

1 **STATE BOARD OF EDUCATION POWERS AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: D. Chris Buttars**

5 House Sponsor: Ken Ivory

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the State Board of Education's powers.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ provides that the State Board of Education may investigate a school district or
14 public school to determine whether the school district or public school is in
15 compliance with state law;

16 ▶ provides that the State Board of Education may reverse a decision of a local school
17 board or charter school governing board if the decision of the local school board or
18 charter school governing board violates state law; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53A-1-401**, as last amended by Laws of Utah 2010, Chapter 305



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-1-401** is amended to read:

30 **53A-1-401. Powers of State Board of Education -- Adoption of rules --**

31 **Enforcement.**

32 (1) For purposes of this part, "board" means the State Board of Education.

33 ~~[(1)(a)]~~ (2) The ~~[State Board of Education]~~ board has general control and supervision
34 of the state's public education system, under Utah Constitution Article X, Section 3.

35 ~~[(b) "General control and supervision" as used in Article X, Sec. 3, of the Utah~~
36 ~~Constitution means directed to the whole system.]~~

37 ~~[(2) The board may not govern, manage, or operate school districts, institutions, and~~
38 ~~programs, unless granted that authority by statute.]~~

39 (3) The board may:

40 (a) adopt rules and policies in accordance with its responsibilities under the
41 constitution and ~~[state laws, and may interrupt]~~ as provided in statute, to guide the
42 administration of public schools;

43 (b) investigate a school district or public school to determine whether the school
44 district or public school is in compliance with this title and board rule;

45 (c) reverse a decision of a local school board or charter school governing board if the
46 decision of the local school board or charter school governing board violates this title or board
47 rule; or

48 (d) withhold disbursements of state ~~[aid]~~ money to ~~[any]~~ a school district ~~[which]~~ or
49 charter school that fails to comply with ~~[rules adopted in accordance with this Subsection (3)]~~
50 this title or board rule.

51 (4) (a) The board may sell any interest it holds in real property upon a finding by the
52 board that the property interest is surplus.

53 (b) The board may use the money it receives from a sale under Subsection (4)(a) for
54 capital improvements, equipment, or materials, but not for personnel or ongoing costs.

55 (c) If the property interest under Subsection (4)(a) was held for the benefit of an agency
56 or institution administered by the board, the money may only be used for purposes related to
57 the agency or institution.

58 (d) The board shall advise the Legislature of any sale under Subsection (4)(a) and

59 related matters during the next following session of the Legislature.

60 (5) The board shall develop policies and procedures related to federal educational
61 programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs
62 Act.

63 (6) On or before December 31, 2010, the State Board of Education shall review
64 mandates or requirements provided for in board rule to determine whether certain mandates or
65 requirements could be waived to remove funding pressures on public schools on a temporary
66 basis.

Legislative Review Note
as of 2-24-11 10:02 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 263

SHORT TITLE: **State Board of Education Powers Amendments**

SPONSOR: **Buttars, D. C.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.