

**REGIONAL EDUCATION SERVICE AGENCIES**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill amends provisions related to regional education service agencies.

**Highlighted Provisions:**

This bill:

- defines terms;
- provides additional specific authority for regional education service agencies;
- allows a regional education service agency to participate in the Utah Retirement System;
- directs the State Board of Education to make rules regarding regional education service agencies; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53E-3-401**, as last amended by Laws of Utah 2019, Chapter 186

**53G-4-410**, as last amended by Laws of Utah 2019, Chapter 293

**53G-5-412**, as enacted by Laws of Utah 2018, Chapter 3

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

Section 1. Section **53E-3-401** is amended to read:

**53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement --**

**Attorney.**

(1) As used in this section:

(a) "Education entity" means:

(i) an entity that receives a distribution of state funds through a grant program managed by the state board under this public education code;

(ii) an entity that enters into a contract with the state board to provide an educational good or service;

(iii) a school district; ~~[or]~~

(iv) a charter school~~[-];~~ or

(v) a regional education service agency, as that term is defined in Section [53G-4-410](#).

(b) "Educational good or service" means a good or service that is required or regulated under:

(i) this public education code; or

(ii) a rule authorized under this public education code.

(2) (a) The state board has general control and supervision of the state's public education system.

(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3, means directed to the whole system.

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

(4) (a) The state board may make rules to execute the state board's duties and responsibilities under the Utah Constitution and state law.

(b) The state board may delegate the state board's statutory duties and responsibilities to state board employees.

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

(b) The state board may use the money it receives from a sale under Subsection (5)(a) for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

(c) If the property interest under Subsection (5)(a) was held for the benefit of an agency or institution administered by the state board, the money may only be used for purposes related to the agency or institution.

(d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.

(6) The state board shall develop policies and procedures related to federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs.

(7) On or before December 31, 2010, the state board shall review mandates or requirements provided for in state board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.

(8) (a) If an education entity violates this public education code or rules authorized under this public education code, the state board may, in accordance with the rules described in Subsection (8)(c):

(i) require the education entity to enter into a corrective action agreement with the state board;

(ii) temporarily or permanently withhold state funds from the education entity;

(iii) require the education entity to pay a penalty; or

(iv) require the education entity to reimburse specified state funds to the state board.

(b) Except for temporarily withheld funds, if the state board collects state funds under Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.

(c) The state board shall make rules:

(i) that require notice and an opportunity to be heard for an education entity affected by a state board action described in Subsection (8)(a); and

(ii) to administer this Subsection (8).

(d) (i) An individual may bring a violation of statute or state board rule to the attention

of the state board in accordance with a process described in rule adopted by the state board.

(ii) If the state board identifies a violation of statute or state board rule as a result of the process described in Subsection (8)(d)(i), the state board may take action in accordance with this section.

(e) The state board shall report criminal conduct of an education entity to the district attorney of the county where the education entity is located.

(9) The state board may audit the use of state funds by an education entity that receives those state funds as a distribution from the state board.

(10) The state board may require by rule that if an LEA contracts with a third party contractor for an educational good or service, the LEA shall require in the contract that the third party contractor shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:

(a) this public education code; and

(b) state board rule authorized under this public education code.

(11) (a) The state board may appoint an attorney to provide legal advice to the state board and coordinate legal affairs for the state board and the state board's employees.

(b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.

(c) An attorney described in Subsection (11)(a) may not:

(i) conduct litigation;

(ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

or

(iii) issue formal legal opinions.

(12) The state board shall ensure that any training or certification that an employee of the public education system is required to complete under this title or by rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Section 2. Section 53G-4-410 is amended to read:

**53G-4-410. Regional education service agencies.**

(1) ~~[For purposes of]~~ As used in this section, ~~"eligible regional service center"~~:

(a) "Eligible regional education service agency" means a regional education service ~~[center]~~ agency in existence before July 1, 2020.

(b) "Regional education service agency" means an entity formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with the authority and duties described in this section.

(2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.

(3) ~~[An eligible]~~ A regional education service ~~[center]~~ agency formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act~~[5]~~:

(a) for an eligible regional education service agency, may receive a distribution described in Subsection ~~[(5)]~~ (6) if the Legislature appropriates money for eligible regional education service ~~[centers:]~~ agencies;

(b) may apply directly for any grant or program in which an LEA may participate if the agency has the written consent of the LEAs that the agency serves;

(c) may receive services from or partner with any department, division, or agency of the state, including coverage by the Division of Risk Management;

(d) may recommend educators for licensing;

(e) may provide services for students as approved by the regional education service agency's board;

(f) may access as necessary LEA systems that the board provides; and

(g) does not have authority over the LEAs which the agency serves.

(4) A regional education service agency may elect to participate as an employer for retirement programs under:

(a) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

(b) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

(c) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

142           ~~[(4)]~~ (5) (a) If local school boards enter into an interlocal agreement to confirm or  
143 formalize a regional education service ~~[center]~~ agency in operation before July 1, 2011, the  
144 interlocal agreement may not eliminate any rights or obligations of the regional education  
145 service ~~[center]~~ agency in effect before entering into the interlocal agreement.

146           (b) An interlocal agreement entered into to confirm or formalize an existing regional  
147 education service ~~[center]~~ agency shall have the effect of confirming and ratifying in the  
148 regional education service ~~[center]~~ agency, the title to any property held in the name, or for the  
149 benefit of the regional education service ~~[center]~~ agency as of the effective date of the  
150 interlocal agreement.

151           ~~[(5)]~~ (6) (a) The state board shall distribute any funding appropriated to eligible  
152 regional education service ~~[centers]~~ agencies as provided by the Legislature.

153           (b) The state board may provide funding to an eligible regional education service  
154 ~~[center]~~ agency in addition to legislative appropriations.

155           ~~[(6)]~~ (7) The state board shall make rules regarding ~~[eligible]~~ regional education  
156 service ~~[centers]~~ agencies including:

157           (a) the authority, scope, and duties of a regional education service agency;

158           (b) the creation of a regional education service agency coordinating council, including:

159           (i) defining the council's role and authority; and

160           (ii) provisions for the council's membership;

161           ~~[(a)]~~ (c) the distribution of legislative appropriations to eligible regional education  
162 service ~~[centers]~~ agencies;

163           ~~[(b)]~~ (d) the designation of eligible regional education service ~~[centers]~~ agencies as  
164 agents to distribute Utah Education and Telehealth Network services; and

165           ~~[(c)]~~ (e) the designation of eligible regional education service ~~[centers]~~ agencies as  
166 agents for regional coordination of public education and higher education services.

167           (8) The board shall annually:

168           (a) review the funding the Legislature appropriates to support regional education  
169 service agencies; and

170            (b) recommend any adjustments as part of the board's annual budget request.

171            Section 3. Section **53G-5-412** is amended to read:

172            **53G-5-412. Contract with regional education service agencies.**

173            A public school that is a charter school may enter into a contract with an eligible  
174 regional education service [~~center~~] agency, as defined in Section **53G-4-410**, to receive  
175 education-related services from the eligible regional education service [~~center~~] agency.