

1 **R277. Education, Administration.**

2 **R277-714. Unsafe School Choice Option.**

3 **R277-714-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (2) The purpose of this rule is to provide:

10 (a) a definition for a persistently dangerous school as required by [20 USC 7912](#);  
11 and

12 (b) a process for an LEA when a school within the LEA is designated as  
13 persistently dangerous.

14

15 **R277-714-2. Definitions.**

16 (1) "Persistently dangerous school" means a school within an LEA where at  
17 least 3% of students for 3 consecutive school years have been suspended or expelled  
18 for:

19 (a) a violent criminal offense that has occurred:

20 (i) on school property; or

21 (ii) at a school sponsored activity.

22 (b) a federal gun free school violation.

23 (2) "Violent criminal offense" means any of the following if the crime has been  
24 reported to law enforcement and a charge has been filed:

25 (a) actual or attempted criminal homicide as defined in Section [76-5-201](#);

26 (b) rape as defined in Section [76-5-402](#) through [76-5-402.3](#);

27 (c) aggravated sexual assault as defined in [76-5-405](#);

28 (d) forceable sexual abuse as defined in [76-5-404](#);

29 (e) aggravated sexual abuse of a child as defined in [76-5-404.1](#);

- 30 (f) aggravated assault as defined in [76-5-103](#); or  
31 (g) robbery as defined in [76-6-301](#).

32

33 **R277-714-3. LEA Notification to Parents – Transfer.**

34 (1) An LEA with a school that has been designated by the Superintendent as  
35 persistently dangerous shall provide the Superintendent with the following:

- 36 (a) a copy of the school and LEA’s safety plan;  
37 (b) a document outlining the local efforts to address school safety concerns;  
38 and  
39 (c) relevant school safety data requested by the Superintendent.

40 (2) An LEA shall provide the designated school’s information described in  
41 Subsection R277-714-3(1) within 30 days of receiving notice that the school within the  
42 LEA has been designated as a persistently dangerous school.

43 (3) An LEA with a school that is designated a persistently dangerous school  
44 shall notify parents with a student at the designated school in writing:

- 45 (a) that the school within the LEA has been designated a persistently  
46 dangerous school including the criteria that has caused the school to be designated as  
47 a persistently dangerous school;  
48 (b) that a parent may transfer the parent’s student to a safer school within the  
49 LEA if the parent chooses; and  
50 (c) the timeline for transfer of the parent’s student including the LEA’s deadline  
51 for a parent to choose a transfer, which may not exceed 30 days after receiving notice  
52 of a school within the LEA being designated as persistently dangerous.

53 (4) An LEA shall provide the written notice described in Subsection  
54 R277-714-3(3) within 15 days of receiving notice that the school within the LEA has  
55 been designated as a persistently dangerous school.

56

57 **R277-714-4. Action Plan Content and Implementation.**

58 (1) An LEA with a school that has been designated as persistently dangerous

59 shall create an action plan and submit the plan to the Superintendent by a time  
60 specified by the Superintendent.

61 (2) The LEA's action plan shall include how the LEA will:

62 (a) provide additional personnel and staff to supervise students;

63 (b) provide conflict resolution training and additional discipline training for staff  
64 of the school designated as persistently dangerous;

65 (c) collaborate with the applicable local law enforcement agency; and

66 (d) implement additional security measures for the school.

67 (3) An LEA with a school designated as persistently dangerous that fails to  
68 comply with any portion of this Rule R277-714 may be subject to a corrective action  
69 plan as described in Rule R277-114.

70

71 **KEY: school choice; persistently dangerous school.**

72 **Date of Enactment or Last Substantive Amendment: 2020**

73 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4)**