

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:
- 56 (a) student behavior management;¹₇
- 57 (b) restorative practices;¹₇
- 58 (c) harassment and discrimination free learning; and
- 59 (d) discipline procedures for students.

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

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

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

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

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

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

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

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

74 (ii) prohibits hazing and bullying;

75 (iii) requires training regarding:

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

78 (B) the use of restorative practices, positive behavior interventions and supports,
79 and emergency safety interventions; [~~and~~]

80 (iv) provides for enforcement through employment action or student discipline and;

81 (v) are informed and updated by data obtained through a school's climate survey
82 as described in [R277-623](#).

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

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

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

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

88 (18) "Restorative practice" means the building and sustaining of relationships
89 among students, school personnel, families and community members to build and

90 strengthen social connections within communities and hold individuals accountable to
91 restore relationships when harm has occurred.

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

93 (20) "School employee" means:

94 (a) a school teacher;

95 (b) a school staff member;

96 (c) a school administrator; or

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

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

99 (a) placed in a safe enclosed area by school personnel in accordance with the
100 requirements of Rules R392-200 and [R710-4](#);

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

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

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

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

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

112

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

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

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

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

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

121 (a)

122 <https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333>

123 [&tid=2](#); and

124 (b) the Utah State Board of Education.

125

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

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

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

134 (3) An LEA shall include as part of the plan, parental outreach and education
135 regarding the plan and how it can provide a discrimination and harassment free
136 environment.

137 ([3]4) A plan described in Subsection (1) shall include:

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

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

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

142 (i) self-discipline;

143 (ii) citizenship;

144 (iii) civic skills; and

145 (iv) social emotional skills;

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

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

148 (f) consistent processes to collect student discipline data and incident or infraction
149 data, including collection of the number of days of student suspensions and data collected
150 from the school's climate survey as described in [R277-623](#);

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

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

154 (i) student behavior expectations;

155 (ii) effective instructional practices for teaching and reinforcing behavior
156 expectations;

157 (iii) effective intervention strategies; and

158 (iv) effective strategies for evaluation of the efficiency and effectiveness of
159 interventions;

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

161 (i) crisis management;

162 (ii) emergency safety interventions; and

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

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

167 (k) policies and procedures for responding to possession or use of electronic
168 cigarette products by a student on school property as required by Subsection [53G-8-](#)
169 [203\(3\)](#);

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

172 (i) bullying;

173 (ii) cyber-bullying;

174 (iv) hazing; and

175 (v) retaliation;

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

- 178 (i) physical restraint, subject to the requirements of Section R277-609-5, except
179 when the physical restraint is allowed as described in Subsection [53G-8-302\(2\)](#);
- 180 (ii) prone, or face-down, physical restraint;
- 181 (iii) supine, or face-up, physical restraint;
- 182 (iv) physical restraint that obstructs the airway of a student or adversely affects a
183 student's primary mode of communication;
- 184 (v) mechanical restraint, except:
- 185 (A) protective or stabilizing restraints;
- 186 (B) restraints required by law, including seatbelts or any other safety equipment
187 when used to secure students during transportation; and
- 188 (C) any device used by a law enforcement officer in carrying out law enforcement
189 duties;
- 190 (vi) chemical restraint, except as:
- 191 (A) prescribed by a licensed physician, or other qualified health professional acting
192 under the scope of the professional's authority under State law, for the standard treatment
193 of a student's medical or psychiatric condition; and
- 194 (B) administered as prescribed by the licensed physician or other qualified health
195 professional acting under the scope of the professional's authority under state law;
- 196 (vii) seclusionary time out, subject to the requirements of Section R277-609-5,
197 except when a student presents an immediate danger of serious physical harm to self or
198 others; and
- 199 (viii) for a student with a disability, emergency safety interventions written into a
200 student's IEP, as a planned intervention, unless:
- 201 (A) school personnel, the family, and the IEP team agree less restrictive means
202 have been attempted;
- 203 (B) a FBA has been conducted; and
- 204 (C) a positive behavior intervention, based on data analysis has been written into
205 the plan and implemented;
- 206 (m) direction for dealing with bullying and disruptive students;

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

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

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

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

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

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

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

222 (u) gang prevention and intervention policies in accordance with Subsection [53E-](#)
223 [3-509\(1\)](#);

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

226 (i) the role of law enforcement;

227 (ii) emergency medical services; and

228 (iii) a provision for publication of notice to parents and school employees of policies
229 by reasonable means; and

230 (iv) a plan for referral for a student with a qualifying offense to alternative school-
231 related interventions, including:

232 (A) a mobile crisis outreach team, as defined in Section 80-1-102;

233 (B) a receiving center operated by the Division of Juvenile Justice Services in
234 accordance with Section 80-5-102;

235 (C) a youth court; or

236 (w) a comparable restorative justice program.

- 237 (4) A plan described in Subsection (1) may include:
238 (a) the provisions of Subsection [53E-3-509\(2\)](#); and
239 (b) a plan for training administrators and school resource officers in accordance
240 with Section 53G-8-702.

241

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

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

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

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

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

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

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

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

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

258 (b) 30 minutes; or

259 (c) when law enforcement arrives.

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

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

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

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

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

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

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

271 (f) ensure that the enclosed area meets the fire and public safety requirements
272 described in R392-200 and [R710-4](#).

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

276 (a) the student's parent; and

277 (b) school administration.

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

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

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

284 (b) school administration.

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

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

288

289 **R277-609-6. Implementation.**

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

292 (2) An LEA shall develop, use and monitor a continuum of intervention strategies
293 to assist students, including students whose behavior in school falls repeatedly short of
294 reasonable expectations, by teaching student behavior expectations, reinforcing student
295 behavior expectations, re-teaching behavior expectations, followed by effective,

296 evidence-based interventions matched to student needs prior to suspension or court
297 referral.

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

300

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

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

303 (2) An LEA's ESI Committee:

304 (a) shall include:

305 (i) at least two administrators;

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

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

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

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

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

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

318

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

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

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

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

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

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

333

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

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

338 (2) The Superintendent shall periodically review:

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

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

342

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

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

346 (2) An LEA shall establish policies that:

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

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

351 (i) numbers of disruptions, suspensions, and timelines in accordance with Section
352 [53G-8-210](#);

353 (ii) school resources available;

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

356 (A) attendance;

357 (B) grades;

358 (C) behavioral reports; and

359 (D) other available student school data; and

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

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

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

366 (ii) provide notice to school administration; and

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

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

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

373 (ii) school administration.

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

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

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

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

385

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

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

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

392

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

394 If an LEA fails to comply with this rule, the Superintendent may withhold funds in
395 accordance with Rule [R277-114](#) or impose any other sanction authorized by law.

396

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

398 **Date of Last Change: August 25, 2021**

399 **Notice of Continuation: November 14, 2019**

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