

Educator Licensing/UPPAC Finance Committee Report

Educator Licensing Summary

The Educator Licensing and UPPAC budget is based on an allocation by the legislature from a restricted fund created by the fees charged to educators for licensing transactions. Currently the restricted fund has a significant excess and therefore the legislature has set the licensing fees at a point where the fund is operating in the red each year to deplete that excess. Regardless of the amount of funding available, Educator Licensing and UPPAC spending cannot exceed the legislative allocation.

An increase in this spending cap for the FY 2016 is required due to a projected shortfall as a result of an increase in the professional services line-item that represents the cost paid to the Bureau of Criminal Investigation for the processing of background checks. This line item has been underfunded for the past few years and has been covered based on lower indirect costs and a vacant position. However, during FY 2016 this cost will increase significantly due to the additional cost of enrolling fingerprints in the FBI rap-back system. The vacant position and the additional background check costs are both explained below.

Section Responsibilities

The Educator Licensing section provides implementation of Utah Code Title 53A, Chapter 6 and Utah Administrative Rules R277-500 through R277-527. This involves all procedures and mechanisms utilized in the issuance of new Utah educator licenses, adding new credentials to existing licenses, and the renewal of Utah educator licenses. This includes the administration of the Alternative Route to Licensure established by R277-503 and ensuring educator preparation program compliance with Board rules, R277-502 through 506.

Additionally, the section implements the procedural aspects of background check requirements for licensed educators in Utah law, see 53A-6-401, 53A-1a-512.5, and 53A-3-410, and administers the Teacher Salary Supplement Program, see 53A-17a-156.

Finally, the Educator licensing section monitors LEA compliance with Utah Administrative Rule R277-520 and provides data to the School Finance section of USOE for appropriate distribution of various legislative funding sources (Professional Staff Costs, Legislative Salary Adjustment, Supplies and Materials Funding) that include licensure requirements.

Current Essential Needs – FY 2016

Summary Recommendations

It is recommended that a supplemental appropriation of \$265,000 from the restricted fund be requested from the legislature. This would not require additional funding, only additional allocation.

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The legislature has been understanding of this type of request in the past, but there is no guarantee that it would be approved. Without this additional spending authority from the legislature, Educator Licensing will be unable meet current estimated expenditures for FY 2016. The rationale for this request is detailed below.

Professional Services

This section of the budget represents the amount of money paid to the Utah Bureau of Criminal Investigation (BCI) and the Federal Bureau of Investigation (FBI) for the processing of background checks and the transaction fees paid to Utah Interactive for the online license renewal website and services. This number fluctuates but is set based on previous year expenditures. During the 2015 legislative session HB 124 S1 was passed which requires that the Board enroll all educator fingerprints in the FBI rap-back system beginning 7/1/2015. This will result in additional expense.

Both licensing staff and legislative analysts failed to account for the legislative budget allocation cap and did not request an increase in that cap during the session. The cost of “lifetime” enrollment with the FBI was set at \$13 per background check. USOE estimates that this will result in \$200,000 in additional expenditures for FY 2106.

Vacant Licensing Position

The Educator Preparation Program Approval Specialist position is currently vacant in Educator Licensing. The position is intended to focus on university program accreditation and the Out-of-State licensing process. The out-of-state duties are currently being completed by two other Teaching and Learning Specialists, one of whom has primary duties for the Alternative Route to Licensure (ARL) which is experiencing an increasing number of applications yearly. This staffing shortfall has resulted in increased delays for ARL program applicants and participants and a significant backlog of unreviewed out-of-state licensure applications. The issue was partially addressed by bringing in a former employee on a part-time, temporary basis. The individual was able to complete the pending out-of-state applications as of December 4, 2015.

Educator licensing attempted to fill the position in December 2014. An offer was made to one individual but was declined and no other qualified candidates applied. At that time it was hoped that reopening the position in the spring, after the legislative session and near the end of the school year, would result in a better pool of candidates. However further review of the budget at that time indicated that there was insufficient funding in FY 2016 to fill the position.

Program approval is currently being handled by the Educator Licensing Coordinator as one of many duties. The time constraints created by such an assignment prohibit the depth of analysis and attention that would result in a high-quality process. A dedicated program specialist would be able to continuously review and monitor programs resulting in more rapid and meaningful change in approved programs in alignment with Board standards and expectations. The specialist would also be responsible

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for taking the lead on several projects currently being done by universities to create common program completer surveys and student teaching evaluations for programs to use as a part of their national accreditation.

Budget Shortfall and Wishlist

Shortfall Possible Solutions

Educator Licensing has streamlined procedures and reallocated duties in an effort to become as efficient as possible over the past eight years. The result has been that the section now handles more responsibilities, more background checks, and an equivalent number of licensing transactions with fewer FTE when compared to FY 2007.

With that in mind, in a budget shortfall scenario the first aspect of the Educator Licensing budget to review would be contracted services. It would be necessary to determine if the Utah Interactive online licensing services could be handled in-house for less expense. The only other significant cost that could be cut would be personnel. In the event that funds are not available to hire sufficient staff to process and monitor licensing, applicants and LEAs would experience significantly longer wait times in all aspects of the licensure process. These delays could impact any funding allocations to LEAs that rely upon licensing status; Educator Salary Adjustment, Supplies & Materials, and Professional Staff Costs.

Wishlist Tasks

The primary task that needs to be accomplished by Educator Licensing that is not currently being done is the auditing of LEA educator data. Licensing staff frequently come across questionable data in CACTUS and discusses these individual situations, but no mechanism currently exists to have an individual take the lead to truly exam the reality of what is occurring in the school and comparing that to the data in CACTUS and the data submitted in UTREx. Without this type of process, staff must operate with constant concerns regarding the accuracy of any data that relies on LEAs for input. As discussed in CACTUS trainings, matching CACTUS, Student Information Systems, and reality is not a simple matter. It is often complex and nuanced. Without spending time at the school and being immersed in the data, an individual cannot determine whether inaccurate data is the result of a pattern of intentional deception, user error, or simply the best possible option for a unique situation. With licensing trying to improve data accuracy to support the Board and legislature's desire to make decisions based on solid data these duties take on more and more importance.

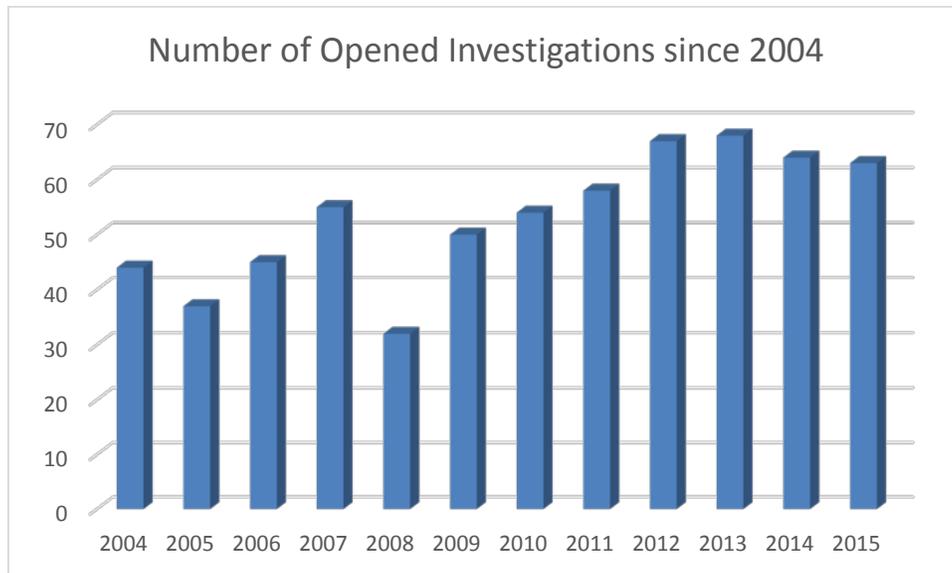
UPPAC Summary

UPPAC is authorized by 53A-6-301, et seq. and additionally governed by Board rules R277-201 through 207. As with Educator Licensing, UPPAC is funded by the restricted fund for educator licensing fees. UPPAC investigates reports of educator misconduct, makes recommendations to the Board of

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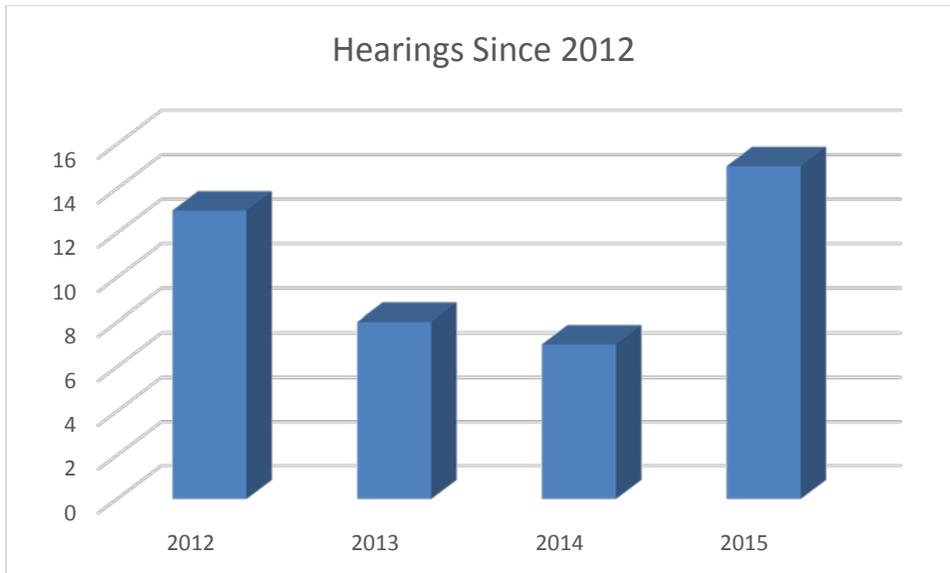
Education, and conducts hearings for educator discipline, educator reinstatement requests, and appeals of Board decisions on initial licensure and background checks.

UPPAC's greatest budgetary issue lies currently in handling its licensure investigations and the workload that flows from it. UPPAC's load of new investigations has remained fairly steady in recent years as can be seen below.



At the same time, the current trend is for a significant increase in time spent on hearings. While 2012 had a comparable number of hearings, in 2015, UPPAC held as many hearings as in the previous two years combined. One of these hearings was an intensive four-day hearing involving use of expert testimony. Of the 15 hearings from 2015, 6 were Reinstatement Hearings and 9 were original disciplinary hearings held at the direction of the Board or the request of the Educator.

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In 2016, UPPAC expects to meet or exceed the number of hearings from last year solely with original disciplinary hearings. Hearings require intensive preparation on the part of UPPAC's prosecutors, increased expense reimbursements for panel members, and increased costs for hearing officers. UPPAC's accountant advises that the increased hearing load is taxing on the educator license fees, which fund UPPAC's activities. It is recommended that the Board consider whether to request future funding for UPPAC's activities come from another source, or whether educator license fees will need to be increased in the future to support UPPAC's purpose.

UPPAC is managed by its Director, whose salary is covered out of the Special Projects section and has two full-time prosecutors and a full-time assistant. This is up from last year when UPPAC had one full-time prosecutor and two part-time prosecutors. In the event of a budget shortfall, UPPAC would have to either cut back on hours for our prosecutors, which would result in increased wait times for educators for the investigation and hearing process.