

Summary of Public comment and feedback regarding Board Rule R277-609

A Qualtrics survey requesting comments to the proposed updates to Board Rule R277-609 was disseminated to the education community and partners. Comments were collected between September 26, 2024 and October 15, 2024. There were 15 respondents who provided feedback and comments through the survey. This document provides a general summary of the comments.

R277-609-1: Authority and Purpose

Summary of Feedback

- Concerns why both R277-608 and R277-609 are needed. Notes that R277-608 has historically been corporal punishment and this change may lend to confusion.

R277-609-2: Definitions

Summary of Feedback

- Appreciation for the better and clearer definitions provided.
- Appreciation for new definition of “disruptive student.”
- Notes that line 67 references habitual truant however, R277-607 references chronic absenteeism and does not use habitual truant.
- Suggestion to keep definition for “self-discipline” (line 38) due to reference on line 139-140.
- Suggestion to include “evidence-based strategies” in the definition for discipline to ensure that strategies used are effective and meaningful.
- Confusion on line 48 stating that updated "Emergency safety intervention" or "ESI" referencing R277-608 does not make sense as line 44 states, " does not present imminent harm".

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

Summary of Feedback

- Suggestion that line 152 should say negative or disruptive behaviors rather than risky behavior.

R277-609-4. Actions Required to Create or Update Discipline Policies

Summary of Feedback

- Suggestion to keep restorative practices at the forefront for responding to student discipline.
- Appreciation for including multiple stakeholders in policy development.
- Concern that annual evaluation process does not include all of the stakeholders that are involved in policy development. Suggests including all stakeholders in other steps in addition to policy development.

R277-609-5 School Conduct and Discipline Policy

Summary of Feedback

- Suggestion to reference the LRBI manual for the establishment of the standards and consequences in addition to line statement on line 359.
- Concern with the practicality of lines 307-308, minors and their parents participating in decisions regarding consequences of prohibited behavior.
- Concern with requirement for documentation of misdemeanors and if this is required in code for lines 338-340.
- Concern that it may be overreach to include minor students in decisions regarding consequences for prohibited behavior.
- Suggestion to keep separate standards of student behavior expectations and management.

R277-609-6 LEA Responsibility to Develop Plans

Summary of Feedback

- Suggestion to include LRBI in plans.

R277-609-7. LEA Reporting.

Summary of Feedback

- Overall changes look good

R277-609-9. Special Education Exceptions to this Rule.

Summary of Feedback

- Overall changes look good

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

Summary of Feedback

- Overall changes look good

R277-609-11. Model Policies.

Summary of Feedback

- Concern that so much is delegated to LEAs without specific and uniform guidance and that there is no shared liability.
- Suggestion that LEAs should be provided more funding to implement efforts.
- Appreciation that this draft presents a comprehensive approach.

R277-609-12. LEA Compliance.

Summary of Feedback

- Concern that there are no consequences or grounds for enforcement if this section is removed.
- Appreciation that unnecessary reporting was removed.

- Suggestion to update KEY to reflect the updates made throughout the document.

R277. Education, Administration.

R277-609. Standards for LEA Discipline ~~Plans~~ Policies ~~[and Emergency Safety Interventions]~~.

R277-609-1. Authority, [and] Purpose, and Oversight Category.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control;

(d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;

(e) Section 53G-8-702, which requires the Board to adopt rules regarding training programs for school principals and school resource officers; and

(f) Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards[; ~~and~~

~~(g) Section 53G-8-302, which describes the instances when a school employee may use reasonable and necessary physical restraint].~~

(2)[~~(a)~~] The purpose of this rule is to outline requirements for school discipline policies, related policies, and [plans], restorative practices, [~~and related policies~~].

~~[(b) An LEA's written policies shall include provisions to develop, implement, and monitor the policies for the use of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.]~~

(3) This Rule R277-609 is categorized as Category 2 as described in Rule [R277-111](#).

R277-609-2. Definitions.

(1) "Classroom management" means the use of planned strategies that:

(a) establish an organized and successful learning environment; and

(b) teach behavioral, social, and emotional (BSE) skills to all students.

~~[(4)](#)~~ "Discipline" ~~[includes:]~~ means school discipline and refers to:

(a) ~~[imposed discipline]~~ the rules and strategies applied in school to manage student behavior; and

(b) ~~[self-discipline]~~ practices used to encourage self-discipline.

~~[(2)]~~ "Disruptive student behavior" ~~includes:~~

~~—— (a) the grounds for suspension or expulsion described in Section 53G-8-205;~~
~~and~~

~~—— (b) the conduct described in Subsection 53G-8-209(2)(b).]~~

(#) Disruptive student for the purposes of this rule, means a student who interrupts the learning environment in a way that does not present imminent harm as described in R277-608.

~~[(3)](#)~~ "Electronic cigarette product" has the same meaning as that term is defined in Section 76-10-101.

~~[(4)](#)(a)]~~ "Emergency safety intervention" or "ESI" means the ~~[use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others.~~

~~—— (b) An "emergency safety intervention" is not for disciplinary purposes.~~

~~—— (5) "Emergency safety intervention committee" or "ESI Committee" means an emergency safety intervention committee described in Section R277-609-7]~~ same as described in R277-608-2.

~~[(6)](#)~~ "Evidence-based" means the same as defined in Section 53G-8-211.

(#) "Expulsion" means a disciplinary removal from school for more than 10 school days without an offer of alternative education service.

~~[(7)](#) "Functional Behavior Assessment" or "FBA" means a systematic process of identifying problem behaviors and the events that reliably predict occurrence and non-occurrence of those behaviors and maintain the behaviors across time.]~~

[(8)](#) "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion or sex, and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.

(#) "Habitual truant" means the same as defined in R277-607.

~~[(9) "Immediate danger" means the imminent danger of physical violence or aggression towards self or others, which is likely to cause serious physical harm.~~

~~—— (10) "Imposed discipline" means a code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives.]~~

() "Incident" means the same as defined in R277-613.

() "Infraction" means the same as defined in R277-613.

[(44)](#) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[(12) "Physical restraint" has the same meaning as the defined in Section 53G-8-301.]~~

[(43)](#) "LEA Plan" means [an LEA and school wide written model for prevention and intervention addressing includes:]

(a) [student behavior management] a data-driven written process or procedure that outlines the implementation of strategies that positively impact student behavior throughout the LEA; and

[(b) restorative practices;]

~~[(c) harassment and discrimination free learning; and
(d) discipline procedures for students].~~

~~[(14)](#)~~ "Positive behavior interventions and support" means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student.

~~[(15)](#)~~ "Program" means an instructional or behavioral program including:

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

(b) a program that receives public funding; or

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

~~[(2)]~~ "Prohibited student behavior" for the purposes of this rule includes:

~~(a) the grounds for suspension or expulsion described in Section 53G-8-205 including disruption; and~~

~~(b) the conduct described in Subsection 53G-8-209(2)(b).~~

~~[(16) "Policy" means standards and procedures that include:~~

~~(a) Section 53G-8-202 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:~~

~~(i) defines hazing, bullying, and cyber bullying;~~

~~(ii) prohibits hazing and bullying;~~

~~(iii) requires training regarding:~~

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

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

~~(iv) provides for enforcement through employment action or student discipline;~~

~~(v) are informed and updated by data obtained by any regular safety or health related survey including a school's climate survey as described in Rule R277-623; and~~

~~—— (vi) other appropriate measurements.]~~

[(17)](#) "Qualifying minor" means a school-age minor who:

(a) is at least nine years old; or

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

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

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

[(20)](#) "School" means any public elementary or secondary school or charter school.

[(24)](#) "School employee" means:

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

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

[(22)]—"Seclusionary time-out" means that a student is:

~~—— (a) placed in a safe enclosed area by school personnel in accordance with the requirements of Rules R392-200 and R710-4;~~

~~—— (b) purposefully isolated from adults and peers; and~~

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

~~—— (23) "Section 504 accommodation plan," required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.~~

139 ~~_____ (24) "Self-Discipline" means developing the ability to take personal responsibility~~
140 ~~for one's actions.]~~

141 [(25)][(##)] "Student with a qualifying offense" means a qualifying minor who
142 committed an alleged class C misdemeanor, infraction, status offense on school
143 property, or truancy.

144 (#) "Suspension" means the same as defined in R277-100-2 and as described in
145 53G-8-206

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

149 (1) This rule incorporates by reference the LRBI Technical Assistance Manual,
150 [2023] 2024 Edition, which provides guidance and information in creating successful
151 behavioral systems and supports within Utah's public schools that:

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

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

- 155 (a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>;
156 and
157 (b) the Utah State Board of Education.

159 **R277-609-4. ~~[LEA Responsibility to Develop Plans]~~ School Discipline Policy**
160 **Development**

161 (1) An LEA or school shall develop and implement a board approved
162 comprehensive LEA [plan] policy for [student and classroom management,] school
163 discipline[, and restorative practices.]

164 (2) An LEA shall include administration, instruction and support staff, students,
165 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.

(3) An LEA shall include as part of the ~~[plan]~~ policy, a process for parental outreach and education regarding the policy ~~[plan]~~ and how it can provide a discrimination and harassment free environment, through strategies promoting positive engagement between staff, students, and parents.

(4) An LEA shall develop uniform and equitable methods for a school level data-based evaluation of the efficiency and effectiveness of the policy on an annual basis.

(5) A plan [policy] described in Subsection (1) shall include:

~~—— (a) the definitions of Section 53G-8-210;~~

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

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

~~—— (i) self-discipline;~~

~~—— (ii) citizenship;~~

~~—— (iii) civic skills; and~~

~~—— (iv) social emotional skills;~~

~~—— (d) systematic methods for reinforcement of expected behaviors;~~

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

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

~~[(g)](a) uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;~~

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

~~—— (i) student behavior expectations;~~

~~—— (ii) effective instructional practices for teaching; and~~

~~—— (#) reinforcing behavior expectations;~~

194 ~~—— (iii) effective intervention strategies; and~~
195 ~~—— (iv) effective strategies for evaluation of the efficiency and effectiveness of~~
196 ~~interventions;~~
197 ~~—— (i) procedures for ongoing training of appropriate school personnel in:~~
198 ~~—— (i) crisis management;~~
199 ~~—— (ii) emergency safety interventions; and~~
200 ~~—— (iii) LEA policies related to emergency safety interventions consistent with~~
201 ~~evidence-based practice;~~
202 ~~—— (j) policies and procedures relating to the use and abuse of alcohol, controlled~~
203 ~~substances, electronic cigarette products, and other harmful trends by students;~~
204 ~~—— (k) policies and procedures for responding to possession or use of electronic~~
205 ~~cigarette products by a student on school property as required by Subsection 53G-8-~~
206 ~~203(3);~~
207 ~~—— (k) policies and procedures, consistent with requirements of Rule R277-613,~~
208 ~~related to:~~
209 ~~—— (i) bullying;~~
210 ~~—— (ii) cyber bullying;~~
211 ~~—— (iv) hazing; and~~
212 ~~—— (v) retaliation;~~
213 ~~—— (l) policies and procedures for the use of emergency safety interventions for all~~
214 ~~students consistent with evidence-based practices including prohibition of:~~
215 ~~—— (i) physical restraint, subject to the requirements of Section R277-609-5, except~~
216 ~~when the physical restraint is allowed as described in Subsection 53G-8-302(2);~~
217 ~~—— (ii) prone, or face-down, physical restraint;~~
218 ~~—— (iii) supine, or face-up, physical restraint;~~
219 ~~—— (iv) physical restraint that obstructs the airway of a student or adversely affects a~~
220 ~~student's primary mode of communication;~~
221 ~~—— (v) mechanical restraint, except:~~

222 ~~—— (A) protective or stabilizing restraints;~~
223 ~~—— (B) restraints required by law, including seatbelts or any other safety equipment~~
224 ~~when used to secure students during transportation; and~~
225 ~~—— (C) any device used by a law enforcement officer in carrying out law~~
226 ~~enforcement duties;~~
227 ~~—— (vi) chemical restraint, except as:~~
228 ~~—— (A) prescribed by a licensed physician, or other qualified health professional~~
229 ~~acting under the scope of the professional's authority under State law, for the standard~~
230 ~~treatment of a student's medical or psychiatric condition; and~~
231 ~~—— (B) administered as prescribed by the licensed physician or other qualified~~
232 ~~health professional acting under the scope of the professional's authority under state~~
233 ~~law;~~
234 ~~—— (vii) seclusionary time out, subject to the requirements of Section R277-609-5,~~
235 ~~except when a student presents an immediate danger of serious physical harm to self or~~
236 ~~others; and~~
237 ~~—— (viii) for a student with a disability, emergency safety interventions written into a~~
238 ~~student's IEP, as a planned intervention, unless:~~
239 ~~—— (A) school personnel, the family, and the IEP team agree less restrictive means~~
240 ~~have been attempted;~~
241 ~~—— (B) a FBA has been conducted; and~~
242 ~~—— (C) a positive behavior intervention, based on data analysis has been written~~
243 ~~into the plan and implemented;~~
244 ~~—— (m) direction for dealing with bullying and disruptive students;~~
245 ~~—— (n) direction for schools to determine the range of behaviors and establish the~~
246 ~~continuum of administrative procedures that may be used by school personnel to~~
247 ~~address student behavior, including students who engage in disruptive student~~
248 ~~behaviors as described in Section 53G-8-210;~~

~~—— (o) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;~~

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

~~—— (q) a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;~~

~~—— (r) strategies to provide for necessary adult supervision;]~~

[(s)](b) a requirement that policies be clearly written and consistently enforced;

[(t)](c) notice to employees that violation of [this rule] LEA policy may result in employee discipline or action;

~~[(u) gang prevention and intervention policies in accordance with Subsection 53E-3-509(1);~~

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

~~—— (i) the role of law enforcement;~~

~~—— (ii) emergency medical services; and~~

~~—— [(iii)](d) a provision for publication of notice to parents and school employees of policies by reasonable means; and~~

~~[(iv) a plan for referral for a student with a qualifying offense to alternative school-related interventions, including:~~

~~—— (A) a mobile crisis outreach team, as defined in Section 80-1-102;~~

~~—— (B) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;~~

~~—— (C) a youth court; or~~

~~—— (D) a comparable restorative justice program.~~

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

~~—— (a) Subsection 53E-3-509(2); and~~

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

____ (e) an ongoing staff development program as described in R277-608-

R277-609-5 School Conduct and Discipline Policy

____ (1) A policy described in R277-609-4 shall include:

____ (a) policies consistent with the requirements of Section 53G-8-210;

____ (b) written standards for student behavior expectations, including schoolwide and classroom management;

____ (c) policies consistent with the requirements of (section for ed rights amendments)

____ (d) provisions that account for specific conduct as described in 53G-8-203;

____ (d) provisions that account for grounds for suspension and expulsion consistent with 53G-8-205;

____ (d) provisions that provide for alternatives to suspension and expulsion as consistent with 53G-8-207;

____ (e) direction for schools to determine the range of prohibited behaviors and establish the continuum of administrative procedures that may be used by school personnel to address prohibited student behavior[, including students who engage in disruptive student behaviors as described in Section 53G-8-210];

____ (f) provisions that provide for the parent responsibility requirements as described in 53G-8-208.

____ (g) provisions that provide for federal law, including IDEA, Title IX, and the Americans with Disabilities Act;

____ (h) identification, by position, of an individual designated to issue notices of prohibited student behavior as described in Section 53-8-210-3;

_____ (i) identification of individuals who shall receive notices of prohibited student behavior as described in Section 53G-8-210-4;

_____ (j) LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for prohibited student behavior;

_____ (2) An LEA shall also establish policies about notice and data collection that:

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

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

_____ (i) numbers of disruptions, suspensions, and timelines in accordance with Section 53G-8-210;

_____ (ii) school resources available;

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

_____ (A) attendance;

_____ (B) grades;

_____ (C) behavioral reports; and

_____ (D) other available student school data; and

_____ (iv) provide due process procedures for minors and parents to contest allegations and citations of prohibited student behavior.

_____ (3) The policies described in this rule shall include policies that apply to specific incident and infractions types:

_____ (a) procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;

_____ (b) policies and procedures for responding to possession or use of electronic cigarette products by a student on school property as required by Subsection 53G-8-

203(3);

(c) policies and procedures, consistent with requirements of Rule R277-613,
related to:

(i) bullying;

(ii) cyber-bullying;

(iv) hazing; and

(v) retaliation.

(d) a requirement to provide for documentation of an alleged class B
misdemeanor or a nonperson class A misdemeanor before referral of students with an
alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;

(e) gang prevention and intervention policies in accordance with Subsection
53E-3-509(1);

(f) responses to defacement of school property consistent with Sections:

(i) 53G-8-212;

(ii) 76-6-101;

(iii) 76-6-101; and

(iv) 80-6-610.

(g) policies guiding the responses to habitual truancy as described in R277-607.

(h) policies and procedures, consistent with requirements of Rule R277-613,
related to serious offenses of sexual crimes as described in Sections:

(i) 53G-8-201;

(ii) 53G-8-203; and

(iii) 53G-8-213.

(4) An LEA discipline policy shall also include direction on the following available
supportive and emergency responses:

(a) policies and procedures for the use of emergency safety interventions as
outlined in R277-608-3 for all students consistent with evidence-based practices and
R277-608;

(b) policies that align with the LRBI manual incorporated in this rule;

(c) policies and procedures that account for the use of SafeUT as described in 53G-8-203.

(d) policies that encourage the appropriate use of restorative practices; and

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

(i) the role of law enforcement;

(ii) emergency medical services; and

~~[R277-609-5. Physical Restraint and Seclusionary Time Out.]~~

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

~~—— (a) a physical restraint must be immediately terminated when:~~

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

~~—— (ii) a student is in severe distress; and~~

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

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

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

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

~~—— (b) 30 minutes; or~~

~~—— (c) when law enforcement arrives.~~

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

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

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

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

~~———— (c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;~~

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

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

~~———— (f) ensure that the enclosed area meets the fire and public safety requirements described in Rules R392-200 and R710-4.~~

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

~~———— (a) the student's parent; and~~

~~———— (b) school administration.~~

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

~~———— (8) In addition to the notice described in Subsection (7), if a public education employee places a student in seclusionary time out for more than 15 minutes, the school or the public education employee shall immediately provide notice to:~~

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

~~———— (b) school administration.~~

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

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

R277-609-6 LEA Responsibility to Develop Plans

(1) An LEA shall develop plans that implement positive behavior interventions, supports, and restorative practices as part of the LEA's continuum of behavior interventions strategies.

(2) LEA plans shall include:

(i) effective instructional practices for teaching student expectations

(ii) systematic methods for reinforcement of expected behaviors;

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

(iv) procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral

(v) procedures for referral for a student with a qualifying offense to alternative school-related interventions as described in 53G-8-211, including:

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

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

(C) a youth court; and

(D) a comparable restorative justice program.

(3) An LEA plan described in this section may include:

(a) provisions as described in Subsection 53E-3-509(2); and

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

[R277-609-6 . Implementation]

(1) An LEA shall implement [strategies and policies consistent with the LEA's plan required in Section R277-609-4.] an ongoing staff development program related to the development of:

~~_____ (a) student expectations;~~

~~_____ (b) effective instructional practices for teaching and reinforcing behavior expectations;~~

~~_____ (c) effective intervention strategies; and~~

~~_____ (d) effective strategies for evaluation of the efficiency and effectiveness of interventions;~~

~~(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs before suspension or court referral.~~

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

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

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

~~_____ (2) An LEA's ESI Committee:~~

~~_____ (a) shall include:~~

~~_____ (i) at least two administrators;~~

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

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

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

~~_____ (c) shall determine and recommend professional development needs; and~~

~~_____ (d) shall develop policies for local dispute resolution processes to address
concerns regarding disciplinary actions; and
_____ (e) shall ensure that each emergency incident where a school employee uses an
emergency safety intervention is documented in the LEA's student information system
and reported to the Superintendent through the Board's Utah Transcript and Record
Exchange (UTREx) system.]~~

R277-609-[8] 7. LEA Reporting.

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

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

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

(1) An LEA shall develop a consistent process to collect incident, infraction, and
discipline data, including the number of days of student suspensions and expulsions.

~~[(4)](2) [(a)] An LEA shall submit all required [UTREx] incident, infraction, and
discipline data [and incident or infraction data elements, and] including suspensions and
expulsions: [to the Superintendent no later than June 30 of each year.]~~

(a) as part of the LEA's daily submission as specific in R277-484-6;

(b) any yearly and comprehensive updates no later than June 30th of each year;

(c) and other requirements as specified in R277-484.

~~[(b)](3) [Beginning in the 2018-19 school year, An LEA shall submit all
required UTREx discipline data and incident or infraction data elements as part of the
LEA's daily UTREx submission].~~

~~[R277-609-9. Special Education Exceptions to this Rule.~~

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

~~———— (2) The Superintendent shall periodically review:~~

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

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

~~R277-609-10. Parent Notification and Court Referral.~~

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

~~———— (2) An LEA shall establish policies that:~~

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

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

~~———— (i) numbers of disruptions, suspensions, and timelines in accordance with Section 53G-8-210;~~

~~———— (ii) school resources available;~~

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

~~———— (A) attendance;~~

~~———— (B) grades;~~

~~———— (C) behavioral reports; and~~

~~———— (D) other available student school data; and~~

~~———— (iv) provide due process procedures for minors and parents to contest
allegations and citations of disruptive student behavior.
———— (3)(a) When an emergency safety intervention is used to protect a student or
others from harm, a school shall:
———— (i) provide notice to the student's parent as soon as reasonably possibly and
before the student leaves the school;
———— (ii) provide notice to school administration; and
———— (iii) provide documentation of the emergency safety intervention to the LEA's ESI
Committee described in Section R277-609-7.
———— (b) In addition to the notice described in Subsection (3)(a), if the use of an
emergency safety intervention occurs for more than 15 minutes, the school shall
immediately provide a second notification to:
———— (i) the student's parent or guardian; and
———— (ii) school administration.
———— (d) A notice described in Subsection (3)(a) shall be documented within student
information systems (SIS) records.
———— (4)(a) A school shall provide a parent or guardian with a copy of any notes or
additional documentation taken during the use of the emergency safety intervention
upon request of the parent or guardian.
———— (b) Within 24 hours of the school using an emergency safety intervention with a
student, a school shall provide notice to a parent or guardian that the parent or guardian
may request a copy of any notes or additional documentation taken during the use of
the emergency safety intervention.
———— (c) A parent or guardian may request a time to meet with school staff and
administration to discuss the use of an emergency safety intervention.~~

~~R277-609-11. Model Policies.~~

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

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

~~R277-609-12. LEA Compliance.~~

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

KEY: disciplinary actions, disruptive students, emergency safety interventions

Date of Last Change: June 13, 2023

Notice of Continuation: September 13, 2023

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