

1 **PUBLIC SCHOOL DISCIPLINARY ACTION AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jacob L. Anderegg**

5 House Sponsor: Brian M. Greene

7 **LONG TITLE**

8 **General Description:**

9 This bill requires the State Board of Education to compile an annual report regarding
10 law enforcement and disciplinary action.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the State Board of Education to work with school districts, charter schools,
14 and law enforcement agencies to compile an annual report regarding:

- 15 • certain law enforcement actions related to minors;
16 • certain disciplinary actions related to students; and
17 • statewide information regarding the race, gender, age, and disability status of a
18 minor or student involved in certain law enforcement and disciplinary actions.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **53E-3-516**, Utah Code Annotated 1953

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



28 Section 1. Section **53E-3-516** is enacted to read:

29 **53E-3-516. School disciplinary and law enforcement action -- Data collection --**
30 **Reports -- Rulemaking authority.**

31 (1) As used in this section:

32 (a) "Disciplinary action" means an action by a public school meant to formally
33 discipline a student of that public school, including a suspension or expulsion.

34 (b) "Law enforcement agency" means the same as that term is defined in Section
35 [77-7a-103](#).

36 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

37 (d) "Other law enforcement activity" means a significant law enforcement interaction
38 with a minor that does not result in an arrest, including:

39 (i) a search and seizure by an SRO;

40 (ii) questioning by an SRO;

41 (iii) issuance of a criminal citation;

42 (iv) issuance of a ticket or summons;

43 (v) filing a delinquency petition; or

44 (vi) referral to a probation officer.

45 (e) "School is in session" means the hours of a day during which a public school
46 conducts instruction for which student attendance is counted toward calculating average daily
47 membership.

48 (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
49 clinic, or other event or activity that is authorized by a specific public school, according to local
50 board policy, and satisfies at least one of the following conditions:

51 (A) the activity is managed or supervised by a school district, public school, or public
52 school employee;

53 (B) the activity uses the school district or public school facilities, equipment, or other
54 school resources; or

55 (C) the activity is supported or subsidized, more than inconsequentially, by public
56 funds, including the public school's activity funds or minimum school program dollars.

57 (ii) "School-sponsored activity" includes preparation for and involvement in a public
58 performance, contest, athletic competition, demonstration, display, or club activity.

59 (g) "Student resource officer" or "SRO" means the same as that term is defined in
60 Section 53G-8-701.

61 (2) Beginning on January 1, 2019, the State Board of Education, in collaboration with
62 school districts, charter schools, and law enforcement agencies, shall develop an annual report
63 regarding the following incidents that occur on school grounds while school is in session or
64 during a school-sponsored activity:

- 65 (a) arrests of a minor;
- 66 (b) other law enforcement activities; and
- 67 (c) disciplinary actions.

68 (3) The report described in Subsection (2) shall include the following information by
69 school district and charter school:

- 70 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 71 (b) the number of other law enforcement activities, including the following information
72 for each incident:

- 73 (i) the reason for the other law enforcement activity; and
- 74 (ii) the type of other law enforcement activity used;
- 75 (c) the number of disciplinary actions imposed, including:
 - 76 (i) the reason for the disciplinary action; and
 - 77 (ii) the type of disciplinary action;
 - 78 (d) the number of SROs employed; and
 - 79 (e) the number and type of complaints filed against SROs.

80 (4) The report described in Subsection (2) shall include the following information, in
81 aggregate, for each element described in Subsections (3)(a) through (c):

- 82 (a) age;
- 83 (b) grade level;
- 84 (c) race;
- 85 (d) sex; and
- 86 (e) disability status.

87 (5) Information included in the annual report described in Subsection (2) shall comply
88 with:

- 89 (a) Chapter 9, Part 3, Student Data Protection Act;

- 90 (b) Chapter 9, Part 2, Student Privacy; and
- 91 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 92 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 93 State Board of Education shall make rules to compile the report described in Subsection (2).
- 94 (7) The State Board of Education shall provide the report described in Subsection (2)
- 95 to the Education Interim Committee before November 1 of each year for incidents that
- 96 occurred during the previous school year.

Legislative Review Note
Office of Legislative Research and General Counsel