

BOARD OF EDUCATION REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

Senate Sponsor: Deidre M. Henderson

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 before implementing a federal program that does not directly and simultaneously advance a state goal, objective, program need, or accountability system.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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 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 of the



28 federal government;

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

31 (c) reduce or eliminate a program created with or expanded by federal funds to the
32 extent allowed by law when federal funds for that program are subsequently reduced or
33 eliminated.

34 (2) School officials shall:

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

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

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

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

44 (c) maximize local control and flexibility;

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

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

49 (i) federal statutes;

50 (ii) federal regulations; and

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

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

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

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

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

59 duties.

60 (4) (a) As used in this Subsection (4) ~~H~~→ [i] :

60a **(i) "Available Education Fund revenue surplus" means the Education Fund revenue**
 60b **surplus after the statutory transfers and set-asides described in Section 63J-1-313.**

60c **(ii) ~~H~~ "Education Fund revenue surplus" means the**
 61 **same as that term is defined in Section 63J-1-313.**

62 **(b) Before prioritizing the implementation of a ~~S~~→ **future** ~~S~~ federal goal, objective,**
 62a **program need,**
 63 **or accountability system that does not directly and simultaneously advance a state goal,**
 64 **objective, program need, or accountability system, the State Board of Education**

64a ~~H~~→ **[shall] may ~~H~~ :**

65 **(i) determine the financial impact of failure to implement the federal goal, objective,**
 66 **program need, or accountability system; and**

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

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

72a ~~H~~→ **(d) This mitigation option is in addition to and does not restrict or conflict with the state's**
 72b **authority provided in this part. ~~H~~**

Legislative Review Note
Office of Legislative Research and General Counsel