

**INCENTIVE FOR EFFECTIVE TEACHERS IN HIGH  
POVERTY SCHOOLS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: \_\_\_\_\_

7	Cosponsors:	Adam Gardiner	Val K. Potter
8	Stewart E. Barlow	Stephen G. Handy	Susan Pulsipher
9	Walt Brooks	Eric K. Hutchings	V. Lowry Snow
10	LaVar Christensen	Ken Ivory	Raymond P. Ward
11	Brad M. Daw	Michael S. Kennedy	Christine F. Watkins
12	James A. Dunnigan	John Knotwell	Brad R. Wilson
13	Rebecca P. Edwards	Michael E. Noel	
14	Steve Eliason	Jeremy A. Peterson	



**LONG TITLE**

**General Description:**

This bill creates the Effective Teachers in High Poverty Schools Incentive Program.

**Highlighted Provisions:**

This bill:

- ▶ creates the Effective Teachers in High Poverty Schools Incentive Program (program);
- ▶ defines terms;
- ▶ authorizes the State Board of Education to award a salary bonus to an eligible teacher;
- ▶ excludes a teacher salary bonus from compensation for purposes of a state



27 retirement program;

28       ▶ requires the State Board of Education to evaluate the effectiveness of the program

29 and submit a report to the Education Interim Committee; and

30       ▶ makes technical corrections.

31 **Money Appropriated in this Bill:**

32       This bill appropriates:

33       ▶ to the State Board of Education -- Minimum School Program -- Related to Basic  
34 School Program, as an ongoing appropriation:

35             • from the Education Fund, \$644,700; and

36       ▶ to the State Board of Education -- Minimum School Program - Categorical Program  
37 Administration, as an ongoing appropriation:

38             • from the Education Fund, \$27,000.

39 **Other Special Clauses:**

40       None

41 **Utah Code Sections Affected:**

42 AMENDS:

43       **49-12-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

44       **49-13-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

45       **49-22-102**, as last amended by Laws of Utah 2016, Chapters 227 and 304

46 ENACTS:

47       **53A-17a-173**, Utah Code Annotated 1953

48 

---

---

  
49 *Be it enacted by the Legislature of the state of Utah:*

50       Section 1. Section **49-12-102** is amended to read:

51       **49-12-102. Definitions.**

52       As used in this chapter:

53       (1) "Benefits normally provided":

54       (a) means a benefit offered by an employer, including:

55       (i) a leave benefit of any kind;

56       (ii) insurance coverage of any kind if the employer pays some or all of the premium for  
57 the coverage;

58 (iii) employer contributions to a health savings account, health reimbursement account,  
59 health reimbursement arrangement, or medical expense reimbursement plan; and

60 (iv) a retirement benefit of any kind if the employer pays some or all of the cost of the  
61 benefit; and

62 (b) does not include:

63 (i) a payment for social security;

64 (ii) workers' compensation insurance;

65 (iii) unemployment insurance;

66 (iv) a payment for Medicare;

67 (v) a payment or insurance required by federal or state law that is similar to a payment  
68 or insurance listed in Subsection (1)(b)(i), (ii), (iii), or (iv);

69 (vi) any other benefit that state or federal law requires an employer to provide an  
70 employee who would not otherwise be eligible to receive the benefit; or

71 (vii) any benefit that an employer provides an employee in order to avoid a penalty or  
72 tax under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 and the Health  
73 Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and related federal  
74 regulations, including a penalty imposed by Internal Revenue Code, Section 4980H.

75 (2) (a) "Compensation" means, except as provided in Subsection (2)(c), the total  
76 amount of payments made by a participating employer to a member of this system for services  
77 rendered to the participating employer, including:

78 (i) bonuses;

79 (ii) cost-of-living adjustments;

80 (iii) other payments currently includable in gross income and that are subject to social  
81 security deductions, including any payments in excess of the maximum amount subject to  
82 deduction under social security law;

83 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral  
84 or other benefits authorized by federal law; and

85 (v) member contributions.

86 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed  
87 under Internal Revenue Code, Section 401(a)(17).

88 (c) "Compensation" does not include:

- 89 (i) the monetary value of remuneration paid in kind, including a residence or use of
- 90 equipment;
- 91 (ii) the cost of any employment benefits paid for by the participating employer;
- 92 (iii) compensation paid to a temporary employee, an exempt employee, or an employee
- 93 otherwise ineligible for service credit;
- 94 (iv) any payments upon termination, including accumulated vacation, sick leave
- 95 payments, severance payments, compensatory time payments, or any other special payments;
- 96 [~~or~~]

97 (v) any allowances or payments to a member for costs or expenses paid by the

98 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,

99 housing costs, insurance costs, equipment costs, and dependent care costs[-]; or

100 (vi) a teacher salary bonus described in Section [53A-17a-172](#).

101 (d) The executive director may determine if a payment not listed under this Subsection

102 (2) falls within the definition of compensation.

103 (3) "Final average salary" means the amount calculated by averaging the highest five

104 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), (d),

105 and (e).

106 (a) Except as provided in Subsection (3)(b), the percentage increase in annual

107 compensation in any one of the years used may not exceed the previous year's compensation by

108 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power

109 of the dollar during the previous year, as measured by a United States Bureau of Labor

110 Statistics Consumer Price Index average as determined by the board.

111 (b) In cases where the participating employer provides acceptable documentation to the

112 office, the limitation in Subsection (3)(a) may be exceeded if:

- 113 (i) the member has transferred from another agency; or
- 114 (ii) the member has been promoted to a new position.

115 (c) If the member retires more than six months from the date of termination of

116 employment, the member is considered to have been in service at the member's last rate of pay

117 from the date of the termination of employment to the effective date of retirement for purposes

118 of computing the member's final average salary only.

119 (d) If the member has less than five years of service credit in this system, final average

120 salary means the average annual compensation paid to the member during the full period of  
121 service credit.

122 (e) The annual compensation used to calculate final average salary shall be based on:

123 (i) a calendar year for a member employed by a participating employer that is not an  
124 educational institution; or

125 (ii) a contract year for a member employed by an educational institution.

126 (4) "Participating employer" means an employer which meets the participation  
127 requirements of Sections [49-12-201](#) and [49-12-202](#).

128 (5) (a) "Regular full-time employee" means an employee whose term of employment  
129 for a participating employer contemplates continued employment during a fiscal or calendar  
130 year and whose employment normally requires an average of 20 hours or more per week,  
131 except as modified by the board, and who receives benefits normally provided by the  
132 participating employer.

133 (b) "Regular full-time employee" includes:

134 (i) a teacher whose term of employment for a participating employer contemplates  
135 continued employment during a school year and who teaches half-time or more;

136 (ii) a classified school employee:

137 (A) who is hired before July 1, 2013; and

138 (B) whose employment normally requires an average of 20 hours per week or more for  
139 a participating employer, regardless of benefits provided;

140 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as  
141 of January 1, 1990, as provided in Section [49-12-407](#);

142 (iv) a faculty member or employee of an institution of higher education who is  
143 considered full-time by that institution of higher education; and

144 (v) an individual who otherwise meets the definition of this Subsection (5) who  
145 performs services for a participating employer through a professional employer organization or  
146 similar arrangement.

147 (c) "Regular full-time employee" does not include a classified school employee:

148 (i) (A) who is hired on or after July 1, 2013; and

149 (B) who does not receive benefits normally provided by the participating employer  
150 even if the employment normally requires an average of 20 hours per week or more for a

151 participating employer;

152 (ii) (A) who is hired before July 1, 2013;

153 (B) who did not qualify as a regular full-time employee before July 1, 2013;

154 (C) who does not receive benefits normally provided by the participating employer;

155 and

156 (D) whose employment hours are increased on or after July 1, 2013, to require an  
157 average of 20 hours per week or more for a participating employer; or

158 (iii) who is a person working on a contract:

159 (A) for the purposes of vocational rehabilitation and the employment and training of  
160 people with significant disabilities; and

161 (B) that has been set aside from procurement requirements by the state pursuant to  
162 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

163 (6) "System" means the Public Employees' Contributory Retirement System created  
164 under this chapter.

165 (7) "Years of service credit" means:

166 (a) a period consisting of 12 full months as determined by the board;

167 (b) a period determined by the board, whether consecutive or not, during which a  
168 regular full-time employee performed services for a participating employer, including any time  
169 the regular full-time employee was absent on a paid leave of absence granted by a participating  
170 employer or was absent in the service of the United States government on military duty as  
171 provided by this chapter; or

172 (c) the regular school year consisting of not less than eight months of full-time service  
173 for a regular full-time employee of an educational institution.

174 Section 2. Section 49-13-102 is amended to read:

175 **49-13-102. Definitions.**

176 As used in this chapter:

177 (1) "Benefits normally provided" has the same meaning as defined in Section  
178 49-12-102.

179 (2) (a) Except as provided in Subsection (2)(c), "compensation" means the total  
180 amount of payments made by a participating employer to a member of this system for services  
181 rendered to the participating employer, including:

- 182 (i) bonuses;
- 183 (ii) cost-of-living adjustments;
- 184 (iii) other payments currently includable in gross income and that are subject to social  
185 security deductions, including any payments in excess of the maximum amount subject to  
186 deduction under social security law; and
- 187 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral  
188 or other benefits authorized by federal law.
- 189 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed  
190 under Internal Revenue Code, Section 401(a)(17).
- 191 (c) "Compensation" does not include:
- 192 (i) the monetary value of remuneration paid in kind, including a residence or use of  
193 equipment;
- 194 (ii) the cost of any employment benefits paid for by the participating employer;
- 195 (iii) compensation paid to a temporary employee, an exempt employee, or an employee  
196 otherwise ineligible for service credit;
- 197 (iv) any payments upon termination, including accumulated vacation, sick leave  
198 payments, severance payments, compensatory time payments, or any other special payments;  
199 [~~or~~]
- 200 (v) any allowances or payments to a member for costs or expenses paid by the  
201 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,  
202 housing costs, insurance costs, equipment costs, and dependent care costs[-]; or
- 203 (vi) a teacher salary bonus described in Section [53A-17a-172](#).
- 204 (d) The executive director may determine if a payment not listed under this Subsection  
205 (2) falls within the definition of compensation.
- 206 (3) "Final average salary" means the amount calculated by averaging the highest three  
207 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), and  
208 (d).
- 209 (a) Except as provided in Subsection (3)(b), the percentage increase in annual  
210 compensation in any one of the years used may not exceed the previous year's compensation by  
211 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power  
212 of the dollar during the previous year, as measured by a United States Bureau of Labor

213 Statistics Consumer Price Index average as determined by the board.

214 (b) In cases where the participating employer provides acceptable documentation to the  
215 office, the limitation in Subsection (3)(a) may be exceeded if:

216 (i) the member has transferred from another agency; or

217 (ii) the member has been promoted to a new position.

218 (c) If the member retires more than six months from the date of termination of  
219 employment and for purposes of computing the member's final average salary only, the  
220 member is considered to have been in service at the member's last rate of pay from the date of  
221 the termination of employment to the effective date of retirement.

222 (d) The annual compensation used to calculate final average salary shall be based on:

223 (i) a calendar year for a member employed by a participating employer that is not an  
224 educational institution; or

225 (ii) a contract year for a member employed by an educational institution.

226 (4) "Participating employer" means an employer which meets the participation  
227 requirements of Sections [49-13-201](#) and [49-13-202](#).

228 (5) (a) "Regular full-time employee" means an employee whose term of employment  
229 for a participating employer contemplates continued employment during a fiscal or calendar  
230 year and whose employment normally requires an average of 20 hours or more per week,  
231 except as modified by the board, and who receives benefits normally provided by the  
232 participating employer.

233 (b) "Regular full-time employee" includes:

234 (i) a teacher whose term of employment for a participating employer contemplates  
235 continued employment during a school year and who teaches half time or more;

236 (ii) a classified school employee:

237 (A) who is hired before July 1, 2013; and

238 (B) whose employment normally requires an average of 20 hours per week or more for  
239 a participating employer, regardless of benefits provided;

240 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as  
241 of January 1, 1990, as provided in Section [49-13-407](#);

242 (iv) a faculty member or employee of an institution of higher education who is  
243 considered full time by that institution of higher education; and



244 (v) an individual who otherwise meets the definition of this Subsection (5) who  
245 performs services for a participating employer through a professional employer organization or  
246 similar arrangement.

247 (c) "Regular full-time employee" does not include a classified school employee:

248 (i) (A) who is hired on or after July 1, 2013; and

249 (B) who does not receive benefits normally provided by the participating employer  
250 even if the employment normally requires an average of 20 hours per week or more for a  
251 participating employer;

252 (ii) (A) who is hired before July 1, 2013;

253 (B) who did not qualify as a regular full-time employee before July 1, 2013;

254 (C) who does not receive benefits normally provided by the participating employer;

255 and

256 (D) whose employment hours are increased on or after July 1, 2013, to require an  
257 average of 20 hours per week or more for a participating employer; or

258 (iii) who is a person working on a contract:

259 (A) for the purposes of vocational rehabilitation and the employment and training of  
260 people with significant disabilities; and

261 (B) that has been set aside from procurement requirements by the state pursuant to  
262 Section [63G-6a-805](#) or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

263 (6) "System" means the Public Employees' Noncontributory Retirement System.

264 (7) "Years of service credit" means:

265 (a) a period consisting of 12 full months as determined by the board;

266 (b) a period determined by the board, whether consecutive or not, during which a  
267 regular full-time employee performed services for a participating employer, including any time  
268 the regular full-time employee was absent on a paid leave of absence granted by a participating  
269 employer or was absent in the service of the United States government on military duty as  
270 provided by this chapter; or

271 (c) the regular school year consisting of not less than eight months of full-time service  
272 for a regular full-time employee of an educational institution.

273 Section 3. Section **49-22-102** is amended to read:

274 **49-22-102. Definitions.**

275 As used in this chapter:

276 (1) "Benefits normally provided" has the same meaning as defined in Section  
277 [49-12-102](#).

278 (2) (a) "Compensation" means, except as provided in Subsection (2)(c), the total  
279 amount of payments made by a participating employer to a member of this system for services  
280 rendered to the participating employer, including:

281 (i) bonuses;

282 (ii) cost-of-living adjustments;

283 (iii) other payments currently includable in gross income and that are subject to social  
284 security deductions, including any payments in excess of the maximum amount subject to  
285 deduction under social security law;

286 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral  
287 or other benefits authorized by federal law; and

288 (v) member contributions.

289 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed  
290 under Internal Revenue Code, Section 401(a)(17).

291 (c) "Compensation" does not include:

292 (i) the monetary value of remuneration paid in kind, including a residence or use of  
293 equipment;

294 (ii) the cost of any employment benefits paid for by the participating employer;

295 (iii) compensation paid to a temporary employee or an employee otherwise ineligible  
296 for service credit;

297 (iv) any payments upon termination, including accumulated vacation, sick leave  
298 payments, severance payments, compensatory time payments, or any other special payments;

299 [or]

300 (v) any allowances or payments to a member for costs or expenses paid by the  
301 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,  
302 housing costs, insurance costs, equipment costs, and dependent care costs[-]; or

303 (vi) a teacher salary bonus described in Section [53A-17a-172](#).

304 (d) The executive director may determine if a payment not listed under this Subsection  
305 (2) falls within the definition of compensation.

306 (3) "Corresponding Tier I system" means the system or plan that would have covered  
307 the member if the member had initially entered employment before July 1, 2011.

308 (4) "Final average salary" means the amount calculated by averaging the highest five  
309 years of annual compensation preceding retirement subject to Subsections (4)(a), (b), (c), (d),  
310 and (e).

311 (a) Except as provided in Subsection (4)(b), the percentage increase in annual  
312 compensation in any one of the years used may not exceed the previous year's compensation by  
313 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power  
314 of the dollar during the previous year, as measured by a United States Bureau of Labor  
315 Statistics Consumer Price Index average as determined by the board.

316 (b) In cases where the participating employer provides acceptable documentation to the  
317 office, the limitation in Subsection (4)(a) may be exceeded if:

318 (i) the member has transferred from another agency; or  
319 (ii) the member has been promoted to a new position.

320 (c) If the member retires more than six months from the date of termination of  
321 employment, the member is considered to have been in service at the member's last rate of pay  
322 from the date of the termination of employment to the effective date of retirement for purposes  
323 of computing the member's final average salary only.

324 (d) If the member has less than five years of service credit in this system, final average  
325 salary means the average annual compensation paid to the member during the full period of  
326 service credit.

327 (e) The annual compensation used to calculate final average salary shall be based on:

328 (i) a calendar year for a member employed by a participating employer that is not an  
329 educational institution; or

330 (ii) a contract year for a member employed by an educational institution.

331 (5) "Participating employer" means an employer which meets the participation  
332 requirements of:

333 (a) Sections [49-12-201](#) and [49-12-202](#);

334 (b) Sections [49-13-201](#) and [49-13-202](#);

335 (c) Section [49-19-201](#); or

336 (d) Section [49-22-201](#) or [49-22-202](#).

337 (6) (a) "Regular full-time employee" means an employee whose term of employment  
338 for a participating employer contemplates continued employment during a fiscal or calendar  
339 year and whose employment normally requires an average of 20 hours or more per week,  
340 except as modified by the board, and who receives benefits normally provided by the  
341 participating employer.

342 (b) "Regular full-time employee" includes:

343 (i) a teacher whose term of employment for a participating employer contemplates  
344 continued employment during a school year and who teaches half time or more;

345 (ii) a classified school employee:

346 (A) who is hired before July 1, 2013; and

347 (B) whose employment normally requires an average of 20 hours per week or more for  
348 a participating employer, regardless of benefits provided;

349 (iii) an appointive officer whose appointed position is full time as certified by the  
350 participating employer;

351 (iv) the governor, the lieutenant governor, the state auditor, the state treasurer, the  
352 attorney general, and a state legislator;

353 (v) an elected official not included under Subsection (6)(b)(iv) whose elected position  
354 is full time as certified by the participating employer;

355 (vi) a faculty member or employee of an institution of higher education who is  
356 considered full time by that institution of higher education; and

357 (vii) an individual who otherwise meets the definition of this Subsection (6) who  
358 performs services for a participating employer through a professional employer organization or  
359 similar arrangement.

360 (c) "Regular full-time employee" does not include:

361 (i) a firefighter service employee as defined in Section [49-23-102](#);

362 (ii) a public safety service employee as defined in Section [49-23-102](#);

363 (iii) a classified school employee:

364 (A) who is hired on or after July 1, 2013; and

365 (B) who does not receive benefits normally provided by the participating employer  
366 even if the employment normally requires an average of 20 hours per week or more for a  
367 participating employer;

- 368 (iv) a classified school employee:
- 369 (A) who is hired before July 1, 2013;
- 370 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 371 (C) who does not receive benefits normally provided by the participating employer;
- 372 and
- 373 (D) whose employment hours are increased on or after July 1, 2013, to require an
- 374 average of 20 hours per week or more for a participating employer; or
- 375 (E) who is a person working on a contract:
- 376 (I) for the purposes of vocational rehabilitation and the employment and training of
- 377 people with significant disabilities; and
- 378 (II) that has been set aside from procurement requirements by the state pursuant to
- 379 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.
- 380 (7) "System" means the New Public Employees' Tier II Contributory Retirement
- 381 System created under this chapter.
- 382 (8) "Years of service credit" means:
- 383 (a) a period consisting of 12 full months as determined by the board;
- 384 (b) a period determined by the board, whether consecutive or not, during which a
- 385 regular full-time employee performed services for a participating employer, including any time
- 386 the regular full-time employee was absent on a paid leave of absence granted by a participating
- 387 employer or was absent in the service of the United States government on military duty as
- 388 provided by this chapter; or
- 389 (c) the regular school year consisting of not less than eight months of full-time service
- 390 for a regular full-time employee of an educational institution.

Section 4. Section 53A-17a-173 is enacted to read:

**53A-17a-173. Effective Teachers in High Poverty Schools Incentive Program -- Salary bonus -- Evaluation.**

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Cohort" means a group of students, defined by the year in which the group enters grade 1.

(c) "Eligible teacher" means a teacher who:

399 (i) is employed as a teacher in a high poverty school at the time the teacher is  
400 considered by the board for a salary bonus; and

401 (ii) achieves a median growth percentile of 70 or higher:

402 (A) a full school year before the school year the eligible teacher is being considered by  
403 the board for a salary bonus under this section, regardless of whether the teacher was employed  
404 the previous school year by a high poverty school or a different public school; and

405 (B) while teaching at any public school in the state a course for which a statewide  
406 criterion-referenced test or online computer adaptive test is administered as described in  
407 Section [53A-1-603](#).

408 (d) "High poverty school" means a public school:

409 (i) in which:

410 (A) more than 20% of the enrolled students are classified as children affected by  
411 intergenerational poverty; or

412 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

413 (ii) (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for  
414 each school year since meeting that criteria at least 15% of the enrolled students at the public  
415 school have been classified as children affected by intergenerational poverty; or

416 (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for  
417 each school year since meeting that criteria at least 60% of the enrolled students at the public  
418 school have qualified for free or reduced lunch.

419 (e) "Intergenerational poverty" means the same as that term is defined in Section  
420 [35A-9-102](#).

421 (f) "Median growth percentile" means a number that describes the comparative  
422 effectiveness of a teacher in helping the teacher's students achieve growth in a year by  
423 identifying the median student growth percentile of all the students a teacher instructs.

424 (g) "Program" means the Effective Teachers in High Poverty Schools Incentive  
425 Program created in Subsection (2).

426 (h) "Student growth percentile" is a number that describes where a student ranks in  
427 comparison to the student's cohort.

428 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to  
429 provide an annual salary bonus for an eligible teacher.

430 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
431 Rulemaking Act, make rules for the administration of the program and payment of a salary  
432 bonus.

433 (c) The board shall make an annual salary bonus payment in a fiscal year that begins on  
434 July 1, 2017, and each fiscal year thereafter.

435 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate  
436 money to fund the program.

437 (b) Money appropriated for the program shall include money for the following  
438 employer-paid benefits:

439 (i) social security; and

440 (ii) Medicare.

441 (4) (a) (i) An eligible teacher shall receive an annual salary bonus each year that the  
442 teacher is an eligible teacher.

443 (ii) A teacher need not be an eligible teacher in consecutive years to receive the  
444 increased annual salary bonus described in Subsection (4)(b).

445 (b) The annual salary bonus for an eligible teacher is as follows:

446 (i) for a teacher who is a first-time eligible teacher, \$5,000;

447 (ii) for a teacher who is a second-time eligible teacher, \$6,000;

448 (iii) for a teacher who is a third-time eligible teacher, \$7,000;

449 (iv) for a teacher who is a fourth-time eligible teacher, \$8,000;

450 (v) for a teacher who is a fifth-time eligible teacher, \$9,000; and

451 (vi) for a teacher who is a sixth-time or more eligible teacher, \$10,000.

452 (5) The board shall:

453 (a) determine if a teacher is an eligible teacher; and

454 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school  
455 district and school district administrators.

456 (6) The board shall:

457 (a) distribute money from the program to school districts and charter schools in  
458 accordance with this section and board rule; and

459 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the  
460 salary bonus amounts described in Subsection (4)(b).

461 (7) Money received from the program shall be used by a school district or charter  
462 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for  
463 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection  
464 (3)(b).

465 (8) (a) After the third year salary bonus payments are made, and each succeeding year,  
466 the board shall evaluate the extent to which a salary bonus described in this section improves  
467 recruitment and retention of effective teachers in high poverty schools by at least:

468 (i) surveying teachers who receive the salary bonus; and

469 (ii) examining turnover rates of teachers who receive the salary bonus compared to  
470 teachers who do not receive the salary bonus.

471 (b) Each year that the board conducts an evaluation described in Subsection (8)(a), the  
472 board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation  
473 to the Education Interim Committee on or before November 30.

474 (9) Notwithstanding this section, if the appropriation for the program is insufficient to  
475 cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

476 **Section 5. Appropriation.**

477 The following sums of money are appropriated for the fiscal year beginning July 1,  
478 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
479 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
480 Act, the Legislature appropriates the following sums of money from the funds or accounts  
481 indicated for the use and support of the government of the state of Utah.

482 ITEM 1

483 To State Board of Education -- Minimum School Program -- Related to Basic Program

484 From Education Fund \$644,700

485 Schedule of Programs:

486 Effective Teachers in High Poverty

487 Schools Incentive Program \$644,700

488 ITEM 2

489 To State Board of Education -- Minimum School Program - Categorical Program

490 Administration

491 From Education Fund \$27,000



492                    Schedule of Programs:  
493                    Effective Teachers in High Poverty  
494                    Schools Incentive Program                    \$27,000  
495                    The Legislature intends that the State Board of Education:  
496                    (1) use the \$644,700 ongoing appropriation described in this section to award a salary  
497 bonus and pay an authorized employer-paid benefit to an eligible teacher as part of the program  
498 described in Section [53A-17a-172](#); and  
499                    (2) use the \$27,000 ongoing appropriation described in this section to administer and  
500 evaluate the program described in Section [53A-17a-172](#).

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**