

**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: August 7, 2018**

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

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