

POWERS OF LOCAL SCHOOL BOARDS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Afton B. Bradshaw

A. Lamont Tyler

This act modifies provisions of the State System of Public Education by restricting the power of a local school board to close a school if the school is operating near maximum capacity.

The act has an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

53A-3-402, as last amended by Chapter 119, Laws of Utah 2000

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

Section 1. Section **53A-3-402** is amended to read:

53A-3-402. Powers and duties generally.

15 (1) Local school boards shall spend minimum school program funds for programs and
16 activities for which the State Board of Education has established minimum standards or rules
17 under Section 53A-1-402.

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

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

22 (3) (a) A board may participate in the joint construction or operation of a school attended
23 by children residing within the district and children residing in other districts either within or
24 outside the state

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

26 (i) be signed by the president of the board of each participating district;

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

28 (iii) be filed with the State Board of Education.

29 (4) A board:

30 (a) may establish, locate, and maintain elementary, secondary, and vocational schools[;];

31 and

32 (b) may not close a school if the school's total student population is at 80% or more of the
33 maximum capacity of the school as defined by the State Board of Education under Subsection
34 53A-2-207(2)(a), regardless of whether or not the students attending the school reside within the
35 school's or school district's boundaries.

38 (6) A board may establish and support school libraries.

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

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

42 (9) (a) A board may apply for, receive, and administer funds made available through
43 programs of the federal government.

44 (b) Federal funds are not considered funds within the school district budget under Title
45 53A, Chapter 19, School District Budgets.

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

48 (10) (a) A board may organize school safety patrols and adopt rules under which the
49 patrols promote student safety.

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

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

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

57 (11) (a) A board may on its own behalf, or on behalf of an educational institution for which
58 the board is the direct governing body, accept private grants, loans, gifts, endowments, devises,

59 or bequests that are made for educational purposes.

60 (b) These contributions are not subject to appropriation by the Legislature.

61 (12) (a) A board may appoint and fix the compensation of a compliance officer to issue
62 citations for violations of Subsection 76-10-105(2).

63 (b) A person may not be appointed to serve as a compliance officer without the person's
64 consent.

65 (c) A teacher or student may not be appointed as a compliance officer.

66 (13) A board shall adopt bylaws and rules for its own procedures.

67 (14) (a) A board shall make and enforce rules necessary for the control and management
68 of the district schools.

69 (b) All board rules and policies shall be in writing, filed, and referenced for public access.

70 (15) A board may hold school on legal holidays other than Sundays.

71 (16) (a) Each board shall establish for each school year a school traffic safety committee
72 to implement this Subsection (16).

73 (b) The committee shall be composed of one representative of:

74 (i) the schools within the district;

75 (ii) the Parent Teachers' Association of the schools within the district;

76 (iii) the municipality or county;

77 (iv) state or local law enforcement; and

78 (v) state or local traffic safety engineering.

79 (c) The committee shall:

80 (i) receive suggestions from parents, teachers, and others and recommend school traffic
81 safety improvements, boundary changes to enhance safety, and school traffic safety program
82 measures;

83 (ii) review and submit annually to the Department of Transportation and affected
84 municipalities and counties a child access routing plan for each elementary, middle, and junior
85 high school within the district;

86 (iii) consult the Utah Safety Council and the Division of Family Health Services and
87 provide training to all school children in kindergarten through grade six, within the district, on
88 school crossing safety and use; and

89 (iv) help ensure the district's compliance with rules made by the Department of

90 Transportation under Section 41-6-20.1.

91 (d) The committee may establish subcommittees as needed to assist in accomplishing its
92 duties under Subsection (16)(c).

93 (e) The board shall require each elementary, middle, and junior high school within the
94 district to develop and submit annually to the committee a child access routing plan.

95 (17) (a) Each school board shall adopt and implement a comprehensive emergency
96 response plan to prevent and combat violence in its public schools, on school grounds, on its
97 school vehicles, and in connection with school-related activities or events.

98 (b) The board shall implement its plan by July 1, 2000.

99 (c) The plan shall:

100 (i) include prevention, intervention, and response components;

101 (ii) be consistent with the student conduct and discipline policies required for school
102 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

103 (iii) require inservice training for all district and school building staff on what their roles
104 are in the emergency response plan; and

105 (iv) provide for coordination with local law enforcement and other public safety
106 representatives in preventing, intervening, and responding to violence in the areas and activities
107 referred to in Subsection (17)(a).

108 (d) The State Board of Education, through the state superintendent of public instruction,
109 shall develop comprehensive emergency response plan models that local school boards may use,
110 where appropriate, to comply with Subsection (17)(a).

111 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
112 Education that its plan has been practiced at the school level and presented to and reviewed by its
113 teachers, administrators, students, and their parents and local law enforcement and public safety
114 representatives.

115 (18) A board shall do all other things necessary for the maintenance, prosperity, and
116 success of the schools and the promotion of education.

117 **Section 2. Effective date.**

118 If approved by two-thirds of all the members elected to each house, this act takes effect
119 upon approval by the governor, or the day following the constitutional time limit of Utah
120 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the

121 date of veto override.

**Legislative Review Note
as of 12-19-00 9:27 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel