

IMPROVING SAFETY IN PUBLIC SCHOOLS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING THAT A STUDENT, WHO HAS BEEN EXPELLED FROM SCHOOL FOR A FIREARM, EXPLOSIVE, OR FLAMMABLE MATERIAL VIOLATION, AND THE STUDENT'S PARENT SHALL MEET WITH THE LOCAL SCHOOL BOARD ^h SUPERINTENDENT ^h ^h OR THEIR DESIGNEE ^h WITHIN ^h ~~30~~ 45 ^h

8a1 DAYS AFTER THE

8a EXPULSION TO DETERMINE

9 WHAT WOULD BE IN THE BEST INTEREST OF ALL PARTIES REGARDING THE
10 STUDENT'S SCHOOLING OPTIONS.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 **53A-11-904**, as last amended by Chapter 74, Laws of Utah 1996

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

15 Section 1. Section **53A-11-904** is amended to read:

16 **53A-11-904. Grounds for suspension or expulsion from a public school.**

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

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

21 (b) willful destruction or defacing of school property;

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

24 (d) possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105;

25 or

26 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the

27 school or school property, to a person associated with the school, or property associated with any

28 such person, regardless of where it occurs.

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

31 (i) any serious violation affecting another student or a staff member, or any serious
32 violation occurring in a school building, in or on school property, or in conjunction with any
33 school activity, including the possession, control, or actual or threatened use of a real, look alike,
34 or pretend weapon, explosive, or noxious or flammable material under Section 53A-3-502, or the
35 sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an
36 imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in
37 Section 58-37a-3; or

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

40 (b) A ~~h~~ SECONDARY SCHOOL ~~h~~ student who commits a violation of Subsection (2)(a)
40a involving a real ~~h~~ ~~[-look alike,~~
41 ~~or-pretend]~~ ~~h~~ firearm, explosive, or flammable material shall be expelled from school for a period of
42 not less than one year ~~h~~ ~~[-]~~ .

42a (c) IF AN ELEMENTARY SCHOOL STUDENT COMMITS A VIOLATION OF SUBSECTION (2)(a)
42b INVOLVING A REAL, LOOK ALIKE § ~~[-OR-PRETEND]~~ § FIREARM, EXPLOSIVE, OR FLAMMABLE
42b1 MATERIAL
42c OR IF A SECONDARY SCHOOL STUDENT COMMITS A VIOLATION OF SUBSECTION (2)(a)
42d INVOLVING A LOOK ALIKE OR PRETEND FIREARM, EXPLOSIVE, OR FLAMMABLE MATERIAL, THE
42e STUDENT SHALL BE EXPELLED FROM SCHOOL FOR A PERIOD OF NOT LESS THAN ONE YEAR, h
42f ~~[unless the district superintendent determines, on a case-by-case basis, that~~
43 ~~a lesser penalty would be more appropriate.]~~ subject to the following:

44 (i) within h ~~[30]~~ 45 h days after the expulsion the student shall appear before the student's
44a local
45 school board h ~~[or a subcommittee of the board]~~ SUPERINTENDENT h h OR THEIR DESIGNEE h .
45a accompanied by a parent or
45a legal guardian; and

46 (ii) the h ~~[board]~~ SUPERINTENDENT h shall determine h ~~[at that time]~~ h :

47 (A) what conditions must be met by the student and the student's parent for the student to
48 return to school;

49 (B) if the student should be placed on probation in a regular or alternative school setting
50 consistent with Section 53A-11-907, and what conditions must be met by the student in order to
51 ensure the safety of students and faculty at the school the student is placed in; and

52 (C) if it would be in the best interest of both the school district and the student to modify
53 the expulsion term to less than a year, conditioned on **h** **APPROVAL BY THE LOCAL SCHOOL**
53a **BOARD AND h** giving highest priority to providing a safe
54 school environment for all students.

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

57 (4) A suspension or expulsion under this section is not subject to the age limitations under
58 Subsection 53A-11-102(1).

58a **h** (5) (a) EACH LOCAL SCHOOL BOARD SHALL PREPARE AN ANNUAL REPORT FOR THE
58b STATE BOARD OF EDUCATION ON:

58c (i) EACH VIOLATION COMMITTED UNDER THIS SECTION; AND

58d (ii) EACH ACTION TAKEN BY THE SCHOOL DISTRICT AGAINST A STUDENT WHO
58e COMMITTED THE VIOLATION.

58f (b) THE STATE BOARD OF EDUCATION SHALL MAKE AN ANNUAL REPORT BY NOVEMBER
58g 30 TO THE LEGISLATURE'S EDUCATION INTERIM COMMITTEE ON THE INFORMATION COMPILED
58h UNDER SUBSECTION (5)(a). h

Legislative Review Note
as of 1-10-00 2:14 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel