

No Child Left Behind/Implementing Federal Education Programs

This Act directs the state board of education, the state superintendent, and other state and local school officials regarding the administration and implementation of federal educational programs and specifically, the federal “No Child Left Behind Act.”

Under the Act, school officials may:

- apply for, receive, and administer funds made available through programs of the federal government;
- 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
- 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.

The Act directs school officials to:

- prioritize resources, especially to resolve conflicts between federal provisions or between federal and state programs, including:
 - a. providing first priority to meeting state goals, objectives, program needs, and accountability systems as they relate to federal programs; and
 - b. 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;
- interpret the provisions of federal programs in the best interest of students in this state;
- maximize local control and flexibility;
- minimize additional state resources that are diverted to implement federal programs beyond the federal monies that are provided to fund the programs;
- request changes to federal educational programs, especially programs that are underfunded or provide conflicts with other state or federal programs, including:
 - a. federal statutes;
 - b. federal regulations; and
 - c. other federal policies and interpretations of program provisions; and
- seek waivers from all possible federal statutes, requirements, regulations, and program provisions from federal education officials to:
 - a. maximize state flexibility in implementing program provisions; and
 - b. receive reasonable time to comply with federal program provisions.

The requirements of school officials under this Act, 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.

Submitted as:

Utah

HB 1001 (enrolled version)

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act Implementing Federal
2 Programs.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Federal programs” include:

6 (a) the No Child Left Behind Act;

7 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public
8 Law 105-17, and subsequent amendments; and

9 (c) other federal educational programs.

10 (2) “No Child Left Behind Act” means the No Child Left Behind Act of 2001, 20 U.S.C.
11 Sec. 6301 et seq.

12 (3) “School official” includes:

13 (a) the state [board of education];

14 (b) the state [superintendent];

15 (c) employees of the state [board of education] and the state [superintendent];

16 (d) local school boards;

17 (e) school district [superintendents] and employees; and

18 (f) charter school board members, administrators, and employees.
19

20 Section 3. [*Federal Programs -- School Official Duties.*]

21 (1) School officials may:

22 (a) apply for, receive, and administer funds made available through programs of
23 the federal government;

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

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

29 (2) School officials shall:

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

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

34 (ii) providing second priority to implementing federal goals, objectives,
35 program needs, and accountability systems that do not directly and simultaneously advance state
36 goals, objectives, program needs, and accountability systems;

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

39 (c) maximize local control and flexibility;

40 (d) minimize additional state resources that are diverted to implement federal
41 programs beyond the federal monies that are provided to fund the programs;

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

44 (i) federal statutes;

45 (ii) federal regulations; and

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

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

- 49 (i) maximize state flexibility in implementing program provisions; and
- 50 (ii) receive reasonable time to comply with federal program provisions.

51 (3) The requirements of school officials under this Act, including the responsibility to
52 lobby federal officials, are not intended to mandate school officials to incur costs or require the
53 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
54 duties.

55
56 Section 4. [*No Child Left Behind -- State Implementation.*]

57 (1) (a) In accordance with the No Child Left Behind Act, including Section 9527,
58 school officials shall determine, as applied to their responsibilities, if the No Child Left Behind
59 Act:

60 (i) requires the state to spend state or local resources in order to comply
61 with the No Child Left Behind Act; or

62 (ii) causes the state, local education agencies, or schools to change
63 curriculum in order to comply.

64 (b) School officials shall request a waiver under Section 9401 of the No Child
65 Left Behind Act of any provision of the No Child Left Behind Act that violates Section 9527.

66 (2) In addition to the duties described under Subsection (1), school officials shall:

67 (a) request reasonable time to comply with the provisions of the No Child Left
68 Behind Act;

69 (b) lobby Congress for needed changes to the No Child Left Behind Act; and

70 (c) lobby federal education officials for relief from the provisions of the No Child
71 Left Behind Act, including waivers from federal requirements, regulations, and administrative
72 burdens.

73 (3) School officials shall lobby Congress and federal education officials for needed
74 resolution and clarification for conflicts between the No Child Left Behind Act and the
75 Individuals with Disabilities Education Act.

76 (4) In the case of conflicts between the No Child Left Behind Act and the Individuals
77 with Disabilities Education Act, the parents, in conjunction with school officials, shall determine
78 which program best meets the educational needs of the student.

79
80 Section 5. [*Powers And Duties Generally.*]

81 (1) Each local school board shall:

82 (a) implement the core curriculum utilizing instructional materials that best
83 correlate to the core curriculum and graduation requirements;

84 (b) administer tests, required by the state [board of education], which measure the
85 progress of each student, and coordinate with the state [superintendent] and state [board of
86 Education] to assess results and create plans to improve the student's progress which shall be
87 submitted to the state [office of education] for approval;

88 (c) use progress-based assessments as part of a plan to identify schools, teachers,
89 and students that need remediation and determine the type and amount of federal, state, and local
90 resources to implement remediation;

91 (d) develop early warning systems for students or classes failing to make
92 progress;

93 (e) work with the state [office of education] to establish a library of documented
94 best practices, consistent with state and federal regulations, for use by the local districts; and

95 (f) implement training programs for school administrators, including basic
96 management training, best practices in instructional methods, budget training, staff management,
97 managing for learning results and continuous improvement, and how to help every child achieve
98 optimal learning in core academics.

99 (2) Local school boards shall spend minimum school program funds for programs and
100 activities for which the state [board of education] has established minimum standards or rules
101 under this Act.

102 (3) (a) A board may purchase, sell, and make improvements on school sites,
103 buildings, and equipment and construct, erect, and furnish school buildings.

104 (b) School sites or buildings may only be conveyed or sold on board resolution
105 affirmed by at least [two-thirds] of the members.

106 (4) (a) A board may participate in the joint construction or operation of a school
107 attended by children residing within the district and children residing in other districts either
108 within or outside the state.

109 (b) Any agreement for the joint operation or construction of a school shall:

110 (i) be signed by the [president] of the board of each participating district;

111 (ii) include a mutually agreed upon pro rata cost; and

112 (iii) be filed with the state [board of education].

113 (5) A board may establish, locate, and maintain elementary, secondary, and applied
114 technology schools.

115 (6) A board may enroll children in school who are at least [five years of age before
116 September 2] of the year in which admission is sought.

117 (7) A board may establish and support school libraries.

118 (8) A board may collect damages for the loss, injury, or destruction of school property.

119 (9) A board may authorize guidance and counseling services for children and their
120 parents or guardians prior to, during, or following enrollment of the children in schools.

121 (10) (a) A board may apply for, receive, and administer funds made available through
122 programs of the federal government and shall administer and implement federal educational
123 programs in accordance with this Act.

124 (b) Federal funds are not considered funds within the school district budget under
125 [insert citation].

126 (c) Federal funds may only be expended for the purposes for which they are
127 received and are accounted for by the board.

128 (d) A program created with or expanded by federal funds may be reduced to the
129 extent allowed by law when federal funds for that program are subsequently reduced or
130 eliminated.

131 (11) (a) A board may organize school safety patrols and adopt rules under which the
132 patrols promote student safety.

133 (b) A student appointed to a safety patrol shall be at least [ten years old] and have
134 written parental consent for the appointment.

135 (c) Safety patrol members may not direct vehicular traffic or be stationed in a
136 portion of a highway intended for vehicular traffic use.

137 (d) Liability may not attach to a school district, its employees, officers, or agents
138 or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer
139 assisting the program by virtue of the organization, maintenance, or operation of a school safety
140 patrol.

141 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
142 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
143 devises, or bequests that are made for educational purposes.

144 (b) These contributions are not subject to appropriation by the [Legislature].
145 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
146 citations for violations of [insert citation].
147 (b) A person may not be appointed to serve as a compliance officer without the
148 person's consent.
149 (c) A teacher or student may not be appointed as a compliance officer.
150 (14) A board shall adopt bylaws and rules for its own procedures.
151 (15) (a) A board shall make and enforce rules necessary for the control and
152 management of the district schools.
153 (b) All board rules and policies shall be in writing, filed, and referenced for public
154 access.
155 (16) A board may hold school on legal holidays other than Sundays.
156 (17) (a) Each board shall establish for each school year a school traffic safety
157 committee to implement this Subsection (17).
158 (b) The committee shall be composed of one representative of:
159 (i) the schools within the district;
160 (ii) the [Parent Teachers' Association] of the schools within the district;
161 (iii) the municipality or county;
162 (iv) state or local law enforcement; and
163 (v) state or local traffic safety engineering.
164 (c) The committee shall:
165 (i) receive suggestions from parents, teachers, and others and recommend
166 school traffic safety improvements, boundary changes to enhance safety, and school traffic safety
167 program measures;
168 (ii) review and submit annually to the state [department of transportation]
169 and affected municipalities and counties a child access routing plan for each elementary, middle,
170 and junior high school within the district;
171 (iii) consult the state [safety council] and the [division of family health
172 services] and provide training to all school children in [kindergarten through grade six], within
173 the district, on school crossing safety and use; and
174 (iv) help ensure the district's compliance with rules made by the state
175 [department of transportation] under [insert citation].
176 (d) The committee may establish subcommittees as needed to assist in
177 accomplishing its duties under Subsection (17)(c).
178 (e) The board shall require the school community council of each elementary,
179 middle, and junior high school within the district to develop and submit annually to the
180 committee a child access routing plan.
181 (18) (a) Each school board shall adopt and implement a comprehensive emergency
182 response plan to prevent and combat violence in its public schools, on school grounds, on its
183 school vehicles, and in connection with school-related activities or events.
184 (b) The board shall implement its plan by [July 1, 2000].
185 (c) The plan shall:
186 (i) include prevention, intervention, and response components;
187 (ii) be consistent with the student conduct and discipline policies required
188 for school districts under [insert citation];
189 (iii) require inservice training for all district and school building staff on
190 what their roles are in the emergency response plan; and

191 (iv) provide for coordination with local law enforcement and other public
192 safety representatives in preventing, intervening, and responding to violence in the areas and
193 activities referred to in Subsection (18)(a).

194 (d) The state [board of education], through the state [superintendent of public
195 instruction], shall develop comprehensive emergency response plan models that local school
196 boards may use, where appropriate, to comply with Subsection (18)(a).

197 (e) Each local school board shall, by [July 1] of each year, certify to the state
198 [board of education] that its plan has been practiced at the school level and presented to and
199 reviewed by its teachers, administrators, students, and their parents and local law enforcement
200 and public safety representatives.

201 (19) (a) Each local school board may adopt an emergency response plan for the
202 treatment of sports-related injuries that occur during school sports practices and events.

203 (b) The plan may be implemented by each secondary school in the district that has
204 a sports program for students.

205 (c) The plan may:

206 (i) include emergency personnel, emergency communication, and
207 emergency equipment components;

208 (ii) require inservice training on the emergency response plan for school
209 personnel who are involved in sports programs in the district's secondary schools; and

210 (iii) provide for coordination with individuals and agency representatives
211 who:

212 (A) are not employees of the school district; and

213 (B) would be involved in providing emergency services to students
214 injured while participating in sports events.

215 (d) The board, in collaboration with the schools referred to in Subsection (19)(b),
216 may review the plan each year and make revisions when required to improve or enhance the
217 plan.

218 (e) The state [board of education], through the state [superintendent of public
219 instruction], shall provide local school boards with an emergency plan response model that local
220 boards may use to comply with the requirements of this Subsection (19).

221 (20) A board shall do all other things necessary for the maintenance, prosperity, and
222 success of the schools and the promotion of education.

223

224 Section 6. [*Severability.*] [Insert severability clause.]

225

226 Section 7. [*Repealer.*] [Insert repealer clause.]

227

228 Section 8. [*Effective Date.*] [Insert effective date.]