

1 **PHYSICAL CONTROL IN SCHOOLS AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carol Spackman Moss**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the use of physical restraint or force in schools.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ prohibits the use of physical restraint or force to protect property from being
13 damaged; and
14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53A-11-801**, as enacted by Laws of Utah 1992, Chapter 251

22 **53A-11-802**, as enacted by Laws of Utah 1992, Chapter 251

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

25 Section 1. Section **53A-11-801** is amended to read:

26 **53A-11-801. Definitions.**

27 As used in this part:



28 (1) "Child" or "minor child" means a person:
 29 (a) under the age of 18; or
 30 (b) under the age of 23 who is receiving educational services as an individual with a
 31 disability.

32 (2) "Corporal punishment" means the intentional infliction of physical pain upon the
 33 body of a minor child as a disciplinary measure.

34 (3) "Physical restraint" means personal restriction that immobilizes or reduces the
 35 ability of an individual to move the individual's arms, legs, body, or head freely.

36 ~~[(3)]~~ (4) "School" means any public or private elementary or secondary school,
 37 pre-school, care center, nursery school, or business which receives compensation for
 38 supervising or educating a child.

39 Section 2. Section **53A-11-802** is amended to read:

40 **53A-11-802. Prohibition of corporal punishment -- Use of reasonable and**
 41 **necessary physical restraint or force.**

42 (1) A school employee may not inflict or cause the infliction of corporal punishment
 43 upon a child who is receiving services from the school, unless written permission has been
 44 given by the student's parent or guardian to do so.

45 (2) This section does not prohibit the use of reasonable and necessary physical restraint
 46 or force in self defense or otherwise appropriate to the circumstances to:

47 (a) obtain possession of a weapon or other dangerous object in the possession or under
 48 the control of a child;

49 (b) protect the child or another ~~[person]~~ individual from physical injury; or

50 (c) remove from a situation a child who is violent or disruptive~~[-or]~~.

51 ~~[(d) protect property from being damaged.]~~

52 (3) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or
 53 permit the commission of an act prohibited by this part is void and unenforceable.

54 (b) An employee may not be subjected to any sanction for failure or refusal to commit
 55 an act prohibited under this part.

56 (4) A parochial or private school may exempt itself from the provisions of this section
 57 by adopting a policy to that effect and notifying the parents or guardians of children in the
 58 school of the exemption.

Legislative Review Note
Office of Legislative Research and General Counsel