

Senator Ann Millner proposes the following substitute bill:

TEACHER RETENTION

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Ann Millner

6	Cosponsors:	Tim Jimenez	Robert M. Spendlove
7	Cheryl K. Acton	Dan N. Johnson	Jordan D. Teuscher
8	Kera Birkeland	Jason B. Kyle	Raymond P. Ward
9	Tyler Clancy	Karianne Lisonbee	Christine F. Watkins
10	Paul A. Cutler	Anthony E. Loubet	Douglas R. Welton
11	Stephanie Gricius	Thomas W. Peterson	
12	Katy Hall	Val L. Peterson	



LONG TITLE

General Description:

16 This bill creates multiple programs to support teacher retention efforts.

Highlighted Provisions:

18 This bill:

- 19 ▶ creates the educator support hotline;
- 20 ▶ requires the state board to administer the support hotline;
- 21 ▶ creates the Mentoring and Supporting Teacher Excellence and Refinement Program
- 22 (the program);
- 23 ▶ establishes the required criteria for a local education agency or regional education
- 24 service agency (LEA) or regional education service agency to apply for a grant



25 under the program; and

26 ▶ requires an LEA to provide paid postpartum recovery leave.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2025:

29 ▶ to State Board of Education - State Board and Administrative Operations -
30 Mentoring and Supporting Teacher Excellence and Refinement Pilot Program as a
31 one-time appropriation:

32 • from the Public Education Economic Stabilization Restricted Account,
33 One-time, \$4,800,000

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 This bill provides a coordination clause.

37 **Utah Code Sections Affected:**

38 ENACTS:

39 **53F-5-222**, Utah Code Annotated 1953

40 **53G-11-208**, Utah Code Annotated 1953

41 **Utah Code Sections Affected By Coordination Clause:**

42 **53G-11-208**, as Utah Code Annotated 1953



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

45 Section 1. Section **53F-5-222** is enacted to read:

46 **53F-5-222. Mentoring and Supporting Teacher Excellence and Refinement Pilot**
47 **Program.**

48 (1) As used in this section:

49 (a) "Master teacher" means a classroom teacher who has been approved by the teacher's
50 administrator for an eligible initiative described in Subsection (6).

51 (b) "Mentoring and Supporting Teacher Excellence and Refinement Pilot Program" or
52 "program" means the program created in Subsection (2).

53 (c) "Regional education service agency" or "RESA" means the same as the term is
54 defined in Section **53G-4-410**.

55 (d) "Teacher leader work" means nonadministrative leadership tasks that occur in

56 conjunction with an teacher's main duties to provide instruction while avoiding formal
57 administrative roles, other than those relating directly to teacher leadership or development, for
58 the teacher engaging in the tasks, including:

- 59 (i) leading teachers;
60 (ii) mentoring teachers; and
61 (iii) providing observations or feedback to teachers.

62 (2) There is created a two-year pilot program known as the Mentoring and Supporting
63 Teacher Excellence and Refinement Pilot Program to provide funding to an LEA to improve
64 retention of strong educators who remain in the classroom and have access to growth
65 opportunities in the form of innovative teacher leadership tracks outside of contractual educator
66 steps and lanes to:

- 67 (a) foster development of leadership skills in participating teachers; and
68 (b) provide the opportunity for a master teacher to impact and provide guidance for
69 fellow teachers seeking to refine instructional skills.

70 (3) The state board shall:

- 71 (a) solicit proposals from LEAs and RESAs to receive a grant under this section; and
72 (b) award grants to LEAs or RESAs on a competitive basis based on the LEA's or
73 RESA's application described in Subsection (4)(a).

74 (4) To receive a grant under this section, an LEA or RESA shall:

- 75 (a) submit an application to the state board that:
76 (i) describes the program tier for which the LEA or RESA is applying;
77 (ii) describes the eligible initiatives for which the LEA or RESA will use the grant
78 amount;
79 (iii) provides evidence of the required matching funds described in Subsection (4)(b);
80 (iv) describes how the proposal will further the purposes of the program described in
81 Subsection (2); and

82 (v) outlines the metrics the LEA or RESA will use to measure success of the program;
83 and

- 84 (b) provide matching funds for a grant from a program tier as follows:
85 (i) a 10% match by the LEA or RESA for a tier 1 level grant amount;
86 (ii) a 15% match by the LEA or RESA for a tier 2 level grant amount; and

87 (iii) a 20% match by the LEA or RESA for a tier 3 level grant amount.

88 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
89 state board shall make rules:

90 (a) subject to legislative appropriations, outlining the grant amount for each program
91 tier described in Subsection (4)(b);

92 (b) describing the application requirements including:

93 (i) the required format for submission; and

94 (ii) relevant deadlines;

95 (c) establishing a scoring rubric; and

96 (d) describing any required reporting and performance measures.

97 (6) An LEA or RESA that receives a grant under this section shall use the grant award
98 for an eligible initiative to achieve the purposes described in Subsection (2) including:

99 (a) allowing a teacher to be released from all or part of an existing teacher contract to
100 engage in teacher leader work, which may involve a new contract for a master teacher, for a
101 period determined by the LEA including indefinitely;

102 (b) providing extended contracts outside of steps and lanes, resulting in increased pay
103 for increased work or for new roles involving teacher leader work on a schedule outside of
104 steps and lanes as determined by the LEA or RESA and the teacher; and

105 (c) building or expanding LEA or RESA leadership tracks including incentives for
106 differentiated teacher leader work pay scales for classroom teachers.

107 (7) The state board may use up to 6.25% of the money appropriated for the purposes
108 described in this section to pay for administrative costs the state board, an LEA, or a RESA
109 incurs in implementing the program.

110 (8) Upon request of the Education Interim Committee, an LEA that receives a grant
111 and the state board shall report to the Education Interim Committee on the program's progress
112 and outcomes.

113 *The following section is affected by a coordination clause at the end of this bill.*

114 Section 2. Section **53G-11-208** is enacted to read:

115 **53G-11-208. Paid leave -- Postpartum recovery leave -- Leave sharing.**

116 (1) As used in this section:

117 (a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee

118 who accrues paid leave benefits in accordance with the LEA's leave policies.

119 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
120 of leave an employee may take while still receiving compensation.

121 (iii) "Paid leave hours" is not limited postpartum recovery leave.

122 (b) "Postpartum recovery leave" means leave hours a state employer provides to a
123 postpartum recovery leave eligible employee to recover from childbirth.

124 (c) "Postpartum recovery leave eligible employee" means an employee of an LEA who:

125 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and

126 (ii) gives birth to a child.

127 (2) Beginning July 1, 2027, each LEA shall:

128 (a) provide postpartum recovery leave in an amount that is at least equivalent to the
129 postpartum recovery leave available to state employees under Section [63A-17-511](#); and

130 (b) allow a postpartum recovery leave eligible employee who is part-time or who
131 works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the
132 amount of postpartum recovery leave available under this section on a pro rata basis.

133 (3) An LEA shall provide for the use and administration of postpartum recovery leave
134 under this section in a manner that is not more restrictive than the postpartum recovery leave
135 available to state employees under Section [63A-17-511](#).

136 (4) An LEA may not charge postpartum recovery leave against paid leave hours to
137 which a qualified employee is entitled as described in Subsection [63A-17-511\(6\)](#).

138 (5) An LEA may provide leave that exceeds the benefits of the state leave policies
139 described in this section.

140 **Section 3. FY 2025 Appropriation.**

141 The following sums of money are appropriated for the fiscal year beginning July 1,
142 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
143 fiscal year 2025.

144 **Subsection 3(a). Operating and Capital Budgets.**

145 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
146 Legislature appropriates the following sums of money from the funds or accounts indicated for
147 the use and support of the government of the state of Utah.

148 ITEM 1 To State Board of Education - State Board and Administrative Operations

149 From Public Education Economic Stabilization Restricted \$4,800,000
Account, One-time

150 Schedule of Programs:

Mentoring and Supporting Teacher \$4,800,000
151 Excellence and Refinement Pilot
Program

152 Section 4. **Effective date.**

153 This bill takes effect on July 1, 2024.

154 Section 5. **Coordinating H.B. 431 with H.B. 192 – .**

155 If H.B. 431, Teacher Retention, and H.B. 192, Local Education Agency Employee Paid
156 Leave, both pass and become law, the Legislature intends that, on July 1, 2024, Section
157 53G-11-208 in H.B. 192 shall supersede amendments to Section 53G-11-208 in H.B. 431 and
158 be amended to read:

159 **"53G-11-208. Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**
160 **sharing.**

161 (1) As used in this section:

162 (a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who
163 accrues paid leave benefits in accordance with the LEA's leave policies.

164 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
165 of leave an employee may take while still receiving compensation.

166 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.

167 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible
168 employee.

169 (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave
170 benefits in accordance with the LEA's leave policies and is:

171 (i) a birth parent as defined in Section 78B-6-103;

172 (ii) legally adopting a minor child, unless the individual is the spouse of the
173 pre-existing parent;

174 (iii) the intended parent of a child born under a validated gestational agreement in
175 accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or

- 176 (iv) appointed the legal guardian of a minor child or incapacitated adult.
- 177 (d) "Postpartum recovery leave" means leave hours a state employer provides to a
178 postpartum recovery leave eligible employee to recover from childbirth.
- 179 (e) "Postpartum recovery leave eligible employee" means an employee:
- 180 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and
- 181 (ii) who gives birth to a child.
- 182 (f) "Qualified employee" means:
- 183 (i) a parental leave eligible employee; or
- 184 (ii) a postpartum recovery leave eligible employee.
- 185 (g) "Retaliatory action" means to do any of the following regarding an employee:
- 186 (i) dismiss the employee;
- 187 (ii) reduce the employee's compensation;
- 188 (iii) fail to increase the employee's compensation by an amount to which the employee
189 is otherwise entitled to or was promised;
- 190 (iv) fail to promote the employee if the employee would have otherwise been
191 promoted; or
- 192 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).
- 193 (2) Beginning July 1, 2025, an LEA:
- 194 (a) shall develop leave policies that provide for the use and administration of parental
195 leave and postpartum recovery leave by a qualified employee under this section in a manner
196 that is not more restrictive than the parental and postpartum recovery leave available to state
197 employees under Section [63A-17-511](#); and
- 198 (b) may develop leave policies that provide a mechanism for leave sharing between
199 employees of the same LEA or school for all types of leave including, sick leave, annual leave,
200 parental leave, and postpartum recovery leave;
- 201 (c) shall allow a parental leave eligible employee and a postpartum recovery leave
202 eligible employee who is part-time or who works in excess of a 40-hour work week or the
203 equivalent of a 40-hour work week to use the amount of postpartum recovery leave available
204 under this section on a pro rata basis; and
- 205 (d) shall provide each employee written information regarding:
- 206 (i) a qualified employee's right to use parental leave or postpartum recovery leave

207 under this section; and

208 (ii) the availability of and process for using or contributing to the leave sharing
209 mechanism described in Subsection (2)(b).

210 (3) An LEA may not take retaliatory action against a qualified employee for using
211 parental leave or postpartum recovery leave in accordance with this section.

212 (4) An LEA may not charge parental leave or postpartum recovery leave against paid
213 leave hours to which a qualified employee is entitled as described in Subsection
214 [63A-17-511\(6\)](#).

215 (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred
216 costs of compliance with this section including coordinating with other LEAs or schools to
217 share approaches or policies designed to fulfill the requirements of this section in a cost
218 effective manner.

219 (6) An LEA may provide leave that exceeds the benefits of the state leave policies
220 described in this section."