

Effective 1/24/2018

Part 2
School Discipline and Conduct Plans

Effective until 7/1/2024

53G-8-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Effective 7/1/2024

53G-8-201 Definitions.

As used in this part:

- (1) "Sexual crime" or "sexual misconduct" means any conduct described in:
 - (a) Title 76, Chapter 5, Part 4, Sexual Offenses;
 - (b) Title 76, Chapter 5b, Sexual Exploitation Act;
 - (c) Section 76-7-102, incest;
 - (d) Section 76-9-702, lewdness; and
 - (e) Section 76-9-702.1, sexual battery.
- (2) "Serious offense" means the same as that term is defined in Section 80-6-103.

Amended by Chapter 75, 2024 General Session

53G-8-202 Public school discipline policies -- Basis of the policies -- Enforcement.

- (1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.
- (2)
 - (a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.
 - (b) A district or charter school shall base its policies on the principle that every student is expected:
 - (i) to follow accepted standards of conduct; and
 - (ii) to show respect for other people and to obey persons in authority at the school.
 - (c)
 - (i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
 - (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
 - (d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
- (3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents

understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 446, 2019 General Session

Effective until 7/1/2024

53G-8-203 Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
 - (a) provisions governing student conduct, safety, and welfare;
 - (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
 - (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
 - (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
 - (i) the school;
 - (ii) school property;
 - (iii) a person associated with the school; or
 - (iv) property associated with a person described in Subsection (1)(e)(iii);
 - (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
 - (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
 - (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2)
 - (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
 - (b)
 - (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
 - (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
 - (c) The policy described in Subsection (2)(a) shall provide for:
 - (i) notice to the parent of a student prior to holding the student after school on a particular day; and
 - (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.
- (3)
 - (a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
 - (b) The policy described in Subsection (3)(a) shall:
 - (i) prohibit students from possessing or using electronic cigarette products on school property;

- (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
 - (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.
- (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:
- (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
 - (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.

Amended by Chapter 161, 2020 General Session

Effective 7/1/2024

53G-8-203 Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
- (a) provisions governing student conduct, safety, and welfare;
 - (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
 - (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
 - (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
 - (i) the school;
 - (ii) school property;
 - (iii) a person associated with the school; or
 - (iv) property associated with a person described in Subsection (1)(e)(iii);
 - (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
 - (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
 - (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2)
- (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
 - (b)
 - (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
 - (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
 - (c) The policy described in Subsection (2)(a) shall provide for:

- (i) notice to the parent of a student prior to holding the student after school on a particular day; and
 - (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.
- (3)
- (a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
 - (b) The policy described in Subsection (3)(a) shall:
 - (i) prohibit students from possessing or using electronic cigarette products on school property;
 - (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
 - (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.
 - (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:
 - (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
 - (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.
- (4)
- (a) Each LEA shall adopt a policy for responding to when a student has committed a serious offense or sexual crime.
 - (b) The policy described in Subsection (4)(a) shall:
 - (i) address a serious offense or sexual misconduct related to hazing;
 - (ii) distinguish procedures for when the crime occurs on school property and off of school property;
 - (iii) if a student has committed a serious offense or sexual crime, provide a process for a school resource officer to provide input for the LEA to consider regarding the safety risks a student may pose upon reintegration;
 - (iv) establish a process to inform a school resource officer of any student who is on probation;
 - (v) create procedures for determining an alternative placement for a student if the student attends the same school as:
 - (A) the victim of the student's crime; and
 - (B) an individual who has a protective order against the student; and
 - (vi) be compliant with state and federal law.

Amended by Chapter 75, 2024 General Session

Effective until 7/1/2024

53G-8-204 Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.

- (1)
- (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.
 - (b)
 - (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

- (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.
 - (iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board.
- (2)
- (a) Each local school board or charter school governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.
 - (b) A copy of the policy shall be posted in a prominent location in each school.
 - (c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Amended by Chapter 293, 2019 General Session

Effective 7/1/2024

53G-8-204 Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.

- (1)
- (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.
 - (b)
 - (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.
 - (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.
 - (iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local governing board.
- (2)
- (a) Each local governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.
 - (b) A copy of the policy shall be posted in a prominent location in each school.
 - (c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Amended by Chapter 75, 2024 General Session

Effective until 7/1/2024

53G-8-205 Grounds for suspension or expulsion from a public school.

- (1) A student may be suspended or expelled from a public school for the following reasons:
- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;
 - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

- (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - (f) possession or use of pornographic material on school property.
- (2)
- (a) A student shall be suspended or expelled from a public school for the following reasons:
 - (i) a serious violation affecting another student or a staff member, or a serious violation occurring in a school building, in or on school property, or in conjunction with a school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - (C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3;
 - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or
 - (iii) making a false report of an emergency at a school under Subsection 76-9-202(2)(d).
 - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school;
 - (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
 - (C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students.
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
- (4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).
- (5) Each local school board and charter school governing board shall prepare an annual report for the state board on:
 - (a) each violation committed under this section; and
 - (b) each action taken by the school district against a student who committed the violation.

Amended by Chapter 27, 2024 General Session

Effective 7/1/2024

53G-8-205 Grounds for suspension or expulsion from a public school.

- (1) A student may be suspended or expelled from a public school for the following reasons:
 - (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;
 - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
 - (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - (f) possession or use of pornographic material on school property.
- (2)
 - (a) A student shall be suspended or expelled from a public school for the following reasons:
 - (i) a serious violation affecting another student or a staff member, or a serious violation occurring in a school building, in or on school property, or in conjunction with a school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual use of violence or sexual misconduct;
 - (C) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - (D) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3;
 - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or
 - (iii) making a false report of an emergency at a school under Subsection 76-9-202(2)(d).
 - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school, including any provided for in the policies described in Section 53G-8-203;
 - (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
 - (C) if it would be in the best interest of both the LEA, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local governing board and giving highest priority to providing a safe school environment for all students.
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

- (4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).
- (5) A local governing board shall prepare an annual report for the state board on:
 - (a) each violation committed under this section; and
 - (b) each action taken by the LEA against a student who committed the violation.

Amended by Chapter 75, 2024 General Session

53G-8-206 Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.

- (1)
 - (a) A local school board may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.
 - (b) A charter school governing board may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.
- (2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.
- (3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.
- (4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:
 - (a) that the student has been suspended;
 - (b) the grounds for the suspension;
 - (c) the period of time for which the student is suspended; and
 - (d) the time and place for the parent to meet with a designated school official to review the suspension.
- (5)
 - (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.
 - (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:
 - (i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or
 - (ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.
 - (c) A suspension may not extend beyond 10 school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Amended by Chapter 293, 2019 General Session

53G-8-207 Alternatives to suspension or expulsion.

- (1) Each local school board or charter school governing board shall establish:

- (a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and
 - (b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.
- (2) If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent, in cooperation with school districts and charter schools, shall:
- (a) research methods of motivating and providing incentives to students that:
 - (i) directly and regularly reward or recognize appropriate behavior;
 - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
 - (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel; and
 - (e) maintain data for purposes of accountability, later reporting, and future analysis.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

53G-8-208 Student suspended or expelled -- Responsibility of parent -- Application for students with disabilities.

- (1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.
- (2)
- (a) The parent shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.
 - (b) The parent and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
- (3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent.
- (4)

- (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's cumulative folder.
 - (b) The district or charter school shall contact the parent of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.
- (5)
- (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.
 - (b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

Amended by Chapter 388, 2020 General Session

**53G-8-209 Extracurricular activities -- Prohibited conduct -- Reporting of violations --
Limitation of liability.**

- (1) The Legislature recognizes that:
- (a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;
 - (b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
 - (c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
 - (d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
 - (e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.
- (2)
- (a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.
 - (b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):
 - (i) the use of foul, abusive, or profane language while engaged in school related activities;
 - (ii) the illicit use, possession, or distribution of:
 - (A) a controlled substance or drug paraphernalia;
 - (B) a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-10-101; or
 - (C) an alcoholic beverage; and

- (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.
- (3)
- (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.
 - (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.
 - (c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.
- (4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

Amended by Chapter 161, 2020 General Session
Amended by Chapter 302, 2020 General Session
Amended by Chapter 347, 2020 General Session

53G-8-210 Disruptive student behavior.

- (1) As used in this section:
- (a) "Disruptive student behavior" includes:
 - (i) the grounds for suspension or expulsion described in Section 53G-8-205; and
 - (ii) the conduct described in Subsection 53G-8-209(2)(b).
 - (b) "Parent" includes:
 - (i) a custodial parent of a school-age child;
 - (ii) a legally appointed guardian of a school-age child; or
 - (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described in Subsection (1)(b)(i) or (ii).
 - (c) "Qualifying minor" means a school-age child 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 charter school governing board as the school year for the school where the school-age child is enrolled.
 - (e) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (2) A local school board, school district, charter school governing board, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age child who violates this part.
- (3)
- (a) A local school board or charter school governing board 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 child, 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 charter school governing board 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.
- (4) The notice of disruptive student behavior described in Subsection (3)(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 charter school governing board in correcting the qualifying minor's disruptive student behavior; and
 - (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.
- (5) A habitual disruptive student behavior notice:
 - (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 charter school governing board to issue a habitual disruptive student behavior notice.
- (6)
 - (a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.
 - (b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

Amended by Chapter 20, 2020 General Session

53G-8-211 Responses to school-based behavior.

- (1) As used in this section:
 - (a) "Evidence-based" means a program or practice that has:
 - (i) had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
 - (ii) been rated as effective by a standardized program evaluation tool; or
 - (iii) been approved by the state board.
 - (b) "Habitual truant" means a school-age child who:

- (i) is in grade 7 or above, unless the school-age child is under 12 years old;
- (ii) is subject to the requirements of Section 53G-6-202; and
- (iii)
 - (A) is truant at least 10 times during one school year; or
 - (B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.
- (c) "Minor" means the same as that term is defined in Section 80-1-102.
- (d) "Mobile crisis outreach team" means the same as that term is defined in Section 62A-15-102.
- (e) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(65) (b) and (c).
- (f) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:
 - (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
 - (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.
- (g) "School administrator" means a principal of a school.
- (h) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- (i) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.
- (j) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (k)
 - (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
 - (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
 - (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
 - (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
 - (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- (l)
 - (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
 - (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.
- (2) This section applies to a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:
 - (a) when school is in session; or
 - (b) during a school-sponsored activity.
- (3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, the school administrator, the school administrator's designee, or a school resource officer may refer the minor:
 - (a) to an evidence-based alternative intervention, including:
 - (i) a mobile crisis outreach team;

- (ii) a youth services center, as defined in Section 80-5-102;
 - (iii) a youth court or comparable restorative justice program;
 - (iv) an evidence-based alternative intervention created and developed by the school or school district;
 - (v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services; or
 - (vi) a tobacco cessation or education program if the offense is a violation of Section 76-10-105; or
- (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).
- (4) Except as provided in Subsection (5), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:
- (a) the minor allegedly committed the same offense on school property on two previous occasions; and
 - (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for both of the two previous offenses.
- (5) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
- (6) Notwithstanding Subsection (4), a school resource officer may:
- (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
 - (b) consult with school administration about the conduct of a minor enrolled in a school;
 - (c) transport a minor enrolled in a school to a location if the location is permitted by law;
 - (d) take temporary custody of a minor in accordance with Section 80-6-201; or
 - (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.
- (7)
- (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4), the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.
 - (b) A school representative appointed under Subsection (7)(a) may not be a school resource officer.
 - (c) A school district or school shall include the following in the school district's or school's referral to the court or the law enforcement officer or agency:
 - (i) attendance records for the minor;
 - (ii) a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
 - (iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
 - (iv) if the minor was referred to prevention or early intervention youth services under Subsection (3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates

- the minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and
- (v) any other information that the school district or school considers relevant.
- (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353, when the underlying offense is a status offense or infraction.
- (e) If a minor is referred to a court under Subsection (4), the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Division of Substance Abuse and Mental Health to address the minor.
- (8) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).
- (9) A school administrator, a school administrator's designee, and a school resource officer retain the discretion described under this section in relation to Title 63G, Chapter 31, Distinctions on the Basis of Sex.

53G-8-211 Responses to school-based behavior.

- (1) As used in this section:
- (a) "Evidence-based" means a program or practice that:
- (i) has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
 - (ii) has been rated as effective by a standardized program evaluation tool; or
 - (iii) is created and developed by a school or school district and has been approved by the state board.
- (b) "Habitual truant" means a school-age child who:
- (i) is in grade 7 or above, unless the school-age child is under 12 years old;
 - (ii) is subject to the requirements of Section 53G-6-202; and
 - (iii)
 - (A) is truant at least 20 days during one school year; or
 - (B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.
- (c) "Minor" means the same as that term is defined in Section 80-1-102.
- (i) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.
- (d) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(65) (b) and (c).
- (e) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:
- (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
 - (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.
- (f) "School administrator" means a principal of a school.
- (g) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- (h) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.

- (i) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (j)
 - (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
 - (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
 - (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
 - (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
 - (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- (k)
 - (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
 - (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.
- (2) This section applies to:
 - (a) a minor who is alleged to be a habitual truant; and
 - (b) a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:
 - (i) when school is in session; or
 - (ii) during a school-sponsored activity.
- (3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant, the school administrator, the school administrator's designee, or a school resource officer shall refer the minor:
 - (a) to an evidence-based alternative intervention, including:
 - (i) a mobile crisis outreach team;
 - (ii) a youth services center, as defined in Section 80-5-102;
 - (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;
 - (iv) an evidence-based alternative intervention created and developed by the school or school district;
 - (v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services;
 - (vi) a tobacco cessation or education program if the offense is a violation of Section 76-10-105; or
 - (vii) truancy mediation; or
 - (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).
- (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:

- (a) the minor allegedly committed an offense on school property on a previous occasion; and
 - (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for the previous offense.
- (5) If a minor is alleged to be a habitual truant, a school administrator, the school administrator's designee, or a school resource officer may only refer the minor to a law enforcement officer or agency or a court if:
- (a) the minor was previously alleged of being a habitual truant at least twice during the same school year; and
 - (b) the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in Subsection (3) for at least two of the previous habitual trancies.
- (6) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
- (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
- (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
 - (b) consult with school administration about the conduct of a minor enrolled in a school;
 - (c) transport a minor enrolled in a school to a location if the location is permitted by law;
 - (d) take temporary custody of a minor in accordance with Section 80-6-201; or
 - (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.
- (8)
- (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4) or (5), the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.
 - (b) A school representative appointed under Subsection (8)(a) may not be a school resource officer.
 - (c) A school district or school shall include the following in the school district's or school's referral to the court or the law enforcement officer or agency:
 - (i) attendance records for the minor;
 - (ii) a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
 - (iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
 - (iv) if the minor was referred to prevention or early intervention youth services under Subsection (3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and
 - (v) any other information that the school district or school considers relevant.
 - (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353:
 - (i) when the underlying offense is a status offense or infraction; or
 - (ii) for being a habitual truant.

- (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Office of Substance Use and Mental Health to address the minor.
- (9) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).
- (10) A school administrator, a school administrator's designee, and a school resource officer retain the discretion described under this section in relation to Title 63G, Chapter 31, Distinctions on the Basis of Sex.

Amended by Chapter 240, 2024 General Session

Amended by Chapter 301, 2024 General Session

53G-8-212 Defacing or damaging school property -- Student's liability -- Work program alternative.

- (1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.
- (2)
 - (a) If a school's property has been lost or willfully cut, defaced, or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages.
 - (b) The student's parent is liable for damages as otherwise provided in Section 80-6-610.
- (3)
 - (a) If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of the payment.
 - (b) The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.
- (4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.
- (5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
- (6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, the student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

Amended by Chapter 262, 2021 General Session

Effective until 7/1/2024

53G-8-213 Reintegration plan for student alleged to have committed a serious offense.violent felony or weapon offense.

- (1) As used in this section:
 - (a) "Multidisciplinary team" means:
 - (i) the local education agency;
 - (ii) the juvenile court;

- (iii) the Division of Juvenile Justice and Youth Services;
 - (iv) a school safety and security specialist designated under Section 53G-8-701.6;
 - (v) school safety and security director designated under Section 53G-8-701.8;
 - (vi) a school resource officer if applicable; and
 - (vii) any other relevant party that should be involved in a reintegration plan.
- (b) "Serious offense" means the same as that term is defined in Section 80-6-103.
- (2) If a school district receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five school days after the day on which the school receives a notification.
- (3) The school may deny admission to the student until the school completes the reintegration plan under Subsection (2).
- (4) The reintegration plan under Subsection (2) shall address:
- (a) a behavioral intervention for the student;
 - (b) a short-term mental health or counseling service for the student; and
 - (c) an academic intervention for the student.
- (5) A reintegration plan under this section is classified as a protected record under Section 63G-2-305.
- (6) All other records of disclosures under this section are governed by Title 63G, Chapter 2, Government Records Access and Management Act, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

Amended by Chapter 21, 2024 General Session
Amended by Chapter 240, 2024 General Session
Amended by Chapter 301, 2024 General Session

Effective 7/1/2024

53G-8-213 Reintegration plan for student alleged to have committed violent felony or weapon offense.

- (1) As used in this section, "multidisciplinary team" means:
- (a) the local education agency;
 - (b) the juvenile court;
 - (c) the Division of Juvenile Justice and Youth Services;
 - (d) a school safety and security specialist designated under Section 53G-8-701.6;
 - (e) school safety and security director designated under Section 53G-8-701.8;
 - (f) a school resource officer if applicable; and
 - (g) any other relevant party that should be involved in a reintegration plan.
- (2) If a school district receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five school days after the day on which the school receives a notification.
- (3) The school may deny admission to the student until the school completes the reintegration plan under Subsection (2).
- (4) The reintegration plan under Subsection (2) shall address:
- (a) a behavioral intervention for the student;
 - (b) a short-term mental health or counseling service for the student;

- (c) an academic intervention for the student; and
 - (d) if the serious offense was directed at a school employee or another student within the school, notification of the reintegration plan to that school employee or student and the student's parent.
- (5) A school district may not reintegrate a student into a school where:
- (a) a student or staff member has a protective order against the student being reintegrated; or
 - (b) a student or staff member is the victim of a sexual crime committed by the student being reintegrated.
- (6) A reintegration plan under this section is classified as a protected record under Section 63G-2-305.
- (7) All other records of disclosures under this section are governed by Title 63G, Chapter 2, Government Records Access and Management Act, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

Amended by Chapter 75, 2024 General Session