



ACADEMICAWEST

PROTECTING YOUR SCHOOL:
PERPETRATORS, PUGNACIOUS PARENTS, AND THE
PROVOKING PUBLIC

Presenter:
Platte Nielson
Attorney
Academica West



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PUBLIC SCHOOL PROPERTY

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ALL ACCESS TO THE PUBLIC ALL THE TIME



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SEX OFFENDERS

Scenario 1

You receive an email from a concerned parent complaining that the school is allowing sex offenders on its campus. The concerned parent claims that Mr. B., the uncle of a student at the school, is a registered sex offender yet Mr. B. drops off and picks up his nephew at the school nearly every day.

The concerned parent says this is illegal, unsafe for all the other students at the school, and that she will report this to the police and the state board of education if the school doesn't immediately stop this from happening again.



Scenario 2

You receive an email from a concerned parent complaining that the school is allowing sex offenders on its campus. The concerned parent claims that Ms. W., the mom of a student at the school, is a registered sex offender yet Ms. W. attends parent-teacher conferences at the school.

The concerned parent says this is illegal, unsafe for all the other students at the school, and that she will report this to the police and the state board of education if the school doesn't immediately stop this from happening again.



Scenario 3

You receive an email from a concerned parent complaining that the school is allowing sex offenders on its campus. The concerned parent claims that Mr. Z., the parent of a student at the school, is a registered sex offender yet Mr. Z. attends the school's home basketball and volleyball games. Mr. Z.'s student is not on the school's basketball or volleyball team, but Mr. Z.'s student attends the games with him and all the games are after normal school hours.

The concerned parent says this is illegal, unsafe for all the other students at the school, and that she will report this to the police and the state board of education if the school doesn't immediately stop this from happening again.



Scenario 4

You receive an email from a concerned parent complaining that the school is allowing sex offenders on its campus. The concerned parent claims that Ms. R. is a registered sex offender yet Ms. R. regularly attends a third-party theatre group's plays held in the school's auditorium on the weekends. The third-party theatre group rents the school's auditorium for their plays.

The concerned parent says this is illegal, unsafe for all the other students at the school, and that she will report this to the police and the state board of education if the school doesn't immediately stop this from happening again.



Sex Offender Restrictions

Utah Code § 77-27-21.7

- Registered sex offenders may not come onto school premises unless:
 - The sex offender must be on school grounds “to perform the sex offender’s **parental responsibilities;**” or
 - The “school is open and being used for a **public activity other than a school-related function that involves a minor.**”
- Registered sex offenders may not “serve as an athletic coach, manager, or trainer for any sports team of which a minor who is less than 18 years old is a member.”





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GUNS

Scenario 5

A group of parents in your school community who are gun enthusiasts send you a certified letter informing you that due to the passage of H.B. 60 this past legislative session, Utah is now a “Constitutional Carry State” and adults in the state are therefore now allowed to open carry or conceal carry on school property if they wish, with or without a concealed weapons permit.



Scenario 6

In your interviews with faculty and staff, you instruct them that they are permitted by law to carry concealed at school if they have a concealed weapons permit, but they cannot leave their gun in their desk at school, in a bag or purse that they aren't carrying, or any other place off their person where a student could access or steal the gun.

In your interviews you also tell each employee that they are required to notify you in advance if they have a concealed weapons permit and conceal carry at the school.



Guns on School Grounds

Utah Code § 76-10-505.5

- A person may not possess a gun on school premises, unless
 - The person has a **valid concealed weapons permit, carries concealed, and is 21 or older**;
 - The person is a US Marshall, federal official who is required to carry a gun, peace officer, law enforcement officer, qualified judge or court commissioner, or a common carrier while engaged in the regular and ordinary transport of guns as merchandise;
 - The person's possession of a gun is approved by the **responsible** school's administrator;
 - The gun is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use;
 - The school premises are at the person's place of residence or on the person's property; or
 - The possession is in **a vehicle under the person's control, other than** a vehicle owned by the school or used by the school to transport students.





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TRESPASSING

Scenario 7

The infamous Mrs. Jones is on yet another rampage in the front office. This time she is yelling at the secretaries because she believes her son's attendance records are wrong. She has been fuming in the front office for 20 minutes and there is no end in sight.



Trespass on School Property

Utah Code § 53G-8-603

- A person is guilty of criminal trespass upon school property if the person:
 - Enters or remains **unlawfully** upon school property, **and**:
 - Intends to cause annoyance or injury to a person or damage to property on the school property;
 - Intends to commit a crime; or
 - Is reckless as to whether the person's presence will cause fear for the safety of another.



Trespass on School Property

Utah Code § 53G-8-603

- A person is guilty of criminal trespass upon school property if the person:
 - Enters or remains **without authorization** upon school property **if** notice against entry or remaining has been given by:
 - Personal communication to the person by a **school official** or an individual with apparent authority to act for a school official;
 - The posting of signs reasonably likely to come to the attention of trespassers;
 - Fencing or other enclosure obviously designed to exclude trespassers; or
 - A current order of suspension or expulsion.



No Trespass Letter Example

Dear [name]:

As a result of your conduct at our school on [date], including [describe inappropriate, disruptive, or disorderly conduct], I am formally notifying you that you are no longer authorized to enter onto our school grounds [describe duration; e.g., “for the remainder of the school year” or “until further written notice”]. If you violate this and come onto our school grounds, the school will immediately call the police and pursue charges against you for, at a minimum, criminal trespass pursuant to Utah Code § 53G-8-603(1)(b)(i).

Please contact me by telephone or email if you wish to discuss this matter.

Regards,

[Name]
Director





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DISRUPTING THE
OPERATION OF A SCHOOL
&
DISORDERLY CONDUCT

Scenario 8

Mr. Smith thinks his daughter's teacher is inappropriately advocating his personal political views to his students during social studies. As a result, Mr. Smith has been observing his daughter's class the past two days – sitting in the back and taking copious notes on his laptop, constantly shaking his head, and regularly muttering to himself. The teacher and principal allowed these classroom observations, but midway through the second day they informed Mr. Smith that while they may allow him to observe the class sometime in the future, his observation was over for now because it was too disruptive. The next day Mr. Smith and a separate parent volunteer show up in class. The principal asks Mr. Smith to come chat with him in her office, but he refuses to leave the classroom, claiming that if the parent volunteer is allowed stay in the classroom so is he.



Disrupting Operations of a School

Utah Code § 76-9-106

- A person is guilty of disrupting the operation of a school if the person, **after being asked to leave by a school official**, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.



Disorderly Conduct

Utah Code § 76-9-102

- A person is guilty of disorderly conduct on school property if:
 - The individual refuses to comply with the lawful order of a law enforcement officer to move from the school property; or the individual knowingly creates a hazardous or physically offensive condition, by an act that serves no legitimate purpose. Or,
 - The individual, intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm:
 - Engages in fighting or in violent, tumultuous, or threatening behavior at the school;
 - Makes unreasonable noises in the school;
 - Makes unreasonable noise in a private place which can be heard in the school; or
 - Obstructs vehicular or pedestrian traffic at the school.





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ARREST REPORTING

Licensed Educators

- Must report to their charter school director **within 48 hours** (or as soon as possible) any **arrest, citation, or charge** of the following alleged offenses:
 - Sex offenses;
 - Drug-related offenses;
 - Alcohol-related offenses;
 - Offenses against the person (assault, battery, kidnapping, etc.);
 - Felony offenses against property (property destruction, trespass, theft, fraud, etc.); and
 - Domestic violence offenses.
- Must report **convictions, including pleas in abeyance and diversion agreements within 48 hours** (or as soon as possible) upon receipt of notice of the conviction, plea in abeyance or diversion agreement.



Non-Licensed Employees, Volunteers, and Board Members

- Must report, to the person and within the timeline established by their school's policy, **arrests** for the following alleged offenses:
 - Sex offenses;
 - Drug-related offenses;
 - Alcohol-related offenses; and
 - Offenses against the person (assault, battery, kidnapping, etc.).
- Must also report any **convictions, including pleas in abeyance and diversion agreements.**
- School must suspend such individuals from:
 - Student supervision responsibilities for alleged sex offenses and other alleged offenses which may endanger students during the period of investigation.
 - Transporting students or public education vehicle operation or maintenance for alleged offenses involving alcohol or drugs during the period of investigation.





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PROTECTIVE ORDERS

Protective Orders

- Different Types of Protective Orders:
 - Cohabitant Abuse Protective Order
 - Dating Violence Protective Order
 - Sexual Violence Protective Order
- Basic Process for Obtaining a Protective Order
 - Temporary vs Final Protective Order
- Types of Provisions
 - **Criminal Provisions:** personal conduct, no contact, stay away, and weapons restrictions
 - **Civil Provisions:** child custody, child support, use of phones and utilities, and retrieving personal property



Protective Orders Continued

- Expiration Date(s) of the Protective Order
 - If the protective order was issued after May 5, 2021, then the civil provisions of the protective order generally last 150 days unless the court finds good cause for extending the expiration date. The criminal provisions of the protective order will typically expire after 3 years.
 - If the protective order was issued between July 1, 2020 and May 4, 2021, all of the provisions will typically expire after 3 years.
 - If the protective order was issued before July 1, 2020, it could have one of several different expiration dates, including 180 days, 1 year, 10 years, or no expiration date.
 - https://www.utcourts.gov/abuse/protective_orders.html
- Read the Protective Order **Carefully**



Protective Orders Continued

- Child Protective Orders
 - Could expire after 150 days, less than 150 days, more than 150 days if there is good cause, or when the child turns 18. Read carefully.
- Civil Stalking Injunctions
 - Typically expire 3 years after issuance.





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EMERGENCY PLANS

Emergency Response Plans and Training

- Emergency Preparedness and Emergency Response Plans and Training
 - Written plans, drills, and training
 - Drills for students and staff include such things as lock down or lock out for violence, bomb threat, civil disturbance, and parent-student reunification.
 - Required by Utah Code § 53G-4-402(18) and R277-400





ACADEMICAWEST

Platte Nielson

platte@academicawest.com

290 N Flint St., Kaysville, UT 84037

801-444-9378