

JUVENILE JUSTICE AMENDMENTS

2017 Utah House Bill 239

The **Juvenile Justice Amendments** bill was passed in the 2017 General Session of the Utah Legislature and later signed by Governor Gary Herbert. This bill:

- Addresses reporting of certain conduct in public schools and public school discipline policies.
- Modifies rules related to addressing prohibited conduct.
- Enacts approaches to disciplinary actions related to students.
- Amends provisions related to disruptive student behavior.
- Addresses contracts between local education agencies and law enforcement for school resource officer services.

The intent of this law is to encourage a continuum of high-quality, community-based services for lower-risk youth and their families, reduce juvenile crime, and shift the emphasis from incarceration to other school- and community-based family supports and treatment.



MAJOR CHANGES

TRUANCY AND DISRUPTIVE STUDENTS Schools may not refer students to law enforcement or juvenile court for truancy or the following kinds of offenses committed on school grounds: class C misdemeanors, infractions, or status offenses. Students who are habitually disruptive may not be referred to court. Referrals for these offenses go to alternative school-related interventions including mobile crisis outreach teams, receiving centers operated by the Division of Juvenile Justice Services (DJJS), youth court, and other restorative justice programs.

DEPENDENCY AND NEGLECT School personnel can continue to use existing systems for concerns regarding dependency and neglect. Schools must refer a family to the Department of Child and Family Services if they believe the home is unfit or that the student is the victim of abuse or neglect by parents/guardians.

MISDEMEANORS Schools maintain the same discretion to refer any class A and class B misdemeanors to court if the school considers it appropriate. Referrals for class B misdemeanors and non-person class A misdemeanors may be made directly to juvenile court or to alternative, school-based interventions. This policy applies to minor offenses alleged to have been committed by an enrolled student on school property.

LOCAL POLICIES Local policies on conduct and discipline shall be in accordance with the new statute HB 239.

YOUTH COURTS The following eligibility criteria for youth court has been removed: The student must admit having committed the referred offense, and the student and guardian must waive any privilege against self-incrimination. School boards are authorized—but not required—to partner with youth court programs, and make referrals to those programs or to other restorative justice programs.

YOUTH IN CARE PROGRAMS Two DJJS work camps have been closed this year. Residential Observation and Assessment Programs in Logan, Ogden, Salt Lake, Springville, Richfield, Blanding, and Vernal will be closed in August. DJJS will establish Home Detention and In-home Observation and Assessment in areas without these programs. Youth Services and Receiving Centers in Tooele, Moab, and Davis County will expand. Prevention and Early Intervention Services will be developed at the local level and in partnership with the schools, local mental health authorities, court personnel, and other community-based programs.

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Recommendations to Local Education Agencies

1. Establish a multidisciplinary team to review the needs of pre-delinquent and delinquent students in the district or school and to determine how HB 239 will affect the collaborative working relationships between schools, law enforcement, and the courts.

2. Establish data review protocols regarding the behavioral and disciplinary impacts of this legislation.

3. Develop and implement policies addressing the offenses committed by an enrolled student on school property that are specifically addressed in HB 239.

4. Explore additional evidence-based interventions and effective options for responding to truancy and disruptive behavior at schools as part of a district-wide, tiered system of graduated responses.

5. Collaborate with community mental health and social service agencies to expand available school mental health resources, family strengthening programs, and proven community-based truancy interventions.

6. Coordinate with the LEA's Youth in Care (YIC) director regarding use of state funds that may be used to support students who are receiving services from the Department of Human Services (DHS).

RESOURCES

- "When Every Student Matters: A K–12 Approach for Supporting and Promoting Graduation"
<https://relwest.wested.org/resources/237>
- Changing Minds Now <https://changingmindsnow.org/stories>
- Teen/Youth Court
http://www.ojjdp.gov/mpg/litreviews/Teen_Youth_Court.pdf
- Update on Teen Court Legislation http://www.youthcourt.net/update_on_teen_court_legislation.pdf
- "The Role of Restorative Justice in Teen Courts" by Tracy M. Godwin <https://www.ncjrs.gov/pdffiles1/ojjdp/188356.pdf>
- Utah Multi-Tiered System of Supports (UMTSS)
<https://schools.utah.gov/curr/umtss>
- Juvenile Justice Policy Study https://justice.utah.gov/ccjj_juvenile_justice_policy_study.html
- Developing a Memorandum of Understanding for School-Justice Partnerships: Technical Assistant Tools
www.ncjfcj.org/developing-memorandum-understanding-mou-your-school-justice-partnership

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