

Commissioner Rules Regarding Ejecting Disruptive Persons

Starting August 26th, districts will be under the Commissioner's new rules regarding disruptive persons. The statute regarding this process was passed by the 2017 Legislature, which directed the Commissioner to draft appropriate rules. The Commissioner published proposed rules, but the final version of the adopted rules was changed considerably from what had been proposed.

The statute and the rules allow a district administrator to force removal of an unauthorized person if that person "poses a substantial risk of harm to any person" and the person does not leave peaceably when asked. If a person is behaving "inappropriately for a school setting" (no definition is given) and the person is told by an administrator, resource officer, or peace officer that the behavior is inappropriate and may result in the person's removal or exclusion and the person persists in the inappropriate behavior, the person may also be removed or excluded. The district must keep a log of all the verbal warnings issued under this rule, including the date the warning was issued. If the person is ejected or excluded, the person must receive written information regarding the appeal process. The exclusion cannot prevent a parent from participating in an ARD meeting regarding the person's child. The district and each campus must post on the unit's webpage notice regarding the rule and the appeal process.

The facts in the paragraph above are unchanged from what the legislature passed in 2017. However, the appeal process has changed considerably from what the Commissioner proposed. Now, the appeal process is in line with the district grievance policies DGBA, FNG, and GL, with the exception that the Level 3 hearing (if requested) must occur within 90 days of the commencement of the appeal.

If you have questions, please call us at [\(800\) 488-9045](tel:8004889045) for specific guidance.