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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: March 5-6, 2015

ACTION: R277-459 *Classroom Supplies Appropriation* (Continuation and Amendment)

Background:

1. R277-459 *Classroom Supplies Appropriation* is due for its five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on July 11, 2015.
2. R277-459 *Classroom Supplies Appropriation* is amended to clarify the funding process followed in the event that the teacher supplies and materials appropriation is not sufficient to provide each teacher the full amount allowed by law. The rule's title is also amended and other technical and conforming changes are made.

Key Points:

1. Staff have reviewed R277-459 and determined that the rule continues to be necessary because the legislature has continued to appropriate funding for teacher supplies and materials and requires the Board to adopt rules regarding the expenditure of the funds.
2. Amendments to R277-459 include the following:
 - Addition of language from existing law to clarify that, in the event that the appropriation for teacher supplies and materials is not sufficient to provide each teacher the full amount allowed by law, teachers on salary steps one through three receive the full amount allowed.
 - Amendment of the rule's title from "Classroom Supplies Appropriation" to "Teacher Supplies and Materials Appropriation" to reflect language used in law.
 - Other minor technical and conforming changes.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-459 for continuation and amendment, on first reading and, if approved by the Committee, the Board consider approving R277-459 for continuation and amendment on second reading.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
Natalie Grange, School Finance Director, 801-538-7813

1 **R277. Education, Administration.**

2 **R277-459. [Classroom]Teacher Supplies and Materials**
3 **Appropriation.**

4 **R277-459-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Classroom teacher" definition criteria:

7 (1) Eligible teachers shall be in a permanent teacher
8 position filled by one teacher or two or more job-sharing
9 teachers employed by a school district, the Utah Schools for
10 the Deaf and the Blind, or charter schools.

11 (2) Eligible teachers are licensed personnel, and paid on
12 a school district's salary schedule or a charter school's
13 salary schedule.

14 (3) Teachers shall be employed for an entire contract
15 period.

16 (4) The teacher's primary responsibility shall be to
17 provide instructional or a combination of instructional and
18 counseling services to students in public schools.

19 C. "Comprehensive Administration of Credentials for
20 Teachers in Utah Schools (CACTUS)" means the electronic file
21 maintained on all licensed Utah educators. The file includes
22 such as:

23 (1) personal directory information;

24 (2) educational background;

25 (3) endorsements;

26 (4) employment history;

27 (5) professional development information; and

28 (6) a record of disciplinary action taken against the
29 educator. All information contained in an individual's CACTUS
30 file is available to the individual, but is classified private
31 or protected under Section 63G-2-302 or 305 and is accessible
32 only to specific designated individuals.

33 D. "Field trip" means a district, or school authorized
34 excursion for educational purposes.

35 E. "LEA" means a local education agency, including local
36 school boards/public school districts, charter schools, and,
37 for purposes of this rule, the Utah Schools for the Deaf and

38 the Blind.

39 [E]F. "Teaching supplies and materials" means both
40 [~~expendable and nonexpendable~~]consumable and nonconsumable
41 items that are used for educational purposes by teachers in
42 classroom activities and may include such items as:

43 (1) paper, pencils, workbooks, notebooks, supplementary
44 books and resources;

45 (2) laboratory supplies, e.g. photography materials,
46 chemicals, paints, bulbs (both light and flower), thread,
47 needles, bobbins, wood, glue, sandpaper, nails and automobile
48 parts;

49 (3) laminating supplies, chart paper, art supplies, and
50 mounting or framing materials;

51 (4) The definition of teaching supplies and materials
52 should be broadly construed in so far as the materials are
53 used by the teacher for instructional purposes or to protect
54 the health of teachers in instructional or lab settings, or in
55 conjunction with field trips.

56 [F]G. "USOE" means the Utah State Office of Education.

57 **R277-459-2. Authority and Purpose.**

58 A. This rule is authorized under Utah Constitution
59 Article X, Section 3 which gives general control and
60 supervision of the public school system to the Board, by
61 Section 53A-1-402(1)(b) which directs the Board to establish
62 rules and minimum standards for school programs, and by state
63 legislation which provides a designated appropriation for
64 teacher[~~classroom~~] supplies and materials.

65 B. The purpose of this rule is to distribute money
66 through [~~school districts, the Utah Schools for the Deaf and~~
67 ~~the Blind, or charter schools~~LEAs] to classroom teachers for
68 school materials, supplies, field trips, and purposes or
69 equipment that protect the health of teachers in instructional
70 or lab settings or in conjunction with field trips.

71 **R277-459-3. Distribution of Funds.**

72 A. The Board shall distribute funds to [~~school districts,~~

73 ~~charter schools and the Utah Schools for the Deaf and the~~
74 ~~Blind]~~LEAs based on data submitted to the CACTUS database.

75 B. [~~School districts, charter schools and the Utah~~
76 ~~Schools for the Deaf and the Blind]~~LEAs shall distribute funds
77 for classroom supplies consistent with the amounts for salary
78 schedule steps and teaching assignments as appropriated.

79 C. Individual teachers shall designate the uses for
80 their allocations consistent with the criteria of this rule.
81 [~~School districts/charter schools]~~LEAs and other eligible
82 schools may develop policies, procedures and timelines to
83 facilitate the intent of the appropriation.

84 D. Each [~~school district/charter school]~~LEA shall ensure
85 that each eligible individual has the opportunity to receive
86 the proportionate share of the appropriation. If the
87 appropriation is not sufficient to provide each teacher the
88 full amount allowed by law, teachers on salary steps one
89 through three shall receive the full amount allowed with the
90 remaining money apportioned to all other teachers.

91 E. If a teacher has not spent or committed to spend the
92 individual allocation by April 1, the school or [~~district]~~LEA
93 may make the excess funds available to other teachers or may
94 reserve the money for use by eligible teachers the following
95 year.

96 F. These funds shall supplement, not supplant, existing
97 funds for identified purposes.

98 G. These funds shall be accounted for by the [~~school~~
99 ~~district/charter school]~~LEA or eligible school using state and
100 school district procurement and accounting policies.

101 H. The funds and supplies purchased with the funds are
102 the property of the [~~school district, the Utah Schools for the~~
103 ~~Deaf and the Blind, or charter schools]~~LEA.

104 (1) Employees do not personally own materials purchased
105 with designated public funds.

106 (2) [~~A school district or charter school]~~An LEA may by
107 policy allow individual teachers to use supply funds to
108 protect teacher health with consumable materials that may not
109 be able to be reused by the school.

110 **R277-459-4. Other Provisions.**

111 A. [~~Districts, the Utah Schools for the Deaf and the~~
112 ~~Blind, or charter schools]~~LEAs shall allow, but not require,
113 teachers to jointly use their allocations.

114 B. [~~School districts, the Utah Schools for the Deaf and~~
115 ~~the Blind, and charter schools]~~LEAs may carry over these
116 funds, if necessary.

117 **KEY: teachers, supplies**

118 **Date of Enactment or Last Substantive Amendment: [~~July 11,~~**
119 **~~2011]~~2015**

120 **Notice of Continuation: [~~July 1, 2010]~~2015**

121 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
122 **53A-1-402(1) (b)**