

Michael K. McKell proposes the following substitute bill:

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**Public Education Bullying Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor:

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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 **53E-3-516**, as last amended by Laws of Utah 2024, Chapters 20, 21 and 301
- 19 **53G-8-801**, as last amended by Laws of Utah 2024, Chapter 21
- 20 **53G-9-601**, as last amended by Laws of Utah 2024, Chapter 21
- 21 **53G-9-606**, as last amended by Laws of Utah 2024, Chapter 21

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

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

25 **53E-1-102 . Public education code definitions.**

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

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

29 [(4)] (2) "Charter agreement" means an agreement made in accordance with Section

- 30 53G-5-303 that authorizes the operation of a charter school.
- 31 [~~(2)~~] (3) "Charter school governing board" means the board that governs a charter school.
- 32 [~~(3)~~] (4) "District school" means a public school under the control of a local school board.
- 33 [~~(4)~~] (5) "Individualized education program" or "IEP" means a written statement for a
- 34 student with a disability that is developed, reviewed, and revised in accordance with the
- 35 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 36 [~~(5)~~] (6) "LEA governing board" means:
- 37 (a) for a school district, the local school board;
- 38 (b) for a charter school, the charter school governing board; or
- 39 (c) for the Utah Schools for the Deaf and the Blind, the state board.
- 40 [~~(6)~~] (7) "Local education agency" or "LEA" means:
- 41 (a) a school district;
- 42 (b) a charter school; or
- 43 (c) the Utah Schools for the Deaf and the Blind.
- 44 [~~(7)~~] (8) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
- 45 Election of Members of Local Boards of Education.
- 46 [~~(8)~~] (9) "Minimum School Program" means the same as that term is defined in Section
- 47 53F-2-102.
- 48 [~~(9)~~] (10) "Parent" means a parent or legal guardian.
- 49 [~~(10)~~] (11) "Public education code" means:
- 50 (a) this title;
- 51 (b) Title 53F, Public Education System -- Funding; and
- 52 (c) Title 53G, Public Education System -- Local Administration.
- 53 [~~(11)~~] (12) "Section 504 accommodation plan" means a plan developed in accordance with
- 54 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
- 55 with a disability, to meet the student's educational needs and ensure equitable access to a
- 56 free appropriate public education.
- 57 [~~(12)~~] (13) "School nurse" means a registered nurse:
- 58 (a) who holds:
- 59 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or
- 60 (ii) a multistate license as that term is defined in Section 58-31e-102; and
- 61 (b) whose primary role is the care of a defined group of students enrolled in the public
- 62 school system.
- 63 [~~(13)~~] (14) "State board" means the State Board of Education.

64 [(14)] (15) "State superintendent" means the state superintendent of public instruction  
65 appointed under Section 53E-3-301.

66 Section 2. Section **53E-3-516** is amended to read:

67 **53E-3-516 . School disciplinary and law enforcement action report --**  
68 **Rulemaking authority.**

69 (1) As used in this section:

70 (a) "Dangerous weapon" means a firearm or an object that in the manner of the object's  
71 use or intended use is capable of causing death or serious bodily injury to an  
72 individual.

73 (b)(i) "Law enforcement action" means a significant law enforcement interaction with  
74 a minor.

75 (ii) "Law enforcement action" includes the following actions against a minor:

76 (A) a search and seizure;

77 (B) an arrest;

78 (C) the issuance of a citation;

79 (D) the filing of a delinquency petition, indictment, or criminal information;

80 (E) a referral to the juvenile court; or

81 (F) use of force by a law enforcement officer.

82 (c) "Law enforcement agency" means the same as that term is defined in Section  
83 77-7a-103.

84 (d) "Law enforcement officer" means the same as that term is defined in Section  
85 53-13-103.

86 (e) "Minor" means the same as that term is defined in Section 80-1-102.

87 (f)(i) "School disciplinary action" means an action by a public school to formally  
88 discipline a student of that public school.

89 (ii) "School disciplinary action" includes a suspension or an expulsion.

90 (g) "School is in session" means the hours of a day during which a public school  
91 conducts instruction for which student attendance is counted toward calculating  
92 average daily membership.

93 (h)(i) "School-sponsored activity" means an activity, fundraising event, club, camp,  
94 clinic, or other event or activity that is authorized by a specific public school,  
95 according to LEA governing board policy, and satisfies at least one of the  
96 following conditions:

97 (A) the activity is managed or supervised by a school district, public school, or

- 98 public school employee;
- 99 (B) the activity uses the school district or public school facilities, equipment, or  
100 other school resources; or
- 101 (C) the activity is supported or subsidized, more than inconsequentially, by public  
102 funds, including the public school's activity funds or Minimum School  
103 Program dollars.
- 104 (ii) "School-sponsored activity" includes preparation for and involvement in a public  
105 performance, contest, athletic competition, demonstration, display, or club activity.
- 106 (i) " School resource officer" means the same as that term is defined in Section  
107 53G-8-701.
- 108 (2) The state board shall develop an annual report regarding the following incidents that  
109 occur on school grounds while school is in session or during a school-sponsored activity:
- 110 (a) school disciplinary actions;
- 111 (b) minors found in possession of a dangerous weapon; and
- 112 (c) law enforcement actions.
- 113 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the  
114 state board and LEAs to provide and validate data and information necessary to  
115 complete the report described in Subsection (2), as requested by an LEA or the state  
116 board.
- 117 (4) The report described in Subsection (2) shall include the following information listed  
118 separately for each school in an LEA:
- 119 (a) the number of law enforcement actions, including the following information for each  
120 incident:
- 121 (i) the reason for the law enforcement action; and
- 122 (ii) the type of law enforcement action used;
- 123 (b) the number of school disciplinary actions, including the following information for  
124 each incident:
- 125 (i) the reason for the school disciplinary action;
- 126 (ii) the type of school disciplinary action;
- 127 (iii) the number of suspensions imposed;
- 128 (iv) the average length of suspensions;
- 129 (v) the number of days of instruction lost due to suspensions; and
- 130 (vi) the number of expulsions;
- 131 (c) the number of school resource officers employed;

- 132 (d) if applicable, the demographics of an individual student who is subject to, as the  
 133 following are defined in Section 53G-9-601, student bullying, hazing, cyber-bullying,  
 134 or retaliation; and
- 135 (e) the number of minors found in possession of a dangerous weapon on school grounds  
 136 while school is in session or during a school-sponsored activity.
- 137 (5) The report described in Subsection (2) shall include the following information, in  
 138 aggregate, for each element described in Subsections (4)(a) and (b):
- 139 (a) age;
- 140 (b) grade level;
- 141 (c) race;
- 142 (d) sex;
- 143 (e) disability status; and
- 144 (f) youth in care designation.
- 145 (6) Information included in the annual report described in Subsection (2) shall comply with:
- 146 (a) Chapter 9, Part 3, Student Data Protection;
- 147 (b) Chapter 9, Part 2, Student Privacy; and
- 148 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 149 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 150 state board shall make rules to compile the report described in Subsection (2).
- 151 (8)(a) The state board shall provide the report described in Subsection (2):
- 152 (i) in accordance with Section 53E-1-203 for incidents that occurred during the  
 153 previous school year; and
- 154 (ii) to the State Commission on Criminal and Juvenile Justice before January 15 of  
 155 each year for incidents that occurred during the previous school year.
- 156 (b) After submitting the report in accordance with this section, the state board shall  
 157 supplement the report to the State Commission on Criminal and Juvenile Justice with  
 158 updated data and information within 30 days after the day on which the state board  
 159 receives the updated data and information.

160 Section 3. Section **53G-8-801** is amended to read:

161 **53G-8-801 . Definitions.**

162 As used in this section:

- 163 [~~1~~] "~~Bullying~~" ~~means the same as that term is defined in Section 53G-9-601.~~]
- 164 [~~2~~] (1) "Law enforcement officer" means the same as that term is defined in Section  
 165 53-13-103.

- 166 ~~[(3)]~~ (2) "School Safety Center" means the entity established in Section 53G-8-802.
- 167 ~~[(4)]~~ (3) "State security chief" means the same as that term is defined in Section 53-22-101.
- 168 Section 4. Section **53G-9-601** is amended to read:
- 169 **53G-9-601 . Definitions.**
- 170 As used in this part:
- 171 (1)(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or  
 172 student directed toward a school employee that, based on its severity, nature, and  
 173 frequency of occurrence, a reasonable person would determine is intended to cause  
 174 intimidation, humiliation, or unwarranted distress.
- 175 (b) A single act does not constitute abusive conduct.
- 176 (2) "Action plan" means a process to address an incident as described in Section  
 177 53G-9-605.5.
- 178 (3) "Bullying" means ~~[a school employee or student intentionally committing a written,~~  
 179 ~~verbal, or physical act against a school employee or student that a reasonable person~~  
 180 ~~under the circumstances should know or reasonably foresee will have the effect of:]~~  
 181 student bullying and staff bullying.
- 182 ~~[(a) causing physical or emotional harm to the school employee or student;]~~
- 183 ~~[(b) causing damage to the school employee's or student's property;]~~
- 184 ~~[(c) placing the school employee or student in reasonable fear of:]~~
- 185 ~~[(i) harm to the school employee's or student's physical or emotional well-being; or]~~
- 186 ~~[(ii) damage to the school employee's or student's property;]~~
- 187 ~~[(d) creating a hostile, threatening, humiliating, or abusive educational environment due~~  
 188 ~~to:]~~
- 189 ~~[(i) the pervasiveness, persistence, or severity of the actions; or]~~
- 190 ~~[(ii) a power differential between the bully and the target; or]~~
- 191 ~~[(e) substantially interfering with a student having a safe school environment that is~~  
 192 ~~necessary to facilitate educational performance, opportunities, or benefits.]~~
- 193 (4) "Communication" means the conveyance of a message, whether verbal, written, or  
 194 electronic.
- 195 (5) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or  
 196 post text, video, or an image with the intent or knowledge, or with reckless disregard,  
 197 that the text, video, or image will hurt, embarrass, or threaten an individual, regardless  
 198 of whether the individual directed, consented to, or acquiesced in the conduct, or  
 199 voluntarily accessed the electronic communication.

- 200 (6)(a) "Hazing" means a school employee or student intentionally, knowingly, or  
201 recklessly committing an act or causing another individual to commit an act toward a  
202 school employee or student that:
- 203 (i)(A) endangers the mental or physical health or safety of a school employee or  
204 student;
  - 205 (B) involves any brutality of a physical nature, including whipping, beating,  
206 branding, calisthenics, bruising, electric shocking, placing of a harmful  
207 substance on the body, or exposure to the elements;
  - 208 (C) involves consumption of any food, alcoholic product, drug, or other substance  
209 or other physical activity that endangers the mental or physical health and  
210 safety of a school employee or student; or
  - 211 (D) involves any activity that would subject a school employee or student to  
212 extreme mental stress, such as sleep deprivation, extended isolation from social  
213 contact, or conduct that subjects a school employee or student to extreme  
214 embarrassment, shame, or humiliation; and
  - 215 (ii)(A) is committed for the purpose of initiation into, admission into, affiliation  
216 with, holding office in, or as a condition for membership in a school or school  
217 sponsored team, organization, program, club, or event; or
  - 218 (B) is directed toward a school employee or student whom the individual who  
219 commits the act knows, at the time the act is committed, is a member of, or  
220 candidate for membership in, a school or school sponsored team, organization,  
221 program, club, or event in which the individual who commits the act also  
222 participates.
- 223 (b) The conduct described in Subsection (6)(a) constitutes hazing, regardless of whether  
224 the school employee or student against whom the conduct is committed directed,  
225 consented to, or acquiesced in, the conduct.
- 226 (7) "Incident" means an incident of bullying, cyber-bullying, hazing, or retaliation that is  
227 prohibited under this part.
- 228 (8) "LEA governing board" means a local school board or charter school governing board.
- 229 (9) "Policy" means an LEA governing board policy described in Section 53G-9-605.
- 230 (10) "Public education suicide prevention coordinator" means the public education suicide  
231 prevention coordinator described in Section 53G-9-702.
- 232 (11) "Retaliate" means an act or communication intended:
- 233 (a) as retribution against a person for reporting bullying or hazing; or

- 234 (b) to improperly influence the investigation of, or the response to, a report of bullying  
235 or hazing.
- 236 (12) "School" means a public elementary or secondary school, including a charter school.
- 237 (13) "School employee" means an individual working in the individual's official capacity as:
- 238 (a) a school teacher;
- 239 (b) a school staff member;
- 240 (c) a school administrator; or
- 241 (d) an individual:
- 242 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a  
243 school district; [~~and~~] or
- 244 (ii) who works on a school campus.
- 245 (14)(a) "Staff bullying" means a school employee, with the intent to cause harm,  
246 repeatedly committing a written, verbal, or physical act against a student or another  
247 school employee, or engaging in a single egregious act toward another employee  
248 involving an imbalance of power, that:
- 249 (i) creates an environment that a reasonable person would find hostile, threatening, or  
250 humiliating; and
- 251 (ii) substantially interferes with a student's or employee's educational or professional  
252 performance, opportunities, or benefits.
- 253 (b) "Staff bullying" does not mean instances of:
- 254 (i) ordinary teasing, horseplay, argument, or peer conflict;
- 255 (ii) reasonable correction of behavior by a school employee; or
- 256 (iii) reasonable coaching strategies and techniques by a school employee who is a  
257 coach.
- 258 (15)(a) "Student bullying" means one or more students, with the intent to cause harm,  
259 repeatedly committing a written, verbal, or physical act against another student, or  
260 engaging in a single egregious act toward another student involving an imbalance of  
261 power, that:
- 262 (i) creates an environment that a reasonable person would find hostile; and
- 263 (ii) interferes with a student's educational performance, opportunities, or benefits.
- 264 (b) "Student bullying" does not mean instances of:
- 265 (i) ordinary teasing, horseplay, argument, or peer conflict;
- 266 (ii) reasonable correction of behavior by a school employee; or
- 267 (iii) reasonable coaching strategies and techniques by a school employee who is a

268                    coach.

269    [~~(14)~~] (16) "State suicide prevention coordinator" means the state suicide prevention  
270                    coordinator described in Section 26B-5-611.

271    [~~(15)~~] (17) "State superintendent" means the state superintendent of public instruction  
272                    appointed under Section 53E-3-301.

273                    Section 5. Section **53G-9-606** is amended to read:

274                    **53G-9-606 . Model policy and state board duties.**

275    (1) The state board shall:

276                    (a) create a model policy on bullying, cyber-bullying, hazing, abusive conduct, and  
277                    retaliation; and

278                    (b) post the model policy described in Subsection (1)(a) on the state board's website.

279    (2) The state board shall require an LEA governing board to report annually to the state  
280                    board on:

281                    (a) the LEA governing board's policy, including implementation of the signed statement  
282                    requirement described in Subsection 53G-9-605(3);

283                    (b) the LEA governing board's training of school employees relating to bullying,  
284                    cyber-bullying, hazing, and retaliation described in Section 53G-9-607;

285                    (c) the demographics of an individual student who is subject to student bullying, hazing,  
286                    cyber-bullying, or retaliation subject to:

287                    (i) Title 53E, Chapter 9, Part 2, Student Privacy;

288                    (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

289                    (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

290                    (iv) 34 C.F.R. Part 99; and

291                    (d) other information related to this part, as determined by the state board.

292                    Section 6. **Effective Date.**

293                    This bill takes effect on May 7, 2025.