

1 **PUBLIC SCHOOL COMPREHENSIVE EMERGENCY**

2 **RESPONSE PLAN AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Aaron Osmond**

6 House Sponsor: Rich Cunningham

7

LONG TITLE

8 **General Description:**

9 This bill modifies requirements for a public school's comprehensive emergency
10 response plan.
11

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires a public school's comprehensive emergency response plan to include
15 procedures to provide information, to the extent practicable, to certain students who
16 are off campus at the time of a school violence emergency; and

17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53A-3-402**, as last amended by Laws of Utah 2013, Chapter 296

25

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

26 Section 1. Section **53A-3-402** is amended to read:
27



28 **53A-3-402. Powers and duties generally.**

29 (1) Each local school board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (6) Except as provided in Section 53A-1-1001, a board may enroll children in school
63 who are at least five years of age before September 2 of the year in which admission is sought.

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

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

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

68 (10) (a) A board shall administer and implement federal educational programs in
69 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

70 (b) Federal funds are not considered funds within the school district budget under Title
71 53A, Chapter 19, School District Budgets.

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

74 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
75 parental consent for the appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

99 (i) the schools within the district;

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

101 (iii) the municipality or county;

102 (iv) state or local law enforcement; and

103 (v) state or local traffic safety engineering.

104 (c) The committee shall:

105 (i) receive suggestions from school community councils, parents, teachers, and others
106 and recommend school traffic safety improvements, boundary changes to enhance safety, and
107 school traffic safety program measures;

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

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

114 (iv) help ensure the district's compliance with rules made by the Department of
115 Transportation under Section [41-6a-303](#).

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

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

- 121 (b) The board shall implement its plan by July 1, 2000.
- 122 (c) The plan shall:
 - 123 (i) include prevention, intervention, and response components;
 - 124 (ii) be consistent with the student conduct and discipline policies required for school
 - 125 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
 - 126 (iii) require inservice training for all district and school building staff on what their
 - 127 roles are in the emergency response plan; [~~and~~]
 - 128 (iv) provide for coordination with local law enforcement and other public safety
 - 129 representatives in preventing, intervening, and responding to violence in the areas and activities
 - 130 referred to in Subsection (18)(a)[~~;~~]; and
 - 131 (v) include procedures to notify a student, to the extent practicable, who is off campus
 - 132 at the time of a school violence emergency because the student is:
 - 133 (A) participating in a school-related activity; or
 - 134 (B) excused from school for a period of time during the regular school day to
 - 135 participate in religious instruction at the request of the student's parent or guardian.
- 136 (d) The State Board of Education, through the state superintendent of public instruction,
- 137 shall develop comprehensive emergency response plan models that local school boards may
- 138 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 10 days prior to the public hearing, be:

171 (A) published:

172 (I) in a newspaper of general circulation in the area; and

173 (II) on the Utah Public Notice Website created in Section [63F-1-701](#); and

174 (B) posted in at least three public locations within the municipality or on the district's
175 official website.

176 (22) A board may implement a facility energy efficiency program established under
177 Title 11, Chapter 44, Facility Energy Efficiency Act.