

**SB 185**  
**Federal Education Agreement Requirements**  
**Governor's Office of Planning and Budget**  
**Effective Date: May 5, 2009**

**SB 185 applies to: (53A-1-902)**

- "Education Entity" means entities that may bear the state and local cost of implementing a federal program.
- This includes State Board of Education, State Office of Education (state superintendent), local school boards, school district and its schools, charter school governing board, and charter school.

**"Federal Education Agreements" as defined in SB 185: (53A-1-902)**

1. Legally binding document or representation that requires a school official to implement a federal program that originates from the U.S. Department of Education and that has, as a primary focus, an impact on the educational services at a district or charter school.
2. Federal programs include No Child Left Behind Act; Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and subsequent amendments; other federal education programs.

**Information that education entities will need to provide under SB 185: (53A-1-905)**

1. The amount of money being requested or that is available to the state from the federal government for each reauthorization or new federal education agreement request.
2. The amount of state and local monies, if any, required to implement a federal education agreement (including the source of all direct, indirect, or in-kind matching funds). This will be used to establish the benchmark amounts as defined in the bill unless the Legislative Management Committee directs staff to establish a benchmark through independent analysis.
3. A list of any requirements the education entity must meet as a condition for implementing or participating in the federal education agreement.

**The new approval process for federal education agreements:**

- Seeking approval to apply for and/or receive funds under a federal education agreement will remain much the same as GOPB's current federal funds process. (Please use GOPB's Federal Education Agreement –Budget Impact Form and the Estimated Cost for Implementation Form located on our web-site: <http://governor.utah.gov/gopb>, Budget, Grant Information.)
- Non-Judicial state agencies should continue to forward all federal funds requests through GOPB regardless of the amount of the request or the level of approval required.
- Timing is key: The forms should be submitted "Before legally binding the state by executing a federal education agreement that may cost the state [education entities] a total of \$500,000 or more to implement..."
- SB 162 did establish a three-tiered approval system as outlined below:

**LOW: (53A-1-906)**

A federal education agreement that may cost the education entity more than \$500,000 annually from state and local monies to implement  
(Review and recommendation by the Governor).

**MEDIUM: (53A-1-907)**

A federal education agreement that may cost the education entity more than \$1.0 million annually from state and local monies to implement.

(Review and recommendation by the Governor followed by review and recommendation by Executive Appropriations Committee).

**HIGH: (53A-1-907)**

A federal education agreement that may cost the education entity more than \$5.0 million annually from state and local monies to implement.

(Review and recommendation by the Governor followed by review and recommendation by the legislature in an annual general session or a special session).

**Final Thoughts:**

- Remember continuation grants (reauthorizations) are not automatic.
- The new requirement of legislative approval may result in action voiding the federal education agreement.

GOPB Contact: Federal Assistance Management Officer, 801-538-1027, or [stategrants@utah.gov](mailto:stategrants@utah.gov).