

1 **NATIONAL CERTIFICATION TEACHER INCENTIVE**

2 **AMENDMENTS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Mayne**

6 House Sponsor: Carol Spackman Moss

8 **LONG TITLE**

9 **General Description:**

10 This bill amends and enacts provisions related to National Board certification for
11 teachers.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ moves provisions related to a salary supplement for a teacher who holds a National
16 Board certification from the Teacher Salary Supplement Program to a new program;
- 17 ▶ increases the amount of a salary supplement for:
 - 18 • a teacher who holds a National Board certification; and
 - 19 • a teacher who holds a National Board certification and teaches in a Title I
20 school;
- 21 ▶ discontinues a reimbursement for an educator who holds a National Board
22 certification;
- 23 ▶ enacts provisions permitting the State Board of Education to pay for an educator to
24 receive or renew a National Board certification; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53F-2-504**, as last amended by Laws of Utah 2018, Chapter 212 and renumbered and
33 amended by Laws of Utah 2018, Chapter 2

34 **53F-5-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2

35 ENACTS:

36 **53F-2-520**, Utah Code Annotated 1953



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

39 Section 1. Section **53F-2-504** is amended to read:

40 **53F-2-504. Teacher Salary Supplement Program -- Appeal process.**

41 (1) As used in this section:

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

43 [~~(b) "Certificate teacher" means a teacher who holds a National Board certification.~~]

44 [~~(c)~~] (b) "Eligible teacher" means a teacher who:

45 (i) has an assignment to teach:

46 (A) a secondary school level mathematics course;

47 (B) integrated science in grade 7 or 8;

48 (C) chemistry;

49 (D) physics;

50 (E) computer science; or

51 (F) special education;

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

53 (iii) has qualifying educational background; and

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

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

56 [~~(d)~~] (c) "Field of computer science" means:

57 (i) computer science; or

58 (ii) computer information technology.

59 ~~[(e)]~~ (d) "Field of science" means:

60 (i) integrated science;

61 (ii) chemistry;

62 (iii) physics;

63 (iv) physical science; or

64 (v) general science.

65 ~~[(f)]~~ (e) "License" means the same as that term is defined in Section 53E-6-102.

66 ~~[(g)] "National Board certification" means the same as that term is defined in Section~~

67 ~~53E-6-102.;~~

68 ~~[(h)]~~ (f) "Qualifying educational background" means:

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

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

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

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

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

74 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry

75 course, or physics course:

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

77 or

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

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

80 degree described in Subsection (1)~~[(h)]~~(f)(ii)(A);

81 (iii) for a teacher who is assigned a computer science course:

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

83 computer science; or

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

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

86 degree described in Subsection (1)~~[(h)]~~(f)(iii)(A); or

87 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,
88 master's degree, or doctoral degree in special education.

89 ~~[(i) "Title I school" means a school that receives funds under the Elementary and
90 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.]~~

91 ~~[(j) "Title I school certificate teacher" means a certificate teacher who is assigned to
92 teach at a Title I school.]~~

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

94 (i) annually appropriate money to the Teacher Salary Supplement Program to maintain
95 annual salary supplements for eligible teachers provided in previous years; and

96 (ii) provide salary supplements to new recipients.

97 (b) Money appropriated for the Teacher Salary Supplement Program shall include
98 money for the following employer-paid benefits:

99 (i) retirement;

100 (ii) workers' compensation;

101 (iii) Social Security; and

102 (iv) Medicare.

103 (3) (a) ~~[(f)]~~ The annual salary supplement for an eligible teacher who is assigned full
104 time to teach one or more courses listed in Subsections (1)~~[(c)]~~(b)(i)(A) through (F) is \$4,100
105 and funded through an appropriation described in Subsection (2).

106 ~~[(f)]~~ (b) An eligible teacher who has a part-time assignment to teach one or more
107 courses listed in Subsections (1)~~[(c)]~~(b)(i)(A) through (F) shall receive a partial salary
108 supplement based on the number of hours worked in the course assignment.

109 ~~[(b) The annual salary supplement for a certificate teacher is \$750.]~~

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

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

113 (4) The board shall:

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

116 (b) determine if a teacher:

117 (i) ~~[(A)]~~ is an eligible teacher; and

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

119 ~~[(ii) is a certificate teacher; or]~~

120 ~~[(iii) is a Title I school certificate teacher;]~~

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

123 (d) certify a list of eligible teachers~~[, certificate teachers, and Title I school certificate~~
124 ~~teachers].~~

125 (5) (a) An eligible teacher~~[, a certificate teacher, or a Title I school certificate teacher]~~
126 shall apply ~~[with]~~ to the board before the conclusion of a school year to receive the salary
127 supplement authorized in this section.

128 (b) An eligible teacher~~[, a certificate teacher, or a Title I school certificate teacher]~~ may
129 apply ~~[with]~~ to the board, after verification that the requirements under this section have been
130 satisfied, to receive a salary supplement after the completion of:

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

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

134 (6) (a) The board shall establish and administer an appeal process for a teacher to
135 follow if the teacher applies for a salary supplement and does not receive a salary supplement
136 under Subsection (8).

137 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
138 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree
139 major with course requirements that are substantially equivalent to the course requirements for
140 a degree described in:

141 (A) Subsection (1)~~[(tr)]~~(f)(i)(A);

142 (B) Subsection (1)~~(h)~~(f)(ii)(A);

143 (C) Subsection (1)~~(h)~~(f)(iii)(A); or

144 (D) Subsection (1)~~(h)~~(f)(iv).

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

148 (A) Subsection (1)~~(h)~~(f)(i)(A);

149 (B) Subsection (1)~~(h)~~(f)(ii)(A);

150 (C) Subsection (1)~~(h)~~(f)(iii)(A); or

151 (D) Subsection (1)~~(h)~~(f)(iv).

152 ~~[(c)(i) The appeal process established under Subsection (6)(a) shall allow a teacher to
153 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.]~~

154 ~~[(ii) A teacher shall provide to the board a certificate or other related documentation in
155 order for the board to determine if the teacher holds a current certificate.]~~

156 ~~[(d)(i) The appeal process established under Subsection (6)(a) shall allow a teacher to
157 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:]~~

158 ~~[(A) holds a current certificate; and]~~

159 ~~[(B) is assigned to teach at a Title I school.]~~

160 ~~[(ii) A teacher shall provide to the board:]~~

161 ~~[(A) information described in Subsection (6)(c)(ii); and]~~

162 ~~[(B) verification that the teacher is assigned to teach at a Title I school.]~~

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

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

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

170 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
171 a school district or charter school to provide a salary supplement equal to the amount specified
172 in Subsection (3) for each eligible teacher~~[, certificate teacher, or Title I school certificate~~
173 ~~teacher]~~.

174 (b) The salary supplement is part of ~~[the]~~ an eligible teacher's base pay, subject to the
175 eligible teacher's qualification as an eligible teacher, ~~[a certificate teacher, or a Title I school~~
176 ~~certificate teacher]~~ every year, semester, or trimester.

177 (9) Notwithstanding the provisions of this section, if the appropriation for the program
178 is insufficient to cover the costs associated with salary supplements, the board shall distribute
179 the funds in the Teacher Salary Supplement Program on a pro rata basis.

180 Section 2. Section **53F-2-520** is enacted to read:

181 **53F-2-520. Salary supplement for National Board certified teachers.**

182 (1) As used in this section:

183 (a) "National Board certification" means the same as that term is defined in Section
184 53E-6-102.

185 (b) "National Board-certified teacher" or "board-certified teacher" means a teacher
186 who:

187 (i) holds a National Board certification; and

188 (ii) has an assignment to teach in an LEA.

189 (c) "Salary supplement" means a salary supplement for a board-certified or Title I
190 school board-certified teacher described in this section.

191 (d) "Title I school" means a school that receives funds under Title I of the Elementary
192 and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.

193 (e) "Title I school board-certified teacher" means a board-certified teacher who is
194 assigned to teach at a Title I school.

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

196 (i) annually appropriate money to maintain annual salary supplements provided in
197 previous years; and

- 198 (ii) provide salary supplements to new recipients.
- 199 (b) Money appropriated for salary supplements shall include money for the following
200 employer-paid benefits:
- 201 (i) retirement;
- 202 (ii) workers' compensation;
- 203 (iii) Social Security; and
- 204 (iv) Medicare.
- 205 (3) (a) The annual salary supplement for a board-certified teacher is \$1,000.
- 206 (b) The annual salary supplement for a Title I school board-certified teacher is \$2,000.
- 207 (c) A board-certified teacher who qualifies for a salary supplement under Subsections
208 (3)(a) and (b) may only receive the salary supplement that is greater in value.
- 209 (d) The employer paid benefits described in Subsection (2)(b) are in addition to an
210 amount described in Subsection (3).
- 211 (4) The state board shall:
- 212 (a) create an online application system for a teacher to apply to receive a salary
213 supplement;
- 214 (b) establish a deadline by which a teacher is required to apply in order to receive a
215 salary supplement;
- 216 (c) determine whether a teacher who applies for a salary supplement is a
217 board-certified teacher or a Title I school board-certified teacher;
- 218 (d) verify, as needed, a determination made under Subsection (4)(c) with LEA or
219 school administrators; and
- 220 (e) certify a list of board-certified teachers and Title I school board-certified teachers.
- 221 (5) To receive a salary supplement, a board-certified teacher or a Title I school
222 board-certified teacher shall apply to the state board before the deadline described in
223 Subsection (4)(b).
- 224 (6) The state board shall establish and administer an appeal process for a teacher who
225 applies for but does not receive a salary supplement that allows the teacher to appeal eligibility

226 by providing evidence to the state board:

227 (a) of the teacher's National Board certification; or

228 (b) (i) of the teacher's National Board certification; and

229 (ii) that the teacher is assigned to teach in a Title I school.

230 (7) The state board shall:

231 (a) distribute money appropriated for salary supplements to LEAs in accordance with
232 the provisions of this section; and

233 (b) include the cost of employer-paid benefits described in Subsection (2)(b) in the
234 amount distributed to an LEA for each salary supplement.

235 (8) (a) An LEA shall use money received under this section to provide a salary
236 supplement to each board-certified teacher and Title I school board-certified teacher in an
237 amount equal to the amount described in Subsection (3).

238 (b) A salary supplement is part of a teacher's base pay, subject to the teacher's
239 qualification as a board-certified teacher or Title I school board-certified teacher every year,
240 semester, or trimester.

241 (9) Notwithstanding the provisions of this section, if an annual appropriation for salary
242 supplements is not sufficient to cover the costs associated with salary supplements, the state
243 board shall distribute the funds on a pro rata basis.

244 Section 3. Section **53F-5-202** is amended to read:

245 **53F-5-202. National Board certification reimbursement.**

246 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

247 (b) As used in this section:

248 (i) "Eligible educator" means an educator who ~~[(A) holds a current National Board~~
249 ~~certification; and (B)]~~ is employed as an educator by an LEA.

250 (ii) "Local education agency" or "LEA" means:

251 (A) a school district;

252 (B) a charter school; or

253 (C) the Utah Schools for the Deaf and the Blind.

254 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the board shall
255 reimburse an eligible educator for ~~[the cost]~~ a cost incurred by the eligible educator to attain or
256 renew a National Board certification.

257 (b) The board may only issue a reimbursement under Subsection (2)(a) for:

258 (i) a National Board certification attained or renewed after July 1, 2016[-], and before
259 July 1, 2019; or

260 (ii) a cost incurred by an eligible teacher to attain or renew a National Board
261 certification after July 1, 2016, and before July 1, 2019.

262 ~~[(3) The board shall reimburse an eligible educator under this section on a first come,~~
263 ~~first served basis.]~~

264 (3) Subject to legislative appropriations, and in accordance with this section, beginning
265 July 1, 2019, the state board may pay up to the total cost:

266 (a) for an eligible educator who does not have a National Board certification to pursue
267 a National Board certification; or

268 (b) for an eligible educator who has a National Board certification, to renew the
269 National Board certification.

270 (4) An eligible educator who does not have a National Board certification and intends
271 for the state board to pay for the eligible educator to pursue a National Board certification shall:

272 (a) submit to the state board:

273 (i) an application;

274 (ii) a letter of recommendation from the principal of the eligible educator's school; and

275 (iii) a plan for completing the requirements for a National Board certification within
276 three years of the state board approving the eligible educator's application; and

277 (b) pay a registration fee directly to the organization that administers National Board
278 certification.

279 (5) An eligible educator who intends for the state board to pay to renew the eligible
280 educator's National Board certification shall submit an application to the board.

281 (6) The state board may not:

282 (a) pay for an eligible educator to attempt to earn National Board certification over a
283 period of longer than three years; or

284 (b) pay for an individual to attempt National Board certification or a component of
285 National Board certification more than once.

286 ~~[(4)]~~ (7) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
287 Administrative Rulemaking Act, specifying procedures and timelines for:

288 (a) reimbursing costs under Subsection (2)~~[-]~~; and

289 (b) paying costs for an eligible educator to pursue or renew a National Board
290 certification under Subsection (3).

291 Section 4. **Effective date.**

292 This bill takes effect July 1, 2019.