

1 **Public Education Bullying Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts definitions of bullying for the public education code.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ amends the definition of "bullying";
- 9 ▶ defines the terms "staff bullying" and "student bullying"; and
- 10 ▶ makes technical corrections.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **53E-1-102**, as last amended by Laws of Utah 2022, Chapter 214

18 **53G-8-801**, as last amended by Laws of Utah 2024, Chapter 21

19 **53G-9-601**, as last amended by Laws of Utah 2024, Chapter 21

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

22 Section 1. Section **53E-1-102** is amended to read:

23 **53E-1-102 . Public education code definitions.**

24 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --
25 Funding, and Title 53G, Public Education System -- Local Administration:

26 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

27 [(1)] (2) "Charter agreement" means an agreement made in accordance with Section

28 53G-5-303 that authorizes the operation of a charter school.

29 [(2)] (3) "Charter school governing board" means the board that governs a charter school.

30 [(3)] (4) "District school" means a public school under the control of a local school board.

31 [(4)] (5) "Individualized education program" or "IEP" means a written statement for a
32 student with a disability that is developed, reviewed, and revised in accordance with the
33 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

34 [(5)] (6) "LEA governing board" means:

- 35 (a) for a school district, the local school board;
- 36 (b) for a charter school, the charter school governing board; or
- 37 (c) for the Utah Schools for the Deaf and the Blind, the state board.

38 [(6)] (7) "Local education agency" or "LEA" means:

- 39 (a) a school district;
- 40 (b) a charter school; or
- 41 (c) the Utah Schools for the Deaf and the Blind.

42 [(7)] (8) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
43 Election of Members of Local Boards of Education.

44 [(8)] (9) "Minimum School Program" means the same as that term is defined in Section
45 53F-2-102.

46 [(9)] (10) "Parent" means a parent or legal guardian.

47 [(10)] (11) "Public education code" means:

- 48 (a) this title;
- 49 (b) Title 53F, Public Education System -- Funding; and
- 50 (c) Title 53G, Public Education System -- Local Administration.

51 [(11)] (12) "Section 504 accommodation plan" means a plan developed in accordance with
52 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
53 with a disability, to meet the student's educational needs and ensure equitable access to a
54 free appropriate public education.

55 [(12)] (13) "School nurse" means a registered nurse:

- 56 (a) who holds:
 - 57 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or
 - 58 (ii) a multistate license as that term is defined in Section 58-31e-102; and
- 59 (b) whose primary role is the care of a defined group of students enrolled in the public
60 school system.

61 [(13)] (14) "State board" means the State Board of Education.

62 [(14)] (15) "State superintendent" means the state superintendent of public instruction
63 appointed under Section 53E-3-301.

64 Section 2. Section **53G-8-801** is amended to read:

65 **53G-8-801 . Definitions.**

66 As used in this section:

67 ~~[(1) "Bullying" means the same as that term is defined in Section 53G-9-601.]~~

68 ~~[(2)] (1) "Law enforcement officer" means the same as that term is defined in Section~~
 69 ~~53-13-103.~~

70 ~~[(3)] (2) "School Safety Center" means the entity established in Section 53G-8-802.~~

71 ~~[(4)] (3) "State security chief" means the same as that term is defined in Section 53-22-101.~~

72 Section 3. Section **53G-9-601** is amended to read:

73 **53G-9-601 . Definitions.**

74 As used in this part:

75 (1)(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or
 76 student directed toward a school employee that, based on its severity, nature, and
 77 frequency of occurrence, a reasonable person would determine is intended to cause
 78 intimidation, humiliation, or unwarranted distress.

79 (b) A single act does not constitute abusive conduct.

80 (2) "Action plan" means a process to address an incident as described in Section
 81 53G-9-605.5.

82 (3) "Bullying" means ~~[a school employee or student intentionally committing a written,~~
 83 ~~verbal, or physical act against a school employee or student that a reasonable person~~
 84 ~~under the circumstances should know or reasonably foresee will have the effect of:]~~
 85 student bullying and staff bullying.

86 ~~[(a) causing physical or emotional harm to the school employee or student;]~~

87 ~~[(b) causing damage to the school employee's or student's property;]~~

88 ~~[(c) placing the school employee or student in reasonable fear of:]~~

89 ~~[(i) harm to the school employee's or student's physical or emotional well-being; or]~~

90 ~~[(ii) damage to the school employee's or student's property;]~~

91 ~~[(d) creating a hostile, threatening, humiliating, or abusive educational environment due~~
 92 ~~to:]~~

93 ~~[(i) the pervasiveness, persistence, or severity of the actions; or]~~

94 ~~[(ii) a power differential between the bully and the target; or]~~

95 ~~[(e) substantially interfering with a student having a safe school environment that is~~
 96 ~~necessary to facilitate educational performance, opportunities, or benefits.]~~

97 (4) "Communication" means the conveyance of a message, whether verbal, written, or
 98 electronic.

- 99 (5) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or
100 post text, video, or an image with the intent or knowledge, or with reckless disregard,
101 that the text, video, or image will hurt, embarrass, or threaten an individual, regardless
102 of whether the individual directed, consented to, or acquiesced in the conduct, or
103 voluntarily accessed the electronic communication.
- 104 (6)(a) "Hazing" means a school employee or student intentionally, knowingly, or
105 recklessly committing an act or causing another individual to commit an act toward a
106 school employee or student that:
- 107 (i)(A) endangers the mental or physical health or safety of a school employee or
108 student;
 - 109 (B) involves any brutality of a physical nature, including whipping, beating,
110 branding, calisthenics, bruising, electric shocking, placing of a harmful
111 substance on the body, or exposure to the elements;
 - 112 (C) involves consumption of any food, alcoholic product, drug, or other substance
113 or other physical activity that endangers the mental or physical health and
114 safety of a school employee or student; or
 - 115 (D) involves any activity that would subject a school employee or student to
116 extreme mental stress, such as sleep deprivation, extended isolation from social
117 contact, or conduct that subjects a school employee or student to extreme
118 embarrassment, shame, or humiliation; and
 - 119 (ii)(A) is committed for the purpose of initiation into, admission into, affiliation
120 with, holding office in, or as a condition for membership in a school or school
121 sponsored team, organization, program, club, or event; or
 - 122 (B) is directed toward a school employee or student whom the individual who
123 commits the act knows, at the time the act is committed, is a member of, or
124 candidate for membership in, a school or school sponsored team, organization,
125 program, club, or event in which the individual who commits the act also
126 participates.
- 127 (b) The conduct described in Subsection (6)(a) constitutes hazing, regardless of whether
128 the school employee or student against whom the conduct is committed directed,
129 consented to, or acquiesced in, the conduct.
- 130 (7) "Incident" means an incident of bullying, cyber-bullying, hazing, or retaliation that is
131 prohibited under this part.
- 132 (8) "LEA governing board" means a local school board or charter school governing board.

- 133 (9) "Policy" means an LEA governing board policy described in Section 53G-9-605.
- 134 (10) "Public education suicide prevention coordinator" means the public education suicide
135 prevention coordinator described in Section 53G-9-702.
- 136 (11) "Retaliate" means an act or communication intended:
- 137 (a) as retribution against a person for reporting bullying or hazing; or
- 138 (b) to improperly influence the investigation of, or the response to, a report of bullying
139 or hazing.
- 140 (12) "School" means a public elementary or secondary school, including a charter school.
- 141 (13) "School employee" means an individual working in the individual's official capacity as:
- 142 (a) a school teacher;
- 143 (b) a school staff member;
- 144 (c) a school administrator; or
- 145 (d) an individual:
- 146 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a
147 school district; ~~and~~ or
- 148 (ii) who works on a school campus.
- 149 (14)(a) "Staff bullying" means a school employee, with the intent to cause harm,
150 repeatedly committing a written, verbal, or physical act against a student or another
151 school employee, or engaging in a single egregious act toward another employee
152 involving an imbalance of power, that:
- 153 (i) creates an environment that a reasonable person would find hostile, threatening, or
154 humiliating; and
- 155 (ii) substantially interferes with a student's or employee's educational or professional
156 performance, opportunities, or benefits.
- 157 (b) "Staff bullying" does not mean instances of:
- 158 (i) ordinary teasing, horseplay, argument, or peer conflict;
- 159 (ii) reasonable correction of behavior by a school employee; or
- 160 (iii) reasonable coaching strategies and techniques by a school employee who is a
161 coach.
- 162 (15)(a) "Student bullying" means one or more students, with the intent to cause harm,
163 repeatedly committing a written, verbal, or physical act against another student, or
164 engaging in a single egregious act toward another student involving an imbalance of
165 power, that:
- 166 (i) creates an environment that a reasonable person would find hostile; and

167 (ii) interferes with a student's educational performance, opportunities, or benefits.

168 (b) "Student bullying" does not mean instances of:

169 (i) ordinary teasing, horseplay, argument, or peer conflict;

170 (ii) reasonable correction of behavior by a school employee; or

171 (iii) reasonable coaching strategies and techniques by a school employee who is a
172 coach.

173 [~~14~~] (16) "State suicide prevention coordinator" means the state suicide prevention
174 coordinator described in Section 26B-5-611.

175 [~~15~~] (17) "State superintendent" means the state superintendent of public instruction
176 appointed under Section 53E-3-301.

177 Section 4. **Effective Date.**

178 This bill takes effect on May 7, 2025.