

R277-714 received final approval by the Utah State Board of Education on December 5, 2019. R277-714 is published in the March 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of April 7, 2020.

R277. Education, Administration.

R277-714. Unsafe School Choice Option.

R277-714-1. 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; and

(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.

(2) The purpose of this rule is to provide:

(a) a definition of persistently dangerous school as required by 20 USC 7912; and

(b) a process for complying with federal law when a school within the LEA is designated as persistently dangerous.

R277-714-2. Definitions.

(1) "Persistently dangerous school" means a school where at least 3% of students for three consecutive school years have been suspended or expelled for:

(a) a reported violent criminal offense that took place:

(i) on school property; or

(ii) at a school sponsored activity.

(b) a federal gun free school violation as defined in 20 USC 7961.

(2) "Violent criminal offense" means any of the following if the crime has been reported to law enforcement and a charge has been filed:

(a) actual or attempted criminal homicide as defined in Section 76-5-201;

(b) rape as defined in Section 76-5-402 through 76-5-402.3;

(c) aggravated sexual assault as defined in 76-5-405;

(d) forceable sexual abuse as defined in 76-5-404;

(e) aggravated sexual abuse of a child as defined in 76-5-404.1;

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- _____ (f) aggravated assault as defined in 76-5-103; or
- _____ (g) robbery as defined in 76-6-301.

R277-714-3. LEA Notification to Parents – Transfer.

(1) If an LEA has a school designated by the Superintendent as persistently dangerous the LEA or school shall provide to the Superintendent:

- _____ (a) a copy of the school and LEA’s safety plan;
 - _____ (b) a document outlining the local efforts to address school safety concerns;
- and
- _____ (c) relevant school safety data requested by the Superintendent.

(2) An LEA shall provide the designated school’s information described in Subsection R277-714-3(1) within 30 days of receiving notice that the school has been designated as persistently dangerous.

(3) If an LEA has a school that is designated persistently dangerous, the LEA shall provide written notice within 15 days of the school’s notice that is persistently dangerous:

- _____ (a) that the school has been designated as persistently dangerous, including the criteria that caused the school to be designated as persistently dangerous;
- _____ (b) that a parent may transfer the parent’s student to a safer school within the LEA if the parent chooses; and
- _____ (c) the timeline and deadline for transfer of the parent’s student, which may not exceed 30 days after a parent’s receipt of notice of a school’s designation.

R277-714-4. Action Plan Content and Implementation.

(1) An LEA with a school that has been designated as persistently dangerous shall create an action plan and submit the plan to the Superintendent as specified by the Superintendent.

(2) At minimum, the LEA’s action plan shall include how the LEA will:

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- (a) provide additional personnel and staff to supervise students;
 - (b) provide conflict resolution training and additional discipline training for staff of the school designated as persistently dangerous;
 - (c) collaborate with the applicable local law enforcement agency; and
 - (d) implement additional security measures for the school.
- (3) An LEA with a school designated as persistently dangerous that fails to comply with any portion of this Rule R277-714 may be subject to a corrective action plan as described in Rule R277-114.

KEY: school choice; persistently dangerous school.

Date of Enactment or Last Substantive Amendment: 2020

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