

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-2-415, 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) "Program" means the student and teacher success program created in Section
35 53G-7-1302.

36 (3) "Satellite school" means the same as that term is defined in R277-550.

37 (4) "School personnel who work directly with and support students in an academic
38 role" does not include:

39 (a) school level administrative or operational staff;

40 (b) building and maintenance staff, including custodial and grounds staff;

41 (c) transportation staff;

42 (d) child nutrition services staff;

43 (e) operational or facility support staff;

44 (f) financial staff;

45 (g) information technology staff;

46 (h) legal staff;

47 (i) secretarial staff; or

48 (j) other district level staff paid on an administrative salary schedule.

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

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

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

56 (2) Beginning with the 2020-21 school year, if the LEA previously submitted a

57 student success framework, before the LEA receives the LEA's annual program allocation,
58 the LEA shall submit annual assurances in accordance with the requirements of R277-108.

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

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

63 (b) the undistributed balance will be included with the new year appropriation and
64 distributed in the following fiscal year according to the formula described in Subsection
65 53F-2-415(3).

66 (4) For purposes of calculating the formula described in Subsection 53F-2-415(3),
67 "weighted pupil units" means:

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

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

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

72 ~~[(b) for a new LEA or new charter school satellite, the LEA's projected October 1~~
73 ~~headcount for the applicable school year; and]~~

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

76 (5) For a new LEA or new charter satellite campus~~[that receives an allocation as~~
77 ~~described in Subsection (4)(b);]~~ in the LEA or charter school satellite's second year of
78 operation, the Superintendent shall increase or decrease the new LEA or charter school
79 satellite's first year distribution of funds in the LEA or charter school satellite's second year
80 to reflect the LEA or charter school satellite's actual first year October 1 counts.

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

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

88 (b) (i) meets or exceeds an amount equal to the certified board local levy rate; and
89 (ii) the school district's board local levy rate equaled the maximum amount allowed
90 under Section 53F-8-302 sometime within the prior five fiscal years.

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

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

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

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

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

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

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

112 (a) for a purpose described in Subsection 53G-7-1304(1);

113 (b) to support adult education or preschool programs; or

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

115 (i) school level administration staff;

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

117 (iii) transportation staff;

118 (iv) child nutrition services staff;

119 (v) operational or facility support staff; or

120 (vi) district level staff.

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

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

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

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

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

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

135 (1) For purposes of determining the threshold of points that designates a school as
136 succeeding in school performance as described in Subsection 53G-7-1306(1)(a), a school
137 is succeeding in school performance if, in the most recently published overall school
138 accountability ratings the school is designated as a commendable or exemplary school as
139 described in Section R277-497-2.

140 (2) For purposes of determining the performance standards for a school described

141 in Section 53G-7-1306(1)(b), a school meets the performance standards if the school
142 meets the criteria described in Section 53E-5-203(2).

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

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

145 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4),**

146 **53F-2-415, 53G-7-1304, 53G-7-1306**