

R277. Education, Administration.

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

R277-608-1. 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; and

(c) Section 53G-8-301, which describes the instances when school employees may use reasonable and necessary physical restraint and seclusion, outlines the physical standards for seclusion rooms 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.

(c) outline safety standards and compliance plan verification for seclusion rooms.

~~[(3) This Rule R277-608 is categorized as Category 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 employees that has the components described in Subsection R277-608-4(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.

(5)(a) "Emergency safety intervention" or "ESI" means the same as defined in Section 53G-8-301.

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

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

(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.

(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).

(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 imminent risk of substantial or serious bodily injury.

(10) "Local Education Agency (LEA)" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(11)(a) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

(b) Mechanical restraints are prohibited except for protective and stabilizing restraints as prescribed by an appropriate medical or related services professional,

restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation, and any device used by a law enforcement officer in carrying out law enforcement duties.

(12) "Physical escort" has the same meaning as defined in Section 53G-8-301.

(13) "Physical restraint" has the same meaning as defined in Section 53G-8-301.

(14) "Push panel" means a panel or plate in a seclusion room that is flush with the interior of a door that allows a door to be pushed open from the interior without requiring a door knob or door handle.

(15) "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.

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

~~[(15)]~~(16) "Seclusion" means the same as defined in Section 53G-8-301.

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

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

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

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

(a) a statement that key identified school employees may use reasonable and necessary physical restraint only in self-defense, or when otherwise appropriate to the circumstances outlined in Subsection 53G-8-301(4);

(b) an ESI may not be used in place of appropriate less restrictive interventions;

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

(d) procedures to be followed when using an ESI according to the implementation requirements in Section 53G-8-301 and Section R277-608-5, including:

(i) continual observation through a vision panel as described in Subsection 53G-8-301(14)(f)(iii)~~[R277-608-5(12)(d)]~~;

(ii) release criteria;

(iii) documentation;

(iv) notification to administration~~[outlined in Section R277-608-5]~~;

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

(vi) debriefing;

(vii) reporting;~~[and]~~

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

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

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

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

(i) requirements and prohibitions for the~~[designated enclosed area]~~ seclusion room in accordance with Subsection 53G-8-301(14), ~~[Rules]~~ Sections 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]~~ build a seclusion room include in their proposal a written description outlining the data and reasoning for building a seclusion room~~[designating an enclosed area]~~;

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

(C) requirements for the~~[around a]~~ written notification provided to parents within the school community before~~[the designation of an enclosed area]~~ building a seclusion room~~;~~~~[-]~~

_____ (D) requirements to report to the Superintendent that a new seclusion room has been built, its location and that it complies with the physical standards described in Subsection 53G-8-301(14) by the end of the school year in which the construction is complete: and

_____ (E) requirements to report to the Superintendent if a seclusion room is no longer in use by the end of the school year in which the room is no longer being used.

(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 Section 53G-8-301;

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

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

(i) [~~school personnel, the family, and~~] the IEP team [~~agree~~][~~have~~]has documented 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

(iv) the emergency safety intervention is only used when there is an immediate danger to self or others.

~~(j)~~(i) 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 R277-609-7.

(4) An LEA shall have in place, as part of its LEA special education policies, procedures, and practices, which include:

(a) 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) ~~All~~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 R277-609-7; 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~~every other year, thereafter.

(3) Key identified school employees shall receive comprehensive ESI training that is research- and evidence-based in addition to the foundational behavior support training.

(4) The ~~C~~comprehensive ESI training shall include:

(a) disengagement strategies;

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

(c) documentation of ESI.

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

R277-608-5. Implementation of Physical Restraint and Seclusion.

(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 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 comprehensive ESI training program;

(b) 30 minutes; or

(c) when law enforcement intervenes.

(5) If a school employee physically restrains a student, the school or the school employee shall provide notice immediately, and ~~[may not exceed]~~ no later than 15 minutes after use, to:

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

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

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

(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.

(7) A notice described in Subsection (5) shall be documented within the student information systems (SIS) records.

(8) Seclusion 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.

(9) A school employee may not use seclusion:

(a) as a behavioral intervention;

(b) as a disciplinary practice;

(c) for coercion, retaliation, or humiliation;

(d) due to inadequate staffing; or

(e) for the staff member's convenience.

(10) A school employee may not place a student in seclusion for more than 30 minutes, per occurrence except as consistent with Subsection 53G-8-301(10)(e).

(11) If a school employee uses seclusion, the school employee shall:

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

(b) use release criteria 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) ensure the student is observed at all times by personnel who have received the comprehensive ESI training; and

(e) have used other less restrictive interventions before the use of seclusion.

(12) If a school employee uses seclusion in a seclusion room, this room must meet the physical standards outlined in Subsection 53G-8-301(14).

[(12)](13) If a student is placed in seclusion, the school or the school employee shall provide notice immediately, and [not to exceed]no later than 15 minutes after use, to:

(a) the student's parent; and

(b) school administration.

(13) If a student is placed in seclusion, the school employee shall provide documentation of the seclusion to the LEA's ESI committee described in Section R277-608-6, and the student's parents.

(14) A notice described in Subsection (12) shall be documented within the ~~student information systems (SIS)~~SIS records.

(15) If a school employee uses any ESI, a school shall provide a parent with a copy of any notes or additional documentation, including a description of the physical space in which the seclusion occurred or the type of physical restraint that was used, taken during the use of the ESI upon request of the student's parent.

(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.

(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]~~SIS and reported annually to the Superintendent.

R277-608-7. Physical Standards for Seclusion Rooms.

(1) All seclusion rooms built after July 1, 2026 shall be built:

(a) to meet the physical standards for seclusion rooms outlined in Utah Code 53G-8-301(14); and

(b) with a push panel as defined in R277-608-2(14).

(2) If an LEA has a seclusion room that was built prior to July 1, 2026, the LEA has until July 1, 2032 to retrofit the seclusion room to meet the physical standards outlined in Utah Code 53G-8-301(14) and the additional standards outlined in this section.

(3) An LEA must immediately ensure a seclusion room meets all physical standards that can be reasonably implemented without major construction.

R277-608-8. Audio/Video Retention Requirements for Seclusion Rooms.

(1) LEAs shall retain audio and video records of each use of a seclusion room in accordance with the record retention schedule posted on the Division of Archives and Records Services (DARS) website.

R277-608-9. LEA Compliance with Physical Standards for Seclusion Rooms

(1) Each LEA that operates or plans to construct a seclusion room must report to the Superintendent by December 31, 2026.

(2) For any seclusion rooms the LEA determines are out of compliance with the physical standards outlined in Utah Code 53G-8-301(14) and R277-608-7, the LEA must submit a compliance plan to the Superintendent, including:

(a) the location of the seclusion room;

(b) each physical standard that is out of compliance;

(c) how the LEA will come into compliance with each physical standard;

(d) the timeframe to get into compliance not to exceed July 1, 2032;
(e) how the LEA will track progress with compliance efforts; and
(f) the LEA employee who will be responsible for reporting progress to the
Superintendent.

(3) An LEA must report progress to the Superintendent annually by June 30 until
compliance is achieved.

(4) If a violation of the physical standards of a seclusion room is reported to the
LEA, the LEA will report the violation and the corrective action plan to the
Superintendent within 30 business days of receipt of the report.

(5) Upon receiving an LEA's corrective action plan, the Superintendent shall
monitor implementation of the plan in accordance with Section R277-608-7 and
Subsections R277-608-9(2) and (3).

(6) If an LEA fails to develop a corrective action plan or fails to bring a seclusion
room into compliance with the physical standards of Section R277-608-7 by the
applicable timeframes established in Section R277-608-7 and Subsection R277-608-
9(3), the Superintendent shall initiate further action in accordance with Rule R277-114.

R277-608-10. Requirements for Safety Inspections for Seclusion Rooms.

(1) An LEA must inspect each seclusion room built within its schools at least
annually.

(2) Inspections shall evaluate compliance with all physical standards outlined in
Utah Code 53G-8-301(14) and Section R277-608-7 of this rule.

(3) An LEA will provide an assurance to the Superintendent annually through
the assurances document that:

(a) a safety inspection has occurred; and

(b) whether the seclusion room was in compliance with all physical
standards outlined in Subsection 53G-8-301(14) and Section R277-608-7 of this rule.

(4) If an LEA fails to complete safety inspections or fails to meet the physical standards by July 1, 2032, the Superintendent will follow the processes for violations outlined in Section R277-608-13(5).

R277-608-[7]11. LEA Prohibition of Corporal Punishment Policy.

An LEA policy shall include:

- (1) a prohibition of corporal punishment consistent with the law;
- (2) appropriate sanctions for LEA employees who use corporal punishment; and
- (3) appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

R277-608-[8]12. 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]13. Superintendent Responsibilities.

(1) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection R277-608-8(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)] Section R277-750.

(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 monitor LEA compliance with the physical standard requirements for seclusion rooms in a manner determined by the Superintendent.

~~[(4)]~~(5) The Superintendent shall include data collected under~~[-information in]~~ Subsection 53G-8-301(3)(a) in the State Superintendent's Annual Report described in Section 53E-1-203.

~~[(5)]~~(6) Violations of law and this Board rule will be handled through the appropriate process as outlined in Rule R277-114, Rule R277-123, Rule R277-211 or the Utah Special Education Rules incorporated by reference into Rule R277-750.

(7) The Superintendent shall take corrective action against an LEA that:

(a) is nonresponsive after receiving a notice of noncompliance; or

(b) has an ESI committee that has not created a plan or resolved the issues of noncompliance.

KEY: emergency safety interventions, corporal punishment

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