

**RESOLUTION REGARDING FEDERAL NO  
CHILD LEFT BEHIND**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kory M. Holdaway**

---

---

**LONG TITLE**

**General Description:**

This resolution recognizes Utah's commitment to competency-measured education and the state's leadership role in providing quality education for its citizens.

**Highlighted Provisions:**

This resolution:

▶ recognizes that the Utah Performance Assessment System for Students (U-PASS) should be the basis for assessing and monitoring Utah's students and schools;

▶ recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate Bill 154, 2003 General Session;

▶ recognizes that the state should control its public education budget and allocate money according to Utah's priorities and needs, driven by decision-making of local school boards; and

▶ recognizes that until certain federal actions are taken, Utah should utilize its own proven system of student accountability and reassert its historic leadership role in providing a quality public education for the citizens of Utah.

**Special Clauses:**

None

---

---

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



28 WHEREAS, the state of Utah applauds the laudable goals proposed by the President  
29 and the United States Congress and articulated in the No Child Left Behind Act of 2002, those  
30 goals being to close the achievement gap and increase student performance;

31 WHEREAS, these are the same goals the state of Utah has pursued and continues to  
32 pursue under the Utah Performance Assessment System for Students (U-PASS), which  
33 accounts for individual student growth and the differences among our children;

34 WHEREAS, the stakeholders in public education in the state of Utah are more  
35 experienced and have a better understanding of the unique needs of Utah students, evident by  
36 the fact that the state has performed above the national average on the National Assessment of  
37 Educational Progress while maintaining the lowest per pupil expenditures in the nation;

38 WHEREAS, No Child Left Behind greatly expands the reach of the federal government  
39 into the education governance structure in Utah, bypassing critical stakeholders in the  
40 policymaking process and dealing directly with individual schools and districts, negating state  
41 and local board control and undermining the state's ability to meet its constitutional duty to  
42 provide a system of public education in Utah;

43 WHEREAS, prior to No Child Left Behind, the federal government's involvement in  
44 education in the state was focused primarily on a small percentage of students, commensurate  
45 with the 7% contribution to the state's aggregate spending on K-12 education;

46 WHEREAS, No Child Left Behind greatly expands the authority of the U.S.  
47 Department of Education by impacting all students in the state, without a significant increase in  
48 its 7% contribution to the state, making the U.S. Department of Education's mandates on public  
49 education no longer commensurate with the resources it provides to Utah;

50 WHEREAS, federal funding for No Child Left Behind falls dramatically short of  
51 sufficient funds for remedial services for struggling students, and No Child Left Behind  
52 therefore requires substantial supplemental state funding;

53 WHEREAS, No Child Left Behind represents the greatest federal intrusion in the  
54 history of our nation, over what has historically been a right of the states, to direct public  
55 education in a way that best fits the needs of individual students;

56 WHEREAS, while No Child Left Behind was appropriately intended, it was  
57 nonetheless poorly designed, in that it is too punitive, too prescriptive, and sets unrealistic  
58 expectations that demoralize students and educators and confuse the general public;

59 WHEREAS, No Child Left Behind contains fundamental conflicts between competing  
60 federal education laws that govern the treatment of students with special needs, as well as  
61 between federal law and state statutory and constitutional requirements, and is built on  
62 inadequate methods for measuring student and school performance;

63 WHEREAS, No Child Left Behind may cause unintended consequences to Utah's  
64 education system in that it will redirect the allocation of resources, amend state and local  
65 curriculum, standards, and assessments, and do more damage in labeling Utah's schools and  
66 students than it does to improve student performance, making it a less effective method for  
67 Utah to measure student achievement;

68 WHEREAS, No Child Left Behind includes expectations for teacher qualifications that  
69 ignore realities in rural settings and in specialty assignments; and

70 WHEREAS, while No Child Left Behind includes provisions, such as Sections 9401  
71 and 9527, that would protect states and provide regulatory relief from concerns raised about its  
72 shortcomings, there has been very little effort by the U.S. Department of Education to  
73 encourage or allow states to utilize these provisions:

74 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
75 recognizes that the Legislature, the Utah State Board of Education, and local boards of  
76 education have an understanding of Utah's schools that surpasses that of federal government  
77 entities in terms of missions, needs, goals, and values of those schools.

78 BE IT FURTHER RESOLVED that the Legislature recognizes that the U-PASS should  
79 be the basis by which students and schools in Utah will be assessed and monitored.

80 BE IT FURTHER RESOLVED that the Legislature recognizes that in order to increase  
81 student achievement, Utah should utilize competency-measured education and student growth  
82 measurements as described in U-PASS and Utah State Senate Bill 154, 2003 General Session.

83 BE IT FURTHER RESOLVED that the Legislature recognizes that the state should  
84 control its public education budget and allocate education dollars according to Utah's priorities  
85 and needs, driven by decision-making of local school boards.

86 BE IT FURTHER RESOLVED that the Legislature recognizes that until and unless the  
87 federal government substantially amends No Child Left Behind, extends waiver authority under  
88 Section 9401 to acknowledge that Utah is complying with the intent and spirit of the law  
89 through U-PASS, and that the federal government provides funding commensurate with what

90 an independent analysis of implementation costs indicates is required to fully implement the  
91 law or the Congress significantly alters the law such that control of public education is fully  
92 restored to our state, Utah should utilize its own proven system of student accountability and  
93 reassert its historic leadership role in providing a quality public education for its citizens.

94 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah State  
95 Board of Education, each of Utah's local boards of education, the United States Department of  
96 Education, and to the members of Utah's congressional delegation.

---

---

**Legislative Review Note**  
**as of 12-22-04 10:46 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

---

---

**Fiscal Note**  
**Bill Number HJR003**

**Resolution Regarding Federal No Child Left Behind**

*15-Jan-05*

*5:25 PM*

---

---

**State Impact**

Mailing requirements of this resolution can be handled within existing budgets.

---

**Individual and Business Impact**

No fiscal impact.

---

**Office of the Legislative Fiscal Analyst**