

SECURITY FOR PUBLIC SCHOOLS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheryl L. Allen

Greg J. Curtis

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LONG TITLE

General Description:

This bill modifies the authority of local school boards in providing for the safety and security of students, school personnel, and school property.

Highlighted Provisions:

This bill:

- ▶ removes school district police officers from the definition of law enforcement officer in the Public Safety Code;
- ▶ allows a local school board to:
 - contract with local law enforcement agencies for specific services, including law enforcement officer services;
 - contract with private security firms for security services; or
 - employ personnel to serve as special function officers; and
- ▶ prohibits a local school board from employing personnel to serve as law enforcement officers.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:



28 53-13-103, as last amended by Chapter 296, Laws of Utah 2001

29 53A-3-402, as last amended by Chapter 315, Laws of Utah 2003



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

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

33 **53-13-103. Law enforcement officer.**

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

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

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

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

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

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

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

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

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

51 [~~(viii)~~ school district police officers as designated by the board of education for the
52 school district;]

53 [~~(ix)~~ (viii) the executive director of the Department of Corrections and any
54 correctional enforcement or investigative officer designated by the executive director and
55 approved by the commissioner of public safety and certified by the division;

56 [~~(x)~~ (ix) correctional enforcement, investigative, or adult probation and parole officers
57 employed by the Department of Corrections serving on or before July 1, 1993;

58 [~~(xi)~~ (x) members of a law enforcement agency established by a private college or

59 university provided that the college or university has been certified by the commissioner of
60 public safety according to rules of the Department of Public Safety; and

61 [~~(xii)~~] (xi) airport police officers of any airport owned or operated by the state or any of
62 its political subdivisions.

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

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

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

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

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

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

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

81 (b) annual certified training of at least 40 hours per year as directed by the director of
82 the division, with the advice and consent of the council.

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

84 **53A-3-402. Powers and duties generally.**

85 (1) Each local school board shall:

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

88 (b) administer tests, required by the State Board of Education, which measure the
89 progress of each student, and coordinate with the state superintendent and State Board of

90 Education to assess results and create plans to improve the student's progress which shall be
91 submitted to the State Office of Education for approval;

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

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

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

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

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

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

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

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

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

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

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

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

116 (5) A board may establish, locate, and maintain elementary, secondary, and applied
117 technology schools.

118 (6) A board may enroll children in school who are at least five years of age before
119 September 2 of the year in which admission is sought.

120 (7) A board may establish and support school libraries.

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

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

124 (10) (a) A board may apply for, receive, and administer funds made available through
125 programs of the federal government.

126 (b) Federal funds are not considered funds within the school district budget under Title
127 53A, Chapter 19, School District Budgets.

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

130 (d) A program created with or expanded by federal funds may be reduced to the extent
131 allowed by law when federal funds for that program are subsequently reduced or eliminated.

132 (11) (a) A board may organize school safety patrols and adopt rules under which the
133 patrols promote student safety.

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

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

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

141 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
142 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
143 devises, or bequests that are made for educational purposes.

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

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

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

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

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

151 (15) (a) A board shall make and enforce rules necessary for the control and

152 management of the district schools.

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

155 (16) A board may hold school on legal holidays other than Sundays.

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

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

159 (i) the schools within the district;

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

161 (iii) the municipality or county;

162 (iv) state or local law enforcement; and

163 (v) state or local traffic safety engineering.

164 (c) The committee shall:

165 (i) receive suggestions from parents, teachers, and others and recommend school traffic
166 safety improvements, boundary changes to enhance safety, and school traffic safety program
167 measures;

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

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

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

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

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

181 (18) (a) Each school board shall adopt and implement a comprehensive emergency
182 response plan to prevent and combat violence in its public schools, on school grounds, on its

183 school vehicles, and in connection with school-related activities or events.

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

185 (c) The plan shall:

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

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

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

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

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

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

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

204 (i) contract with local law enforcement agencies for specific services, including law
205 enforcement officer services;

206 (ii) contract with private security firms for security services; or

207 (iii) employ personnel to serve as special function officers, as defined in Section
208 53-13-105.

209 (b) A local school board may not employ personnel to serve as law enforcement
210 officers, as defined in Section 53-13-103.

211 ~~[(19)]~~ (20) (a) Each local school board may adopt an emergency response plan for the
212 treatment of sports-related injuries that occur during school sports practices and events.

213 (b) The plan may be implemented by each secondary school in the district that has a

214 sports program for students.

215 (c) The plan may:

216 (i) include emergency personnel, emergency communication, and emergency
217 equipment components;

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

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

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

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

224 (d) The board, in collaboration with the schools referred to in Subsection [~~(19)~~]
225 (20)(b), may review the plan each year and make revisions when required to improve or
226 enhance the plan.

227 (e) The State Board of Education, through the state superintendent of public
228 instruction, shall provide local school boards with an emergency plan response model that local
229 boards may use to comply with the requirements of this Subsection [~~(19)~~] (20).

230 [~~(20)~~] (21) A board shall do all other things necessary for the maintenance, prosperity,
231 and success of the schools and the promotion of education.

232 Section 3. **Effective date.**

233 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 1-20-05 5:07 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0153

Security for Public Schools

31-Jan-05

10:35 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst