

TEACHER RETENTION

2024 GENERAL SESSION

STATE OF UTAH

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LONG TITLE**General Description:**

This bill creates multiple programs to support teacher retention efforts.

Highlighted Provisions:

This bill:

- creates the Mentoring and Supporting Teacher Excellence and Refinement Program (the program);
- establishes the required criteria for a local education agency (LEA) or regional education service agency to apply for a grant under the program; and
- requires an LEA to provide paid postpartum recovery leave.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2025:

- to State Board of Education - State Board and Administrative Operations - Mentoring and Supporting Teacher Excellence and Refinement Pilot Program as a one-time appropriation:
 - from the Public Education Economic Stabilization Restricted Account, One-time, \$4,800,000

Other Special Clauses:

19 This bill provides a special effective date.

20 This bill provides a coordination clause.

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **53F-5-222**, Utah Code Annotated 1953

24 **53G-11-208**, Utah Code Annotated 1953

25 **Utah Code Sections affected by Coordination Clause:**

26 **53G-11-208**, Utah Code Annotated 1953

27

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

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

30 **53F-5-222 . Mentoring and Supporting Teacher Excellence and Refinement Pilot**
31 **Program.**

32 (1) As used in this section:

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

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

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

39 (d) "Teacher leader work" means nonadministrative leadership tasks that occur in
40 conjunction with a teacher's main duties to provide instruction while avoiding formal
41 administrative roles, other than those relating directly to teacher leadership or
42 development, for the teacher engaging in the tasks, including:

43 (i) leading teachers;

44 (ii) mentoring teachers; and

45 (iii) providing observations or feedback to teachers.

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

51 (a) foster development of leadership skills in participating teachers; and

52 (b) provide the opportunity for a master teacher to impact and provide guidance for

53 fellow teachers seeking to refine instructional skills.

54 (3) The state board shall:

55 (a) solicit proposals from LEAs and RESAs to receive a grant under this section; and

56 (b) award grants to LEAs or RESAs on a competitive basis based on the LEA's or
57 RESA's application described in Subsection (4)(a).

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

59 (a) submit an application to the state board that:

60 (i) describes the program tier for which the LEA or RESA is applying;

61 (ii) describes the eligible initiatives for which the LEA or RESA will use the grant
62 amount;

63 (iii) provides evidence of the required matching funds described in Subsection (4)(b);

64 (iv) describes how the proposal will further the purposes of the program described in
65 Subsection (2); and

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

68 (b) provide matching funds for a grant from a program tier as follows:

69 (i) a 10% match by the LEA or RESA for a tier 1 level grant amount;

70 (ii) a 15% match by the LEA or RESA for a tier 2 level grant amount; and

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

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

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

76 (b) describing the application requirements, including:

77 (i) the required format for submission; and

78 (ii) relevant deadlines;

79 (c) establishing a scoring rubric; and

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

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

83 (a) allowing a teacher to add to or be released from all or part of an existing teacher
84 contract to engage in teacher leader work, which may involve a new or amended
85 contract for a master teacher, for a period determined by the LEA and the teacher,
86 while maintaining the master teacher's status as a teacher;

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(ii) gives birth to a child.

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

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

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

(3) An LEA shall provide for the use and administration of postpartum recovery leave

under this section in a manner that is not more restrictive than the postpartum recovery leave available to state employees under Section 63A-17-511.

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

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

Section 3. **FY 2025 Appropriation.**

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

Subsection 3(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 - State Board and Administrative Operations

From Public Education Economic Stabilization

Restricted Account, One-time

\$4,800,000

Schedule of Programs:

Mentoring and Supporting Teacher Excellence and

Refinement Pilot Program

\$4,800,000

Section 4. **Effective date.**

This bill takes effect on July 1, 2024.

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

(iv) appointed the legal guardian of a minor child or incapacitated adult.

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

(e) "Postpartum recovery leave eligible employee" means an employee:

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

(ii) who gives birth to a child.

(f) "Qualified employee" means:

(i) a parental leave eligible employee; or

(ii) a postpartum recovery leave eligible employee.

(g) "Retaliatory action" means to do any of the following regarding an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections (1)(f)(i) through (iv).

(2) Beginning July 1, 2025, an LEA:

(a) shall develop leave policies that provide for the use and administration of parental leave and postpartum recovery leave by a qualified employee under this section in a manner that is not more restrictive than the parental and postpartum recovery leave available to state employees under Section 63A-17-511; and

(b) may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave, including, sick leave,

189 annual leave, parental leave, and postpartum recovery leave;
190 (c) shall allow a parental leave eligible employee and a postpartum recovery leave
191 eligible employee who is part-time or who works in excess of a 40-hour work week or
192 the equivalent of a 40-hour work week to use the amount of postpartum recovery leave
193 available under this section on a pro rata basis; and
194 (d) shall provide each employee written information regarding:
195 (i) a qualified employee's right to use parental leave or postpartum recovery leave
196 under this section; and
197 (ii) the availability of and process for using or contributing to the leave sharing
198 mechanism described in Subsection (2)(b).
199 (3) An LEA may not take retaliatory action against a qualified employee for using
200 parental leave or postpartum recovery leave in accordance with this section.
201 (4) An LEA may not charge parental leave or postpartum recovery leave against paid
202 leave hours to which a qualified employee is entitled as described in Subsection
203 63A-17-511(6).
204 (5) An LEA or school may use leave bank sharing and other efforts to mitigate
205 incurred costs of compliance with this section, including coordinating with other LEAs
206 or schools to share approaches or policies designed to fulfill the requirements of this
207 section in a cost effective manner.
208 (6) An LEA may provide leave that exceeds the benefits of the state leave policies
209 described in this section."