

USBE Legislative Request Form

(Policy, Funding, & Efficiency / Reductions)

2027 General Session

SECTION 1: THE BOTTOM LINE

Request Title: Parameters for Sex Offenders Being on School Property or Attending School Sponsored Activities

USBE Lead Point of Contact:

- Name: Debbie Davis, Chief Audit Executive
- Email: Debbie.davis@schools.utah.gov
- USBE Section: Internal Audit

Deputy Superintendent Reviewer: NA

Nature of Request (Select all that apply):

☒ **Policy Change:** Creating, amending, or repealing Utah State Code.

(Complete Section 4)

☐ **New/Increased Funding:** Seeking new financial resources.

(Complete Section 3)

☐ **Efficiency / Reduction:** Proposing the elimination or reduction of a program, mandate, or funding stream. *(Complete Section 3 and/or 4)*

Purpose Statement (BLUF - Bottom Line Up Front):

We are requesting an amendment to statute to include specific language with parameters for when a sex offender can be on school property or attend a school sponsored activity.

SECTION 2: THE BUSINESS CASE

The Problem:

Concerns have been received on the Public Education Hotline, and have been in the news, regarding a sex offender who is related to or a guest of an LEA employee being at a school or attending school sponsored activities that are not held at a public school, including overnight activities. For example see: <https://kutv.com/news/education/parents-question-vetting-after-reported-sex-offender-joined-highland-high-cheer-trip>

Current Utah Code states:

53-29-306(3) A sex offender who has committed a registrable offense against an individual younger than 18 years old may not:

(a) be in a protected area except:

(i) when the sex offender must be in a protected area to perform the sex offender's parental responsibilities;

(ii) (A) when the protected area is a public or private primary or secondary school; and

(B) the school is open and being used for a public activity other than a school-related function that involves a minor;

53-29-306(1) (c) (i) "Protected area" means the premises occupied by:

(C) a public or private primary or secondary school that is not on the grounds of a correctional facility;

Utah Code does not address if a protected area includes a school sponsored activity that is not at the school (e.g., athletic events/competitions, activities, field trips) and particularly overnight activities.

Projected Results:

It is less about the project result and more about risk if there is not action; however, the following would likely result:

- Increased parent/taxpayer satisfaction with a school/school personnel.
- Reduction of state and local hotline concerns or time spent per hotline concern.

Consequence of Inaction:

- Increased risk of legal liability to the state of Utah.
- Reduced enrollment in the public education system.

Evidence & Data:

The public education system is a statewide system, and this problem requires a statewide solution for consistency and transparency. Statewide solutions generally come in the form of statute or rulemaking as directed by statute (53E-3-401(4)). Sex offender registration requirements and the definition of “protected area” are currently in statute; therefore, an amendment to statute is the right approach.

SECTION 3: FUNDING, OFFSETS, & EFFICIENCIES – Not Applicable

SECTION 4: POLICY & STATUTE

Code Sections Affected:

[53-29-306](#) Sex Offender Restrictions

Other potential Code Sections that may be considered: [53-29-307](#), [53G-11-402](#), [53G-11-405](#)

Suggested Legislative Solution:

“Protected area” as defined in 53-29-306.

Consider modifying the definition of “protected area” to include any area, where school-sponsored activities are taking place inclusive of only elementary or secondary students and school personnel.

Alternatively, consider including a definition of “Protected activities” to acknowledge the many activities that are not held at a “protected area” where there are minors supervised by (i.e., the responsibility of) employees of the public education system. To protect the rights of sex offenders, the definition would likely need to include that the location is rented or made available only for the school-sponsored activity (i.e., it is not open to the public).

For example, a school-sponsored activity may take place in a museum. If the school reserves the museum exclusively for the school activity, the reserved museum would be considered a protected area or activity and a sex offender may not be present. However, if the school did not reserve the museum and it is open to the public as well as the school-sponsored activity, the public museum is not considered a protected area or activity and a sex offender could be present.

An additional designation that a sex offender could not be present could exist regarding an overnight or out-of-state school sponsored activity, as those activities have higher inherent risk of safety concerns.

Safeguards:

No unintended consequences for specific geographic areas or student populations.