

1 **R277. Education, Administration.**

2 **R277-609. Standards for LEA Discipline Plans and Emergency Safety**

3 **Interventions.**

4 **R277-609-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

8 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute
9 the Board's duties and responsibilities under the Utah Constitution and state law;

10 (c) Subsection [53E-3-501\(1\)\(b\)\(v\)](#), which requires the Board to establish rules
11 concerning discipline and control;

12 (d) Section [53E-3-509](#), which requires the Board to adopt rules that require a
13 local school board or governing board of a charter school to enact gang prevention and
14 intervention policies for all schools within the board's jurisdiction;

15 (e) Section [53G-8-702](#), which requires the Board to adopt rules regarding
16 training programs for school principals and school resource officers;

17 (f) Section [53G-8-202](#), which directs local school boards and charter school
18 governing boards to adopt conduct and discipline policies and directs the Board to
19 develop model policies to assist local school boards and charter school governing
20 boards; and

21 (g) Section [53G-8-302](#), which describes the instances when a school employee
22 may use reasonable and necessary physical restraint.

23 (2)(a) The purpose of this rule is to outline requirements for school discipline
24 plans, restorative practices, and related policies.

25 (b) An LEA's written policies shall include provisions to develop, implement, and
26 monitor the policies for the use of emergency safety interventions in all schools and for
27 all students within each LEA's jurisdiction.

28

29 **R277-609-2. Definitions.**

- 30 (1) "Discipline" includes:
- 31 (a) imposed discipline; and
- 32 (b) self-discipline.
- 33 (2) "Disruptive student behavior" includes:
- 34 (a) the grounds for suspension or expulsion described in Section [53G-8-205](#);
- 35 and
- 36 (b) the conduct described in Subsection [53G-8-209](#)(2)(b).
- 37 (3) "Electronic cigarette product" has the same meaning as that term is defined
- 38 in Section 76-10-101.
- 39 (4)(a) "Emergency safety intervention" or "ESI" means the use of seclusionary
- 40 time out or physical restraint when a student presents an immediate danger to self or
- 41 others.
- 42 (b) An "emergency safety intervention" is not for disciplinary purposes.
- 43 (5) "Emergency safety intervention committee" or "ESI Committee" means an
- 44 emergency safety intervention committee described in Section R277-609-7.
- 45 (6) "Evidence-based" means the same as defined in Section [53G-8-211](#).
- 46 (7) "Functional Behavior Assessment" or "FBA" means a systematic process of
- 47 identifying problem behaviors and the events that reliably predict occurrence and non-
- 48 occurrence of those behaviors and maintain the behaviors across time.
- 49 (8) "Harassment and discrimination free learning" means a learning environment
- 50 in which a student is treated fairly regardless of the student's characteristics including
- 51 race, color, religion or sex, and in which a student's ability to participate in or benefit
- 52 from the services, activities, or opportunities offered is not limited or interfered with by
- 53 conduct that is physically threatening, harmful, or humiliating.
- 54 (9) "Immediate danger" means the imminent danger of physical violence or
- 55 aggression towards self or others, which is likely to cause serious physical harm.
- 56 (10) "Imposed discipline" means a code of conduct prescribed for the highest
- 57 welfare of the individual and of the society in which the individual lives.

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

60 (12) "Physical restraint" has the same meaning as the defined in Section 53G-8-
61 301.

62 (13) "Plan" means an LEA and school-wide written model for prevention and
63 intervention addressing:

64 (a) student behavior management;

65 (b) restorative practices;

66 (c) harassment and discrimination free learning; and

67 (d) discipline procedures for students.

68 (14) "Positive behavior interventions and support" means an implementation
69 framework for maximizing the selection and use of evidence-based prevention practices
70 along a multi-tiered continuum that supports the academic, social, emotional, and
71 behavioral competence of a student.

72 (15) "Program" means an instructional or behavioral program including:

73 (a) contracted services offered by private providers under the direct supervision
74 of public school staff;

75 (b) a program that receives public funding; or

76 (c) a program for which the Board has regulatory authority.

77 (16) "Policy" means standards and procedures that include:

78 (a) Section [53G-8-202](#) and additional standards, procedures, and training
79 adopted in an open meeting by a local board of education or charter school board that:

80 (i) defines hazing, bullying, and cyber-bullying;

81 (ii) prohibits hazing and bullying;

82 (iii) requires training regarding:

83 (A) the prevention of hazing, bullying, cyber-bullying, and discipline among
84 school employees and students; and

85 (B) the use of restorative practices, positive behavior interventions and supports,
86 and emergency safety interventions;

87 (iv) provides for enforcement through employment action or student discipline;

88 (v) are informed and updated by data obtained by any regular safety or health
89 related survey including a school's climate survey as described in Rule [R277-623](#); and

90 (vi) other appropriate measurements.

91 (17) "Qualifying minor" means a school-age minor who:

92 (a) is at least nine years old; or

93 (b) turns nine years old at any time during the school year.

94 (18) "Restorative justice program" means the same as that term is defined in
95 Section [53G-8-211](#).

96 (19) "Restorative practice" means the building and sustaining of relationships
97 among students, school personnel, families and community members to build and
98 strengthen social connections within communities and hold individuals accountable to
99 restore relationships when harm has occurred.

100 (20) "School" means any public elementary or secondary school or charter
101 school.

102 (21) "School employee" means:

103 (a) a school teacher;

104 (b) a school staff member;

105 (c) a school administrator; or

106 (d) any other person employed, directly or indirectly, by an LEA.

107 (22) "Seclusionary time out" means that a student is:

108 (a) placed in a safe enclosed area by school personnel in accordance with the
109 requirements of Rules R392-200 and R710-4;

110 (b) purposefully isolated from adults and peers; and

111 (c) prevented from leaving, or reasonably believes that the student will be
112 prevented from leaving, the enclosed area.

113 (23) "Section 504 accommodation plan," required by Section 504 of the
114 Rehabilitation Act of 1973, means a plan designed to accommodate an individual who

115 has been determined, as a result of an evaluation, to have a physical or mental
116 impairment that substantially limits one or more major life activities.

117 (24) "Self-Discipline" means developing the ability to take personal responsibility
118 for one's actions.

119 (25) "Student with a qualifying offense" means a qualifying minor who committed
120 an alleged class C misdemeanor, infraction, status offense on school property, or
121 truancy.

122

123 **R277-609-3. Incorporation of Least Restricted Behavioral Interventions (LRBI)**
124 **Technical Assistance Manual by Reference.**

125 (1) This rule incorporates by reference the LRBI Technical Assistance Manual,
126 [~~dated September 2015~~] 2023 Edition, which provides guidance and information in
127 creating successful behavioral systems and supports within Utah's public schools that:

128 (a) promote positive behaviors while preventing negative or risky behaviors; and
129 (b) create a safe learning environment that enhances all student outcomes.

130 (2) A copy of the manual is located at:

131 (a)

132 [[https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333](https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333&tid=2)
133 <https://www.schools.utah.gov/administrativerules/documentsincorporated>]; and

134 (b) the Utah State Board of Education.

135

136 **R277-609-4. LEA Responsibility to Develop Plans.**

137 (1) An LEA or school shall develop and implement a board approved
138 comprehensive LEA plan or policy for student and classroom management, school
139 discipline, and restorative practices.

140 (2) An LEA shall include administration, instruction and support staff, students,
141 parents, community council, and other community members in policy development,
142 training, and prevention implementation so as to create a community sense of
143 participation, ownership, support, and responsibility.

144 (3) An LEA shall include as part of the plan, parental outreach and education
145 regarding the plan and how it can provide a discrimination and harassment free
146 environment, through strategies promoting positive engagement between staff,
147 students, and parents.

148 (4) A plan described in Subsection (1) shall include:

149 (a) the definitions of Section [53G-8-210](#);

150 (b) written standards for student behavior expectations, including school and
151 classroom management;

152 (c) effective instructional practices for teaching student expectations, including:

153 (i) self-discipline;

154 (ii) citizenship;

155 (iii) civic skills; and

156 (iv) social emotional skills;

157 (d) systematic methods for reinforcement of expected behaviors;

158 (e) uniform and equitable methods for correction of student behavior;

159 (f) consistent processes to collect student discipline data and incident or
160 infraction data, including collection of the number of days of student suspensions and
161 data collected from the school's climate survey as described in Rule [R277-623](#);

162 (g) uniform and equitable methods for at least annual school level data-based
163 evaluations of efficiency and effectiveness;

164 (h) an ongoing staff development program related to development of:

165 (i) student behavior expectations;

166 (ii) effective instructional practices for teaching and reinforcing behavior
167 expectations;

168 (iii) effective intervention strategies; and

169 (iv) effective strategies for evaluation of the efficiency and effectiveness of
170 interventions;

171 (i) procedures for ongoing training of appropriate school personnel in:

172 (i) crisis management;

- 173 (ii) emergency safety interventions; and
- 174 (iii) LEA policies related to emergency safety interventions consistent with
175 evidence-based practice;
- 176 (j) policies and procedures relating to the use and abuse of alcohol, controlled
177 substances, electronic cigarette products, and other harmful trends by students;
- 178 (k) policies and procedures for responding to possession or use of electronic
179 cigarette products by a student on school property as required by Subsection [53G-8-](#)
180 [203](#)(3);
- 181 (k) policies and procedures, consistent with requirements of Rule [R277-613](#),
182 related to:
- 183 (i) bullying;
- 184 (ii) cyber-bullying;
- 185 (iv) hazing; and
- 186 (v) retaliation;
- 187 (l) policies and procedures for the use of emergency safety interventions for all
188 students consistent with evidence-based practices including prohibition of:
- 189 (i) physical restraint, subject to the requirements of Section R277-609-5, except
190 when the physical restraint is allowed as described in Subsection [53G-8-302](#)(2);
- 191 (ii) prone, or face-down, physical restraint;
- 192 (iii) supine, or face-up, physical restraint;
- 193 (iv) physical restraint that obstructs the airway of a student or adversely affects a
194 student's primary mode of communication;
- 195 (v) mechanical restraint, except:
- 196 (A) protective or stabilizing restraints;
- 197 (B) restraints required by law, including seatbelts or any other safety equipment
198 when used to secure students during transportation; and
- 199 (C) any device used by a law enforcement officer in carrying out law
200 enforcement duties;
- 201 (vi) chemical restraint, except as:

202 (A) prescribed by a licensed physician, or other qualified health professional
203 acting under the scope of the professional's authority under State law, for the standard
204 treatment of a student's medical or psychiatric condition; and

205 (B) administered as prescribed by the licensed physician or other qualified
206 health professional acting under the scope of the professional's authority under state
207 law;

208 (vii) seclusionary time out, subject to the requirements of Section R277-609-5,
209 except when a student presents an immediate danger of serious physical harm to self or
210 others; and

211 (viii) for a student with a disability, emergency safety interventions written into a
212 student's IEP, as a planned intervention, unless:

213 (A) school personnel, the family, and the IEP team agree less restrictive means
214 have been attempted;

215 (B) a FBA has been conducted; and

216 (C) a positive behavior intervention, based on data analysis has been written
217 into the plan and implemented;

218 (m) direction for dealing with bullying and disruptive students;

219 (n) direction for schools to determine the range of behaviors and establish the
220 continuum of administrative procedures that may be used by school personnel to
221 address student behavior, including students who engage in disruptive student
222 behaviors as described in Section [53G-8-210](#);

223 (o) identification, by position, of an individual designated to issue notices of
224 disruptive and bullying student behavior;

225 (p) identification of individuals who shall receive notices of disruptive and
226 bullying student behavior;

227 (q) a requirement to provide for documentation of an alleged class B
228 misdemeanor or a nonperson class A misdemeanor before referral of students with an
229 alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;

230 (r) strategies to provide for necessary adult supervision;

- 231 (s) a requirement that policies be clearly written and consistently enforced;
- 232 (t) notice to employees that violation of this rule may result in employee
233 discipline or action;
- 234 (u) gang prevention and intervention policies in accordance with Subsection
235 [53E-3-509](#)(1);
- 236 (v) provisions that account for an individual LEA's or school's unique needs or
237 circumstances, including:
- 238 (i) the role of law enforcement;
- 239 (ii) emergency medical services; and
- 240 (iii) a provision for publication of notice to parents and school employees of
241 policies by reasonable means; and
- 242 (iv) a plan for referral for a student with a qualifying office to alternative school-
243 related interventions, including:
- 244 (A) a mobile crisis outreach team, as defined in Section [80-1-102](#);
- 245 (B) a receiving center operated by the Division of Juvenile Justice Services in
246 accordance with Section [80-5-102](#);
- 247 (C) a youth court; or
- 248 (w) a comparable restorative justice program.
- 249 (4) A plan described in Subsection (1) may include:
- 250 (a) Subsection [53E-3-509](#)(2); and
- 251 (b) a plan for training administrators and school resource officers in accordance
252 with Section [53G-8-702](#).

253

254 **R277-609-5. Physical Restraint and Seclusionary Time Out.**

- 255 (1) When used consistently with an LEA plan under Subsection R277-609-4(1):
- 256 (a) a physical restraint must be immediately terminated when:
- 257 (i) a student is no longer an immediate danger to self or others; or
- 258 (ii) a student is in severe distress; and

259 (b) the use of physical restraint shall be for the minimum time necessary to
260 ensure safety and a release criteria, as outlined in LEA policies, must be implemented.

261 (2) If a public education employee physically restrains a student, the school or
262 the public education employee shall provide notice as soon as reasonably possible and
263 before the student leaves the school as described in Section R277-609-10 to the
264 student's parent.

265 (3) A public education employee may not use physical restraint on a student for
266 more than the shortest of the following before stopping, releasing, and reassessing the
267 intervention used:

268 (a) the amount of time described in the LEA's emergency intervention training
269 program;

270 (b) 30 minutes; or

271 (c) when law enforcement arrives.

272 (4) A public education employee may not use physical restraint as a means of
273 discipline or punishment.

274 (5) If a public education employee uses seclusionary time out, the public
275 education employee shall:

276 (a) use the minimum time necessary to ensure safety;

277 (b) use release criteria as outlined in LEA policies;

278 (c) ensure that any door remains unlocked consistent with the fire and public
279 safety requirements described in Rules R392-200 and R710-4;

280 (d) maintain the student within line of sight of the public education employee;

281 (e) use the seclusionary time out consistent with the LEA's plan described in
282 Section R277-609-4; and

283 (f) ensure that the enclosed area meets the fire and public safety requirements
284 described in Rules R392-200 and R710-4.

285 (6) If a student is placed in seclusionary time out, the school or the public
286 education employee shall provide notice as soon as reasonably possible and before the
287 student leaves the school to:

288 (a) the student's parent; and

289 (b) school administration.

290 (7) A public education employee may not place a student in a seclusionary time
291 out for more than 30 minutes.

292 (8) In addition to the notice described in Subsection (7), if a public education
293 employee places a student in seclusionary time out for more than 15 minutes, the
294 school or the public education employee shall immediately provide notice to:

295 (a) the student's parent or guardian; and

296 (b) school administration.

297 (9) Seclusionary time out may only be used for maintaining safety.

298 (10) A public education employee may not use seclusionary time out as a means
299 of discipline or punishment.

300

301 **R277-609-6. Implementation.**

302 (1) An LEA shall implement strategies and policies consistent with the LEA's
303 plan required in Section R277-609-4.

304 (2) An LEA shall develop, use and monitor a continuum of intervention strategies
305 to assist students, including students whose behavior in school falls repeatedly short of
306 reasonable expectations, by teaching student behavior expectations, reinforcing student
307 behavior expectations, re-teaching behavior expectations, followed by effective,
308 evidence-based interventions matched to student needs before suspension or court
309 referral.

310 (3) An LEA shall implement positive behavior interventions, supports, and
311 restorative practices as part of the LEA's continuum of behavior interventions strategies.

312

313 **R277-609-7. LEA Emergency Safety Intervention (ESI) Committees.**

314 (1) An LEA shall establish an Emergency Safety Intervention (ESI) Committee.

315 (2) An LEA's ESI Committee:

316 (a) shall include:

- 317 (i) at least two administrators;
- 318 (ii) at least one parent or guardian of a student enrolled in the LEA, appointed by
319 the LEA; and
- 320 (iii) at least two certified educational professionals with behavior training and
321 knowledge in both state rules and LEA discipline policies;
- 322 (b) shall meet often enough to monitor the use of emergency safety intervention
323 in the LEA;
- 324 (c) shall determine and recommend professional development needs; and
- 325 (d) shall develop policies for local dispute resolution processes to address
326 concerns regarding disciplinary actions; and
- 327 (e) shall ensure that each emergency incident where a school employee uses an
328 emergency safety intervention is documented in the LEA's student information system
329 and reported to the Superintendent through the Board's Utah Transcript and Record
330 Exchange (UTREx) system.

331

332 **R277-609-8. LEA Reporting.**

333 (1) An LEA shall have procedures for the collection, maintenance, and periodic
334 review of documentation or records of the use of emergency safety interventions at
335 schools within the LEA.

336 (2) The Superintendent shall define the procedures for the collection,
337 maintenance, and review of records described in Subsection (1).

338 (3) An LEA shall provide documentation of any school, program or LEA's use of
339 emergency safety interventions to the Superintendent annually.

340 (4)(a) An LEA shall submit all required UTREx discipline data and incident or
341 infraction data elements, and suspensions to the Superintendent no later than June 30
342 of each year.

343 (b) Beginning in the 2018-19 school year, an LEA shall submit all required
344 UTREx discipline data and incident or infraction data elements as part of the LEA's daily
345 UTREx submission.

346

347 **R277-609-9. Special Education Exceptions to this Rule.**

348 (1) An LEA shall have in place, as part of its LEA special education policies,
349 procedures, or practices, criteria and steps for using emergency safety interventions
350 consistent with state and federal law.

351 (2) The Superintendent shall periodically review:

352 (a) all LEA special education behavior intervention, procedures, and manuals;
353 and

354 (b) emergency safety intervention data as related to IDEA eligible students in
355 accordance with Utah's Program Improvement and Planning System.

356

357 **R277-609-10. Parent Notification and Court Referral.**

358 (1) LEA policies shall provide procedures for qualifying minors and their parents
359 to participate in decisions regarding consequences for disruptive student behavior.

360 (2) An LEA shall establish policies that:

361 (a) provide notice to parents and information about resources available to assist
362 a parent in resolving the parent's school-age minors' disruptive behavior;

363 (b) provide for notices of disruptive behavior to be issued by schools to
364 qualifying minors and parents consistent with:

365 (i) numbers of disruptions, suspensions, and timelines in accordance with
366 Section [53G-8-210](#);

367 (ii) school resources available;

368 (iii) cooperation from the appropriate juvenile court in accessing student school
369 records, including:

370 (A) attendance;

371 (B) grades;

372 (C) behavioral reports; and

373 (D) other available student school data; and

374 (iv) provide due process procedures for minors and parents to contest
375 allegations and citations of disruptive student behavior.

376 (3)(a) When an emergency safety intervention is used to protect a student or
377 others from harm, a school shall:

378 (i) provide notice to the student's parent as soon as reasonably possibly and
379 before the student leaves the school;

380 (ii) provide notice to school administration; and

381 (iii) provide documentation of the emergency safety intervention to the LEA's ESI
382 Committee described in Section R277-609-7.

383 (b) In addition to the notice described in Subsection (3)(a), if the use of an
384 emergency safety intervention occurs for more than 15 minutes, the school shall
385 immediately provide a second notification to:

386 (i) the student's parent or guardian; and

387 (ii) school administration.

388 (d) A notice described in Subsection (3)(a) shall be documented within student
389 information systems (SIS) records.

390 (4)(a) A school shall provide a parent or guardian with a copy of any notes or
391 additional documentation taken during the use of the emergency safety intervention
392 upon request of the parent or guardian.

393 (b) Within 24 hours of the school using an emergency safety intervention with a
394 student, a school shall provide notice to a parent or guardian that the parent or guardian
395 may request a copy of any notes or additional documentation taken during the use of
396 the emergency safety intervention.

397 (c) A parent or guardian may request a time to meet with school staff and
398 administration to discuss the use of an emergency safety intervention.

399

400 **R277-609-11. Model Policies.**

401 (1) The Superintendent shall develop, review regularly, and provide to LEA
402 boards model policies to address disruptive student behavior and appropriate
403 consequences.

404 (2) The Superintendent shall provide technical assistance to LEAs in developing
405 and implementing policies and training employees in the appropriate use of physical
406 force and emergency safety interventions to the extent of resources available.

407

408 **R277-609-12. LEA Compliance.**

409 If an LEA fails to comply with this rule, the Superintendent may withhold funds in
410 accordance with Rule [R277-114](#) or impose any other sanction authorized by law.

411

412 **KEY: disciplinary actions, disruptive students, emergency safety interventions**

413 **Date of Last Change: 2023**

414 **Notice of Continuation: November 14, 2019**

415 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)
416 [3-501\(1\)\(b\)\(v\)](#); [53E-3-509](#); [53G-8-202](#); [53G-8-702](#); [53G-8-302](#)**