

R277-927 received final approval by the Utah State Board of Education on October 3, 2019. R277-927 is published in the November 1, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 9, 2019.

**R277-927. Education, Administration.**

**R277-927. Teacher and Student Success Act (TSSA) Program**

**R277-927-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of 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) Section 53F-2-416, which requires the Board to calculate and distribute student and teacher success program money to LEAs;

(d) Section 53G-7-1304, which requires the Board to make rules for an LEA governing board to calculate and distribute a school's allocation of program money for each school within the LEA; and

(e) Section 53G-7-1306, which require the Board to determine:

(i) a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and

(ii) performance standards for certain schools.

(2) The purpose of this rule is to:

(a) set standards for the Board's distribution of student and teacher success program money to LEAs;

(b) set standards governing an LEA's distribution of student and teacher success program money to each school within the LEA; and

(c) to establish certain accountability standards related to the student and teacher success program.

**R277-927-2. Definitions.**

(1) As used in Subsection 53G-7-1304, "capital expenditures" are funds used to acquire, maintain, or upgrade physical assets like property, building, technology, or

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equipment and may include:

- (a) improvements to a building or school grounds;
- (b) a school bus;
- (c) rent, lease, or bond payments; and
- (d) a portable classroom or costs related to moving a portable classroom.

(2) As used in Subsection 53G-7-1304(1), "early childhood education" includes preschool programs.

~~[(2)]~~3 "Program" means the student and teacher success program created in Section 53G-7-1302.

~~[(3)]~~4 "Satellite school" means the same as that term is defined in R277-550.

~~[(4)]~~5 "School personnel who work directly with and support students in an academic role" does not include:

- (a) school level administrative or operational staff;
- (b) building and maintenance staff, including custodial and grounds staff;
- (c) transportation staff;
- (d) child nutrition services staff;
- (e) operational or facility support staff;
- (f) financial staff;
- (g) information technology staff;
- (h) legal staff;
- (i) secretarial staff; or
- (j) other district level staff paid on an administrative salary schedule.

### **R277-927-3. Program Requirements and Board Distribution of Program Money.**

(1)(a) For the 2019-20 school year, the Superintendent shall distribute an LEA's annual program allocation, in equal payment amounts, to an LEA once the LEA submits the LEA's student success framework through the Board's grant management system.

(b) If an LEA amends the LEA's student success framework, the LEA shall submit the amended student success framework through the Board's grant management system.

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(2) Beginning with the 2020-21 school year, if the LEA previously submitted a student success framework, before the LEA receives the LEA's annual program allocation, the LEA shall submit annual assurances in accordance with the requirements of R277-108.

(3) If an LEA fails to submit the LEA's student success framework as described in Subsection (1) or annual assurances described in Subsection (2) to the Superintendent by November 1 of a fiscal year:

(a) the LEA may not receive a program allocation for that fiscal year; and

(b) the undistributed balance will be included with the new year appropriation and distributed in the following fiscal year according to the formula described in Subsection 53F-2-416(3).

(4) For purposes of calculating the formula described in Subsection 53F-2-416(3), "weighted pupil units" means:

(a) for a school district or charter school:

(i) the weighted pupil units for the current year budget request for the minimum school basic program; minus

(ii) the weighted pupil units allocated to LEAs for foreign exchange students; and

(b) for the Utah Schools for the Deaf and Blind, USDB's prior year October 1 headcount multiplied by two.

(5) For a new LEA or new charter satellite campus in the LEA or charter school satellite's second year of operation, the Superintendent shall increase or decrease the new LEA or charter school satellite's first year distribution of funds in the LEA or charter school satellite's second year to reflect the LEA or charter school satellite's actual first year October 1 counts.

(6) For purposes of determining whether a school district in a county of the first, second, or third class has an approved board local levy for the maximum amount allowed for the purposes described in Subsection 53G-7-1304(2)(c)(i)(A), the school district meets the property tax requirements of Subsection 53G-7-1304(2)(a)(i) if in the applicable fiscal year:

(a) the school district's rate imposed for the board local levy is equal to the maximum

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amount allowed under Section 53F-8-302; or

- (b) (i) meets or exceeds an amount equal to the certified board local levy rate; and
- (ii) the school district's board local levy rate equaled the maximum amount allowed

under Section 53F-8-302 sometime within the prior five fiscal years.

(7) For purposes of determining whether a school district in a county of the first, second, or third class increased the school district's board local levy by at least .0001 per dollar of taxable value as described in Subsection 53G-7-1304(2)(c)(i)(B), a school district that does not meet the property tax requirements of Subsection (6), the school district meets the requirements of Subsection 53G-7-1304(2)(c)(i)(B) if the school district's board local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more than the school district's board local levy rate imposed in the prior fiscal year.

(8) For fiscal year 2020, "state average teacher salary" means a weighted calculation of the statewide teacher salary expenditures reported on the annual financial report by LEA from fiscal year 2018 divided by the number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(9) Except as provided in Subsection (10), for fiscal year 2020, "LEA's average teacher salary" means the LEA's teacher salary expenditures reported on the annual financial report from fiscal year 2018 divided by the LEA's number of full-time equivalent educators or FTEs from the most recent educator cactus submission.

(10) For a new LEA in the new LEA's first or second year of operation, the new LEA's average teacher salary is equal to the state average teacher salary.

#### **R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.**

(1) An LEA shall report expenditures of program money by location according to the Board approved chart of accounts.

(2) An LEA may not use program money:

(a) for a purpose described in Subsection 53G-7-1304(1);

(b) to support adult education [~~or preschool programs~~]; or

(c) to pay for contracted services commonly performed by the following staff:

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- (i) school level administration staff;
- (ii) building and maintenance staff, including custodial staff;
- (iii) transportation staff;
- (iv) child nutrition services staff;
- (v) operational or facility support staff; or
- (vi) district level staff.

(3) As used in Subsection 53G-7-1304(2), "district administration costs" does not include salary driven benefits for school personnel charged at the district level.

(4) An LEA may carry over restricted program funds into the next fiscal year to support a purpose identified by the LEA governing board student success framework. Any funds carried over must be reported according to the Board approved chart of accounts.

#### **R277-927-5. LEA Allocations to Schools.**

(1) An LEA with two or more schools shall establish a policy that defines how the LEA will calculate and distribute program allocations based on prior year average daily membership as determined by the Superintendent, to all schools within the LEA, including how the LEA will calculate allocations for new schools within the LEA.

(2) For a new school within an LEA, the LEA shall calculate and distribute school's allocation based on the school's projected October 1 headcount for the applicable school year.

(3) After calculating an LEA's school level allocations, an LEA may make adjustments to individual school ADM values and school level allocations due to changes in current year student enrollment for reasons including:

- (a) changes in school boundaries;
- (b) changes to feeder school patterns;
- (c) changes in grade levels offered; or
- (d) significant student growth of 30% or more.

#### **R277-927-6. Accountability Performance Standards.**

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(1) For purposes of determining the threshold of points that designates a school as succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school is succeeding in school performance if, in the most recently published overall school accountability ratings the school is designated as a commendable or exemplary school as described in Section R277-497-2.

(2) For purposes of determining the performance standards for a school described in Section 53G-7-1306(1)(b), a school meets the performance standards if the school meets the criteria described in Section 53E-5-203(2).

**KEY: Student and Teacher Success Act (TSSA), program money, allocation**

**Date of Enactment or Last Substantive Amendment:**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4), 53F-2-416, 53G-7-1304, 53G-7-1306**