

**AT-RISK STUDENT PROVISIONS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Robles**

House Sponsor: Paul Ray

---

---

**LONG TITLE**

**General Description:**

This bill modifies the State System of Public Education code relating to at-risk students.

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to adopt rules that require a local school board or governing board of a charter school to enact certain gang prevention and intervention policies; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-11-902**, as last amended by Laws of Utah 2007, Chapter 161

ENACTS:

**53A-15-603**, Utah Code Annotated 1953

---

---

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

Section 1. Section **53A-11-902** is amended to read:

**53A-11-902. Conduct and discipline policies and procedures.**

30 The conduct and discipline policies required under Section 53A-11-901 shall include:

31 (1) provisions governing student conduct, safety, and welfare;

32 (2) standards and procedures for dealing with students who cause disruption in the  
33 classroom, on school grounds, on school vehicles, or in connection with school-related  
34 activities or events;

35 (3) procedures for the development of remedial discipline plans for students who cause  
36 a disruption at any of the places referred to in Subsection (2);

37 (4) procedures for the use of reasonable and necessary physical restraint or force in  
38 dealing with disruptive students, consistent with Section 53A-11-802;

39 (5) standards and procedures for dealing with student conduct in locations other than  
40 those referred to in Subsection (2), if the conduct threatens harm or does harm to:

41 (a) the school;

42 (b) school property;

43 (c) a person associated with the school; or

44 (d) property associated with a person described in Subsection (5)(c);

45 (6) procedures for the imposition of disciplinary sanctions, including suspension and  
46 expulsion;

47 (7) specific provisions, consistent with Section 53A-15-603, for preventing and  
48 responding to gang-related activities in the school, on school grounds, on school vehicles, or in  
49 connection with school-related activities or events; and

50 (8) standards and procedures for dealing with habitual disruptive student behavior in  
51 accordance with the provisions of this part.

52 Section 2. Section **53A-15-603** is enacted to read:

53 **53A-15-603. Gang prevention and intervention policies.**

54 (1) (a) The State Board of Education shall adopt rules that require a local school board  
55 or governing board of a charter school to enact gang prevention and intervention policies for  
56 all schools within the board's jurisdiction.

57 (b) The rules described in Subsection (1)(a) shall provide that the gang prevention and

58 intervention policies of a local school board or charter school governing board may include  
59 provisions that reflect the individual school district's or charter school's unique needs or  
60 circumstances.

61 (2) The rules described in Subsection (1) may include the following provisions:

62 (a) school faculty and personnel shall report suspected gang activities relating to the  
63 school and its students to a school administrator and law enforcement;

64 (b) a student who participates in gang activities may be excluded from participation in  
65 extracurricular activities, including interscholastic athletics, as determined by the school  
66 administration after consultation with law enforcement;

67 (c) gang-related graffiti or damage to school property shall result in parent or guardian  
68 notification and appropriate administrative and law enforcement actions, which may include  
69 obtaining restitution from those responsible for the damage;

70 (d) if a serious gang-related incident, as determined by the school administrator in  
71 consultation with local law enforcement, occurs on school property, at school related activities,  
72 or on a site that is normally considered to be under school control, notification shall be  
73 provided to parents and guardians of students in the school:

74 (i) informing them, in general terms, about the incident, but removing all personally  
75 identifiable information about students from the notice;

76 (ii) emphasizing the school's concern for safety; and

77 (iii) outlining the action taken at the school regarding the incident;

78 (e) school faculty and personnel shall be trained by experienced evidence based  
79 trainers that may include community gang specialists and law enforcement as part of  
80 comprehensive strategies to recognize early warning signs for youth in trouble and help  
81 students resist serious involvement in undesirable activity, including joining gangs or  
82 mimicking gang behavior;

83 (f) prohibitions on the following behavior:

84 (i) advocating or promoting a gang or any gang-related activities;

85 (ii) marking school property, books, or school work with gang names, slogans, or

86 signs;

87 (iii) conducting gang initiations;

88 (iv) threatening another person with bodily injury or inflicting bodily injury on another  
89 in connection with a gang or gang-related activity;

90 (v) aiding or abetting an activity described under Subsections (1)(f)(i) through (iv) by  
91 a person's presence or support;

92 (vi) displaying or wearing common gang apparel, common dress, or identifying signs  
93 or symbols on one's clothing, person, or personal property that is disruptive to the school  
94 environment; and

95 (vii) communicating in any method, including verbal, non-verbal, and electronic  
96 means, designed to convey gang membership or affiliation.

97 (3) The rules described in Subsection (1) may require a local school board or  
98 governing board of a charter school to publicize the policies enacted by the local school board  
99 or governing board of a charter school in accordance with the rules described in Subsection (1)  
100 to all students, parents, guardians, and faculty through school websites, handbooks, letters to  
101 parents and guardians, or other reasonable means of communication.

102 (4) The State Board of Education may consult with appropriate committees, including  
103 committees that provide opportunities for the input of parents, law enforcement, and  
104 community agencies, as it develops, enacts, and administers the rules described in Subsection  
105 (1).