

Effective 5/12/2020

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