

R277. Education, Administration.

R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment.

R277-608-1. Authority, 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; and

(c) Sections [53G-8-301](#) ~~[through 53G-8-305]~~, which describes the instances when school employees may use reasonable and necessary physical restraint and seclusion and prohibits the infliction of corporal punishment on a student in educational settings.

(2) The purpose of this rule is to:

(a) direct LEAs to have policies in place that prohibit corporal punishment consistent with the law; and

(b) outline the required provision of an LEA's written policy regarding the development, implementation, and monitoring of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.

(3) This Rule R277-608 is categorized as Category ~~[2]~~3 as described in Rule [R277-111](#).

R277-608-2. Definitions.

(1)(a) "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.

(b) Chemical restraints are prohibited by the Board.

(2) "Comprehensive Emergency Safety Intervention Training" means a training required for key identified school ~~[personnel]~~ employees that has the components described in Subsection R277-608-4~~[(2)](4)~~.

(3) "Corporal punishment" means the same as defined in Section 53G-8-301.

(4) "Disengagement strategies" means strategies for safely and effectively releasing or separating oneself or others from a situation, person, or engagement to protect oneself or others.

~~[(4)](5)(a) "Emergency safety intervention" or "ESI" means the same as defined in Section 53G-8-301[use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others. An emergency safety intervention is not used for disciplinary purposes].~~

(b) An emergency safety intervention ~~is~~ may not be used for disciplinary purposes.

~~[(5)](6) "Emergency safety intervention committee" or "ESI committee" means an emergency safety intervention committee as described in Section R277-608-6.~~

~~[(6)](7) "Functional behavior assessment" or "FBA" is a systematic process used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and nonoccurrence for developing effective positive behavioral interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.~~

~~[(7)](8) "Foundational Behavior Support Training" means a training required for all school employees who supervise students, or may be asked to assist in managing a student's behavior that has the components described in Subsection R277-608-4(1).~~

~~[(8)](9) "Immediate danger" or "Immediate and significant threat" means:~~

~~(a) the imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause [substantial] imminent risk of substantial or serious bodily injury [or serious bodily injury] [, and~~

~~(b) the same as "immediate danger" as used in 53G-8-301].~~

57 ~~[(9)]~~(10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
58 and the Blind.

59 ~~[(40)]~~(11)(a) "Mechanical restraint" means the use of any device or equipment to
60 restrict a student's freedom of movement.

61 (b) Mechanical restraints are prohibited except for protective and stabilizing
62 restraints as prescribed by an appropriate medical or related services professional,
63 restraints required by law, including seatbelts or any other safety equipment when used
64 to secure students during transportation, and any device used by a law enforcement
65 officer in carrying out law enforcement duties.

66 ~~[(44)]~~(12) "Physical escort" has the same meaning as defined in Section [53G-8-](#)
67 [301](#).

68 ~~[(42)]~~(13) "Physical restraint" has the same meaning as defined in Section [53G-](#)
69 [8-301](#).

70 ~~[(43)]~~(14) "School employee" means:~~[the same as defined in Rule R277-609.]~~

71 (a) a school teacher;

72 (b) a school staff member;

73 (c) a school administrator; or

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

75 (e) "School Employee" does not mean a law enforcement officer.

76 ~~[(44)]~~(15) "Seclusion~~[ary time out]~~" means the same as defined in [53G-8-301](#).

77 ~~[that a student is:~~

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

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

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

83 ~~[(45)]~~(16) "Serious bodily injury" has the same meaning as defined in Subsection
84 [76-1-101.5-1\(17\)](#).

85 [(16)](17) "Substantial bodily injury" has the same meaning as defined in
86 Subsection 76-1-101.5-1(18).

87
88 **R277-608-3. LEA Policies and Procedures for the Use of Emergency Safety**
89 **Interventions.**

90 (1) Policies established by LEAs for the use of ESI for all students shall include:

91 (a) a statement that[:

92 ~~——(i)—~~ key identified school employees may use reasonable and necessary physical
93 restraint only in self-defense, or when otherwise appropriate to the circumstances
94 outlined in Subsection 53G-8-30[2]1[(2)](4);

95 [(ii)](b) an ESI may not be used in place of appropriate less restrictive
96 interventions;

97 [~~——(iii)—~~ nothing shall prohibit a school employee from using less intrusive means
98 including physical escort, to address circumstances described in Subsection 53G-8-
99 302(2);]

100 [(b)](c) a definition of a key identified school employee for whom the ongoing
101 comprehensive ESI training outlined in Subsection R277-608-4[(2)](3) will be provided;

102 [(e)](d) procedures to be followed when using ESI, including:

103 (i) continual observation as described in Subsection R277-608-5(12)(d);

104 (ii) release criteria;

105 (iii) documentation;

106 (iv) notification to administration outlined in Section R277-608-5;

107 (v) notification to a student's parent consistent with in Section R277-608-5;

108 (vi) debrief;

109 (vii) reporting; and

110 (viii) post-ESI assessment and monitoring of students; and

111 (e) all other requirements related to use of seclusion consistent with 53G-8-
112 301(10).

(2) An LEA ESI policy shall include whether the LEA allows individual schools to designate an enclosed area for the sole purpose of seclusion~~[any time out]~~.

(a) if an LEA allows individual schools to designate an enclosed area for the sole purpose of seclusion~~[any time out]~~, the policy shall additionally outline:

(i) requirements and prohibitions for the designated enclosed area in accordance with Rules R392-200 and R710-4; and

(ii) a written procedure outlining the approval process including:

(A) requirements that a school proposing to designate an enclosed area include in their proposal a written description outlining the data and reasoning for designating an enclosed area;

(B) approval by the LEA governing board in consultation with the LEA's ESI committee; and

(C) requirements around a written notification provided to parents within the school community before the designation of an enclosed area.

(3) Policies and procedures for the use of an ESI for a student should be consistent with evidence- and research-based practices including the prohibition of:

(a) Physical restraint, subject to the requirements of Section R277-608-5, except when the physical restraint is allowed as described in Subsection 53G-8-301~~[2(2)]~~;

(b) prone, or face-down, physical restraint;

(c) supine, or face-up, physical restraint;

(d) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

(e) mechanical restraint, except as consistent with Section R277-608-2;

(f) chemical restraint, except as consistent with Section R277-608-2;

(g) seclusion~~[any time out]~~, subject to the requirements of Section R277-608-5 and 53G-8-301(10)(a)(iii), except when a student presents an immediate [and significant threat] danger of serious physical harm to self or others;

(h) for a student with a disability, ESIs written into a student's individualized education ~~[plan]~~ program (IEP), as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented; and

(j) other dangerous practices as defined by the LEA, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual incorporated by reference in Section R277-609-~~[3]~~(7).

(4) An LEA shall have in place, as part of its LEA special education policies, procedures, and practices, criteria, and steps for using ESI with students with disabilities consistent with state and federal law.

R277-608-4. Emergency Safety Interventions (ESI) Training Requirements.

(1) Beginning with the 2025-2026 school year, all school employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training, which shall include:

(a) behavioral or emotional crisis management including de-escalation strategies consistent with the (LRBI) manual incorporated by reference into Section R277-609-~~[3]~~(7); and

(b) LEA policies related to ESI.

(2) The foundational behavior support training, described in Subsection R277-608-4(1), must be completed within two months or 30 days if working directly with a student with disabilities, of employment and bi-annually, thereafter.

(3) Key identified school employees shall receive comprehensive ESI training in addition to the foundational behavior support training.

(4) The Comprehensive ESI training shall include:

_____ (a) disengagement strategies;

[(a)](b) the appropriate, safe, and effective use of ESI; and

[(b)](c) documentation of ESI.

(5) The comprehensive ESI training shall be completed before a school employee is authorized to use an ESI with a student and annually, thereafter.

R277-608-5. Implementation of Physical Restraint and Seclusionary Time Out.

(1) Physical restraint may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(2) A school employee may not use physical restraint as a means of discipline or punishment.

(3) When used consistently with the LEA policy under Section R277-608-3:

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

(i) A student is no longer an immediate and significant threat 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, as reasonably understood by the school employee, and a release criteria, as outlined in LEA policies, must be implemented.

(4) A school 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 ESI training program;

(b) 30 minutes; or

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

(5)

(5) If a school employee physically restrains a student, the school or the school employee shall provide notice ~~[as soon as reasonably possible and before the student leaves the school to]~~ immediately, and shall not exceed 15 minutes after use.

(a) The notice described in Subsection R277-608-5(5) shall be provided to:

~~[(a)]~~(i) the student's parent; and

~~[(b)]~~(ii) school administration.

~~[(6)]~~ In addition to the notice described in Subsection (5), if the use of physical restraint occurs more than 15 minutes, the school shall immediately provide notification to:

~~[(a)]~~ the student's parent; and

~~[(b)]~~ school administration.]

~~[(7)]~~(6) If a school employee physically restrains a student, the school or the school employee shall provide documentation of the physical restraint to the LEA's ESI committee described in Section R277-608-6, and the student's parent.

~~[(8)]~~(7) A notice described in Subsection ~~[(s)]~~ (5) ~~[and (6)]~~ shall be documented within the student information systems (SIS) records.

~~[(9)]~~(8) Seclusion~~[any time out]~~ may only be used when a student presents an immediate [and significant threat] danger to self or others and when no other safe or effective intervention is available.

~~[(10)]~~(9) A school employee may not use seclusion~~[any time out as a means of discipline or punishment]~~:

(a) as [an] a behavioral intervention,

(b) as a disciplinary practice for coercion, retaliation, or humiliation,

(c) due to inadequate staffing, or

(d) for the staff member's convenience.

~~[(11)]~~(10) A school employee may not place a student in ~~[a]~~seclusion~~[any time out]~~ for more than 30 minutes, per occurrence.

221 [(12)](11) If a school employee uses seclusion[any time out], the school
222 employee shall:

223 (a) use the minimum time necessary to ensure safety, as reasonably understood
224 by the school employee;

225 (b) use release criteria outlined in LEA policies;

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

228 (d) ensure the student is observed at all times by personnel who have received
229 the comprehensive ESI training; and

230 (e) have used other less restrictive interventions before the use of seclusion[any
231 time out].

232 [(13)](12) If a student is placed seclusion[any time out], the school or the school
233 employee shall provide notice immediately, and not to exceed 15 minutes after use[as
234 ~~soon as reasonably possible and before the student leaves the school~~] to:

235 (a) the student's parent; and

236 (b) school administration.

237 [~~— (14) In addition to the notice described in Subsection (13), if a school employee~~
238 ~~places a student in seclusionary time out for more than 15 minutes, the school~~
239 ~~employee shall immediately provide notice to:~~

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

241 ~~— (b) school administration.]~~

242 [(15)](13) If a student is placed in seclusion[any time out], the school employee
243 shall provide documentation of the physical restraint to the LEA's ESI committee
244 described in Section R277-608-6, and the student's parents.

245 [(16)](14) A notice described in Subsection[s] (12)[(13) and (14)] shall be
246 documented within the student information systems (SIS) records.

247 [(17)](15) If a school employee uses any ESI, a school shall provide a parent
248 with a copy of any notes or additional documentation, including a description of the

physical space in which the seclusion~~[any time out]~~ occurred or the type of physical restraint that was used, taken during the use of the ESI upon request of the student's parent.

~~[(18)]~~(16) Within 48 hours of the school using an ESI with a student, a school shall provide notice to a parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

~~[(19)]~~(17) A parent may request a time to meet with school staff and administration to discuss the use of an ESI.

R277-608-6. LEA Emergency Safety Intervention (ESI) Committee.

(1) An LEA shall establish an ESI Committee.

(2) An LEA's ESI Committee shall:

(a) include:

(i) at least one administrator;

(ii) at least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs;

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

(iv) at least one other licensed educator;

(b) meet often enough to monitor the use of ESI in the LEA;

(c) determine and recommend professional learning needs;

(d) shall develop policies for processes to resolve concerns regarding the use of ESIs; and

(e) ensure that each emergency incident where a school employee uses an ESI is documented, in accordance with Subsection 53G-8-301(11) in the LEA's student information system and reported annually to the Superintendent.

R277-608-7. LEA Prohibition of Corporal Punishment Policy.

An LEA policy shall include:

(1) a prohibition of corporal punishment consistent with the law;

~~[(2) criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law;]~~

~~[(3)]~~(2) appropriate sanctions for LEA employees who use corporal punishment;

and

~~[(4)]~~(3) appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

R277-608-8. LEA Responsibilities and Reporting.

(1) An LEA shall have procedures for the collection, maintenance, and periodic review of documents or records of the use of ESIs at schools within the LEA.

(2) An LEA shall provide documentation, in accordance with Subsection 53G-8-301(11) of any school, program, or LEA's use of ESI to the Superintendent annually.

R277-608-9. Superintendent Responsibilities.

(1) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection R277-609-8(1).

(2) The Superintendent shall periodically review:

(a) All ESI data submitted to the Superintendent;

(b) All LEA special education behavior intervention, procedures, and policies;

and

(c) ESI data as related to students with disabilities who are eligible or being evaluated for special education services in accordance with Utah's Program Improvement and Planning System (UPIPS).

(3) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of ESI to the extent of resources available.

____ (4) The Superintendent shall include information in Section 53G-8-301(3)(a) in
the State Superintendent's Annual Report described in Section 53E-1-203.

____ (5) Violations of law and this Board rule will be handled through the appropriate
process as outlined in R277-114, R277-123, R277-211 or the Utah Special Education
Rules incorporated by reference into R277-750.

KEY: emergency safety interventions, corporal punishment

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-301~~[through 305]~~