

28 **62A-4a-1002**, as last amended by Laws of Utah 2008, Chapters 45 and 299

29

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

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

32 **53A-11-801. Definitions.**

33 As used in this part:

34 [~~(1) "Child" or "minor child" means a person:~~]

35 [~~(a) under the age of 18; or~~]

36 [~~(b) under the age of 23 who is receiving educational services as an individual with a~~
37 ~~disability.~~]

38 [~~(2)~~] (1) "Corporal punishment" means the intentional infliction of physical pain upon
39 the body of a [~~minor child~~] student as a disciplinary measure.

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

43 (2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
44 shoulder, or back for the purpose of guiding a student to another location.

45 (3) "Physical restraint" means a personal restriction that immobilizes or significantly
46 reduces the ability of a student to move the student's arms, legs, body, or head freely.

47 (4) "School" means a public or private elementary school, secondary school, or
48 preschool.

49 (5) "Student" means an individual who is:

50 (a) under the age of \$→ [18] 19 and receiving educational services ←\$; or

51 (b) under the age of \$→ [22] 23 ←\$ and receiving educational services as an individual

51a with a

52 disability.

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

54 **53A-11-802. Prohibition of corporal punishment -- Use of reasonable and**
55 **necessary physical restraint.**

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

59 (2) ~~[This section does not prohibit the use of]~~ A school employee may use reasonable
60 and necessary physical restraint ~~[or force]~~ in self defense or when otherwise appropriate to the
61 circumstances to:

62 (a) obtain possession of a weapon or other dangerous object in the possession or under
63 the control of a ~~[child]~~ student;

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

65 (c) remove from a situation a ~~[child]~~ student who is violent ~~[or disruptive]~~; or

66 (d) protect property from being damaged, when physical safety is at risk.

67 (3) Nothing in this section prohibits a school employee from using less intrusive
68 means, including a physical escort, to address circumstances described in Subsection (2).

69 ~~[(3)]~~ (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct
70 or permit the commission of an act prohibited by this part is void and unenforceable.

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

73 ~~[(4)]~~ (5) A parochial or private school that does not receive state funds to provide for
74 the education of a student may exempt itself from the provisions of this section by adopting a
75 policy to that effect and notifying the parents or guardians of ~~[children]~~ students in the school
76 of the exemption.

76a **H→ (6) This section does not apply to a law enforcement officer as defined in**
76b **Section 53-13-103. ←H**

77 Section 3. Section 53A-11-806 is amended to read:

78 **53A-11-806. Defacing or H→ [injuring] damaging ←H school property -- Student's**
78a **liability -- Work**
79 **program alternative.**

80 (1) ~~[Any]~~ A student who willfully defaces or otherwise ~~H→ [injures]~~ damages ←H any
80a school property
81 may be suspended or otherwise disciplined.

82 (2) (a) ~~[Any school district whose]~~ If a school's property has been lost or willfully cut,
83 defaced, or otherwise H→ [injured] damaged ←H [may], the school may withhold the issuance of
83a an official written

84 grade [reports] report, diploma, [and transcripts] or transcript of the student responsible for the
85 damage or loss until the student or the student's parent or guardian has paid for the damages.

86 (b) The student's parent or guardian is liable for damages as otherwise provided in
87 Section [78A-6-1113](#).

88 (3) (a) If the student and the student's parent or guardian are unable to pay for the
89 damages or if it is determined by the school in consultation with the student's ~~[parents]~~ parent