

Representative Val K. Potter proposes the following substitute bill:

TEACHER SALARY SUPPLEMENT REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: Howard A. Stephenson

6	Cosponsors:	Kay J. Christofferson	Jefferson Moss
7	Patrice M. Arent	Steve Eliason	

LONG TITLE

General Description:

This bill amends provisions of the Teacher Salary Supplement Program.

Highlighted Provisions:

This bill:

- ▶ removes the teacher salary supplement from compensation calculations for retirement purposes;
- ▶ defines terms;
- ▶ provides a salary supplement for a teacher who has a degree in special education and is assigned to teach special education;
- ▶ increases the initial base salary supplement to \$5,000;
- ▶ amends other provisions related to an individual's eligibility for a teacher salary supplement; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **49-12-102**, as last amended by Laws of Utah 2017, Chapter 325

30 **49-13-102**, as last amended by Laws of Utah 2017, Chapter 325

31 **49-22-102**, as last amended by Laws of Utah 2017, Chapter 325

32 **53F-2-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2



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

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

36 **49-12-102. Definitions.**

37 As used in this chapter:

38 (1) "Benefits normally provided":

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

40 (i) a leave benefit of any kind;

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

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

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

47 (b) does not include:

48 (i) a payment for social security;

49 (ii) workers' compensation insurance;

50 (iii) unemployment insurance;

51 (iv) a payment for Medicare;

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

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

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

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

63 (i) bonuses;

64 (ii) cost-of-living adjustments;

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

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

70 (v) member contributions.

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

73 (c) "Compensation" does not include:

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

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

77 (iii) compensation paid to a temporary employee, an exempt employee, or an employee
78 otherwise ineligible for service credit;

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

81 (v) any allowances or payments to a member for costs or expenses paid by the
82 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
83 housing costs, insurance costs, equipment costs, and dependent care costs; or

84 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
85 Section ~~[53A-17a-173]~~ [53F-2-513](#).

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

87 (2) falls within the definition of compensation.

88 (3) "Final average salary" means the amount calculated by averaging the highest five
89 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), (d),
90 and (e).

91 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
92 compensation in any one of the years used may not exceed the previous year's compensation by
93 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
94 of the dollar during the previous year, as measured by a United States Bureau of Labor
95 Statistics Consumer Price Index average as determined by the board.

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

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

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

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

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

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

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

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

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

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

- 118 (b) "Regular full-time employee" includes:
- 119 (i) a teacher whose term of employment for a participating employer contemplates
120 continued employment during a school year and who teaches half-time or more;
- 121 (ii) a classified school employee:
- 122 (A) who is hired before July 1, 2013; and
- 123 (B) whose employment normally requires an average of 20 hours per week or more for
124 a participating employer, regardless of benefits provided;
- 125 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
126 of January 1, 1990, as provided in Section 49-12-407;
- 127 (iv) a faculty member or employee of an institution of higher education who is
128 considered full-time by that institution of higher education; and
- 129 (v) an individual who otherwise meets the definition of this Subsection (5) who
130 performs services for a participating employer through a professional employer organization or
131 similar arrangement.
- 132 (c) "Regular full-time employee" does not include a classified school employee:
- 133 (i) (A) who is hired on or after July 1, 2013; and
- 134 (B) who does not receive benefits normally provided by the participating employer
135 even if the employment normally requires an average of 20 hours per week or more for a
136 participating employer;
- 137 (ii) (A) who is hired before July 1, 2013;
- 138 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 139 (C) who does not receive benefits normally provided by the participating employer;
- 140 and
- 141 (D) whose employment hours are increased on or after July 1, 2013, to require an
142 average of 20 hours per week or more for a participating employer; or
- 143 (iii) who is a person working on a contract:
- 144 (A) for the purposes of vocational rehabilitation and the employment and training of
145 people with significant disabilities; and
- 146 (B) that has been set aside from procurement requirements by the state pursuant to
147 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.
- 148 (6) "System" means the Public Employees' Contributory Retirement System created

149 under this chapter.

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

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

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

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

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

160 **49-13-102. Definitions.**

161 As used in this chapter:

162 (1) "Benefits normally provided" has the same meaning as defined in Section
163 [49-12-102](#).

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

167 (i) bonuses;

168 (ii) cost-of-living adjustments;

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

172 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
173 or other benefits authorized by federal law.

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

176 (c) "Compensation" does not include:

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

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

180 (iii) compensation paid to a temporary employee, an exempt employee, or an employee
181 otherwise ineligible for service credit;

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

184 (v) any allowances or payments to a member for costs or expenses paid by the
185 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
186 housing costs, insurance costs, equipment costs, and dependent care costs; or

187 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
188 Section ~~[53A-17a-173]~~ [53F-2-513](#).

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

191 (3) "Final average salary" means the amount calculated by averaging the highest three
192 years of annual compensation preceding retirement subject to Subsections (3)(a), (b), (c), and
193 (d).

194 (a) Except as provided in Subsection (3)(b), the percentage increase in annual
195 compensation in any one of the years used may not exceed the previous year's compensation by
196 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
197 of the dollar during the previous year, as measured by a United States Bureau of Labor
198 Statistics Consumer Price Index average as determined by the board.

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

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

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

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

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

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

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

211 (4) "Participating employer" means an employer which meets the participation
212 requirements of Sections 49-13-201 and 49-13-202.

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

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

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

221 (ii) a classified school employee:

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

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

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

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

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

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

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

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

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

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

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

240 and

241 (D) whose employment hours are increased on or after July 1, 2013, to require an

242 average of 20 hours per week or more for a participating employer; or

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

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

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

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

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

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

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

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

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

259 **49-22-102. Definitions.**

260 As used in this chapter:

261 (1) "Benefits normally provided" has the same meaning as defined in Section
262 49-12-102.

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

266 (i) bonuses;

267 (ii) cost-of-living adjustments;

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

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

273 (v) member contributions.

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

276 (c) "Compensation" does not include:

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

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

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

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

284 (v) any allowances or payments to a member for costs or expenses paid by the
285 participating employer, including automobile costs, uniform costs, travel costs, tuition costs,
286 housing costs, insurance costs, equipment costs, and dependent care costs; or

287 (vi) a teacher salary supplement described in Section [53F-2-504](#) or bonus described in
288 Section [~~53A-17a-173~~] [53F-2-513](#).

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

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

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

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

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

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

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

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

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

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

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

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

316 (5) "Participating employer" means an employer which meets the participation
317 requirements of:

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

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

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

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

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

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

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

330 (ii) a classified school employee:

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

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

334 (iii) an appointive officer whose appointed position is full time as certified by the

335 participating employer;

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

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

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

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

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

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

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

348 (iii) a classified school employee:

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

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

353 (iv) a classified school employee:

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

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

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

357 and

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

360 (E) who is a person working on a contract:

361 (I) for the purposes of vocational rehabilitation and the employment and training of
362 people with significant disabilities; and

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

365 (7) "System" means the New Public Employees' Tier II Contributory Retirement

366 System created under this chapter.

367 (8) "Years of service credit" means:

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

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

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

376 Section 4. Section **53F-2-504** is amended to read:

377 **53F-2-504. Teacher Salary Supplement Program -- Appeal process.**

378 (1) As used in this section:

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

380 (b) "Certificate teacher" means a teacher who holds a National Board certification.

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

382 (i) has an assignment to teach:

383 (A) a secondary school level mathematics course;

384 (B) integrated science in grade [~~seven or eight~~] 7 or 8;

385 (C) chemistry;

386 (D) physics; [~~or~~]

387 (E) computer science; or

388 (F) special education;

389 (ii) holds the appropriate endorsement for the assigned course;

390 (iii) has qualifying educational background; and

391 (iv) (A) is a new employee; or

392 (B) received a satisfactory rating or above on the teacher's most recent evaluation.

393 (d) "Endorsement" means a stipulation, authorized by the board and appended to a
394 license, that specifies an area of practice to which the license applies.

395 (e) "Field of computer science" means:

396 (i) computer science; or

397 (ii) computer information technology.

398 (f) "Field of science" means:

399 (i) integrated science;

400 (ii) chemistry;

401 (iii) physics;

402 (iv) physical science; or

403 (v) general science.

404 (g) "License" means the same as that term is defined in Section [53E-6-102](#).

405 ~~(d)~~ (h) "National Board certification" means the same as that term is defined in

406 Section [53E-6-102](#).

407 ~~(e)~~ (i) "Qualifying educational background" means:

408 (i) for a teacher who is assigned a secondary school level mathematics course:

409 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; ~~or~~

410 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

411 requirements that are substantially equivalent to the course requirements for a bachelor's degree

412 major, master's degree, or doctoral degree in mathematics; or

413 (C) a license with a mathematics level four endorsement, as established by the board;

414 (ii) for a teacher who is assigned a grade ~~[seven or eight]~~ 7 or 8 integrated science

415 course, chemistry course, or physics course~~;~~];

416 (A) a bachelor's degree major, master's degree, or doctoral degree in~~;~~ a field of

417 science;

418 ~~[(A) integrated science;]~~

419 ~~[(B) chemistry;]~~

420 ~~[(C) physics;]~~

421 ~~[(D) physical science;]~~

422 ~~[(E) general science; or]~~

423 ~~(F)~~ (B) a bachelor's degree major, master's degree, or doctoral degree that has course

424 requirements that are substantially equivalent to the course requirements of those required for a

425 degree ~~[listed in Subsections (1)(e)(ii)(A) through (E);]~~ described in Subsection (1)(i)(ii)(A); or

426 (C) a license with a chemistry, physics, or physical science endorsement, as established

427 by the board;

428 (iii) for a teacher who is assigned a computer science course[-];

429 (A) a bachelor's degree major, master's degree, or doctoral degree in[-] a field of

430 computer science;

431 [~~(A)~~ computer science;]

432 [~~(B)~~ computer information technology; or]

433 [~~(C)~~ (B) a bachelor's degree major, master's degree, or doctoral degree that has course

434 requirements that are substantially equivalent to the course requirements of those required for a

435 degree ~~[listed in Subsections (1)(c)(iii)(A) and (B).]~~ described in Subsection (1)(i)(iii)(A); or

436 (C) a license with a computer science level two endorsement, as established by the

437 board; or

438 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,

439 master's degree, or doctoral degree in special education.

440 [~~(f)~~ (j) "Title I school" means a school that receives funds under the Elementary and

441 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

442 [~~(g)~~ (k) "Title I school certificate teacher" means a certificate teacher who is assigned

443 to teach at a Title I school.

444 (2) (a) Subject to future budget constraints, the Legislature shall:

445 (i) annually appropriate money to the Teacher Salary Supplement Program[-] to

446 maintain annual salary supplements provided in previous years; and

447 (ii) provide salary supplements to new recipients.

448 (b) Money appropriated for the Teacher Salary Supplement Program shall include

449 money for the following employer-paid benefits:

450 (i) except as provided in Subsection (2)(c), retirement;

451 (ii) workers' compensation;

452 (iii) Social Security; and

453 (iv) Medicare.

454 (c) A salary supplement awarded on or after July 1, 2018, is not included in an eligible

455 teacher's compensation as defined in Section [49-12-102](#), [49-13-102](#), or [49-22-102](#).

456 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full

457 time to teach one or more courses listed in Subsections (1)(c)(i)(A) through [~~(E)~~] (F) is

458 [~~\$4,100~~] \$5,000 and funded through an appropriation described in Subsection (2).

459 (ii) An eligible teacher who has a part-time assignment to teach one or more courses
460 listed in Subsections (1)(c)(i)(A) through [~~(E)~~] (F) shall receive a partial salary supplement
461 based on the number of hours worked in [a] the course assignment [~~that meets the requirements~~
462 ~~of Subsections (1)(c)(ii) and (iii)~~].

463 (b) The annual salary supplement for a certificate teacher is \$750.

464 (c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

465 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)
466 and (c) may only receive the salary supplement that is greater in value.

467 (4) The board shall:

468 (a) create an online application system for a teacher to apply to receive a salary
469 supplement through the Teacher Salary Supplement Program;

470 (b) determine if a teacher:

471 (i) (A) is an eligible teacher; and

472 (B) has a course assignment as listed in Subsections (1)(c)(i)(A) through [~~(E)~~] (F);

473 (ii) is a certificate teacher; or

474 (iii) is a Title I school certificate teacher;

475 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
476 district and school administrators; and

477 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate
478 teachers.

479 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher
480 shall apply with the board before the conclusion of a school year to receive the salary
481 supplement authorized in this section.

482 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may
483 apply with the board, after verification that the requirements under this section have been
484 satisfied, to receive a salary supplement after the completion of:

485 (i) the school year as an annual award; or

486 (ii) a semester or trimester as a partial award based on the portion of the school year
487 that has been completed.

488 (6) (a) The board shall establish and administer an appeal process for a teacher to
489 follow if the teacher applies for [~~the~~] a salary supplement and [~~is not certified under Subsection~~

490 ~~(4)~~ does not receive a salary supplement under Subsection (8).

491 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
 492 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree
 493 major with course requirements that are substantially equivalent to the course requirements for
 494 a degree ~~[listed]~~ described in:

- 495 (A) Subsection (1)~~(e)~~(i)(i)(A);
 496 ~~[(B) Subsections (1)(e)(ii)(A) through (E); or]~~
 497 ~~[(C) Subsections (1)(e)(iii)(A) and (B).]~~
 498 (B) Subsection (1)(i)(ii)(A);
 499 (C) Subsection (1)(i)(iii)(A); or
 500 (D) Subsection (1)(i)(iv).

501 (ii) A teacher shall provide transcripts and other documentation to the board in order
 502 for the board to determine if the teacher has a degree or degree major with course requirements
 503 that are substantially equivalent to the course requirements for a degree listed in:

- 504 (A) Subsection (1)~~(e)~~(i)(i)(A);
 505 ~~[(B) Subsections (1)(e)(ii)(A) through (E); or]~~
 506 ~~[(C) Subsections (1)(e)(iii)(A) and (B).]~~
 507 (B) Subsection (1)(i)(ii)(A);
 508 (C) Subsection (1)(i)(iii)(A); or
 509 (D) Subsection (1)(i)(iv).

510 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
 511 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

512 (ii) A teacher shall provide to the board a certificate or other related documentation in
 513 order for the board to determine if the teacher holds a current certificate.

514 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
 515 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

- 516 (A) holds a current certificate; and
 517 (B) is assigned to teach at a Title I school.
 518 (ii) A teacher shall provide to the board:
 519 (A) information described in Subsection (6)(c)(ii); and
 520 (B) verification that the teacher is assigned to teach at a Title I school.

521 (7) (a) The board shall distribute money appropriated to the Teacher Salary
522 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
523 Program in accordance with the provisions of this section.

524 (b) The board shall include the employer-paid benefits described under Subsection
525 (2)(b) in the amount of each salary supplement.

526 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
527 salary supplement limits described under Subsection (3).

528 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
529 a school district or charter school to provide a salary supplement equal to the amount specified
530 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
531 teacher.

532 (b) ~~[The]~~ Except as provided in Subsection (2)(c), the salary supplement is part of the
533 teacher's base pay, subject to the teacher's qualification as an eligible teacher, a certificate
534 teacher, or a Title I school certificate teacher every year, semester, or trimester.

535 (9) Notwithstanding the provisions of this section, if the appropriation for the program
536 is insufficient to cover the costs associated with salary supplements, the board ~~[may limit or~~
537 ~~reduce the salary supplements]~~ shall distribute the funds in the Teacher Salary Supplement
538 Program on a pro rata basis.

539 Section 5. **Effective date.**

540 This bill takes effect on July 1, 2018.