



**Utah State Board of Education**

# **LOCAL EDUCATION AGENCY EMERGENCY SAFETY INTERVENTION AND CORPORAL PUNISHMENT POLICY AND PROCEDURES CHECKLIST**

**A UTAH STATE BOARD OF EDUCATION TECHNICAL  
ASSISTANCE DOCUMENT**

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# INTRODUCTION

- In January 2025, emergency safety interventions were moved from [Board Rule R277-609](#) to [Board Rule R277-608](#) in order to disconnect the association of emergency safety interventions with disciplinary practices.
- In the 2025 Legislative session, changes were made to [Utah Code Section 53G-8-301](#) that impacted [Board Rule R277-608](#), which houses all requirements related to the use of emergency safety interventions.
  - Currently [Board Rule R277-608](#) is going through the Board process to ensure alignment with the changes from the 2025 Legislative Session.
- As per [Utah Code Section 53G-8-203](#), “discipline and conduct policies... shall include procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with [Utah Code Section 53G-8-301](#).”
- The purpose of this document is to provide clarity to Local Education Agencies (LEAs) regarding what needs to be included in their policies and procedures regarding the use of emergency safety interventions (ESIs).

*This is considered a living document, and it is anticipated that there will be changes to code and rule so this document will be updated as those changes are made. The most updated version can be found on the Behavior Support Program Website on the [resources page](#). It is the responsibility of each Local Education Agency (LEA) to ensure they are following current code and rule.*

*Any changes that were made to code and rule will be denoted throughout the checklist with an asterisk (\*) after the checklist item. Additional changes are planned for Board Rule R277-608, and will be going before the State Board for approval over the next few months.*

## DEFINITIONS

- Chemical Restraint\*
- Comprehensive Emergency Safety Intervention Training\*
- Corporal Punishment
- Emergency safety intervention (ESI)
- Emergency Safety Intervention Committee

- Foundational Behavior Support Training\*
- Functional Behavior Assessment (FBA)
- Immediate Danger\*
- Local Education Agency (LEA)
- Mechanical Restraint\*
- Physical Escort
- Physical Restraint
- School employee
- Seclusion\*
- Serious Bodily Injury\*
- Substantial Bodily Injury\*

## POLICY REQUIREMENTS

### EMERGENCY SAFETY INTERVENTIONS

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- Includes a statement that key identified school employees may use reasonable and necessary physical restraint only in self-defense or as otherwise appropriate per [State Code Section 53G-8-301\(4\)](#)\*
- Includes a statement that ESI may not be used in place of appropriate less restrictive interventions\*
- Includes a definition of key identified school employees for whom ongoing comprehensive ESI training will be provided as outlined in [Board Rule R277-608-4 \(2\)](#)\*
- Outlines procedures to be followed when using ESI including:
  - Continual observation as described in [Board Rule R277-608-5 \(12\) \(d\)](#)
  - Release criteria
  - Documentation
  - Notification to administration as outlined in [Board Rule R277-608-5](#)
  - Notification to a student's parent consistent with [Board Rule R277-608-5](#)
  - Debrief
  - Reporting

- Post-ESI assessment and monitoring of students

## SECLUSION

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- If an LEA allows individual schools to designate an enclosed area for seclusion, the policy must outline:\*
  - Requirements and prohibitions for the designated enclosed area in accordance with Administrative Rules [R392-200](#) and [R710-4](#)
  - A written procedure for the approval process, including:
    - Requirements for a school's proposal to designate an enclosed area, outlining data and reasoning
    - Approval by the LEA governing board in consultation with the LEA's ESI committee
    - Requirements for written notification to parents within the school community before designation
- An LEA must develop and implement written policies and procedures before using seclusion as an emergency safety intervention with students in grade 1 or higher that:\*
  - Describe the circumstances under which a staff member may use seclusion
  - Describe which staff members are authorized to use seclusion
  - Describe procedures for monitoring a student that is in seclusion
  - Describe time limitations on the use of seclusion
  - Require immediate and continuous review of the decision to use seclusion
  - Require documenting the use of seclusion
  - Describe record keeping requirements for records related to the use of seclusion
  - Require debriefing of all witnesses, involved staff members, the student who was secluded, and the parent of the student who was secluded

# PROHIBITIONS

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- Prohibition of physical restraint, except as allowed by [Utah Code 53G-8-301](#) and consistent with [Board Rule R277-608-5](#) requirements
- Prohibition of prone (face-down) physical restraint
- Prohibition of supine (face-up) physical restraint
- Prohibition of physical restraint that obstructs a student's airway or adversely affects their primary mode of communication
- Prohibition of mechanical restraint, except as consistent with [Board Rule R277-608-2](#)
- Prohibition of chemical restraint, except as consistent with [Board Rule R277-608-2](#)
- Prohibition of seclusion, except when a student presents an immediate danger of serious physical harm to self or others and consistent with [Board Rule R277-608-5](#) requirements
- Prohibition of seclusion with students below grade 1 consistent with [Utah Code Section 53G-8-301\(10\)\(b\)](#)\*
- Prohibition of other dangerous practices as defined by the LEA, including those outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual\*

# CONSIDERATIONS FOR STUDENTS WITH DISABILITIES

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- For students with disabilities, prohibition of ESIs written into an Individualized Education Program (IEP) as a planned intervention, unless:
  - School personnel, family, and IEP team agree less restrictive means have been attempted
  - A Functional Behavior Assessment (FBA) has been conducted
  - A positive behavior intervention, based on data analysis, has been written into the plan and implemented

- Criteria and steps for using ESI with students with disabilities consistent with state and federal law, as part of LEA special education policies, procedures, and practices\*

## CORPORAL PUNISHMENT

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- An LEA policy shall include:
  - a prohibition of corporal punishment consistent with the law
  - Criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law
  - Appropriate sanctions for LEA employees who use corporal punishment
  - Appeal procedures for LEA employees disciplined for a policy violation

Beyond the policy requirements, LEAs must also establish processes for the following:

## TRAINING REQUIREMENTS

- A [foundational behavior support training](#) is required for all school employees who supervise students or may assist in managing student behavior\*
  - Content must include:
    - Behavioral or emotional crisis management, including de-escalation strategies consistent with the LRBI manual
    - LEA policies related to ESI
  - Must be completed within two months of employment (or 30 days if working directly with a student with disabilities) and bi-annually thereafter
- A comprehensive emergency safety intervention training is required for key identified school employees, in addition to foundational training.\*
  - Content must include:
    - Disengagement strategies
    - Appropriate, safe, and effective use of ESI
    - Documentation of ESI

- Must be completed before a school employee is authorized to use an ESI and annually thereafter

# IMPLEMENTATION REQUIREMENTS

## PHYSICAL RESTRAINT

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- May use reasonable and necessary physical restraint only:
  - In self-defense,
  - To obtain possession of a weapon or other dangerous object in the possession or under the control of a student,
  - To protect a student or another individual from physical injury,
  - To remove from a situation a student who is violent, or
  - To protect property from being damaged, when physical safety is at risk
- Shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in [Utah Code Section 53G-8-301\(4\)](#)\*
- Nothing prohibits a school employee from subsequently using less restrictive interventions to address circumstances described in [Utah Code Section 53G-8-301\(4\)](#)
- May only be used when a student presents an immediate danger to self or others and no other safe/effective intervention is available
- May not be used as discipline or punishment
- Must be immediately terminated when:
  - The student is no longer an immediate danger to self or others
  - The student is in severe distress
- Use must be for the minimum time necessary to ensure safety, with release criteria implemented
- May not exceed the shortest of the following before stopping, releasing, and reassessing:
  - the amount of time described in LEA's ESI training program,
  - 30 minutes,
  - or when law enforcement arrives



## *NOTIFICATION*

- Notice to parents immediately, and not to exceed 15 minutes after the use, of any physical restraint used on the parent's child\*
- Notice to school administration as soon as reasonably possible and before the student leaves school
- Immediate notification to school administration if the use of physical restraint occurs for more than 15 minutes
- Notice documented in student information systems (SIS) records

## *DOCUMENTATION*

- Provided to LEA's ESI Committee and student's parents\*

## *SECLUSION*

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- May only be used as an emergency safety intervention for a student in grade 1 or higher, when:\*
  - The LEA has developed and implemented written policies and procedures,
  - A student poses an immediate and significant threat to the student or others and no other safe/effective intervention is available,
  - A staff member who is familiar to the student is actively supervising the student for the duration of the seclusion, and
  - The use is time-limited to a maximum time of 30 minutes and monitored
- May not be used:\*
  - as an intervention,
  - as a disciplinary practice
  - for coercion, retaliation, or humiliation,
  - due to inadequate staffing, or
  - for the staff member's convenience
- When used, employee shall:
  - Document the reason for its use, duration, and any alternative strategies attempted\*

- Use minimum time necessary for safety
- Use release criteria outlined in LEA policies
- Ensure door remains unlocked per fire and public safety requirements
- Ensure student is observed at all times by personnel with comprehensive ESI training\*
- Have used other less restrictive interventions prior

## *NOTIFICATION*

- Notice to parents immediately, and not to exceed 15 minutes after the use, of any seclusion used on the parent's child\*
- Notice to school administration as soon as reasonably possible and before student leaves school
- Immediate notification to school administration if the use of seclusion occurs for more than 15 minutes
- Notice documented in SIS records

## *DOCUMENTATION*

- Provided to LEA's ESI Committee and student's parents\*

## PARENT REQUIREMENTS

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- School must provide a copy of notes/additional documentation upon parent request
- School must notify parents within 48 hours of ESI use that they may request documentation\*
- Parents may request to meet with school staff/administration to discuss ESI use
- School must debrief with the student's parents and others outlined in [Utah Code Section 53G-8-301\(10\)\(b\)\(i\)\(H\)\)](#) after the use of seclusion\*

# EMERGENCY SAFETY INTERVENTION COMMITTEE REQUIREMENTS

- An LEA shall establish an ESI Committee
- LEA ESI committee shall include at least:\*
  - one administrator,
  - one licensed educational professional with behavior support training and ESI state law and policy knowledge,
  - one parent/guardian of an LEA-enrolled student (appointed by LEA),
  - and one other licensed educator
- Meet often enough to monitor ESI use in the LEA
- Determine and recommend professional learning needs
- Develop policies for processes to resolve concerns regarding ESI use\*
- Ensure each emergency incident where an ESI is used is documented in the LEA's SIS and reported to the Superintendent

## REPORTING REQUIREMENTS

- An LEA shall collect and report data to the state board annually regarding:\*
  - An incident, and
  - For each incident, the:
    - Duration of an intervention used to respond to the incident,
    - Stated purpose for any intervention used,
    - Alternative interventions attempted,

- Student demographic information, including sex, gender, age, grade in school, and applicable disability status, and
- Relevant training offered to staff and if the staff involved received the relevant training without revealing the identity of the staff member
- An LEA shall have procedures for collection, maintenance, and periodic review of ESI use documents/records
- An LEA shall annually provide documentation of ESI use to the Superintendent\*

## VIOLATION REQUIREMENTS

- School authorities shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation of [Utah Code Section 53G-8-301](#)\*
- Any violations of [Utah Code Section 53G-8-301](#), including violations of any standards for seclusion or physical restraint established by the state board pursuant to [Utah Code Section 53G-8-301](#), shall:\*
  - Constitute an act of unlawful detention and is subject to the penalty described in [Utah Code Section 76-5-304](#), and
  - Result in a referral to:
    - Local law enforcement, and
    - The Utah Professional Practices Advisory Commission (UPPAC)