

SAFE SCHOOLS AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies provisions related to the State System of Public Education by requiring any student who has been expelled from school for a firearm, explosive, or flammable material violation to meet with the school district superintendent to determine if the expulsion should be modified. This act takes effect upon approval.

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

AMENDS:

53A-11-904, as last amended by Chapter 336, Laws of Utah 2000

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

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

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

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

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

(b) willful destruction or defacing of school property;

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

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

or

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.

(2) (a) A student shall be suspended or expelled from a public school for any of the

28 following reasons:

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

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

38 (b) A [~~secondary school~~] student who commits a violation of Subsection (2)(a) involving
39 a real, look alike, or pretend firearm, explosive, or flammable material shall be expelled from
40 school for a period of not less than one year [-] subject to the following:

41 [~~(c) If an elementary school student commits a violation of Subsection (2)(a) involving a~~
42 ~~real or look alike firearm, explosive, or flammable material or if a secondary school student~~
43 ~~commits a violation of Subsection (2)(a) involving a look alike or pretend firearm, explosive, or~~
44 ~~flammable material, the student shall be expelled from school for a period of not less than one year~~
45 ~~subject to the following:-]~~

46 (i) within 45 days after the expulsion the student shall appear before the student's local
47 school board superintendent or [~~his~~] the superintendent's designee, accompanied by a parent or
48 legal guardian; and

49 (ii) the superintendent shall determine:

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

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

55 (C) if it would be in the best interest of both the school district and the student to modify
56 the expulsion term to less than a year, conditioned on approval by the local school board and
57 giving highest priority to providing a safe school environment for all students.

58 (3) A student may be denied admission to a public school on the basis of having been

59 expelled from that or any other school during the preceding 12 months.

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

62 (5) (a) Each local school board shall prepare an annual report for the State Board of
63 Education on:

64 (i) each violation committed under this section; and

65 (ii) each action taken by the school district against a student who committed the violation.

66 (b) The State Board of Education shall make an annual report by November 30 to the
67 Legislature's Education Interim Committee on the information compiled under Subsection (5)(a).

68 Section 2. **Effective date.**

69 If approved by two-thirds of all the members elected to each house, this act takes effect
70 upon approval by the governor, or the day following the constitutional time limit of Utah
71 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
72 date of veto override.

Legislative Review Note
as of 12-13-00 9:02 AM

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

Office of Legislative Research and General Counsel