

Senator Lincoln Fillmore proposes the following substitute bill:

EFFECTIVE TEACHERS IN HIGH POVERTY SCHOOLS

INCENTIVE PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Candice B. Pierucci

LONG TITLE

General Description:

This bill amends requirements of the Effective Teachers in High Poverty Schools Incentive Program.

Highlighted Provisions:

This bill:

- ▶ modifies defined terms;
- ▶ clarifies that eligibility is calculated for all students in the same course; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53F-2-513, as last amended by Laws of Utah 2022, Chapter 232

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



26 Section 1. Section 53F-2-513 is amended to read:

27 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**

28 **Salary bonus -- Evaluation.**

29 (1) As used in this section:

30 (a) "Benchmark assessment" means the assessment described in Sections [53E-4-307](#)
31 [and 53E-4-307.5.](#)

32 ~~[(a)]~~ (b) "Cohort" means a group of students, defined by the year in which the group
33 enters kindergarten.

34 ~~[(b)]~~ (c) "Eligible teacher" means a general education or special education teacher who
35 is employed as a teacher in kindergarten through grade 8 in a high poverty school at the time
36 the teacher is considered by the state board for a salary bonus, and:

37 (i) a full school year before the school year the eligible teacher is being considered by
38 the state board for a salary bonus under this section, regardless of whether the teacher was
39 employed the previous year by a high poverty school or a different public school, either:

40 (A) achieves a median growth percentile of 70 or higher while teaching in grade 4
41 through 8 at any public school in the state a course for which a standards assessment is
42 administered as described in Section [53E-4-303](#); or

43 (B) achieves at least 85% of students whose progress is assessed as typical or better at
44 the end of the year assessment while teaching kindergarten or grade 1, 2, or 3 at any public
45 school in the state at which a benchmark assessment is administered ~~[as described in Section~~
46 ~~53F-2-503 or Section 53E-4-307.5]~~; and

47 ~~[(ii) for a salary bonus awarded in the 2021-2022 school year, regardless of whether the~~
48 ~~teacher was employed the previous year by a high poverty school or a different public school,~~
49 ~~either:]~~

50 ~~[(A) in the 2018-2019 school year, achieves a median growth percentile of 70 or higher~~
51 ~~while teaching in grade 4 through 8 at any public school in the state a course for which a~~
52 ~~standards assessment is administered as described in Section 53E-4-303; or]~~

53 ~~[(B) in the 2018-2019 school year, achieves at least 85% of students whose progress is~~
54 ~~assessed as typical or better at the end of the year assessment while teaching grade 1, 2, or 3 at~~
55 ~~any public school in the state at which a benchmark assessment is administered as described in~~
56 ~~Section 53F-2-503; or]~~

57 ~~[(iii)]~~ (ii) for a salary bonus awarded to a grade 4 teacher in the 2022-2023 school year,
58 regardless of whether the teacher was employed the previous year by a high poverty school or a
59 different public school, teaches grade 4 and achieves the criteria under the method that the state
60 board creates as described in Subsection (2)(b)(iv).

61 ~~[(c)]~~ (d) "High poverty school" means a public school:

62 (i) in which, during the previous school year, based on October 1 enrollment as of the
63 year-end data submission:

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

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

67 (ii) (A) that has previously met the criteria described in Subsection ~~[(1)(c)(i)(A)]~~
68 (1)(d)(i)(A) and for each school year since meeting that criteria at least 15% of the enrolled
69 students at the public school have been classified as children affected by intergenerational
70 poverty; or

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

74 ~~[(iii) for the 2020-2021 school year, that met the criteria described in Subsection~~
75 ~~(1)(c)(i) or (ii) in the 2018-2019 school year; or]~~

76 ~~[(iv) for the 2021-2022 school year, that met the criteria described in Subsection~~
77 ~~(1)(c)(i) or (ii) in the 2019-2020 school year.]~~

78 ~~[(d)]~~ (e) "Intergenerational poverty" means the same as that term is defined in Section
79 [35A-9-102](#).

80 ~~[(e)]~~ (f) "Median growth percentile" means a number that describes the comparative
81 effectiveness of a teacher in helping the teacher's students achieve growth in a year by
82 identifying the median student growth percentile of all the students a teacher instructs for each
83 standards assessment or benchmark assessment.

84 ~~[(f)]~~ (g) "Program" means the Effective Teachers in High Poverty Schools Incentive
85 Program created in Subsection (2).

86 (h) "Standards assessment" means the assessments described in Section [53E-4-303](#).

87 ~~[(g)]~~ (i) "Student growth percentile" is a number that describes where a student ranks in

88 comparison to the student's cohort.

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

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

93 (i) the administration of the program;

94 (ii) payment of a salary bonus;

95 (iii) application requirements; and

96 (iv) a method for:

97 (A) norm-referencing available reading assessment data for grade 4; and

98 (B) for using the data described in Subsection (2)(b)(iv)(A) to set criteria for the
99 purpose of determining teacher eligibility for salary bonuses awarded in the 2022-2023 school
100 year for teachers in grade 4.

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

104 (d) The state board shall make a partial payment of the annual salary bonus described
105 in Subsection (2)(c), to an eligible teacher who has a part-time assignment in a regular or
106 special education classroom at an eligible school, based on the number of hours the eligible
107 teacher works in the classroom assignment.

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

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

112 (i) social security; and

113 (ii) Medicare.

114 (4) (a) (i) [~~A charter school or school district school~~] An LEA shall annually apply to
115 the state board on behalf of an eligible teacher for an eligible teacher to receive an annual
116 salary bonus each year that the teacher is an eligible teacher.

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

- 119 (b) The annual salary bonus for an eligible teacher is \$7,000.
- 120 (c) A public school that applies on behalf of an eligible teacher under Subsection
- 121 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
- 122 teacher is awarded the salary bonus.
- 123 (d) The state board shall award a salary bonus to an eligible teacher based on the order
- 124 that an application from a public school on behalf of the eligible teacher is received.
- 125 (5) The state board shall:
- 126 (a) determine if a teacher is an eligible teacher;
- 127 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school
- 128 district and school district administrators; and
- 129 (c) publish a list of high poverty schools.
- 130 (6) The state board shall:
- 131 (a) distribute money from the program to ~~[school districts and charter schools]~~ an LEA
- 132 in accordance with this section and state board rule; and
- 133 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
- 134 salary bonus amount described in Subsection (4)(b).
- 135 (7) Money received from the program shall be used by ~~[a school district or charter~~
- 136 ~~school]~~ an LEA to provide an annual salary bonus equal to the amount specified in Subsection
- 137 (4)(b) for each eligible teacher and to pay affiliated employer-paid benefits described in
- 138 Subsection (3)(b).
- 139 (8) (a) After the third year salary bonus payments are made, and each succeeding year,
- 140 the state board shall evaluate the extent to which a salary bonus described in this section
- 141 improves recruitment and retention of effective teachers in high poverty schools by examining
- 142 turnover rates of teachers who receive the salary bonus compared to teachers who do not
- 143 receive the salary bonus.
- 144 (b) Each year that the state board conducts an evaluation described in Subsection
- 145 (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results
- 146 of the evaluation to the Education Interim Committee on or before November 30.
- 147 (9) A public school shall annually notify a teacher:
- 148 (a) of the teacher's median growth percentile; and
- 149 (b) how the teacher's median growth percentile is calculated.

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