

1 **STUDENT OFFENDER REINTEGRATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Keith Grover

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to a student who has committed a violent or sexual crime.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires an LEA to adopt a policy regarding a student who commits a violent or sexual
9 crime;

10 ▶ prohibits a student who has committed a violent or sexual crime from attending school
11 in certain circumstances;

12 ▶ creates civil liability for a parent of a student under certain circumstances; and

13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **53G-8-201**, as enacted by Laws of Utah 2018, Chapter 3

21 **53G-8-203**, as last amended by Laws of Utah 2020, Chapter 161

22 **53G-8-204**, as last amended by Laws of Utah 2019, Chapter 293

23 **53G-8-205**, as last amended by Laws of Utah 2019, Chapter 293

24 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161

25 ENACTS:

26 **78B-3-1003**, Utah Code Annotated 1953

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

29 Section 1. Section **53G-8-201** is amended to read:

30 **53G-8-201 . Definitions.**

31 [Reserved]

32 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

33 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

34 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

35 (c) Section 76-7-102, incest;

36 (d) Section 76-9-702, lewdness; and

37 (e) Section 76-9-702.1, sexual battery.

38 (2) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

39 Section 2. Section **53G-8-203** is amended to read:

40 **53G-8-203 . Conduct and discipline policies and procedures.**

41 (1) The conduct and discipline policies required under Section 53G-8-202 shall include:

42 (a) provisions governing student conduct, safety, and welfare;

43 (b) standards and procedures for dealing with students who cause disruption in the
44 classroom, on school grounds, on school vehicles, or in connection with
45 school-related activities or events;

46 (c) procedures for the development of remedial discipline plans for students who cause a
47 disruption at any of the places referred to in Subsection (1)(b);

48 (d) procedures for the use of reasonable and necessary physical restraint in dealing with
49 students posing a danger to themselves or others, consistent with Section 53G-8-302;

50 (e) standards and procedures for dealing with student conduct in locations other than
51 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

52 (i) the school;

53 (ii) school property;

54 (iii) a person associated with the school; or

55 (iv) property associated with a person described in Subsection (1)(e)(iii);

56 (f) procedures for the imposition of disciplinary sanctions, including suspension and
57 expulsion;

58 (g) specific provisions, consistent with Section 53E-3-509, for preventing and
59 responding to gang-related activities in the school, on school grounds, on school
60 vehicles, or in connection with school-related activities or events;

61 (h) standards and procedures for dealing with habitual disruptive or unsafe student

- 62 behavior in accordance with the provisions of this part; and
- 63 (i) procedures for responding to reports received through the SafeUT Crisis Line under
64 Subsection 53B-17-1202(3).
- 65 (2) (a) Each local school board shall establish a policy on detaining students after regular
66 school hours as a part of the district-wide discipline plan required under Section
67 53G-8-202.
- 68 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
69 students, grades kindergarten through 6.
- 70 (ii) The local school board shall receive input from teachers, school administrators,
71 and parents of the affected students before adopting the policy.
- 72 (c) The policy described in Subsection (2)(a) shall provide for:
- 73 (i) notice to the parent of a student prior to holding the student after school on a
74 particular day; and
- 75 (ii) exceptions to the notice provision if detention is necessary for the student's health
76 or safety.
- 77 (3) (a) Each LEA shall adopt a policy for responding to possession or use of electronic
78 cigarette products by a student on school property.
- 79 (b) The policy described in Subsection (3)(a) shall:
- 80 (i) prohibit students from possessing or using electronic cigarette products on school
81 property;
- 82 (ii) include policies or procedures for the confiscation or surrender of electronic
83 cigarette products; and
- 84 (iii) require a school administrator or school administrator's designee to dispose of or
85 destroy a confiscated electronic cigarette product.
- 86 (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic
87 cigarette product to local law enforcement if:
- 88 (i) a school official has a reasonable suspicion that a confiscated electronic cigarette
89 product contains an illegal substance; and
- 90 (ii) local law enforcement requests that the LEA release the confiscated electronic
91 cigarette product to local law enforcement as part of an investigation or action.
- 92 (4) (a) Each LEA shall adopt a policy for responding to when a student has committed a
93 violent felony or sexual crime.
- 94 (b) The policy described in Subsection (4)(a) shall:
- 95 (i) address a violent felony or sexual misconduct related to hazing;

- 96 (ii) distinguish procedures for when the crime occurs on school property and off of
 97 school property;
- 98 (iii) if a student has committed a violent felony or sexual crime, provide a process for
 99 a school resource officer to provide input for the LEA to consider regarding the
 100 safety risks a student may pose upon reintegration;
- 101 (iv) establish a process to inform a school resource officer of any student who is on
 102 probation;
- 103 (v) create procedures for determining an alternative placement for a student if the
 104 student attends the same school as:
- 105 (A) the victim of the student's crime; and
 106 (B) an individual who has a protective order against the student; and
- 107 (vi) be compliant with state and federal law.

108 Section 3. Section **53G-8-204** is amended to read:

109 **53G-8-204 . Suspension and expulsion procedures -- Notice to parents --**

110 **Distribution of policies.**

- 111 (1) (a) Policies required under this part shall include written procedures for the
 112 suspension and expulsion of, or denial of admission to, a student, consistent with due
 113 process and other provisions of law.
- 114 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
 115 public schools to notify the custodial parent and, if requested in writing by a
 116 noncustodial parent, the noncustodial parent of the suspension and expulsion of,
 117 or denial of admission to, a student.
- 118 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
 119 disclose any information protected under a court order.
- 120 (iii) The custodial parent is responsible for providing to the school a certified copy of
 121 the court order under Subsection (1)(b)(ii) through a procedure adopted by the [
 122 ~~local school board or the charter school~~] local governing board.
- 123 (2) (a) Each [~~local school board or charter school~~] local governing board shall provide
 124 for the distribution of a copy of a school's discipline and conduct policy to each
 125 student upon enrollment in the school.
- 126 (b) A copy of the policy shall be posted in a prominent location in each school.
- 127 (c) Any significant change in a school's conduct and discipline policy shall be
 128 distributed to students in the school and posted in the school in a prominent location.

129 Section 4. Section **53G-8-205** is amended to read:

130 **53G-8-205 . Grounds for suspension or expulsion from a public school.**

- 131 (1) A student may be suspended or expelled from a public school for any of the following
132 reasons:
- 133 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
134 behavior, including the use of foul, profane, vulgar, or abusive language;
 - 135 (b) willful destruction or defacing of school property;
 - 136 (c) behavior or threatened behavior which poses an immediate and significant threat to
137 the welfare, safety, or morals of other students or school personnel or to the operation
138 of the school;
 - 139 (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 - 140 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
141 school or school property, to a person associated with the school, or property
142 associated with that person, regardless of where it occurs; or
 - 143 (f) possession or use of pornographic material on school property.
- 144 (2) (a) A student shall be suspended or expelled from a public school for any of the
145 following reasons:
- 146 (i) any serious violation affecting another student or a staff member, or any serious
147 violation occurring in a school building, in or on school property, or in
148 conjunction with any school activity, including:
 - 149 (A) the possession, control, or actual or threatened use of a real weapon,
150 explosive, or noxious or flammable material;
 - 151 (B) the actual use of violence or sexual misconduct;
 - 152 [~~(B)~~] (C) the actual or threatened use of a look alike weapon with intent to
153 intimidate another person or to disrupt normal school activities; or
 - 154 [~~(C)~~] (D) the sale, control, or distribution of a drug or controlled substance as
155 defined in Section 58-37-2, an imitation controlled substance defined in
156 Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or
 - 157 (ii) the commission of an act involving the use of force or the threatened use of force
158 which if committed by an adult would be a felony or class A misdemeanor.
- 159 (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike
160 weapon, explosive, or flammable material shall be expelled from school for a period
161 of not less than one year subject to the following:
- 162 (i) within 45 days after the expulsion the student shall appear before the student's[
163 ~~local school board~~] superintendent, the superintendent's designee, chief

164 administrative officer of a charter school, or the chief administrative officer's
 165 designee, accompanied by a parent; and
 166 (ii) the superintendent, chief administrator, or designee shall determine:
 167 (A) what conditions must be met by the student and the student's parent for the
 168 student to return to school, including any provided for in the policies described
 169 in Section 53G-8-203;
 170 (B) if the student should be placed on probation in a regular or alternative school
 171 setting consistent with Section 53G-8-208, and what conditions must be met by
 172 the student in order to ensure the safety of students and faculty at the school the
 173 student is placed in; and
 174 (C) if it would be in the best interest of both the [~~school district or charter school~~]
 175 LEA, and the student, to modify the expulsion term to less than a year,
 176 conditioned on approval by [~~the local school board or charter school~~] the local
 177 governing board and giving highest priority to providing a safe school
 178 environment for all students.

179 (3) A student may be denied admission to a public school on the basis of having been
 180 expelled from that or any other school during the preceding 12 months.

181 (4) A suspension or expulsion under this section is not subject to the age limitations under
 182 Subsection 53G-6-204(1).

183 (5) [~~Each local school board and charter school~~] A local governing board shall prepare an
 184 annual report for the state board on:

185 (a) each violation committed under this section; and

186 (b) each action taken by the [~~school district~~] LEA against a student who committed the
 187 violation.

188 Section 5. Section **53G-8-213** is amended to read:

189 **53G-8-213 . Reintegration plan for student alleged to have committed violent**
 190 **felony or weapon offense.**

191 (1) As used in this section[;] ,

192 [(a) "~~Multidisciplinary~~] "multidisciplinary team" means the local education agency, the
 193 juvenile court, the Division of Juvenile Justice Services, a school resource officer if
 194 applicable, and any other relevant party that should be involved in a reintegration
 195 plan.

196 [(b) "~~Violent felony~~" means the same as that term is defined in Section 76-3-203.5.]

197 (2) If a school district receives a notification from the juvenile court or a law enforcement

198 agency that a student was arrested for, charged with, or adjudicated in the juvenile court
 199 for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,
 200 the school shall develop a reintegration plan for the student with a multidisciplinary
 201 team, the student, and the student's parent or guardian, within five days after the day on
 202 which the school receives a notification.

203 (3) The school may deny admission to the student until the school completes the
 204 reintegration plan under Subsection (2).

205 (4) The reintegration plan under Subsection (2) shall address:

206 (a) a behavioral intervention for the student;

207 (b) a short-term mental health or counseling service for the student; ~~and~~

208 (c) an academic intervention for the student[-] ; and

209 (d) if the violent felony was directed at a school employee or another student within the
 210 school, notification of the reintegration plan to that school employee or student and
 211 the student's parent.

212 (5) A school district may not reintegrate a student into a school where:

213 (a) a student or staff member has a protective order against the student being
 214 reintegrated; or

215 (b) a student or staff member is the victim of a sexual crime committed by the student
 216 being reintegrated unless the victim consents.

217 Section 6. Section **78B-3-1003** is enacted to read:

218 **78B-3-1003 . Liability of a parent or guardian for repeated offenses by a minor**
 219 **on school grounds.**

220 (1) Except as provided in Subsection (6), if a person suffers damages from a minor
 221 committing the same offense repeatedly on school grounds for an offense in Title 76,
 222 Utah Criminal Code, or Title 80, Utah Juvenile Code, the person may bring a cause of
 223 action against a parent or guardian with legal custody of the minor to recover costs and
 224 damages caused by the repeated offense.

225 (2) The parent or guardian is not liable for costs or damages under Subsection (1) if the
 226 parent or guardian made a reasonable effort to supervise and direct the minor.

227 (3) If a parent or guardian is found liable under this section, the court may waive part or all
 228 of the parent's or guardian's liability for costs or damages if the court finds:

229 (a) good cause; or

230 (b) that the parent or guardian reported the minor's wrongful conduct to law enforcement
 231 after the parent or guardian knew of the minor's wrongful conduct.

232 (4) A report is not required under Subsection (3)(b)(ii) from a parent or guardian if the
233 minor was arrested or apprehended by law enforcement.

234 (5) An adjudication or a conviction of a minor for a repeated offense under Title 76, Utah
235 Criminal Code, or Title 80, Utah Juvenile Code, is not required for a civil action to be
236 brought under this section.

237 (6) A person may not bring a cause of action against the state, an agency of the state, or a
238 contracted provider of an agency of the state, under this section.

239 Section 7. **Effective date.**

240 This bill takes effect on July 1, 2024.