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H.B. 450 Enrolled

SUPPLEMENTAL EDUCATOR COVID-19 STIPEND AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill reenacts the Supplemental Educator COVID-19 Stipend in S.B. 1, Public Education Base Budget Amendments, with the removal of an exclusion for certain contracted employees of a local education agency.

Highlighted Provisions:

This bill:

• defines terms;

• reenacts the Supplemental Educator COVID-19 Stipend in S.B. 1, Public Education Base Budget Amendments;

• removes an exclusion for contracted employees of a local education agency whose contracts are funded using federal money from the Coronavirus Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act; and

• ensures that teachers whom an LEA assigns to teach in an online setting or who work in an online-only district or charter school are eligible for the stipend.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

ENACTS:

53F-2-418, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

53F-2-418, Utah Code Annotated 1953

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

Section 1. Section **53F-2-418** is enacted to read:

53F-2-418. Supplemental Educator COVID-19 Stipend.

(1) As used in this section:

(a) (i) "Classified school-level employee" means an individual:

(A) whom an LEA or RESA employs and directly pays; and

(B) who is assigned to work in a school setting.

(ii) "Classified school-level employee" includes the following categories that an LEA reports to the state board:

(A) instructional paraprofessionals;

(B) library paraprofessionals;

(C) student support; and

(D) school and other support, including employees like custodians, bus drivers, and food service; and

(iii) "Classified school-level employee" also includes an individual in LEA or RESA administration or administration support if the individual works exclusively in a school setting supporting students.

(b) "COVID-19 pandemic" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.

(c) "Employer-paid benefits" means a proportionate contribution toward retirement, workers' compensation, Social Security, and Medicare.

(d) (i) "Licensed school-level educator" means an individual whom:

(A) the state board licenses or who holds a license that the state board recognizes; and

(B) an LEA or RESA employs, directly pays, and assigns to work in an in-person or online school setting.

(ii) "Licensed school-level educator" includes the following categories that an LEA reports to the state board:

(A) teachers, including preschool, kindergarten, elementary, secondary, and special education teachers;

(B) support staff, including librarians, instructional leaders or specialists, counselors, and other support staff including employees like psychologists and social workers; and

(C) administrators, including principals, assistant principals, and directors.

(e) (i) "Qualifying employee" means a licensed school-level educator or a classified school-level employee who was employed by an LEA or RESA as of December 1, 2020, and is employed by:

(A) an LEA that provides a broad-based in-person learning option for all students in kindergarten through grade 12 by February 8, 2021, or an RESA that works with LEAs that provide a broad-based in-person learning option for all students in kindergarten through grade 12 by February 8, 2021; or

(B) an online-only charter school.

(ii) "Qualifying employee" does not include:

(A) school district employees who are assigned to work in the central administration of the school district, including superintendents, deputy and assistant superintendents, area and regional directors, curriculum specialists, and support staff; or

(B) individuals with whom an LEA contracts but does not directly pay the individual or report the individual to the state board in annual employment reports.

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

(g) "Stipend" means the one-time Supplemental Educator COVID-19 Stipend.

(2) There is created a one-time Supplemental Educator COVID-19 Stipend in appreciation of work during the COVID-19 pandemic.

(3) (a) Subject to legislative appropriations, the state board shall allocate funds to a qualifying education entity by March 30, 2021, to provide the stipend to qualifying employees as follows:

(i) (A) for a licensed school-level educator, $1,500; or

(B) for a classified school-level employee, $1,000; and

(ii) employer paid benefits.

(b) The stipend shall be prorated for each employee based on full-time equivalent status.

(c) Notwithstanding Subsection (3)(a), in the event that an allocation to an LEA or RESA is insufficient to provide the full stipend to each qualifying employee whom the LEA or RESA employs, the LEA or RESA shall reduce the amount of the stipend on a prorated basis.

(4) An LEA or RESA that receives an allocation from the state board under Subsection (3) shall return any unexpended amounts to the state no later than June 30, 2021.

Section 2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Section 3. **Coordinating H.B. 450 with S.B. 1 -- Superseding amendments.**

If this H.B. 450 and S.B. 1, Public Education Base Budget Amendments, both pass and become law, it is the intent of the Legislature that the amendments to Section 53F-2-418 in this bill supersede the amendments to Section 53F-2-418 in S.B. 1 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.

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