

PRE-HB 362**HB 362
SCHOOL
BASED
BEHAVIORS****EFFECTIVE
MAY 3, 2024**

All class C misdemeanor, infraction, or status offenses, shall refer to alternative programming first.

All class C misdemeanor, infraction, or status offenses, **and habitual truancy** shall refer to alternative programming first.

Alternative programming:

- a mobile crisis outreach team
- a youth services center
- a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program
- an evidence-based alternative intervention created and developed by the school or school district
- an evidence-based alternative intervention that is jointly created and developed by a LEA, USBE, the juvenile court, local counties and municipalities, the Department of HHS
- a tobacco cessation or education program if the offense is a violation of Section 76-10-105

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- a tobacco cessation or education program if the offense is a violation of Section 76-10-105
- **truancy mediation**

For class C misdemeanors, infraction, or status offenses, if a youth refuses to participate in alternative programming then the school can refer youth to JJYS Prevention and Early Intervention.

NO POLICY CHANGE UNDER HB 362

Traffic that is an infraction, schools or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

NO POLICY CHANGE UNDER HB 362

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PRE-HB 362

For class C misdemeanors, infraction, or status offenses, may refer to court if:

- the youth allegedly committed the same offense on school property on two previous occasions and
- the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services if the minor refuses to participate in an evidence-based alternative intervention for both of the two previous offenses.

"Habitual truant" means a school-age child who:

- is in grade 7 or above, unless the school-age child is under 12 years old;
- is subject to the requirements of Section 53G-6-202; and
- is truant at least 10 times during one school year or fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

Habitual truancy technically was not a referable offense to Juvenile Court.

**EFFECTIVE
MAY 3, 2024**

For **class C misdemeanors, infraction, or status offenses**, may refer to court if:

- the youth allegedly committed an offense on school property on a **previous occasion and**
- the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services if the minor refuses to participate in an evidence-based alternative intervention for the **previous offense**.

"Habitual truant" means a school-age child who:

- is in grade 7 or above, unless the school-age child is under 12 years old;
- is subject to the requirements of Section 53G-6-202; and
- is truant at least **20 days** during one school year or fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

For **habitual truancy**, may refer to court if:

- the minor was previously alleged of being a habitual truant **at least twice during the same school year; and**
- the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, for **at least two of the previous habitual truanancies**.

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If a youth is referred to a court or a law enforcement officer or agency, the school shall appoint a school representative to continue to engage with the minor and the minor's family through the court process. This representative cannot be an SRO.

NO POLICY CHANGE UNDER HB 362

A SRO may:

- investigate possible criminal offenses and conduct, including conducting probable cause searches
- consult with school administration about the conduct of a minor enrolled in a school
- transport a minor enrolled in a school to a location if the location is permitted by law
- take temporary custody of a minor in accordance with Section 80-6-201
- protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances

NO POLICY CHANGE UNDER HB 362

NOTIFICATION & REINTEGRATION PLANS

HB 84, 362 & 418

EFFECTIVE MAY 3, 2024

Section 80-6-103. Notification to a school.

If a minor is taken into temporary custody for a **serious offense defined as a violent felony (Section 76-3-203.5), theft of a firearm offense (Section 76-6-4), or a weapons offense (Section 76-10-5)**, the peace officer, or other person who has taken the minor into temporary custody, shall notify a **school official (the school superintendent, or the school superintendent's designee, the principal, or the principal's designee)** within five days after the day on which the minor is taken into temporary custody.

If the juvenile court orders **formal probation** under Section 80-6-702, the juvenile court shall order a juvenile probation officer to notify the appropriate local law enforcement agency and the school official of the juvenile court's order for **formal probation**.

Section 53G-8-213. Reintegration Plan Trigger

If a school receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a **serious offense**, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, **within five school days** after the day on which the school receives a notification. The school may deny admission to the student until the plan is complete.

"Multidisciplinary team" means the local education agency, the juvenile court, JJYS, a school resource officer if applicable, a school safety and security specialist, school safety and security director, any other relevant party that should be involved in a reintegration plan.

The reintegration plan shall include:

- a behavioral intervention for the student;
- a short-term mental health or counseling service for the student; and
- an academic intervention for the student.
- **if the serious offense was directed at a school employee or another student within the school, notification of the reintegration plan to that school employee or student and the student's parent.**

SCHOOL POLICIES & REINTEGRATION PLANS HB 418

EFFECTIVE MAY 3, 2024

Section 53G-8-201. Definitions.

"Sexual crime" or "sexual misconduct" means any conduct described in:

- Section 76-5-4 Sexual Offenses,
- Section 76-5b Sexual Exploitation Act,
- Section 76-7-102 Incest,
- Section 76-9-702 Lewdness, and
- Section 76-9-702.1 Sexual Battery.

"Violent felony" means the same as that term is defined in:

- Section 76-3-203.5.

Section 53G-8-203. Conduct and discipline policies and procedures.

Each LEA shall adopt a policy for responding to when a student has committed a violent felony or sexual crime. The policy shall:

- address a violent felony or sexual misconduct related to hazing;
- distinguish procedures for when the crime occurs on school property and off of school property;
- if a student has committed a violent felony or sexual crime, provide a process for a school resource officer to provide input for the LEA to consider regarding the safety risks a student may pose upon reintegration;
- establish a process to inform a school resource officer of any student who is on probation; and
- create procedures for determining an alternative placement for a student if the student attends the same school as: the victim of the student's crime and an individual who has a protective order against the student.

Policies and procedures regarding reintegration should take into account:

A school district may not reintegrate a student into a school where:

- a student or staff member has a protective order against the student being reintegrated; or
- a student or staff member is the victim of a sexual crime committed by the student being reintegrated.***

***Please see coordinating clause on HB 362 and HB 418.

SCHOOL POLICIES & REINTEGRATION PLANS HB 418

EFFECTIVE MAY 3, 2024

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

A student **shall be suspended or expelled** from a public school for any of the following reasons:

- any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
 - the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material
 - **the actual use of violence or sexual misconduct;**
 - the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or
- the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.