

R277-736 received final approval by the Utah State Board of Education on April 16, 2020. R277-736 will be published in the May 15, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of June 22, 2020.

R277. Education, Administration.

R277-736. Juvenile Court or Law Enforcement Notice and Information Dissemination.

R277-736-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Section 53G-8-404, which requires the Board to make rules governing the dissemination of information related to a student charged with a violent felony.
- (2) The purpose of this rule is to provide the process for information dissemination within an LEA and a school when a student of the LEA and school has been taken into custody or adjudicated by a juvenile court.

R277-736-2. Definitions.

- (1) "Evidence-based" means the same as the term is defined in Subsection 53G-8-211(1).
- (2) "Information" means any notifications regarding a student received from a juvenile court or law enforcement agency by an LEA or school pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(c).
- (3) "Multi-disciplinary team" means the same as the term is used in Section R277-400-8.

R277-736-3. Dissemination of Information Received.

- (1)(a) A school principal that receives information from the LEA's governing authority shall not share the information before consulting with the school's multi-disciplinary team.

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(b) A school principal may share the information without consulting the school's multi-disciplinary team when the information demonstrates possible imminent harm to self or others.

(2) A school principal and the school's multi-disciplinary team shall use the information regarding a student to assess the level of threat the student poses including potential for:

(a) self-harm;

(b) suicide ideation;

(c) harm to others; or

(d) harm to school property.

(3) A school principal and the school's multi-disciplinary team shall use an evidence-based threat assessment, as approved by the board, to perform the requirements described in Subsection (2).

(4) A school principal and the school's multi-disciplinary team shall determine, based on the level of threat, the appropriate school staff to inform regarding the information of a student.

(5) A school principal and the school's multi-disciplinary team shall only share the information and data needed to ensure the safety of the student or the school's general population and the victim.

(6) An LEA shall ensure that any action taken toward a student related to the information received is in accordance with restorative justice practices as described in Subsection R277-613-2(12).

KEY: juvenile justice; information sharing

Date of Enactment or Last Substantive Amendment: April 2020

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-404