

**STATE EDUCATIONAL SOVEREIGNTY ACT**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies and enacts provisions relating to federal funding of education programs.

**Highlighted Provisions:**

This bill:

- ▶ defines a term;
- ▶ prohibits a local school official from entering into certain agreements related to federal funding of education programs under certain circumstances;
- ▶ establishes a penalty;
- ▶ requires the State Board of Education to report a violation of the prohibition to the Education Interim Committee; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-902**, as last amended by Laws of Utah 2009, Chapter 112

**53A-1-903**, as last amended by Laws of Utah 2011, Chapter 342



28 ENACTS:

29 **53A-1-910**, Utah Code Annotated 1953



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

32 Section 1. Section **53A-1-902** is amended to read:

33 **53A-1-902. Definitions.**

34 As used in this part:

35 (1) (a) "Cost" means an estimation of state and local money required to implement a  
36 federal education agreement.

37 (b) "Cost" does not include capital costs associated with implementing a federal  
38 education agreement.

39 (2) "Education entities" means the entities that may bear the state and local costs of  
40 implementing a federal program, including:

- 41 (a) the State Board of Education;
- 42 (b) the state superintendent and the State Office of Education;
- 43 (c) a local school board;
- 44 (d) a school district and its schools;
- 45 (e) a charter school governing board; and
- 46 (f) a charter school.

47 (3) "Federal education agreement" means a legally binding document or representation  
48 that requires a school official to implement a federal program that originates from the U.S.  
49 Department of Education and that has, as a primary focus, an impact on the educational  
50 services at a district or charter school.

51 (4) "Federal programs" include:

- 52 (a) the No Child Left Behind Act;
- 53 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law  
54 105-17, and subsequent amendments; and
- 55 (c) other federal educational programs.

56 (5) "Local school official" includes a:

- 57 (a) local school board;
- 58 (b) school district's superintendent, business administrator, and employees; and

59 (c) charter school's governing board members, administrators, and employees.  
60 [~~(5)~~] (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20  
61 U.S.C. Sec. 6301 et seq.

62 [~~(6)~~] (7) "School official" includes:

- 63 (a) the State Board of Education;
- 64 (b) the state superintendent;
- 65 (c) employees of the State Board of Education and the state superintendent;
- 66 (d) local school boards;
- 67 (e) school district superintendents and employees; and
- 68 (f) charter school board members, administrators, and employees.

69 Section 2. Section **53A-1-903** is amended to read:

70 **53A-1-903. Federal programs -- School official duties.**

71 (1) School officials may:

- 72 (a) except as provided in Section 53A-1-910, apply for, receive, and administer funds  
73 made available through programs of the federal government;
- 74 (b) only expend federal funds for the purposes for which they are received and are  
75 accounted for by the state, school district, or charter school; and
- 76 (c) reduce or eliminate a program created with or expanded by federal funds to the  
77 extent allowed by law when federal funds for that program are subsequently reduced or  
78 eliminated.

79 (2) School officials shall:

- 80 (a) prioritize resources, especially to resolve conflicts between federal provisions or  
81 between federal and state programs, including:
  - 82 (i) providing first priority to meeting state goals, objectives, program needs, and  
83 accountability systems as they relate to federal programs; and
  - 84 (ii) providing second priority to implementing federal goals, objectives, program needs,  
85 and accountability systems that do not directly and simultaneously advance state goals,  
86 objectives, program needs, and accountability systems;
- 87 (b) interpret the provisions of federal programs in the best interest of students in this  
88 state;
- 89 (c) maximize local control and flexibility;

90 (d) minimize additional state resources that are diverted to implement federal programs  
91 beyond the federal money that is provided to fund the programs;

92 (e) request changes to federal educational programs, especially programs that are  
93 underfunded or provide conflicts with other state or federal programs, including:

94 (i) federal statutes;

95 (ii) federal regulations; and

96 (iii) other federal policies and interpretations of program provisions; and

97 (f) seek waivers from all possible federal statutes, requirements, regulations, and  
98 program provisions from federal education officials to:

99 (i) maximize state flexibility in implementing program provisions; and

100 (ii) receive reasonable time to comply with federal program provisions.

101 (3) The requirements of school officials under this part, including the responsibility to  
102 lobby federal officials, are not intended to mandate school officials to incur costs or require the  
103 hiring of lobbyists, but are intended to be performed in the course of school officials' normal  
104 duties.

105 Section 3. Section **53A-1-910** is enacted to read:

106 **53A-1-910. State Board of Education approval of local school official federal**  
107 **education agreements -- Reporting of notified violations -- Penalty.**

108 (1) On or after May 13, 2014, a local school official may not enter into a federal  
109 education agreement to receive \$50,000 or more in federal funds without approval from the  
110 State Board of Education.

111 (2) If a local school official violates Subsection (1), the State Board of Education:

112 (a) shall report the violation to the Education Interim Committee at the first Education  
113 Interim Committee meeting held after 30 days following the day on which the State Board of  
114 Education received notice of the violation; and

115 (b) may reduce state money to be distributed to the local school official's school district  
116 or charter school by an amount up to two times the amount of federal money that the local  
117 school official's school district or charter school has received under the federal education  
118 agreement that violates Subsection (1).

**Legislative Review Note**  
as of 2-26-14 4:47 PM

**Office of Legislative Research and General Counsel**