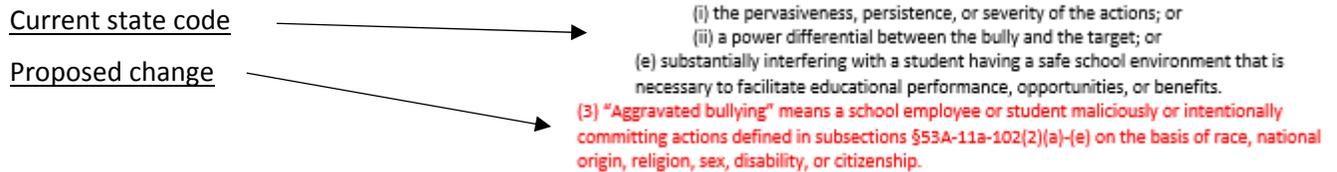


# Local Officials Day January 24, 2018

Youth Council Legislation Packet

Welcome to Local Officials Day at The Utah State Legislature. The Utah League of Cities and Towns looks forward to organizing this event every year because it serves as a great opportunity to bridge the distance between local and state issues. It also provides for an excellent learning platform for youth who are interested in learning more about government and civics. This year youth councils will be deliberating on legislation that addresses the increasingly relevant topics of bullying and sexual harassment in educational environments. There will be one bill and two amendments for discussion. Each one addresses a slightly different side of the problem. A complete index can be found below. Text in black denotes current statute while text in red indicates proposed additional language.



The legislation proposals are as follows:

1. **H.B. 1804** defines sexual harassment in public schools, mandates suspension or expulsion as a penalty for repeat offenses, and requires schools to keep confidential records of sexual harassment.
2. **Amendment I** removes the provision in H.B. 1804 requiring suspension or expulsion for bullying, cyberbullying, and sexual harassment.
3. **Amendment II** allows schools to discipline students for bullying, cyberbullying, and sexual harassment. Even when the conduct did not occur on school property.

Roles:

- **Bill sponsor** – proposes legislation
- **Committee chair** – runs meeting and recognizes speakers
- **Committee members** (up to 12) – debate and vote on legislation
- **Amendment I sponsor** (committee member) – proposes Amendment I
- **Amendment II sponsor** (committee member) – proposes Amendment II
- **Teacher (support):**
  - sees this every day,
  - believes current definition of bullying is insufficient for addressing unwanted sexual advances,
  - argues that teachers and administrators need these tools.
- **Parent (oppose):**
  - believes kids flirt – where should the line be drawn on harassing behavior,
  - argues that inappropriate attire is the cause of harassment and that boys will be boys.
- **Parent (support):**
  - has children who've experienced bullying/sexual harassment,
  - believes it has had a negative effect on the student's ability to learn,
  - argues school is not the place for this behavior.
- **Concerned citizen (oppose):**
  - believes this is another example of state overreach and kids should be treated like adults,
  - troubled by the record keeping prospect, doesn't trust the confidentiality,
  - argues that the punishment is too severe, and it may ruin the rest of the student's lives.

**PUBLIC SCHOOL SEXUAL HARASSMENT PREVENTION AMENDMENTS**2018 GENERAL SESSION  
STATE OF UTAH

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**LONG TITLE****General Description:**

This bill:

- defines sexual harassment in public schools;
- requires schools to confidentially record sexual harassment allegations; and
- mandates suspension or expulsion as a penalty for sexual harassment.

**Utah Code Sections Affected:**

Amends:

[53A-11a-102](#)[53A-11a-201](#)[53A-11-904](#)

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

Section 1. Section 53A-11a-102 is amended to read:

**53A-11a-102. Definitions.**

(1)(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted stress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) causing physical or emotional harm to the school employee or student;

(b) causing damage to the school employee's or student's property;

(c) placing the school employee or student in reasonable fear of:

(i) harm to the school employee's or student's physical or emotional well-being; or

(i) damage to the school employee's or student's property;

(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(i) the pervasiveness, persistence, or severity of the actions; or

(ii) a power differential between the bully and the target; or

(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Sexual harassment" means:

(a) inappropriate physical contact;

(b) obscene or offensive verbal and written remarks;

(c) unsolicited and unwanted sexual advances including:

(i) distributing sexually explicit media, text, or other content electronically.

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Section 2. Section 53A-11a-201 is amended to read:

**53A-11a-201. Bullying, hazing, cyber-bullying, and sexual harassment prohibited.**

- (1) A school employee or student may not engage in bullying a school employee or student:
- (a) on school property;
  - (b) at a school related or sponsored event;
  - (c) on a school bus;
  - (d) at a school bus stop; or
  - (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).
- (2) A school employee or student may not engage in hazing or cyber-bullying a school employee or student at any time or in any location.
- (3) A school employee or student may not engage in sexual harassment as defined in section 53A-11a-201.
- (4) Schools must maintain confidential documentation of harassment allegations of sexual harassment made against students or school employees. Information contained within these records shall only be shared with law enforcement or when required by law.

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Section 3. Section 53A-11a-904 is amended to read:

**53A-11-904. Grounds for suspension or expulsion from a public school.**

- (1) A student may be suspended or expelled from a public school for any of the following reasons:
- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
  - (b) willful destruction or defacing of school property;
  - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
  - (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
  - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
  - (f) possession or use of pornographic material on school property.
- (2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:
- (i) 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:
    - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
    - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
    - (C) 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;
    - (D) repeated instances of bullying, cyberbullying or sexual harassment as defined in section §53A-11a-102.

Amendment I

*This amendment removes the provision in H.B. 1804 requiring suspension or expulsion for bullying, cyberbullying, and sexual harassment.*

**53A-11-904. Grounds for suspension or expulsion from a public school.**

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

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
- (b) willful destruction or defacing of school property;
- (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
- (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
- (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
- (f) possession or use of pornographic material on school property.

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

- (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
- (C) 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;
- ~~(D) repeated instances of bullying, cyberbullying, or sexual harassment, as defined in section 53A-11a-102.~~

(ii) 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.

Amendment II

*This amendment allows schools to discipline students for bullying, cyberbullying, and sexual harassment. Even when the conduct did not occur on school property.*

**53A-11a-201. Bullying, cyber-bullying, & harassment prohibited.**

(1) No school employee or student may engage in bullying or harassing a school employee or student:

- (a) on school property;
- (b) at a school related or sponsored event;
- (c) on a school bus;
- (d) while the school employee or student is traveling to or from a school location or school event

(2) No school employee or student may engage in cyber-bullying a school employee or student at any time or in any location.

(3) Schools may apply appropriate disciplinary measures to school employees or students who bully, cyber-bully, or sexually harass other school employees or students regardless of where the incident occurred.