

**FEDERAL EDUCATION AGREEMENT
REQUIREMENTS AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill makes adjustments to provisions requiring gubernatorial and legislative approval for certain federal education agreements that implement federal programs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes monetary limits requiring gubernatorial or legislative approval; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

53A-1-902, as last amended by Laws of Utah 2008, Chapter 264

53A-1-905, as enacted by Laws of Utah 2008, Chapter 264

53A-1-906, as enacted by Laws of Utah 2008, Chapter 264

53A-1-907, as enacted by Laws of Utah 2008, Chapter 264

53A-1-908, as enacted by Laws of Utah 2008, Chapter 264

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

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

31 **53A-1-902. Definitions.**

32 As used in this part:

33 (1) (a) "Cost" means an estimation of state and local monies required to implement a
34 federal education agreement.

35 (b) "Cost" does not include capital costs associated with implementing a federal
36 education agreement.

37 ~~[(1)]~~ (2) "Education entities" means the entities that may bear the state and local costs
38 of implementing a federal program, including:

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

45 ~~[(2)]~~ (3) "Federal education agreement" means a legally binding document or
46 representation that requires a school official to implement a federal program that originates
47 from the U.S. Department of Education and that has, as a primary focus, an impact on the
48 educational services at a district or charter school.

49 ~~[(3)]~~ (4) "Federal programs" include:

- 50 (a) the No Child Left Behind Act;
- 51 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
52 105-17, and subsequent amendments; and
- 53 (c) other federal educational programs.

54 ~~[(4)]~~ (5) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20
55 U.S.C. Sec. 6301 et seq.

56 ~~[(5)]~~ (6) "School official" includes:

- 57 (a) the State Board of Education;

- 58 (b) the state superintendent;
- 59 (c) employees of the State Board of Education and the state superintendent;
- 60 (d) local school boards;
- 61 (e) school district superintendents and employees; and
- 62 (f) charter school board members, administrators, and employees.

63 Section 2. Section **53A-1-905** is amended to read:

64 **53A-1-905. Notice of voidableness of federal education agreements.**

65 A federal education agreement that may cost education entities more than [~~\$100,000~~
66 \$500,000 annually from state and local monies to implement, that is executed by a school
67 official in violation of this part, is voidable by the governor or the Legislature as provided in
68 this part.

69 Section 3. Section **53A-1-906** is amended to read:

70 **53A-1-906. Governor to approve federal education agreements.**

71 (1) Before legally binding the state by executing a federal education agreement that
72 may cost education entities more than [~~\$100,000~~] \$500,000 annually from state and local
73 monies to implement, a school official shall submit the proposed federal education agreement
74 to the governor for the governor's approval or rejection.

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

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

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

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

83 Section 4. Section **53A-1-907** is amended to read:

84 **53A-1-907. Legislative review and approval of federal education agreements.**

85 (1) (a) Before legally binding the state by executing a federal education agreement that

86 may cost education entities more than [~~\$500,000~~] \$1,000,000 annually from state and local
87 monies to implement, the school official shall:

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

90 (ii) if the governor approves the federal education agreement, submit the federal
91 education agreement to the [~~Legislative Management~~] Executive Appropriations Committee of
92 the Legislature for its review and recommendations.

93 (b) The [~~Legislative Management~~] Executive Appropriations Committee shall review
94 the federal education agreement and may:

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

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

97 (iii) recommend to the governor that the governor call a special session of the
98 Legislature to review and approve or reject the federal education agreement.

99 (2) (a) Before legally binding the state by executing a federal education agreement that
100 may cost education entities more than [~~\$1,000,000~~] \$5,000,000 annually to implement, a
101 school official shall:

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

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

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

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

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

113 (i) the governor may issue an executive order declaring the federal education

114 agreement void; or

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

117 Section 5. Section **53A-1-908** is amended to read:

118 **53A-1-908. Cost evaluation of federal education agreements.**

119 (1) Before legally binding the state to a federal education agreement that may cost the
120 state a total of [~~\$100,000~~] \$500,000 or more to implement, a school official shall estimate the
121 state and local cost of implementing the federal education agreement and submit that cost
122 estimate to the governor and the [~~Legislative Management Committee~~] Executive
123 Appropriations Committee of the Legislature.

124 (2) The [~~Legislative Management~~] Executive Appropriations Committee may:

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

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

129 Section 6. **Effective date.**

130 If approved by two-thirds of all the members elected to each house, this bill takes effect
131 upon approval by the governor, or the day following the constitutional time limit of Utah
132 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
133 the date of veto override.