

## SB0173S02 compared with SB0173S01

~~deleted text~~ shows text that was in SB0173S01 but was deleted in SB0173S02.

inserted text shows text that was not in SB0173S01 but was inserted into SB0173S02.

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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~~repeals and reenacts 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~~a local education agency (LEA) to create an assessment process to

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

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

~~{AMENDS}~~ENACTS:

53F-2-526, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

~~{ENACTS:~~

~~—————53F-2-526, Utah Code Annotated 1953~~

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

Section 1. Section 53F-2-504 is ~~{amended}~~repealed and reenacted to read:

53F-2-504.~~{ Salary}~~ Salary Supplement for Highly Needed Educators.

(1) As used in this section:

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

(i) has a qualifying ~~{educational background or qualifying teaching background}~~assignment;

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

~~————— [(iii) (ii)]~~assignment;

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(ii) qualifies for the teacher's ~~{ [supplement-approved] }~~ assignment in accordance with ~~{ [state board rule] }~~ an LEA's policy described in Subsection (2); and

~~{ (iv) }~~ (iii) (A) is a new employee; or

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

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

~~{ (b) "Field of computer science" means: }~~

~~— [(i) computer science; or]~~

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

~~— [(c) "Field of science" means:]~~

~~— [(i) integrated science;]~~

~~— [(ii) chemistry;]~~

~~— [(iii) physics;]~~

~~— [(iv) physical science; or]~~

~~— [(v) general science.]~~

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

(d) "Qualifying ~~{ [educational background] }~~ assignment" means a teacher who ~~{:~~

~~— (i) ~~{~~ is assigned to a high-needs area ~~{, and~~~~

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

~~— [(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~~

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~~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.]~~

~~—— [(c) "Qualifying teaching background" means:]~~

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

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

~~—— [(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]~~

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~~— [(iv) Medicare.]~~

~~— [(3) (a) The annual salary supplement for an eligible teacher who is assigned full-time to a supplement-approved assignment is:]~~

~~— [(i) for a fiscal year beginning before July 1, 2023, \$4,100 and funded through an appropriation described in Subsection (2); and]~~

~~— [(ii) for a fiscal year beginning on or after July 1, 2023, the amount equal to:]~~

~~— [(A) the amount of the annual salary supplement in the preceding fiscal year; and]~~

~~— [(B) a percentage increase that is equal to the percentage increase in the value of the WPU in the preceding fiscal year.]~~

~~— [(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.]~~

~~— (2) :~~

(2) (a) An LEA shall create a policy describing the administration of the Salary Supplement for Highly Needed Educators program within the LEA, including:

(i) identifying the LEA's high-needs areas;

(ii) the amount of the salary supplement;

(iii) establishing an appeals process for a teacher to follow if the teacher does not receive a salary supplement, including:

(A) allowing a teacher to appeal eligibility as an eligible teacher with a qualifying assignment on the basis that the teacher has a teaching assignment that is substantially equivalent to a high-needs area; and

(B) requiring a teacher to provide transcripts and other documentation to the LEA governing board in order for the LEA governing board to determine if the teacher is an eligible teacher with a qualifying teaching background;

(iv) a process for determining if a teacher is an eligible teacher, including a verification process; and

(v) a process for certifying a list of eligible teachers to be awarded a salary supplement under this section.

(b) An LEA shall update the policy described in Subsection (2)(a) annually and provide notice of any changes to teachers within the LEA.

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

(a) for charter schools:

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

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

(B) the total amount available for distribution; and

(ii) allocating to each charter school:

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

and

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

(b) for school districts:

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

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

and

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

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

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

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

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

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

~~(b) the amount of the salary supplement.~~

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

~~(5) An LEA shall:~~

~~(a) create an online application system for a teacher to apply to receive a salary~~

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~~supplement through the Teacher Salary Supplement Program;]~~

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

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

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

~~—— [(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] An LEA 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] assignment on the basis that the teacher has [a degree or degree major with course requirements that are] a teaching assignment that is substantially equivalent to [the qualifying educational background associated with the teacher's supplement-approved assignment] high-needs area.~~

~~—— (ii) A teacher shall provide transcripts and other documentation to the [state] LEA governing board in order for the [state] LEA governing 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] is an eligible teacher with a qualifying teaching background.~~

~~—— [(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] (7) (a) An LEA shall include [the];~~ **(a) An LEA shall include**  
~~employer-paid benefits { [described under Subsection (2)(b)] }~~ in the amount of each salary

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supplement.

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

~~—— [(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) (8) (2)].~~

(5) The salary supplement is part of an eligible teacher's base pay, subject to eligible 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.]~~

~~—— (9) quarter.~~

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

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

(b) the number of eligible teachers.

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

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

(1) As used in this section:

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

(b) "Eligible teacher" means a teacher who is a top-performing teacher ~~{as determined by}~~ that the center determines using an LEA's assessment methods including:

(i) student growth or achievement measures;

(ii) professional evaluations; and

(iii) parent surveys ~~{, and}~~.

(c) "Eligible teacher" includes ~~{a person employed by an LEA}~~ an individual whom an LEA participating in the program employs and who holds:

(i) a license ~~{issued by}~~ the state board issues; and

(ii) a position that includes a current classroom teaching assignment ~~{,}~~.



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(d) "High poverty school" means the same as the term is defined in Section 53F-2-513.

(e) "LEA" means:

(i) a school district;

(ii) charter school; and

(iii) a regional education service agency.

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

(g) "Tier performance level" means the following levels of performance for a teacher in comparison to all teachers ~~as determined by~~ the center ~~fin~~ determines in accordance with Subsection ~~(5)(c)7~~:

(i) the top 5% of teachers;

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

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

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

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

(3) ~~Am~~ (a) No later than December 1, 2024, an LEA may choose to participate in the program.

~~(4)b~~ If an LEA chooses to participate in the program, the LEA shall:

(i) develop a process for a school principal or the principal's designee to assess a teacher's performance consistent with this section to determine if a teacher is an eligible teacher, including the corresponding tier performance level; and

(ii) create an appeals process for an employee who is not nominated to be an eligible teacher.

~~(5)4~~ No later than ~~February~~ April 1, 2025, an LEA shall:

(a) attend a training ~~created by~~ that the center creates regarding the guidelines for developing a process described in Subsection ~~(4)3~~; and

(b) develop and submit for approval the LEA's process described in Subsection ~~(4)3~~

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to the center.

~~(6)5~~ (a) The center shall review the LEA's process described in Subsection (4)3 and approve the process or request that the LEA to make changes to the submitted process.

(b) If the center requests changes to the LEA's submitted process, an the LEA shall work with the center to make necessary changes to the submitted process in order to receive final approval from the center.

(c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.

~~(d)6 An LEA's approved process shall be valid for three years.~~

~~(7) An~~ Before the start of the 2025-2026 school year, an LEA with an approved process as described in Subsection (6)5 shall:

(a) ~~attend~~ ensure each school principal or the principal's designee attends a training ~~created by~~ that the center creates regarding how to effectively use the LEA's approved process to select and submit to the center nominations for eligible teachers, including the corresponding tier performance level;

(b) provide information to teachers within the LEA regarding the program and how the LEA school's principal or principal's designee will use the approved LEA process to make nominations of eligible teachers;

(c) ~~use~~ ensure each school principal or the principal's designee uses the LEA's approved process to evaluate and select which teachers within the ~~LEA~~ school to nominate as eligible teachers, including the corresponding tier performance level; and

(d) as provided in Subsection (9), submit to the center a list of the nominated eligible teachers for the center to consider.

~~(8)7~~ In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment process that:

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

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

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

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

(~~f9~~8) (a) The center shall collaborate with LEAs to create:

(~~fa~~i) selection and submission guidelines for:

(~~fi~~A) the approval of the LEA's process as described in Subsection (~~f6~~5); and

(~~fi~~B) the list of nominated eligible teachers described in Subsection (~~f7~~6);

(~~fb~~ii) methods to determine student growth and achievement measures for subject areas that do not have standardized assessment data;

(~~fc~~iii) the weightings for each element of the assessment process described in Subsection (~~f8~~7);

— (~~10) An LEA shall}; and~~

(iv) the trainings described in this section.

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

(9) (a) An LEA shall:

(i) apply to the center on behalf of the nominated eligible teachers within the LEA through a process and format that the center determines; and

(ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation under this section every three years.

(~~fi~~b) The center shall:

(~~fa~~i) create an application process for an LEA to submit the list of nominated eligible teachers described in Subsection (~~f7~~9)(a);

(~~fb~~ii) no later than October 1, 2026, determine if a nominated teacher is an eligible teacher through the process described in Subsection (~~f8~~7);

(~~fc~~iii) verify:

(~~fi~~A) the validity of the LEA's process and assessment of an eligible teacher as described in Subsections (~~f5~~4) and (~~f6~~5); and

(~~fi~~B) the nominations ~~made under~~ described in Subsection (7) with the LEA and school administrators;

(~~fd~~iv) certify a list of eligible teachers ~~and include on the list~~, including the total amount of funding the LEA ~~shall receive~~ receives for the LEA's eligible teachers; and

(~~fe~~v) provide the list described in Subsection (~~fi~~9)(~~fb~~iv) to the state board.

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

~~(13)10~~ (a) Subject to legislative appropriations, the state board shall:

(i) disburse funding to an LEA in the amount ~~{verified by}~~ the center verifies that an LEA qualifies to receive for salary supplements under this section; and

(ii) (A) except as provided in Subsection (10)(a)(ii)(B), allocate 1% of the funds appropriated under this section to the center; and

(B) provide no more than \$500,000 to the center each fiscal year from the funds described in Subsection (10)(a)(ii)(A).

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

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

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

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

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

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

~~(17)10(b).~~

(11) (a) An LEA shall:

(i) use the ~~{money received}~~ program funds to provide a salary supplement equal to the amount specified in ~~{Subsections}~~ Subsection (14) and (15)10 for each eligible teacher in each tier performance level; and

(ii) provide the salary supplement in an eligible teacher's regularly occurring ~~{pay checks}~~ compensation in equal amounts through the contracted school years ~~{that}~~ related to the salary supplement ~~{is awarded}~~ award.

(b) An LEA:

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

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

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

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(A) in a retirement calculation; or

(B) as part of retirement contributions.

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

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

‡ ~~{19}~~12 Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, an LEA may distribute the funds to each eligible teacher of the same tier of performance level on a pro rata basis.

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

‡ ~~{21}~~13 The center and the state board shall collaborate regarding data sharing and other relevant interactions to facilitate the successful administration of the program.

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

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

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

‡ ~~{23}~~14 (a) An eligible teacher that receives a salary supplement under the program has no vested property right in the salary supplement or the designation as an eligible teacher.

(b) An eligible teacher's salary supplement and designation ~~{issued}~~ under this section ~~{is void if}~~ are void if the school principal or principal's designee, LEA, or the center made or certified the designation ~~{was issued}~~ improperly.

~~{24}~~15 (a) Subject to prioritization of the Audit Subcommittee, unless the state board contracts a private auditor in accordance with Subsection (15)(b), the Office of the Legislative Auditor General established under Section 36-12-15 shall, in any fiscal year:

~~{a}~~i conduct an audit of the program including:

~~{i}~~A an evaluation of the implementation of the program; and

~~{ii}~~B the efficacy of the program, including program outcomes; and

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

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~~(25)~~b Subject to legislative appropriations, the state board may contract with an external auditor to perform the audit described in ~~Subsection (24)~~this Subsection (15).

(16) (a) The center shall report report to the Education Interim Committee no later than the 2024 October meeting the following:

(i) the methodology and process the center develops to achieve the requirements of Subsection (7);

(ii) relevant data and updates resulting from the collaborations described in Subsection (8);

(iii) any recommendations for future legislation; and

(iv) data regarding salary supplement programs, including:

(A) different approaches used to reward teacher performance, including different evaluation methods;

(B) research outlining the effectiveness and impact of different salary supplement amounts on teacher retention; and

(C) other considerations for impactful salary supplement programs in relation to teacher retention.

(b) Beginning November 1, 2026, the center shall provide an annual report to the Education Interim Committee regarding:

(i) the statewide metrics used in accordance with Subsection (7);

(ii) aggregated data showing the number of:

(A) salary supplements per school, including total number of eligible teachers in each school;

(B) eligible teachers in high-poverty schools;

(C) eligible teachers in each tier performance level;

(D) eligible teachers in subject areas that do not have standardized assessments; and

(E) salary supplement denials per school, including the reasons for a denial;

(iii) proportion of eligible teachers in:

(A) school districts; and

(B) charter schools; and

(iv) teacher retention data for a school where an eligible teacher is employed.

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### Section 3. **FY 2025 Appropriation.**

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

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

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

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

From Public Education Economic Stabilization Restricted Account, One-time	\$200,000,000
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Schedule of Programs:

Excellence in Education and Leadership Supplement	\$200,000,000
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### Section 4. **Effective date.**

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

(2) The actions ~~that affect~~ affecting Section 53F-2-504 take ~~effect~~ effect on July 1, 2025.