

R277-525 received final approval by the Utah State Board of Education on August 6, 2020. R277-525 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.**

### **~~[R277-525. 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;~~

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~~—— (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~~

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~~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;~~

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~~——(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]**~~