

1 **R277. Education, Administration.**

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

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

4 (1) This rule is authorized by:

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

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

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

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

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

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

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

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

26

27 **R277-609-2. Definitions.**

28 (1) "Discipline" includes:

- 29 (a) imposed discipline; and  
30 (b) self-discipline.
- 31 (2) "Disruptive student behavior" includes:  
32 (a) the grounds for suspension or expulsion described in Section [53G-8-205](#);  
33 and  
34 (b) the conduct described in Subsection [53G-8-209\(2\)\(b\)](#).
- 35 (3) "Electronic cigarette product" has the same meaning as that term is defined in  
36 Section 76-10-101.
- 37 ~~[(3)(a)](4)(a)~~ "Emergency safety intervention" or "ESI" means the use of  
38 seclusionary time out or physical restraint when a student presents an immediate  
39 danger to self or others.
- 40 (b) An "emergency safety intervention" is not for disciplinary purposes.
- 41 ~~[(4)](5)~~ "Emergency safety intervention committee" or "ESI Committee" means  
42 an emergency safety intervention committee described in Section R277-609-7.
- 43 ~~[(5)](6)~~ "Evidence-based" means the same as defined in Section 53G-8-211.
- 44 ~~[(6)](7)~~ "Functional Behavior Assessment" or "FBA" means a systematic  
45 process of identifying problem behaviors and the events that reliably predict occurrence  
46 and non-occurrence of those behaviors and maintain the behaviors across time.
- 47 ~~[(7)](8)~~ "Immediate danger" means the imminent danger of physical violence or  
48 aggression towards self or others, which is likely to cause serious physical harm.
- 49 ~~[(8)](9)~~ "Imposed discipline" means a code of conduct prescribed for the highest  
50 welfare of the individual and of the society in which the individual lives.
- 51 ~~[(9)](10)~~ "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf  
52 and the Blind.
- 53 ~~[(10)](11)~~ "Physical restraint" has the same meaning as the defined in Section  
54 53G-8-301.

55 (12) "Plan" means an LEA and school-wide written model for prevention and  
56 intervention addressing student behavior management, restorative practices, and  
57 discipline procedures for students.

58 ~~[(12)]~~(13) "Positive behavior interventions and support" means an  
59 implementation framework for maximizing the selection and use of evidence-based  
60 prevention practices along a multi-tiered continuum that supports the academic, social,  
61 emotional, and behavioral competence of a student.

62 ~~[(13)]~~(14) "Program" means an instructional or behavioral program including:

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

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

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

67 ~~[(14)]~~(15) "Policy" means standards and procedures that include:

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

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

72 (ii) prohibits hazing and bullying;

73 (iii) requires training regarding:

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

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

78 (iv) provides for enforcement through employment action or student discipline.

79 ~~[(15)]~~(16) "Qualifying minor" means a school-age minor who:

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

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

82           ~~[(16)]~~(17) "Restorative justice program" means the same as that term is defined  
83 in Section [53G-8-211](#).

84           ~~[(17)]~~(18) "Restorative practice" means the building and sustaining of  
85 relationships among students, school personnel, families and community members to  
86 build and strengthen social connections within communities and hold individuals  
87 accountable to restore relationships when harm has occurred.

88           ~~[(18)]~~(19) "School" means any public elementary or secondary school or charter  
89 school.

90           (20) "School employee" means:

- 91           (a) a school teacher;
- 92           (b) a school staff member;
- 93           (c) a school administrator; or
- 94           (d) any other person employed, directly or indirectly, by an LEA.

95           (21) "Seclusionary time out" means that a student is:

- 96           (a) placed in a safe enclosed area by school personnel in accordance with the  
97 requirements of Rules R392-200 and R710-4;
- 98           (b) purposefully isolated from adults and peers; and
- 99           (c) prevented from leaving, or reasonably believes that the student will be  
100 prevented from leaving, the enclosed area.

101           (22) "Section 504 accommodation plan," required by Section 504 of the  
102 Rehabilitation Act of 1973, means a plan designed to accommodate an individual who  
103 has been determined, as a result of an evaluation, to have a physical or mental  
104 impairment that substantially limits one or more major life activities.

105           (23) "Self-Discipline" means a personal system of organized behavior designed  
106 to promote self-interest while contributing to the welfare of others.

107           (24) "Student with a qualifying offense" means a qualifying minor who committed  
108 an alleged class C misdemeanor, infraction, status offense on school property, or  
109 truancy.

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

112 (1) This rule incorporates by reference the LRBI Technical Assistance Manual,  
113 dated September 2015, which provides guidance and information in creating successful  
114 behavioral systems and supports within Utah's public schools that:

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

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

- 118 (a) <https://www.schools.utah.gov/file/d6715b0b-9125-4132-86d3-179d8629a895>;

119 and

- 120 (b) the Utah State Board of Education.

121

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

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

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

130 (3) A plan described in Subsection (1) shall include:

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

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

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

- 135 (i) self-discipline;
- 136 (ii) citizenship;
- 137 (iii) civic skills; and

- 138 (iv) social emotional skills;
- 139 (d) systematic methods for reinforcement of expected behaviors;
- 140 (e) uniform and equitable methods for correction of student behavior;
- 141 (f) consistent processes to collect student discipline data and incident or
- 142 infraction data, including collection of the number of days of student suspensions;
- 143 (g) uniform and equitable methods for at least annual school level data-based
- 144 evaluations of efficiency and effectiveness;
- 145 (h) an ongoing staff development program related to development of:
- 146 (i) student behavior expectations;
- 147 (ii) effective instructional practices for teaching and reinforcing behavior
- 148 expectations;
- 149 (iii) effective intervention strategies; and
- 150 (iv) effective strategies for evaluation of the efficiency and effectiveness of
- 151 interventions;
- 152 (i) procedures for ongoing training of appropriate school personnel in:
- 153 (i) crisis management;
- 154 (ii) emergency safety interventions; and
- 155 (iii) LEA policies related to emergency safety interventions consistent with
- 156 evidence-based practice;
- 157 (j) policies and procedures relating to the use and abuse of alcohol, controlled
- 158 substances, electronic cigarette products, and other harmful trends by students;
- 159 (k) policies and procedures for responding to possession or use of electronic
- 160 cigarette products by a student on school property as required by Subsection
- 161 53G-8-203(3);
- 162 (k) policies and procedures, consistent with requirements of Rule [R277-613](#),
- 163 related to:
- 164 (i) bullying;
- 165 (ii) cyber-bullying;

- 166 (iv) hazing; and  
167 (v) retaliation;
- 168 (l) policies and procedures for the use of emergency safety interventions for all  
169 students consistent with evidence-based practices including prohibition of:
- 170 (i) physical restraint, subject to the requirements of Section R277-609-5, except  
171 when the physical restraint is allowed as described in Subsection [53G-8-302\(2\)](#);
- 172 (ii) prone, or face-down, physical restraint;
- 173 (iii) supine, or face-up, physical restraint;
- 174 (iv) physical restraint that obstructs the airway of a student or adversely affects a  
175 student's primary mode of communication;
- 176 (v) mechanical restraint, except:
- 177 (A) protective or stabilizing restraints;
- 178 (B) restraints required by law, including seatbelts or any other safety equipment  
179 when used to secure students during transportation; and
- 180 (C) any device used by a law enforcement officer in carrying out law  
181 enforcement duties;
- 182 (vi) chemical restraint, except as:
- 183 (A) prescribed by a licensed physician, or other qualified health professional  
184 acting under the scope of the professional's authority under State law, for the standard  
185 treatment of a student's medical or psychiatric condition; and
- 186 (B) administered as prescribed by the licensed physician or other qualified  
187 health professional acting under the scope of the professional's authority under state  
188 law;
- 189 (vii) seclusionary time out, subject to the requirements of Section R277-609-5,  
190 except when a student presents an immediate danger of serious physical harm to self  
191 or others; and
- 192 (viii) for a student with a disability, emergency safety interventions written into a  
193 student's IEP, as a planned intervention, unless:

- 194 (A) school personnel, the family, and the IEP team agree less restrictive means  
195 have been attempted;
- 196 (B) a FBA has been conducted; and
- 197 (C) a positive behavior intervention, based on data analysis has been written  
198 into the plan and implemented(;)
- 199 (m) direction for dealing with bullying and disruptive students;
- 200 (n) direction for schools to determine the range of behaviors and establish the  
201 continuum of administrative procedures that may be used by school personnel to  
202 address student behavior, including students who engage in disruptive student  
203 behaviors as described in Section [53G-8-210](#);
- 204 (o) identification, by position, of an individual designated to issue notices of  
205 disruptive and bullying student behavior;
- 206 (p) identification of individuals who shall receive notices of disruptive and  
207 bullying student behavior;
- 208 (q) a requirement to provide for documentation of an alleged class B  
209 misdemeanor or a nonperson class A misdemeanor prior to referral of students with an  
210 alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;
- 211 (r) strategies to provide for necessary adult supervision;
- 212 (s) a requirement that policies be clearly written and consistently enforced;
- 213 (t) notice to employees that violation of this rule may result in employee  
214 discipline or action;
- 215 (u) gang prevention and intervention policies in accordance with Subsection  
216 [53E-3-509](#)(1);
- 217 (v) provisions that account for an individual LEA's or school's unique needs or  
218 circumstances, including:
- 219 (i) the role of law enforcement;
- 220 (ii) emergency medical services; and



- 221 (iii) a provision for publication of notice to parents and school employees of  
222 policies by reasonable means; and
- 223 (iv) a plan for referral for a student with a qualifying office to alternative  
224 school-related interventions, including:
- 225 (A) a mobile crisis outreach team, as defined in Section [78A-6-105](#);
- 226 (B) a receiving center operated by the Division of Juvenile Justice Services in  
227 accordance with Section [62A-7-104](#);
- 228 (C) a youth court; or
- 229 (w) a comparable restorative justice program.
- 230 (4) A plan described in Subsection (1) may include:
- 231 (a) the provisions of Subsection [53E-3-509](#)(2); and
- 232 (b) a plan for training administrators and school resource officers in accordance  
233 with Section [53G-8-702](#).

234

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

236 (1) When used consistently with an LEA plan under Subsection R277-609-4(1):

237 (a) a physical restraint must be immediately terminated when:

238 (i) a student is no longer an immediate danger to self or others; or

239 (ii) a student is in severe distress; and

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

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

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

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

251 (b) 30 minutes; or

252 (c) when law enforcement arrives.

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

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

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

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

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

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

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

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

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

269 (a) the student's parent; and

270 (b) school administration.

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

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

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

277 (b) school administration.

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

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

281

282 **R277-609-6. Implementation.**

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

285 (2) An LEA shall develop, use and monitor a continuum of intervention  
286 strategies to assist students, including students whose behavior in school falls  
287 repeatedly short of reasonable expectations, by teaching student behavior  
288 expectations, reinforcing student behavior expectations, re-teaching behavior  
289 expectations, followed by effective, evidence-based interventions matched to student  
290 needs prior to suspension or court referral.

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

294

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

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

297 (2) An LEA's ESI Committee:

298 (a) shall include:

299 (i) at least two administrators;

300 (ii) at least one parent or guardian of a student enrolled in the LEA, appointed by  
301 the LEA; and

302 (iii) at least two certified educational professionals with behavior training and  
303 knowledge in both state rules and LEA discipline policies;

304 (b) shall meet often enough to monitor the use of emergency safety intervention  
305 in the LEA;

306 (c) shall determine and recommend professional development needs; and

307 (d) shall develop policies for local dispute resolution processes to address  
308 concerns regarding disciplinary actions; and

309 (e) shall ensure that each emergency incident where a school employee uses an  
310 emergency safety intervention is documented in the LEA's student information system  
311 and reported to the Superintendent through the Board's UTREx system.

312

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

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

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

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

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

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

327

328 **R277-609-9. Special Education Exception(s) to this Rule.**

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

- 332 (2) The Superintendent shall periodically review:  
333 (a) all LEA special education behavior intervention, procedures, and manuals;  
334 and  
335 (b) emergency safety intervention data as related to IDEA eligible students in  
336 accordance with Utah's Program Improvement and Planning System.

337

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

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

341 (2) An LEA shall establish policies that:

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

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

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

348 (ii) school resources available;

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

351 (A) attendance;

352 (B) grades;

353 (C) behavioral reports; and

354 (D) other available student school data; and

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

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

359 (i) provide notice to the student's parent as soon as reasonably possibly and before the  
360 student leaves the school;  
361 (ii) provide notice to school administration; and  
362 (iii) provide documentation of the emergency safety intervention to the LEA's ESI  
363 Committee described in R277-609-7.

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

367 (i) the student's parent or guardian; and  
368 (ii) school administration.

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

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

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

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

380

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

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

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

388

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

390 If an LEA fails to comply with this rule, the Superintendent may withhold funds in  
391 accordance with Rule R277-114 or impose any other sanction authorized by law.

392

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

394 **Date of Enactment or Last Substantive Amendment: January 22, 2020**

395 **Notice of Continuation: October 14, 2016**

396 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**

397 **[53E-3-501\(1\)\(b\)\(v\)](#); [53E-3-509](#); [53G-8-202](#); [53G-8-702](#), [53G-8-302](#)**

398