

1     **R277. Education, Administration.**

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

4     **R277-613-1. Authority, [and] Purpose, and Oversight Category.**

5             (1) This rule is authorized by:

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

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

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

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

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

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

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

21                 (f) Subsection [53E-3-401](#)(4)(a), which allows the Board to make rules to execute  
22    the Board's duties and responsibilities under the Utah Constitution and state law.

23             (2) The purpose of the rule is to:

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

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

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

30 (d) require an LEA to review allegations of bullying, cyber-bullying, hazing,  
31 retaliation, and abusive conduct; and  
32 (e) require an LEA to report bullying, cyber-bullying, hazing, and retaliation.  
33 (3) This Rule R277-613 is categorized as Category 3 as described in Rule R277-  
34 111.

35

## 36 R277-613-2. Definitions.

37 (1) "Abusive conduct" means the same as that term is defined in Subsection  
38 [53G-9-601](#)(1).

39 (2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-  
40 601(2).

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

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

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

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

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

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

51 (4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-  
52 9-601(4).

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

55 (6) "Hazing" means the same as that term is defined in Subsection [53G-9-](#)  
56 [601\(5\).](#)

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

60        (b) A single incident may involve:

- 61            (i) one or more [victims] students subjected to the incident,
- 62            (ii) one or more [offenders.] students as causes of the incident, or
- 63            (iii) a student as both a subject and a cause of the incident.

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

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

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

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

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

- 72            (a) are required in Section 53G-9-605;
- 73            (b) include the provisions of Section 53G-8-202; and
- 74            (c) provide additional standards, procedures, and training adopted in an open  
75 meeting by an LEA board that:

76            (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;  
77            (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;  
78            (iii) require regular annual discussion and training designed to prevent bullying,  
79 cyber-bullying, hazing, abusive conduct, and retaliation among school employees and  
80 students; and

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

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

85 (13) "Retaliate" or "retaliation" means the same as that term is defined in  
86 Subsection [53G-9-601\(7\)\(11\)](#).

87 (14) "School employee" means the same as that term is defined in Subsection  
88 53G-9-601(10).

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

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

97

## 98 R277-613-3. Superintendent Responsibilities.

99 (1) The Superintendent shall provide:

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

102 (b) subject to availability of funds, model training and training opportunities on:  
103 (i) the prevention and identification of bullying, cyber-bullying, hazing, abusive  
104 conduct, and retaliation, that an LEA may use to train the LEA's employees, contract  
105 employees, and volunteers, including coaches; and

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

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

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

114 (3) The Board may interrupt disbursements of funds consistent with Subsection

115 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:

116 (a) [Title 53G, Chapter 9](#), Bullying and Hazing; and

117 (b) this rule.

118 (4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing

119 and this rule, LEAs are required to comply with applicable federal requirements.

120

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

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

123 (a) develop, update, and implement policies as required by Section 53G-9-605

124 and this rule, which shall include a prohibition on:

125 (i) bullying:

## 126 (ii) cyber-bullying

127 (iii) hazing

#### 128 (iv) retaliation:

129 (v) abusive conduct; and

130 (vi) making a false report

131 (b) post a copy of the LEA's policy on the LEA website;  
132 (c) develop an action plan to address a reported incident of bullying, cyber-  
133 bullying, hazing, abusive conduct, or retaliation;

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

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

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

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

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

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

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

147 (b) An LEA shall designate:

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

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

152 (c) An LEA shall:

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

154 (ii) provide the parent with:

155 (A) suicide prevention materials and information as recommended by the

156 Superintendent in accordance with Subsection [53G-9-604\(2\)\(b\)](#);

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

159 (C) information and resources on the healthy use of social media and online  
160 practices[.]; and

161 (iii) produce and maintain a record that:

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

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

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

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

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

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

176 (i) include information on:

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

178 (B) discrimination under the following federal laws:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

215 (iii) designates to whom notices shall be provided;

216 \_\_\_\_\_ (iv) provides for documentation of disruptive student behavior in the LEA's  
217 student information system;

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

219 (vi) is clearly written and consistently enforced; and

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

224

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

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

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

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

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

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

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

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

241 (iii) parents of the [alleged victims] students subjected to the incident and the

242 individual who is alleged to have engaged in prohibited conduct;

243 (iv) any witnesses;

244 (v) school staff familiar with the [alleged victims] student subjected to the

245 incident;

246 (vi) school staff familiar with the individual who is alleged to have engaged in

247 prohibited conduct; or

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

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

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

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

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

255 (a) conversations with law enforcement professionals;

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

257 (c) a state or federal reporting requirement; or

258 (d) other reporting required by this rule.

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

260 (a) review disciplinary reports of involved students; and

261 (b) review physical evidence, consistent with search and seizure law in schools,

262 which may include:

263 (i) video or audio;

264 (ii) notes;

265 (iii) email;

266 (iv) text messages;

267 (v) social media; or

268 (vi) graffiti.

269 (5) An LEA shall adopt a policy outlining under what circumstances the LEA will

270 report incidents of bullying, cyber-bullying, harassment, and retaliation to law

271 enforcement.

272 (6) An LEA shall adopt a policy outlining under what circumstances the LEA will

273 investigate and report incidents of bullying, cyber-bullying, retaliation, ~~[and]~~ abusive

274 conduct, and retaliation as civil rights violations.

275 (7) Following an investigation of a confirmed allegation of an incident of bullying,

276 cyber-bullying, hazing, retaliation, or abusive conduct, if appropriate, an LEA may:

277 (a) in accordance with the requirements in Subsection (6), take positive

278 restorative justice practice action, in accordance with policies established by the LEA;

279 and

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

281 and

282

283 (c) develop a communication process.

284 ~~[(d) shall create and implement an action plan for each incident in accordance~~

285 with Section 53G-9-605.5.]

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

289        [(8)](9)(a) An [alleged victims] student subjected to the alleged incident, is not  
290        required to participate in a restorative justice practice as described in Subsection (7)(a)  
291        with an individual who is alleged to have engaged in prohibited conduct.

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

295        [(9)](10) A grievance process required under Subsection 53G-9-605(3)(f) shall  
296        be consistent with the LEA's established grievance process.

297        [(10)](11) An LEA shall follow up with the parents of all parties to:

298        (a) inform parents when an investigation is concluded;  
299        (b) inform parents what safety measures will be in place for their child, as  
300        determined by the investigation;

301        (c) provide additional information about the investigation or the resolution  
302        consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.  
303        1232g; and

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

306        [(11)](12) An LEA shall, as required by Subsection 53G-9-606(2), report the  
307        following annually, on or before June 30, to the Superintendent in accordance with the  
308        Superintendent's submission requirements:

309        (a) a copy of the LEA's policy required in Section R277-613-4;  
310        (b) implementation of the signed statement requirement described in Subsection  
311        53G-9-605(3)(h);  
312        (c) verification of the LEA's training of school employees relating to bullying,  
313        cyber-bullying, hazing, retaliation, and abusive conduct described in Section 53G-9-607;

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

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

318 (i) ~~Title VI of the Civil Rights Act of 1964;~~  
319 (ii) ~~Title IX of the Education Amendments of 1972;~~  
320 (iii) ~~Section 504 of the Rehabilitation Act of 1973; and~~  
321 (iv) ~~Title II of the Americans with Disabilities Act of 1990; and]~~

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

327 [~~(12)~~](13) The requirements of this rule are in addition to any federal  
328 requirements, including reporting civil rights violations to the appropriate entities and  
329 taking other appropriate action.

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

331 (a) a communication plan designed to keep each parent updated on the  
332 implementation of the action plan;  
333 (b) with respect to the student to whom the incident was directed and in direct  
334 coordination with the student's parent:

335 (i) a tailored response to the incident that addresses the student's needs;  
336 (ii) a mechanism to consider consequences or accommodations the student may  
337 need regarding decreased exposure or interactions with the student who caused the  
338 incident;

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

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

343           (v) to the extent available, access to other resources the parent requests for the  
344       student;  
345           (c) with respect to the student who caused the incident and in direct coordination  
346       with the student's parent:  
347           (i) a range of tailored and appropriate consequences, making reasonable effort to  
348       preserve the student's access to educational services and activities;  
349           (ii) a process to determine and provide any needed resources related to the  
350       underlying cause of the incident;  
351           (iii) supportive measures designed to preserve the student's access to  
352       educational services and opportunities while protecting the safety and well-being of  
353       other students; and  
354           (iv) a process to remove the student from school in an emergency situation,  
355       including a description of what constitutes an emergency.  
356           (15) A school or LEA may not include in an action plan a requirement that the  
357       student to whom the incident was directed change the student's:  
358           (a) educational schedule or placement; or  
359           (b) participation in a school sponsored sport, club, or activity.  
360           (16) A school or LEA shall establish an appeals process for:  
361           (a) a student who causes an incident; or  
362           (b) the student's parent to appeal one or more of the consequences included in  
363       an action plan.  
364           (17) If, after a school or LEA attempts to involve a parent in the development and  
365       implementation of an action plan, and the parent chooses not to participate in the  
366       process, the school or LEA may develop and implement an action plan without the  
367       parent's involvement.  
368  
369       **R277-613-6. Training by LEAs Specific to Participants in Public School Athletic**  
370       **Programs and School Clubs.**

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

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

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

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

382

**383 R277-613-7. Abusive Conduct.**

384 (1) An LEA shall prohibit abusive conduct.

385 (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation  
386 policy, required in Section [53G-9-605](#) and this rule, shall include a grievance process for  
387 a school employee who has experienced abusive conduct as described in Subsection  
388 [53G-9-605](#)(3)(f).

389

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

391 Date of Last Change: August 8, 2023

**392 Notice of Continuation: June 13, 2023**

393 Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53G-](#)  
394 [9-607](#); [53E-3-501](#); [53G-8-209](#); [53G-9](#)