

**R277. Education, Administration.**

**~~[R277-525. Special Educator Stipends.~~**

**~~R277-525-1. 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) Subsection 53F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.~~

~~\_\_\_\_\_ (2) The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing:~~

~~\_\_\_\_\_ (a) the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities; and~~

~~\_\_\_\_\_ (b) the need to attract and retain qualified special educators.~~

**~~R277-525-2. Definitions.~~**

~~\_\_\_\_\_ (1)(a) "After the school year" means two weeks after the final day of the required contract period, as determined by the employer.~~

~~\_\_\_\_\_ (b) For year-round schools, "after the school year" includes off-track periods, but not vacation periods.~~

~~\_\_\_\_\_ (2) "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.~~

~~\_\_\_\_\_ (3) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the electronic file maintained on all licensed Utah educators, which includes information such as:~~

~~\_\_\_\_\_ (a) personal directory information;~~

~~\_\_\_\_\_ (b) educational background;~~

~~\_\_\_\_\_ (c) endorsements;~~

~~\_\_\_\_\_ (d) employment history; and~~

~~\_\_\_\_\_ (e) a record of disciplinary action taken against the educator.~~

~~\_\_\_\_\_ (4)(a) "Duties related to the IEP process" means;~~

~~\_\_\_\_\_ (i) duties/responsibilities provided in Subsection 53(4)F-2-310(4);~~

~~\_\_\_\_\_ (ii) preparing paperwork related to the implementation of IDEA; and~~

~~—— (iii) other duties or responsibilities related to the IEP process, as determined by the special educator.~~

~~—— (b) "Duties related to the IEP process" do not include:~~

~~—— (i) professional development;~~

~~—— (ii) district level planning; and~~

~~—— (iii) direct student instruction.~~

~~—— (5) "Special educator" means:~~

~~—— (a) a licensed "special education teacher;" or~~

~~—— (b) a licensed speech-language pathologist.~~

~~—— (6) "Special education teacher" has the same meaning as described in Subsection 53F-2-310(1)(b).~~

~~—— (7) "Speech-language pathologist" means:~~

~~—— (a) an individual who has a Utah educator license with a speech-language pathologist area of concentration; or~~

~~—— (b) a speech-language pathologist license; and~~

~~—— (c) whose primary assignment is the instruction of students with disabilities who are eligible for special education services.~~

~~—— (8) "Work day for special educator" means the special educator's contract day as determined by the employer.~~

### **~~R277-525-3. LEA Responsibilities.~~**

~~—— (1) An LEA shall contract with individual special educators and request in writing from the special educators:~~

~~—— (a) the number of days that the special educator commits to work consistent with Subsection 53F-2-310(4)(b); and~~

~~—— (b) whether the special educator will work the additional contract days before the school year begins or after the school year ends.~~

~~—— (2) A special educator hired by an LEA after October 15 may receive funding for extra days to the extent of funds available.~~

~~—— (3) An LEA shall report to the Superintendent the number of days worked by a special educator on UPIPS as follows:~~

~~—— (a) no later than October 1 for a special educator who worked before the school year began; and~~

~~—— (b) no later than June 30 for a special educator who worked after the school year ended.~~

~~\_\_\_\_\_ (4) An LEA may only pay special educator stipend under this rule for actual days worked.~~

~~\_\_\_\_\_ (5) An LEA may not transfer stipend work days under this rule among teachers.~~

~~\_\_\_\_\_ (6) An LEA shall submit a final report to the Superintendent no later than June 30 annually that provides:~~

~~\_\_\_\_\_ (a) the number of contract days worked by designated special educators; and~~

~~\_\_\_\_\_ (b) other assessment or evaluation information requested by the Superintendent.~~

**~~R277-525-4. Superintendent Responsibilities.~~**

~~\_\_\_\_\_ (1) The Superintendent shall annually review this program and recommend to the Board, based upon the annual appropriation, the number of special education days to be funded.~~

~~\_\_\_\_\_ (2) To simplify accounting and evaluation requirements for LEAs, the Superintendent shall:~~

~~\_\_\_\_\_ (a) provide model tracking and accounting materials to LEAs;~~

~~\_\_\_\_\_ (b) provide a checklist of appropriate duties or tasks for special educators consistent with Subsection R277-525-2(4);~~

~~\_\_\_\_\_ (c) distribute funds to participating LEAs for eligible special educators on a semiannual basis; and~~

**~~KEY: special educators, stipends~~**

**~~Date of Enactment or Last Substantive Amendment: November 9, 2020~~**

**~~Notice of Continuation: June 7, 2018~~**

**~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-158]~~**