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Education Board Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill clarifies the State Board of Education's rulemaking authority.

Highlighted Provisions:

This bill:

- clarifies the State Board of Education's rulemaking authority; and
- makes technical and conforming 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 2025, Chapter 501

REPEALS:

53E-1-204, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

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

- 29 good or service;
- 30 (iii) a school district;
- 31 (iv) a charter school; or
- 32 (v) a regional education service agency, as that term is defined in Section 53G-4-410.
- 33 (b) "Educational good or service" means a good or service that is required or regulated
- 34 under:
- 35 (i) this public education code; or
- 36 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
- 37 Rulemaking Act, and authorized under this public education code.
- 38 (2)~~[(a)]~~ The state board has general control and supervision of the state's public
- 39 education system.
- 40 ~~[(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,~~
- 41 ~~means directed to the whole system.]~~
- 42 (3) The state board may not govern, manage, or operate school districts, institutions, and
- 43 programs, unless granted that authority by statute.
- 44 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 45 the state board may make rules to execute the state board's duties and responsibilities
- 46 under the Utah Constitution and state law[-] :
- 47 (i) as required by statute; or
- 48 (ii) absent express statutory rulemaking direction, as necessary to implement:
- 49 (A) the requirements of a statute; or
- 50 (B) programs that the Legislature may designate, including agency action
- 51 described in Subsection 63G-3-201(2).
- 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) The state board shall provide procedures for addressing and resolving compliance
71 and monitoring issues related to this public education code, federal law, or rules,
72 including:
- 73 (i) creating methods to review and investigate alleged compliance issues;
 - 74 (ii) creating clear procedures for corrective action plans;
 - 75 (iii) allowing for an appeals process; and
 - 76 (iv) addressing contractual and non-contractual issues.
- 77 (b) If an education entity violates this public education code or rules authorized under
78 this public education code, the state board may, in accordance with the rules
79 described in Subsection (8)(d):
- 80 (i) require the education entity to enter into a corrective action agreement with the
81 state board;
 - 82 (ii) temporarily or permanently withhold state funds from the education entity;
 - 83 (iii) require the education entity to pay a penalty;
 - 84 (iv) require the education entity to reimburse specified state funds to the state board;
 - 85 (v) require additional reporting or monitoring;
 - 86 (vi) refer the complaint, evidence, and findings to the attorney general's office or the
87 relevant district attorney's office;
 - 88 (vii) require the education entity to hire a third-party provider to provide services the
89 state board determines necessary;
 - 90 (viii) require reimbursement from the education entity instead of future allocations
91 from the state board;
 - 92 (ix) require a follow-up investigation;
 - 93 (x) refer the violation and corresponding evidence to the state auditor or the
94 legislative auditor general, if the violation relates to finances;
 - 95 (xi) request additional evidence of compliance; or
 - 96 (xii) take other action the state board deems appropriate.

- 97 (c) Except for temporarily withheld funds, if the state board collects state funds under
98 Subsection (8)(b), the state board shall pay the funds into the Uniform School Fund.
- 99 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
100 state board shall make rules:
101 (i) that require notice and an opportunity to be heard for an education entity affected
102 by a state board action described in Subsection (8)(b); and
103 (ii) to administer this Subsection (8).
- 104 (e)(i) An individual may bring a violation of statute or state board rule to the attention
105 of the state board in accordance with a process described in rule adopted by the
106 state board.
107 (ii) If the state board identifies a violation of statute or state board rule as a result of
108 the process described in Subsection (8)(e)(i), the state board may take action in
109 accordance with this section.
- 110 (9) The state board may audit the use of state funds by an education entity that receives
111 those state funds as a distribution from the state board.
- 112 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,
113 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party
114 contractor for an educational good or service, the LEA shall require in the contract that
115 the third party contractor shall provide, upon request of the LEA, information necessary
116 for the LEA to verify that the educational good or service complies with:
117 (a) this public education code; and
118 (b) state board rule authorized under this public education code.
- 119 (11)(a) The state board may appoint an attorney to provide legal advice to the state
120 board and coordinate legal affairs for the state board and the state board's employees.
121 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
122 Attorney General.
123 (c) An attorney described in Subsection (11)(a) may not:
124 (i) conduct litigation;
125 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;
126 or
127 (iii) issue formal legal opinions.
- 128 (12) The state board shall ensure that any training or certification that an employee of the
129 public education system is required to complete under this title or by rule complies with
130 Title 63G, Chapter 22, State Training and Certification Requirements.

131 Section 2. **Repealer.**

132 This bill repeals:

133 Section **53E-1-204, State board report to Education Interim Committee on statutory**
134 **requirements impacted by assessment waivers.**

135 Section 3. **Effective Date.**

136 This bill takes effect on May 6, 2026.