

1 **AT-RISK STUDENT PROVISIONS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Robles**

5 House Sponsor: Sheryl L. Allen

6

LONG TITLE

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires a local school board or governing board of a charter school to enact certain
- 13 gang prevention and intervention policies; and
- 14 ▶ makes technical corrections.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53A-11-902**, as last amended by Laws of Utah 2007, Chapter 161

22 ENACTS:

23 **53A-15-603**, Utah Code Annotated 1953

24

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

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



28 **53A-11-902. Conduct and discipline policies and procedures.**

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

- 30 (1) provisions governing student conduct, safety, and welfare;
- 31 (2) standards and procedures for dealing with students who cause disruption in the
- 32 classroom, on school grounds, on school vehicles, or in connection with school-related
- 33 activities or events;
- 34 (3) procedures for the development of remedial discipline plans for students who cause
- 35 a disruption at any of the places referred to in Subsection (2);
- 36 (4) procedures for the use of reasonable and necessary physical restraint or force in
- 37 dealing with disruptive students, consistent with Section 53A-11-802;
- 38 (5) standards and procedures for dealing with student conduct in locations other than
- 39 those referred to in Subsection (2), if the conduct threatens harm or does harm to:
- 40 (a) the school;
- 41 (b) school property;
- 42 (c) a person associated with the school; or
- 43 (d) property associated with a person described in Subsection (5)(c);
- 44 (6) procedures for the imposition of disciplinary sanctions, including suspension and
- 45 expulsion;
- 46 (7) specific provisions for preventing and responding to gang-related activities in the
- 47 school, on school grounds, on school vehicles, or in connection with school-related activities or
- 48 events, including implementing the provisions of Sections 53A-15-601 and 53A-15-603; and
- 49 (8) standards and procedures for dealing with habitual disruptive student behavior in
- 50 accordance with the provisions of this part.

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

52 **53A-15-603. Gang prevention and intervention policies.**

- 53 (1) In addition to ~~§~~ **[participation]** ~~the individual schools that participate~~ ~~§~~ in the
- 53a gang prevention and intervention program
- 54 established under Section 53A-15-601 for at-risk students, a local school board or governing
- 55 board of a charter school shall enact policies to ensure the following ~~§~~ **at all public schools** ~~§~~ :
- 56 (a) school faculty and personnel shall report suspected gang activities relating to the
- 57 school and its students to a school administrator and law enforcement;
- 58 (b) a student who participates in gang activities ~~§~~ **[shall] may** ~~§~~ be excluded from
- 58a participation in

59 extracurricular activities, including interscholastic athletics, as determined by school
 60 administration after consultation with law enforcement;

61 (c) gang-related graffiti or damage to school property shall result in parent or guardian
 62 notification and appropriate administrative and law enforcement actions, ~~§~~→ [including] which may

62a include ~~←~~§ obtaining

63 restitution from those responsible for the damage;

64 (d) if a serious gang-related incident ~~§~~→ , as determined by the school administrator in

64a consultation with local law enforcement, ~~←~~§ occurs on school property, at school related
 65 activities, or on a site that is normally considered to be under school control, notification shall
 66 be provided to parents and guardians of students in the school:

67 (i) informing them, in general terms, about the incident ~~§~~→ , but removing all personally

67a identifiable information about students from the notice ~~←~~§ :

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

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

70 (e) school faculty and personnel shall be trained by community gang specialists and

71 law enforcement as part of comprehensive strategies to recognize early warning signs for youth

72 in trouble and help students resist serious involvement in undesirable activity, including joining

73 gangs or mimicking gang behavior;

74 (f) prohibitions on the following behavior:

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

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

77 signs;

78 (iii) conducting gang initiations;

79 (iv) threatening another person with bodily injury or inflicting bodily injury on another

80 in connection with a gang or gang-related activity;

81 (v) aiding or abetting an activity described under Subsections (1)(f)(i) through (iv) by a

82 person's presence or support;

83 (vi) displaying or wearing common gang apparel, common dress, or identifying signs

84 or symbols on one's clothing, person, or personal property that is disruptive to the school

85 environment; and

86 (vii) communicating in any method, including verbal, non-verbal, and electronic

87 means, designed to convey gang membership or affiliation.

88 (2) A local school board or governing board of a charter school shall publicize the

89 policies described under Subsection (1) to all students, parents and guardians, and faculty

90 through school websites, handbooks, letters to parents and guardians. ~~§~~→ **[and]** or ←~~§~~ other
90a reasonable
91 means of communication.

92 (3) A local school board, governing board of a charter school, and a public school shall
93 consult with appropriate committees, including committees that provide opportunities for the
94 input of parents, law enforcement, and community agencies, as it enacts and administers the
95 policies described under Subsection (1).

Legislative Review Note
as of 2-11-09 11:42 AM

Office of Legislative Research and General Counsel

S.B. 74 - At-risk Student Provisions

Fiscal Note

2009 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 may result in additional costs to school districts and charter schools associated with the faculty and staff training provisions outlined in the bill.
