

FEDERAL EDUCATION AGREEMENT

REQUIREMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill requires gubernatorial and legislative approval for certain federal education agreements that implement federal programs.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ requires gubernatorial, Legislative Management Committee, or legislative approval for certain federal education agreements that implement federal programs; and
- ▶ authorizes the governor or the Legislature to void federal education agreements lacking proper approval.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-902, as enacted by Laws of Utah 2005, First Special Session, Chapter 2

ENACTS:

53A-1-905, Utah Code Annotated 1953

53A-1-906, Utah Code Annotated 1953

53A-1-907, Utah Code Annotated 1953

30 **53A-1-908**, Utah Code Annotated 1953

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

33 Section 1. Section **53A-1-902** is amended to read:

34 **53A-1-902. Definitions.**

35 As used in this part:

36 (1) "Education entities" means the entities that may bear the state and local costs of
37 implementing a federal program, including:

- 38 (a) the State Board of Education;
- 39 (b) the state superintendent and the State Office of Education;
- 40 (c) a local school board;
- 41 (d) a school district and its schools;
- 42 (e) a charter school governing board; and
- 43 (f) a charter school.

44 (2) "Federal education agreement" means a legally binding document or representation
45 that requires a school official to implement a federal program.

46 ~~[(1)]~~ (3) "Federal programs" include:

- 47 (a) the No Child Left Behind Act;
- 48 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
- 49 105-17, and subsequent amendments; and
- 50 (c) other federal educational programs.

51 ~~[(2)]~~ (4) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20
52 U.S.C. Sec. 6301 et seq.

53 ~~[(3)]~~ (5) "School official" includes:

- 54 (a) the State Board of Education;
- 55 (b) the state superintendent;
- 56 (c) employees of the State Board of Education and the state superintendent;
- 57 (d) local school boards;

- 58 (e) school district superintendents and employees; and
- 59 (f) charter school board members, administrators, and employees.

60 Section 2. Section **53A-1-905** is enacted to read:

61 **53A-1-905. Notice of voidableness of federal education agreements.**

62 A federal education agreement that may cost education entities more than \$100,000
63 annually from state and local monies to implement, that is executed by a school official in
64 violation of this part, is voidable by the governor or the Legislature as provided in this part.

65 Section 3. Section **53A-1-906** is enacted to read:

66 **53A-1-906. Governor to approve federal education agreements.**

67 (1) Before legally binding the state by executing a federal education agreement that may
68 cost education entities more than \$100,000 annually from state and local monies to implement,
69 a school official shall submit the proposed federal education agreement to the governor for the
70 governor's approval or rejection.

71 (2) The governor shall approve or reject each federal education agreement.

72 (3) (a) If the governor approves the federal education agreement, the school official
73 may execute the agreement.

74 (b) If the governor rejects the federal education agreement, the school official may not
75 execute the agreement.

76 (4) If a school official executes a federal education agreement without obtaining the
77 governor's approval under this section, the governor may issue an executive order declaring the
78 federal education agreement void.

79 Section 4. Section **53A-1-907** is enacted to read:

80 **53A-1-907. Legislative review and approval of federal education agreements.**

81 (1) (a) Before legally binding the state by executing a federal education agreement that
82 may cost education entities more than \$500,000 annually from state and local monies to
83 implement, the school official shall:

84 (i) submit the proposed federal education agreement to the governor for the governor's
85 approval or rejection as required by Section 53A-1-906; and

86 (ii) if the governor approves the federal education agreement, submit the federal
87 education agreement to the Legislative Management Committee for its review and
88 recommendations.

89 (b) The Legislative Management Committee shall review the federal education
90 agreement and may:

91 (i) recommend that the school official execute the federal education agreement;

92 (ii) recommend that the school official reject the federal education agreement; or

93 (iii) recommend to the governor that the governor call a special session of the

94 Legislature to review and approve or reject the federal education agreement.

95 (2) (a) Before legally binding the state by executing a federal education agreement that
96 may cost education entities more than \$1,000,000 annually to implement, a school official shall:

97 (i) submit the proposed federal education agreement to the governor for the governor's
98 approval or rejection as required by Section 53A-1-906; and

99 (ii) if the governor approves the federal education agreement, submit the federal
100 education agreement to the Legislature for its approval in an annual general session or a special
101 session.

102 (b) (i) If the Legislature approves the federal education agreement, the school official
103 may execute the agreement.

104 (ii) If the Legislature rejects the federal education agreement, the school official may
105 not execute the agreement.

106 (c) If a school official executes a federal education agreement without obtaining the
107 Legislature's approval under this Subsection (2):

108 (i) the governor may issue an executive order declaring the federal education agreement
109 void; or

110 (ii) the Legislature may pass a joint resolution declaring the federal education agreement
111 void.

112 Section 5. Section **53A-1-908** is enacted to read:

113 **53A-1-908. Cost evaluation of federal education agreements.**

114 (1) Before legally binding the state to a federal education agreement that may cost the
115 state a total of \$100,000 or more to implement, a school official shall estimate the state and
116 local cost of implementing the federal education agreement and submit that cost estimate to the
117 governor and the Legislative Management Committee.

118 (2) The Legislative Management Committee may:

119 (a) direct its staff to make an independent cost estimate of the cost of implementing the
120 federal education agreement; and

121 (b) affirmatively adopt a cost estimate as the benchmark for determining which
122 authorizations established by this part are necessary.