

R277-925 received final approval by the Utah State Board of Education on October 6, 2022. R277-925 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

R277. Education, Administration.

R277-925. Effective Teachers in High Poverty Schools Incentive Program.

R277-925-1. 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-2-513(2)(b), which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

(2) The purpose of this rule is to:

(a) provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program; and

(b) establish a method for determining teacher eligibility for salary bonuses awarded in the 2022-2023 school year for teachers in grade 4 as required in Subsection 53F-2-513(2)(b)(iv).

R277-925-2. Definitions.

(1) "Benchmark assessment" means the assessment described in Section 53E-4-307.

(2) "Eligible teacher" means:

(a) the same as that term is defined in Section 53F-2-513; and

(b) a teacher who is a regular or special education classroom teacher.

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

(4) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(5) "Median growth percentile" or "MGP" means the same as that term is defined in Section 53F-2-513.

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(6) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.

(7) "Standards assessment" means the assessment described in Section 53E-4-303.

(8) "State-assessed subject" means English language arts, mathematics, or science.

R277-925-3. Administration of the Program.

(1) On or before December 1, the Superintendent shall:

(a) identify high poverty schools and eligible teachers in accordance with Subsection (2);

(b) distribute a list of eligible teachers to LEAs; and

(c) inform LEAs of program requirements and the timeline for applying on behalf of an eligible teacher.

(2) The Superintendent shall identify:

(a) high poverty schools based on the proportion of students who:

(i) qualify for free or reduced lunch in the current school year, based on:

(A) the most recent end of school year enrollment headcounts for existing schools; or

(B) the October 1 enrollment headcounts for new schools; and

(ii) are classified as children affected by intergenerational poverty, as determined by the Utah Department of Workforce Services, for the most recent year data is available; and

(b) eligible teachers by determining:

(i) whether the teacher's MGP was greater than or equal to 70:

(A) for at least one state-assessed subject taught by the teacher;

(B) as measured by student performance on a standards assessment;

(C) two years before the current school year; and

(D) excluding subjects or teachers with less than ten tested students; or

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(ii) for a teacher in kindergarten or grade 1, 2, or 3~~[grades 1-3]~~, whether at least 85% of the teacher's students assess as typical or better on an end of year benchmark assessment.

(3) An eligible teacher who is part-time in a regular or special education classroom assignment in the current year shall receive a partial salary bonus based on the number of hours worked in the classroom assignment.

(4) To receive matching funds for the program, on or before January 15, an LEA shall:

- (a) apply on behalf of an eligible teacher; and
- (b) provide assurances that the LEA will pay half of the:
 - (i) teacher salary bonus; and
 - (ii) employer-paid benefits described in Section 53F-2-513.

(5)(a) Subject to legislative appropriations, on or before June 1, the Superintendent shall:

(i) ensure that a teacher who was determined eligible under Subsections (1) and (2) taught at a high poverty school for the full school year; and

(ii) distribute to an LEA that meets the criteria described in Subsection (4) half of the:

- (A) teacher salary bonus; and
- (B) employer-paid benefits described in Section 53F-2-513.

(b) Consistent with Section 53F-2-513, the Superintendent may distribute the funds on a pro rata basis if the number of eligible applicants exceeds the amount of available funds.

(6)(a) An LEA or an eligible teacher may appeal eligibility to the Superintendent on the basis that the teacher:

- (i) is teaching at a high poverty school;
- (ii) is an eligible teacher; or
- (iii) has less than ten tested students, but can demonstrate extenuating circumstances that merit an exception.

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(b) An LEA or eligible teacher shall provide documentation to the Superintendent to assist the Superintendent in deciding on the appeal.

(7) For purposes of determining whether a teacher who teaches grade 4 is eligible for a salary bonus in the 2022-2023 school year, a teacher is eligible if at least 85% of the teacher's students' progress is assessed as typical or better based on the beginning of year to end of year benchmark assessment described in Section 53F-2-503 for 2020-21 school year.

(8) An LEA that intends to apply on behalf of an eligible teacher who teaches grade 4 for a salary bonus for the 2022-2023 school year, shall provide the Superintendent grade 4 benchmark assessment data necessary to determine whether the LEA's grade 4 teachers meet the criteria described in Subsection (7).

KEY: teachers, poverty schools, incentives, student growth

Date of Last Change: [~~January 11,~~] 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-513