

1 **AT-RISK STUDENT PROVISIONS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Robles**

5 House Sponsor: Sheryl L. Allen

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**LONG TITLE**

7 **General Description:**

8 This bill modifies the State System of Public Education code relating to at-risk  
9 students.  
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11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a local school board or governing board of a charter school to enact certain  
14 gang prevention and intervention policies; 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-11-902**, as last amended by Laws of Utah 2007, Chapter 161

23 ENACTS:

24 **53A-15-603**, Utah Code Annotated 1953

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

26 Section 1. Section **53A-11-902** is amended to read:  
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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 in the 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:

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 be excluded from 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 obtaining  
63 restitution from those responsible for the damage;

64 (d) if a serious gang-related incident 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;

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 other 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).

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

**Office of Legislative Research and General Counsel**

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**S.B. 74 - At-risk Student Provisions**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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