

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  
6 supervision 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  
13 intervention 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  
17 governing boards to adopt conduct and discipline policies and directs the Board to develop  
18 model policies 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](#); and

33 (b) the conduct described in Subsection [53G-8-209\(2\)\(b\)](#).

34 (3) "Electronic cigarette product" has the same meaning as that term is defined in  
35 Section [76-10-101](#).

36 (4)(a) "Emergency safety intervention" or "ESI" means the use of seclusionary  
37 time out or physical restraint when a student presents an immediate danger to self or  
38 others.

39 (b) An "emergency safety intervention" is not for disciplinary purposes.

40 (5) "Emergency safety intervention committee" or "ESI Committee" means an  
41 emergency safety intervention committee described in Section R277-609-7.

42 (6) "Evidence-based" means the same as defined in Section [53G-8-211](#).

43 (7) "Functional Behavior Assessment" or "FBA" means a systematic process of  
44 identifying problem behaviors and the events that reliably predict occurrence and non-  
45 occurrence of those behaviors and maintain the behaviors across time.

46 (8) "Immediate danger" means the imminent danger of physical violence or  
47 aggression towards self or others, which is likely to cause serious physical harm.

48 (9) "Imposed discipline" means a code of conduct prescribed for the highest  
49 welfare of the individual and of the society in which the individual lives.

50 (10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and  
51 the Blind.

52 (11) "Physical restraint" has the same meaning as the defined in Section 53G-8-  
53 301.

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

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

61 (14) "Program" means an instructional or behavioral program including:

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

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

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

66 (15) "Policy" means standards and procedures that include:

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

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

71 (ii) prohibits hazing and bullying;

72 (iii) requires training regarding:

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

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

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

78 (16) "Qualifying minor" means a school-age minor who:

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

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

81 (17) "Restorative justice program" means the same as that term is defined in  
82 Section 53G-8-211.

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

87 (19) "School" means any public elementary or secondary school or charter school.

88 (20) "School employee" means:

89 (a) a school teacher;

90 (b) a school staff member;

91 (c) a school administrator; or

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

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

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

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

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

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

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

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

107

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

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

113 (a) promote positive behaviors while preventing negative or risky behaviors; and

114 (b) create a safe learning environment that enhances all student outcomes.

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

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

117 and

118 (b) the Utah State Board of Education.

119

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

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

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

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

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

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

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

133           (i) self-discipline;

134           (ii) citizenship;

135           (iii) civic skills; and

136           (iv) social emotional skills;

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

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

139           (f) consistent processes to collect student discipline data and incident or infraction  
140 data, including collection of the number of days of student suspensions;

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

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

144           (i) student behavior expectations;

145           (ii) effective instructional practices for teaching and reinforcing behavior  
146 expectations;

147           (iii) effective intervention strategies; and

148           (iv) effective strategies for evaluation of the efficiency and effectiveness of  
149 interventions;

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

151           (i) crisis management;

152           (ii) emergency safety interventions; and

153           (iii) LEA policies related to emergency safety interventions consistent with  
154 evidence-based practice;

155 (j) policies and procedures relating to the use and abuse of alcohol, controlled  
156 substances, electronic cigarette products, and other harmful trends by students;

157 (k) policies and procedures for responding to possession or use of electronic  
158 cigarette products by a student on school property as required by Subsection 53G-8-  
159 203(3);

160 (k) policies and procedures, consistent with requirements of Rule [R277-613](#),  
161 related to:

162 (i) bullying;

163 (ii) cyber-bullying;

164 (iv) hazing; and

165 (v) retaliation;

166 (l) policies and procedures for the use of emergency safety interventions for all  
167 students consistent with evidence-based practices including prohibition of:

168 (i) physical restraint, subject to the requirements of Section R277-609-5, except  
169 when the physical restraint is allowed as described in Subsection [53G-8-302](#)(2);

170 (ii) prone, or face-down, physical restraint;

171 (iii) supine, or face-up, physical restraint;

172 (iv) physical restraint that obstructs the airway of a student or adversely affects a  
173 student's primary mode of communication;

174 (v) mechanical restraint, except:

175 (A) protective or stabilizing restraints;

176 (B) restraints required by law, including seatbelts or any other safety equipment  
177 when used to secure students during transportation; and

178 (C) any device used by a law enforcement officer in carrying out law enforcement  
179 duties;

180 (vi) chemical restraint, except as:

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

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

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

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

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

193 (B) a FBA has been conducted; and

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

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

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

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

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

205 (q) a requirement to provide for documentation of an alleged class B misdemeanor  
206 or a nonperson class A misdemeanor prior to referral of students with an alleged class B  
207 misdemeanor or a nonperson class A misdemeanor to juvenile court;

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

209 (s) a requirement that policies be clearly written and consistently enforced;

210 (t) notice to employees that violation of this rule may result in employee discipline  
211 or action;

212 (u) gang prevention and intervention policies in accordance with Subsection [53E-](#)  
213 [3-509\(1\)](#);

214 (v) provisions that account for an individual LEA's or school's unique needs or  
215 circumstances, including:

216 (i) the role of law enforcement;

- 217 (ii) emergency medical services; and  
218 (iii) a provision for publication of notice to parents and school employees of policies  
219 by reasonable means; and  
220 (iv) a plan for referral for a student with a qualifying office to alternative school-  
221 related interventions, including:  
222 (A) a mobile crisis outreach team, as defined in Section ~~[78A-6-105]~~[80-1-102](#);  
223 (B) a receiving center operated by the Division of Juvenile Justice Services in  
224 accordance with Section ~~[62A-7-104]~~[80-5-102](#);  
225 (C) a youth court; or  
226 (w) a comparable restorative justice program.  
227 (4) A plan described in Subsection (1) may include:  
228 (a) the provisions of Subsection [53E-3-509](#)(2); and  
229 (b) a plan for training administrators and school resource officers in accordance  
230 with Section [53G-8-702](#).

231

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

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

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

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

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

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

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

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

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



- 248 (b) 30 minutes; or
- 249 (c) when law enforcement arrives.
- 250 (4) A public education employee may not use physical restraint as a means of
- 251 discipline or punishment.
- 252 (5) If a public education employee uses seclusionary time out, the public education
- 253 employee shall:
- 254 (a) use the minimum time necessary to ensure safety;
- 255 (b) use release criteria as outlined in LEA policies;
- 256 (c) ensure that any door remains unlocked consistent with the fire and public safety
- 257 requirements described in R392-200 and R710-4;
- 258 (d) maintain the student within line of sight of the public education employee;
- 259 (e) use the seclusionary time out consistent with the LEA's plan described in
- 260 Section R277-609-4; and
- 261 (f) ensure that the enclosed area meets the fire and public safety requirements
- 262 described in R392-200 and R710-4.
- 263 (6) If a student is placed in seclusionary time out, the school or the public
- 264 education employee shall provide notice as soon as reasonably possible and before the
- 265 student leaves the school to:
- 266 (a) the student's parent; and
- 267 (b) school administration.
- 268 (7) A public education employee may not place a student in a seclusionary time
- 269 out for more than 30 minutes.
- 270 (8) In addition to the notice described in Subsection (7), if a public education
- 271 employee places a student in seclusionary time out for more than fifteen minutes, the
- 272 school or the public education employee shall immediately provide notice to:
- 273 (a) the student's parent or guardian; and
- 274 (b) school administration.
- 275 (9) Seclusionary time out may only be used for maintaining safety.
- 276 (10) A public education employee may not use seclusionary time out as a means
- 277 of discipline or punishment.
- 278

279 **R277-609-6. Implementation.**

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

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

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

290

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

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

293 (2) An LEA's ESI Committee:

294 (a) shall include:

295 (i) at least two administrators;

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

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

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

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

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

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

308

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

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

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

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

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

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

323

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

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

328 (2) The Superintendent shall periodically review:

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

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

332

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

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

336 (2) An LEA shall establish policies that:

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

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

341 (i) numbers of disruptions, suspensions, and timelines in accordance with Section  
342 53G-8-210;

343 (ii) school resources available;

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

346 (A) attendance;

347 (B) grades;

348 (C) behavioral reports; and

349 (D) other available student school data; and

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

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

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

356 (ii) provide notice to school administration; and

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

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

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

363 (ii) school administration.

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

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

369 (b) Within 24 hours of the school using an emergency safety intervention with a  
370 student, a school shall provide notice to a parent or guardian that the parent or guardian

371 may request a copy of any notes or additional documentation taken during the use of the  
372 emergency safety intervention.

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

375

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

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

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

382

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

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

386

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

388 **Date of Enactment or Last Substantive Amendment: [~~August 12, 2020~~]2021**

389 **Notice of Continuation: [~~November 14, 2019~~]2021**

390 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)  
391 [3-501\(1\)\(b\)\(v\)](#); [53E-3-509](#); [53G-8-202](#); [53G-8-702](#), [53G-8-302](#)**