

1 **R277. Education, Administration.**

2 **R277-613. LEA Bullying, Cyber-bullying, Hazing, ~~[and Harassment]~~Retaliation, and**
3 **Abusive Conduct Policies and Training.**

4 **R277-613-~~[2]~~1. Authority and Purpose.**

5 ~~[A:]~~(1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and
7 supervision ~~[of]~~over public education in the Board~~[-];~~ and

8 (b) Section 53A-1-401~~[(3)]~~, which allows the Board to ~~[adopt]~~make rules ~~[in~~
9 ~~accordance with its responsibilities,]~~to execute the Board's duties and responsibilities under
10 the Utah Constitution and state law~~[- and the responsibility of the Board to provide~~
11 ~~assistance with and ensure LEA compliance with Section 53A-11a-301].~~

12 ~~[B:]~~(2) The purpose of the rule is to:

13 (a) require LEAs to implement bullying, cyber-bullying, hazing, ~~[and~~
14 ~~harassment]~~retaliation, and abusive conduct policies ~~[district and school wide]~~at the school
15 district and school level;

16 (b) ~~[to]~~provide for regular and meaningful training of school employees and
17 students;

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

20 (d) ~~[to require LEAs to notify parents of specific bullying, cyber-bullying, hazing,~~
21 ~~harassment and suicide threat incidents; and to require LEAs to maintain documentation~~
22 ~~as required by law]~~require an LEA to review allegations of bullying, cyber-bullying, hazing,
23 retaliation, and abusive conduct.

24 **R277-613-~~[4]~~2. Definitions.**

25 ~~[A. "Board" means the Utah State Board of Education.]~~

26 (1) "Abusive conduct" means the same as that term is defined in Section 53A-11a-
27 102.

28 ~~[B:]~~(2)(a) "Bullying" means the same as that term is defined in Section 53A-11a-102.
29 ~~[intentionally or knowingly committing an act that:~~

30 ~~—— (1)(a) endangers the physical health or safety of a school employee or student;~~

31 ~~—— (b) involves any brutality of a physical nature such as whipping, beating, branding,~~

32 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
33 exposure to the elements;

34 ~~—— (c) involves consumption of any food, liquor, drug, or other substance;~~

35 ~~(d) involves other physical activity that endangers the physical health and safety of~~
36 ~~a school employee or student; or~~

37 ~~—— (e) involves physically obstructing a school employee's or student's freedom to~~
38 ~~move; and~~

39 ~~—— (2) is done for the purpose of placing a school employee or student in fear of:~~

40 ~~—— (a) physical harm to the school employee or student; or~~

41 ~~—— (b) harm to property of the school employee or student.]~~

42 ~~(b) "Bullying" includes relational aggression or indirect, covert, or social aggression,~~
43 ~~including rumor spreading, intimidation, enlisting a friend to assault a child, and social~~
44 ~~isolation.~~

45 ~~[(3)c] The conduct described in [R277-613-1B]Subsection 53A-11a-102(2)~~
46 ~~constitutes bullying, regardless of whether the person against whom the conduct is~~
47 ~~committed directed, consented to, or acquiesced in, the conduct.~~

48 ~~[(4) Bullying is commonly understood as aggressive behavior that:~~

49 ~~—— (a) is intended to cause distress and harm;~~

50 ~~—— (b) exists in a relationship in which there is an imbalance of power and strength; and~~

51 ~~—— (c) is repeated over time.]~~

52 ~~[E:] (3) "Civil rights violations," for purposes of this rule, means bullying, cyber-~~
53 ~~bullying, hazing, [or harassing]retaliation, or abusive conduct that is targeted at a federally~~
54 ~~protected class.~~

55 ~~[D:] (4) "Cyber-bullying" means the same as that term is defined in Section 53A-11a-~~
56 ~~102[using the Internet, a cell phone, or another device to send or post text, video, or an~~
57 ~~image with the intent or knowledge, or with reckless disregard, that the text, video, or~~
58 ~~image will hurt, embarrass, or threaten an individual, regardless of whether the individual~~
59 ~~directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic~~
60 ~~communication].~~

61 ~~[E:] (5) "Federally protected class" means any group protected from discrimination~~
62 ~~under the following federal laws:~~

63 ~~[(f)a] Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the~~

64 basis of race, color, or national origin;

65 ([2]b) Title IX of the Education Amendments of 1972, which prohibits discrimination
66 on the basis of sex;

67 ([3]c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with
68 Disabilities Act of 1990, which prohibits discrimination on the basis of disability; and

69 ([4]d) [Θ]other areas included under these acts described in Subsection (5)(a)
70 through (c), which prohibit discrimination on the basis of religion, gender identity, and
71 sexual orientation.

72 [~~F. "Harassment" means repeatedly communicating to another individual, in an
73 objectively demeaning or disparaging manner, statements that contribute to a hostile
74 learning or work environment for the individual.~~]

75 [~~G.](6) "Hazing" means the same as that term is defined in Section 53A-11a-102.
76 [~~intentionally or knowingly committing an act that:~~~~

77 ~~——(1)(a) endangers the physical health or safety of a school employee or student;~~

78 ~~——(b) involves any brutality of a physical nature such as whipping, beating, branding,
79 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
80 exposure to the elements;~~

81 ~~——(c) involves consumption of any food, liquor, drug, or other substance;~~

82 ~~——(d) involves other physical activity that endangers the physical health and safety of
83 a school employee or student; or~~

84 ~~——(e) involves physically obstructing a school employee's or student's freedom to
85 move; and~~

86 ~~——(f)(i) is done for the purpose of initiation or admission into, affiliation with, holding
87 office in, or as a condition for, membership or acceptance, or continued membership or
88 acceptance, in any school or school sponsored team, organization, program, or event; or~~

89 ~~——(ii) if the person committing the act against a school employee or student knew that
90 the school employee or student is a member of, or candidate for, membership with a
91 school, or school sponsored team, organization, program, or event to which the person
92 committing the act belongs to or participates in.~~

93 ~~——(2) The conduct described in R277-613-1G constitutes hazing, regardless of
94 whether the person against whom the conduct is committed, directed, consented to, or
95 acquiesced in, the conduct.]~~

96 [H.](7) "LEA" [means a local education agency, including local school boards/public
97 school districts, charter schools, and]includes, for purposes of this rule, the Utah Schools
98 for the Deaf and the Blind.

99 [I. "Parent," for purposes of this rule, means a student's guardian consistent with
100 Section 53A-11a-203(1).]

101 [J.](8) "Participant" means any student, employee or volunteer coach participating
102 in a public school sponsored athletic program or activity, [both]including a curricular, co-
103 curricular, [and]or extracurricular[, or extracurricular] club or activity.

104 [K.](9) "Policy" means standards and procedures that:

105 (a) are required in Section 53A-11a-301;

106 (b) include the provisions of Section 53A-11-901; and

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

109 (i) define bullying, cyber-bullying, hazing, [and harassment]retaliation, and abusive
110 conduct[;]; and

111 (ii) prohibit bullying, cyber-bullying, hazing, [and harassment]retaliation, and abusive
112 conduct[;];

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

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

117 (10) "Restorative justice" means a discipline practice that brings together students,
118 schools personnel, families, and community members to resolve conflicts, address
119 disruptive behaviors, promote healing, and entire communities. In restorative justice
120 practices, students are held accountable for their behavior by engaging with those who
121 have been wronged.

122 [L.](11) "Retaliate" or "retaliation" means the same as that term is defined in
123 Section 53A-11a-102[an act or communication intended:

124 ~~—(1) as retribution against a person for reporting bullying, cyber-bullying, hazing and~~
125 ~~harassment; or~~

126 ~~—(2) to improperly influence the investigation of, or the response to, a report of~~
127 ~~bullying, cyber-bullying, hazing and harassment].~~

128 (12) "School employee" means the same as that term is defined in Section 53A-11a-
129 102.

130 (13) "Trauma-Informed Care" means a strengths-based service delivery approach
131 that is grounded in an understanding of and responsiveness to the impact of trauma, that
132 emphasizes physical, psychological, and emotional safety for both offenders and victims,
133 and that creates opportunities for victims to rebuild a sense of control and empowerment.

134 **R277-613-3. ~~[Utah State Board of Education]~~Superintendent Responsibilities.**

135 ~~[A:]~~(1) ~~[To the extent of resources available]~~Subject to availability of funds, the
136 ~~[Board]~~Superintendent shall provide:

137 (a) a model policy on bullying, cyber-bullying, hazing, retaliation, and abusive
138 conduct as required in Section 53A-11a-302;

139 (b) model training on:

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

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

144 (c) training opportunities ~~[or materials or both for employees of LEAs on]~~related to
145 the prevention of bullying, cyber-bullying, hazing, retaliation, and abusive conduct; and

146 (d) evidence based practices and policies related to the prevention of bullying,
147 cyber-bullying, hazing, ~~[and harassment]~~retaliation, and abusive conduct.

148 ~~[B:]~~(2) The Board may interrupt disbursements of funds consistent with Subsection
149 53A-1-401(~~[3]~~8) and Rule R277-114 for failure of an LEA to comply with:

150 (a) Title 53A, Chapter 11a, Bulling and Hazing; and

151 (b) this rule.

152 (3) In addition to the requirements of Title 53A, Chapter 11a, Bullying and Hazing
153 and this R277-613, LEAs are required to comply with applicable federal requirements.

154 **~~[R277-613-5. LEA Responsibility to Create Bullying Policies.]~~**

155 **R277-613-4. Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct**
156 **Prohibited.**

157 ~~[A. Each]~~An LEA shall~~[implement an updated policy]~~ prohibit~~[ing]~~:

- 158 (1) bullying[-;];
- 159 (2) cyber-bullying[-;];
- 160 (3) hazing[-, harassment and];
- 161 ~~(e)4~~ retaliation[-, and];
- 162 (5) abusive conduct; and
- 163 (6) making a false report[-, consistent with Section 53A-11a-301].

164 **R277-613-5. LEA Responsibility to Create Bullying Policies.**

165 ~~[B:]~~(1) [Each]In addition to the requirements of Subsection 53A-11a-301(3), an LEA
 166 shall:

167 (a) develop and implement policies as required by Section 53A-11a-301 and this
 168 rule;

169 ~~(1) b~~ (1) b post a copy of [its]the LEA's policy on the LEA website[-and]

170 ~~(2) provide a copy of the LEA policy or uniform resource locator (URL) to the State~~
 171 ~~Superintendent of Public Instruction at the Utah State Office of Education.~~]

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

174 (d) provide a requirement for a signed statement that meets the requirements of
 175 Subsection 53A-11a-301(3)(g) annually.

176 ~~[C:]~~(2)(a) [The policy shall include parental notification]As required by Section 53A-
 177 11a-301, an LEA shall notify a parent of:

178 ~~(1) i~~ (1) i a parent's student's threat to commit suicide; ~~[and]or~~

179 ~~(2) ii~~ (2) ii an incident of bullying, cyber-bullying, hazing, ~~[harassment or]~~retaliation, or
 180 abusive conduct involving the parent's student.

181 ~~(3) b~~ (3) b ~~[This part of the policy shall also include]~~An LEA shall:

182 ~~(a) i~~ (a) i ~~[timely parent notification]~~notify a parent described in Subsection (3)(a) in a
 183 timely manner;

184 ~~(b) ii~~ (b) ii designat[ion of]e the appropriate school employee~~(s)~~ to provide parental
 185 notification; and

186 ~~(c) iii~~ (c) iii designat[ion of]e the format in which notification ~~[shall be]~~is provided to
 187 parents and maintained by the LEA[;]

188 ~~—(d) directives for secure maintenance of the notification record as required under~~

189 Section 53A-11a-203(1);

190 ~~—— (e) a retention period and destruction process for the notification; and~~

191 ~~—— (f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule].~~

192 ~~[D.](3) [The policy shall provide for student assessment of the]~~Subject to the
193 parental consent requirements of Section 53A-13-302, an LEA shall survey students on
194 the prevalence of bullying, cyber-bullying, hazing, and [harassment]retaliation in LEAs and
195 schools, specifically locations where students are unsafe and additional adult supervision
196 may be required, such as playgrounds, hallways, and lunch areas.

197 ~~[E.](4) [The policy shall include required]~~An LEA shall take strong responsive action
198 against retaliation, including assistance to [harassed]bullied students and their parents in
199 reporting subsequent problems and new incidents.

200 ~~[F.](5)(a) [The policy]~~An LEA shall provide that students, [staff,]school employees,
201 coaches, and volunteers receive training on bullying, cyber-bullying, hazing, [and
202 harassment]retaliation, and abusive conduct from individuals qualified to provide such
203 training.~~[The LEA shall determine how often training shall be provided.]~~

204 ~~([f]b)~~ The training [should be specific to]described in Subsection (5)(a) shall:

205 ~~([a]i)~~ include information on various types of aggression and bullying, including:

206 (A) overt aggression that may include physical fighting such as punching, shoving,
207 kicking, and verbal threatening behavior, such as name calling, or both physical and verbal
208 aggression or threatening behavior;

209 ([b]B) relational aggression or indirect, covert, or social aggression, including rumor
210 spreading, intimidation, enlisting a friend to assault a child, and social isolation;

211 ([e]C) sexual aggression or acts of a sexual nature or with sexual overtones;

212 ([d]D) cyber-bullying, including use of email, web pages, text messaging, instant
213 messaging, three-way calling or messaging or any other electronic means for aggression
214 inside or outside of school; and

215 ([e]E) civil rights violations,~~[appropriate reporting and investigative procedures.~~
216 This] includ[es]ing bullying, cyber-bullying, hazing, and [harassment]retaliation based upon
217 the students' actual or perceived identities and conformance or failure to conform with
218 stereotypes[-]; and

219 ~~[(2) Training should also include awareness and intervention skills such as social~~
220 ~~skills training for students and staff, including aides, custodians, kitchen and lunchroom~~

221 ~~workers, secretaries, paraprofessionals, and coaches.]~~

222 ~~([3]ii) [Training on bullying, cyber-bullying, hazing and harassment required of LEA~~
223 ~~policies under the rule should-]complement the suicide prevention program required for~~
224 ~~students under Rule R277-620 and the suicide prevention training required for licensed~~
225 ~~educators consistent with Subsection 53A-1-603(9).~~

226 (6) The training described in Subsection (5) shall be offered to new school
227 employees, coaches, and volunteers and to all school employees, coaches, and volunteers
228 at least once every three years.

229 ~~[G.](7)(a) An LEA's [P]policies developed under this section shall[also] complement~~
230 ~~existing safe and drug free school policies and research based school discipline plans.~~

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

234 (c) [This part of the]An LEA shall ensure that a discipline plan required by Rule
235 R277-609[shall]:

236 ([1]i) directs schools to determine the range of behaviors and establish the
237 continuum of administrative procedures that may be used by school personnel to address
238 the behavior of[~~habitually disruptive~~] students;

239 ([2]ii) provides for identification, by position[~~(s)~~], of an individual[~~(s)~~] designated to
240 issue notices of disruptive student and bullying, cyber-bullying, hazing, [and harassment
241 behavior]retaliation, and abusive conduct;

242 ([3]iii) designates to whom notices shall be provided;

243 ([4]iv) provides for documentation of disruptive student behavior [~~prior to referral of~~
244 ~~disruptive students to juvenile court]in the LEA's student information system;~~

245 ([5]v) includes strategies to provide for necessary adult supervision;

246 ([6]vi) [be]is clearly written and consistently enforced;

247 ([7]vii) includes administration, instruction and support staff, students, parents,
248 community council and other community members in policy development, training and
249 prevention implementation so as to create a community sense of participation, ownership,
250 support and responsibility; and

251 ([8]viii) provides notice to employees that violation[~~(s)~~] of this rule may result in
252 employment discipline or action.

253 **R277-613-6. Reporting and Incident Review of Allegations of Bullying, Cyber-**
254 **bullying, Hazing, Retaliation, and Abusive Conduct.**

255 (1) An LEA shall:

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

258 (b) provide an individual who reviews allegations of incidents of bullying, cyber-
259 bullying, hazing, retaliation, and abusive conduct with adequate training on conducting a
260 review.

261 (2)(a) An LEA shall review allegations of incidents described in Subsection (1)(a) by
262 interviewing at least the alleged victim first and the alleged offender second.

263 (b) An LEA may also interview the following as part of a review:

264 (i) parents of the alleged victim and the alleged offender;

265 (ii) any witnesses; and

266 (iii) school staff.

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

269 (i) the individual is required to keep all details of the interview confidential; and

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

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

272 (a) conversations with law enforcement professionals;

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

274 (c) a state or federal reporting requirement.

275 (4) In conducting a review under this section, an LEA may:

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

277 (b) review physical evidence, which may include:

278 (i) video or audio;

279 (ii) notes;

280 (iii) email;

281 (iv) text messages;

282 (v) social media; or

283 (vi) graffiti.

284 (5) Following a review of an allegation of an incident of bullying, cyber-bullying,

285 hazing, retaliation, and abusive conduct, an LEA shall:

286 (a) take appropriate positive restorative justice discipline action, in accordance with
287 policies established by the LEA; and

288 (b) support involved students through trauma-informed practices, if appropriate.

289 (6) An LEA shall, as required by 53A-1-401(3), report the following annually, on or
290 before June 30, to the Superintendent:

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

292 (b) implementation of the signed statement requirement described in Subsection
293 53A-11a-301(3)(g);

294 (c) verification of the LEA's training of school employees relating to bullying,
295 cyber-bullying, hazing, retaliation, and abusive conduct described in Section 53A-11a-401;

296 (d) incidents of bullying, cyber-bullying, hazing, and retaliation through the Board's
297 student information system within 5 school days of making a determination that the alleged
298 incident constituted an actual incident of bullying, cyber-bullying, hazing, and retaliation in
299 accordance with the Superintendent's submission requirements; and

300 (e) the number of incidents described in Subsection (6)(d) included a student who
301 is part of a federally protected class, including whether the student was bullied,
302 cyber-bullied, hazed, or retaliated against because the of the student's disability, race,
303 national origin, religion, sex, gender identity, or sexual orientation in accordance with the
304 Superintendent's submission requirements.

305 **R277-613-[5]7. Training by LEAs Specific to Participants in Public School Athletic**
306 **Programs and School Clubs.**

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

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

313 ~~[B. LEAs may collaborate with the Utah High School Activities Association to~~
314 ~~develop and provide training.]~~

315 ~~[C.](2)~~ ~~[Student]~~An LEA shall inform student athletes and extracurricular club

316 members~~[shall be informed]~~ of prohibited activities under this rule and notified of potential
317 consequences for violation of the law and the rule.

318 ~~[D:]~~(3) An LEA shall maintain [F]training [curriculum outlines, training schedules,
319 and] participant lists or signatures, [shall be maintained by each LEA and]to be provided
320 to the [~~Utah State Office of Education]~~Board upon request.

321 **~~[R277-613-6. Professional Responsibilities of Employee and Volunteer Coaches.~~**

322 ~~—— A. All public school coaches shall act consistent with professional standards of~~
323 ~~R277-515 in all responsibilities and activities of their assignments.~~

324 ~~—— B. Failure to act consistently with R277-515 toward students, colleagues and~~
325 ~~parents may result in discipline against an educator's license or termination of volunteer~~
326 ~~services.]~~

327 **KEY: bullying, cyber-bullying, hazing, [~~harassment]~~retaliation, abusive conduct,**
328 **policies, training**

329 **Date of Enactment or Last Substantive Amendment: [~~October 8, 2013]~~2017**

330 **Notice of Continuation: [~~August 2, 2013]~~2017**

331 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401~~[(3)];~~**
332 **[53A-11a-301]53A, Chapter 11a**