

26 enforcement officers, except to provide security and law enforcement services for certain
27 events.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill takes effect on July 1, 2005.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-13-103**, as last amended by Chapter 296, Laws of Utah 2001

35 **53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003



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

38 Section 1. Section **53-13-103** is amended to read:

39 **53-13-103. Law enforcement officer.**

40 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an
41 employee of a law enforcement agency that is part of or administered by the state or any of its
42 political subdivisions, and whose primary and principal duties consist of the prevention and
43 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of
44 its political subdivisions.

45 (b) "Law enforcement officer" specifically includes the following:

46 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any
47 county, city, or town;

48 (ii) the commissioner of public safety and any member of the Department of Public
49 Safety certified as a peace officer;

50 (iii) all persons specified in Sections 23-20-1.5 and 63-11-17.2;

51 (iv) any police officer employed by any college or university;

52 (v) investigators for the Motor Vehicle Enforcement Division;

53 (vi) special agents or investigators employed by the attorney general, district attorneys,
54 and county attorneys;

55 (vii) employees of the Department of Natural Resources designated as peace officers
56 by law;

57 ~~H~~→ [f] (viii) school district police officers as designated by the board of education
 57a for the
 58 school district; [f]

59 [f] (ix) [f] [~~viii~~] ←~~H~~ the executive director of the Department of Corrections and any
 60 correctional enforcement or investigative officer designated by the executive director and
 61 approved by the commissioner of public safety and certified by the division;

62 ~~H~~→ [f] (x) [f] [~~ix~~] ←~~H~~ correctional enforcement, investigative, or adult probation and
 62a parole officers
 63 employed by the Department of Corrections serving on or before July 1, 1993;

64 ~~H~~→ [f] (xi) [f] [~~x~~] ←~~H~~ members of a law enforcement agency established by a
 64a private college or
 65 university provided that the college or university has been certified by the commissioner of
 66 public safety according to rules of the Department of Public Safety; and

67 ~~H~~→ [f] (xii) [f] [~~xi~~] ←~~H~~ airport police officers of any airport owned or operated by
 67a the state or any of
 68 its political subdivisions.

69 (2) Law enforcement officers may serve criminal process and arrest violators of any
 70 law of this state and have the right to require aid in executing their lawful duties.

71 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
 72 but the authority extends to other counties, cities, or towns only when the officer is acting
 73 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is
 74 employed by the state.

75 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
 76 enforcement officers may exercise their peace officer authority to a certain geographic area.

77 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise his
 78 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
 79 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
 80 limited geographic area.

81 (c) The authority of law enforcement officers employed by the Department of
 82 Corrections is regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.

83 (4) A law enforcement officer shall, prior to exercising peace officer authority,
 84 satisfactorily complete:

85 (a) the basic course at a certified law enforcement officer training academy or pass a
 86 certification examination as provided in Section 53-6-206, and be certified; and

87 (b) annual certified training of at least 40 hours per year as directed by the director of



88 the division, with the advice and consent of the council.

89 Section 2. Section **53A-3-402** is amended to read:

90 **53A-3-402. Powers and duties generally.**

91 (1) Each local school board shall:

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

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

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

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

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

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

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

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

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

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

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



- 119 (i) be signed by the president of the board of each participating district;
- 120 (ii) include a mutually agreed upon pro rata cost; and
- 121 (iii) be filed with the State Board of Education.
- 122 (5) A board may establish, locate, and maintain elementary, secondary, and applied
123 technology schools.
- 124 (6) A board may enroll children in school who are at least five years of age before
125 September 2 of the year in which admission is sought.
- 126 (7) A board may establish and support school libraries.
- 127 (8) A board may collect damages for the loss, injury, or destruction of school property.
- 128 (9) A board may authorize guidance and counseling services for children and their
129 parents or guardians prior to, during, or following enrollment of the children in schools.
- 130 (10) (a) A board may apply for, receive, and administer funds made available through
131 programs of the federal government.
- 132 (b) Federal funds are not considered funds within the school district budget under Title
133 53A, Chapter 19, School District Budgets.
- 134 (c) Federal funds may only be expended for the purposes for which they are received
135 and are accounted for by the board.
- 136 (d) A program created with or expanded by federal funds may be reduced to the extent
137 allowed by law when federal funds for that program are subsequently reduced or eliminated.
- 138 (11) (a) A board may organize school safety patrols and adopt rules under which the
139 patrols promote student safety.
- 140 (b) A student appointed to a safety patrol shall be at least ten years old and have written
141 parental consent for the appointment.
- 142 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
143 of a highway intended for vehicular traffic use.
- 144 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
145 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
146 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- 147 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
148 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
149 devises, or bequests that are made for educational purposes.

- 150 (b) These contributions are not subject to appropriation by the Legislature.
- 151 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
- 152 citations for violations of Subsection 76-10-105(2).
- 153 (b) A person may not be appointed to serve as a compliance officer without the
- 154 person's consent.
- 155 (c) A teacher or student may not be appointed as a compliance officer.
- 156 (14) A board shall adopt bylaws and rules for its own procedures.
- 157 (15) (a) A board shall make and enforce rules necessary for the control and
- 158 management of the district schools.
- 159 (b) All board rules and policies shall be in writing, filed, and referenced for public
- 160 access.
- 161 (16) A board may hold school on legal holidays other than Sundays.
- 162 (17) (a) Each board shall establish for each school year a school traffic safety
- 163 committee to implement this Subsection (17).
- 164 (b) The committee shall be composed of one representative of:
- 165 (i) the schools within the district;
- 166 (ii) the Parent Teachers' Association of the schools within the district;
- 167 (iii) the municipality or county;
- 168 (iv) state or local law enforcement; and
- 169 (v) state or local traffic safety engineering.
- 170 (c) The committee shall:
- 171 (i) receive suggestions from parents, teachers, and others and recommend school traffic
- 172 safety improvements, boundary changes to enhance safety, and school traffic safety program
- 173 measures;
- 174 (ii) review and submit annually to the Department of Transportation and affected
- 175 municipalities and counties a child access routing plan for each elementary, middle, and junior
- 176 high school within the district;
- 177 (iii) consult the Utah Safety Council and the Division of Family Health Services and
- 178 provide training to all school children in kindergarten through grade six, within the district, on
- 179 school crossing safety and use; and
- 180 (iv) help ensure the district's compliance with rules made by the Department of



181 Transportation under Section 41-6-20.1.

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

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

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

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

191 (c) The plan shall:

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

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

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

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

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

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

207 (19) (a) To provide for the safety and security of students, school personnel, and school
208 property, a local school board may, in addition to relying on the general protection offered to
209 the public by local law enforcement agencies:

210 (i) contract with local law enforcement agencies for security and law enforcement
211 services;

212 (ii) contract with ~~H~~→ individuals, organizations, or ~~H~~ private security firms for
 212a security services ~~H~~→ as provided by the board of education for the district ~~H~~ ; or
 213 ~~H~~→ [(iii) employ personnel to serve as special function officers, as defined in Section
 214 53-13-105.

215 ~~(b) (i) A special function officer employed by a local school board may exercise law~~
 216 ~~enforcement authority as described in, and subject to the training requirements of, Section~~
 217 ~~53-13-103, except as provided in Subsections (19)(b)(ii) and (iii).~~

218 ~~(ii) The jurisdiction in which a special function officer employed by a local school~~
 219 ~~board may exercise law enforcement authority shall be geographically limited to the area~~
 220 ~~within 1000 feet of real property or facilities owned or operated by the school district.~~

221 ~~(iii) A special function officer employed by a local school board:~~

222 ~~(A) may transport a person detained to a local law enforcement agency; and~~
 223 ~~(B) may not exercise law enforcement authority outside of the limited geographic area~~
 224 ~~described in Subsection (19) (b)(ii) pursuant to Title 77, Chapter 9, Uniform Act on Fresh~~
 225 ~~Pursuit.~~

226 ~~(c) (i) If a local school board employs special function officers, the local school board~~
 227 ~~shall submit a report by August 31, 2006 to the Law Enforcement and Criminal Justice Interim~~
 228 ~~Committee and the Education Interim Committee evaluating the cost effectiveness of~~
 229 ~~employing special function officers.~~

230 ~~(ii) The report shall address the costs and outcomes of employing special function~~
 231 ~~officers.~~

232 ~~(iii) A local school board shall consult with the local law enforcement agencies having~~
 233 ~~jurisdiction within the school district in preparing the report.~~

234 ~~(d) (i) A local school board may not employ personnel to serve as law enforcement~~
 235 ~~officers, as defined in Section 53-13-103, except as provided in Subsection (19)(d)(ii).~~

236 ~~(ii) iii~~ ~~H~~ A local school board may employ law enforcement officers on a temporary,
 237 part-time basis to perform security and law enforcement services for sporting events,
 238 extracurricular activities, or special events.

239 [(19)] (20) (a) Each local school board may adopt an emergency response plan for the
 240 treatment of sports-related injuries that occur during school sports practices and events.

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



243 (c) The plan may:
244 (i) include emergency personnel, emergency communication, and emergency
245 equipment components;
246 (ii) require inservice training on the emergency response plan for school personnel who
247 are involved in sports programs in the district's secondary schools; and
248 (iii) provide for coordination with individuals and agency representatives who:
249 (A) are not employees of the school district; and
250 (B) would be involved in providing emergency services to students injured while
251 participating in sports events.
252 (d) The board, in collaboration with the schools referred to in Subsection [~~(19)~~]
253 (20)(b), may review the plan each year and make revisions when required to improve or
254 enhance the plan.
255 (e) The State Board of Education, through the state superintendent of public
256 instruction, shall provide local school boards with an emergency plan response model that local
257 boards may use to comply with the requirements of this Subsection [~~(19)~~] (20).
258 [~~(20)~~] (21) A board shall do all other things necessary for the maintenance, prosperity,
259 and success of the schools and the promotion of education.
260 Section 3. **Effective date.**
261 This bill takes effect on July 1, 2005.