R277. Education, Administration.

R277-110. Educator Salary Adjustment.

R277-110-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53F-2-405(5), which authorizes the Board to make rules to administer the educator salary adjustment program.

(2) The purpose of this rule is to outline a consistent method for enacting educator salary adjustments in accordance with Section 53F-2-405.

R277-110-2. Definitions.

(1) "Educator" has the same meaning as defined in Subsection 53F-2-405(1).

(2) "Educator Salary Adjustment" or "Adjustment" means funds allocated by the Board to an LEA in accordance with Subsection 53F-2-405(3).

(3) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(4) "USIMS" has the same meaning as defined in Subsection R277-312-2(6).

R277-110-3. Procedures.

(1) An LEA shall:

(a)(i) have employee evaluation procedures consistent with Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements; or

(ii) if an LEA is exempt from the requirements of Subsection (1)(a)(i), have employee evaluation procedures in place to receive funds under Section 53F-2-405;

(b) put the adjustment appropriation into the LEA's salary schedule each year that funds are appropriated by the Legislature;

(c) ensure the amount of the adjustment is the same for each eligible full-time-equivalent educator position in the LEA;

(d) ensure that each eligible employee who is not a full-time educator receives a proportional salary adjustment based on the number of hours the employee works in the employee's current assignment as an educator; and

(e) ensure that each educator who receives an adjustment has not received an unsatisfactory rating on the educator's three most recent evaluations as described in Subsection 53F-2-405(4)(c).

(2) Notwithstanding Subsection (1)(e), an LEA may grant an adjustment to a new hire who has successfully completed the position hiring process and been selected for an educator position.

(3) Once an educator qualifies for an adjustment in a designated school year, the adjustment becomes an ongoing part of the educator's salary.

(4)(a) An educator shall receive at least the amount described in Subsection 53F-2-405(4)(a) for the educator salary adjustment.

(b) An educator shall receive an annual adjustment of an amount equal to the amount described in Subsection 53F-2-405(4)(d) based upon legislative funding allocations.

(c) The Superintendent shall distribute funds to LEAs for the educator salary adjustment based on LEA educator data submitted by October 15.

(d) An LEA may be required to provide funding to meet benefit costs for educators under this program.

(5) A school building level administrator shall receive an annual adjustment of $2,500 and benefits as provided in Subsection 53F-2-405(7).

(6) Each LEA shall annually note on the appropriate salary schedule:

(a) the amount of the educator salary adjustment;

(b) the positions qualifying for the adjustment; and

(c) performance rating requirements in accordance with Subsection 53F-2-405(4)(c).

(7) Each LEA shall annually maintain record of performance ratings for an educator receiving an adjustment in accordance with this rule.

(8)(a) The Superintendent shall remit to LEAs an estimated educator salary adjustment allotment through monthly bank transfers and allotment memos beginning in July of each year.

(b) The Superintendent shall adjust the allotment amount in November of each year to match the number of qualified educators in CACTUS or USIMS, including eligible educators licensed by the Division of Professional Licensing as described in Subsection 53F-2-405(1).

(9) An adjustment to CACTUS or USIMS made after October 13 may not count toward an LEA's amount for educator salary adjustments until the following year.

(10) An LEA may not include educator salary adjustments when calculating the weighted average compensation adjustment for non-administrative licensed staff.

(11) For purposes of ensuring that an LEA may not reduce or artificially limit an educator's salary to convert the salary supplement in this section into a windfall to the LEA as required in Section 53F-2-405 an LEA shall:

(a) increase the total wage compensation of each educator, including salary and stipends, by the applicable baseline adjustment amount described in Section 53F-2-405, from the educator's compensation in fiscal year from the educator's compensation in the prior fiscal year; and

(b) appropriately code educator salary and payroll provided through the educator salary adjustment to the educator salary adjustment program code in accordance with Rule R277-113 and the LEA's program accounting policy.

KEY: educators, salary adjustments
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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-405(5)