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TEACHER RETENTION

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

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LONG TITLE

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General Description:

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5 This bill creates multiple programs to support teacher retention efforts.

Highlighted Provisions:

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7 This bill:

8 ▶ creates the Mentoring and Supporting Teacher Excellence and Refinement Program (the
9 program);

10 ▶ establishes the required criteria for a local education agency (LEA) or regional
11 education service agency to apply for a grant under the program; and

12 ▶ requires an LEA to provide paid postpartum recovery leave.

Money Appropriated in this Bill:

13 This bill appropriates in fiscal year 2025:

14 ▶ to State Board of Education - State Board and Administrative Operations - Mentoring and
15 Supporting Teacher Excellence and Refinement Pilot Program as a one-time appropriation:

16 • from the Public Education Economic Stabilization Restricted Account, One-time, \$4,800,000

Other Special Clauses:

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19 This bill provides a special effective date.

20 This bill provides a coordination clause.

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **53F-5-222**, Utah Code Annotated 1953

24 **53G-11-208**, Utah Code Annotated 1953

25 **Utah Code Sections affected by Coordination Clause:**

26 **53G-11-208**, Utah Code Annotated 1953

27

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

29 Section 1. Section **53F-5-222** is enacted to read:

30 **53F-5-222 . Mentoring and Supporting Teacher Excellence and Refinement Pilot**

31 **Program.**

32 (1) As used in this section:

33 (a) "Master teacher" means a classroom teacher who has been approved by the teacher's
34 administrator for an eligible initiative described in Subsection (6).

35 (b) "Mentoring and Supporting Teacher Excellence and Refinement Pilot Program" or
36 "program" means the program created in Subsection (2).

37 (c) "Regional education service agency" or "RESA" means the same as the term is
38 defined in Section 53G-4-410.

39 (d) "Teacher leader work" means nonadministrative leadership tasks that occur in
40 conjunction with a teacher's main duties to provide instruction while avoiding formal
41 administrative roles, other than those relating directly to teacher leadership or
42 development, for the teacher engaging in the tasks, including:

43 (i) leading teachers;

44 (ii) mentoring teachers; and

45 (iii) providing observations or feedback to teachers.

46 (2) There is created a two-year pilot program known as the Mentoring and Supporting
47 Teacher Excellence and Refinement Pilot Program to provide funding to an LEA to
48 improve retention of strong educators who remain in the classroom and have access to
49 growth opportunities in the form of innovative teacher leadership tracks outside of
50 contractual educator steps and lanes to:

51 (a) foster development of leadership skills in participating teachers; and

52 (b) provide the opportunity for a master teacher to impact and provide guidance for

- 53 fellow teachers seeking to refine instructional skills.
- 54 (3) The state board shall:
- 55 (a) solicit proposals from LEAs and RESAs to receive a grant under this section; and
- 56 (b) award grants to LEAs or RESAs on a competitive basis based on the LEA's or
- 57 RESA's application described in Subsection (4)(a).
- 58 (4) To receive a grant under this section, an LEA or RESA shall:
- 59 (a) submit an application to the state board that:
- 60 (i) describes the program tier for which the LEA or RESA is applying;
- 61 (ii) describes the eligible initiatives for which the LEA or RESA will use the grant
- 62 amount;
- 63 (iii) provides evidence of the required matching funds described in Subsection (4)(b);
- 64 (iv) describes how the proposal will further the purposes of the program described in
- 65 Subsection (2); and
- 66 (v) outlines the metrics the LEA or RESA will use to measure success of the
- 67 program; and
- 68 (b) provide matching funds for a grant from a program tier as follows:
- 69 (i) a 10% match by the LEA or RESA for a tier 1 level grant amount;
- 70 (ii) a 15% match by the LEA or RESA for a tier 2 level grant amount; and
- 71 (iii) a 20% match by the LEA or RESA for a tier 3 level grant amount.
- 72 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 73 state board shall make rules:
- 74 (a) subject to legislative appropriations, outlining the grant amount for each program tier
- 75 described in Subsection (4)(b);
- 76 (b) describing the application requirements, including:
- 77 (i) the required format for submission; and
- 78 (ii) relevant deadlines;
- 79 (c) establishing a scoring rubric; and
- 80 (d) describing any required reporting and performance measures.
- 81 (6) An LEA or RESA that receives a grant under this section shall use the grant award for
- 82 an eligible initiative to achieve the purposes described in Subsection (2), including:
- 83 (a) allowing a teacher to add to or be released from all or part of an existing teacher
- 84 contract to engage in teacher leader work, which may involve a new or amended
- 85 contract for a master teacher, for a period determined by the LEA and the teacher,
- 86 while maintaining the master teacher's status as a teacher;

87 (b) providing extended contracts outside of steps and lanes, resulting in increased pay
 88 for increased work or for new roles involving teacher leader work on a schedule
 89 outside of steps and lanes as determined by the LEA or RESA and the teacher; and

90 (c) building or expanding LEA or RESA leadership tracks, including incentives for
 91 differentiated teacher leader work pay scales for classroom teachers.

92 (7) The state board may use up to 6.25% of the money appropriated for the purposes
 93 described in this section to pay for administrative costs the state board, an LEA, or a
 94 RESA incurs in implementing the program.

95 (8) Upon request of the Education Interim Committee, an LEA that receives a grant and the
 96 state board shall report to the Education Interim Committee on the program's progress
 97 and outcomes.

98 *The following section is affected by a coordination clause at the end of this bill.*

99 Section 2. Section **53G-11-208** is enacted to read:

100 **53G-11-208 . Paid leave -- Postpartum recovery leave -- Leave sharing.**

101 (1) As used in this section:

102 (a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee
 103 who accrues paid leave benefits in accordance with the LEA's leave policies.

104 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
 105 of leave an employee may take while still receiving compensation.

106 (iii) "Paid leave hours" is not limited to postpartum recovery leave.

107 (b) "Postpartum recovery leave" means leave hours a state employer provides to a
 108 postpartum recovery leave eligible employee to recover from childbirth.

109 (c) "Postpartum recovery leave eligible employee" means an employee of an LEA who:

110 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and

111 (ii) gives birth to a child.

112 (2) Beginning July 1, 2027, each LEA shall:

113 (a) provide postpartum recovery leave in an amount that is at least equivalent to the
 114 postpartum recovery leave available to state employees under Section 63A-17-511;

115 and

116 (b) allow a postpartum recovery leave eligible employee who is part-time or who works
 117 in excess of a 40-hour work week or the equivalent of a 40-hour work week to use

118 the amount of postpartum recovery leave available under this section on a pro rata
 119 basis.

120 (3) An LEA shall provide for the use and administration of postpartum recovery leave

121 under this section in a manner that is not more restrictive than the postpartum recovery
 122 leave available to state employees under Section 63A-17-511.

123 (4) An LEA may not charge postpartum recovery leave against paid leave hours to which a
 124 qualified employee is entitled as described in Subsection 63A-17-511(6).

125 (5) An LEA may provide leave that exceeds the benefits of the state leave policies
 126 described in this section.

127 Section 3. **FY 2025 Appropriation.**

128 The following sums of money are appropriated for the fiscal year beginning July 1,
 129 2024, and ending June 30, 2025. These are additions to amounts previously appropriated
 130 for fiscal year 2025.

131 Subsection 3(a) **Operating and Capital Budgets**

132 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 133 Legislature appropriates the following sums of money from the funds or accounts
 134 indicated for the use and support of the government of the state of Utah.

135 ITEM 1 To State Board of Education - State Board and Administrative Operations

136 From Public Education Economic Stabilization

137 Restricted Account, One-time \$4,800,000

138 Schedule of Programs:

139 Mentoring and Supporting Teacher Excellence and

140 Refinement Pilot Program \$4,800,000

141 Section 4. **Effective date.**

142 This bill takes effect on July 1, 2024.

143 Section 5. **Coordinating H.B. 431 with H.B. 192.**

144 If H.B. 431, Teacher Retention, and H.B. 192, Local Education Agency Employee

145 Paid Leave, both pass and become law, the Legislature intends that, on July 1, 2024,

146 Section 53G-11-208 in H.B. 192 shall supersede amendments to Section 53G-11-208 in

147 H.B. 431 and be amended to read:

148 "53G-11-208. Paid leave -- Parental leave -- Postpartum recovery leave -- Leave
 149 sharing.

150 (1) As used in this section:

151 (a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee
 152 who accrues paid leave benefits in accordance with the LEA's leave policies.

153 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other
 154 type of leave an employee may take while still receiving compensation.

155 (iii) "Paid leave hours" is not limited to parental leave or postpartum recovery leave.

156 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible
157 employee.

158 (c) "Parental leave eligible employee" means an LEA employee who accrues paid
159 leave benefits in accordance with the LEA's leave policies and is:

160 (i) a birth parent as defined in Section 78B-6-103;

161 (ii) legally adopting a minor child, unless the individual is the spouse of the
162 pre-existing parent;

163 (iii) the intended parent of a child born under a validated gestational agreement in
164 accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or

165 (iv) appointed the legal guardian of a minor child or incapacitated adult.

166 (d) "Postpartum recovery leave" means leave hours a state employer provides to a
167 postpartum recovery leave eligible employee to recover from childbirth.

168 (e) "Postpartum recovery leave eligible employee" means an employee:

169 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and

170 (ii) who gives birth to a child.

171 (f) "Qualified employee" means:

172 (i) a parental leave eligible employee; or

173 (ii) a postpartum recovery leave eligible employee.

174 (g) "Retaliatory action" means to do any of the following regarding an employee:

175 (i) dismiss the employee;

176 (ii) reduce the employee's compensation;

177 (iii) fail to increase the employee's compensation by an amount to which the
178 employee is otherwise entitled to or was promised;

179 (iv) fail to promote the employee if the employee would have otherwise been
180 promoted; or

181 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).

182 (2) Beginning July 1, 2025, an LEA:

183 (a) shall develop leave policies that provide for the use and administration of
184 parental leave and postpartum recovery leave by a qualified employee under this section
185 in a manner that is not more restrictive than the parental and postpartum recovery leave
186 available to state employees under Section 63A-17-511; and

187 (b) may develop leave policies that provide a mechanism for leave sharing between
188 employees of the same LEA or school for all types of leave, including, sick leave,

189 annual leave, parental leave, and postpartum recovery leave;
190 (c) shall allow a parental leave eligible employee and a postpartum recovery leave
191 eligible employee who is part-time or who works in excess of a 40-hour work week or
192 the equivalent of a 40-hour work week to use the amount of postpartum recovery leave
193 available under this section on a pro rata basis; and
194 (d) shall provide each employee written information regarding:
195 (i) a qualified employee's right to use parental leave or postpartum recovery leave
196 under this section; and
197 (ii) the availability of and process for using or contributing to the leave sharing
198 mechanism described in Subsection (2)(b).
199 (3) An LEA may not take retaliatory action against a qualified employee for using
200 parental leave or postpartum recovery leave in accordance with this section.
201 (4) An LEA may not charge parental leave or postpartum recovery leave against paid
202 leave hours to which a qualified employee is entitled as described in Subsection
203 63A-17-511(6).
204 (5) An LEA or school may use leave bank sharing and other efforts to mitigate
205 incurred costs of compliance with this section, including coordinating with other LEAs
206 or schools to share approaches or policies designed to fulfill the requirements of this
207 section in a cost effective manner.
208 (6) An LEA may provide leave that exceeds the benefits of the state leave policies
209 described in this section."