qualified individuals, that:~~

~~(a) is separate from salary schedules adopted for other LEA employees; and~~

~~(b) takes into consideration the market rate for related services provided outside of a school-based setting.~~

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~~—— (3) Beginning July 1, 2025, under any salary schedule that an LEA adopts under Subsection (2), the LEA shall ensure that the salary schedule includes:~~

~~—— (a) separate salary schedules for teachers with a master's degree and teachers with a doctorate degree;~~

~~—— (b) a salary for a qualified individual with a master's degree that is at least equal to the salary for teachers with a master's degree; and~~

~~—— (c) a salary for a qualified individual with a doctorate degree that is at least equal to the salary for teachers with a doctorate degree.~~

‡ Section ~~{4}~~2. **Effective date.**

This bill takes effect on July 1, 2023.