

Superseded 8/1/2017

53A-11-910 Disruptive student behavior.

- (1) As used in this section:
 - (a) "Disruptive student behavior" includes:
 - (i) the grounds for suspension or expulsion described in Section 53A-11-904; and
 - (ii) the conduct described in Subsection 53A-11-908(2)(b).
 - (b) "Parent" includes:
 - (i) a custodial parent of a school-age minor;
 - (ii) a legally appointed guardian of a school-age minor; or
 - (iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).
 - (c) "Qualifying minor" means a school-age minor who:
 - (i) is at least nine years old; or
 - (ii) turns nine years old at any time during the school year.
 - (d) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor is enrolled.
- (2) A local school board, school district, governing board of a charter school, or charter school may impose administrative penalties on a school-age minor who violates this part.
- (3)
 - (a) It is unlawful for a school-age minor to engage in disruptive student behavior.
 - (b) A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
 - (ii)
 - (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and
 - (B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or
 - (iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year.
- (4)
 - (a) A local school board or governing board of a charter school shall:
 - (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
 - (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
 - (b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
 - (c) A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.
- (5) The notice of disruptive student behavior described in Subsection (4)(a):
 - (a) shall be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

- (ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;
 - (b) shall require that the qualifying minor and a parent of the qualifying minor:
 - (i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and
 - (ii) cooperate with the local school board or governing board of a charter school in correcting the school-age minor's disruptive student behavior;
 - (c) shall contain a statement indicating:
 - (i) the number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation; and
 - (ii) that the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and
 - (d) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.
- (6) A habitual disruptive student behavior citation:
- (a) may only be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
 - (ii)
 - (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and
 - (B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or
 - (iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and
 - (b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or governing board of a local charter school to issue habitual disruptive student behavior citations.
- (7)
- (a) A qualifying minor to whom a habitual disruptive student behavior citation is issued under Subsection (6) shall be referred to the juvenile court for violation of Subsection (3).
 - (b) Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (4)(c).
- (8) Nothing in this part prohibits a local school board, school district, governing board of a charter school, or charter school from taking any lawful action not in conflict with the provisions of this section, including action described in this part and action relating to a habitually truant or ungovernable child, to address a disruptive student behavior problem of:
- (a) a school-age minor who is not a qualifying minor; or
 - (b) a qualifying minor, regardless of the number of times that the qualifying minor has engaged in disruptive student behavior during the school year.