

Safe Schools

Disruptive Student Behavior

Disruptive Student Behavior—

It is unlawful for a student, nine years of age or older, to engage in disruptive student behavior. Disruptive student behavior includes:

1. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
2. Willful destruction or defacing of school property;
3. 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;
4. Possession, control, or use of an electronic cigarette as defined by Utah Code § 76-10-101, tobacco or an alcoholic beverage contrary to law;
5. 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.
6. Behavior listed below which threatens harm or does harm to the school or school property, or to a person associated with the school, or property associated with that person, regardless of where it occurs; as well as violation listed below that affect another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any 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.

7. 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 Utah law.

Utah Code Ann. § 53A-11-910 (2007)

Utah Code Ann. § 53A-11-908 (2010)

Notice of Disruptive Student Behavior—

A school administrator or the administrator's designee shall issue a Notice of Disruptive Student Behavior to a student, nine years of age or older, who:

1. Engages in disruptive student behavior, which does not result in suspension or expulsion, three times during the school year; or
2. Engages in disruptive student behavior, which results in suspension or expulsion, once during the school year.

The Notice of Disruptive Student Behavior shall:

1. Include a list of available resources, including a school counselor or other school representative designated to work with the student, to assist the parent or legal guardian in resolving the student's disruptive behavior problem before the student becomes subject to the jurisdiction of the juvenile court as discussed below;
2. Require the student and a parent or legal guardian of the student to meet with school authorities to discuss the student's disruptive behavior and cooperate in correcting the disruptive student behavior;
3. Contain a statement indicating the number of additional times that, if the minor engages in disruptive student behavior that does and/or does not result in suspension or expulsion, will result in a habitual disruptive student behavior citation according to the following schedule:
 - a. Engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
 - b. Engages in disruptive student behavior, that (A) does not result in suspension or expulsion, at least three times during the school year; and (B) that results in suspension or expulsion, at least once during the school year; or

- c. Engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year;
4. Outline the procedure the parent or legal guardian can follow to contest the notice of disruptive student behavior; and
5. Shall be mailed by certified mail to, or served on, the parent or legal guardian of the student.

Utah Code Ann. § 53A-11-910 (2007)

Habitual Disruptive Student Behavior Citation—

A habitual disruptive student behavior citation may only be issued by an authorized school administrator, a designee of a school administrator, or a truancy specialist, to a student, nine years or age or older, who:

1. Engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
2. Engages in disruptive student behavior, that (A) does not result in suspension or expulsion, at least three times during the school year; and (B) that results in suspension or expulsion, at least once during the school year; or
3. Engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year.

A student to whom a habitual disruptive student behavior citation is issued shall be referred to the juvenile court.

Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district shall provide documentation, to a parent or legal guardian of the student who receives the citation, of the efforts to attempt to resolve the minor's disruptive student behavior problems made by the designated school counselor or representative identified in the notice of disruptive student behavior.

Utah Code Ann. § 53A-11-910 (2007)