

1 **R277. Education, Administration.**

2 **R277-613. LEA ~~[Disruptive Student Behavior,]~~ Polices and Training Regarding Bullying,**  
3 **Cyber-bullying, Hazing, Retaliation, and Abusive Conduct ~~[Policies and Training]~~.**

4 **R277-613-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Section 53G-9-606, which directs the board to monitor LEA development and  
7 implementation of bullying and hazing policies;

8 (b) Section 53G-9-607, which directs the board to make rules that establish standards  
9 for high quality training related to bullying, cyber-bullying, hazing, and abusive conduct, and  
10 retaliation;

11 (c) Section 53E-3-501, which directs the Board to establish rules and minimum  
12 standards for the public schools governing discipline and control;

13 (d) Section 53G-8-209, which requires the Board, when making rules regarding student  
14 participation in cocurricular or extracurricular activities, to include:

15 (i) prohibitions against the use of foul, abusive, or profane language while in the  
16 classroom, on school property, or during a school sponsored activity; and

17 (ii) prohibitions against hazing, demeaning, or assaultive behavior, whether consensual  
18 or not;

19 ~~(a)~~ (e) Utah Constitution Article X, Section 3, which vests general control and  
20 supervision over public education in the Board; and

21 ~~(b)~~ (f) Subsection 53E-3-401(4)(a), which allows the Board to make rules to execute  
22 the Board's duties and responsibilities under the Utah Constitution and state law.

23 (2) The purpose of the rule is to:

24 (a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing,  
25 retaliation, and abusive conduct policies at the school district and school level;

26 (b) provide for regular and meaningful training of school employees and students;

27 (c) provide for enforcement of the policies in schools, at the state level and in public  
28 school athletic programs; and

29 (d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation,  
30 and abusive conduct.

31

32 **R277-613-2. Definitions.**

33 (1) "Abusive conduct" means the same as that term is defined in Subsection 53G-9-  
34 601(1).

35 (2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-601(2).

36 ~~[(b) "Bullying" includes relational aggression or indirect, covert, or social aggression,~~  
37 ~~including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.]~~

38 ~~[(c)]~~ (b) The conduct described in Subsection 53G-9-601(2) constitutes bullying,  
39 regardless of whether the person against whom the conduct is committed directed, consented  
40 to, or acquiesced in, the conduct.

41 (3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing that is  
42 targeted at a student based upon the students' or employees' identification as part of any  
43 group protected from discrimination under the following federal laws:

44 (a) Title VI of the Civil Rights Act of 1964;

45 (b) Title IX of the Education Amendments of 1972; ~~or~~

46 (c) Section 504 of the Rehabilitation Act of 1973; ~~and~~ or

47 (d) Title II of the Americans with Disabilities Act of 1990.

48 (4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-  
49 601(4).

50 (5) "Disruptive student behavior" means the same as that term is defined in Subsection  
51 53G-8-210(1)(a).

52 (6) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5).

53 (7)(a) "Incident" means one or more infractions committed by a student or group of  
54 students acting in concert, at the same time and place.

55 (b) A single incident may involve one or more victims and one or more offenders.

56 (8) "Infraction" means an act of prohibited behavior.

57           ~~(7)~~(9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the  
58 Blind.

59           ~~(8)~~(10) "Participant" means any student, employee or volunteer coach participating  
60 in a public school sponsored athletic program or activity, including a curricular, co-curricular,  
61 or extracurricular club or activity.

62           ~~(9)~~(11) "Policy" means standards and procedures that:

63           (a) are required in Section 53G-9-605;

64           (b) include the provisions of Section 53G-8-202; and

65           (c) provide additional standards, procedures, and training adopted in an open meeting  
66 by an LEA board that:

67           (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

68           (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

69           (iii) require regular annual discussion and training designed to prevent bullying, cyber-  
70 bullying, hazing, and retaliation among school employees and students; and

71           (iv) provide for enforcement through employment action or student discipline.

72           ~~(10)~~(12) "Restorative justice practice" means a discipline practice that brings together  
73 students, school personnel, families, and community members to resolve conflicts, address  
74 disruptive behaviors, promote positive relationships, and healing.

75           ~~(11)~~(13) "Retaliate" or "retaliation" means the same as that term is defined in  
76 Subsection 53G-9-601(7).

77           ~~(12)~~(14) "School employee" means the same as that term is defined in Subsection  
78 53G-9-601(10).

79           ~~(13)~~(15) "Trauma-Informed Care" means a strengths-based service delivery approach  
80 that is grounded in an understanding of and responsiveness to the impact of trauma, that  
81 emphasizes physical, psychological, and emotional safety for both the alleged victim and the  
82 individual who is alleged to have engaged in prohibited conduct, and that creates opportunities  
83 for targets to rebuild a sense of control and empowerment.

84

85           **R277-613-3. Superintendent Responsibilities.**

- 86 (1) ~~[Subject to availability of funds;]~~ ~~[t]~~The Superintendent shall provide:
- 87 (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in
- 88 Section 53G-9-606;
- 89 (b) subject to availability of funds, model training and training opportunities on:
- 90 (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation,
- 91 that an LEA may use to train the LEA's employees, contract employees, and volunteers,
- 92 including coaches; and
- 93 (ii) the reporting and review requirements in Section R277-613-5;
- 94 (c) subject to availability of funds, evidence based practices and policies related to the
- 95 prevention of bullying, cyber-bullying, hazing, and retaliation.
- 96 (2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing,
- 97 retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide
- 98 training as described in Section 53G-9-607 and this rule, the LEA is not required to use the
- 99 model policy or model training developed by the Superintendent described in Subsection (1).
- 100 (3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-
- 101 401(8) and Rule R277-114 for failure of an LEA to comply with:
- 102 (a) Title 53G, Chapter 9, Bullying and Hazing; and
- 103 (b) this rule.
- 104 (4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this
- 105 R277-613, LEAs are required to comply with applicable federal requirements.

106

107 **R277-613-4. LEA Responsibility to Create or Update Bullying Policies.**

- 108 (1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:
- 109 (a) develop, update, and implement policies as required by Section 53G-9-605 and this
- 110 rule, which shall include a prohibition on:
- 111 (i) bullying;
- 112 (ii) cyber-bullying;
- 113 (iii) hazing;
- 114 (iv) retaliation; and

- 115 (v) making a false report.
- 116 (b) post a copy of the LEA's policy on the LEA website;
- 117 (c) develop an action plan to address a reported incident of bullying, cyber-bullying,  
118 hazing, or retaliation; and
- 119 (d) provide a requirement for a signed statement that meets the requirements of  
120 Subsection 53G-9-605(3)(h) annually.
- 121 (2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:
- 122 (i) a parent's student's threat to commit suicide; or
- 123 (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's  
124 student as a victim or an individual who is alleged to have engaged in prohibited conduct.
- 125 (b) An LEA shall:
- 126 (i) notify a parent described in Subsection (2)(a) in a timely manner;
- 127 (ii) designate the appropriate school employee to provide parental notification; and
- 128 (iii) designate the format in which notification is provided to parents and maintained by  
129 the LEA.
- 130 (3) Subject to the parental consent requirements of Section 53E-9-203, if applicable,  
131 an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and  
132 retaliation in LEAs and schools, specifically locations where students are unsafe and additional  
133 adult supervision may be required, such as playgrounds, hallways, and lunch areas.
- 134 (4) An LEA shall take strong responsive action against retaliation, including assistance  
135 to victims and their parents in reporting subsequent problems and new incidents.
- 136 (5)(a) An LEA shall provide that students, school employees, coaches, and volunteers  
137 receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to  
138 provide such training.
- 139 (b) The training described in Subsection (5)(a) shall~~:~~
- 140 (i) include information on: ~~[various types of aggression and bullying, including:~~  
141 ~~—(A) overt aggression that may include physical fighting such as punching, shoving,~~  
142 ~~kicking, and verbal threatening behavior, such as name calling, or both physical and verbal~~  
143 ~~aggression or threatening behavior;~~

144 ~~(B) relational aggression or indirect, covert, or social aggression, including rumor~~  
145 ~~spreading, intimidation, enlisting a friend to assault a child, and social isolation;~~  
146 ~~(C) sexual aggression or acts of a sexual nature or with sexual overtones;~~  
147 ~~(D) cyber-bullying, including use of email, web pages, text messaging, instant~~  
148 ~~messaging, social media, three-way calling or messaging or any other electronic means for~~  
149 ~~aggression inside or outside of school;]~~  
150 (A) bullying, cyber-bullying, hazing and retaliation;  
151 ~~(E)](B) [bullying, cyber-bullying, hazing and retaliation based upon the students' or~~  
152 ~~employees' identification as part of any group protected from d]~~Discrimination under the  
153 following federal laws:  
154 ~~(i)](I) Title VI of the Civil Rights Act of 1964[; including discrimination on the basis of race,~~  
155 ~~color, or national origin];~~  
156 ~~(ii)](II) Title IX of the Education Amendments of 1972[; including discrimination on the~~  
157 ~~basis of sex];~~ ~~or]~~  
158 ~~(iii)](III) Section 504 of the Rehabilitation Act of 1973;~~ and  
159 ~~(IV) Title II of the Americans with Disabilities Act of 1990[; including discrimination on~~  
160 ~~the basis of disability];~~ ~~and]~~  
161 (C) how bullying, cyber-bullying, hazing and retaliation are different from discrimination  
162 and may occur separately from each other or in combination;  
163 ~~(F)](D) bullying, cyber-bullying, hazing, and retaliation based upon the students' or~~  
164 ~~employees' actual or perceived characteristics, including race, color, national origin, sex,~~  
165 ~~disability, religion, gender identity, sexual orientation, or other physical or mental attributes or~~  
166 ~~conformance or failure to conform with stereotypes;~~ and  
167 (E) the right of free speech and how it differs for students, employees, and parents;  
168 (ii) complement the suicide prevention program required for students under Rule R277-  
169 620 and the suicide prevention training required for licensed educators consistent with  
170 Subsection 53G-9-704(1); and  
171 (iii) include information on when issues relating to this rule may lead to student or  
172 employee discipline.

173 (6) The training described in Subsection (5) shall be offered to:

174 (a) new school employees, coaches, and volunteers; and

175 (b) all school employees, coaches, and volunteers at least once every three years.

176 (7)(a) An LEA's policies developed under this section shall complement existing school  
177 policies and research based school discipline plans.

178 (b) Consistent with Rule R277-609, the discipline plan shall provide direction for  
179 dealing with bullying, cyber-bullying, hazing, retaliation and disruptive students.

180 (c) An LEA shall ensure that a discipline plan required by Rule R277-609:

181 (i) directs schools to determine the range of behaviors and establish the continuum of  
182 administrative procedures to be used by school personnel to address the behavior of students;

183 (ii) provides for identification, by position, of individuals designated to issue notices of  
184 disruptive student behavior, bullying, cyber-bullying, hazing, and retaliation;

185 (iii) designates to whom notices shall be provided;

186 (iv) provides for documentation of disruptive student behavior in the LEA's student  
187 information system;

188 (v) includes strategies to provide for necessary adult supervision;

189 (vi) is clearly written and consistently enforced; and

190 (vii) includes administration, instruction and support staff, students, parents, community  
191 council and other community members in policy development, training and prevention  
192 implementation so as to create a community sense of participation, ownership, support and  
193 responsibility.

194

195 **R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-**  
196 **bullying, Hazing, and Retaliation.**

197 (1) In accordance with an action plan adopted in accordance with Subsection R277-  
198 613-4(1)(c), an LEA shall:

199 (a) investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation  
200 in accordance with this section; and

201 (b) provide an individual who investigates allegations of incidents of bullying, cyber-  
202 bullying, hazing, and retaliation with adequate training on conducting an investigation.

203 (2)(a) An LEA shall investigate allegations of incidents described in Subsection (1)(a)  
204 by interviewing at least the alleged victim and the individual who is alleged to have engaged  
205 in prohibited conduct.

206 (b) An LEA may also interview the following as part of an investigation:

207 (i) parents of the alleged victim and the individual who is alleged to have engaged in  
208 prohibited conduct;

209 (ii) any witnesses;

210 (iii) school staff; and

211 (iv) other individuals who may provide additional information.

212 (c) An individual who investigates an allegation of an incident shall inform an individual  
213 being interviewed that:

214 (i) to the extent allowed by law, the individual is required to keep all details of the  
215 interview confidential; and

216 (ii) further reports of bullying will become part of the review.

217 (3) The confidentiality requirement in Subsection (2)(c) does not apply to:

218 (a) conversations with law enforcement professionals;

219 (b) requests for information pursuant to a warrant or subpoena;

220 (c) a state or federal reporting requirement; or

221 (d) other reporting required by this rule.

222 (4) In conducting an investigation under this section, an LEA may:

223 (a) review disciplinary reports of involved students; and

224 (b) review physical evidence, consistent with search and seizure law in schools, which  
225 may include:

226 (i) video or audio;

227 (ii) notes;

228 (iii) email;

229 (iv) text messages;

230 (v) social media; or

231 (vi) graffiti.

232 (5) An LEA shall adopt a policy outlining under what circumstances the LEA will report  
233 incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

234 (6) An LEA shall adopt a policy outlining under what circumstances the LEA will  
235 investigate and report incidents of bullying, cyber-bullying, and retaliation as civil rights  
236 violations.

237 ~~(6)7~~ Following an investigation of a confirmed allegation of an incident of bullying,  
238 cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:

239 (a) in accordance with the requirements in Subsection (6), take positive restorative  
240 justice practice action, in accordance with policies established by the LEA; and

241 (b) support involved students through trauma-informed practices, if appropriate.

242 ~~(6)8~~(a) An alleged victim is not required to participate in a restorative justice practice  
243 as described in Subsection (7)(a) with an individual who is alleged to have engaged in  
244 prohibited conduct ~~[as described in Subsection (5)(a)]~~.

245 (b) If an LEA would like an alleged victim who is a student to participate in a restorative  
246 justice practice, the LEA shall notify the alleged victim's parent of the restorative justice  
247 practice and obtain consent from the alleged victim's parent before including the alleged victim  
248 in the process.

249 ~~(7)9~~ A grievance process required under Subsection 53G-9-605(3)(f) shall be  
250 consistent with the LEA's established grievance process.

251 ~~(8)10~~ An LEA shall, as required by Subsection 53G-9-606(2), report the following  
252 annually, on or before June 30, to the Superintendent in accordance with the Superintendent's  
253 submission requirements:

254 (a) a copy of the LEA's policy required in Section R277-613-4;

255 (b) implementation of the signed statement requirement described in Subsection 53G-  
256 9-605(3)(h);

257 (c) verification of the LEA's training of school employees relating to bullying, cyber-  
258 bullying, hazing, and retaliation described in Section 53G-9-607;

- 259 (d) incidents of bullying, cyber-bullying, hazing, and retaliation;
- 260 (e) the number and type of incidents described in Subsection (~~8~~10)(d) required to be
- 261 reported separately under federal law, including the reporting requirements in:
- 262 (i) Title VI of the Civil Rights Act of 1964;
- 263 (ii) Title IX of the Education Amendments of 1972; ~~or~~
- 264 (iii) Section 504 of the Rehabilitation Act of 1973; and
- 265 (iv) Title II of the Americans with Disabilities Act of 1990; and
- 266 (f) the number and type of incidents described in Subsection (~~8~~10)(d) that include a
- 267 student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's
- 268 actual or perceived characteristics, including disability, race, national origin, religion, sex,
- 269 gender identity, or sexual orientation.
- 270 (~~9~~11) The requirements of this Rule R277-613 are in addition to any federal
- 271 requirements, including reporting civil rights violations to the appropriate entities and taking
- 272 other appropriate action.

273

274 **R277-613-6. Training by LEAs Specific to Participants in Public School Athletic**

275 **Programs and School Clubs.**

276 (1)(a) Prior to any student, employee or volunteer coach participating in a public school

277 sponsored athletic program, both curricular and extracurricular, or extracurricular club or

278 activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing, and

279 retaliation prevention training.

280 (b) A training described in Subsection (1)(a) shall be offered to new participants on an

281 annual basis and to all participants at least once every three years.

282 (2) An LEA shall inform student athletes and extracurricular club members of

283 prohibited activities under this rule and potential consequences for violation of the law and the

284 rule.

285 (3) An LEA shall maintain training participant lists or signatures, to be provided to the

286 Board upon request.

287

288 **R277-613-7. Abusive Conduct.**

289 (1) An LEA shall prohibit abusive conduct.

290 (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy,  
291 required in Section 53G-9-605 ~~[53A-11a-304]~~ and this rule, shall include a grievance process  
292 for a school employee who has experienced abusive conduct as described in Subsection 53G-  
293 9-605(3)(f).

294

295 **KEY: abusive conduct, bullying, harassment, hazing, training**

296 **Date of Enactment or Last Substantive Amendment: July 9, 2018**

297 **Notice of Continuation: August 2, 2018**

298 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-9-607;**  
299 **53E-3-501; 53G-8-209; 53G, Chapter 9**