

Representative Carol Spackman Moss proposes the following substitute bill:

PHYSICAL CONTROL IN SCHOOLS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the use of physical restraint or force in schools.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the use of physical restraint or force, including to protect property from being damaged; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-801, as enacted by Laws of Utah 1992, Chapter 251

53A-11-802, as enacted by Laws of Utah 1992, Chapter 251

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



26 Section 1. Section 53A-11-801 is amended to read:

27 **53A-11-801. Definitions.**

28 As used in this part:

29 (1) "Child" or "minor child" means a person:

30 (a) under the age of 18; or

31 (b) under the age of 23 who is receiving educational services as an individual with a
32 disability.

33 (2) "Corporal punishment" means the intentional infliction of physical pain upon the
34 body of a minor child as a disciplinary measure.

35 (3) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
36 shoulder, or back for the purpose of inducing a student to walk to another location.

37 (4) (a) "Physical restraint" means personal restriction that immobilizes or significantly
38 reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

39 (b) "Physical restraint" does not include a physical escort.

40 ~~(5)~~ (5) "School" means any public or private elementary or secondary school,
41 pre-school, care center, nursery school, or business which receives compensation for
42 supervising or educating a child.

43 Section 2. Section 53A-11-802 is amended to read:

44 **53A-11-802. Prohibition of corporal punishment -- Use of reasonable and**
45 **necessary physical restraint or force.**

46 (1) A school employee may not inflict or cause the infliction of corporal punishment
47 upon a child who is receiving services from the school, unless written permission has been
48 given by the student's parent or guardian to do so.

49 (2) ~~[This section does not prohibit the use of]~~ A school employee may use reasonable
50 and necessary physical restraint or force in self defense or otherwise appropriate to the
51 circumstances to:

52 (a) obtain possession of a weapon or other dangerous object in the possession or under
53 the control of a child;

54 (b) protect the child or another ~~[person]~~ individual from physical injury;

55 (c) remove from a situation a child who is violent or disruptive; or

56 (d) protect property from being damaged, when safety ~~H→~~ most likely ~~←H~~ is at risk.

57 (3) Nothing in this section prohibits a school employee from using less intrusive
58 means, including a physical escort, to address circumstances described in Subsection (2).

59 ~~[(3)]~~ (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct
60 or permit the commission of an act prohibited by this part is void and unenforceable.

61 (b) An employee may not be subjected to any sanction for failure or refusal to commit
62 an act prohibited under this part.

63 ~~[(4)]~~ (5) A parochial or private school may exempt itself from the provisions of this
64 section by adopting a policy to that effect and notifying the parents or guardians of children in
65 the school of the exemption.