

1      **R277. Education, Administration.**

2      **R277-319. Special Educator Stipends.**

3      **R277-319-1. Authority and Purpose.**

4            (1) This rule is authorized by:

5            (a) Utah Constitution Article X, Section 3, which vests general control and supervision  
6            of public education in the Board;

7            (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the  
8            Board's duties and responsibilities under the Utah Constitution and state law; and

9            (c) Subsection 53F-2-310(2), which requires the Board to distribute money  
10            appropriated for stipends for special educators for additional days of work.

11            (2) The purpose of this rule is provide standards and procedures for distributing money  
12            appropriated for stipends for special educators for additional days of work, recognizing:

13            (a) the added duties and responsibilities assumed by special educators to comply with  
14            federal law and Board special education rules regulating the education of students with  
15            disabilities; and

16            (b) the need to attract and retain qualified special educators.

17      **R277-319-2. Definitions.**

18            (1) "After the school year" means two weeks after the final day of the required contract  
19            period, as determined by the employer.

20            (2) "Before the school year" means two weeks before the first day of the required  
21            contract period, as determined by the employer.

22            (3)(a) "Duties related to the IEP process" means the duties and responsibilities  
23            provided in Subsection 53F-2-310(4);

24            (b) "Duties related to the IEP process" do not include:

25            (i) professional development;

26            (ii) instructional planning;

27            (iii) classroom set-up and tear-down;

28            (iv) district level planning; and

29                   (v) direct student instruction.  
30                   (4)(a) "Special educator" has the same meaning as described in Subsection 53F-2-  
31                   310(1)(b).  
32                   (b) "Special educator" includes a pre-kindergarten special education teacher.  
33                   (5) "Work day" means a special educator's contract day as determined by the  
34                   employer.

35 **R277-319-3. Special Educator Stipend.**

36                   (1) A special educator eligible for funding shall complete a survey through an online  
37                   provider approved by the Superintendent as follows:  
38                   (a) by a date determined by the special educator's LEA, but no later than September  
39                   30 for a special educator who worked before the school year began; and  
40                   (b) by a date determined by the special educator's LEA, but no later than July 31 for a  
41                   special educator who worked after the school year ended.  
42                   (2) A special educator may only receive a stipend under this rule for actual days  
43                   worked.  
44                   (3) An LEA may not transfer stipend work days under this rule among special  
45                   educators.  
46                   (4) A special educator hired by an LEA after the beginning of the school year may  
47                   receive funding for extra days to the extent of funds available.

48 **R277-319-4. Superintendent Responsibilities.**

49                   (1) The Superintendent shall annually review this program and determine, based upon  
50                   the annual appropriation, the number of special education days to be funded.  
51                   (2) To simplify accounting and evaluation requirements for LEAs, the Superintendent  
52                   shall:  
53                   (a) provide a methodology for tracking and accounting for special educator days to  
54                   LEAs;

55        (b) provide a checklist of appropriate duties related to the IEP process for special  
56 educators; and  
57        (c) distribute reimbursements to participating LEAs for eligible special educators on a  
58 semiannual basis.

59 **R277-319-5. LEA Responsibilities.**

60        (1) An LEA shall distribute the survey required under Subsection R277-319-3(1) to  
61 special educators semi-annually in time to meet the reporting deadlines of this rule.

62        (2)(a) An LEA shall submit a semi-annual report in a form approved by the  
63 Superintendent no later than September 30 and July 31 annually.

64        (b) In its report an LEA shall verify:

65        (i) that special educators have not exceeded the allowed days; and

66        (ii) that information submitted is complete and correct with no duplicate entries.

67 **KEY: special educators, stipends**

68 **Date of Enactment or Last Substantive Amendment:**

69 **Notice of Continuation: June 7, 2018**

70 **Authorizing, and Implemented or Interpreted Law: Art. X Sec. 3; 53E-3-401(4); 53F-2-310**