

1 **R277. Education, Administration.**

2 **R277-613. LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, [and**
3 **Harassment]Retaliation, and 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-304].~~

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

13 (a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing,
14 ~~[and harassment]~~retaliation, and abusive conduct policies ~~[district and school-wide]~~at the
15 school 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 that is targeted at a federally protected class.
54 ~~[D:]~~(4) "Cyber-bullying" means the same as that term is defined in Section 53A-11a-
55 102[using the Internet, a cell phone, or another device to send or post text, video, or an
56 image with the intent or knowledge, or with reckless disregard, that the text, video, or
57 image will hurt, embarrass, or threaten an individual, regardless of whether the individual
58 directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic
59 communication].

60 (5) "Disruptive student behavior" means the same as that term is defined in
61 Subsection 53A-11-910(1)(a).

62 ~~[E.](6)~~ "Federally protected class" means any group protected from discrimination
63 under the following federal laws:

64 ~~[(1)a]~~ Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the
65 basis of race, color, or national origin;

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

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

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

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

76 ~~[G.](7)~~ "Hazing" means the same as that term is defined in Section 53A-11a-102.
77 ~~[intentionally or knowingly committing an act that:~~

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

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

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

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

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

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

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

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

97 [H:](8) "LEA" [means a local education agency, including local school boards/public
98 school districts, charter schools, and]includes, for purposes of this rule, the Utah Schools
99 for the Deaf and the Blind.

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

102 [J:](9) "Participant" means any student, employee or volunteer coach participating
103 in a public school sponsored athletic program or activity, [both]including a curricular, co-
104 curricular, [and]or extracurricular[, or extracurricular] club or activity.

105 [K:](10) "Policy" means standards and procedures that:

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

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

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

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

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

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

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

118 (11) "Restorative justice practice" means a discipline practice that brings together
119 students, school personnel, families, and community members to resolve conflicts, address

120 disruptive behaviors, promote positive relationships, and healing.

121 [L.](12) "Retaliate" or "retaliation" means the same as that term is defined in
122 Section 53A-11a-102[an act or communication intended:

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

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

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

129 (14) "Trauma-Informed Care" means a strengths-based service delivery approach
130 that is grounded in an understanding of and responsiveness to the impact of trauma, that
131 emphasizes physical, psychological, and emotional safety for both the alleged targeted
132 individual and the individual who is alleged to have engaged in prohibited conduct, and that
133 creates opportunities for targets 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[training opportunities or materials or both for
137 employees of LEAs on]:

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

140 (b) model training and training opportunities on:

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

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

145 (c) evidence based practices and policies related to the prevention of bullying,
146 cyber-bullying, hazing, and [harassment]retaliation.

147 (2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing,
148 retaliation and abusive conduct as described in Section 53A-11a-301 and this rule and

149 provide training as described in Section 53A-11a-401 and this rule, the LEA is not required
150 to use the model policy or model training developed by the Superintendent described in
151 Subsection (1).

152 ~~[B:]~~(3) The Board may interrupt disbursements of funds consistent with Subsection
153 53A-1-401(~~[3]~~8) and Rule R277-114 for failure of an LEA to comply with:

154 (a) Title 53A, Chapter 11a, Bullying and Hazing; and

155 (b) this rule.

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

158 **R277-613-~~[5]~~4. LEA Responsibility to Create or Update Bullying Policies.**

159 ~~[A. Each LEA shall implement an updated policy prohibiting bullying, cyber-bullying,~~
160 ~~hazing, harassment and retaliation, and making a false report, consistent with Section 53A-~~
161 ~~41a-301.~~

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

164 (a) develop, update, and implement policies as required by Section 53A-11a-301
165 and this rule, which shall include a prohibition on:

166 (i) bullying;

167 (ii) cyber-bullying;

168 (iii) hazing;

169 (iv) retaliation; and

170 (v) making a false report.

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

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

174 (c) develop an action plan to address a reported incident of bullying, cyber-bullying,
175 hazing, or retaliation; and

176 (d) provide a requirement for a signed statement that meets the requirements of
177 Subsection 53A-11a-301(3)(h) annually.

178 ~~C.](2)(a) [The policy shall include parental notification]~~As required by Section 53A-
179 11a-301, an LEA shall notify a parent of:

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

181 ~~(2)ii) an incident of bullying, cyber-bullying, hazing, [harassment] or retaliation~~
182 involving the parent's student as a targeted individual or an individual who is alleged to
183 have engaged in prohibited conduct.

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

185 ~~(a)i) [timely parent notification]~~notify a parent described in Subsection (2)(a) in a
186 timely manner;

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

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

191 ~~——(d) directives for secure maintenance of the notification record as required under~~
192 Section 53A-11a-203(1);

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

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

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

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

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

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

208 ~~([a]i)~~ include information on various types of aggression and bullying, including:
209 (A) overt aggression that may include physical fighting such as punching, shoving,
210 kicking, and verbal threatening behavior, such as name calling, or both physical and verbal
211 aggression or threatening behavior;

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

214 ~~([c]C)~~ sexual aggression or acts of a sexual nature or with sexual overtones;

215 ~~([d]D)~~ cyber-bullying, including use of email, web pages, text messaging, instant
216 messaging, social media, three-way calling or messaging or any other electronic means
217 for aggression inside or outside of school; and

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

222 ~~[(2) Training should also include awareness and intervention skills such as social~~
223 ~~skills training for students and staff, including aides, custodians, kitchen and lunchroom~~
224 ~~workers, secretaries, paraprofessionals, and coaches.]~~

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

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

231 (6) The training described in Subsection (5) shall be offered to:

232 (a) new school employees, coaches, and volunteers; and

233 (b) all school employees, coaches, and volunteers at least once every three years.

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

236 (b) Consistent with Rule R277-609, the discipline plan shall provide direction for
237 dealing with bullying, cyber-bullying, hazing, [harassment]retaliation and disruptive

238 students.

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

241 ([1]i) directs_ schools to determine the range of behaviors and establish the
242 continuum of administrative procedures [that may be]to be_ used by school personnel to
243 address the behavior of[~~habitually disruptive~~] students;

244 ([2]ii) provides_ for identification, by position[~~(s)~~], of individual[~~(s)~~] designated to
245 issue notices of disruptive student behavior,[~~and~~] bullying, cyber-bullying, hazing, and
246 harassment behavior]retaliation;

247 ([3]iii) designates_ to whom notices shall be provided;

248 ([4]iv) provides_ for documentation of disruptive student behavior [prior to referral of
249 disruptive students to juvenile court]in the LEA's student information system;

250 ([5]v) includes_ strategies to provide for necessary adult supervision;

251 ([6]vi) [be]is_ clearly written and consistently enforced; and

252 ([7]vii) includes_ administration, instruction and support staff, students, parents,
253 community council and other community members in policy development, training and
254 prevention implementation so as to create a community sense of participation, ownership,
255 support and responsibility[; and].

256 [~~(8) provides_ notice to employees that violation(s) of this rule may result in~~
257 ~~employment discipline or action.]~~

258 **R277-613-5. Reporting and Incident Review of Allegations of Bullying, Cyber-**
259 **bullying, Hazing, and Retaliation.**

260 (1) In accordance with an action plan adopted in accordance with Subsection R277-
261 613-4(1)(c), an LEA shall:

262 (a) review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation
263 in accordance with this section; and

264 (b) provide an individual who reviews allegations of incidents of bullying, cyber-
265 bullying, hazing, and retaliation with adequate training on conducting a review.

266 (2)(a) An LEA shall review allegations of incidents described in Subsection (1)(a) by

267 interviewing at least the alleged targeted individual and the individual who is alleged to
268 have engaged in prohibited conduct.

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

270 (i) parents of the alleged targeted individual and the individual who is alleged to have
271 engaged in prohibited conduct;

272 (ii) any witnesses;

273 (iii) school staff; and

274 (iv) other individuals who may provide additional information.

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

277 (i) to the extent allowed by law, the individual is required to keep all details of the
278 interview confidential; and

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

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

281 (a) conversations with law enforcement professionals;

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

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

284 (d) other reporting required by this rule.

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

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

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

288 (i) video or audio;

289 (ii) notes;

290 (iii) email;

291 (iv) text messages;

292 (v) social media; or

293 (vi) graffiti.

294 (5) An LEA shall adopt a policy outlining under what circumstances the LEA will
295 report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

296 (6) Following a review of a confirmed allegation of an incident of bullying, cyber-

297 bullying, hazing, or retaliation, if appropriate, an LEA may:

298 (a) in accordance with the requirements in Subsection (6), take positive restorative
299 justice practice action, in accordance with policies established by the LEA; and

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

301 (6)(a) An alleged targeted individual is not required to participate in a restorative
302 justice practice with an individual who is alleged to have engaged in prohibited conduct
303 as described in Subsection (5)(a).

304 (b) If an LEA would like an alleged targeted individual who is a student to participate
305 in a restorative justice practice, the LEA shall notify the alleged targeted individual's parent
306 of the restorative justice practice and obtain consent from the alleged targeted individual's
307 parent before including the alleged targeted individual in the process.

308 (7) A grievance process required under Subsection 53A-11a-301(3)(f) shall be
309 consistent with the LEA's established grievance process.

310 (8) An LEA shall, as required by Subsection 53A-1-401(3), report the following
311 annually, on or before June 30, to the Superintendent in accordance with the
312 Superintendent's submission requirements:

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

314 (b) implementation of the signed statement requirement described in Subsection
315 53A-11a-301(3)(g);

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

318 (d) incidents of bullying, cyber-bullying, hazing, and retaliation; and

319 (e) the number of incidents described in Subsection (8)(d) that included a student
320 who:

321 (i) is part of a federally protected class; or

322 (ii) was bullied, cyber-bullied, hazed, or retaliated against because the of the
323 student's disability, race, national origin, religion, sex, gender identity, or sexual orientation.

324 **R277-613-[5]6. Training by LEAs Specific to Participants in Public School Athletic**
325 **Programs and School Clubs.**

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

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

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

334 ~~[C.](2)~~ ~~[Student]~~An LEA shall inform student athletes and extracurricular club
335 members~~[shall be informed]~~ of prohibited activities under this rule and~~[notified of]~~ potential
336 consequences for violation of the law and the rule.

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

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

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

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

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

347 (1) An LEA shall prohibit abusive conduct.

348 (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation
349 policy, required in Section 53A-11a-301 and this rule, shall include a grievance process for
350 a school employee who has experienced abusive conduct as described in Subsection
351 53A-11a-301(3)(f).

352 **KEY: bullying, cyber-bullying, hazing, ~~[harassment]~~retaliation, abusive conduct,**

353 **policies, training**

354 **Date of Enactment or Last Substantive Amendment: [~~October 8, 2013~~]2018**

355 **Notice of Continuation: [~~August 2, 2013~~]2018**

356 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401[~~(3)~~];**

357 **[~~53A-11a-301~~]53A, Chapter 11a**