

1 **MINIMUM AGE FOR PUBLIC EDUCATION**

2 **ENROLLMENT AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Eric K. Hutchings**

6 **Senate Sponsor: Carlene M. Walker**

7

8 LONG TITLE

9 **General Description:**

10 This bill provides an exception to the minimum age for public education enrollment.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows a student who previously attended a public school in another state to enroll
14 in public education in Utah; and

15 ▶ makes technical corrections.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92

23

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

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

25 **53A-3-402. Powers and duties generally.**

26 (1) Each local school board shall:
27



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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (5) A board may establish, locate, and maintain elementary, secondary, and applied

59 technology schools.

60 (6) [A] (a) Except as provided in Subsection (6)(b), a board may enroll children in
61 school who are at least five years of age before September 2 of the year in which admission is
62 sought.

63 (b) A board may enroll a child in school who is not at least five years of age before
64 September 2 of the year in which admission is sought if the child previously attended a public
65 school in kindergarten or above as a resident in another state.

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 shall administer and implement federal educational programs in
71 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

72 (b) Federal funds are not considered funds within the school district budget under Title
73 53A, Chapter 19, School District Budgets.

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

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

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

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

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

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

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

89 (b) A person may not be appointed to serve as a compliance officer without the

90 person's consent.

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

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

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

94 management of the district schools.

95 (b) All board rules and policies shall be in writing, filed, and referenced for public

96 access.

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

98 (17) (a) Each board shall establish for each school year a school traffic safety

99 committee to implement this Subsection (17).

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

101 (i) the schools within the district;

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

103 (iii) the municipality or county;

104 (iv) state or local law enforcement; and

105 (v) state or local traffic safety engineering.

106 (c) The committee shall:

107 (i) receive suggestions from parents, teachers, and others and recommend school traffic

108 safety improvements, boundary changes to enhance safety, and school traffic safety program

109 measures;

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

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

116 (iv) help ensure the district's compliance with rules made by the Department of
117 Transportation under Section 41-6a-303.

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

120 (e) The board shall require the school community council of each elementary, middle,

121 and junior high school within the district to develop and submit annually to the committee a
122 child access routing plan.

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

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

127 (c) The plan shall:

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

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

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

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

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

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

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

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

147 (c) The plan may:

148 (i) include emergency personnel, emergency communication, and emergency
149 equipment components;

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

- 152 (iii) provide for coordination with individuals and agency representatives who:
- 153 (A) are not employees of the school district; and
- 154 (B) would be involved in providing emergency services to students injured while
- 155 participating in sports events.
- 156 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
- 157 review the plan each year and make revisions when required to improve or enhance the plan.
- 158 (e) The State Board of Education, through the state superintendent of public
- 159 instruction, shall provide local school boards with an emergency plan response model that local
- 160 boards may use to comply with the requirements of this Subsection (19).
- 161 (20) A board shall do all other things necessary for the maintenance, prosperity, and
- 162 success of the schools and the promotion of education.
- 163 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:
- 164 (i) hold a public hearing, as defined in Section 10-9a-103; and
- 165 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
- 166 (b) The notice of a public hearing required under Subsection (21)(a) shall:
- 167 (i) indicate the:
- 168 (A) school or schools under consideration for closure or boundary change; and
- 169 (B) date, time, and location of the public hearing; and
- 170 (ii) at least ten days prior to the public hearing, be:
- 171 (A) published in a newspaper of general circulation in the area; and
- 172 (B) posted in at least three public locations within the municipality or on the district's
- 173 official website.

Legislative Review Note
as of 1-25-08 2:08 PM

Office of Legislative Research and General Counsel

H.B. 345 - Minimum Age for Public Education Enrollment Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
