

NO CHILD LEFT BEHIND OPT OUT

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies the State System of Public Education by prohibiting any further participation in the No Child Left Behind Act of 2001.

Highlighted Provisions:

This bill:

- ▶ prohibits the State Board of Education from further participation in the No Child Left Behind Act of 2001; and
- ▶ prohibits local school districts from further participation in the No Child Left Behind Act of 2001.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2004.

Utah Code Sections Affected:

ENACTS:

53A-1-410, Utah Code Annotated 1953

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

Section 1. Section **53A-1-410** is enacted to read:

53A-1-410. Participation in No Child Left Behind prohibited.

The State Board of Education and local school districts may not enter into a contract or



28 other agreement or otherwise further participate in the "No Child Left Behind Act of 2001."

29 Section 2. **Effective date.**

30 This bill takes effect on July 1, 2004.

Legislative Review Note

as of 11-20-03 1:03 PM

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

Office of Legislative Research and General Counsel

State Impact

Based on numerous studies, still in progress, by states and organizations and a significant amount of data; it is clear that there is currently no definitive measure to accurately assess potential future costs to implement the federal law known as "No Child Left Behind." Some fiscal assumptions can be considered. If Utah opts out of implementation there could be a loss of \$103 million, (or more if congress provides additional funding), in federal funds the state receives under Title I and Title I associated programs. Unknown potential costs include expenses for individual tutoring, transportation, summer school, before and after school programs, and other interventions.

Based on other State and national research, costs are predicted at anywhere between 20 and 45 percent per pupil expenditure increase. This ranges from just over \$200 to \$600 million for Utah.

Using state demographics for Ethnic Minority, Limited English Proficient, Free and Reduced Lunch, and Special Education; along with the testing data of those that do not test at a proficiency level; there could be considerable intervention costs to meet the requirements of NCLB. If tutoring were utilized twice a week for half hour sessions during the school year for sixty eight percent of the school population, costs could exceed \$870,000,000.

Currently, Jordan school district is the only district in Utah to provide a cost estimate of implementing NCLB. Their computations indicate increased costs of approximately \$2,400 per Student. Applying this to Forty School Districts, the statewide cost implication would be \$1,185,840,000. However, not all of this is specifically required by the federal law.

Implementation schedules, additional federal funding commitments, and other factors such as how much the Utah Legislature would spend in developing their own school reforms would have offsetting effects on future costs that may be averted by not participating in NCLB.

Individual and Business Impact

Cost are indeterminable.

Fiscal Note
Bill Number HB0043

No Child Left Behind Opt Out

26-Jan-04
10:24 AM

Office of the Legislative Fiscal Analyst