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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: December 6, 2013

ACTION: R277-528 *Use of Public Education Job Enhancement Program (PEJEP) Funds (New)*
R690-100 *Public Education Job Enhancement Program Participant Eligibility and Requirements (Repeal)*

Background:

1. S.B. 28 *Boards and Commissions Amendments*, 2013 Legislative Session, moved the Public Education Job Enhancement Program (PEJEP) Committee's rulemaking authority from the PEJEP Committee (which was repealed) to the Board. The new rule, R277-528 *Use of Public Education Job Enhancement Program Funds* provides procedures and criteria for remaining PEJEP funds, consistent with the intent of the Program.
2. R690-100 *Public Education Job Enhancement Program Participant Eligibility and Requirements* is repealed because the statute authorizing the PEJEP Committee was repealed and rulemaking authority was changed from the PEJEP Committee to the Board.

Key Points:

1. R277-528 *Use of Public Education Job Enhancement Program Funds* provides definitions, procedures and criteria for use of existing PEJEP funds.
2. R690-100 *Public Education Job Enhancement Program Participant Eligibility and Requirements* is repealed in its entirety.

Anticipated Action:

1. It is proposed that the Instruction, Assessment and Technology Committee consider approving R277-528 on first reading, and if approved by the Committee, the Board consider approving R277-528 on second reading.
2. It is proposed that the Instruction, Assessment and Technology Committee consider approving R690-100 for repeal on first reading, and if approved by the Committee, the Board consider approving R690-100 for repeal on second reading.

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1 **R277. Education, Administration.**

2 **R277-528. Use of Public Education Job Enhancement Program**
3 **(PEJEP) Funds.**

4 **R277-528-1. Definitions.**

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

6 B. "Council for Accreditation of Educator Preparation
7 (CAEP)" is a nationally recognized organization which provides
8 accreditation of professional teacher education programs in
9 institutions offering baccalaureate and graduate degrees for
10 the preparation of K-12 teachers.

11 C. "National Council for Accreditation of Teacher
12 Education (NCATE)" is a nationally recognized organization
13 which accredits the education units providing baccalaureate
14 and graduate degree programs for the preparation of teachers
15 and other professional personnel for elementary and secondary
16 schools.

17 D. "PEJEP awards" means awards granted to eligible PEJEP
18 participants that satisfy the purposes of the original PEJEP
19 funding and USOE documentation requirements.

20 E. "Public Education Job Enhancement Program (PEJEP)"
21 means a program authorized under Section 53A-1a-601(2).

22 F. "Teacher Education Accreditation Council (TEAC)" is a
23 nationally recognized organization which provides
24 accreditation of professional teacher education programs in
25 institutions offering baccalaureate and graduate degrees for
26 the preparation of K-12 teachers.

27 G. "USOE" means the Utah State Office of Education.

28 **R277-528-2. Authority and Purpose.**

29 A. The rule is authorized by Article X, Section 3 of the
30 Utah Constitution, which places general control and
31 supervision of the public schools under the Board; Section
32 53A-1a-601(3)(c)(2) which requires the Board to make a rule
33 that provides for repayment of a portion of the initial

34 payment by the teacher if the teacher fails to complete the
35 Program with exceptions; Section 53A-1a-601(5)(b) which
36 directs the Board to develop criteria for PEJEP awards; and
37 Section 53A-1-401(3) which allows the Board to adopt rules in
38 accordance with its responsibilities.

39 B. The purpose of this rule is to provide standards and
40 procedures for ongoing participation in PEJEP.

41 **R277-528-3. PEJEP Participants.**

42 A. PEJEP participants shall commit to required courses
43 for advanced degrees and endorsements consistent with Section
44 53A-1a-601(2).

45 B. Qualified Utah institutions of higher education shall
46 be reimbursed for the tuition for eligible PEJEP
47 participants.

48 C. PEJEP participants shall receive textbook
49 reimbursements directly.

50 D. PEJEP participants shall provide documentation
51 annually, by October 1, to the USOE, demonstrating full-time
52 employment as educators during the previous school year.

53 E. If a PEJEP participant changes employers, leaves
54 public education, or moves from the state, he shall notify the
55 USOE immediately. The USOE may require repayment or partial
56 repayment, consistent with Section 53A-1a-601(3)(c)(ii).

57 F. PEJEP participants shall notify the USOE of the
58 participants' satisfaction of their teaching commitment at the
59 conclusion of their Program.

60 **R277-528-4. University Program Eligibility.**

61 A. A Utah higher education institution (university)
62 program that provides licensure and endorsements in areas
63 outlined in Section 53A-1a-601(2) shall be eligible to receive
64 tuition reimbursement for eligible PEJEP participants.

65 B. University endorsement or education programs that

66 desire to enroll PEJEP participants shall meet the following
67 minimum requirements:

68 (1) provide documentation to the USOE of university
69 program accreditation by NCATE/TEAC/CAEP;

70 (2) provide to the USOE an overview of the university
71 endorsement program including:

72 (a) program requirements and eligibility standards for
73 participants;

74 (b) a screening process for prospective participants;

75 (c) course syllabi; and

76 (d) a yearly evaluation of the program.

77 C. The USOE may determine the eligibility of university
78 programs on an annual basis.

79 D. The USOE shall reimburse tuition directly to
80 university programs for PEJEP participants.

81 **R277-528-5. Evaluation.**

82 A. The USOE shall maintain records of PEJEP award
83 participants.

84 B. The USOE shall prepare an annual report for the Board
85 that demonstrates use of PEJEP funding consistent with the
86 intent of original PEJEP legislation.

87 **KEY: educator, award**

88 **Date of Enactment or Last Substantive Amendment: 2014**

89 **Authorizing, and Implemented or Interpreted Law: 53A-1a-601;**

90 **53A-1-401(3)**

~~[R690. Public Education Job Enhancement Program, Job Enhancement Committee.~~

~~R690-100. Public Education Job Enhancement Program Participant Eligibility and Requirements.~~

~~R690-100-1. Definitions.~~

~~A. "Advancement Award/scholarship recipient" means a scholarship to an educator qualified under Sections 53A-1a-601 (1) and (2) (a) and (b). The scholarship may be used for:~~

~~(1) training in subject areas designated in Section 53A-1a-601(1); and~~

~~(2) tuition costs only as designated in Section 53A-1a-601(2)(b) for a master's degree, teaching endorsement, or approved graduate program including National Board Certification.~~

~~B. "Contract" means a binding agreement signed and agreed to by the recipient, the PEJEP Committee and USOE under 53A-1a-602(3)(c); applications are available through the USOE and online through the USOE website at www.schools.utah.gov.~~

~~C. "Critical areas of educator need" means secondary school teachers with expertise in mathematics, physics, chemistry, physical science, learning technology, or information technology PreK-12 special education teachers, educators seeking math endorsements in fourth, fifth, and sixth grade with a Level 1 or Level 2 license with an elementary or secondary area of concentration, and occupational therapists.~~

~~D. "Information technology" for purposes of this rule means courses in information support and services, interactive media, network systems and programming, and software development as listed under information technology education in career and technical education (CTE) on the USOE website.~~

~~E. "Learning technology" for the purpose of this rule means a degree/endorsement earned to implement use of technology in classrooms by secondary school teachers in the critical areas of educator need identified under R690-100-1C.~~

~~F. "Letter of authorization" under Section 53A-1a-601(3) means a designation given to an individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements for the course(s) he teaches, who is employed by a school district, who has an educator license under R277-502.~~

~~G. "National Board Certification" means the successful completion of the National Board for Professional Teaching Standards (NBPTS) process, a three-year process, that may include national content-area assessment, an extensive portfolio, and assessment of video-taped classroom teaching experience.~~

~~H. "Opportunity Award/signing bonus/cash award recipient" means a cash award paid in two installments to qualified educators under 53A-1a-601(2) (c) and (3)a) and (b).~~

~~I. "Public Education Job Enhancement Program Committee (PEJEP Committee)" means the committee designated under Section 53A-1a-602.~~

~~J. "Public Education Job Enhancement Program (PEJEP)" means a program authorized under Section 53A-1a-601.~~

~~K. "Public Education Job Enhancement Program Executive Committee (PEJEP Executive Committee)" means a subcommittee of approximately five members of the PEJEP Committee including the PEJEP Chair and others as selected by the PEJEP Committee provided for in Section 53A-1a-602.]~~

~~L. "Special education teacher" means an educator who teaches at least three classes (or fifty percent of the school day) of primarily PreK-12 special education students or whose contract assignment is designated by the district as SPECIAL EDUCATION. Special education teacher may also mean speech and language pathologists and psychologists and special education educators teaching grade 12+ in a high school.~~

~~M. "Technology training" for the purpose of this rule means professional development training to public school superintendents, administrators, and principals in the effective use of technology in public schools.~~

~~N. "USOE" means the Utah State Office of Education.~~

~~R690-100-2. Authority and Purpose for Opportunity and Advancement Awards.~~

~~A. The rule is authorized under Section 53A-1a-602(5) which requires the PEJEP Committee to make a rule establishing policies and procedures for:~~

~~(1) designating the recipients and offering scholarships and cash awards from PEJEP funding;~~

~~(2) timelines for the submission and approval of applications;~~

~~(3) the distribution of the awards and scholarships; and~~

~~(4) monitoring educator progress and compliance with the law and this rule.~~

~~B. The purpose of this rule is to provide policies and procedures for participation in the Public Education Job Enhancement Program.~~

~~R690-100-3. PEJEP Committee and Committee Expansion.~~

~~A. The PEJEP Committee identified in Section 53A-1a-602 may create subcommittees, including a PEJEP Executive Committee to increase the PEJEP Committee's effectiveness.~~

~~(1) The PEJEP Executive Committee shall be designated by the PEJEP Committee.~~

~~(2) All subcommittee recommendations shall be affirmed by the PEJEP Committee.~~

~~(3) Subcommittee membership and terms shall be determined by the PEJEP Committee.~~

~~B. The PEJEP Committee may add advisory committee members to inform the PEJEP Committee's decisions. Advisory committee members may meet regularly with the PEJEP Committee but may not vote or approve applicants for awards.~~

~~C(1) The Committee may hold electronic meetings consistent~~

~~with Section 52-4-207.~~

~~(2) Committee members may participate through electronic means if at least three Committee members are present at an established anchor location for the meeting.~~

~~(3) A quorum may be established that includes members participating electronically.~~

~~(4) Committee members participating through electronic means may officially vote on motions.~~

~~R690-100-4. Opportunity Awards.~~

~~A. Timelines for Opportunity Awards~~

~~(1) The PEJEP Committee shall provide to all public school district superintendents and charter schools, by May 14 of each year, teacher information forms and funds available for Opportunity Awards consistent with critical areas of educator need identified under R690-100-1C.~~

~~(2) Information forms for awards shall also be available from the USOE and on-line through the USOE website.~~

~~(3) Completed information forms for Opportunity Awards, including required documentation, shall be due to the USOE from applying school districts and charter schools by November 1 annually.~~

~~(4) Recipients of Opportunity Awards shall receive the cash award in two installments, with the first initial payment at the beginning of the four year teaching commitment and the second installment at the conclusion of four consecutive years of teaching.~~

~~(a) The recipient shall repay a portion of the initial payment if the recipient fails to complete two years of the consecutive four year teaching commitment unless waived for good cause by the PEJEP Committee, designated in Section 53A-1a-602; and~~

~~(b) The recipient shall not receive the second installment if the recipient fails to complete the consecutive four year teaching commitment.~~

~~(5) The USOE shall receive documentation annually by October 1 from recipients of Opportunity Awards documenting a full-time schedule as educators during the previous school year.~~

~~(6) If the recipient desires to decrease his teaching employment to less than full-time, teach less than 50 percent of the teacher's course load in the area of the award, or take a leave of absence at any time, the recipient shall submit a formal written request to the PEJEP Committee. The PEJEP Committee may grant or deny permission for the employment change within 30 days of the request; if permission is denied by the PEJEP Committee, provisions under 53A-1a-601(1)(c)(ii) shall apply immediately.~~

~~(7) The USOE shall be immediately notified by the Opportunity Award recipient if the recipient changes employers, leaves public education, or moves from the state; provisions of 53A-1a-601(1)(c)(ii) shall apply immediately if the recipient leaves public education or leaves the state.~~

~~(8) Opportunity Award recipients shall notify the USOE at the conclusion of the recipient's consecutive four year teaching commitment.~~

~~(9) The USOE shall make the final Opportunity Award payment in a timely manner upon notification by the recipient and documentation of full-time employment during the required four year period.~~

~~B. Award and Funding Requirements for Opportunity Awards~~

~~(1) To be eligible to receive an award under this rule, an educator shall:~~

~~(a) have signed an employment contract with a public school district or charter school;~~

~~(b) be recommended by secondary school principal, school district superintendent or designee or charter school director;~~

~~(c) be a fully licensed educator in Utah or enrolled in an alternative educator licensing program in:~~

~~(i) pre-K-12+ special education; or~~

~~(ii) a secondary education endorsement program (grades 7-12) in critical areas of educator need identified under R690-100-1C; and~~

~~(d) have taught under a letter of authorization for at least one year in the areas referred to under Section 53A-1a-601(1) and received a superior evaluation as a classroom teacher.~~

~~(2) Licensed teachers newly hired in a school district or charter school providing instruction to students in any public classroom setting shall be eligible for an Opportunity Award.~~

~~C. School district/charter school responsibilities:~~

~~(1) An employing school district/charter school shall notify the USOE if a recipient of an Opportunity Award ends school district employment.~~

~~(2) An employing school district/award recipient shall notify the USOE if an Opportunity Award recipient has his teaching assignment changed to less than 50 percent of his assignment in the area that qualified the teacher for the award.~~

~~(3) An employing school district shall notify the USOE of any other award or scholarship or special compensation that an award recipient is receiving, to the best of the employer's information, from another source.~~

~~R690-100-5. Advancement Awards.~~

~~A. Timelines for Advancement Awards~~

~~(1) Applications for Advancement Awards shall be available from the USOE and online through the USOE website.~~

~~(2) Educators may apply at any time throughout the year and may receive an award subject to funds available.~~

~~(3) Beginning in June 2008, upon receipt of the Advancement Award and each semester that recipient receives the Advancement Award, recipient shall provide documentation to the USOE that the recipient is enrolled in approved higher education course(s).~~

~~(4) Recipients have four years to complete course work for a~~

~~master's degree, teaching endorsement, or approved graduate program.~~

~~(5) Upon completion of the master's degree, teaching endorsement, or approved graduate program, a recipient shall notify the USOE and provide an official higher education transcript or appropriate documentation.~~

~~(6) Recipients of the Advancement Awards shall notify the USOE immediately if they change public education employers, drop their class loads below 3 credit hours or move from the state.~~

~~(7) If the recipient interrupts employment for any reason, the recipient shall submit a formal written letter to the PEJEP Committee explaining the reason for the interruption and requesting a continuance of the contract.~~

~~B. Award and Funding Requirements for Advancement Awards~~

~~To be eligible to receive an award under this rule, an educator shall:~~

~~(1) be approved by the employing principal and the school district superintendent or designee or a charter school director and charter school board chair;~~

~~(2) be a fully licensed Utah educator or enrolled in a Utah alternative educator licensing program.~~

~~(3) agree to enroll in eligible schools or programs at the first possible enrollment opportunity following the award;~~

~~(4) use the award only at a Utah public or private accredited higher education institution; exceptions may be made by the PEJEP Committee on a case by case basis for compelling circumstances;~~

~~(5) provide documentation to the PEJEP Committee of acceptance into an approved graduate program, including National Board Certification, leading to a master's degree or teaching endorsement in areas identified under R690-100-1C;~~

~~(6) not use the award to pay for course work in counseling or administration.~~

~~C. Additional Recipient Requirements for Advancement Awards; a recipient shall:~~

~~(1) complete the program within four years from the date of initial enrollment.~~

~~(2) complete endorsement classes in a timely manner as approved in the contract with the PEJEP Committee.~~

~~(3) successfully complete (2.0 average or better) all classes for which recipient is reimbursed.~~

~~(4) enroll and seek reimbursement only for courses leading directly to a master's degree, teaching endorsement, or approved graduate program, for which the award was made.~~

~~(5) show evidence of progress toward master's degree, teaching endorsement, or approved graduate program, every semester for which the award is used.~~

~~(6) commit to teach in Utah public schools in an area identified in 53A-1a-601(1) for a period of four consecutive school years following the completion of the endorsement or degree for which the award was made.~~

~~(7) notify the USOE if a recipient of an Advancement Award ends school district employment.~~

~~(8) notify the USOE if an Advancement Award recipient has his teaching assignment changed to less than 50 percent of his assignment in the area that qualified the teacher for the award.~~

~~(9) notify the USOE of any other award or scholarship or special compensation that an award recipient is receiving, to the best of the employer's information, from another source.~~

~~(10) be eligible for an Advancement Award if the recipient provides instruction to students in any public school setting, including secure facilities with education components under the control and supervision of the public school system.~~

~~D. Award Priorities for Advancement Awards~~

~~(1) Superintendent/principal recommendations~~

~~(2) Existing formal qualifications, evaluations, degrees, certificates, endorsements, licenses of educators in district/school.~~

~~(3) Applicants' discussions of career plans, educational objectives, and estimated time periods for completion of course work.~~

~~(4) Alignment of applicant career/educational objectives with intent and express purposes of Section 53A-1a-601.~~

~~R690-100-6. Enforcement and Penalty Provisions for Breach of PEJEP Contract for Opportunity and Advancement Awards.~~

~~A. It is the responsibility of award recipients to notify in writing both the USOE and employing school district, during the period of the award, of changes in recipient's name, mailing address, telephone number, or licensing status.~~

~~B. If an Opportunity Award or Advancement Award recipient fails to satisfy the teaching commitment, earn the master's degree, or teaching endorsement, or complete the approved graduate program, the recipient may be responsible to repay, as determined by the PEJEP Committee, the full or a prorated amount of the cash award or scholarship fund received.~~

~~C. The entire amount of the cash award or scholarship may become due and payable immediately, including interest following review by the PEJEP Committee for violations of Section 53A-1a-601 or this rule.~~

~~D. The recipient may be responsible for any and all necessary collection costs.~~

~~E. Legal action may be taken against recipient as recommended by the PEJEP Committee and approved by the USOE and the Utah Attorney General's Office.~~

~~F. A recipient may be referred to the Utah Professional Practices Advisory Committee for possible action against the recipient's license for willful violations of law or this rule.~~

~~G. Should recipient's license be suspended or revoked by the Utah State Board of Education, consistent with due process provided for in state law, the award or scholarship shall be canceled at the~~

~~time of license revocation and subject to the conditions stated in R690-100-5.~~

~~H. Exceptions to any provision of the Opportunity or Advancement Award contracts shall be approved in writing by the PEJEP Committee.~~

~~**R690-100-7. Miscellaneous Provisions or Requirements for the Opportunity and Advancement Awards.**~~

~~A. In any given school year, a teacher shall not receive both an Opportunity Award and an Advancement Award and shall not receive two Opportunity awards concurrently.~~

~~B. Recipients of the Opportunity Award and Advancement Award may not apply for a second award until the consecutive four year teaching commitment has been fulfilled.~~

~~C. Opportunity and Advancement award educators may take less than a full-time course load in the areas identified in 53A-1a-601(1), if student demand is not sufficient for a full-time assignment in those subject areas.~~

~~D. If the Opportunity or Advancement Award recipient should die before the conditions or repayment of the award is satisfied, the entire commitment or balance shall be waived.~~

~~E. The educator shall be teaching in the critical areas of educator need identified under R690-100-1C,D, and E, to apply for a PEJEP scholarship toward any learning technology degree, endorsement, or advanced degree.~~

~~F. Advancement Award Recipients taking 9 credit hours during summer months (forgoing employment during that time) may receive a \$6,000 summer stipend, at the discretion of the PEJEP Committee; summer stipends shall be prorated for educators in regulated programs and those recipients may receive \$2,000 per 3 credit hours, up to \$6,000.~~

~~G. Endorsement program recipients may receive only one summer stipend of \$6,000 per 9 credit hours at the discretion of the PEJEP Committee.~~

~~H. Endorsement caps shall be commensurate with increased tuition costs for the specific endorsement; and~~

~~I. Teachers who have their assignment changed which takes them out of their classroom teaching in the PEJEP content areas, must submit a petition to the PEJEP Committee for potential waiver of penalties associated with the change.~~

~~J. The consecutive four year teaching commitment may be met by educators who are promoted, assigned, or advised to change their teaching assignment and work within the district or state in a similar role for which the Opportunity Award or Advancement Award was made, following PEJEP Committee approval.~~

~~K. Applicants are not eligible for Advancement Awards if the individuals are in their last semester of their degree or endorsement programs or if they have completed their degree, endorsement, or advanced degree program.~~

~~L. The PEJEP Committee has the discretion to accept and fund~~

~~applications received after established deadlines provided that timely applications shall be considered first and all funding shall be approved and distributed only to the extent of funds available.~~

~~**R690-100-8. Provisions or Requirements for the Technology Training Component of 53A-1a-601(4) (a).**~~

~~Technology training courses, programs or conferences that provide professional development for public school superintendents, administrators and principals in the effective use of technology in public schools shall be submitted to the PEJEP Committee by applicants for consideration and approval under 53a-1A-601(4).~~

~~**KEY: scholarship, award, educator**~~

~~**Date of Enactment or Last Substantive Amendment: November 23, 2009**~~

~~**Notice of Continuation: December 14, 2011**~~

~~**Authorizing, and Implemented or Interpreted Law: 53A-1a-602(5)]**~~