

R277-925 received final approval by the Utah State Board of Education on August 6, 2020. R277-925 will be published in the September 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 9, 2020.

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 53[A-1-401]E-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 53A-17a-173]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 provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

R277-925-2. Definitions.

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

([1]2) "Eligible teacher" means the same as that term is defined in Section [53A-17a-173]53F-2-513.

([2]3) "High poverty school" means the same as that term is defined in Section [53A-17a-173]53F-2-513.

([3]4) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

([4]5) "Median growth percentile" or "MGP" means the same as that term is defined in Section [53A-17a-173]53F-2-513.

([5]6) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.

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~~([6]7)~~ "Standards assessment" means the ~~[same as that term is defined in Section 53A-1-604]~~assessment described in Section 53E-4-303.

~~([7]8)~~ "State-assessed subject" means English language arts, mathematics, ~~[and]~~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 the October 1 enrollment headcounts; 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:

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

~~([ii]B)~~ as measured by student performance on a standards assessment;

~~([iii]C)~~ two years before the current school year; and

~~([iv]D)~~ excluding subjects or teachers with less than 10 tested students~~[-];~~ or

(ii) for a teacher in 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) To receive matching funds for the program, on or before January 15, an LEA shall:

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- (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 ~~[53A-17a-173]~~53F-2-513.

(4)(a) Subject to legislative appropriations, [On]on or before June 1, the Superintendent shall:

- (i) ensure that a teacher who was determined eligible under Subsection (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 (3) half of the:

- (A) teacher salary bonus; and
- (B) employer-paid benefits described in Section ~~[53A-17a-173]~~53F-2-513.

(b) Consistent with Section ~~[53A-17a-173]~~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.

(5)(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 10 tested students, but can demonstrate extenuating circumstances that merit an exception.

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

KEY: teachers, poverty schools, incentives

Date of Enactment of Last Substantive Amendment: September 21, 2017

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53~~[A-1-401]~~E-3-401(4); ~~[53A-17a-173]~~53F-2-513