

1 **R277. Education, Administration.**

2 **R277-613. LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing,**  
3 **Retaliation, and Abusive Conduct.**

4 **R277-613-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Section [53G-9-606](#), which directs the board to monitor LEA development and  
7 implementation of bullying and hazing policies;

8 (b) Section [53G-9-607](#), which directs the board to make rules that establish  
9 standards for high quality training related to bullying, cyber-bullying, hazing, and  
10 abusive conduct, and retaliation;

11 (c) Section [53E-3-501](#), which directs the Board to establish rules and minimum  
12 standards for the public schools governing discipline and control;

13 (d) Section [53G-8-209](#), which requires the Board, when making rules regarding  
14 student participation in co-curricular or extracurricular activities, to include:

15 (i) prohibitions against the use of foul, abusive, or profane language while in the  
16 classroom, on school property, or during a school sponsored activity; and

17 (ii) prohibitions against hazing, demeaning, or assaultive behavior, whether  
18 consensual or not;

19 (e) Utah Constitution [Article X, Section 3](#), which vests general control and  
20 supervision over public education in the Board; and

21 (f) Subsection [53E-3-401](#)(4)(a), which allows the Board to make rules to execute  
22 the Board's duties and responsibilities under the Utah Constitution and state law.

23 (2) The purpose of the rule is to:

24 (a) require LEAs to develop, update, and implement bullying, cyber-bullying,  
25 hazing, retaliation, and abusive conduct policies at the school district and school level;

26 (b) provide for regular and meaningful training of school employees and  
27 students;

28 (c) provide for enforcement of the policies in schools, at the state level and in  
29 public school athletic programs; and

30 (d) require an LEA to review allegations of bullying, cyber-bullying, hazing,  
31 retaliation, and abusive conduct.

32

33 **R277-613-2. Definitions.**

34 (1) "Abusive conduct" means the same as that term is defined in Subsection  
35 [53G-9-601](#)(1).

36 (2)(a) "Bullying" means the same as that term is defined in Subsection [53G-9-](#)  
37 [601](#)(2).

38 (b) The conduct described in Subsection [53G-9-601](#)(2) constitutes bullying,  
39 regardless of whether the person against whom the conduct is committed directed,  
40 consented to, or acquiesced in, the conduct.

41 (3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing  
42 that is targeted at a student based upon the students' or employees' identification as  
43 part of any group protected from discrimination under the following federal laws:

44 (a) Title VI of the Civil Rights Act of 1964;

45 (b) Title IX of the Education Amendments of 1972;

46 (c) Section 504 of the Rehabilitation Act of 1973; or

47 (d) Title II of the Americans with Disabilities Act of 1990.

48 (4) "Cyber-bullying" means the same as that term is defined in Subsection [53G-](#)  
49 [9-601](#)(4).

50 (5) "Disruptive student behavior" means the same as that term is defined in  
51 Subsection [53G-8-210](#)(1)(a).

52 (6) "Hazing" means the same as that term is defined in Subsection [53G-9-](#)  
53 [601](#)(5).

54 (7)(a) "Incident" means one or more infractions committed by a student or group  
55 of students acting in concert, at the same time and place.

56 (b) A single incident may involve one or more victims and one or more offenders.

57 (8) "Infraction" means an act of prohibited behavior.

58 (9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and  
59 the Blind.

60 (10) "Participant" means any student, employee or volunteer coach participating  
61 in a public school sponsored athletic program or activity, including a curricular, co-  
62 curricular, or extracurricular club or activity.

63 (11) "Policy" means standards and procedures that:

64 (a) are required in Section [53G-9-605](#);

65 (b) include the provisions of Section [53G-8-202](#); and

66 (c) provide additional standards, procedures, and training adopted in an open  
67 meeting by an LEA board that:

68 (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

69 (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

70 (iii) require regular annual discussion and training designed to prevent bullying,  
71 cyber-bullying, hazing, and retaliation among school employees and students; and

72 (iv) provide for enforcement through employment action or student discipline.

73 (12) "Restorative justice practice" means a discipline practice that brings  
74 together students, school personnel, families, and community members to resolve  
75 conflicts, address disruptive behaviors, promote positive relationships, and healing.

76 (13) "Retaliate" or "retaliation" means the same as that term is defined in  
77 Subsection [53G-9-601](#)(7).

78 (14) "School employee" means the same as that term is defined in Subsection  
79 [53G-9-601](#)(10).

80 (15) "Trauma-Informed Care" means a strengths-based service delivery  
81 approach that is grounded in an understanding of and responsiveness to the impact of  
82 trauma, that emphasizes physical, psychological, and emotional safety for both the  
83 alleged victim and the individual who is alleged to have engaged in prohibited conduct,  
84 and that creates opportunities for targets to rebuild a sense of control and  
85 empowerment.

86 (16) "Volunteer" means a non-employee with significant, unsupervised access to  
87 students in connection with a school assignment.

88

89 **R277-613-3. Superintendent Responsibilities.**

90 (1) The Superintendent shall provide:

91 (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required  
92 in Section [53G-9-606](#);

93 (b) subject to availability of funds, model training and training opportunities on:

94 (i) the prevention and identification of bullying, cyber-bullying, hazing, and  
95 retaliation, that an LEA may use to train the LEA's employees, contract employees, and  
96 volunteers, including coaches; and

97 (ii) the reporting and review requirements in Section R277-613-5;

98 (c) subject to availability of funds, evidence based practices and policies related  
99 to the prevention of bullying, cyber-bullying, hazing, and retaliation.

100 (2) Although an LEA is required to have a policy on bullying, cyber-bullying,  
101 hazing, retaliation and abusive conduct as described in Section [53G-9-605](#) and this rule  
102 and provide training as described in Section [53G-9-607](#) and this rule, the LEA is not  
103 required to use the model policy or model training developed by the Superintendent  
104 described in Subsection (1).

105 (3) The Board may interrupt disbursements of funds consistent with Subsection  
106 [53E-3-401](#)(8) and Rule [R277-114](#) for failure of an LEA to comply with:

107 (a) [Title 53G, Chapter 9](#), Bullying and Hazing; and

108 (b) this rule.

109 (4) In addition to the requirements of [Title 53G, Chapter 9](#), Bullying and Hazing  
110 and this R277-613, LEAs are required to comply with applicable federal requirements.

111

112 **R277-613-4. LEA Responsibility to Create or Update Bullying Policies.**

113 (1) In addition to the requirements of Subsection [53G-9-605](#)(3), an LEA shall:

- 114 (a) develop, update, and implement policies as required by Section [53G-9-605](#)  
115 and this rule, which shall include a prohibition on:
- 116 (i) bullying;
  - 117 (ii) cyber-bullying;
  - 118 (iii) hazing;
  - 119 (iv) retaliation;
  - 120 (v) abusive conduct; and
  - 121 (vi) making a false report.
- 122 (b) post a copy of the LEA's policy on the LEA website;
- 123 (c) develop an action plan to address a reported incident of bullying, cyber-  
124 bullying, hazing, or retaliation;
- 125 (d) provide a requirement for a signed statement that meets the requirements of  
126 Subsection [53G-9-605\(3\)\(h\)](#) annually; and
- 127 (e) review the policies required by this Subsection (1) regularly with input from  
128 stakeholders, as described in Subsection [53G-9-605\(2\)\(a\)](#).
- 129 (2) A signed statement under Subsection (1)(d) may not be used as a substitute  
130 for other training requirements as set forth in this rule.
- 131 (3)(a) As required by Section [53G-9-605](#), an LEA shall notify a student's parent  
132 of:
- 133 (i) ~~[a parent's]~~the student's threat ~~[to commit]~~ of suicide; or
  - 134 (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the  
135 ~~parent's]~~ student as a victim or an individual who is alleged to have engaged in  
136 prohibited conduct.
- 137 (b) An LEA shall:
- 138 ~~[(i) notify a parent described in Subsection (3)(a) in a timely manner;]~~
  - 139 (i[i]) designate the appropriate school employee to provide parental notification;
  - 140 and
  - 141 (ii[i]) designate the format in which notification is provided to ~~[parents]~~ [a parent](#)  
142 and maintained by the LEA.

- 143 \_\_\_\_\_ (c) An LEA shall:
- 144 \_\_\_\_\_ (i) make a notification required in Subsection (3)(a) in a timely manner; [and](#)
- 145 \_\_\_\_\_ (ii) provide the parent with:
- 146 \_\_\_\_\_ (A) suicide prevention materials and information~~[, including resources on internet~~
- 147 [safety,\]](#) as recommended by the Superintendent in accordance with Subsection [53G-9-](#)
- 148 [604\(2\)\(b\)](#); ~~[and]~~
- 149 \_\_\_\_\_ (B) information on ways to limit a student’s access to fatal means, including
- 150 [firearms or medication](#)~~[-]~~;
- 151 \_\_\_\_\_ [\(C\) information and resources on the healthy use of social media and online](#)
- 152 [practices.](#)
- 153 (4) Subject to the parental consent requirements of Section [53E-9-203](#), if
- 154 applicable, an LEA shall assess students about the prevalence of bullying, cyber-
- 155 bullying, hazing, and retaliation in LEAs and schools, specifically locations where
- 156 students are unsafe and additional adult supervision may be required, such as
- 157 playgrounds, hallways, and lunch areas.
- 158 (5) An LEA shall take strong responsive action against retaliation, including
- 159 assistance to victims and their parents in reporting subsequent problems and new
- 160 incidents.
- 161 (6)(a) An LEA shall provide that students, school employees, coaches, and
- 162 volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive
- 163 conduct from individuals qualified to provide such training.
- 164 (b) The training described in Subsection (~~[5]~~[6](#))(a) shall
- 165 (i) include information on:
- 166 (A) bullying, cyber-bullying, hazing retaliation, and abusive conduct;
- 167 (B) discrimination under the following federal laws:
- 168 (I) Title VI of the Civil Rights Act of 1964;
- 169 (II) Title IX of the Education Amendments of 1972;
- 170 (III) Section 504 of the Rehabilitation Act of 1973; and
- 171 (IV) Title II of the Americans with Disabilities Act of 1990;

172 (C) how bullying, cyber-bullying, hazing retaliation, and abusive conduct are  
173 different from discrimination and may occur separately from each other or in  
174 combination;

175 (D) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are  
176 prohibited based upon the students' or employees' actual or perceived characteristics,  
177 including race, color, national origin, sex, disability, religion, gender identity, sexual  
178 orientation, or other physical or mental attributes or conformance or failure to conform  
179 with stereotypes; and

180 (E) the right of free speech and how it differs for students, employees, and  
181 parents;

182 (ii) complement the suicide prevention program required for students under Rule  
183 [R277-620](#) and the suicide prevention training required for licensed educators consistent  
184 with Subsection [53G-9-704\(1\)](#); and

185 (iii) include information on when issues relating to this rule may lead to student  
186 or employee discipline.

187 (7) The training described in Subsection (6) shall be offered to:

188 (a) new school employees, coaches, and volunteers within the first year of  
189 employment or service; and

190 (b) all school employees, coaches, and volunteers at least once every three  
191 years after the initial training.

192 (8)(a) An LEA's policies developed under this section shall complement existing  
193 school policies and research based school discipline plans.

194 (b) Consistent with Rule [R277-609](#), the discipline plan shall provide direction for  
195 dealing with bullying, cyber-bullying, hazing, retaliation, abusive conduct, and disruptive  
196 students.

197 (c) An LEA shall ensure that a discipline plan required by Rule [R277-609](#):

198 (i) directs schools to determine the range of behaviors and establish the  
199 continuum of administrative procedures to be used by school personnel to address the  
200 behavior of students;

201 (ii) provides for identification, by position, of individuals designated to issue  
202 notices of disruptive student behavior, bullying, cyber-bullying, hazing, retaliation, and  
203 abusive conduct;

204 (iii) designates to whom notices shall be provided;

205 (iv) provides for documentation of disruptive student behavior in the LEA's  
206 student information system;

207 (v) includes strategies to provide for necessary adult supervision;

208 (vi) is clearly written and consistently enforced; and

209 (vii) includes administration, instruction and support staff, students, parents,  
210 community council and other community members in policy development, training and  
211 prevention implementation so as to create a community sense of participation,  
212 ownership, support and responsibility.

213

214 **R277-613-5. Reporting and Incident Investigations of Allegations of Bullying,**  
215 **Cyber-bullying, Hazing, Retaliation and Abusive Conduct.**

216 (1) In accordance with an action plan adopted in accordance with Subsection  
217 R277-613-4(1)(c), an LEA shall:

218 (a) investigate allegations of incidents of bullying, cyber-bullying, hazing,  
219 retaliation, and abusive conduct in accordance with this section;

220 (b) provide an individual who investigates allegations of incidents of bullying,  
221 cyber-bullying, hazing, retaliation, and abusive conduct with adequate training on  
222 conducting an investigation; and

223 (c) identify an LEA employee to be the point person with training and expertise  
224 to assist, direct, and supervise training of other employees in the responsibilities  
225 established in Subsections R277-613-5(1)(a) and (b).

226 (2)(a) An LEA shall investigate allegations of incidents described in Subsection  
227 (1)(a) by interviewing:

228 (i) the alleged victim;

229 (ii) the individual who is alleged to have engaged in prohibited conduct;



- 230 (iii) parents of the alleged victim and the individual who is alleged to have  
231 engaged in prohibited conduct;
- 232 (iv) any witnesses;
- 233 (v) school staff familiar with the alleged victim;
- 234 (vi) school staff familiar with the individual who is alleged to have engaged in  
235 prohibited conduct; or
- 236 (vii) other individuals who may provide additional relevant information.
- 237 (c) An individual who investigates an allegation of an incident shall inform an  
238 individual being interviewed that:
- 239 (i) to the extent allowed by law, the individual shall keep all details of the  
240 interview confidential; and
- 241 (ii) further reports of bullying will become part of the review.
- 242 (3) The confidentiality requirement in Subsection (2)(c) does not apply to:
- 243 (a) conversations with law enforcement professionals;
- 244 (b) requests for information pursuant to a warrant or subpoena;
- 245 (c) a state or federal reporting requirement; or
- 246 (d) other reporting required by this rule.
- 247 (4) In conducting an investigation under this section, an LEA may:
- 248 (a) review disciplinary reports of involved students; and
- 249 (b) review physical evidence, consistent with search and seizure law in schools,  
250 which may include:
- 251 (i) video or audio;
- 252 (ii) notes;
- 253 (iii) email;
- 254 (iv) text messages;
- 255 (v) social media; or
- 256 (vi) graffiti.

257 (5) An LEA shall adopt a policy outlining under what circumstances the LEA will  
258 report incidents of bullying, cyber-bullying, harassment, and retaliation to law  
259 enforcement.

260 (6) An LEA shall adopt a policy outlining under what circumstances the LEA will  
261 investigate and report incidents of bullying, cyber-bullying, retaliation, and abusive  
262 conduct as civil rights violations.

263 (7) Following an investigation of a confirmed allegation of an incident of bullying,  
264 cyber-bullying, hazing, retaliation, or abusive conduct, if appropriate, an LEA may:

265 (a) in accordance with the requirements in Subsection (6), take positive  
266 restorative justice practice action, in accordance with policies established by the LEA;  
267 and

268 (b) support involved students through trauma-informed practices, if appropriate.

269 (8)(a) An alleged victim is not required to participate in a restorative justice  
270 practice as described in Subsection (7)(a) with an individual who is alleged to have  
271 engaged in prohibited conduct.

272 (b) If an LEA would like a student to participate in a restorative justice practice,  
273 the LEA shall notify the student's parent of the restorative justice practice and obtain  
274 consent from the student's parent before including the student in the process.

275 (9) A grievance process required under Subsection [53G-9-605\(3\)\(f\)](#) shall be  
276 consistent with the LEA's established grievance process.

277 (10) An LEA shall follow up with the parents of all parties to:

278 (a) inform parents when an investigation is concluded;

279 (b) inform parents what safety measures will be in place for their child, as  
280 determined by the investigation;

281 (c) provide additional information about the investigation or the resolution  
282 consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.  
283 1232g; and

284 (d) inform parents of appeal options, if available, if the parents disagree with  
285 resolution of the investigation.

286 (11) An LEA shall, as required by Subsection [53G-9-606](#)(2), report the following  
287 annually, on or before June 30, to the Superintendent in accordance with the  
288 Superintendent's submission requirements:

289 (a) a copy of the LEA's policy required in Section R277-613-4;

290 (b) implementation of the signed statement requirement described in Subsection  
291 [53G-9-605](#)(3)(h);

292 (c) verification of the LEA's training of school employees relating to bullying,  
293 cyber-bullying, hazing, retaliation, and abusive conduct described in Section [53G-9-607](#);

294 (d) verified and alleged incidents of bullying, cyber-bullying, hazing, retaliation,  
295 and abusive conduct;

296 (e) the number and type of incidents described in Subsection (11)(d) required to  
297 be reported separately under federal law, including the reporting requirements in:

298 (i) Title VI of the Civil Rights Act of 1964;

299 (ii) Title IX of the Education Amendments of 1972;

300 (iii) Section 504 of the Rehabilitation Act of 1973; and

301 (iv) Title II of the Americans with Disabilities Act of 1990; and

302 (f) the number and type of incidents described in Subsection (11)(d) that include  
303 a student or LEA employee who was bullied, cyber-bullied, hazed, or retaliated against  
304 based on the student's or LEA employee's actual or perceived characteristics, including  
305 disability, race, national origin, religion, sex, gender identity, or sexual orientation.

306 (12) The requirements of this Rule R277-613 are in addition to any federal  
307 requirements, including reporting civil rights violations to the appropriate entities and  
308 taking other appropriate action.

309

310 **R277-613-6. Training by LEAs Specific to Participants in Public School Athletic**  
311 **Programs and School Clubs.**

312 (1)(a) Prior to any student, employee or volunteer coach participating in a public  
313 school sponsored athletic program, both curricular and extracurricular, or extracurricular

314 club or activity, the student, employee or coach shall participate in bullying, cyber-  
315 bullying, hazing, retaliation, and abusive conduct prevention training.

316 (b) A training described in Subsection (1)(a) shall be offered to new participants  
317 on an annual basis and to all participants at least once every three years.

318 (2) An LEA shall inform student athletes and extracurricular club members of  
319 prohibited activities under this rule and potential consequences for violation of the law  
320 and the rule.

321 (3) An LEA shall maintain training participant lists or signatures, to be provided  
322 to the Board upon request.

323

324 **R277-613-7. Abusive Conduct.**

325 (1) An LEA shall prohibit abusive conduct.

326 (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation  
327 policy, required in Section [53G-9-605](#) and this rule, shall include a grievance process for  
328 a school employee who has experienced abusive conduct as described in Subsection  
329 [53G-9-605](#)(3)(f).

330

331 **KEY: abusive conduct, bullying, harassment, hazing, training**

332 **Date of Last Change:**

333 **Notice of Continuation:**

334 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53G-](#)  
335 [9-607](#); [53E-3-501](#); [53G-8-209](#); 53G-9**