USBE Legislative Request Form

(Policy, Funding, & Efficiency / Reductions)

2027 General Session

SECTION 1: THE BOTTOM LINE

Request Title: UPPAC Critical FTE and Attorney Market-Rate Pay Increase Request

USBE Lead Point of Contact:

- Name: Ben Rasmussen
- Email: ben.rasmussen@schools.utah.gov
- USBE Section: Law and Professional Practices

Director Reviewer: Ben Rasmussen

Nature of Request (Select all that apply):

[ ] **Policy Change:** Creating, amending, or repealing Utah State Code. *(Complete Section 4)*

[X] **New/Increased Funding:** Seeking new financial resources. *(Complete Section 3)*

[ ] **Efficiency / Reduction:** Proposing the elimination or reduction of a program, mandate, or funding stream. *(Complete Section 3 and/or 4)*

Purpose Statement (BLUF - Bottom Line Up Front):

We are requesting $421,200 in ongoing funding to secure two (2) new full-time staff attorney FTEs ($355,500) and provide market-rate salary adjustments ($65,700) for current UPPAC legal counsel. This targeted investment will eliminate an unsustainable 18+ month investigative backlog, replace expensive temporary stopgaps (such as $350,000 in outside legal contracts), and ensure the timely, just resolution of educator misconduct allegations.

SECTION 2: THE BUSINESS CASE

(Required for all requests)

The Problem:

The Utah Professional Practices Advisory Commission (UPPAC) is experiencing unprecedented, compounding growth in educator misconduct referrals and opened cases. The current base staffing of 3.5 ongoing FTEs is structurally capacity-constrained and unable to keep pace with incoming case volume.

Compounding this operational bottleneck, uncompetitive legal salaries create a severe barrier to recruiting and retaining experienced attorneys. This turnover transforms a staffing deficit into an active public-safety and administrative bottleneck.

The Source:

This request represents a multi-year, staff-generated, and Board-prioritized policy objective spanning seven (7) consecutive legislative sessions. For seven years, the Utah State Board of Education has repeatedly requested dedicated funding from the Legislature to add essential UPPAC staff attorneys and establish competitive, market-rate salaries necessary to retain qualified legal counsel.

State Board members—driven by sustained focus and oversight from the Board's Law and Licensing Committee—have made reforming, accelerating, and improving the UPPAC investigative process a top administrative priority. This 2027 request directly operationalizes the Board's long-standing policy directives, backed by active case-tracking metrics, multi-year caseload growth analysis, and cross-agency salary evaluations comparing state-level legal counsel compensation across Utah government.

Projected Results:

1. Drastically compress wait and processing times for educators and LEAs facing active misconduct allegations.

2. Safeguard K-12 classrooms by ensuring high-risk misconduct allegations are investigated swiftly and appropriate state-level disciplinary measures are executed without systemic delay.

Consequence of Inaction:

If this request is not funded, USBE will face two severe operational consequences:

1. Prolonged Due Process Failure: Educators will continue to face disruptive case wait times exceeding 18 months, leaving teachers and LEAs in administrative limbo.

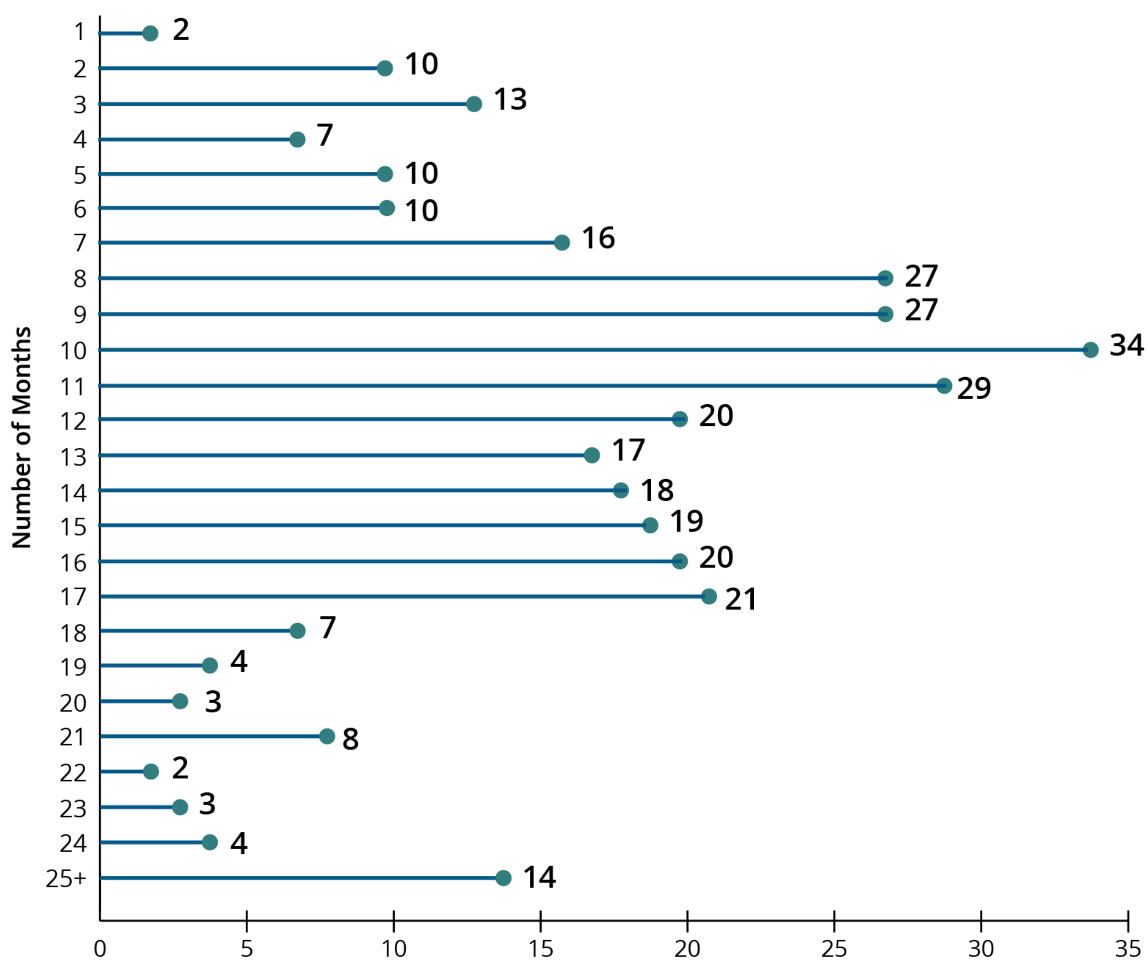
2. Mandatory Rule Restrictions: USBE will be forced to aggressively amend administrative rules to restrict and reduce the types of misconduct cases eligible for state-level UPPAC review, effectively lowering state oversight standards for public education practices.

Evidence & Data:

UPPAC case lifespans now exceed acceptable operational thresholds, maintaining a persistent 18+ month delay. To manage this workload, USBE has relied on temporary stopgaps, including using one-time carry-forward funds for 1 temporary investigator FTE and allocating $350,000 for outside law firms. These one-time funding patches fail to provide long-term stability or attract permanent talent.

The requested $421,200 figure includes a 4.2% inflationary modifier applied to prior cost estimates to reflect current labor market conditions for qualified legal personnel.

Months Between Opening an Investigation and Board Decision for Cases Finalized January 2022 - May 2026



SECTION 3: FUNDING, OFFSETS, & EFFICIENCIES

*(Complete **only** if your request involves financial resources or proposing budget cuts)*

Financial Ask:

- **FY 2027 Ongoing Requested:** $421,200
- **FY 2027 One-Time Requested:** $0
- **Proposed Offsets / Savings:** $0*(Amount saved by cutting redundancies or reallocating existing funds)*

The Offset Strategy:

Internal administrative efficiencies have been fully exhausted. USBE has already streamlined operations by enacting expedited rules for minor infractions to reduce attorney workloads. Furthermore, the agency has deployed one-time carry-forward funds and allocated $350,000 for contracted outside legal counsel to prevent total operational shutdown. Because these stopgaps are financially unsustainable and existing section budgets are operating at full capacity, no further internal reallocations can be made without directly compromising student safety and educator oversight.

Future Obligations:

Does this request create multi-year scale-up costs or ongoing maintenance obligations?

[ ] Yes

[ ] No

If yes, please describe: ____

Itemized Budget Request:

(Please detail how the funding will be utilized across the following categories).

	FY 2027 (Current)	FY 2028 (proposed)
2 new ongoing attorney FTEs	**$0**	**$355,500**
Market-Rate Adjustments for current positions	**$0**	**$65,700**
TOTAL		**$421,200**

New USBE FTEs Requested: 2 FTEs

Can current FTEs be assigned these responsibilities? Explain.

No. The active pool of 3.5 ongoing FTEs is operating completely over maximum capacity. Spreading these responsibilities any further across existing staff will only worsen the current 18-month case backlog.

Performance Measures:

• Measure 1 (Case Lifespan Reduction): Reduce average UPPAC investigation wait and processing times from 18+ months down to under 9 months by the conclusion of the fiscal year.

• Measure 2 (Clearance Rate Target): Achieve an annualized case clearance rate of 100% (and resolving more historical backlog cases than new incoming referrals) to systematically eliminate the case backlog.