

R277-318 received final approval by the Utah State Board of Education on October 7, 2021. R277-318 was published in the November 1, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 8, 2021.

## **R277. Education, Administration.**

### **R277-318. Teacher Salary Supplement Program.**

#### **R277-318-1. 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; and

(c) Section 53F-2-504, which directs the Board to make rules regarding the administration of the Teacher Salary Supplement Program.

(2) The purpose of this rule is to establish application and appeal procedures for administration of the Teacher Salary Supplement Program.

#### **R277-318-2. Definitions.**

(1) "Eligible teacher" means the same as that term is defined in Subsection 53F-2-504(1)(a).

(2) "Substantially equivalent" means commonly recognized by a Utah university for a degree in a specific subject.

(3) "Teacher Salary Supplement Program" or "TSSP" means the salary supplement program authorized by the Legislature in Section 53F-2-504.

#### **R277-318-3. Program Administration.**

(1) The Superintendent shall allocate funds for salary supplements to eligible teachers in accordance with Subsection 53F-2-504(3).

(2) The Superintendent shall maintain an online application system for the TSSP and make it available to educators no later than October 1 of each school year.

(3) ~~In order to~~ To receive an award under this program, an applicant for the TSSP shall apply to the Superintendent by the following deadlines for each school year in which the applicant is an eligible teacher:

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- (a) for trimester payments to the educator, prior to November 15;
- (b) for semester payments to the educator, prior to January 31; and
- (c) for an annual payment to the educator, prior to April 30.

~~[(4)(a) Beginning in the 2021-22 school year, an applicant shall submit an application in the first year the applicant is an eligible teacher.~~

~~[(b) The Superintendent shall use an applicant's application for all subsequent years that the applicant remains eligible.]~~

(4)(a) Beginning in the 2020-21 school year, an applicant shall submit an application to receive funds as an eligible teacher.

(b) Once an applicant has established eligibility in accordance with Subsection (4)(a), the applicant shall maintain eligibility in all subsequent years in which the applicant has an eligible Utah teaching assignment, without the need for the applicant to reapply, even if an applicant later has a lapse in eligibility.

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

(b) An appeal under Subsection (5)(a) is limited to the following issues:

(i) whether the applicant has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in Section 53F-2-504;

(ii) whether the applicant has met the qualifying teaching background requirements described in Section 53F-2-504;

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-504 or this Rule R277-318; or

(iv) whether the Superintendent's initial denial was based on inaccurate or incomplete 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 to make a recommendation to the Superintendent.

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(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.

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

(7) The decision of the Superintendent on an appeal is the final Board administrative action.

(8) If the appropriation for TSSP is insufficient to cover ~~[all]~~eligible teachers entitled to awards, the Superintendent may reduce all awards by the same ratio and proportion.

**KEY: Teacher Salary Supplement Program, salary**

**Date of Last Change: 2021~~[August 12, 2020]~~**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-504**