

# HB0236S01 compared with HB0236

~~{deleted text}~~ shows text that was in HB0236 but was deleted in HB0236S01.

inserted text shows text that was not in HB0236 but was inserted into HB0236S01.

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Representative Melissa G. Ballard proposes the following substitute bill:

## SAFE SCHOOL ROUTE EVALUATIONS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: ~~{~~ Todd Weiler

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### LONG TITLE

#### General Description:

This bill requires a school traffic safety committee ~~{and an affected highway authority}~~ to ~~{report on and make}~~ include recommendations ~~{related to unsafe or hazardous routes for students who walk to school}~~ for infrastructure improvements in a child access routing plan.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a school traffic safety committee to ~~{identify unsafe or hazardous routes within the school district}~~;
  - submit a child access routing plan to the Department of Transportation and municipal and county highway authorities; and

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- include recommendations for infrastructure improvements in a child access routing plan;
- ▶ requires a highway authority to ~~{report}~~ provide feedback on:
  - the estimated time and cost to ~~{address unsafe or hazardous routes identified}~~ complete infrastructure improvements recommended by a school traffic safety committee~~;~~
  - ~~the highway authority's actions in the prior year to address unsafe or hazardous routes~~; and
  - infrastructure improvements the highway authority has prioritized for the following year; and
- ▶ requires school traffic safety committees to report to the State Board of Education and the Transportation Advisory Committee on ~~{unsafe and hazardous routes}~~ recommended infrastructure improvements included in a child access routing plan, and deliver recommendations for new approved bus routes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**53G-4-402**, as last amended by Laws of Utah 2019, Chapters 83, 293, and 451

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

Section 1. Section **53G-4-402** is amended to read:

**53G-4-402. Powers and duties generally.**

(1) A local school board shall:

(a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;

(b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for

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approval;

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

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

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

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects; and

(g) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.

(2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.

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

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

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

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

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

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

(iii) be filed with the state board.

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

(6) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years of age before September 2 of the year in which admission

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is sought.

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

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

(9) A local school board may authorize guidance and counseling services for children and their parents before, during, or following enrollment of the children in schools.

(10) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.

(11) (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.

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

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

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

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

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

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

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

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

(14) A local school board shall adopt bylaws and policies for the local school board's own procedures.

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(15) (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

(b) Local school board policies shall be in writing, filed, and referenced for public access.

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

(17) (a) As used in this Subsection (17):

(i) "Committee" means the school traffic safety committee established in Subsection (17)(b).

(ii) "Highway" means the same as that term is defined in Section 72-1-102.

(iii) "Highway authority" means the same as that term is defined in Section 72-1-102.

~~{ (iv) "Unsafe or hazardous route" means a route between a student's residence and school that is dangerous for a student to walk due to a health or safety concern, and is shorter than the distance described in:~~

~~— (A) Subsection 53F-2-403(1)(a) for a student in kindergarten through grade 6; or~~

~~— (B) Subsection 53F-2-403(1)(b) for a student in grades 7 through 12.~~

‡ [(17)(a)] (b) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (17).

[(b)] (c) The committee shall be composed of one representative of:

(i) the schools within the district;

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

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

[(c)] (d) The committee shall:

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

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

~~[(iii)]~~ (ii) consult the Utah Safety Council and the Division of Family Health Services

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and provide training to all school children in kindergarten through grade 6, within the district, on school crossing safety and use; and

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

(e) (i) The committee shall, for each elementary, middle, and junior high school within the district, annually submit a report that identifies unsafe or hazardous routes within the school district, including information supporting the committee's determination that a route is unsafe or hazardous, to the child access routing plan to the Department of Transportation and the municipal or county highway authority that governs each highway included in an unsafe or hazardous route.

~~—— (ii) A highway authority that receives a report~~ the child access routing plan.

(ii) The child access routing plan described in Subsection (17)(e)(i) shall annually evaluate the information in the report and submit a responding report shall:

(A) include recommendations for improvements to enhance safety, including the recommendations received by the committee under Subsection (17)(d)(i); and

(B) consider the criteria and specifications established by Department of Transportation rule made under Subsection 41-6a-303(6).

(iii) A municipal or county highway authority shall evaluate the recommendations for improvements in the child access routing plan and provide feedback to the committee that:

~~—— (A) includes recommendations to reduce the danger of unsafe or hazardous routes, including the estimated time and cost to address each unsafe or hazardous route; and~~

~~—— (B) reports on infrastructure improvements made to unsafe or hazardous routes in the prior year, unsafe or hazardous routes that were not addressed in the prior year, and infrastructure improvements to unsafe or hazardous routes that the~~ on the improvements recommended in the child access routing plan that the municipal or county highway authority has prioritized for the following year.

~~(fiii)~~ iv) The Department of Transportation may review a child access routing plan as resources allow, and provide feedback to the committee on recommended improvements.

(f) The committee shall annually submit to the state board and the Transportation Advisory Committee described in Section 53F-2-403, a report regarding the unsafe or hazardous routes within the school district that:

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~~(A)~~i) includes the information provided in a ~~report described in Subsection (17)(c)(i):~~

~~(B) compiles the information provided in the report described in Subsection (17)(c)(ii):~~

~~(C) child access routing plan:~~

~~(ii) indicates whether the local school board has applied for recommended improvements in a child access routing plan have been included in an infrastructure grant to address an unsafe or hazardous route}~~ under the program described in Section 72-8-109; and

~~(D)~~iii) if necessary, makes recommendations to approve new bus routes.

~~(d)~~ ~~(f)~~g) The committee may establish subcommittees as needed to assist in accomplishing its duties under ~~Subsection (17)(c)~~ Subsections (17)(d), (e), and ~~(c)~~f).

(18) (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The plan shall:

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

(ii) be consistent with the student conduct and discipline policies required for school districts under Chapter 11, Part 2, Miscellaneous Requirements;

(iii) require professional learning for all district and school building staff on what their roles are in the emergency response plan;

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

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent.

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

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(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

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

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

(c) The plan may:

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

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

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (19).

(20) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) at least 120 days before approving the school closure or school boundary change, provide notice to the following that the local school board is considering the closure or boundary change:

(A) parents of students enrolled in the school, using the same form of communication

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the local school board regularly uses to communicate with parents;

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents; and

(C) the governing council and the mayor of the municipality in which the school is located;

(ii) provide an opportunity for public comment on the proposed school closure or school boundary change during at least two public local school board meetings; and

(iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) the date, time, and location of the public hearing;

(ii) at least 10 days before the public hearing, be:

(A) published:

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

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

(B) posted in at least three public locations within the municipality in which the school is located on the school district's official website, and prominently at the school; and

(iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be provided as described in Subsections (21)(a)(i)(A), (B), and (C).

(22) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(23) A local school board may establish or partner with a certified youth court program, in accordance with Section 78A-6-1203, or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to youth court or a comparable restorative justice program in accordance with Section 53G-8-211.