

STUDENT OFFENDER REINTEGRATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill enacts provisions related to a student who has committed a violent or sexual crime.

Highlighted Provisions:

This bill:

- ▶ requires an LEA to adopt a policy regarding a student who commits a violent or sexual crime;
- ▶ prohibits a student who has committed a violent or sexual crime from attending school in certain circumstances;
- ▶ creates civil liability for a parent of a student under certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-8-201, as enacted by Laws of Utah 2018, Chapter 3

53G-8-203, as last amended by Laws of Utah 2020, Chapter 161

53G-8-204, as last amended by Laws of Utah 2019, Chapter 293



28 [53G-8-205](#), as last amended by Laws of Utah 2019, Chapter 293

29 [53G-8-213](#), as enacted by Laws of Utah 2023, Chapter 161

30 ENACTS:

31 [78B-3-1003](#), Utah Code Annotated 1953



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

34 Section 1. Section [53G-8-201](#) is amended to read:

35 **[53G-8-201](#). Definitions.**

36 [Reserved]

37 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

38 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

39 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

40 (c) Section [76-7-102](#), incest;

41 (d) Section [76-9-702](#), lewdness; and

42 (e) Section [76-9-702.1](#), sexual battery.

43 (2) "Violent felony" means the same as that term is defined in Section [76-3-203.5](#).

44 Section 2. Section [53G-8-203](#) is amended to read:

45 **[53G-8-203](#). Conduct and discipline policies and procedures.**

46 (1) The conduct and discipline policies required under Section [53G-8-202](#) shall
47 include:

48 (a) provisions governing student conduct, safety, and welfare;

49 (b) standards and procedures for dealing with students who cause disruption in the
50 classroom, on school grounds, on school vehicles, or in connection with school-related
51 activities or events;

52 (c) procedures for the development of remedial discipline plans for students who cause
53 a disruption at any of the places referred to in Subsection (1)(b);

54 (d) procedures for the use of reasonable and necessary physical restraint in dealing with
55 students posing a danger to themselves or others, consistent with Section [53G-8-302](#);

56 (e) standards and procedures for dealing with student conduct in locations other than
57 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

58 (i) the school;

- 59 (ii) school property;
- 60 (iii) a person associated with the school; or
- 61 (iv) property associated with a person described in Subsection (1)(e)(iii);
- 62 (f) procedures for the imposition of disciplinary sanctions, including suspension and
- 63 expulsion;
- 64 (g) specific provisions, consistent with Section 53E-3-509, for preventing and
- 65 responding to gang-related activities in the school, on school grounds, on school vehicles, or in
- 66 connection with school-related activities or events;
- 67 (h) standards and procedures for dealing with habitual disruptive or unsafe student
- 68 behavior in accordance with the provisions of this part; and
- 69 (i) procedures for responding to reports received through the SafeUT Crisis Line under
- 70 Subsection 53B-17-1202(3).
- 71 (2) (a) Each local school board shall establish a policy on detaining students after
- 72 regular school hours as a part of the district-wide discipline plan required under Section
- 73 53G-8-202.
- 74 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
- 75 students, grades kindergarten through 6.
- 76 (ii) The local school board shall receive input from teachers, school administrators, and
- 77 parents of the affected students before adopting the policy.
- 78 (c) The policy described in Subsection (2)(a) shall provide for:
- 79 (i) notice to the parent of a student prior to holding the student after school on a
- 80 particular day; and
- 81 (ii) exceptions to the notice provision if detention is necessary for the student's health
- 82 or safety.
- 83 (3) (a) Each LEA shall adopt a policy for responding to possession or use of electronic
- 84 cigarette products by a student on school property.
- 85 (b) The policy described in Subsection (3)(a) shall:
- 86 (i) prohibit students from possessing or using electronic cigarette products on school
- 87 property;
- 88 (ii) include policies or procedures for the confiscation or surrender of electronic
- 89 cigarette products; and

90 (iii) require a school administrator or school administrator's designee to dispose of or
91 destroy a confiscated electronic cigarette product.

92 (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic
93 cigarette product to local law enforcement if:

94 (i) a school official has a reasonable suspicion that a confiscated electronic cigarette
95 product contains an illegal substance; and

96 (ii) local law enforcement requests that the LEA release the confiscated electronic
97 cigarette product to local law enforcement as part of an investigation or action.

98 (4) (a) Each LEA shall adopt a policy for responding to when a student has committed
99 a violent felony or sexual crime.

100 (b) The policy described in Subsection (4)(a) shall:

101 (i) address a violent felony or sexual misconduct related to hazing;

102 (ii) distinguish procedures for when the crime occurs on school property and off of
103 school property;

104 (iii) provide a process to receive and consider input from local law enforcement
105 regarding an appropriate placement for the student to receive educational services;

106 (iv) establish a process to inform a school resource officer of any student who is on
107 probation;

108 (v) create procedures for determining an alternative placement for a student if the
109 student attends the same school as:

110 (A) the victim of the student's crime; and

111 (B) an individual who has a protective order against the student; and

112 (vi) be compliant with state and federal law.

113 Section 3. Section **53G-8-204** is amended to read:

114 **53G-8-204. Suspension and expulsion procedures -- Notice to parents --**
115 **Distribution of policies.**

116 (1) (a) Policies required under this part shall include written procedures for the
117 suspension and expulsion of, or denial of admission to, a student, consistent with due process
118 and other provisions of law.

119 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
120 public schools to notify the custodial parent and, if requested in writing by a noncustodial

121 parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a
122 student.

123 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
124 disclose any information protected under a court order.

125 (iii) The custodial parent is responsible for providing to the school a certified copy of
126 the court order under Subsection (1)(b)(ii) through a procedure adopted by the [~~local school~~
127 ~~board or the charter school~~] local governing board.

128 (2) (a) Each [~~local school board or charter school~~] local governing board shall provide
129 for the distribution of a copy of a school's discipline and conduct policy to each student upon
130 enrollment in the school.

131 (b) A copy of the policy shall be posted in a prominent location in each school.

132 (c) Any significant change in a school's conduct and discipline policy shall be
133 distributed to students in the school and posted in the school in a prominent location.

134 Section 4. Section **53G-8-205** is amended to read:

135 **53G-8-205. Grounds for suspension or expulsion from a public school.**

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

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

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

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

144 (d) possession, control, or use of an alcoholic beverage as defined in Section
145 [32B-1-102](#);

146 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
147 school or school property, to a person associated with the school, or property associated with
148 that person, regardless of where it occurs; or

149 (f) possession or use of pornographic material on school property.

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

152 (i) any serious violation affecting another student or a staff member, or any serious
153 violation occurring in a school building, in or on school property, or in conjunction with any
154 school activity, including:

155 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
156 noxious or flammable material;

157 (B) the actual or threatened use of violence or sexual misconduct;

158 ~~[(B)]~~ (C) the actual or threatened use of a look alike weapon with intent to intimidate
159 another person or to disrupt normal school activities; or

160 ~~[(C)]~~ (D) the sale, control, or distribution of a drug or controlled substance as defined
161 in Section [58-37-2](#), an imitation controlled substance defined in Section [58-37b-2](#), or drug
162 paraphernalia as defined in Section [58-37a-3](#); or

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

165 (b) A student who commits a violation of Subsection (2)(a) involving a real or look
166 alike weapon, explosive, or flammable material shall be expelled from school for a period of
167 not less than one year subject to the following:

168 (i) within 45 days after the expulsion the student shall appear before the student's [~~local~~
169 ~~school board~~] superintendent, the superintendent's designee, chief administrative officer of a
170 charter school, or the chief administrative officer's designee, accompanied by a parent; and

171 (ii) the superintendent, chief administrator, or designee shall determine:

172 (A) what conditions must be met by the student and the student's parent for the student
173 to return to school including any provided for in the policies described in Section [53G-8-203](#);

174 (B) if the student should be placed on probation in a regular or alternative school
175 setting consistent with Section [53G-8-208](#), and what conditions must be met by the student in
176 order to ensure the safety of students and faculty at the school the student is placed in; and

177 (C) if it would be in the best interest of both the [~~school district or charter school~~]
178 LEA, and the student, to modify the expulsion term to less than a year, conditioned on approval
179 by [~~the local school board or charter school~~] the local governing board and giving highest
180 priority to providing a safe school environment for all students.

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

183 (4) A suspension or expulsion under this section is not subject to the age limitations
184 under Subsection 53G-6-204(1).

185 (5) ~~[Each local school board and charter school]~~ A local governing board shall prepare
186 an annual report for the state board on:

187 (a) each violation committed under this section; and

188 (b) each action taken by the ~~[school district]~~ LEA against a student who committed the
189 violation.

190 Section 5. Section 53G-8-213 is amended to read:

191 **53G-8-213. Reintegration plan for student alleged to have committed violent**
192 **felony or weapon offense.**

193 (1) As used in this section[;],

194 ~~[(a) "Multidisciplinary"]~~ multidisciplinary team means the local education agency, the
195 juvenile court, the Division of Juvenile Justice Services, a school resource officer if applicable,
196 and any other relevant party that should be involved in a reintegration plan.

197 ~~[(b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.]~~

198 (2) If a school district receives a notification from the juvenile court or a law
199 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
200 court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,
201 the school shall develop a reintegration plan for the student with a multidisciplinary team, the
202 student, and the student's parent or guardian, within five days after the day on which the school
203 receives a notification.

204 (3) The school may deny admission to the student until the school completes the
205 reintegration plan under Subsection (2).

206 (4) The reintegration plan under Subsection (2) shall address:

207 (a) a behavioral intervention for the student;

208 (b) a short-term mental health or counseling service for the student; ~~[and]~~

209 (c) an academic intervention for the student[;]; and

210 (d) if the violent felony was directed at a school employee or another student within the
211 school, notification of the reintegration plan to that school employee or student and the
212 student's parent.

213 (5) A school district may not reintegrate a student into a school where:

214 (a) a student or staff member has a protective order against the student being
215 reintegrated; or

216 (b) a student or staff member is the victim of a sexual crime committed by the student
217 being reintegrated.

218 Section 6. Section **78B-3-1003** is enacted to read:

219 **78B-3-1003. Liability of a parent or guardian for repeated offenses by a minor on**
220 **school grounds.**

221 (1) Except as provided in Subsection (6), if a person suffers damages from a minor
222 committing the same offense repeatedly on school grounds for an offense in Title 76, Utah
223 Criminal Code, or Title 80, Utah Juvenile Code, the person may bring a cause of action against
224 a parent or guardian with legal custody of the minor to recover costs and damages caused by
225 the repeated offense.

226 (2) The parent or guardian is not liable for costs or damages under Subsection (1) if the
227 parent or guardian made a reasonable effort:

228 (a) to supervise and direct the minor; or

229 (b) to restrain the minor if the parent or guardian knew in advance of the minor's intent
230 to commit the repeated offense.

231 (3) If a parent or guardian is found liable under this section, the court may waive part
232 or all of the parent's or guardian's liability for costs or damages if the court finds:

233 (a) good cause; or

234 (b) that the parent or guardian:

235 (i) made a reasonable effort to restrain the minor from committing the wrongful
236 conduct; and

237 (ii) reported the minor's wrongful conduct to law enforcement after the parent or
238 guardian knew of the minor's wrongful conduct.

239 (4) A report is not required under Subsection (3)(b)(ii) from a parent or guardian if the
240 minor was arrested or apprehended by law enforcement.

241 (5) An adjudication or a conviction of a minor for a repeated offense under Title 76,
242 Utah Criminal Code, or Title 80, Utah Juvenile Code, is not required for a civil action to be
243 brought under this section.

244 (6) A person may not bring a cause of action against the state, an agency of the state, or

245 a contracted provider of an agency of the state, under this section.

246 Section 7. **Effective date.**

247 This bill takes effect on July 1, 2024.