

**Senator Lincoln Fillmore** proposes the following substitute bill:

**MARKET INFORMED COMPENSATION FOR TEACHERS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

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**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:



26           ▶ to State Board of Education - State Board and Administrative Operations -  
27 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



37  
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 assignment;

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

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

49           [~~(iv)~~] (iii) (A) is a new employee; or

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

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

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

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

56           [~~(ii) computer information technology.~~]

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

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

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

60 ~~[(iii) physics;]~~

61 ~~[(iv) physical science; or]~~

62 ~~[(v) general science.]~~

63 (c) "Program" means the Salary Supplement for Highly Needed Educators program.

64 (d) "Qualifying [educational background] assignment" means a teacher who:

65 (i) is assigned to a high-needs area; and

66 (ii) has been teaching in the same high-needs area in Utah public schools for at least 10

67 years.

68 ~~[(i) for a teacher who is assigned a secondary school level mathematics course:]~~

69 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or]~~

70 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~

71 ~~requirements that are substantially equivalent to the course requirements for a bachelor's degree~~

72 ~~major, master's degree, or doctoral degree in mathematics;]~~

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

75 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;~~  
76 ~~or]~~

77 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~

78 ~~requirements that are substantially equivalent to the course requirements of those required for a~~

79 ~~bachelor's degree major, master's degree, or doctoral degree in a field of science;]~~

80 ~~[(iii) for a teacher who is assigned a computer science course:]~~

81 ~~[(A) a bachelor's degree major, master's degree, or doctoral degree in a field of~~  
82 ~~computer science; or]~~

83 ~~[(B) a bachelor's degree major, master's degree, or doctoral degree that has course~~

84 ~~requirements that are substantially equivalent to the course requirements of those required for a~~

85 ~~bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or]~~

86 ~~[(iv) for a teacher who is assigned to teach special education, a bachelor's degree~~  
87 ~~major, master's degree, or doctoral degree in special education.]~~

88           ~~[(e) "Qualifying teaching background" means:]~~  
89           ~~[(i) the teacher has been teaching the same supplement-approved assignment in Utah~~  
90 ~~public schools for at least 10 years; or]~~  
91           ~~[(ii) the teacher has a professional deaf education license issued by the state board.]~~  
92           ~~[(f) "Supplement-approved assignment" means an assignment to teach:]~~  
93           ~~[(i) a secondary school level mathematics course;]~~  
94           ~~[(ii) integrated science in grade 7 or 8;]~~  
95           ~~[(iii) chemistry;]~~  
96           ~~[(iv) physics;]~~  
97           ~~[(v) computer science;]~~  
98           ~~[(vi) special education; or]~~  
99           ~~[(vii) deaf education.]~~  
100          ~~[(2) (a) Subject to future budget constraints, the Legislature shall:]~~  
101          ~~[(i) annually appropriate money to the Teacher Salary Supplement Program to maintain~~  
102 ~~annual salary supplements for eligible teachers provided in previous years; and]~~  
103          ~~[(ii) provide salary supplements to new recipients.]~~  
104          ~~[(b) Money appropriated for the Teacher Salary Supplement Program shall include~~  
105 ~~money for the following employer-paid benefits:]~~  
106          ~~[(i) retirement;]~~  
107          ~~[(ii) workers' compensation;]~~  
108          ~~[(iii) Social Security; and]~~  
109          ~~[(iv) Medicare.]~~  
110          ~~[(3) (a) The annual salary supplement for an eligible teacher who is assigned full-time~~  
111 ~~to a supplement-approved assignment is:]~~  
112          ~~[(i) for a fiscal year beginning before July 1, 2023, \$4,100 and funded through an~~  
113 ~~appropriation described in Subsection (2); and]~~  
114          ~~[(ii) for a fiscal year beginning on or after July 1, 2023, the amount equal to:]~~  
115          ~~[(A) the amount of the annual salary supplement in the preceding fiscal year; and]~~  
116          ~~[(B) a percentage increase that is equal to the percentage increase in the value of the~~  
117 ~~WPU in the preceding fiscal year.]~~  
118          ~~[(b) An eligible teacher who is assigned part-time to a supplement-approved~~

119 assignment shall receive a partial salary supplement based on the number of hours worked in  
120 the supplement-approved assignment.]

121 (2) An LEA shall create a policy describing the administration of the Salary  
122 Supplement for Highly Needed Educators program within the LEA including identifying the  
123 LEA's high-needs areas.

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

127 (a) for charter schools:

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

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

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

133 (ii) allocating to each charter school:

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

135 and

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

137 (b) for school districts:

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

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

141 and

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

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

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

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

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

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

151 (b) the amount of the salary supplement.

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

153 (5) An LEA shall:

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

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

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

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

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

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

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

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

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

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

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

184 ~~[(b) The state board]~~ (7) (a) An LEA shall include ~~[the]~~ employer-paid benefits  
 185 ~~[described under Subsection (2)(b)]~~ in the amount of each salary supplement.

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

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

192 ~~[(b)]~~ (8) The salary supplement is part of an eligible teacher's base pay, subject to  
 193 eligible teacher's qualification as an eligible teacher every year, semester, or trimester.

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

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

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

199 (b) the number of eligible teachers.

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

201 **53F-2-526. Excellence in Education and Leadership Supplement.**

202 (1) As used in this section:

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

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

207 (i) student growth or achievement measures;

208 (ii) professional evaluations; and

209 (iii) parent surveys; and

210 (c) "Eligible teacher" includes a person employed by an LEA who holds:

211 (i) a license issued by the state board; and

- 212 (ii) a position that includes a current classroom teaching assignment;
- 213 (d) "High poverty school" means the same as the term is defined in Section [53F-2-513](#).
- 214 (e) "LEA" means:
- 215 (i) a school district;
- 216 (ii) charter school; and
- 217 (iii) a regional education service agency.
- 218 (f) "Program" means the Excellence in Education and Leadership Supplement created
- 219 in Subsection (2).
- 220 (g) "Tier performance level" means the following levels of performance for a teacher in
- 221 comparison to all teachers as determined by the center in Subsection (5)(c):
- 222 (i) the top 5% of teachers;
- 223 (ii) the next 6%-10% of teachers; and
- 224 (iii) the next 11%-25% of teachers.
- 225 (h) "Top-performing" means the top 25% of teachers in comparison to all teachers as
- 226 determined by the center using the methods described in Subsection (1)(b).
- 227 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the
- 228 Excellence in Education and Leadership Supplement to provide a salary supplement to an
- 229 eligible teacher in recognition for outstanding instructional talent.
- 230 (3) An LEA may choose to participate in the program.
- 231 (4) If an LEA chooses to participate in the program, the LEA shall develop a process to
- 232 assess a teacher's performance consistent with this section to determine if a teacher is an
- 233 eligible teacher, including the corresponding tier performance level.
- 234 (5) No later than February 1, an LEA shall:
- 235 (a) attend a training created by the center regarding the guidelines for developing a
- 236 process described in Subsection (4); and
- 237 (b) develop and submit for approval the LEA's process described in Subsection (4) to
- 238 the center.
- 239 (6) (a) The center shall review the LEA's process described in Subsection (4) and
- 240 approve the process or request the LEA to make changes to the submitted process.
- 241 (b) If the center requests changes, an LEA shall work with the center to make necessary
- 242 changes to the submitted process in order to receive final approval from the center.



243 (c) No later than June 1, the center shall provide final approval of an LEA's process.

244 (d) An LEA's approved process shall be valid for three years.

245 (7) An LEA with an approved process as described in Subsection (6) shall:

246 (a) attend a training created by the center regarding how to effectively use the LEA's

247 approved process to select and submit to the center nominations for eligible teachers, including  
248 the corresponding tier performance level;

249 (b) provide information to teachers within the LEA regarding the program and how the  
250 LEA will use the approved process to make nominations of eligible teachers;

251 (c) use the LEA's approved process to select which teachers within the LEA to  
252 nominate as eligible teachers, including the corresponding tier performance level; and

253 (d) submit to the center a list of the nominated eligible teachers for the center to  
254 consider.

255 (8) In assessing if a nominated teacher is an eligible teacher the center shall create an  
256 assessment process that:

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

258 (b) calibrates the submissions received from an LEA to determine for all nominated  
259 teachers statewide, which teachers are eligible teachers, including the corresponding tier  
260 performance level;

261 (c) may use additional criteria as determined by the center in consultation with  
262 participating LEAs; and

263 (d) establishes a scoring rubric including the scores required for a designation in each  
264 tier performance level.

265 (9) The center shall collaborate with LEAs to create:

266 (a) selection and submission guidelines for:

267 (i) the approval of the LEA's process as described in Subsection (6); and

268 (ii) the list of nominated eligible teachers described in Subsection (7);

269 (b) methods to determine student growth and achievement measures for subject areas  
270 that do not have standardized assessment data;

271 (c) the weightings for each element of the assessment process described in Subsection  
272 (8).

273 (10) An LEA shall apply to the center on behalf of the nominated eligible teachers

274 within the LEA through a process and format the center determines.

275 (11) The center shall:

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

278 (b) determine if a nominated teacher is an eligible teacher through the process  
279 described in Subsection (8);

280 (c) verify:

281 (i) the validity of the LEA's process and assessment of an eligible teacher as described  
282 in Subsections (5) and (6); and

283 (ii) the nominations made under Subsection (7) with the LEA and school  
284 administrators;

285 (d) certify a list of eligible teachers and include on the list the total amount of funding  
286 the LEA shall receive for the LEA's eligible teachers; and

287 (e) provide the list described in Subsection (11)(d) to the state board.

288 (12) The center may provide program related technical assistance to an LEA.

289 (13) Subject to legislative appropriations, the state board shall disburse funding to an  
290 LEA in the amount verified by the center that an LEA qualifies to receive for salary  
291 supplements under this section.

292 (14) The annual salary supplement for an eligible teacher is:

293 (a) \$10,000 for a teacher in the top 5% of teachers;

294 (b) \$5,000 for a teacher in the next 6%-10% of teachers; and

295 (c) \$2,000 for a teacher in the next 11%-25% of teachers.

296 (15) If the eligible teacher is employed at a high poverty school, the eligible teacher  
297 shall receive an additional salary supplement that is equal in amount to the eligible teacher's  
298 salary supplement described in Subsection (12).

299 (16) The state board shall distribute money appropriated to the salary supplement to  
300 LEAs in accordance with the provisions of this section.

301 (17) (a) An LEA shall:

302 (i) use the money received to provide a salary supplement equal to the amount  
303 specified in Subsections (14) and (15) for each eligible teacher in each tier performance level;  
304 and

305 (ii) provide the salary supplement in an eligible teacher's regularly occurring pay  
306 checks in equal amounts through the contracted school years that the salary supplement is  
307 awarded.

308 (b) An LEA:

309 (i) may use up to 4% of the money appropriated to the LEA for salary supplements to  
310 cover administrative costs associated with implementing the program;

311 (ii) may use money appropriated to the LEA for the salary supplement for  
312 employer-paid benefits; and

313 (iii) may not include a salary supplement received under this section:

314 (A) in a retirement calculation; or

315 (B) as part of retirement contributions.

316 (c) The salary supplement is not part of an eligible teacher's base pay, and is subject to  
317 the eligible teacher's designation as an eligible teacher.

318 (18) An LEA that chooses to participate in the program shall create an appeals process  
319 for an employee that is not nominated to be an eligible teacher.

320 (19) Notwithstanding the provisions of this section, if the appropriation for the  
321 program is insufficient to cover the costs associated with salary supplements an LEA may  
322 distribute the funds to each eligible teacher of the same tier of performance level on a pro rata  
323 basis.

324 (20) An eligible teacher's designation under this section shall be reevaluated every  
325 three years.

326 (21) The center and the state board shall collaborate regarding data sharing and other  
327 relevant interactions to facilitate the successful administration of the program.

328 (22) Subject to legislative appropriations, the state board shall

329 (a) subject to Subsection (22)(b), allocate 1% of the funds appropriated under this  
330 section to the center; and

331 (b) provide 25% of funds described in Subsection (22)(a) to the center each fiscal year.

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

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

336 (24) Subject to prioritization of the Audit Subcommittee, the Office of the Legislative  
337 Auditor General established under Section 36-12-15 shall in any fiscal year:

338 (a) conduct an audit of the program including:

339 (i) an evaluation of the implementation of the program; and

340 (ii) the efficacy of the program, including program outcomes; and

341 (b) prepare and submit a written report for an audit described in this section in  
342 accordance with Subsection 36-12-15(4)(b)(ii).

343 (25) Subject to legislative appropriations, the state board may contract with an external  
344 auditor to perform the audit described in Subsection (24).

345 **Section 3. FY 2025 Appropriation.**

346 The following sums of money are appropriated for the fiscal year beginning July 1,  
347 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for  
348 fiscal year 2025.

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

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

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

354 From Public Education Economic Stabilization Restricted \$200,000,000  
Account, One-time

355 Schedule of Programs:

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

357 **Section 4. Effective date.**

358 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.

359 (2) The actions affection Section 53F-2-504 take affect July 1, 2025.