

R277. Education, Administration.

R277-609. Standards for LEA Discipline Policy.

R277-609-1. Authority, Purpose, and Oversight Category.

- (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) Subsection [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) Subsection [53E-3-501](#)(1)(b)(v), which requires the Board to establish rules concerning discipline and control;
 - (d) Section [53E-3-509](#), which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;
 - (e) Section [53G-8-702](#), which requires the Board to adopt rules regarding training programs for school principals; and
 - (f) Section [53G-8-202](#), which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.
- (2) The purpose of this rule is to outline requirements for an LEA's discipline policy and related plans.
- (3) This Rule R277-609 is categorized as Category 2 as described in Rule R277-111.

R277-609-2. Definitions.

- (1)(a) "Accountability Practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.
- (b) Some practices include adapting instruction to increase engagement, behavior plans, and restorative practices.

(2) "Classroom management" means the use of planned strategies that:

- (a) establish an organized and successful learning environment;
- (b) promote academic excellence;
- (c) teach behavioral, social, and emotional (BSE) skills to all students; and
- (d) prevent a pattern of behavior that interferes substantially and materially with the instruction of other students in the classroom.

(3) "Discipline" means school discipline and refers to the rules and evidence-based strategies applied in school to manage student behavior.

(4) Discipline policy means one or more LEA policies that includes the provisions required by this Rule R277-609.

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

(6) "Emergency safety intervention" or "ESI" means the same as described in Section R277-608-2.

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

(8) "Expulsion" means a disciplinary removal from school for more than ten school days without an offer of alternative education service.

(9) "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion, sex, national origin, or disability and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.

(10) "Incident" means the same as defined in Rule R277-613.

(11) "Infraction" means the same as defined in Rule R277-613.

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

(13) "LEA Plan" means a data-driven written process or procedure that outlines the implementation of strategies that positively impact student behavior throughout the LEA.

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

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

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

(b) a program that receives public funding; or

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

(16) "Prohibited student behavior" for the purposes of this rule includes:

(a) the grounds for suspension or expulsion described in Section [53G-8-205](#) including disruption; and

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

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

(a) is at least nine years old; or

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

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

(19) "Restorative practice" means to help minors take responsibility for and repair harmful behavior that occurs within the school community.

(20) "School employee" means:

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

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

(21) "Suspension" means the same as defined in Section R277-100-2 and as described in Section [53G-8-206](#).

R277-609-3. Actions Required to Create or Update an LEA Discipline Policy.

(1) An LEA or school shall develop and implement a board-approved LEA policy for school discipline.

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

(3) An LEA shall include as part of the policy, a process for parental outreach and education regarding the policy and how it can provide a discrimination and harassment free environment, through strategies promoting positive engagement between staff, students, and parents.

(4) An LEA may incorporate Rule R277-609 into one or more of its LEA policies, ensuring that all disciplinary practices are consistent with the requirements established in this rule.

(5) An LEA shall develop uniform and equitable methods for a school level data-based evaluation of the efficiency and effectiveness of the policy on an annual basis.

(6) An LEA shall publish a notice to parents and school employees of the discipline policy by reasonable means.

R277-609-4. School Conduct and Discipline Policy.

(1) An LEA discipline policy shall include:

(a) provisions consistent with:

(i) the requirements of Section [53G-8-210](#);

(ii) the requirements of Subsection [53E-7-207](#)(5);

(iii) the requirements of Rule R277-750, including:

(A) procedural safeguards;

(B) child find;

(C) IEP development, review, and revision; and

(D) discipline procedures requirements; and

(iv) the child find provisions in Section 504 of the Rehabilitation Act of 1973.

(b) grounds for suspension and expulsion consistent with Section [53G-8-205](#);

(c) alternatives to suspension and expulsion consistent with Section [53G-8-207](#);

(d) direction for schools to determine the range of prohibited behaviors and establish the continuum of administrative procedures that may be used by school personnel to address prohibited student behavior;

(e) parent responsibilities as described in Section [53G-8-208](#).

(f) federal legal requirements, including IDEA, Title IX, and the Americans with Disabilities Act;

(g) identification, by position, of an individual designated to issue notices of prohibited student behavior as described in Section [53G-8-210](#);

(h) identification of individuals who shall receive notices of prohibited student behavior as described in Section [53G-8-210](#);

(i) the parent notification requirements in Section [53G-8-210](#); and

(j) provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for prohibited student behavior.

(k) provide due process procedures for minors and parents to contest allegations and citations of prohibited student behavior.

(2) An LEA discipline policy, shall include provisions that apply to the following specific incident and infractions types:

(a) the illicit use, possession, or distribution of:

(i) alcohol;

(ii) tobacco and nicotine products, including electronic cigarettes, as defined in Section 76-10-101; and

(iii) marijuana and controlled substances as defined in Section [58-37-2](#);

(b) specific conduct as described in Subsection [53G-8-209](#)(2);

(c) provisions and procedures, consistent with requirements of Rule R277-613;

(d) gang prevention and intervention provisions in accordance with Subsection [53E-3-509](#)(1);

(e) responses to defacement of school property consistent with Sections:

(i) [53G-8-212](#);

(ii) [76-6-101](#); and

(iii) [80-6-610](#).

(f) responses to attendance concerns as described in Rule R277-607; and

(g) serious offenses of sexual crimes as described in Sections:

(i) [53G-8-201](#);

(ii) [53G-8-203](#); and

(iii) [53G-8-213](#).

(3) An LEA discipline policy shall also include direction on the following available supportive or emergency responses:

(a) strategies that align with the LRBI manual incorporated in this rule;

(b) the appropriate use of accountability practices;

(c) the use of emergency safety interventions as outlined in Section R277-608-3 for all students consistent with evidence-based practices and Rule R277-608;

(d) the use of SafeUT as described in Section [53G-8-203](#);

(e) threat assessment as described in Rule R277-400; and

(f) additional provisions that account for an individual LEA's or school's unique needs or circumstances, including:

(i) the role of law enforcement; and

(ii) emergency medical services.

R277-609-5. LEA Responsibility to Implement Positive Behavior Interventions, Supports and Accountability Practices.

(1) An LEA shall implement positive behavior interventions, supports, and accountability practices as part of the LEA's continuum of behavior interventions strategies.

(2) LEA plans shall use:

(i) written standards for student behavior expectations, including schoolwide and classroom management;

(ii) effective instructional practices for teaching student expectations;

(iii) systematic methods for reinforcing expected behaviors;

(iv) uniform and equitable methods for correcting student behavior; and

(v) procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;

(vi) procedures for referral for a student with a qualifying offense to alternative school-related interventions as described in Section [53G-8-211](#).

(3) An LEA shall provide an ongoing staff development program as described in Rule R277-608.

R277-609-6. LEA Reporting.

(1) An LEA shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.

(2)(a) An LEA shall submit all required incident, infraction, and discipline data, including suspensions and expulsions consistent with Rule R277-484;

(b) An LEA shall submit any yearly and comprehensive updates no later than June 30th of each year.

KEY: disciplinary actions, prohibited student behavior

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