

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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) "Harassment and discrimination free learning" means ~~a student has the~~  
47 ~~opportunity to learn in a positive environment conducive to the learning process and free~~  
48 ~~from unnecessary disruption regardless of race, color, or national origin while the student~~  
49 ~~exercises self-discipline as described in R277-328-3(3)(a) through (d). [a learning](#)~~  
50 [environment in which a student is treated fairly regardless of the student's characteristics](#)  
51 [including race, color, religion or sex, and in which a student's ability to participate in or](#)  
52 [benefit from the services, activities, or opportunities offered is not limited or interfered with](#)  
53 [by conduct that is physically threatening, harmful, or humiliating.](#)

54 (8) "Immediate danger" means the imminent danger of physical violence or  
55 aggression towards self or others, which is likely to cause serious physical harm.

56 (9) "Imposed discipline" means a code of conduct prescribed for the highest  
57 welfare of the individual and of the society in which the individual lives.

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

60 (11) "Physical restraint" has the same meaning as the defined in Section 53G-8-  
61 301.

62 (12) "Plan" means an LEA and school-wide written model for prevention and  
63 intervention addressing:

64 (a) student behavior management;[;]

65 (b) restorative practices;[;]

66 (c) harassment and discrimination free learning; and

67 (d) discipline procedures for students.

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

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

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

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

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

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

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

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

82 (ii) prohibits hazing and bullying;

83 (iii) requires training regarding:

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

86 (B) the use of restorative practices, positive behavior interventions and supports,  
87 and emergency safety interventions;

88 (iv) provides for enforcement through employment action or student discipline;  
89 [~~and~~]

90 (v) are informed and updated by data obtained by any regular safety or health  
91 related survey including a school's climate survey as described in [R277-623\[-\]](#); and

92 (vi) other appropriate measurements.

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

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

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

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

98 (18) "Restorative practice" means the building and sustaining of relationships  
99 among students, school personnel, families and community members to build and  
100 strengthen social connections within communities and hold individuals accountable to  
101 restore relationships when harm has occurred.

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

103 (20) "School employee" means:

104 (a) a school teacher;

105 (b) a school staff member;

106 (c) a school administrator; or

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

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

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

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

118 (23) "Self-Discipline" means developing the ability to ~~manage a one's own~~  
119 ~~thoughts, emotions or behavior and~~ take personal responsibility for one's actions [a  
120 personal system of organized behavior designed to promote self-interest while  
121 contributing to the welfare of others].

122 (24) "Student with a qualifying offense" means a qualifying minor who committed  
123 an alleged class C misdemeanor, infraction, status offense on school property, or truancy.  
124

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

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

- 130 (a) promote positive behaviors while preventing negative or risky behaviors; and  
131 (b) create a safe learning environment that enhances all student outcomes.

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

133 (a)

134 [https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333](https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333&tid=2)  
135 [&tid=2](https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333&tid=2); and

136 (b) the Utah State Board of Education.  
137

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

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

150 ([3]4) A plan described in Subsection (1) shall include:

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

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

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

155 (i) self-discipline;

156 (ii) citizenship;

157 (iii) civic skills; and

158 (iv) social emotional skills;

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

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

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

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

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

167 (i) student behavior expectations;

168 (ii) effective instructional practices for teaching and reinforcing behavior  
169 expectations;

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

- 170 (iii) effective intervention strategies; and
- 171 (iv) effective strategies for evaluation of the efficiency and effectiveness of
- 172 interventions;
- 173 (i) procedures for ongoing training of appropriate school personnel in:
- 174 (i) crisis management;
- 175 (ii) emergency safety interventions; and
- 176 (iii) LEA policies related to emergency safety interventions consistent with
- 177 evidence-based practice;
- 178 (j) policies and procedures relating to the use and abuse of alcohol, controlled
- 179 substances, electronic cigarette products, and other harmful trends by students;
- 180 (k) policies and procedures for responding to possession or use of electronic
- 181 cigarette products by a student on school property as required by Subsection [53G-8-](#)
- 182 [203\(3\)](#);
- 183 (k) policies and procedures, consistent with requirements of Rule [R277-613](#),
- 184 related to:
- 185 (i) bullying;
- 186 (ii) cyber-bullying;
- 187 (iv) hazing; and
- 188 (v) retaliation;
- 189 (l) policies and procedures for the use of emergency safety interventions for all
- 190 students consistent with evidence-based practices including prohibition of:
- 191 (i) physical restraint, subject to the requirements of Section [R277-609-5](#), except
- 192 when the physical restraint is allowed as described in Subsection [53G-8-302\(2\)](#);
- 193 (ii) prone, or face-down, physical restraint;
- 194 (iii) supine, or face-up, physical restraint;
- 195 (iv) physical restraint that obstructs the airway of a student or adversely affects a
- 196 student's primary mode of communication;
- 197 (v) mechanical restraint, except:

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

- 198 (A) protective or stabilizing restraints;
- 199 (B) restraints required by law, including seatbelts or any other safety equipment  
200 when used to secure students during transportation; and
- 201 (C) any device used by a law enforcement officer in carrying out law enforcement  
202 duties;
- 203 (vi) chemical restraint, except as:
- 204 (A) prescribed by a licensed physician, or other qualified health professional acting  
205 under the scope of the professional's authority under State law, for the standard treatment  
206 of a student's medical or psychiatric condition; and
- 207 (B) administered as prescribed by the licensed physician or other qualified health  
208 professional acting under the scope of the professional's authority under state law;
- 209 (vii) seclusionary time out, subject to the requirements of Section R277-609-5,  
210 except when a student presents an immediate danger of serious physical harm to self or  
211 others; and
- 212 (viii) for a student with a disability, emergency safety interventions written into a  
213 student's IEP, as a planned intervention, unless:
- 214 (A) school personnel, the family, and the IEP team agree less restrictive means  
215 have been attempted;
- 216 (B) a FBA has been conducted; and
- 217 (C) a positive behavior intervention, based on data analysis has been written into  
218 the plan and implemented;
- 219 (m) direction for dealing with bullying and disruptive students;
- 220 (n) direction for schools to determine the range of behaviors and establish the  
221 continuum of administrative procedures that may be used by school personnel to address  
222 student behavior, including students who engage in disruptive student behaviors as  
223 described in Section [53G-8-210](#);
- 224 (o) identification, by position, of an individual designated to issue notices of  
225 disruptive and bullying student behavior;



**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

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

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

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

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

235 (u) gang prevention and intervention policies in accordance with Subsection [53E-](#)  
236 [3-509\(1\)](#);

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

239 (i) the role of law enforcement;

240 (ii) emergency medical services; and

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

243 (iv) a plan for referral for a student with a qualifying office to alternative school-  
244 related interventions, including:

245 (A) a mobile crisis outreach team, as defined in Section [80-1-102](#);

246 (B) a receiving center operated by the Division of Juvenile Justice Services in  
247 accordance with Section [80-5-102](#);

248 (C) a youth court; or

249 (w) a comparable restorative justice program.

250 (4) A plan described in Subsection (1) may include:

251 (a) the provisions of Subsection [53E-3-509\(2\)](#); and

252 (b) a plan for training administrators and school resource officers in accordance  
253 with Section 53G-8-702.

254

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

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

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

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

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

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

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

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

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

271 (b) 30 minutes; or

272 (c) when law enforcement arrives.

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

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

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

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

279 (c) ensure that any door remains unlocked consistent with the fire and public safety  
280 requirements described in R392-200 and [R710-4](#);

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

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

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

289 (a) the student's parent; and

290 (b) school administration.

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

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

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

297 (b) school administration.

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

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

301

302 **R277-609-6. Implementation.**

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

309 evidence-based interventions matched to student needs prior to suspension or court  
310 referral.

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

313

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

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

316 (2) An LEA's ESI Committee:

317 (a) shall include:

318 (i) at least two administrators;

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

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

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

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

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

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

331

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

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

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

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

346

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

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

351 (2) The Superintendent shall periodically review:

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

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

355

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

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

359 (2) An LEA shall establish policies that:

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

364 (i) numbers of disruptions, suspensions, and timelines in accordance with Section

365 53G-8-210;

366 (ii) school resources available;

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

369 (A) attendance;

370 (B) grades;

371 (C) behavioral reports; and

372 (D) other available student school data; and

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

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

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

379 (ii) provide notice to school administration; and

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

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

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

386 (ii) school administration.

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

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

**DRAFT 2 – November 4, 2022**

Blue Text – Addition

~~Red Text – Deletion~~

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

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

398

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

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

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

405

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

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

409

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

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

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

413 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)  
414 [3-501\(1\)\(b\)\(v\)](#); [53E-3-509](#); [53G-8-202](#); [53G-8-702](#), [53G-8-302](#)**