

USBE Legislative Request Form

(Policy, Funding, & Efficiency / Reductions)

2027 General Session

SECTION 1: THE BOTTOM LINE

Request Title: Parameters for Criminal Trespass on School Property

USBE Lead Point of Contact:

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- USBE Section: Internal Audit Department

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 parameters if a school official gives notice to a parent against entry to/remaining on school property (i.e., criminal trespass).

SECTION 2: THE BUSINESS CASE

The Problem:

Concerns have been received on the Public Education Hotline regarding a school official notifying a parent/guardian that they cannot enter or remain on school property (i.e., criminal trespass as per Utah Code [53G-8-603](#)). Current Utah Code does not include specific requirements associated with the trespass notification, simply that it is a “personal communication to the person by a school official or an individual with apparent authority to act for a school official.” There are no requirements about documentation, timelines, authority, or appeals.

A criminal trespass may prevent a parent or guardian from having access to their child in circumstances when the child is sick or if there is an incident; it may also prohibit a parent or guardian from attending significant events specific to their child (e.g., awards ceremony, field trip, prom, athletic/activity event). 53E-2-201 underscores the importance of parents in the public education system, stating that:

(2) In the implementation of all policies, programs, and responsibilities adopted in accordance with this public education code, the Legislature, the state board, local school boards, and charter school governing boards shall:

- (a) respect, protect, and further the interests of parents in their children's public education; and*
- (b) promote and encourage full and active participation and involvement of parents at all public schools.*

Thus, the issue is how to balance parental rights with safety. Also considering access to public property is different than access to private property.

Other Utah Code specific to criminal trespass is found in [76-6-206](#).

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

Consequence of Inaction:

- Continued lack of transparency and accountability related to trespass and the inevitable implications related to parental rights and their students' public education.
- Increased risk of legal liability to the state of Utah if a trespass is deemed retaliation or if a parent cannot access their child.
- Reduced enrollment in the public education system.
- Increased number of hotline concerns, which reduces time available for state and local personnel to address other critical tasks and functions (e.g., proficiency, evaluations, oversight).

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)). Statute currently does not direct rulemaking by USBE specific to criminal trespass on school property; thus, amending Utah Code is the right approach.

SECTION 4: POLICY & STATUTE

Code Sections Affected:

[53G-8-603](#)

Suggested Legislative Solution:

Amend Utah Code to include parameters for the “personal communication” that is given to trespass a parent or guardian from school property to ensure parent rights are considered and to ensure the trespass is not retaliation.

Parameters could include:

- Clarification of reasons to trespass parents/guardians vs reasons to trespass others
- Official documentation of trespass as parent/guardian contact information is available, including:
 - Basis of trespass
 - Timeline of trespass
 - Appeal of trespass
- Review and approval of trespass by LEA governing board

Safeguards:

No unintended consequences for specific geographic areas or student populations.