

MARKET INFORMED COMPENSATION FOR TEACHERS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: _____

LONG TITLE

General Description:

This bill amends and creates programs to enhance teacher salary supplement opportunities.

Highlighted Provisions:

This bill:

- ▶ renames the Teacher Salary Supplement Program as the Salary Supplement for Highly Needed Educators Program;
- ▶ amends the qualifying teaching areas for the Salary Supplement for Highly Needed Educators program to be a high-needs area;
- ▶ establishes the Excellence in Education and Leadership Supplement (the program);
- ▶ describes the eligibility requirements for the program;
- ▶ requires an LEA to create an assessment process to identify eligible teachers;
- ▶ requires the Center for the School of the Future to validate an LEA's determinations of teacher eligibility;
- ▶ requires the State Board of Education to disburse funds for the program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2025:

- ▶ to State Board of Education - State Board and Administrative Operations - Excellence in Education and Leadership Supplement as a one-time appropriation:



28 • from the Public Education Economic Stabilization Restricted Account,
29 One-time, \$200,000,000

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53F-2-504**, as last amended by Laws of Utah 2023, Chapter 373

35 ENACTS:

36 **53F-2-526**, Utah Code Annotated 1953



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

39 Section 1. Section **53F-2-504** is amended to read:

40 **53F-2-504. Salary Supplement for Highly Needed Educators.**

41 (1) As used in this section:

42 (a) "Eligible teacher" means a teacher who:

43 (i) has a qualifying educational background or qualifying teaching background;

44 (ii) has ~~[a supplement-approved]~~ an assignment that corresponds to the teacher's
45 qualifying educational background or qualifying teaching background;

46 (iii) qualifies for the teacher's ~~[supplement-approved]~~ assignment in accordance with
47 ~~[state board rule]~~ an LEA's policy; and

48 (iv) (A) is a new employee; or

49 (B) has not received an unsatisfactory rating on the teacher's three most recent
50 evaluations.

51 (b) "High-needs area" means at least two and up to five teaching assignments that an
52 LEA designates in a policy as challenging to fill or retain.

53 ~~[(b) "Field of computer science" means:]~~

54 ~~[(i) computer science; or]~~

55 ~~[(ii) computer information technology;]~~

56 ~~[(c) "Field of science" means:]~~

57 ~~[(i) integrated science;]~~

58 ~~[(ii) chemistry;]~~

- 59 ~~[(iii) physics;]~~
- 60 ~~[(iv) physical science; or]~~
- 61 ~~[(v) general science.]~~
- 62 (c) "Program" means the Salary Supplement for Highly Needed Educators program.
- 63 (d) "Qualifying educational background" means[:] a teacher who:
- 64 (i) is assigned to a high-needs area; and
- 65 (ii) possess a bachelor's degree major, master's degree, or doctoral degree in the
- 66 high-needs area.
- 67 ~~[(i) for a teacher who is assigned a secondary school level mathematics course:]~~
- 68 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or]~~
- 69 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~
- 70 ~~requirements that are substantially equivalent to the course requirements for a bachelor's degree~~
- 71 ~~major, master's degree, or doctoral degree in mathematics;]~~
- 72 ~~[(ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry~~
- 73 ~~course, or physics course:]~~
- 74 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;~~
- 75 ~~or]~~
- 76 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~
- 77 ~~requirements that are substantially equivalent to the course requirements of those required for a~~
- 78 ~~bachelor's degree major, master's degree, or doctoral degree in a field of science;]~~
- 79 ~~[(iii) for a teacher who is assigned a computer science course:]~~
- 80 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in a field of~~
- 81 ~~computer science; or]~~
- 82 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~
- 83 ~~requirements that are substantially equivalent to the course requirements of those required for a~~
- 84 ~~bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or]~~
- 85 ~~[(iv) for a teacher who is assigned to teach special education, a bachelor's degree~~
- 86 ~~major, master's degree, or doctoral degree in special education.]~~
- 87 (e) "Qualifying teaching background" means[-:(i)] the teacher has been teaching the
- 88 same [supplement-approved] high-needs area assignment in Utah public schools for at least 10
- 89 years[; or].

90 ~~[(ii) the teacher has a professional deaf education license issued by the state board;]~~
91 ~~[(f) "Supplement-approved assignment" means an assignment to teach:]~~
92 ~~[(i) a secondary school level mathematics course;]~~
93 ~~[(ii) integrated science in grade 7 or 8;]~~
94 ~~[(iii) chemistry;]~~
95 ~~[(iv) physics;]~~
96 ~~[(v) computer science;]~~
97 ~~[(vi) special education; or]~~
98 ~~[(vii) deaf education.]~~
99 ~~[(2) (a) Subject to future budget constraints, the Legislature shall:]~~
100 ~~[(i) annually appropriate money to the Teacher Salary Supplement Program to maintain~~
101 ~~annual salary supplements for eligible teachers provided in previous years; and]~~
102 ~~[(ii) provide salary supplements to new recipients.]~~
103 ~~[(b) Money appropriated for the Teacher Salary Supplement Program shall include~~
104 ~~money for the following employer-paid benefits:]~~
105 ~~[(i) retirement;]~~
106 ~~[(ii) workers' compensation;]~~
107 ~~[(iii) Social Security; and]~~
108 ~~[(iv) Medicare.]~~
109 ~~[(3) (a) The annual salary supplement for an eligible teacher who is assigned full-time~~
110 ~~to a supplement-approved assignment is:]~~
111 ~~[(i) for a fiscal year beginning before July 1, 2023, \$4,100 and funded through an~~
112 ~~appropriation described in Subsection (2); and]~~
113 ~~[(ii) for a fiscal year beginning on or after July 1, 2023, the amount equal to:]~~
114 ~~[(A) the amount of the annual salary supplement in the preceding fiscal year; and]~~
115 ~~[(B) a percentage increase that is equal to the percentage increase in the value of the~~
116 ~~WPU in the preceding fiscal year.]~~
117 ~~[(b) An eligible teacher who is assigned part-time to a supplement-approved~~
118 ~~assignment shall receive a partial salary supplement based on the number of hours worked in~~
119 ~~the supplement-approved assignment.]~~
120 (2) An LEA shall create a policy describing the administration of the Salary

121 Supplement for Highly Needed Educators program within the LEA including identifying the
122 LEA's high-needs areas.

123 (3) Subject to legislative appropriations and an LEA having the policy described in
124 Subsection (2), the state board shall allocate funding appropriated for the Salary Supplements
125 for Highly Needed Educators program in accordance with this section by:

126 (a) for charter schools:

127 (i) distributing an amount that is equal to the product of:

128 (A) charter school enrollment on October 1 in the prior year, or projected enrollment
129 for a charter school in the charter school's first year of operations, divided by enrollment on
130 October 1 in public schools statewide in the prior year; and

131 (B) the total amount available for distribution; and

132 (ii) allocating to each charter school:

133 (A) an equally divided portion of 20% of the amount described in Subsection (3)(a)(i);

134 and

135 (B) 80% of the amount described in Subsection (3)(a)(i) on a per-student basis; and

136 (b) for school districts:

137 (i) distributing the remainder of funds available for distribution after the distribution to
138 charter schools under Subsection (3)(a)(i) by allocating to each school district:

139 (A) an equally divided portion of 20% of the amount described in Subsection (3)(b)(i);

140 and

141 (B) 80% of the amount described in Subsection (3)(b)(i) on a per-student basis.

142 (c) An LEA shall use funds described in Subsections (3)(a) and (3)(b) to pay the LEA's
143 proportional part of an eligible teacher's salary supplement if:

144 (i) the eligible teacher is an employee of a regional education service agency, as
145 defined in Section [53G-4-410](#); and

146 (ii) the LEA is a member of the regional education service agency that employs the
147 eligible teacher.

148 (4) An LEA shall annually update the LEA's policy described in Subsection (2) with:

149 (a) the LEA's high-needs areas; and

150 (b) the amount of the salary supplement.

151 ~~[(4) The state board]~~

152 (5) An LEA shall:

153 [~~(a) create an online application system for a teacher to apply to receive a salary~~
154 ~~supplement through the Teacher Salary Supplement Program;~~]

155 [~~(b)~~] (a) determine if a teacher is an eligible teacher;

156 [~~(c)~~] (b) verify, as needed, the determinations made under Subsection [~~(4)(b)~~] (5)(a)
157 with [~~school district and~~] school administrators; and

158 [~~(d)~~] (c) certify a list of eligible teachers.

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

162 (6) (a) [~~The state~~] An LEA board shall establish and administer an appeal process for a
163 teacher to follow if the teacher [~~applies for a salary supplement and~~] does not receive a salary
164 supplement [~~under Subsection (8)~~].

165 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
166 appeal eligibility as an eligible teacher with a qualifying educational background on the basis
167 that the teacher has a degree or degree major with course requirements that are substantially
168 equivalent to the qualifying educational background associated with the teacher's
169 [~~supplement-approved~~] assignment.

170 (ii) A teacher shall provide transcripts and other documentation to the [~~state~~] LEA
171 governing board in order for the [~~state~~] LEA governing board to determine if the teacher is an
172 eligible teacher with a qualifying teaching background [~~has a degree or degree major with~~
173 ~~course requirements that are substantially equivalent to the qualifying educational background~~
174 ~~associated with the teacher's supplement-approved assignment~~].

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

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

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

183 ~~[(b)]~~ (a) [The state board] An LEA shall include [the] employer-paid benefits
 184 [described under Subsection (2)(b)] in the amount of each salary supplement.

185 ~~[(c)]~~ (b) [The employer] Employer-paid benefits [described under Subsection (2)(b)]
 186 are an addition to the salary supplement [limits described] amount established by an LEA under
 187 Subsection ~~[(3)]~~ (4)(b).

188 ~~(8) [(a) Money received from the Teacher Salary Supplement Program shall be used by~~
 189 ~~a school district or charter school to provide a salary supplement equal to the amount specified~~
 190 ~~in Subsection (3) for each eligible teacher.]~~

191 ~~[(b)]~~ The salary supplement is part of an eligible teacher's base pay, subject to eligible
 192 teacher's qualification as an eligible teacher every year, semester, or trimester.

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

196 (9) The state board shall annually report to the Education Interim Committee:

197 (a) which teaching assignments LEAs have designated as high-needs; and

198 (b) the number of eligible teachers.

199 Section 2. Section **53F-2-526** is enacted to read:

200 **53F-2-526. Excellence in Education and Leadership Supplement.**

201 (1) As used in this section:

202 (a) "Center" means the Center for the School of the Future at Utah State University
 203 established in Section [53B-18-801](#).

204 (b) "Eligible teacher" means a teacher who is a top-performing teacher as determined
 205 by the center using an LEA's assessment methods including:

206 (i) student growth or achievement measures;

207 (ii) professional evaluations;

208 (iii) student or parent surveys; and

209 (iv) faculty peer reviews.

210 (c) "High poverty school" means the same as the term is defined in Section [53F-2-513](#).

211 (d) "Program" means the Excellence in Education and Leadership Supplement created
 212 in Subsection (2).

213 (e) "Tier performance level" means the following levels of performance for a teacher in

214 comparison to all teachers as determined by the center in Subsection (5)(c):

215 (i) the top 5% of teachers;

216 (ii) the next 6%-10% of teachers; and

217 (iii) the next 11%-25% of teachers.

218 (f) "Top-performing" means the top 25% of teachers in comparison to all teachers as
219 determined by the center using the methods described in Subsection (1)(b).

220 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the
221 Excellence in Education and Leadership Supplement to provide a salary supplement to an
222 eligible teacher in recognition for outstanding instructional talent.

223 (3) An LEA may choose to participate in the program.

224 (4) If an LEA chooses to participate in the program, the LEA shall develop a process to
225 assess a teacher's performance consistent with the measures described in Subsection (5).

226 (5) In assessing whether a teacher is an eligible teacher, the center shall create an
227 assessment process that:

228 (a) uses the methods described in Subsection (1)(b);

229 (b) may use additional criteria as determined by the center; and

230 (c) establishes a scoring rubric including the scores required for a designation in each
231 tier performance level.

232 (6) The center shall create weightings for each element of the assessment process
233 described in Subsection (5) and make the weightings available to an LEA.

234 (7) An LEA shall:

235 (a) determine which teachers within the LEA to submit to the center to be considered
236 for an eligible teacher designation; and

237 (b) compile a list of the prospective eligible teachers including which applicable tier
238 performance level applies to each prospective eligible teacher.

239 (8) An LEA shall apply to the center on behalf of a prospective eligible teacher through
240 a process and format the center determines.

241 (9) The center shall:

242 (a) create an application process for an LEA to submit the list of eligible teachers
243 described in Subsection (7);

244 (b) determine if a teacher is an eligible teacher;

- 245 (c) verify:
- 246 (i) the validity of the LEA's assessment process described in Subsection (5); and
- 247 (ii) the determinations made under Subsection (7) with the LEA and school
- 248 administrators;
- 249 (d) certify a list of eligible teachers and include on the list the total amount of funding
- 250 the LEA shall receive for the LEA's eligible teachers; and
- 251 (e) provide the list described in Subsection (9)(d) to the state board.
- 252 (10) The center may provide program related technical assistance to an LEA.
- 253 (11) Subject to legislative appropriations, the state board shall:
- 254 (a) for fiscal years 2025 through 2030, distribute funds to the program to maintain
- 255 annual salary supplements for eligible teachers; and
- 256 (b) disburse funding requests to an LEA in the amount verified by the center that an
- 257 LEA shall receive for the fiscal year.
- 258 (12) The annual salary supplement for an eligible teacher is:
- 259 (a) \$10,000 for a teacher in the top 5% of teachers;
- 260 (b) \$5,000 for a teacher in the next 6%-10% of teachers; and
- 261 (c) \$2,000 for a teacher in the next 11%-25% of teachers.
- 262 (13) If the eligible teacher teaches at a high poverty school, the eligible teacher shall
- 263 receive an additional salary supplement that is equal in amount to the eligible teacher's salary
- 264 supplement described in Subsection (12).
- 265 (14) The state board shall distribute money appropriated to the salary supplement to
- 266 LEAs in accordance with the provisions of this section.
- 267 (15) (a) An LEA shall use the money received to provide a salary supplement equal to
- 268 the amount specified in Subsections (12) and (13) for each eligible teacher in each tier of
- 269 performance.
- 270 (b) The salary supplement is not part of an eligible teacher's base pay, and is subject to
- 271 the eligible teacher's designation as an eligible teacher.
- 272 (c) An LEA may not:
- 273 (i) use money appropriated for the salary supplement for employer-paid benefits; or
- 274 (ii) include a salary supplement received under this section:
- 275 (A) in a retirement calculation; or

276 (B) as part of retirement contributions.

277 (16) Notwithstanding the provisions of this section, if the appropriation for the
278 program is insufficient to cover the costs associated with salary supplements an LEA may
279 distribute the funds to each eligible teacher of the same tier of performance on a pro rata basis.

280 (17) An eligible teacher's designation under this section shall be reevaluated every
281 three years.

282 (18) The center and the state board shall enter into an agreement regarding data sharing
283 and other relevant provisions to facilitate the successful administration of the program.

284 (19) (a) An eligible teacher that receives a salary supplement under the program has no
285 vested property right in the salary supplement or the designation as an eligible teacher.

286 (b) An eligible teacher's salary supplement and designation issued under this section is
287 void if the designation was issued improperly.

288 Section 3. **Appropriation.**

289 The following sums of money are appropriated for the fiscal year beginning July 1,
290 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
291 fiscal year 2025.

292 Subsection 3(a). **Operating and Capital Budgets.**

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

296 ITEM 1 To State Board of Education - State Board and Administrative Operations
297 From Public Education Economic Stabilization Restricted \$200,000,000
Account, One-time

298 Schedule of Programs:

299 Excellence in Education and Leadership \$200,000,000
Supplement

300 Section 4. **Effective date.**

301 This bill takes effect on July 1, 2024.