

1 **STATE SCHOOL BOARD POWERS MODIFICATIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Norman K Thurston**

5 Senate Sponsor: J. Stuart Adams

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to state school board powers.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies provisions relating to state school board powers; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **53A-1-401**, as last amended by Laws of Utah 2010, Chapter 305

21

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

23 Section 1. Section **53A-1-401** is amended to read:

24 **53A-1-401. Powers of State Board of Education -- Enforcement of rules.**

25 (1) ~~[(a) The State Board of Education has general control and supervision of the state's~~
26 ~~public education system. (b)]~~ "General control and supervision" as used in Utah Constitution,
27 Article X, [Sec.] Section 3, [~~of the Utah Constitution means directed to the whole system.~~]



28 means the State Board of Education shall direct and manage the public education system:

29 (a) as the Legislature ~~H~~→ [defines] designates ←~~H~~ the public education system; and

30 (b) in accordance with laws made by the Legislature.

31 (2) The board may not govern, manage, or operate school districts, institutions, and
32 programs, unless granted that authority by statute.

33 ~~[(3) The board may adopt rules and policies in accordance with its responsibilities~~
34 ~~under the constitution and state laws, and may interrupt disbursements of state aid to any~~
35 ~~district which fails to comply with rules adopted in accordance with this Subsection (3).]~~

36 (3) The State Board of Education may:

37 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
38 make rules to direct and manage the public education system in accordance with laws made by
39 the Legislature; or

40 (b) interrupt disbursements of state aid to a school district or charter school that fails to
41 comply with:

42 (i) state law, including this title; or

43 (ii) rules made by the board under rulemaking authority described in Subsection (3)(a).

44 (4) (a) The board may sell any interest it holds in real property upon a finding by the
45 board that the property interest is surplus.

46 (b) The board may use the money it receives from a sale under Subsection (4)(a) for
47 capital improvements, equipment, or materials, but not for personnel or ongoing costs.

48 (c) If the property interest under Subsection (4)(a) was held for the benefit of an agency
49 or institution administered by the board, the money may only be used for purposes related to
50 the agency or institution.

51 (d) The board shall advise the Legislature of any sale under Subsection (4)(a) and
52 related matters during the next following session of the Legislature.

53 (5) The board shall develop policies and procedures related to federal educational
54 programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs
55 Act.

56 (6) On or before December 31, 2010, the State Board of Education shall review
57 mandates or requirements provided for in board rule to determine whether certain mandates or
58 requirements could be waived to remove funding pressures on public schools on a temporary

59 basis.

Legislative Review Note
as of 2-5-15 10:09 AM

Office of Legislative Research and General Counsel