

Luz Escamilla proposes the following substitute bill:

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School Discipline Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill regulates the use of emergency safety interventions on a student in a school.

Highlighted Provisions:

This bill:

- ▶ consolidates and clarifies existing school physical intervention provisions into a single section of code;
- ▶ requires the State Board of Education to establish administrative rules for physical intervention in schools;
- ▶ establishes standards for use of physical restraint in schools;
- ▶ defines allowed incidences of seclusion in schools;
- ▶ requires local education agencies to collect and report data on incidents of student confinement;
- ▶ provides for investigation and enforcement requirements;
- ▶ outlines liability protections and exceptions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-1-203, as last amended by Laws of Utah 2024, Chapter 460

53G-8-203, as last amended by Laws of Utah 2024, Chapter 75

80-1-102, as last amended by Laws of Utah 2024, Chapter 256

REPEALS AND REENACTS:

29 **53G-8-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3

30 REPEALS:

31 **53G-8-302**, as last amended by Laws of Utah 2019, Chapter 293

32 **53G-8-303**, as last amended by Laws of Utah 2022, Chapter 335

33 **53G-8-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3

34 **53G-8-305**, as last amended by Laws of Utah 2019, Chapter 293

35

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

37 Section 1. Section **53E-1-203** is amended to read:

38 **53E-1-203 . State Superintendent's Annual Report.**

39 (1) The state board shall prepare and submit to the governor, the Education Interim
40 Committee, and the Public Education Appropriations Subcommittee, by January 15 of
41 each year, an annual written report known as the State Superintendent's Annual Report
42 that includes:

43 (a) the operations, activities, programs, and services of the state board;

44 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

45 (c) data on the general condition of the schools with recommendations considered
46 desirable for specific programs, including:

47 (i) a complete statement of fund balances;

48 (ii) a complete statement of revenues by fund and source;

49 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
50 indebtedness, the cost of new school plants, and school levies;

51 (iv) a complete statement of state funds allocated to each school district and charter
52 school by source, including supplemental appropriations, and a complete
53 statement of expenditures by each school district and charter school, including
54 supplemental appropriations, by function and object as outlined in the United
55 States Department of Education publication "Financial Accounting for Local and
56 State School Systems";

57 (v) a statement that includes data on:

58 (A) fall enrollments;

59 (B) average membership;

60 (C) high school graduates;

61 (D) licensed and classified employees, including data reported by school districts
62 on educator ratings described in Section 53G-11-511;

- 63 (E) pupil-teacher ratios;
- 64 (F) average class sizes;
- 65 (G) average salaries;
- 66 (H) applicable private school data; and
- 67 (I) data from statewide assessments described in Section 53E-4-301 for each
- 68 school and school district;
- 69 (vi) statistical information for each school district and charter school regarding:
- 70 (A) student attendance by grade level;
- 71 (B) the percentage of students chronically absent;
- 72 (C) the percentage of student excused absences; and
- 73 (D) the percentage of student unexcused absences;
- 74 (vii) statistical information regarding incidents of delinquent activity in the schools,
- 75 at school-related activities, on school buses, and at school bus stops; and
- 76 (viii) other statistical and financial information about the school system that the state
- 77 superintendent considers pertinent.
- 78 (2)(a) For the purposes of Subsection (1)(c)(v):
- 79 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
- 80 students enrolled in a school by the number of full-time equivalent teachers
- 81 assigned to the school, including regular classroom teachers, school-based
- 82 specialists, and special education teachers;
- 83 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio
- 84 of the schools within a school district;
- 85 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
- 86 pupil-teacher ratio of charter schools in the state; and
- 87 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the
- 88 median pupil-teacher ratio of public schools in the state.
- 89 (b) The report shall:
- 90 (i) include the pupil-teacher ratio for:
- 91 (A) each school district;
- 92 (B) the charter schools aggregated; and
- 93 (C) the state's public schools aggregated; and
- 94 (ii) identify a website where pupil-teacher ratios for each school in the state may be
- 95 accessed.
- 96 (3) For each operation, activity, program, or service provided by the state board, the annual

97 report shall include:

98 (a) a description of the operation, activity, program, or service;

99 (b) data and metrics:

100 (i) selected and used by the state board to measure progress, performance,
101 effectiveness, and scope of the operation, activity, program, or service, including
102 summary data; and

103 (ii) that are consistent and comparable for each state operation, activity, program, or
104 service;

105 (c) budget data, including the amount and source of funding, expenses, and allocation of
106 full-time employees for the operation, activity, program, or service;

107 (d) historical data from previous years for comparison with data reported under
108 Subsections (3)(b) and (c);

109 (e) goals, challenges, and achievements related to the operation, activity, program, or
110 service;

111 (f) relevant federal and state statutory references and requirements;

112 (g) contact information of officials knowledgeable and responsible for each operation,
113 activity, program, or service; and

114 (h) other information determined by the state board that:

115 (i) may be needed, useful, or of historical significance; or

116 (ii) promotes accountability and transparency for each operation, activity, program,
117 or service with the public and elected officials.

118 (4)(a) Except as provided in Subsection (4)(b), the annual report shall also include:

119 (i) the report described in Section 53E-3-507 by the state board on career and
120 technical education needs and program access;

121 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality
122 and Tourism Management Career and Technical Education Pilot Program;

123 (iii) the report described in Section 53E-3-516 by the state board on certain incidents
124 that occur on school grounds;

125 (iv) the report described in Section 53E-4-202 by the state board on the development
126 and implementation of the core standards for Utah public schools;

127 (v) the report described in Section 53E-5-310 by the state board on school turnaround
128 and leadership development;

129 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
130 Higher Education on student participation in the concurrent enrollment program;

- 131 (vii) the report described in Section 53F-5-506 by the state board on information
 132 related to personalized, competency-based learning; [~~and~~]
 133 (viii) the report described in Section 53G-8-203 by the state board on LEAs' policies
 134 and procedures related to physical restraint and interventions; and
 135 [~~(viii)~~] (ix) the report described in Section 53G-9-802 by the state board on dropout
 136 prevention and recovery services.
- 137 (b) The Education Interim Committee or the Public Education Appropriations
 138 Subcommittee may request a report described in Subsection (4)(a) to be reported
 139 separately from the State Superintendent's Annual Report.
- 140 (5) The annual report shall be designed to provide clear, accurate, and accessible
 141 information to the public, the governor, and the Legislature.
- 142 (6) The state board shall:
- 143 (a) submit the annual report in accordance with Section 68-3-14; and
 144 (b) make the annual report, and previous annual reports, accessible to the public by
 145 placing a link to the reports on the state board's website.
- 146 (7)(a) Upon request of the Education Interim Committee or Public Education
 147 Appropriations Subcommittee, the state board shall present the State Superintendent's
 148 Annual Report to either committee.
- 149 (b) After submitting the State Superintendent's Annual Report in accordance with this
 150 section, the state board may supplement the report at a later time with updated data,
 151 information, or other materials as necessary or upon request by the governor, the
 152 Education Interim Committee, or the Public Education Appropriations Subcommittee.
- 153 Section 2. Section **53G-8-203** is amended to read:
- 154 **53G-8-203 . Conduct and discipline policies and procedures.**
- 155 (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
- 156 (a) provisions governing student conduct, safety, and welfare;
 157 (b) standards and procedures for dealing with students who cause disruption in the
 158 classroom, on school grounds, on school vehicles, or in connection with
 159 school-related activities or events;
 160 (c) procedures for the development of remedial discipline plans for students who cause a
 161 disruption at any of the places referred to in Subsection (1)(b);
 162 (d) procedures for the use of reasonable and necessary physical restraint in dealing with
 163 students posing a danger to themselves or others, consistent with Section [~~53G-8-302~~]
 164 53G-8-301;

- 165 (e) standards and procedures for dealing with student conduct in locations other than
166 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
167 (i) the school;
168 (ii) school property;
169 (iii) a person associated with the school; or
170 (iv) property associated with a person described in Subsection (1)(e)(iii);
171 (f) procedures for the imposition of disciplinary sanctions, including suspension and
172 expulsion;
173 (g) specific provisions, consistent with Section 53E-3-509, for preventing and
174 responding to gang-related activities in the school, on school grounds, on school
175 vehicles, or in connection with school-related activities or events;
176 (h) standards and procedures for dealing with habitual disruptive or unsafe student
177 behavior in accordance with the provisions of this part; and
178 (i) procedures for responding to reports received through the SafeUT Crisis Line under
179 Subsection 53B-17-1202(3).
- 180 (2)(a) Each local school board shall establish a policy on detaining students after regular
181 school hours as a part of the district-wide discipline plan required under Section
182 53G-8-202.
- 183 (b)(i) The policy described in Subsection (2)(a) shall apply to elementary school
184 students, grades kindergarten through 6.
- 185 (ii) The local school board shall receive input from teachers, school administrators,
186 and parents of the affected students before adopting the policy.
- 187 (c) The policy described in Subsection (2)(a) shall provide for:
- 188 (i) notice to the parent of a student prior to holding the student after school on a
189 particular day; and
190 (ii) exceptions to the notice provision if detention is necessary for the student's health
191 or safety.
- 192 (3)(a) Each LEA shall adopt a policy for responding to possession or use of electronic
193 cigarette products by a student on school property.
- 194 (b) The policy described in Subsection (3)(a) shall:
- 195 (i) prohibit students from possessing or using electronic cigarette products on school
196 property;
197 (ii) include policies or procedures for the confiscation or surrender of electronic
198 cigarette products; and

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

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

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

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

207 (4)(a) Each LEA shall adopt a policy for responding to when a student has committed a
208 serious offense or sexual crime.

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

210 (i) address a serious offense or sexual misconduct related to hazing;

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

213 (iii) if a student has committed a serious offense or sexual crime, provide a process
214 for a school resource officer to provide input for the LEA to consider regarding
215 the safety risks a student may pose upon reintegration;

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

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

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

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

222 (vi) be compliant with state and federal law.

223 Section 3. Section **53G-8-301** is repealed and reenacted to read:

224 **53G-8-301 . Emergency Safety Interventions.**

225 (1) As used in this section:

226 (a) "Corporal punishment" means the intentional infliction of physical pain upon the
227 body of a student as a disciplinary measure.

228 (b) "Emergency safety intervention" means the use of seclusion or physical restraint
229 when a student presents an immediate danger to self or others.

230 (c) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
231 shoulder, or back for the purpose of guiding a student to another location.

232 (d) "Physical restraint" means a personal restriction that immobilizes or significantly

- 233 reduces the ability of a student to move the student's arms, legs, body, or head freely.
- 234 (e) "School" means a public or private elementary school, secondary school, or
- 235 preschool.
- 236 (f) "Seclusion" means the same as that term is defined in Section 26B-2-101.
- 237 (g) "Student" means an individual who is:
- 238 (i) under the age of 19 and receiving educational services; or
- 239 (ii) under the age of 23 and receiving educational services as an individual with a
- 240 disability.
- 241 (2)(a) A school employee shall first use the least restrictive intervention available to the
- 242 school employee, including a physical escort, to address circumstances described in
- 243 Subsection (4).
- 244 (b) Nothing in this section prohibits a school employee from subsequently using less
- 245 intrusive interventions to address circumstances described in Subsection (4).
- 246 (3)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 247 the state board shall make rules to:
- 248 (i) establish guidelines and best practices that consider individual student needs
- 249 related to emergency safety interventions described in Subsection (10)(b);
- 250 (ii) establish intervention reporting requirements;
- 251 (iii) create school staff training standards that may be included in an existing training;
- 252 (iv) develop parental notification procedures;
- 253 (v) implement data collection and review processes;
- 254 (vi) establish investigation protocols;
- 255 (vii) establish data collection and reporting requirements for an LEA regarding:
- 256 (A) incidents of seclusion;
- 257 (B) alternative interventions used;
- 258 (C) student demographic information; and
- 259 (D) incident outcomes.
- 260 (b) The state board shall include the information described in Subsection (3)(a) in the
- 261 State Superintendent's Annual Report described in Section 53E-1-203.
- 262 (4) A school employee may use reasonable and necessary physical restraint only:
- 263 (a) in self defense;
- 264 (b) to obtain possession of a weapon or other dangerous object in the possession or
- 265 under the control of a student;
- 266 (c) to protect a student or another individual from physical injury;

- 267 (d) to remove from a situation a student who is violent; or
268 (e) to protect property from being damaged, when physical safety is at risk.
- 269 (5)(a) A school employee may not inflict or cause the infliction of corporal punishment
270 upon a student.
- 271 (b) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child
272 Abuse and Neglect Reports, apply to complaints on corporal punishment.
- 273 (c) Evidence of corporal punishment that would qualify as reasonable discipline under
274 Section 76-2-401 is insufficient to establish liability in a civil or criminal action.
- 275 (d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds
276 reasonable discipline under Section 76-2-401 may be used by a court to establish
277 civil or criminal liability.
- 278 (6) School authorities shall take prompt and appropriate action, including in-service
279 training and other administrative action, upon confirming a violation of this section.
- 280 (7) The Division of Child and Family Services shall maintain all violation reports made in
281 accordance with this section under the confidentiality requirements of Section 80-2-1005.
- 282 (8) A school or individual who makes a good faith report or cooperates in an investigation
283 shall receive immunity from civil or criminal liability.
- 284 (9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration may
285 take appropriate action against any employing entity if the court finds that the
286 employing entity has not taken reasonable steps to enforce the provisions of this part.
- 287 (10) A school:
- 288 (a) may not:
- 289 (i) enforce any rule, policy, or directive that permits acts prohibited by this section;
290 (ii) sanction an employee who refuses to commit a prohibited act; or
291 (iii) except as provided in Subsection (10)(b), use seclusion:
- 292 (A) as an intervention or disciplinary practice;
293 (B) for coercion, retaliation, or humiliation; or
294 (C) due to inadequate staffing or for the staff member's convenience.
- 295 (b) may use seclusion as an emergency safety intervention only when:
- 296 (i) the LEA has developed and implemented written policies and procedures that:
- 297 (A) describe the circumstances under which a staff member may use seclusion;
298 (B) describe which staff members are authorized to use seclusion;
299 (C) describe procedures for monitoring a student that is in seclusion;
300 (D) describe time limitations on the use of seclusion;

- 301 (E) require immediate and continuous review of the decision to use seclusion;
302 (F) require documenting the use of seclusion;
303 (G) describe record keeping requirements for records related to the use of
304 seclusion; and
305 (H) require debriefing of all witnesses, involved staff members, the student who
306 was secluded, and the parent of the student who was secluded;
307 (ii) a student poses an immediate and significant threat to the student or others; and
308 (iii) less restrictive interventions have failed;
309 (iv) a staff member who is familiar to the student is actively supervising the student
310 for the duration of the seclusion; and
311 (v) the use is time-limited and monitored; and
312 (c) shall notify parents in a reasonable amount time not to exceed 24 hours of:
313 (i) any emergency safety intervention used on the parent's child, including seclusion
314 or physical restraint; and
315 (ii) if seclusion was used, document the reason for its use, duration, and any
316 alternative strategies attempted.
317 (11) An LEA shall collect and report data to the state board annually regarding:
318 (a) an incident; and
319 (b) for each incident, the:
320 (i) duration of an intervention used to respond to the incident;
321 (ii) stated purpose for any intervention used;
322 (iii) alternative interventions attempted;
323 (iv) student demographic information; and
324 (v) relevant training offered to staff and if the staff involved received the relevant
325 training without revealing the identity of the staff member.
326 (12) This section does not apply to:
327 (a) a law enforcement officer as defined in Section 53-13-103;
328 (b) a parochial or private school that:
329 (i) does not receive state funds;
330 (ii) adopts a policy of exemption from this section; and
331 (iii) notifies the parents of students in the school of the exemption; or
332 (c) behavior reduction intervention which is in compliance with:
333 (i) Section 76-2-401; and
334 (ii) state and local rules adopted under Section 53E-7-204.

335 Section 4. Section **80-1-102** is amended to read:

336 **80-1-102 . Juvenile Code definitions.**

337 Except as provided in Section 80-6-1103, as used in this title:

338 (1)(a) "Abuse" means:

339 (i)(A) nonaccidental harm of a child;

340 (B) threatened harm of a child;

341 (C) sexual exploitation;

342 (D) sexual abuse; or

343 (E) human trafficking of a child in violation of Section 76-5-308.5; or

344 (ii) that a child's natural parent:

345 (A) intentionally, knowingly, or recklessly causes the death of another parent of
346 the child;

347 (B) is identified by a law enforcement agency as the primary suspect in an
348 investigation for intentionally, knowingly, or recklessly causing the death of
349 another parent of the child; or

350 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
351 recklessly causing the death of another parent of the child.

352 (b) "Abuse" does not include:

353 (i) reasonable discipline or management of a child, including withholding privileges;

354 (ii) conduct described in Section 76-2-401; or

355 (iii) the use of reasonable and necessary physical restraint or force on a child:

356 (A) in self-defense;

357 (B) in defense of others;

358 (C) to protect the child; or

359 (D) to remove a weapon in the possession of a child for any of the reasons
360 described in Subsections (1)(b)(iii)(A) through (C).

361 (2) "Abused child" means a child who has been subjected to abuse.

362 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):

363 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
364 Justice:

365 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
366 or criminal information alleging that a minor committed an offense have been
367 proved;

368 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;

- 369 or
- 370 (C) a plea of no contest by minor in the juvenile court; or
- 371 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 372 facts alleged in the petition have been proved.
- 373 (b) "Adjudication" does not include:
- 374 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 375 enters the minor's admission; or
- 376 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 377 (4)(a) "Adult" means an individual who is 18 years old or older.
- 378 (b) "Adult" does not include an individual:
- 379 (i) who is 18 years old or older; and
- 380 (ii) who is a minor.
- 381 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 382 78A-2-801.
- 383 (6) "Board" means the Board of Juvenile Court Judges.
- 384 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 385 years old.
- 386 (8) "Child and family plan" means a written agreement between a child's parents or
- 387 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 388 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 389 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 390 (11) "Child protection team" means a team consisting of:
- 391 (a) the child welfare caseworker assigned to the case;
- 392 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 393 child;
- 394 (c) a representative of the school or school district where the child attends school;
- 395 (d) if applicable, the law enforcement officer who removed the child from the home;
- 396 (e) a representative of the appropriate Children's Justice Center, if one is established
- 397 within the county where the child resides;
- 398 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 399 with the child's circumstances;
- 400 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 401 sheriff in the city or county where the child resides; and
- 402 (h) any other individuals determined appropriate and necessary by the team coordinator

- 403 and chair.
- 404 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 405 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 406 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 407 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 408 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
- 409 58-37d-3.
- 410 (15) "Commit" or "committed" means, unless specified otherwise:
- 411 (a) with respect to a child, to transfer legal custody; and
- 412 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 413 (16) "Community-based program" means a nonsecure residential or nonresidential program,
- 414 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
- 415 restrictive setting, consistent with public safety, and operated by or under contract with
- 416 the Division of Juvenile Justice and Youth Services.
- 417 (17) "Community placement" means placement of a minor in a community-based program
- 418 described in Section 80-5-402.
- 419 (18) "Correctional facility" means:
- 420 (a) a county jail; or
- 421 (b) a secure correctional facility as defined in Section 64-13-1.
- 422 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
- 423 minor's likelihood of reoffending.
- 424 (20) "Department" means the Department of Health and Human Services created in Section
- 425 26B-1-201.
- 426 (21) "Dependent child" or "dependency" means a child who is without proper care through
- 427 no fault of the child's parent, guardian, or custodian.
- 428 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
- 429 parent or a previous custodian to another person, agency, or institution.
- 430 (23) "Detention" means home detention or secure detention.
- 431 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
- 432 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 433 (25) "Detention risk assessment tool" means an evidence-based tool established under
- 434 Section 80-5-203 that:
- 435 (a) assesses a minor's risk of failing to appear in court or reoffending before
- 436 adjudication; and

- 437 (b) is designed to assist in making a determination of whether a minor shall be held in
438 detention.
- 439 (26) "Developmental immaturity" means incomplete development in one or more domains
440 that manifests as a functional limitation in the minor's present ability to:
441 (a) consult with counsel with a reasonable degree of rational understanding; and
442 (b) have a rational as well as factual understanding of the proceedings.
- 443 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
444 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 445 (28) "Educational neglect" means that, after receiving a notice of compulsory education
446 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
447 effort to ensure that the child receives an appropriate education.
- 448 (29) "Educational series" means an evidence-based instructional series:
449 (a) obtained at a substance abuse program that is approved by the Division of Integrated
450 Healthcare in accordance with Section 26B-5-104; and
451 (b) designed to prevent substance use or the onset of a mental health disorder.
- 452 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 453 (31) "Evidence-based" means a program or practice that has had multiple randomized
454 control studies or a meta-analysis demonstrating that the program or practice is effective
455 for a specific population or has been rated as effective by a standardized program
456 evaluation tool.
- 457 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 458 (33) "Formal probation" means a minor is:
459 (a) supervised in the community by, and reports to, a juvenile probation officer or an
460 agency designated by the juvenile court; and
461 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 462 (34) "Group rehabilitation therapy" means psychological and social counseling of one or
463 more individuals in the group, depending upon the recommendation of the therapist.
- 464 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,
465 including the authority to consent to:
466 (a) marriage;
467 (b) enlistment in the armed forces;
468 (c) major medical, surgical, or psychiatric treatment; or
469 (d) legal custody, if legal custody is not vested in another individual, agency, or
470 institution.

- 471 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 472 (37) "Harm" means:
- 473 (a) physical or developmental injury or damage;
- 474 (b) emotional damage that results in a serious impairment in the child's growth,
- 475 development, behavior, or psychological functioning;
- 476 (c) sexual abuse; or
- 477 (d) sexual exploitation.
- 478 (38) "Home detention" means placement of a minor:
- 479 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 480 of the minor's parent, guardian, or custodian, under terms and conditions established
- 481 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 482 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 483 minor's home, or in a surrogate home with the consent of the minor's parent,
- 484 guardian, or custodian, under terms and conditions established by the Division of
- 485 Juvenile Justice and Youth Services or the juvenile court.
- 486 (39)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 487 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 488 aunt, nephew, niece, or first cousin.
- 489 (b) "Incest" includes:
- 490 (i) blood relationships of the whole or half blood, regardless of whether the
- 491 relationship is legally recognized;
- 492 (ii) relationships of parent and child by adoption; and
- 493 (iii) relationships of stepparent and stepchild while the marriage creating the
- 494 relationship of a stepparent and stepchild exists.
- 495 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 496 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 497 (42) "Indigent defense service provider" means the same as that term is defined in Section
- 498 78B-22-102.
- 499 (43) "Indigent defense services" means the same as that term is defined in Section
- 500 78B-22-102.
- 501 (44) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 502 (45)(a) "Intake probation" means a minor is:
- 503 (i) monitored by a juvenile probation officer; and
- 504 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.

- 505 (b) "Intake probation" does not include formal probation.
- 506 (46) "Intellectual disability" means a significant subaverage general intellectual functioning
507 existing concurrently with deficits in adaptive behavior that constitutes a substantial
508 limitation to the individual's ability to function in society.
- 509 (47) "Juvenile offender" means:
- 510 (a) a serious youth offender; or
511 (b) a youth offender.
- 512 (48) "Juvenile probation officer" means a probation officer appointed under Section
513 78A-6-205.
- 514 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established by
515 the Division of Juvenile Justice and Youth Services, or under contract with the Division
516 of Juvenile Justice and Youth Services, that is responsible for minors taken into
517 temporary custody under Section 80-6-201.
- 518 (50) "Legal custody" means a relationship embodying:
- 519 (a) the right to physical custody of the minor;
520 (b) the right and duty to protect, train, and discipline the minor;
521 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
522 medical care;
523 (d) the right to determine where and with whom the minor shall live; and
524 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 525 (51) "Licensing Information System" means the Licensing Information System maintained
526 by the Division of Child and Family Services under Section 80-2-1002.
- 527 (52) "Management Information System" means the Management Information System
528 developed by the Division of Child and Family Services under Section 80-2-1001.
- 529 (53) "Mental illness" means:
- 530 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
531 behavioral, or related functioning; or
532 (b) the same as that term is defined in:
- 533 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
534 published by the American Psychiatric Association; or
535 (ii) the current edition of the International Statistical Classification of Diseases and
536 Related Health Problems.
- 537 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
538 (a) a child; or

- 539 (b) an individual:
- 540 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 541 (B) for whom the Division of Child and Family Services has been specifically
- 542 ordered by the juvenile court to provide services because the individual was an
- 543 abused, neglected, or dependent child or because the individual was
- 544 adjudicated for an offense;
- 545 (ii)(A) who is at least 18 years old and younger than 25 years old; and
- 546 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 547 Subsection 78A-6-103(1)(b); or
- 548 (iii)(A) who is at least 18 years old and younger than 21 years old; and
- 549 (B) whose case is under the jurisdiction of the juvenile court in accordance with
- 550 Subsection 78A-6-103(1)(c).
- 551 (55) "Mobile crisis outreach team" means the same as that term is defined in Section
- 552 26B-5-101.
- 553 (56) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
- 554 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
- 555 or the breast of a female child, or takes indecent liberties with a child as defined in
- 556 Section 76-5-401.1.
- 557 (57)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's
- 558 biological or adoptive parent.
- 559 (b) "Natural parent" includes the minor's noncustodial parent.
- 560 (58)(a) "Neglect" means action or inaction causing:
- 561 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
- 562 Relinquishment of a Newborn Child;
- 563 (ii) lack of proper parental care of a child by reason of the fault or habits of the
- 564 parent, guardian, or custodian;
- 565 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
- 566 necessary subsistence or medical care, or any other care necessary for the child's
- 567 health, safety, morals, or well-being;
- 568 (iv) a child to be at risk of being neglected or abused because another child in the
- 569 same home is neglected or abused;
- 570 (v) abandonment of a child through an unregulated child custody transfer under
- 571 Section 78B-24-203; or
- 572 (vi) educational neglect.

- 573 (b) "Neglect" does not include:
- 574 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
- 575 reason, does not provide specified medical treatment for a child;
- 576 (ii) a health care decision made for a child by the child's parent or guardian, unless
- 577 the state or other party to a proceeding shows, by clear and convincing evidence,
- 578 that the health care decision is not reasonable and informed;
- 579 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 580 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 581 maturity to avoid harm or unreasonable risk of harm, to engage in independent
- 582 activities, including:
- 583 (A) traveling to and from school, including by walking, running, or bicycling;
- 584 (B) traveling to and from nearby commercial or recreational facilities;
- 585 (C) engaging in outdoor play;
- 586 (D) remaining in a vehicle unattended, except under the conditions described in
- 587 Subsection 76-10-2202(2);
- 588 (E) remaining at home unattended; or
- 589 (F) engaging in a similar independent activity.
- 590 (59) "Neglected child" means a child who has been subjected to neglect.
- 591 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 592 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
- 593 consent in writing of:
- 594 (a) the assigned juvenile probation officer; and
- 595 (b)(i) the minor; or
- 596 (ii) the minor and the minor's parent, guardian, or custodian.
- 597 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 598 disability or related condition, or developmental immaturity, lacks the ability to:
- 599 (a) understand the nature of the proceedings against the minor or of the potential
- 600 disposition for the offense charged; or
- 601 (b) consult with counsel and participate in the proceedings against the minor with a
- 602 reasonable degree of rational understanding.
- 603 (62) "Parole" means a conditional release of a juvenile offender from residency in secure
- 604 care to live outside of secure care under the supervision of the Division of Juvenile
- 605 Justice and Youth Services, or another person designated by the Division of Juvenile
- 606 Justice and Youth Services.

- 607 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 608 (64)(a) "Probation" means a legal status created by court order, following an
609 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
610 minor's home under prescribed conditions.
- 611 (b) "Probation" includes intake probation or formal probation.
- 612 (65) "Prosecuting attorney" means:
- 613 (a) the attorney general and any assistant attorney general;
- 614 (b) any district attorney or deputy district attorney;
- 615 (c) any county attorney or assistant county attorney; and
- 616 (d) any other attorney authorized to commence an action on behalf of the state.
- 617 (66) "Protective custody" means the shelter of a child by the Division of Child and Family
618 Services from the time the child is removed from the home until the earlier of:
- 619 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 620 (b) the day on which the child is returned home.
- 621 (67) "Protective services" means expedited services that are provided:
- 622 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 623 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 624 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
625 causes of neglect or abuse; and
- 626 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 627 (c) in cases where the child's welfare is endangered:
- 628 (i) to bring the situation to the attention of the appropriate juvenile court and law
629 enforcement agency;
- 630 (ii) to cause a protective order to be issued for the protection of the child, when
631 appropriate; and
- 632 (iii) to protect the child from the circumstances that endanger the child's welfare
633 including, when appropriate:
- 634 (A) removal from the child's home;
- 635 (B) placement in substitute care; and
- 636 (C) petitioning the court for termination of parental rights.
- 637 (68) "Protective supervision" means a legal status created by court order, following an
638 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 639 (a) the minor is permitted to remain in the minor's home; and
- 640 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided

- 641 by an agency designated by the juvenile court.
- 642 (69)(a) "Related condition" means a condition that:
- 643 (i) is found to be closely related to intellectual disability;
- 644 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 645 similar to that of an intellectually disabled individual;
- 646 (iii) is likely to continue indefinitely; and
- 647 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 648 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 649 serious emotional or behavioral disturbance.
- 650 (70)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 651 a parent after legal custody or guardianship, or both, have been vested in another
- 652 person or agency, including:
- 653 (i) the responsibility for support;
- 654 (ii) the right to consent to adoption;
- 655 (iii) the right to determine the child's religious affiliation; and
- 656 (iv) the right to reasonable parent-time unless restricted by the court.
- 657 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 658 right to consent to:
- 659 (i) marriage;
- 660 (ii) enlistment; and
- 661 (iii) major medical, surgical, or psychiatric treatment.
- 662 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves the
- 663 home of the child's parent or guardian, or the lawfully prescribed residence of the child,
- 664 without permission.
- 665 (72) "Secure care" means placement of a minor, who is committed to the Division of
- 666 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
- 667 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
- 668 supervision and confinement of the minor.
- 669 (73) "Secure care facility" means a facility, established in accordance with Section 80-5-503,
- 670 for juvenile offenders in secure care.
- 671 (74) "Secure detention" means temporary care of a minor who requires secure custody in a
- 672 physically restricting facility operated by, or under contract with, the Division of
- 673 Juvenile Justice and Youth Services:
- 674 (a) before disposition of an offense that is alleged to have been committed by the minor;

- 675 or
- 676 (b) under Section 80-6-704.
- 677 (75) "Serious youth offender" means an individual who:
- 678 (a) is at least 14 years old, but under 25 years old;
- 679 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
- 680 of the juvenile court was extended over the individual's case until the individual was
- 681 25 years old in accordance with Section 80-6-605; and
- 682 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth
- 683 Services for secure care under Sections 80-6-703 and 80-6-705.
- 684 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 685 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
- 686 child.
- 687 (78)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection
- 688 (78)(b):
- 689 (i) if committed by an individual who is 18 years old or older:
- 690 (A) chronic abuse;
- 691 (B) severe abuse;
- 692 (C) sexual abuse;
- 693 (D) sexual exploitation;
- 694 (E) abandonment;
- 695 (F) chronic neglect; or
- 696 (G) severe neglect; or
- 697 (ii) if committed by an individual who is under 18 years old:
- 698 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to
- 699 another child that indicates a significant risk to other children; or
- 700 (B) sexual behavior with or upon another child that indicates a significant risk to
- 701 other children.
- 702 (b) "Severe type of child abuse or neglect" does not include:
- 703 (i) the use of reasonable and necessary physical restraint by an educator in
- 704 accordance with [~~Subsection 53G-8-302(2)~~] Section 53G-8-301 or Section
- 705 76-2-401;
- 706 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 707 use of reasonable and necessary physical restraint or force in self-defense or
- 708 otherwise appropriate to the circumstances to obtain possession of a weapon or

- 709 other dangerous object in the possession or under the control of a child or to
710 protect the child or another individual from physical injury; or
- 711 (iii) a health care decision made for a child by a child's parent or guardian, unless,
712 subject to Subsection (78)(c), the state or other party to the proceeding shows, by
713 clear and convincing evidence, that the health care decision is not reasonable and
714 informed.
- 715 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
716 right to obtain a second health care opinion.
- 717 (79) "Sexual abuse" means:
- 718 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
719 adult directed towards a child;
- 720 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
721 committed by a child towards another child if:
- 722 (i) there is an indication of force or coercion;
- 723 (ii) the children are related, as described in Subsection (39), including siblings by
724 marriage while the marriage exists or by adoption;
- 725 (iii) there have been repeated incidents of sexual contact between the two children,
726 unless the children are 14 years old or older; or
- 727 (iv) there is a disparity in chronological age of four or more years between the two
728 children;
- 729 (c) engaging in any conduct with a child that would constitute an offense under any of
730 the following, regardless of whether the individual who engages in the conduct is
731 actually charged with, or convicted of, the offense:
- 732 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
733 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 734 (ii) child bigamy, Section 76-7-101.5;
- 735 (iii) incest, Section 76-7-102;
- 736 (iv) lewdness, Section 76-9-702;
- 737 (v) sexual battery, Section 76-9-702.1;
- 738 (vi) lewdness involving a child, Section 76-9-702.5; or
- 739 (vii) voyeurism, Section 76-9-702.7; or
- 740 (d) subjecting a child to participate in or threatening to subject a child to participate in a
741 sexual relationship, regardless of whether that sexual relationship is part of a legal or
742 cultural marriage.

- 743 (80) "Sexual exploitation" means knowingly:
- 744 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 745 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 746 (ii) engage in any sexual or simulated sexual conduct for the purpose of
- 747 photographing, filming, recording, or displaying in any way the sexual or
- 748 simulated sexual conduct;
- 749 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
- 750 depicting a child:
- 751 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 752 (ii) engaging in sexual or simulated sexual conduct; or
- 753 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
- 754 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
- 755 exploitation of a minor, regardless of whether the individual who engages in the
- 756 conduct is actually charged with, or convicted of, the offense.
- 757 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility
- 758 pending a disposition or transfer to another jurisdiction.
- 759 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 760 (83) "Significant risk" means a risk of harm that is determined to be significant in
- 761 accordance with risk assessment tools and rules established by the Division of Child and
- 762 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
- 763 Rulemaking Act, that focus on:
- 764 (a) age;
- 765 (b) social factors;
- 766 (c) emotional factors;
- 767 (d) sexual factors;
- 768 (e) intellectual factors;
- 769 (f) family risk factors; and
- 770 (g) other related considerations.
- 771 (84) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 772 (85) "Status offense" means an offense that would not be an offense but for the age of the
- 773 offender.
- 774 (86) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
- 775 excessive use of alcohol or other drugs or substances.
- 776 (87) "Substantiated" or "substantiation" means a judicial finding based on a preponderance

777 of the evidence, and separate consideration of each allegation made or identified in the
778 case, that abuse, neglect, or dependency occurred .

779 (88) "Substitute care" means:

780 (a) the placement of a minor in a family home, group care facility, or other placement
781 outside the minor's own home, either at the request of a parent or other responsible
782 relative, or upon court order, when it is determined that continuation of care in the
783 minor's own home would be contrary to the minor's welfare;

784 (b) services provided for a minor in the protective custody of the Division of Child and
785 Family Services, or a minor in the temporary custody or custody of the Division of
786 Child and Family Services, as those terms are defined in Section 80-2-102; or

787 (c) the licensing and supervision of a substitute care facility.

788 (89) "Supported" means a finding by the Division of Child and Family Services based on
789 the evidence available at the completion of an investigation, and separate consideration
790 of each allegation made or identified during the investigation, that there is a reasonable
791 basis to conclude that abuse, neglect, or dependency occurred.

792 (90) "Termination of parental rights" means the permanent elimination of all parental rights
793 and duties, including residual parental rights and duties, by court order.

794 (91) "Therapist" means:

795 (a) an individual employed by a state division or agency for the purpose of conducting
796 psychological treatment and counseling of a minor in the division's or agency's
797 custody; or

798 (b) any other individual licensed or approved by the state for the purpose of conducting
799 psychological treatment and counseling.

800 (92) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that
801 the child is at an unreasonable risk of harm or neglect.

802 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:

803 (a) results in behavior that is beyond the control or ability of the child, or the parent or
804 guardian, to manage effectively;

805 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or

806 (c) results in the situations described in Subsections (93)(a) and (b).

807 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
808 conclude that abuse, neglect, or dependency occurred.

809 (95) "Unsupported" means a finding by the Division of Child and Family Services at the
810 completion of an investigation, after the day on which the Division of Child and Family

811 Services concludes the alleged abuse, neglect, or dependency is not without merit, that
812 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.

813 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses a
814 minor's risk of reoffending and a minor's criminogenic needs.

815 (97) "Without merit" means a finding at the completion of an investigation by the Division
816 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or
817 dependency did not occur, or that the alleged perpetrator was not responsible for the
818 abuse, neglect, or dependency.

819 (98) "Youth offender" means an individual who is:

820 (a) at least 12 years old, but under 21 years old; and

821 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
822 Services for secure care under Sections 80-6-703 and 80-6-705.

823 Section 5. **Repealer.**

824 This bill repeals:

825 Section **53G-8-302, Prohibition of corporal punishment -- Use of reasonable and**
826 **necessary physical restraint.**

827 Section **53G-8-303, Investigation of complaint -- Confidentiality -- Immunity.**

828 Section **53G-8-304, Liability.**

829 Section **53G-8-305, Exception.**

830 Section 6. **Effective Date.**

831 This bill takes effect on May 7, 2025.