

R277-317 received final approval by the Utah State Board of Education on May 6, 2021. R277-317 will be published in the June 1, 2021 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of July 8, 2021.

**R277. Education, Administration.**

**R277-317. Incentives for National Board Certification.**

**R277-317-1. 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;

(c) Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and

(d) Section 53F-2-52[1]3, which requires the Board to implement a salary supplement for National Board-certified teachers.

(2) The purpose of this rule is to specify procedures and timelines for:

(a) reimbursements to educators under Section 53F-5-202; and

(b) applications for the salary supplement under Section 53F-2-52[1]3.

**R277-317-2. Definitions.**

(1) "Eligible educator" means an educator who holds a current National Board certification attained or renewed:

(a) after July 1, 2016; and

(b) while employed as an educator by an LEA in Utah.

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

(3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

(4) "National Board-certified teacher" or "board-certified teacher" has the same meaning as defined in Subsection 53F-2-52[1]3(1)(b).

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### **R277-317-3. Salary Supplement for National Board-Certified Teachers**

(1) The Superintendent shall allocate funds for salary supplements to board-certified teachers in accordance with Subsection 53F-2-52[4]3(3).

(2) The Superintendent shall maintain an online application system for board-certified teachers and make it available to educators no later than October 1 each school year.

(3) An applicant for the Board-certified salary supplement shall apply to the Superintendent by April 30.

(4)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to June 1.

(b) An appeal under Subsection (4)(a) is limited to the following issues:

(i) whether the applicant is a board-certified teacher;

(ii) whether the applicant was assigned to teach at a Title I school during the school year at issue; or

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-52[4]3 or this Rule R277-317; or

(iv) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and make a recommendation to the Superintendent.

(i) A panel designated in accordance with Subsection (5)(c) shall make a recommendation in accordance with the provisions of Section 53F-2-504 or this Rule R277-318.

(ii) The panel shall make a recommendation on an appeal within 30 days of receipt of the written appeal.

(5) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(6) The decision of the Superintendent on an appeal is the final Board administrative

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#### **R277-317-4. Grants for National Board Certification.**

(1) The Superintendent shall establish and maintain an online application system through which an educator may apply for a grant to pay for fees and costs to pursue or renew a National Board certification.

(2) An applicant for a grant under Subsection (1) shall pay a registration fee to the National Board for Professional Teaching Standards or “NBPTS” prior to submitting the application.

(3) The Superintendent shall pay a grant under Subsection (1) directly to NBPTS.

(4)(a) To receive a grant under Subsection (1), an educator shall submit an application through the application system, including all information required by Section 53F-5-202.

(b) The Superintendent shall accept applications from July 1 through ~~December 1~~ January 31 annually.

(c) The Superintendent shall establish an expedited process for educators seeking to begin the National Board certification program in 2020.

(5) The Superintendent may not award a grant under this Section to an educator with a currently suspended license.

(6)(a) The Superintendent shall annually determine the number of new grant awards available based on:

- (i) legislative appropriations;
- (ii) estimated costs under Section R277-317-3;
- (iii) encumbered costs for grants previously awarded under this section; and
- (iv) costs associated with obtaining national board certification.

(b) The Superintendent shall publish the number of new grants available by October 15 annually.

(c) If the number of applicants exceeds the number of available grant awards, the Superintendent shall randomly choose grant recipients from all complete applications.

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(7) In order for an educator to receive a grant under this section, the Superintendent shall require the educator to attest that the educator will not accept payment of National Board certification costs covered under the grant from any other party.

(8) A grant recipient shall notify the superintendent as soon as possible if:

(a) the individual discontinues pursuit of national board certification;

(b) the individual becomes ineligible to receive a grant under this section;

(c) the individual becomes ineligible to pursue national board certification under rules established by the National Board for Professional Teaching Standards; or

(d) the individual requests approval for an amendment to the individual's application plan.

**KEY: National Board certification, grant, salary supplement**

**Date of Enactment of Last Substantive Amendment: November 8, 2019**

**Notice of Continuation:**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202; 53F-2-52[1]3**