

Education Board Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

LONG TITLE**General Description:**

This bill modifies provisions relating to state school board powers.

Highlighted Provisions:

This bill:

- modifies provisions relating to state school board powers; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-3-401, as last amended by Laws of Utah 2020, Chapters 253, 408

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

Section 1. Section **53E-3-401** is amended to read:

53E-3-401 . Powers of the state board -- Adoption of rules -- Enforcement --

Attorney.

(1) As used in this section:

(a) "Education entity" means:

- (i) an entity that receives a distribution of state funds through a grant program managed by the state board under this public education code;
- (ii) an entity that enters into a contract with the state board to provide an educational good or service;
- (iii) a school district;
- (iv) a charter school; or
- (v) a regional education service agency, as that term is defined in Section 53G-4-410.

(b) "Educational good or service" means a good or service that is required or regulated

- 32 under:
- 33 (i) this public education code; or
- 34 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
- 35 Rulemaking Act, and authorized under this public education code.
- 36 (2)(a) The state board has general control and supervision of the state's public education
- 37 system.
- 38 (b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,
- 39 means ~~[directed to the whole system]~~ the State Board of Education shall direct and
- 40 manage the public education system:
- 41 (i) as the Legislature designates; and
- 42 (ii) in accordance with the laws the Legislature makes.
- 43 (3) The state board may not govern, manage, or operate school districts, institutions, and
- 44 programs, unless granted that authority by statute.
- 45 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 46 the state board may make rules to~~[-execute the state board's duties and responsibilities~~
- 47 ~~under the Utah Constitution and state law] :~~
- 48 (i) direct and manage the public education system in accordance with the laws the L
- 49 egislature makes; or
- 50 (ii) interrupt disbursements of state aid to an LEA that fails to comply with state laws
- 51 or rules the state board makes.
- 52 (b) The state board may delegate the state board's statutory duties and responsibilities to
- 53 state board employees.
- 54 (5)(a) The state board may sell any interest it holds in real property upon a finding by
- 55 the state board that the property interest is surplus.
- 56 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
- 57 for capital improvements, equipment, or materials, but not for personnel or ongoing
- 58 costs.
- 59 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
- 60 or institution administered by the state board, the money may only be used for
- 61 purposes related to the agency or institution.
- 62 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and
- 63 related matters during the next following session of the Legislature.
- 64 (6) The state board shall develop policies and procedures related to federal educational
- 65 programs in accordance with Part 8, Implementing Federal or National Education

- 66 Programs.
- 67 (7) On or before December 31, 2010, the state board shall review mandates or requirements
68 provided for in state board rule to determine whether certain mandates or requirements
69 could be waived to remove funding pressures on public schools on a temporary basis.
- 70 (8)(a) If an education entity violates this public education code or rules authorized
71 under this public education code, the state board may, in accordance with the rules
72 described in Subsection (8)(c):
- 73 (i) require the education entity to enter into a corrective action agreement with the
74 state board;
- 75 (ii) temporarily or permanently withhold state funds from the education entity;
- 76 (iii) require the education entity to pay a penalty; or
- 77 (iv) require the education entity to reimburse specified state funds to the state board.
- 78 (b) Except for temporarily withheld funds, if the state board collects state funds under
79 Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.
- 80 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
81 state board shall make rules:
- 82 (i) that require notice and an opportunity to be heard for an education entity affected
83 by a state board action described in Subsection (8)(a); and
- 84 (ii) to administer this Subsection (8).
- 85 (d)(i) An individual may bring a violation of statute or state board rule to the
86 attention of the state board in accordance with a process described in rule adopted
87 by the state board.
- 88 (ii) If the state board identifies a violation of statute or state board rule as a result of
89 the process described in Subsection (8)(d)(i), the state board may take action in
90 accordance with this section.
- 91 (e) The state board shall report criminal conduct of an education entity to the district
92 attorney of the county where the education entity is located.
- 93 (9) The state board may audit the use of state funds by an education entity that receives
94 those state funds as a distribution from the state board.
- 95 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,
96 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party
97 contractor for an educational good or service, the LEA shall require in the contract that
98 the third party contractor shall provide, upon request of the LEA, information necessary
99 for the LEA to verify that the educational good or service complies with:

- 100 (a) this public education code; and
- 101 (b) state board rule authorized under this public education code.
- 102 (11)(a) The state board may appoint an attorney to provide legal advice to the state
- 103 board and coordinate legal affairs for the state board and the state board's employees.
- 104 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
- 105 Attorney General.
- 106 (c) An attorney described in Subsection (11)(a) may not:
- 107 (i) conduct litigation;
- 108 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;
- 109 or
- 110 (iii) issue formal legal opinions.
- 111 (12) The state board shall ensure that any training or certification that an employee of the
- 112 public education system is required to complete under this title or by rule complies with
- 113 Title 63G, Chapter 22, State Training and Certification Requirements.
- 114 Section 2. **Effective date.**
- 115 This bill takes effect on May 7, 2025.