

1 **R277-927. Education, Administration.**

2 **R277-927. Teacher and Student Success Act (TSSA) Program**

3 **R277-927-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) [Utah Constitution Article X, Section 3](#), which vests general control and
6 supervision of public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Section [53F-2-416](#), which requires the Board to calculate and distribute student
10 and teacher success program money to LEAs;

11 (d) Section [53G-7-1304](#), which requires the Board to make rules for an LEA
12 governing board to calculate and distribute a school's allocation of program money for each
13 school within the LEA; and

14 (e) Section [53G-7-1306](#), which require the Board to determine:

15 (i) a threshold of points under the statewide school accountability system that
16 designates a school as succeeding in school performance and student academic
17 achievement; and

18 (ii) performance standards for certain schools.

19 (2) The purpose of this rule is to:

20 (a) set standards for the Board's distribution of student and teacher success
21 program money to LEAs;

22 (b) set standards governing an LEA's distribution of student and teacher success
23 program money to each school within the LEA; and

24 (c) to establish certain accountability standards related to the student and teacher
25 success program.

26 **R277-927-2. Definitions.**

27 (1) As used in Subsection [53G-7-1304](#), "capital expenditures" are funds used to
28 acquire, maintain, or upgrade physical assets like property, building, technology, or
29 equipment and may include:

- 30 (a) improvements to a building or school grounds;
- 31 (b) a school bus;
- 32 (c) rent, lease, or bond payments; and
- 33 (d) a portable classroom or costs related to moving a portable classroom.
- 34 (2) As used in Subsection 53G-7-1304(1), "early childhood education" includes
- 35 preschool programs.

36 [(2)]³ "Program" means the student and teacher success program created in Section
37 [53G-7-1302](#).

38 [(3)]⁴ "Satellite school" means the same as that term is defined in [R277-550](#).

39 [(4)]⁵ "School personnel who work directly with and support students in an academic
40 role" does not include:

- 41 (a) school level administrative or operational staff;
- 42 (b) building and maintenance staff, including custodial and grounds staff;
- 43 (c) transportation staff;
- 44 (d) child nutrition services staff;
- 45 (e) operational or facility support staff;
- 46 (f) financial staff;
- 47 (g) information technology staff;
- 48 (h) legal staff;
- 49 (i) secretarial staff; or
- 50 (j) other district level staff paid on an administrative salary schedule.

51 **R277-927-3. Program Requirements and Board Distribution of Program Money.**

52 (1)(a) For the 2019-20 school year, the Superintendent shall distribute an LEA's
53 annual program allocation, in equal payment amounts, to an LEA once the LEA submits
54 the LEA's student success framework through the Board's grant management system.

55 (b) If an LEA amends the LEA's student success framework, the LEA shall submit
56 the amended student success framework through the Board's grant management system.

57 (2) Beginning with the 2020-21 school year, if the LEA previously submitted a
58 student success framework, before the LEA receives the LEA's annual program allocation,

59 the LEA shall submit annual assurances in accordance with the requirements of R277-108.

60 (3) If an LEA fails to submit the LEA's student success framework as described in
61 Subsection (1) or annual assurances described in Subsection (2) to the Superintendent by
62 November 1 of a fiscal year:

63 (a) the LEA may not receive a program allocation for that fiscal year; and

64 (b) the undistributed balance will be included with the new year appropriation and
65 distributed in the following fiscal year according to the formula described in Subsection
66 [53F-2-416\(3\)](#).

67 (4) For purposes of calculating the formula described in Subsection [53F-2-416\(3\)](#),
68 "weighted pupil units" means:

69 (a) for a school district or charter school:

70 (i) the weighted pupil units for the current year budget request for the minimum
71 school basic program; minus

72 (ii) the weighted pupil units allocated to LEAs for foreign exchange students; and

73 (b) for the Utah Schools for the Deaf and Blind, USDB's prior year October 1
74 headcount multiplied by two.

75 (5) For a new LEA or new charter satellite campus in the LEA or charter school
76 satellite's second year of operation, the Superintendent shall increase or decrease the new
77 LEA or charter school satellite's first year distribution of funds in the LEA or charter school
78 satellite's second year to reflect the LEA or charter school satellite's actual first year
79 October 1 counts.

80 (6) For purposes of determining whether a school district in a county of the first,
81 second, or third class has an approved board local levy for the maximum amount allowed
82 for the purposes described in Subsection [53G-7-1304\(2\)\(c\)\(i\)\(A\)](#), the school district meets
83 the property tax requirements of Subsection [53G-7-1304\(2\)\(a\)\(i\)](#) if in the applicable fiscal
84 year:

85 (a) the school district's rate imposed for the board local levy is equal to the maximum
86 amount allowed under Section [53F-8-302](#); or

87 (b) (i) meets or exceeds an amount equal to the certified board local levy rate; and

88 (ii) the school district's board local levy rate equaled the maximum amount allowed

89 under Section [53F-8-302](#) sometime within the prior five fiscal years.

90 (7) For purposes of determining whether a school district in a county of the first,
91 second, or third class increased the school district's board local levy by at least .0001 per
92 dollar of taxable value as described in Subsection [53G-7-1304\(2\)\(c\)\(i\)\(B\)](#), a school district
93 that does not meet the property tax requirements of Subsection (6), the school district
94 meets the requirements of Subsection [53G-7-1304\(2\)\(c\)\(i\)\(B\)](#) if the school district's board
95 local levy rate for the current fiscal year is at least .0001 per dollar of taxable value more
96 than the school district's board local levy rate imposed in the prior fiscal year.

97 (8) For fiscal year 2020, "state average teacher salary" means a weighted
98 calculation of the statewide teacher salary expenditures reported on the annual financial
99 report by LEA from fiscal year 2018 divided by the number of full-time equivalent educators
100 or FTEs from the most recent educator cactus submission.

101 (9) Except as provided in Subsection (10), for fiscal year 2020, "LEA's average
102 teacher salary" means the LEA's teacher salary expenditures reported on the annual
103 financial report from fiscal year 2018 divided by the LEA's number of full-time equivalent
104 educators or FTEs from the most recent educator cactus submission.

105 (10) For a new LEA in the new LEA's first or second year of operation, the new
106 LEA's average teacher salary is equal to the state average teacher salary.

107 **R277-927-4. LEA Financial Reporting and Prohibited Uses of Program Funds.**

108 (1) An LEA shall report expenditures of program money by location according to the
109 Board approved chart of accounts.

110 (2) An LEA may not use program money:

111 (a) for a purpose described in Subsection [53G-7-1304\(1\)](#);

112 (b) to support adult education [~~or preschool programs~~]; or

113 (c) to pay for contracted services commonly performed by the following staff:

114 (i) school level administration staff;

115 (ii) building and maintenance staff, including custodial staff;

116 (iii) transportation staff;

117 (iv) child nutrition services staff;

118 (v) operational or facility support staff; or

119 (vi) district level staff.

120 (3) As used in Subsection [53G-7-1304\(2\)](#), "district administration costs" does not
121 include salary driven benefits for school personnel charged at the district level.

122 (4) An LEA may carry over restricted program funds into the next fiscal year to
123 support a purpose identified by the LEA governing board student success framework. Any
124 funds carried over must be reported according to the Board approved chart of accounts.

125 **R277-927-5. LEA Allocations to Schools.**

126 (1) An LEA with two or more schools shall establish a policy that defines how the
127 LEA will calculate and distribute program allocations based on prior year average daily
128 membership as determined by the Superintendent, to all schools within the LEA, including
129 how the LEA will calculate allocations for new schools within the LEA.

130 (2) For a new school within an LEA, the LEA shall calculate and distribute school's
131 allocation based on the school's projected October 1 headcount for the applicable school
132 year.

133 (3) After calculating an LEA's school level allocations, an LEA may make
134 adjustments to individual school ADM values and school level allocations due to changes
135 in current year student enrollment for reasons including:

- 136 (a) changes in school boundaries;
- 137 (b) changes to feeder school patterns;
- 138 (c) changes in grade levels offered; or
- 139 (d) significant student growth of 30% or more.

140 **R277-927-6. Accountability Performance Standards.**

141 (1) For purposes of determining the threshold of points that designates a school as
142 succeeding in school performance as described in Subsection [53G-7-1306\(1\)\(a\)](#), a school
143 is succeeding in school performance if, in the most recently published overall school
144 accountability ratings the school is designated as a commendable or exemplary school as
145 described in Section [R277-497-2](#).

146 (2) For purposes of determining the performance standards for a school described
147 in Section [53G-7-1306\(1\)\(b\)](#), a school meets the performance standards if the school
148 meets the criteria described in Section [53E-5-203\(2\)](#).

149 **KEY: Student and Teacher Success Act (TSSA), program money, allocation**

150 **Date of Enactment or Last Substantive Amendment:**

151 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#),**

152 **[53F-2-416](#), [53G-7-1304](#), [53G-7-1306](#)**