

STATE EDUCATIONAL SOVEREIGNTY ACT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to federal funding of education programs.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ prohibits a local school official from entering into certain agreements related to federal funding of education programs under certain circumstances;
- ▶ establishes a penalty;
- ▶ requires the State Board of Education to report a violation of the prohibition to the Education Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-902, as last amended by Laws of Utah 2009, Chapter 112

53A-1-903, as last amended by Laws of Utah 2011, Chapter 342



28 ENACTS:

29 **53A-1-910**, Utah Code Annotated 1953



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

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

33 **53A-1-902. Definitions.**

34 As used in this part:

35 (1) (a) "Cost" means an estimation of state and local money required to implement a
36 federal education agreement.

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

39 (2) "Education entities" means the entities that may bear the state and local costs of
40 implementing a federal program, including:

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

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

51 (4) "Federal programs" include:

- 52 (a) the No Child Left Behind Act;
- 53 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
54 105-17, and subsequent amendments; and
- 55 (c) other federal educational programs.

56 (5) "Local school official" includes a:

- 57 (a) local school board;
- 58 (b) school district's superintendent, business administrator, and employees; and

59 (c) charter school's governing board members, administrators, and employees.

60 [~~(5)~~] (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20

61 U.S.C. Sec. 6301 et seq.

62 [~~(6)~~] (7) "School official" includes:

63 (a) the State Board of Education;

64 (b) the state superintendent;

65 (c) employees of the State Board of Education and the state superintendent;

66 (d) local school boards;

67 (e) school district superintendents and employees; and

68 (f) charter school board members, administrators, and employees.

69 Section 2. Section 53A-1-903 is amended to read:

70 **53A-1-903. Federal programs -- School official duties.**

71 (1) School officials may:

72 (a) except as provided in Section 53A-1-910, apply for, receive, and administer funds

73 made available through programs of the federal government;

74 (b) only expend federal funds for the purposes for which they are received and are

75 accounted for by the state, school district, or charter school; and

76 (c) reduce or eliminate a program created with or expanded by federal funds to the

77 extent allowed by law when federal funds for that program are subsequently reduced or

78 eliminated.

79 (2) School officials shall:

80 (a) prioritize resources, especially to resolve conflicts between federal provisions or

81 between federal and state programs, including:

82 (i) providing first priority to meeting state goals, objectives, program needs, and

83 accountability systems as they relate to federal programs; and

84 (ii) providing second priority to implementing federal goals, objectives, program needs,

85 and accountability systems that do not directly and simultaneously advance state goals,

86 objectives, program needs, and accountability systems;

87 (b) interpret the provisions of federal programs in the best interest of students in this

88 state;

89 (c) maximize local control and flexibility;

90 (d) minimize additional state resources that are diverted to implement federal programs
 91 beyond the federal money that is provided to fund the programs;

92 (e) request changes to federal educational programs, especially programs that are
 93 underfunded or provide conflicts with other state or federal programs, including:

94 (i) federal statutes;

95 (ii) federal regulations; and

96 (iii) other federal policies and interpretations of program provisions; and

97 (f) seek waivers from all possible federal statutes, requirements, regulations, and
 98 program provisions from federal education officials to:

99 (i) maximize state flexibility in implementing program provisions; and

100 (ii) receive reasonable time to comply with federal program provisions.

101 (3) The requirements of school officials under this part, including the responsibility to
 102 lobby federal officials, are not intended to mandate school officials to incur costs or require the
 103 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
 104 duties.

105 Section 3. Section **53A-1-910** is enacted to read:

106 **53A-1-910.** ~~Ĥ→ [State Board of Education approval of local]~~ **Local** ~~←Ĥ~~ **school**
 106a **official federal**

107 **education agreements** ~~Ĥ→~~ **prohibition** ~~←Ĥ~~ -- **Reporting of notified violations -- Penalty.**

108 (1) On or after May 13, 2014, a local school official may not enter into a federal
 109 education agreement ~~Ĥ→ [to receive \$50,000 or more in federal funds without approval from the~~
 110 ~~State Board of Education.]~~ **if the State Board of Education has disallowed participation in the**
 110a **federal program implemented in the federal education agreement.** ~~←Ĥ~~

111 (2) If a local school official violates Subsection (1), the State Board of Education:

112 (a) shall report the violation to the Education Interim Committee at the first Education
 113 Interim Committee meeting held after 30 days following the day on which the State Board of
 114 Education received notice of the violation; and

115 (b) may reduce state money to be distributed to the local school official's school district
 116 or charter school by an amount up to two times the amount of federal money that the local
 117 school official's school district or charter school ~~Ĥ→ [has]~~ ~~←Ĥ~~ received under the federal education
 118 agreement that violates Subsection (1).

Legislative Review Note
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Office of Legislative Research and General Counsel