

1                                   **REPEAL OF EDUCATION MANDATES**

2   2004 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Margaret Dayton**

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**LONG TITLE**

6 **General Description:**

7                   This bill repeals certain requirements relating to the State System of Public Education.

8 **Highlighted Provisions:**

9                   This bill:

10                   ▶ repeals the State Board of Education's responsibility to design and implement a state  
11 textbook plan;

12                   ▶ repeals school building utilization requirements; and

13                   ▶ makes technical corrections.

14 **Monies Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **53A-3-417**, as last amended by Chapters 196 and 375, Laws of Utah 1997

21 REPEALS:

22                   **53A-12-201.5**, as last amended by Chapter 210, Laws of Utah 2002

23                   **53A-17a-142**, as renumbered and amended by Chapter 72, Laws of Utah 1991

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

25                   Section 1. Section **53A-3-417** is amended to read:



28           **53A-3-417. Child care centers in public schools -- Requirements -- Availability --**  
29 **Compliance with state and local laws.**

30           (1) (a) Upon receiving a request from a community group such as a community  
31 council, local PTA, or parent/student organization, a local school board may authorize the use  
32 of a part of any school building in the district to provide child care services for school aged  
33 children.

34           (b) (i) The school board shall provide written public notice of its intent to authorize a  
35 child care center.

36           (ii) The board shall file a copy of the notice with the Office of Child Care within the  
37 Department of Workforce Services and the Department of Health.

38           (2) (a) Establishment of a child care center in a public school building is contingent  
39 upon the local school board determining that the center will not interfere with the building's use  
40 for regular school purposes.

41           ~~[(b) The board may authorize the use of part of a school building for a child care center~~  
42 ~~only if the school is in compliance with Section 53A-17a-142.]~~

43           ~~[(c)]~~ (b) The decision shall be made at the sole discretion of the school board.

44           ~~[(d)]~~ (c) A school board may withdraw its approval to operate a child care center at any  
45 time if it determines that such use interferes with the operation or interest of the school.

46           ~~[(e)]~~ (d) The school district and its employees and agents are immune from any liability  
47 that might otherwise result from a withdrawal of approval if the withdrawal was made in good  
48 faith.

49           (3) (a) The board shall charge a commercially reasonable fee for the use of a school  
50 building as a child care center so that the district does not incur an expense.

51           (b) The fee shall include but not be limited to costs for utility, building maintenance,  
52 and administrative services supplied by the school that are related to the operation of the child  
53 care center.

54           (4) (a) Child care service may be provided by governmental agencies other than school  
55 districts, nonprofit community service groups, or private providers.

56           (b) If competitive proposals to provide child care services are submitted by the entities  
57 listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit  
58 community service groups so long as their proposals are judged to be at least equal to the

59 proposal of the governmental agency.

60 (c) It is intended that these programs function at the local community level with  
61 minimal state and district involvement.

62 (5) It is the intent of the Legislature that providers not be required to go through a  
63 complex procedure in order to obtain approval for providing the service.

64 (6) (a) Child care centers within a public school building shall make their services  
65 available to all children regardless of where the children reside.

66 (b) If space and resources are limited, first priority shall be given to those who reside  
67 within the school boundaries where the center is located, and to the children of teachers and  
68 other employees of the school where the child care center is located.

69 (c) Second priority shall be given to those who reside within the school district  
70 boundaries where the center is located.

71 (7) (a) The school board shall require proof of liability insurance which is adequate in  
72 the opinion of the school board for use of school property as a child care center.

73 (b) A school district participating in the state Risk Management Fund shall require the  
74 provider of child care services to comply with the applicable provisions of Title 63A, Chapter  
75 4, Risk Management.

76 (8) Child care centers established under this section shall operate in compliance with  
77 state and local laws and regulations, including zoning and licensing requirements, and  
78 applicable school rules.

79 (9) Except for Subsection (8), this section does not apply to child care centers  
80 established by a school district within a public school building if the center offers child care  
81 services primarily to children of employees or children of students of the school district.

82 **Section 2. Repealer.**

83 This bill repeals:

84 **Section 53A-12-201.5, State plan to meet textbook needs -- Monitoring and**  
85 **auditing of textbook programs.**

86 **Section 53A-17a-142, School building utilization at 70% of capacity -- Exceptions.**

**Legislative Review Note**  
**as of 11-19-03 4:32 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-10-03 8:04 AM**

The Education Interim Committee recommended this bill.

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**Fiscal Note****Repeal of Education Mandates***19-Jan-04***Bill Number HB0014***8:53 AM*

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**State Impact**

Implementation of this bill may result in some cost savings by reducing the amount of data collection and reporting at the state and local levels, freeing up resources for use elsewhere.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**