

**STATE AND SCHOOL RECOGNITION OF  
CESAR CHAVEZ**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: James M. Evans**

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**LONG TITLE**

**General Description:**

This bill provides for the recognition of Cesar Chavez by the state and public schools.

**Highlighted Provisions:**

This bill:

- ▶ provides that Cesar Chavez Day shall be commemorated yearly on March 31;

~~§ [—▶— allows a local school board to establish a school calendar with Cesar Chavez Day as a day when schools are closed;] § and~~

- ▶ allows the State Board of Education to adopt a model curriculum guide to be available for use by public schools for instruction related to Cesar Chavez Day.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003

**63-13-5.6**, as enacted by Chapter 174, Laws of Utah 2001

**ENACTS:**

**53A-13-109**, Utah Code Annotated 1953

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

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

30 **53A-3-402. Powers and duties generally.**

31 (1) Each local school board shall:

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

34 (b) administer tests, required by the State Board of Education, which measure the  
35 progress of each student, and coordinate with the state superintendent and State Board of  
36 Education to assess results and create plans to improve the student's progress which shall be  
37 submitted to the State Office of Education for approval;

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

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

42 (e) work with the State Office of Education to establish a library of documented best  
43 practices, consistent with state and federal regulations, for use by the local districts; and

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

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

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

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

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

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

- 59 (i) be signed by the president of the board of each participating district;
- 60 (ii) include a mutually agreed upon pro rata cost; and
- 61 (iii) be filed with the State Board of Education.
- 62 (5) A board may establish, locate, and maintain elementary, secondary, and applied
- 63 technology schools.
- 64 (6) A board may enroll children in school who are at least five years of age before
- 65 September 2 of the year in which admission is sought.
- 66 (7) A board may establish and support school libraries.
- 67 (8) A board may collect damages for the loss, injury, or destruction of school property.
- 68 (9) A board may authorize guidance and counseling services for children and their
- 69 parents or guardians prior to, during, or following enrollment of the children in schools.
- 70 (10) (a) A board may apply for, receive, and administer funds made available through
- 71 programs of the federal government.
- 72 (b) Federal funds are not considered funds within the school district budget under Title
- 73 53A, Chapter 19, School District Budgets.
- 74 (c) Federal funds may only be expended for the purposes for which they are received
- 75 and are accounted for by the board.
- 76 (d) A program created with or expanded by federal funds may be reduced to the extent
- 77 allowed by law when federal funds for that program are subsequently reduced or eliminated.
- 78 (11) (a) A board may organize school safety patrols and adopt rules under which the
- 79 patrols promote student safety.
- 80 (b) A student appointed to a safety patrol shall be at least ten years old and have written
- 81 parental consent for the appointment.
- 82 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
- 83 of a highway intended for vehicular traffic use.
- 84 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
- 85 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
- 86 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- 87 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
- 88 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
- 89 devises, or bequests that are made for educational purposes.

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

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

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

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

96 (14) A board shall adopt bylaws and rules for its own procedures.

97 (15) (a) A board shall make and enforce rules necessary for the control and  
98 management of the district schools.

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

101 (16) A board may § [:

102 ~~——(a)] § hold school on legal holidays other than Sundays[:] § [; and~~

103 ~~——(b) establish a school calendar with Cesar Chavez Day as a day when schools are~~  
104 ~~closed] § .~~

105 (17) (a) Each board shall establish for each school year a school traffic safety  
106 committee to implement this Subsection (17).

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

108 (i) the schools within the district;

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

110 (iii) the municipality or county;

111 (iv) state or local law enforcement; and

112 (v) state or local traffic safety engineering.

113 (c) The committee shall:

114 (i) receive suggestions from parents, teachers, and others and recommend school traffic  
115 safety improvements, boundary changes to enhance safety, and school traffic safety program  
116 measures;

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

120 (iii) consult the Utah Safety Council and the Division of Family Health Services and

121 provide training to all school children in kindergarten through grade six, within the district, on  
122 school crossing safety and use; and

123 (iv) help ensure the district's compliance with rules made by the Department of  
124 Transportation under Section 41-6-20.1.

125 (d) The committee may establish subcommittees as needed to assist in accomplishing  
126 its duties under Subsection (17)(c).

127 (e) The board shall require the school community council of each elementary, middle,  
128 and junior high school within the district to develop and submit annually to the committee a  
129 child access routing plan.

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

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

134 (c) The plan shall:

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

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

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

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

143 (d) The State Board of Education, through the state superintendent of public  
144 instruction, shall develop comprehensive emergency response plan models that local school  
145 boards may use, where appropriate, to comply with Subsection (18)(a).

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

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

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

154 (c) The plan may:

155 (i) include emergency personnel, emergency communication, and emergency  
156 equipment components;

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

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

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

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

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

165 (e) The State Board of Education, through the state superintendent of public  
166 instruction, shall provide local school boards with an emergency plan response model that local  
167 boards may use to comply with the requirements of this Subsection (19).

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

170 Section 2. Section **53A-13-109** is enacted to read:

171 **53A-13-109. Curriculum guide for Cesar Chavez Day.**

172 The State Board of Education may adopt a model curriculum guide to be available for  
173 use by public schools for instruction related to Cesar Chavez Day.

174 Section 3. Section **63-13-5.6** is amended to read:

175 **63-13-5.6. Commemorative days.**

176 The following days shall be commemorated yearly on the designated calendar date:

177 (1) Bill of Rights Day, December 15; [~~and~~]

178 (2) Constitution Day, September 17[~~-~~]; and

179 (3) Cesar Chavez Day, March 31.

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**Legislative Review Note**

as of 12-3-03 11:17 AM

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0039**

State and School Recognition of Cesar Chavez

11-Feb-04

9:56 AM

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**State Impact**

Any costs that may be associated with implementation of this bill can be handled within existing budgets.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**