

Excellence in Education and Leadership Supplement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

LONG TITLE**General Description:**

This bill amends existing timeline and appropriation requirements to the Excellence in Education and Leadership Supplement.

Highlighted Provisions:

This bill:

- amends existing timeline and appropriation requirements to the Excellence in Education and Leadership Supplement;
- requires the State Board of Education to obtain and house a web-based application portal; and
- makes technical changes.

Money Appropriated in this Bill:

This bill appropriates \$12,100,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53F-2-526, as enacted by Laws of Utah 2024, Chapter 374

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

Section 1. Section **53F-2-526** is amended to read:

53F-2-526 . Excellence in Education and Leadership Supplement.

(1) As used in this section:

- (a) "Center" means the Center for the School of the Future at Utah State University established in Section 53B-18-801.
- (b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using an LEA's assessment methods, including:
 - (i) student growth or achievement measures;

- 32 (ii) professional evaluations;
- 33 (iii) parent surveys; and
- 34 (iv) other data-driven criteria the LEA establishes and the center verifies for validity.
- 35 (c) "Eligible teacher" includes an individual whom an LEA participating in the program
- 36 employs and who holds:
- 37 (i) a license the state board issues; and
- 38 (ii) a position that includes a current classroom teaching assignment.
- 39 (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
- 40 (e) "LEA" means:
- 41 (i) a school district;
- 42 (ii) a charter school;
- 43 (iii) the Utah Schools for the Deaf and Blind; and
- 44 ~~[(iii)]~~ (iv) a regional education service agency.
- 45 (f) "Program" means the Excellence in Education and Leadership Supplement created in
- 46 Subsection (2).
- 47 (g) "Tier performance level" means the following levels of performance for a teacher in
- 48 comparison to all teachers the center determines in accordance with Subsection (7):
- 49 (i) the top 5% of teachers;
- 50 (ii) the next 6%-10% of teachers; and
- 51 (iii) the next 11%-25% of teachers.
- 52 (h) "Top-performing" means the top 25% of teachers in comparison to all teachers the
- 53 center determines using the methods described in Subsection (1)(b).
- 54 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the
- 55 Excellence in Education and Leadership Supplement to provide a ~~[salary supplement]~~
- 56 performance-based award to an eligible teacher in recognition for outstanding
- 57 instructional talent.
- 58 (3)(a) No later than December 31, 2024, an LEA shall declare the LEA's intent to
- 59 participate in the program to the center.
- 60 (b) If an LEA declares an intent to participate in the program, the LEA shall:
- 61 (i) develop a process for a school principal or the principal's designee to assess a
- 62 teacher's performance consistent with this section to determine if a teacher is an
- 63 eligible teacher, including the corresponding tier performance level; and
- 64 (ii) create an appeals process for an employee who is not nominated to be an eligible
- 65 teacher.

- 66 (4) No later than April [4] 15, 2025, an LEA shall:
- 67 (a) attend a training that the center creates regarding the guidelines for developing a
- 68 process described in Subsection (3); and
- 69 (b) develop and submit for approval the LEA's process described in Subsection (3) to the
- 70 center.
- 71 (5)(a) The center shall review the LEA's process described in Subsection (3) and
- 72 approve the process or request that the LEA make changes to the submitted process.
- 73 (b) If the center requests changes to the LEA's submitted process, the LEA shall work
- 74 with the center to make necessary changes to receive final approval from the center.
- 75 (c) No later than June 30, 2025, the center shall provide final approval or denial of an
- 76 LEA's process.
- 77 (6) Before the start of the 2025-2026 school year, an LEA with an approved process as
- 78 described in Subsection (5) shall:
- 79 (a) ensure each school principal or the principal's designee attends a training that the
- 80 center creates regarding:
- 81 (i) how to effectively use the LEA's approved process to select and submit to the
- 82 center nominations for eligible teachers, including the corresponding tier
- 83 performance level; and
- 84 (ii) how to protect student and educator data privacy when submitting nominations
- 85 and applications, as described in Subsection (9)(b)(ii).
- 86 (b) provide information to teachers within the LEA regarding the program and how the
- 87 school's principal or principal's designee will use the approved LEA process to make
- 88 nominations of eligible teachers; and
- 89 (c) ensure each school principal or the principal's designee [uses] is able to use the LEA's
- 90 approved process to evaluate and select which teachers within the school to nominate
- 91 as eligible teachers, including the corresponding tier performance level[; ~~and~~] .
- 92 [~~(d) as provided in Subsection (9), submit to the center a list of the nominated eligible~~
- 93 ~~teachers for the center to consider.~~]
- 94 (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an
- 95 assessment process that:
- 96 (a) uses the methods described in Subsection (1)(b);
- 97 (b) calibrates the submissions an LEA submits to determine, for all nominated teachers
- 98 statewide, which teachers are eligible teachers, including the corresponding tier
- 99 performance level;

- 100 (c) may use additional criteria as determined by the center in consultation with
101 participating LEAs; and
- 102 (d) establishes a scoring rubric including the scores required for a designation in each
103 tier performance level.
- 104 (8)(a) The center shall collaborate with LEAs to create:
- 105 (i) selection and submission guidelines for:
- 106 (A) the approval of the LEA's process as described in Subsection (5); and
107 (B) the list of nominated eligible teachers described in Subsection (6);
- 108 (ii) methods to determine student growth and achievement measures for subject areas
109 that do not have standardized assessment data;
- 110 (iii) the weightings for each element of the assessment process described in
111 Subsection (7); and
- 112 (iv) the trainings described in this section.
- 113 (b) The center may provide program related technical assistance to an LEA.
- 114 (9)(a) An LEA shall:
- 115 (i) apply to the center on behalf of the nominated eligible teachers within the LEA
116 through a process and format that the center determines; and
- 117 (ii) ensure a school principal or the principal's designee reevaluates an eligible
118 teacher's designation under this section every three years.
- 119 (b) The center shall:
- 120 (i) create an application process for an LEA to submit the list of nominated eligible
121 teachers described in Subsection (9)(a), including a deadline for submission of the
122 list of nominated teachers to the center;
- 123 (ii) coordinate with the state board in the creation of the application process described
124 in Subsection (9)(b)(i) to ensure that any sharing of student and educator data
125 during the application process:
- 126 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part
127 99;
- 128 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
129 (C) uses disclosure avoidance techniques, including aggregating and otherwise
130 de-identifying data;
- 131 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible
132 teacher through the process described in Subsection (7);
- 133 (iv) verify:

- 134 (A) the validity of the LEA's process and assessment of an eligible teacher as
 135 described in Subsections (4) and (5); and
- 136 (B) the nominations described in Subsection (7) with the LEA and school
 137 administrators;
- 138 (v) certify a list of eligible teachers, including the total amount of funding the LEA
 139 receives for the LEA's eligible teachers; and
- 140 (vi) provide the list described in Subsection [~~(9)(b)(iv)~~] (9)(b)(v) to the state board.
- 141 (10)(a) Subject to legislative appropriations, the state board shall:
- 142 (i) within 45 days of receiving the list described in Subsection (9)(b)(v) from the
 143 center, disburse funding to an LEA in the amount the center verifies that an LEA
 144 qualifies to receive for [salary supplement] performance-based awards under this
 145 section;[and]
- 146 (ii)[~~(A) except as provided in Subsection (10)(a)(ii)(B),]allocate 1% of the funds~~
 147 ~~appropriated under this section to the center; and~~
 148 [~~(B) provide no more than \$500,000 to the center each fiscal year from the funds~~
 149 ~~described in Subsection (10)(a)(ii)(A).]~~
- 150 (iii) develop a method to compensate an LEA for program administration that:
 151 (A) does not exceed 4% of the total funds appropriated under this section;
 152 (B) first compensates an LEA for fixed efforts associated with development and
 153 management of the LEA's teacher performance-based award program; and
 154 (C) allocates any remaining balance to compensate an LEA for variable efforts
 155 associated with ongoing program administration and management.
- 156 (b) The annual [salary supplement] performance-based award for an eligible teacher is:
 157 (i) \$10,000 for a teacher in the top 5% of teachers;
 158 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
 159 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.
- 160 (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall
 161 receive an additional [salary supplement] performance-based award that is equal in
 162 amount to the eligible teacher's [salary supplement] performance-based award
 163 described in Subsection (10)(b).
- 164 (11)(a) An LEA shall:
- 165 (i) within 45 days of receiving the LEA's funds from the state board for all eligible
 166 teachers, use the program funds to provide a [salary supplement]
 167 performance-based award equal to the amount specified in Subsection (10) for

168 each eligible teacher in each tier performance level; and
 169 (ii) provide the ~~[salary supplement]~~ performance-based award in an eligible teacher's
 170 regularly occurring compensation in equal amounts through the contracted school
 171 years related to the ~~[salary supplement]~~ performance-based award.

172 (b) An LEA:

173 ~~[(i) may use up to 4% of the money appropriated to the LEA for salary supplements
 174 to cover administrative costs associated with implementing the program;]~~

175 ~~[(ii)]~~ (i) may use money appropriated to the LEA for the ~~[salary supplement]~~
 176 performance-based award for employer-paid benefits;~~[-and]~~

177 ~~[(iii)]~~ (ii) may not include a ~~[salary supplement]~~ performance-based award received
 178 under this section:

179 (A) in a retirement calculation; or

180 (B) as part of retirement contributions~~[-]~~ ; and

181 (iii) may not reduce an eligible teacher's award to ensure the LEA maintains the
 182 funds described in Subsection (10)(a)(iii).

183 (c) The ~~[salary supplement]~~ performance-based award is not part of an eligible teacher's
 184 base pay, and is subject to the eligible teacher's designation as an eligible teacher.

185 (12) ~~[Notwithstanding the provisions of this section]~~ Except as provided for in Subsection
 186 (11), if the appropriation for the program is insufficient to cover the costs associated
 187 with ~~[salary supplement]~~ performance-based awards, an LEA may distribute the funds to
 188 each eligible teacher of the same tier of performance level on a pro rata basis.

189 (13)(a) ~~[The center and the state board shall collaborate regarding data sharing and
 190 other relevant interactions to facilitate the successful administration of the program.]~~
 191 To optimize the center's successful implementation of the program, including
 192 achievement of the program's intended outcomes, the center and the state board shall
 193 collaborate regarding all:

194 (i) student achievement data;

195 (ii) teacher data; and

196 (iii) any other relevant data as the center and the state board determines.

197 (b) The state board shall:

198 (i) consult with the center; and

199 (ii) contract with a third party to obtain and house a web-based access portal for
 200 transparency to:

201 (A) allow a teacher to track the teacher's student's academic achievement and

- 202 growth and assess within the teacher's LEA the teacher's individual progress
 203 toward becoming an eligible teacher nominee;
- 204 (B) report results of the chosen model or models at the district, school, and subject
 205 or grade levels;
- 206 (C) provide diagnostic data showing the growth and achievement trends for
 207 different groups of students associated with a teacher, school, charter system,
 208 or district; and
- 209 (D) provide resources for teachers to interpret the model results, training modules,
 210 and receive or request technical support.
- 211 (14)(a) An eligible teacher that receives a [~~salary supplement~~] performance-based award
 212 under the program has no vested property right in the [~~salary supplement~~]
 213 performance-based award or the designation as an eligible teacher.
- 214 (b) An eligible teacher's [~~salary supplement~~] performance-based award and designation
 215 under this section are void if the school principal or principal's designee, LEA, or the
 216 center made or certified the designation improperly.
- 217 (15)(a) Subject to prioritization of the Audit Subcommittee, unless the state board
 218 contracts a private auditor in accordance with Subsection (15)(b), the Office of the
 219 Legislative Auditor General established under Section 36-12-15 shall, in any fiscal
 220 year:
- 221 (i) conduct an audit of the program including:
 222 (A) an evaluation of the implementation of the program; and
 223 (B) the efficacy of the program, including program outcomes; and
- 224 (ii) prepare and submit a written report for an audit described in this section in
 225 accordance with Subsection 36-12-15(4)(b)(ii).
- 226 (b) Subject to legislative appropriations, the state board may contract with an external
 227 auditor to perform the audit described in this Subsection (15).
- 228 (16)(a) The center shall report to the Education Interim Committee no later than the
 229 2024 October meeting the following:
- 230 (i) the methodology and process the center develops to achieve the requirements of
 231 Subsection (7);
- 232 (ii) relevant data and updates resulting from the collaborations described in
 233 Subsection (8);
- 234 (iii) any recommendations for future legislation; and
- 235 (iv) data regarding [~~salary supplement~~] performance-based award programs, including:

- 236 (A) different approaches used to reward teacher performance, including different
- 237 evaluation methods;
- 238 (B) research outlining the effectiveness and impact of different [~~salary supplement~~
- 239 performance-based award amounts on teacher retention; and
- 240 (C) other considerations for impactful [~~salary supplement~~] performance-based
- 241 award programs in relation to teacher retention.
- 242 (b) Beginning November 1, 2026, the center shall provide an annual report to the
- 243 Education Interim Committee regarding:
 - 244 (i) the statewide metrics used in accordance with Subsection (7);
 - 245 (ii) de-identified and aggregated data showing the number of:
 - 246 (A) [~~salary supplement~~] performance-based awards per school, including total
 - 247 number of eligible teachers in each school;
 - 248 (B) eligible teachers in high poverty schools;
 - 249 (C) eligible teachers in each tier performance level;
 - 250 (D) eligible teachers in subject areas that do not have standardized assessments;
 - 251 and
 - 252 (E) [~~salary supplement~~] performance-based award denials per school, including the
 - 253 reasons for a denial;
 - 254 (iii) proportion of eligible teachers in:
 - 255 (A) school districts; and
 - 256 (B) charter schools; and
 - 257 (iv) teacher retention data for a school where an eligible teacher is employed.

Section 2. **FY 2026 Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 2(a). **Operating and Capital Budgets**

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

ITEM 1 To State Board of Education - Minimum School Program - Related to Basic School Programs

From Public Education Economic Stabilization
Restricted Account, One-time

600,000

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| 270 | Schedule of Programs: | |
| 271 | Effective Teachers in High Poverty Schools | |
| 272 | Incentive Program | 600,000 |
| 273 | ITEM 2 To State Board of Education - State Board and Administrative Operations | |
| 274 | From Public Education Economic Stabilization | |
| 275 | Restricted Account, One-time | 11,500,000 |
| 276 | Schedule of Programs: | |
| 277 | Excellence in Education and Leadership | 11,500,000 |
| 278 | Section 3. Effective date. | |
| 279 | <u>This bill takes effect on May 7, 2025.</u> | |