

R277. Education, Administration.

R277-613. LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct.

R277-613-1. Authority, ~~and~~ Purpose, and Oversight Category.

(1) This rule is authorized by:

(a) Section [53G-9-606](#), which directs the board to monitor LEA development and implementation of bullying and hazing policies;

(b) Section [53G-9-607](#), which directs the board to make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, and abusive conduct, and retaliation;

(c) Section [53E-3-501](#), which directs the Board to establish rules and minimum standards for the public schools governing discipline and control;

(d) Section [53G-8-209](#), which requires the Board, when making rules regarding student participation in co-curricular or extracurricular activities, to include:

(i) prohibitions against the use of foul, abusive, or profane language while in the classroom, on school property, or during a school sponsored activity; and

(ii) prohibitions against hazing, demeaning, or assaultive behavior, whether consensual or not;

(e) Utah Constitution [Article X, Section 3](#), which vests general control and supervision over public education in the Board; and

(f) Subsection [53E-3-401](#)(4)(a), 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 the rule is to:

(a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;

(b) provide for regular and meaningful training of school employees and students;

(c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; ~~and~~

(d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct-; and

(e) require an LEA to report bullying, cyber-bullying, hazing, and retaliation.

(3) This Rule R277-613 is categorized as Category 3 as described in Rule R277-111.

R277-613-2. Definitions.

(1) "Abusive conduct" means the same as that term is defined in Subsection [53G-9-601](#)(1).

(2)(a) "Bullying" means the same as that term is defined in Subsection [53G-9-601](#)(2).

(b) The conduct described in Subsection [53G-9-601](#)(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing that is targeted at a student based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

(a) Title VI of the Civil Rights Act of 1964;

(b) Title IX of the Education Amendments of 1972;

(c) Section 504 of the Rehabilitation Act of 1973; or

(d) Title II of the Americans with Disabilities Act of 1990.

(4) "Cyber-bullying" means the same as that term is defined in Subsection [53G-9-601](#)(4).

(5) "Disruptive student behavior" means the same as that term is defined in Subsection [53G-8-210](#)(1)(a).

(6) "Hazing" means the same as that term is defined in Subsection [53G-9-601](#)(5).

(7)(a) "Incident" means ~~[one or more infractions committed by a student or group of students acting in concert, at the same time and place]~~ a verified incident as defined in Subsection [53G-9-601\(7\)](#).

(b) A single incident may involve:

(i) one or more [victims] students subjected to the incident,

(ii) one or more [offenders.] students as causes of the incident, or

(iii) a student as both a subject and a cause of the incident.

(c) A single incident occurs at the same time and in the same place.

~~[(8) "Infraction" means an act of prohibited behavior.]~~

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

(10) "Participant" means any student, employee, or volunteer coach participating in a public school-sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club, or activity.

(11) "Policy" means standards and procedures that:

(a) are required in Section [53G-9-605](#);

(b) include the provisions of Section [53G-8-202](#); and

(c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:

(i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, abusive conduct, and retaliation among school employees and students; and

(iv) provide for enforcement through employment action or student discipline.

(12) "Restorative justice practice" means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

(13) "Retaliate" or "retaliation" means the same as that term is defined in Subsection [53G-9-601](#)(711).

(14) "School employee" means the same as that term is defined in Subsection [53G-9-601](#)(10).

(15) "Trauma-Informed Care" means a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the ~~[alleged victims]~~ students subjected to the incident, and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for targets to rebuild a sense of control and empowerment.

(16) "Volunteer" means a non-employee with significant, unsupervised access to students in connection with a school assignment.

R277-613-3. Superintendent Responsibilities.

(1) The Superintendent shall provide:

(a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section [53G-9-606](#);

(b) subject to availability of funds, model training and training opportunities on:

(i) the prevention and identification of bullying, cyber-bullying, hazing, abusive conduct, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and

(ii) the reporting and review requirements in Section R277-613-5;

(c) subject to availability of funds, evidence-based practices and policies related to the prevention of bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

(2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section [53G-9-605](#) and this rule and provide training as described in Section [53G-9-607](#) and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).

(3) The Board may interrupt disbursements of funds consistent with Subsection [53E-3-401](#)(8) and Rule [R277-114](#) for failure of an LEA to comply with:

- (a) [Title 53G, Chapter 9](#), Bullying and Hazing; and
- (b) this rule.

(4) In addition to the requirements of [Title 53G, Chapter 9](#), Bullying and Hazing and this rule, LEAs are required to comply with applicable federal requirements.

R277-613-4. LEA Responsibility to Create or Update Bullying Policies.

(1) In addition to the requirements of Subsection [53G-9-605](#)(3), an LEA shall:

(a) develop, update, and implement policies as required by Section [53G-9-605](#) and this rule, which shall include a prohibition on:

- (i) bullying;
- (ii) cyber-bullying;
- (iii) hazing;
- (iv) retaliation;
- (v) abusive conduct; and
- (vi) making a false report.

(b) post a copy of the LEA's policy on the LEA website;

(c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;

(d) provide a requirement for a signed statement that meets the requirements of Subsection [53G-9-605](#)(3)(h) annually; and

(e) review the policies required by this Subsection (1) regularly with input from stakeholders, as described in Subsection [53G-9-605](#)(2)(a).

(2) A signed statement under Subsection (1)(d) may not be used as a substitute for other training requirements as set forth in this rule.

(3)(a) As required by Section [53G-9-605](#), an LEA shall notify a student's parent of:

- (i) the student's threat of suicide; or

(ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the student as a ~~[victim]~~ student subjected to the incident, or an individual who is alleged to have engaged in prohibited conduct; and

(iii) of the action plan to address the incident.

(b) An LEA shall designate:

(i) ~~[designate]~~ the appropriate school employee to provide parental notification; and

(ii) ~~[designate]~~ the format in which notification is provided to a parent and maintained by the LEA.

(c) An LEA shall:

(i) make a notification required in Subsection (3)(a) in a timely manner; ~~[and]~~

(ii) provide the parent with:

(A) suicide prevention materials and information as recommended by the Superintendent in accordance with Subsection [53G-9-604](#)(2)(b);

(B) information on ways to limit a student's access to fatal means, including firearms or medication;

(C) information and resources on the healthy use of social media and online practices~~[-]~~; and

(iii) produce and maintain a record that:

(A) verifies that the school notified each parent in accordance with the law; and

(B) tracks implementation of the action plan addressing the incident, if applicable.

(4) Subject to the parental consent requirements of Section [53E-9-203](#), if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

(5) An LEA shall take strong responsive action against retaliation, including assistance to ~~[victims]~~ students subjected to the incident and their parents in reporting subsequent problems and new incidents.

(6)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

(b) The training described in Subsection (6)(a) shall

(i) include information on:

(A) bullying, cyber-bullying, hazing retaliation, and abusive conduct;

(B) discrimination under the following federal laws:

(I) Title VI of the Civil Rights Act of 1964;

(II) Title IX of the Education Amendments of 1972;

(III) Section 504 of the Rehabilitation Act of 1973; and

(IV) Title II of the Americans with Disabilities Act of 1990;

(C) how bullying, cyber-bullying, hazing retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(D) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and

(E) the right of free speech and how it differs for students, employees, and parents;

(ii) complement the suicide prevention program required for students under Rule [R277-620](#) and the suicide prevention training required for licensed educators consistent with Subsection [53G-9-704](#)(1); and

(iii) include information on when issues relating to this rule may lead to student or employee discipline.

(7) The training described in Subsection (6) shall be offered to:

(a) new school employees, coaches, and volunteers within the first year of employment or service; and

(b) all school employees, coaches, and volunteers at least once every three years after the initial training.

(8)(a) An LEA's policies developed under this section shall complement existing school policies and research based school discipline plans.

(b) Consistent with Rule [R277-609](#), the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation, abusive conduct [and disruptive students.

~~—— (c) An LEA shall ensure that a discipline plan required by Rule R277-609:~~

~~—— (i) directs schools to determine the range of behaviors and establish the continuum of administrative procedures to be used by school personnel to address the behavior of students;~~

~~—— (ii) provides for identification, by position, of individuals designated to issue notices of disruptive student behavior, bullying, cyber bullying, hazing, retaliation, and abusive conduct;~~

~~—— (iii) designates to whom notices shall be provided;~~

~~—— (iv) provides for documentation of disruptive student behavior in the LEA's student information system;~~

~~—— (v) includes strategies to provide for necessary adult supervision;~~

~~—— (vi) is clearly written and consistently enforced; and~~

~~—— (vii) includes administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility].~~

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, Retaliation and Abusive Conduct.

(1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:

(a) investigate allegations of incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct in accordance with this section;

(b) provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct with adequate training on conducting an investigation; and

(c) identify an LEA employee to be the point person with training and expertise to assist, direct, and supervise training of other employees in the responsibilities established in Subsections R277-613-5(1)(a) and (b).

(2)(a) An LEA shall investigate allegations of incidents described in Subsection (1)(a) by interviewing:

(i) the ~~[alleged victims]~~ students subjected to the incident;

(ii) the individual who is alleged to have engaged in prohibited conduct;

(iii) parents of the ~~[alleged victims]~~ students subjected to the incident and the individual who is alleged to have engaged in prohibited conduct;

(iv) any witnesses;

(v) school staff familiar with the ~~[alleged victims]~~ student subjected to the incident;

(vi) school staff familiar with the individual who is alleged to have engaged in prohibited conduct; or

(vii) other individuals who may provide additional relevant information.

(c) An individual who investigates an allegation of an incident shall inform an individual being interviewed that:

(i) to the extent allowed by law, the individual shall keep all details of the interview confidential; and

(ii) further reports of bullying will become part of the review.

(3) The confidentiality requirement in Subsection (2)(c) does not apply to:

(a) conversations with law enforcement professionals;

(b) requests for information pursuant to a warrant or subpoena;

(c) a state or federal reporting requirement; or

(d) other reporting required by this rule.

(4) In conducting an investigation under this section, an LEA may:

(a) review disciplinary reports of involved students; and

(b) review physical evidence, consistent with search and seizure law in schools,
which may include:

(i) video or audio;

(ii) notes;

(iii) email;

(iv) text messages;

(v) social media; or

(vi) graffiti.

(5) An LEA shall adopt a policy outlining under what circumstances the LEA will
report incidents of bullying, cyber-bullying, harassment, and retaliation to law
enforcement.

(6) An LEA shall adopt a policy outlining under what circumstances the LEA will
investigate and report incidents of bullying, cyber-bullying, retaliation, ~~and~~ abusive
conduct, and retaliation as civil rights violations.

(7) Following an investigation of a confirmed allegation of an incident of bullying,
cyber-bullying, hazing, retaliation, or abusive conduct, if appropriate, an LEA may:

(a) in accordance with the requirements in Subsection (6), take positive
restorative justice practice action, in accordance with policies established by the LEA;
and

(b) support involved students through trauma-informed practices, if appropriate;
and

(c) develop a communication process.

~~[(d) shall create and implement an action plan for each incident in accordance
with Section 53G-9-605.5.]~~

(8) Following an investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct an LEA shall create and implement an action plan for each incident in accordance with Section [53G-9-605.5](#).

~~[(8)]~~(9)(a) An ~~[alleged victims]~~ student subjected to the alleged incident, is not required to participate in a restorative justice practice as described in Subsection (7)(a) with an individual who is alleged to have engaged in prohibited conduct.

(b) If an LEA would like a student to participate in a restorative justice practice, the LEA shall notify the student's parent of the restorative justice practice and obtain consent from the student's parent before including the student in the process.

~~[(9)]~~(10) A grievance process required under Subsection [53G-9-605](#)(3)(f) shall be consistent with the LEA's established grievance process.

~~[(10)]~~(11) An LEA shall follow up with the parents of all parties to:

(a) inform parents when an investigation is concluded;

(b) inform parents what safety measures will be in place for their child, as determined by the investigation;

(c) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(d) inform parents of appeal options, if available, if the parents disagree with resolution of the investigation.

~~[(11)]~~(12) An LEA shall, as required by Subsection [53G-9-606](#)(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

(a) a copy of the LEA's policy required in Section R277-613-4;

(b) implementation of the signed statement requirement described in Subsection [53G-9-605](#)(3)(h);

(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, retaliation, and abusive conduct described in Section [53G-9-607](#);

(d) report ~~[verified and alleged]~~ incidents of bullying, cyber-bullying, hazing, and
retaliation, ~~and abusive conduct;~~

~~[(e) the number and type of incidents described in Subsection (11)(d) required to
be reported separately under federal law, including the reporting requirements in:~~

~~—— (i) Title VI of the Civil Rights Act of 1964;~~

~~—— (ii) Title IX of the Education Amendments of 1972;~~

~~—— (iii) Section 504 of the Rehabilitation Act of 1973; and~~

~~—— (iv) Title II of the Americans with Disabilities Act of 1990; and]~~

(f) the number and type of incidents described in Subsection (11)(d) that include
a student or LEA employee who was bullied, cyber-bullied, hazed, or retaliated against
based on the student's or LEA employee's actual or perceived characteristics, including
disability, race, national origin, religion, sex, gender identity, or sexual orientation;
including the federal reporting requirements for civil rights violations.

~~[(12)](13)~~ The requirements of this rule are in addition to any federal
requirements, including reporting civil rights violations to the appropriate entities and
taking other appropriate action.

(14) A school or LEA shall create an action plan for an incident that includes:

(a) a communication plan designed to keep each parent updated on the
implementation of the action plan;

(b) with respect to the student to whom the incident was directed and in direct
coordination with the student's parent:

(i) a tailored response to the incident that addresses the student's needs;

(ii) a mechanism to consider consequences or accommodations the student may
need regarding decreased exposure or interactions with the student who caused the
incident;

(iii) notification of the consequences and plan to address the behavior of the
student who caused the incident;

(iv) supportive measures designed to preserve the student's access to
educational services and opportunities; and

(v) to the extent available, access to other resources the parent requests for the student;

(c) with respect to the student who caused the incident and in direct coordination with the student's parent:

(i) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;

(ii) a process to determine and provide any needed resources related to the underlying cause of the incident;

(iii) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and

(iv) a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.

(15) A school or LEA may not include in an action plan a requirement that the student to whom the incident was directed change the student's:

(a) educational schedule or placement; or

(b) participation in a school sponsored sport, club, or activity.

(16) A school or LEA shall establish an appeals process for:

(a) a student who causes an incident; or

(b) the student's parent to appeal one or more of the consequences included in an action plan.

(17) If, after a school or LEA attempts to involve a parent in the development and implementation of an action plan, and the parent chooses not to participate in the process, the school or LEA may develop and implement an action plan without the parent's involvement.

R277-613-6. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

(1)(a) Prior to any student, employee, or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee, or coach shall participate in bullying, cyber-bullying, hazing, retaliation, and abusive conduct prevention training.

(b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.

(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.

(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.

R277-613-7. Abusive Conduct.

(1) An LEA shall prohibit abusive conduct.

(2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section [53G-9-605](#) and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in Subsection [53G-9-605](#)(3)(f).

KEY: abusive conduct, bullying, harassment, retaliation, hazing, training

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