

HB0423S01 compared with HB0423

~~{deleted text}~~ shows text that was in HB0423 but was deleted in HB0423S01.

inserted text shows text that was not in HB0423 but was inserted into HB0423S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Alvin B. Jackson proposes the following substitute bill:

IMPLEMENTING FEDERAL EDUCATION~~}~~

PROGRAM~~{~~

~~}~~ AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: ~~{_____}~~ J. Stuart Adams

LONG TITLE

General Description:

This bill amends provisions regarding implementing federal education programs.

Highlighted Provisions:

This bill:

- ▶ ~~{requires the State Board of Education to take certain actions prior to implementing federal programs that do not directly and simultaneously advance state goals, objectives, program needs, and accountability systems}~~ provides that a school official may not apply for, receive, or administer funds made available through certain federal programs.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS}~~ REPEALS AND REENACTS:

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

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

Section 1. Section 53A-1-903 is ~~{amended}~~ repealed and reenacted to read:

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

~~{(1) School officials may:~~

~~—— (a) apply for, receive, and administer funds made available through programs;~~ (1) As used in this section, "prohibited federal program" means a program of the federal government;

~~—— (b) only expend federal funds for the purposes for which they are received and are accounted for by the state, school district, or charter school; and~~

~~—— (c) reduce or eliminate a program created with or expanded by federal funds to the extent allowed by law when federal funds for that program are subsequently reduced or eliminated;~~

~~—— (2) School officials shall:~~

~~—— (a) prioritize resources, especially to resolve conflicts between federal provisions or between federal and state programs, including:~~

~~—— (i) providing first priority to meeting state goals, objectives, program needs, and accountability systems as they relate to federal programs; and~~

~~—— (ii) subject to Subsection (4), providing second priority to implementing federal goals, objectives, program needs, and accountability systems that do not directly and simultaneously advance state goals, objectives, program needs, and accountability systems;~~

~~—— (b) interpret the provisions of federal programs in the best interest of students in this state;~~

~~—— (c) maximize local control and flexibility;~~

~~—— (d) minimize additional state resources that are diverted to implement federal programs~~

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~~beyond the federal money that is provided to fund the programs;~~

~~— (e) request changes to federal educational programs, especially programs that are underfunded or provide} that conflicts with {other state or federal programs, including:~~

~~— (i) federal statutes;~~

~~— (ii) federal regulations; and~~

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

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

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

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

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

~~— (4) (a) As used in this Subsection (4), "Education Fund revenue surplus" means the same as that term is defined in Section 63J-1-313:~~

~~— (b) Before prioritizing the implementation of federal goals, objectives, program needs, or accountability systems that do not directly and simultaneously advance state goals, objectives, program needs, or accountability systems, the State Board of Education shall:~~

~~— (i) determine the financial impact of failure to implement the federal} a state goal, objective, program need, or accountability system {; and};~~

~~— (ii) if the State Board of Education determines that failure to implement the federal goal, objective, program need, or accountability system may result in a financial loss, request that the Legislature mitigate the financial loss:~~

~~— (c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating available Education Fund revenue surplus through an appropriations act, including an appropriations act passed during a special session called by the governor or a general session.~~

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Legislative Review Note

Office of Legislative Research and General Counsel; 2) A school official may not apply for funds made available through a prohibited federal program.

(3) Beginning with the 2019-20 school year, a school official may not receive or administer funds made available through a prohibited federal program.

(4) A school official shall, to the extent allowed by law, reallocate any state resources that are diverted to implement a prohibited federal program to meet state goals, objectives, and program needs.