SCHOOL OFFENSE REFERRAL GUIDE

August 2023

Introduction

The following school offense referral guide indicates whether law enforcement or school personnel can charge or refer youth to court if the offense occurs on school property and was committed by an enrolled student. The guide provides examples of offenses that could happen on school property but it is not a comprehensive list.

If a minor is alleged to have committed an offense on school property that is a class A or class B misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions.

School and law enforcement personnel should follow their respective school's established policies and procedures when making a determination whether to charge or refer allowable offenses. Just because an offense is eligible to be referred, does not always mean it should. Alternative available resources are provided at the end of this document.

Table of Contents

School Offense Referral Examples	1
Frequently Asked Questions	11
Available Resources	14



Statute		Offense		Referable to Court?
76-6-106	-	Criminal mischief resulting in reckless endangerment of human life (Misdemeanor A)	_	
76-8-1402	-	Disruption of school activities and failure to leave premises: 1st and 2nd offense (Misdemeanor B); 3rd and subsequent (Misdemeanor A)	_	
76-9-106	-	Disrupting operation of a school (Misdemeanor B)	-	Yes
76-9-903	-	Failure to disperse (Misdemeanor B)	-	
76-10-1102	-	Gambling (Misdemeanor B)	_	
76-9-105	-	Making a false alarm (Misdemeanor B)	-	
53A-3-503	-	Criminal trespass (Misdemeanor B)	-	

Behavior



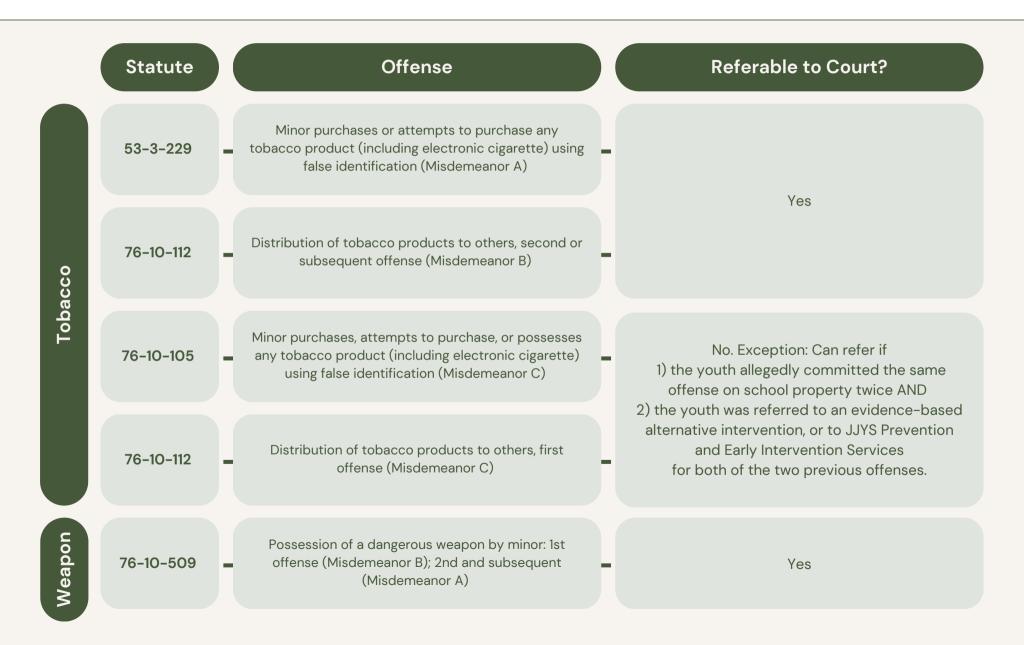


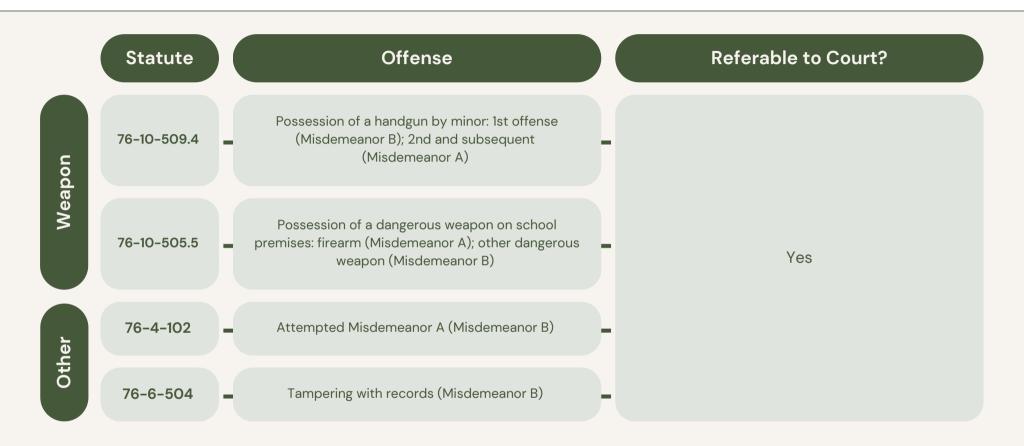
	Statute		Offense		Referable to Court?
	58-37-8	-	Sale, manufacture, or possession of any controlled substance (Any Offense Type)	_	
Drug	58-37a-5	-	Possession of drug paraphernalia (Misdemeanor B)	_	
	76-10-107	-	Use or possession of psychotoxic chemicals (Misdemeanor B)	-	
	76-5-102)-(Assault of any kind (Any Offense Type)	-	Yes
Person	76-5-203	-	Murder (Felony)	-	
	76-5-402	-	Rape (Felony)	-	
Property	76-6-106	-	Criminal mischief resulting in damage to critical infrastructure (Felony)	_	



	Statute	Offense	Referable to Court?
	76-5-401.3	Voluntary sex between a 17 year old and a 12 or 13 year old (Felony)	
	76-5-401.3	Voluntary sex between a 16 year old and a 12 year old (Felony)	
Sex	76-5-401.3	Voluntary sex between a 16 year old and a 13 year old (Misdemeanor A)	Yes
	76-5-401.3	Voluntary sex between a 14 or 15 year old and a 12 year old (Misdemeanor A)	-
	76-5-401.3	Voluntary sex between a 17 year old and a 14 year old (Misdemeanor B)	







FREQUENTLY ASKED QUESTIONS

Question	Answer	Explanation
Does the current law restrict the ability to refer class A or B misdemeanors to court?	No _	Current law makes no changes whatsoever to current law regarding the ability of schools to refer class A or B misdemeanors to law enforcement or the courts.
Does the current law restrict the ability to refer a class C misdemeanor, infraction, or status offenses to court?	Yes	Current law allows schools to refer class C misdemeanors, infraction, and status offenses to court only if the youth refuses to participate in an evidence based intervention or 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 for both of the two previous offenses. (53G-6-211)
Does the current law impact responses to truancy?	Yes _	Current law does not allow schools to refer habitual truancy to the Court.
Are there options for holding parents/guardians accountable for a minor's compulsory education?	Yes -	For Grades 1–6 only, Parents may be held accountable for intentionally or without good cause failing to meet with school officials to discuss the minor's attendance issue or failing to prevent the minor from being truant 5 or more times during the remainder of the school year. (53G–6–202)

FREQUENTLY ASKED QUESTIONS

Question	Answer	Explanation
Do provisions in the current law apply only when school is in session?	_ No	Provisions in the current law apply to alleged offenses on school property, by minors enrolled in school year-round, both during school hours and outside of school hours.
Are the consequences different for certain offenses committed in a school zone versus those committed outside of a school zone?	- Yes	Provisions in the current law apply to alleged offenses committed on school grounds. Law enforcement can charge or refer misdemeanor C, infractions, and status offenses that occur outside school grounds to court.
Can school districts access resources from the juvenile system and community without involving the court?	- Yes	Department of Health and Human Services agencies will expand the services offered to youth outside of the judicial system. A list of available resources are provided in the last section of this document.
Are reintegration plans required when schools receive notice that a youth has been placed on probation?	- No -	Juvenile Court is required to send schools notice when a youth is placed on probation and when a youth is alleged/adjudicated to have committed a violent felony or weapons offense. Reintegration plans are only required when a youth is alleged/adjudicated to have committed a violent felony or weapons offense.

FREQUENTLY ASKED QUESTIONS

Question **Answer Explanation** Detention staff will send an initial email that will notify schools about what they can expect. However, schools are only required to engage in the process of developing a reintegration plan if notice is received from the juvenile court or law enforcement (53G-8-213). Juvenile Court will Are reintegration plans required when schools receive No notice from JJYS detention staff? send a notification when a detention hearing is held for a youth alleged to have committed a violent felony or weapons offense, when a youth is adjudicated for a violent felony or weapons offense, or when a youth is placed on probation. When a school official receives notice from the Juvenile Court informing the school of a violent felony or weapons offense allegation or adjudication (53G-8-213), within five Are schools responsible for preparing a reintegration Yes days the school must develop a reintegration plan for that plan? student with a team that includes JJYS and Juvenile Probation, as well as the student and the student's parents. The reintegration plan must address the following three things for the student: (1) a behavioral intervention; (2) Does the reintegration plan need to contain Yes interventions for the student? short-term mental health or counseling services; (3) an academic intervention.

AVAILABLE RESOURCES

Resource **Description** Contact Available 24/7, certified crisis workers provide suicide prevention, information, and referrals; psycho-education about mental health issues; therapeutic assistance to individuals in emotional distress or psychiatric crisis.; coordination and dispatch response to individuals in the community **Utah Crisis Line** as needed via the Mobile Crisis Outreach Team (MCOT) and/or first **Call 988** responders in coordination with other local mental health authorities. The Utah Crisis Line collaborates with all 13 local mental health authorities across the state to ensure the best services are provided based on location and needs. SafeUT is an app and integrated system of care available 24/7 and SafeUT can be downloaded at managed by mental health counselors that coordinate closely with school SafeUT no-cost on any app store. Learn administrators, and local law enforcement. SafeUT users can start a realmore at safeut.org. time chat with mental health counselors, report a confidential school safety concern, or start a call that connects to the Utah Crisis Line directly. The Youth Services Model Is A "No Wrong Door" Approach To Early Website Referral: Intervention. Through This Model, Utah Delivers Evidence Based, JJYS Youth Services Individualized Youth And Family Plans With Early Screening, Assessment, https://jjys.utah.gov/services/you Plan Management, And Comprehensive Access To Services--All Driven By th-services The Youth And Family Strengths And Needs.

AVAILABLE RESOURCES

Description Resource Contact PBIS is a framework intended to create schools and programs in which Center on PBIS: children have improved social emotional and behavioral outcomes. The site Website: Positive Behavioral has a variety of topics covered, including, but not limited to, bullying https://www.pbis.org/resourceprevention, family, equity, disabilities, discipline, and individualization. Interventions and type/materials Resources available include games, videos, webinars, fact sheets, Support assessment tools, and case studies. The Restorative Justice Collaborative of Utah (RJCU) is a coalition of community members and professionals who promote access and Website: Restorative Justice understanding of restorative principles and practices in communities, https://www.rjutah.org/ Collaborative of Utah schools, and justice settings. RJCU provide resources and training to support the implementation of restorative practices that keep youth in school, reduce reliance on incarceration, and make communities safer.