

28 the minor has completed the eighth grade. Minors excused under this subsection are required to
29 attend part-time schooling or home schooling as prescribed by the board; or

30 (b) on an annual basis, a minor may receive a full release from attending a public, regularly
31 established private, or part-time school or class if:

32 (i) the minor has already completed the work required for graduation from high school,
33 or has demonstrated mastery of required skills and competencies in accordance with Subsection
34 53A-15-102(1);

35 [~~(ii) the minor is taught at home in the subjects prescribed by the State Board of Education~~
36 ~~in accordance with the law for the same length of time as minors are required by law to be taught~~
37 ~~in the district schools;~~]

38 [~~(iii)~~] (ii) the minor is in a physical or mental condition, certified by a competent physician
39 if required by the district board, which renders attendance inexpedient and impracticable;

40 [~~(iv)~~] (iii) proper influences and adequate opportunities for education are provided in
41 connection with the minor's employment; or

42 [~~(v)~~] (iv) the district superintendent has determined that a minor over the age of 16 is
43 unable to profit from attendance at school because of inability or a continuing negative attitude
44 toward school regulations and discipline.

45 [~~(2)~~] (3) In each case, evidence of reasons for granting an exemption must be sufficient
46 to satisfy the local board.

47 [~~(3)~~] (4) Boards excusing minors from attendance shall issue a certificate stating that the
48 minor is excused from attendance during the time specified on the certificate.

49 Section 2. Section **53A-11-904** is amended to read:

50 **53A-11-904. Grounds for suspension or expulsion from a public school.**

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

53 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
54 behavior, including the use of foul, profane, vulgar, or abusive language;

55 (b) willful destruction or defacing of school property;

56 (c) behavior or threatened behavior which poses an immediate and significant threat to the
57 welfare, safety, or morals of other students or school personnel or to the operation of the school;

58 (d) possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105;

59 or

60 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
61 school or school property, to a person associated with the school, or property associated with any
62 such person, regardless of where it occurs.

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

65 (i) any serious violation affecting another student or a staff member, or any serious
66 violation occurring in a school building, in or on school property, or in conjunction with any
67 school activity, including the possession, control, or actual or threatened use of a real, look alike,
68 or pretend weapon, explosive, or noxious or flammable material under Section 53A-3-502, or the
69 sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an
70 imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in
71 Section 58-37a-3; or

72 (ii) the commission of an act involving the use of force or the threatened use of force
73 which if committed by an adult would be a felony or class A misdemeanor.

74 (b) A student who commits a violation of Subsection (2)(a) involving a real, look alike,
75 or pretend firearm, explosive, or flammable material shall be expelled from school for a period of
76 not less than one year, unless the district superintendent determines, on a case-by-case basis, that
77 a lesser penalty would be more appropriate.

78 (3) A student may be denied admission to a public school on the basis of having been
79 expelled from that or any other school during the preceding 12 months.

80 (4) A suspension or expulsion under this section is not subject to the age limitations under
81 Subsection 53A-11-102[(†)] (2).

Legislative Review Note
as of 2-4-00 9:57 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel