

Representative Sheryl L. Allen proposes the following substitute bill:

SECURITY FOR PUBLIC SCHOOLS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheryl L. Allen

Greg J. Curtis

John Dougall

David L. Hogue

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

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2006.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-13-103**, as last amended by Chapter 296, Laws of Utah 2001

31 **53-13-105**, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

32 **53A-3-402**, as last amended by Chapter 315, Laws of Utah 2003

33

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

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

36 **53-13-103. Law enforcement officer.**

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

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

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

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

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

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

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

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

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

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

56 [~~(ix)~~] (viii) the executive director of the Department of Corrections and any

57 correctional enforcement or investigative officer designated by the executive director and
58 approved by the commissioner of public safety and certified by the division;

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

61 [~~(xi)~~] (x) members of a law enforcement agency established by a private college or
62 university provided that the college or university has been certified by the commissioner of
63 public safety according to rules of the Department of Public Safety; and

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

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

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

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

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

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

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

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

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

86 Section 2. Section **53-13-105** is amended to read:

87 **53-13-105. Special function officer.**

88 (1) (a) "Special function officer" means a sworn and certified peace officer performing
89 specialized investigations, service of legal process, security functions, or specialized ordinance,
90 rule, or regulatory functions.

91 (b) "Special function officer" includes:

92 (i) state military police;

93 (ii) constables;

94 (iii) port-of-entry agents as defined in Section 72-1-102;

95 (iv) authorized employees or agents of the Department of Transportation assigned to
96 administer and enforce the provisions of Title 72, Chapter 9, Motor Carrier Safety Act;

97 [~~(v)~~] school district security officers;

98 [~~(vi)~~] (v) Utah State Hospital security officers designated pursuant to Section
99 62A-15-603;

100 [~~(vii)~~] (vi) Utah State Developmental Center security officers designated pursuant to
101 Subsection 62A-5-206(9);

102 [~~(viii)~~] (vii) fire arson investigators for any political subdivision of the state;

103 [~~(ix)~~] (viii) ordinance enforcement officers employed by municipalities or counties
104 may be special function officers;

105 [~~(x)~~] (ix) employees of the Department of Natural Resources who have been designated
106 to conduct supplemental enforcement functions as a collateral duty;

107 [~~(xi)~~] (x) railroad special agents deputized by a county sheriff under Section 17-30-2,
108 or appointed pursuant to Section 56-1-21.5;

109 [~~(xii)~~] (xi) auxiliary officers, as described by Section 53-13-112;

110 [~~(xiii)~~] (xii) special agents, process servers, and investigators employed by city
111 attorneys;

112 [~~(xiv)~~] (xiii) criminal tax investigators designated under Section 59-1-206; and

113 [~~(xv)~~] (xiv) all other persons designated by statute as having special function officer
114 authority or limited peace officer authority.

115 (2) (a) A special function officer may exercise that spectrum of peace officer authority
116 that has been designated by statute to the employing agency, and only while on duty, and not
117 for the purpose of general law enforcement.

118 (b) If the special function officer is charged with security functions respecting facilities

119 or property, the powers may be exercised only in connection with acts occurring on the
120 property where the officer is employed or when required for the protection of the employer's
121 interest, property, or employees.

122 (c) A special function officer may carry firearms only while on duty, and only if
123 authorized and under conditions specified by the officer's employer or chief administrator.

124 (3) (a) A special function officer may not exercise the authority of a peace officer until:

125 (i) the officer has satisfactorily completed an approved basic training program for
126 special function officers as provided under Subsection (4); and

127 (ii) the chief law enforcement officer or administrator has certified this fact to the
128 director of the division.

129 (b) City and county constables and their deputies shall certify their completion of
130 training to the legislative governing body of the city or county they serve.

131 (4) (a) The agency that the special function officer serves may establish and maintain a
132 basic special function course and in-service training programs as approved by the director of
133 the division with the advice and consent of the council.

134 (b) The in-service training shall consist of no fewer than 40 hours per year and may be
135 conducted by the agency's own staff or by other agencies.

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

137 **53A-3-402. Powers and duties generally.**

138 (1) Each local school board shall:

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

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

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

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

149 (e) work with the State Office of Education to establish a library of documented best

150 practices, consistent with state and federal regulations, for use by the local districts; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

179 (b) Federal funds are not considered funds within the school district budget under Title
180 53A, Chapter 19, School District Budgets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 212 (i) the schools within the district;
- 213 (ii) the Parent Teachers' Association of the schools within the district;
- 214 (iii) the municipality or county;
- 215 (iv) state or local law enforcement; and
- 216 (v) state or local traffic safety engineering.
- 217 (c) The committee shall:
 - 218 (i) receive suggestions from parents, teachers, and others and recommend school traffic
 - 219 safety improvements, boundary changes to enhance safety, and school traffic safety program
 - 220 measures;
 - 221 (ii) review and submit annually to the Department of Transportation and affected
 - 222 municipalities and counties a child access routing plan for each elementary, middle, and junior
 - 223 high school within the district;
 - 224 (iii) consult the Utah Safety Council and the Division of Family Health Services and
 - 225 provide training to all school children in kindergarten through grade six, within the district, on
 - 226 school crossing safety and use; and
 - 227 (iv) help ensure the district's compliance with rules made by the Department of
 - 228 Transportation under Section 41-6-20.1.
- 229 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 230 its duties under Subsection (17)(c).
- 231 (e) The board shall require the school community council of each elementary, middle,
- 232 and junior high school within the district to develop and submit annually to the committee a
- 233 child access routing plan.
- 234 (18) (a) Each school board shall adopt and implement a comprehensive emergency
- 235 response plan to prevent and combat violence in its public schools, on school grounds, on its
- 236 school vehicles, and in connection with school-related activities or events.
- 237 (b) The board shall implement its plan by July 1, 2000.
- 238 (c) The plan shall:
 - 239 (i) include prevention, intervention, and response components;
 - 240 (ii) be consistent with the student conduct and discipline polices required for school
 - 241 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
 - 242 (iii) require inservice training for all district and school building staff on what their

243 roles are in the emergency response plan; and

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

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

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

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

257 (i) contract with local law enforcement agencies for security and law enforcement
258 services; and

259 (ii) contract with private security firms for security services.

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

262 (ii) A local school board may employ law enforcement officers on a temporary,
263 part-time basis to perform security and law enforcement services for sporting events,
264 extracurricular activities, or special events.

265 ~~[(19)]~~ (20) (a) Each local school board may adopt an emergency response plan for the
266 treatment of sports-related injuries that occur during school sports practices and events.

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

269 (c) The plan may:

270 (i) include emergency personnel, emergency communication, and emergency
271 equipment components;

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

274 (iii) provide for coordination with individuals and agency representatives who:
275 (A) are not employees of the school district; and
276 (B) would be involved in providing emergency services to students injured while
277 participating in sports events.

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

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

284 [~~(20)~~] (21) A board shall do all other things necessary for the maintenance, prosperity,
285 and success of the schools and the promotion of education.

286 Section 4. **Effective date.**

287 This bill takes effect on July 1, 2006.