

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]~~of persistently dangerous school as required by 20 USC
11 7912; and

12 (b) a process for ~~[an LEA]~~complying with federal law when a school within the
13 LEA is designated as 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 three consecutive school years have been suspended or
18 expelled for:

19 (a) a reported violent criminal offense ~~[that has occurred]~~that took place:

20 (i) on school property; or

21 (ii) at a school sponsored activity.

22 (b) a federal gun free school violation as defined in 20 USC 7961.

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.

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

34 _____ (1) If an LEA ~~[with]~~has a school ~~[that has been]~~ designated by the
35 Superintendent as persistently dangerous the LEA or school shall provide to the
36 Superintendent~~[the Superintendent with the following]:~~

37 _____ (a) a copy of the school and LEA’s safety plan;

38 _____ (b) a document outlining the local efforts to address school safety concerns;
39 and

40 _____ (c) relevant school safety data requested by the Superintendent.

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

44 _____ (3) If an LEA ~~[with]~~has a school that is designated ~~[a]~~ persistently dangerous
45 ~~[school], the LEA shall ~~[notify parents with a student at the designated school in~~~~
46 ~~writing]~~provide written notice within 15 days of the school’s notice that is persistently
47 dangerous:

48 _____ (a) that the school ~~[within the LEA]~~ has been designated as persistently
49 dangerous ~~[school]~~, including the criteria that ~~[has]~~ caused the school to be designated
50 as persistently dangerous ~~[school]~~;

51 _____ (b) that a parent may transfer the parent’s student to a safer school within the
52 LEA if the parent chooses; and

53 _____ (c) the timeline and deadline for transfer of the parent’s student ~~[including the~~
54 ~~LEA’s deadline for a parent to choose a transfer]~~, which may not exceed 30 days after
55 ~~[receiving]~~a parent’s receipt of notice ~~[of a school within the LEA being designated as~~
56 ~~persistently dangerous]~~of a school’s designation.

57 _____ ~~[(4) An LEA shall provide the written notice described in Subsection~~
58 ~~R277-714-3(3) within 15 days of receiving notice that the school within the LEA has~~

59 been designated as a persistently dangerous school.]

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

62 (1) An LEA with a school that has been designated as persistently dangerous
63 shall create an action plan and submit the plan to the Superintendent as[by a time]
64 specified by the Superintendent.

65 (2) At minimum, the LEA’s action plan shall include how the LEA will:

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

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

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

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

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

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

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

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