

Representative David N. Cox proposes the following substitute bill:

**RESOLUTION EXPRESSING OPPOSITION TO FEDERAL
ENCROACHMENT ON EDUCATION**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David N. Cox

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature expresses opposition to the proposed Academic Competitiveness program and any other proposal that would create federal control of school curricula or otherwise expand federal intrusion into education.

Highlighted Provisions:

This resolution:

- ▶ expresses opposition to the proposed Academic Competitiveness program;
- ▶ expresses opposition to any proposal that would empower the United States Secretary of Education to determine public school curricula; and
- ▶ expresses opposition to any measure that enables the expansion of federal intrusion into state and local control of education.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the No Child Left Behind Act of 2001 ~~H→~~ [~~represents one of the most sweeping federal intrusions into~~] violates and interferes with ~~←H~~ state and local control of education and disregards the



26 time-honored American principle of balanced federalism and respect for state and local
27 prerogatives, especially in education;

28 WHEREAS, the No Child Left Behind Act violates the Enabling Act for the state of
29 Utah, which states that, "The schools, colleges, and university provided for in this act shall
30 FOREVER remain under the exclusive control of said State";

31 WHEREAS, the No Child Left Behind Act violates the legislation originally
32 authorizing the United States Department of Education which states, "The establishment of the
33 Department of Education shall not increase the authority of the Federal Government over
34 education or diminish the responsibility for education which is reserved to the States and the
35 local school systems and other instrumentalities of the state";

36 WHEREAS, the No Child Left Behind Act violates itself when it states, "Nothing in
37 this act shall be construed to authorize an officer or employee of the Federal Government to
38 mandate, direct, or control a State, local educational agency, or school's curriculum, program of
39 instruction, or allocation of State or local resources, or mandate a State or any subdivision
40 thereof to spend any funds or incur any costs not paid for under this Act"; and

41 WHEREAS, the newly enacted Academic Competitiveness Grant Program, which
42 rewards secondary math and science students who complete a "rigorous" course of study with
43 additional tuition assistance, stipulates that "rigorous" be determined by the United States
44 Secretary of Education:

45 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
46 expresses its opposition to the Academic Competitiveness Grant program and any other
47 proposal that would empower the United States Secretary of Education to determine public
48 school curricula or any other measure that enables the expansion of federal intrusion into state
49 and local control of education.

50 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
51 Leader of the United States Senate, the Speaker of the United States House of Representatives,
52 the United States Department of Education, and to the members of Utah's congressional
53 delegation.

Fiscal Note**Resolution Expressing Opposition to Federal Encroachment on Education***14-Feb-06***Bill Number HJR011S02***10:08 AM*

State Impact

Mailing requirements of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst