

STUDENT OFFENDER REINTEGRATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Keith Grover

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- requires an LEA to adopt a policy regarding a student who commits a violent or sexual crime;
- prohibits a student who has committed a violent or sexual crime from attending school in certain circumstances;
- creates civil liability for a parent of a student under certain circumstances; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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



53G-8-205, as last amended by Laws of Utah 2019, Chapter 293
53G-8-213, as enacted by Laws of Utah 2023, Chapter 161
ENACTS:
78B-3-1003, Utah Code Annotated 1953

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

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

53G-8-201. Definitions.

[Reserved]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the school;

- (ii) school property;
- (iii) a person associated with the school; or
- (iv) property associated with a person described in Subsection (1)(e)(iii);
- (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
- (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
- (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
- (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2) (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
- (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
- (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
- (c) The policy described in Subsection (2)(a) shall provide for:
- (i) notice to the parent of a student prior to holding the student after school on a particular day; and
- (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.
- (3) (a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
- (b) The policy described in Subsection (3)(a) shall:
- (i) prohibit students from possessing or using electronic cigarette products on school property;
- (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and

(iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.

(c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:

(i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and

(ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.

(4) (a) Each LEA shall adopt a policy for responding to when a student has committed a violent felony or sexual crime.

(b) The policy described in Subsection (4)(a) shall:

(i) address a violent felony or sexual misconduct related to hazing;

(ii) distinguish procedures for when the crime occurs on school property and off of school property;

(iii) ~~H→ [provide a process to receive and consider input from local law enforcement regarding an appropriate placement for the student to receive educational services]~~ if a student has committed a violent felony or sexual crime, provide a process for a school resource officer to provide input for the LEA to consider regarding the safety risks a student may pose upon reintegration ←H ;

(iv) establish a process to inform a school resource officer of any student who is on probation;

(v) create procedures for determining an alternative placement for a student if the student attends the same school as:

(A) the victim of the student's crime; and

(B) an individual who has a protective order against the student; and

(vi) be compliant with state and federal law.

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

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

Distribution of policies.

(1) (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial

parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the ~~[local school board or the charter school]~~ local governing board.

(2) (a) Each ~~[local school board or charter school]~~ local governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

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

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

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section [32B-1-102](#);

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or

(f) possession or use of pornographic material on school property.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of violence or sexual misconduct;

~~[(B)]~~ (C) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

~~[(C)]~~ (D) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's ~~[local school board]~~ superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school including any provided for in the policies described in Section 53G-8-203;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the ~~[school district or charter school]~~ LEA, and the student, to modify the expulsion term to less than a year, conditioned on approval by ~~[the local school board or charter school]~~ the local governing board and giving highest priority to providing a safe school environment for all students.

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

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

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

(a) each violation committed under this section; and

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

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

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

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

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

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

(2) If a school district receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five days after the day on which the school receives a notification.

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

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

(a) a behavioral intervention for the student;

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

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

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

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

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

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

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

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

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

(2) The parent or guardian is not liable for costs or damages under Subsection (1) if the parent or guardian made a reasonable effort:

(a) to supervise and direct the minor; or

(b) to ~~H→~~ [restrain] prevent ←H the minor if the parent or guardian knew in advance of the minor's intent to commit the repeated offense.

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

(a) good cause; or

(b) that the parent or guardian:

(i) made a reasonable effort to ~~H→~~ [restrain] prevent ←H the minor from committing the wrongful conduct; and

(ii) reported the minor's wrongful conduct to law enforcement after the parent or guardian knew of the minor's wrongful conduct.

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

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

(6) A person may not bring a cause of action against the state, an agency of the state, or

245 a contracted provider of an agency of the state, under this section.

246 Section 7. **Effective date.**

247 This bill takes effect on July 1, 2024.