

1 **CONCURRENT RESOLUTION ON EDUCATION**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: J. Stuart Adams**

5 House Sponsor: David E. Lifferth

7 **LONG TITLE**

8 **General Description:**

9 This resolution honors the limits of federal power related to education as set forth in the
10 Tenth Amendment to the United States Constitution.

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ declares that parents should have decision making authority over primary and
14 secondary education in the state;

15 ▶ notes that the Tenth Amendment to the United States Constitution limits the
16 authority of the federal government to those powers enumerated in the Constitution,
17 which do not include education;

18 ▶ urges the United States Congress to end all current and prohibit any further
19 interference with state decisions regarding education by the United States
20 Department of Education; and

21 ▶ demands the prohibition of federal programs that incentivize states to adopt certain
22 academic standards or that require states to pass specific education legislation in
23 order to maintain federal funding.

24 **Special Clauses:**

25 None

27 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

28 WHEREAS, the Utah Legislature finds that the first principle of education, and
29 therefore of education policymaking, is that parents are the primary educators of their children

30 and should have decision making authority over elementary and secondary education in the
31 state of Utah to the greatest extent possible;

32 WHEREAS, the Utah Legislature trusts that educators in Utah are better equipped than
33 politicians or bureaucrats in Washington, D.C., to determine academic content for their
34 students and to ensure the success of each child enrolled in a Utah public school;

35 WHEREAS, the Tenth Amendment to the United States Constitution declares that
36 "The powers not delegated to the United States by the Constitution, nor prohibited by it to the
37 States, are reserved to the States respectively, or to the people";

38 WHEREAS, the Tenth Amendment defines the scope of federal power as being that
39 specifically granted by the United States Constitution and no more;

40 WHEREAS, the Tenth Amendment unequivocally sets forth that we, the people of the
41 United States of America, and each state in the Union, now have, and have always had, powers
42 that the federal government may not usurp;

43 WHEREAS, nowhere in the United States Constitution is the federal government
44 delegated the power to regulate or fund elementary or secondary education;

45 WHEREAS, because education is not an enumerated power delegated to the federal
46 government by the United States Constitution, it is reserved to the states or to the people;

47 WHEREAS, a federal role in education is a violation of the original intent of the United
48 States Constitution and the Tenth Amendment; and

49 WHEREAS, the Utah Legislature, which is directly accountable to the citizens of Utah,
50 is the appropriate body to empower parents and educators to determine academic content, free
51 from any pressure, constraints, or directives from the United States Department of Education:

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
53 Governor concurring therein, urges the United States Congress to end all current and prohibit
54 any further interference by the United States Department of Education with state decisions
55 regarding academic content, standards, or assessments and repeal and prohibit all compulsory
56 federal legislation that interferes with the state of Utah's constitutional authority over
57 educational standards and materials through civil threat, sanctions, criminal penalty, or loss of

58 federal funding distributed by allocations or grants.

59 BE IT FURTHER RESOLVED that the Legislature and the Governor demand the
60 repeal and prohibition of federal programs that incentivize states to adopt certain academic
61 standards or that require states to pass specific education legislation in order to maintain, apply
62 for, or receive federal funding and assert that it is the duty of the Legislature to exercise its
63 constitutional authority to resist and overturn any interference relating to Utah's academic
64 standards, assessments, and educational materials by the United States Department of
65 Education or the United States Congress.

66 BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of
67 the United States, the Majority Leader of the United States Senate, the Speaker of the United
68 States House of Representatives, and the members of Utah's congressional delegation.