

1 **IMPLEMENTING FEDERAL EDUCATION PROGRAM**
2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David E. Lifferth**

6 Senate Sponsor: J. Stuart Adams

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions regarding implementing federal education programs.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the State Board of Education to take certain actions prior to implementing
14 federal programs that do not directly and simultaneously advance state goals,
15 objectives, program needs, and accountability systems.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53A-1-903**, as last amended by Laws of Utah 2011, Chapter 342

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

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

26 **53A-1-903. Federal programs -- School official duties.**

27 (1) School officials may:



28 (a) apply for, receive, and administer funds made available through programs of the
29 federal government;

30 (b) only expend federal funds for the purposes for which they are received and are
31 accounted for by the state, school district, or charter school; and

32 (c) reduce or eliminate a program created with or expanded by federal funds to the
33 extent allowed by law when federal funds for that program are subsequently reduced or
34 eliminated.

35 (2) School officials shall:

36 (a) prioritize resources, especially to resolve conflicts between federal provisions or
37 between federal and state programs, including:

38 (i) providing first priority to meeting state goals, objectives, program needs, and
39 accountability systems as they relate to federal programs; and

40 (ii) subject to Subsection (4), providing second priority to implementing federal goals,
41 objectives, program needs, and accountability systems that do not directly and simultaneously
42 advance state goals, objectives, program needs, and accountability systems;

43 (b) interpret the provisions of federal programs in the best interest of students in this
44 state;

45 (c) maximize local control and flexibility;

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

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

50 (i) federal statutes;

51 (ii) federal regulations; and

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

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

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

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

57 (3) The requirements of school officials under this part, including the responsibility to
58 lobby federal officials, are not intended to mandate school officials to incur costs or require the

59 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
60 duties.

61 (4) (a) As used in this Subsection (4), "Education Fund revenue surplus" means the
62 same as that term is defined in Section 63J-1-313.

63 (b) Before prioritizing the implementation of federal goals, objectives, program needs,
64 or accountability systems that do not directly and simultaneously advance state goals,
65 objectives, program needs, or accountability systems, the State Board of Education shall:

66 (i) determine the financial impact of failure to implement the federal goal, objective,
67 program need, or accountability system; and

68 (ii) if the State Board of Education determines that failure to implement the federal
69 goal, objective, program need, or accountability system may result in a financial loss, request
70 that the Legislature mitigate the financial loss.

71 (c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating
72 available Education Fund revenue surplus through an appropriations act, including an
73 appropriations act passed during a special session called by the governor or a general session.

Legislative Review Note
Office of Legislative Research and General Counsel