

1 **R277. Education, Administration.**

2 **R277-613. LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing,**
3 **Retaliation, and Abusive Conduct.**

4 **R277-613-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Section [53G-9-606](#), which directs the board to monitor LEA development and
7 implementation of bullying and hazing policies;

8 (b) Section [53G-9-607](#), which directs the board to make rules that establish
9 standards for high quality training related to bullying, cyber-bullying, hazing, and abusive
10 conduct, and retaliation;

11 (c) Section [53E-3-501](#), which directs the Board to establish rules and minimum
12 standards for the public schools governing discipline and control;

13 (d) Section [53G-8-209](#), which requires the Board, when making rules regarding
14 student participation in cocurricular or extracurricular activities, to include:

15 (i) prohibitions against the use of foul, abusive, or profane language while in the
16 classroom, on school property, or during a school sponsored activity; and

17 (ii) prohibitions against hazing, demeaning, or assaultive behavior, whether
18 consensual or not;

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

21 (f) Subsection [53E-3-401](#)(4)(a), which allows the Board to make rules to execute
22 the Board's duties and responsibilities under the Utah Constitution and state law.

23 (2) The purpose of the rule is to:

24 (a) require LEAs to develop, update, and implement bullying, cyber-bullying,
25 hazing, retaliation, and abusive conduct policies at the school district and school level;

26 (b) provide for regular and meaningful training of school employees and students;

27 (c) provide for enforcement of the policies in schools, at the state level and in
28 public school athletic programs; and

29 (d) require an LEA to review allegations of bullying, cyber-bullying, hazing,

30 retaliation, and abusive conduct.

31 **R277-613-2. Definitions.**

32 (1) "Abusive conduct" means the same as that term is defined in Subsection [53G-9-](#)
33 [9-601\(1\)](#).

34 (2)(a) "Bullying" means the same as that term is defined in Subsection [53G-9-](#)
35 [601\(2\)](#).

36 (b) The conduct described in Subsection [53G-9-601\(2\)](#) constitutes bullying,
37 regardless of whether the person against whom the conduct is committed directed,
38 consented to, or acquiesced in, the conduct.

39 (3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing
40 that is targeted at a student based upon the students' or employees' identification as part
41 of any group protected from discrimination under the following federal laws:

42 (a) Title VI of the Civil Rights Act of 1964;

43 (b) Title IX of the Education Amendments of 1972;

44 (c) Section 504 of the Rehabilitation Act of 1973; or

45 (d) Title II of the Americans with Disabilities Act of 1990.

46 (4) "Cyber-bullying" means the same as that term is defined in Subsection [53G-9-](#)
47 [601\(4\)](#).

48 (5) "Disruptive student behavior" means the same as that term is defined in
49 Subsection [53G-8-210\(1\)\(a\)](#).

50 (6) "Hazing" means the same as that term is defined in Subsection [53G-9-601\(5\)](#).

51 (7)(a) "Incident" means one or more infractions committed by a student or group of
52 students acting in concert, at the same time and place.

53 (b) A single incident may involve one or more victims and one or more offenders.

54 (8) "Infraction" means an act of prohibited behavior.

55 (9) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the
56 Blind.

57 (10) "Participant" means any student, employee or volunteer coach participating in

58 a public school sponsored athletic program or activity, including a curricular, co-curricular,
59 or extracurricular club or activity.

60 (11) "Policy" means standards and procedures that:

61 (a) are required in Section [53G-9-605](#);

62 (b) include the provisions of Section [53G-8-202](#); and

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

65 (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

66 (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

67 (iii) require regular annual discussion and training designed to prevent bullying,
68 cyber-bullying, hazing, and retaliation among school employees and students; and

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

70 (12) "Restorative justice practice" means a discipline practice that brings together
71 students, school personnel, families, and community members to resolve conflicts,
72 address disruptive behaviors, promote positive relationships, and healing.

73 (13) "Retaliate" or "retaliation" means the same as that term is defined in
74 Subsection [53G-9-601](#)(7).

75 (14) "School employee" means the same as that term is defined in Subsection
76 [53G-9-601](#)(10).

77 (15) "Trauma-Informed Care" means a strengths-based service delivery approach
78 that is grounded in an understanding of and responsiveness to the impact of trauma, that
79 emphasizes physical, psychological, and emotional safety for both the alleged victim and
80 the individual who is alleged to have engaged in prohibited conduct, and that creates
81 opportunities for targets to rebuild a sense of control and empowerment.

82 (16) "Volunteer" means a non-employee with significant, unsupervised access to
83 students in connection with a school assignment.

84 **R277-613-3. Superintendent Responsibilities.**

85 (1) The Superintendent shall provide:

86 (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in
87 Section [53G-9-606](#);

88 (b) subject to availability of funds, model training and training opportunities on:

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

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

93 (c) subject to availability of funds, evidence based practices and policies related to
94 the prevention of bullying, cyber-bullying, hazing, and retaliation.

95 (2) Although an LEA is required to have a policy on bullying, cyber-bullying,
96 hazing, retaliation and abusive conduct as described in Section [53G-9-605](#) and this rule
97 and provide training as described in Section [53G-9-607](#) and this rule, the LEA is not
98 required to use the model policy or model training developed by the Superintendent
99 described in Subsection (1).

100 (3) The Board may interrupt disbursements of funds consistent with Subsection
101 [53E-3-401](#)(8) and Rule [R277-114](#) for failure of an LEA to comply with:

102 (a) Title 53G, Chapter 9, Bullying and Hazing; and

103 (b) this rule.

104 (4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing
105 and this R277-613, LEAs are required to comply with applicable federal requirements.

106 **R277-613-4. LEA Responsibility to Create or Update Bullying Policies.**

107 (1) In addition to the requirements of Subsection [53G-9-605](#)(3), an LEA shall:

108 (a) develop, update, and implement policies as required by Section [53G-9-605](#)
109 and this rule, which shall include a prohibition on:

110 (i) bullying;

111 (ii) cyber-bullying;

112 (iii) hazing;

113 (iv) retaliation; [~~and~~]

- 114 (v) abusive conduct; and
115 (vi) making a false report.
116 (b) post a copy of the LEA's policy on the LEA website;
117 (c) develop an action plan to address a reported incident of bullying, cyber-
118 bullying, hazing, or retaliation; [~~and~~]
119 (d) provide a requirement for a signed statement that meets the requirements of
120 Subsection [53G-9-605](#)(3)(h) annually[-]; and
121 (e) update the policies required by this Subsection (1) at least every three years
122 with input from interested stakeholders, including:
123 (i) students;
124 (ii) parents;
125 (iii) the individual designated in accordance with Subsection R277-613-5(1)(b);
126 (iv) instructional staff; and
127 (iv) support staff.
128 (2) A signed statement under Subsection (1)(d) may not be used as a substitute
129 for other training requirements as set forth in this rule.
130 ([2]3)(a) As required by Section [53G-9-605](#), an LEA shall notify a parent of:
131 (i) a parent's student's threat to commit suicide; or
132 (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the
133 parent's student as a victim or an individual who is alleged to have engaged in prohibited
134 conduct.
135 (b) An LEA shall:
136 (i) notify a parent described in Subsection ([2]3)(a) in a timely manner;
137 (ii) designate the appropriate school employee to provide parental notification; and
138 (iii) designate the format in which notification is provided to parents and
139 maintained by the LEA.
140 ([3]4) Subject to the parental consent requirements of Section [53E-9-203](#), if
141 applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying,
142 hazing, and retaliation in LEAs and schools, specifically locations where students are

143 unsafe and additional adult supervision may be required, such as playgrounds, hallways,
144 and lunch areas.

145 ([4]5) An LEA shall take strong responsive action against retaliation, including
146 assistance to victims and their parents in reporting subsequent problems and new
147 incidents.

148 ([5]6)(a) An LEA shall provide that students, school employees, coaches, and
149 volunteers receive training on bullying, cyber-bullying, hazing, ~~[and]~~retaliation, and
150 abusive conduct from individuals qualified to provide such training.

151 (b) The training described in Subsection (5)(a) shall

152 (i) include information on:

153 (A) bullying, cyber-bullying, hazing ~~[and]~~ retaliation, and abusive conduct;

154 (B) Discrimination under the following federal laws:

155 (I) Title VI of the Civil Rights Act of 1964;

156 (II) Title IX of the Education Amendments of 1972;

157 (III) Section 504 of the Rehabilitation Act of 1973; and

158 (IV) Title II of the Americans with Disabilities Act of 1990;

159 (C) how bullying, cyber-bullying, hazing ~~[and]~~ retaliation, and abusive conduct are
160 different from discrimination and may occur separately from each other or in combination;

161 (D) how bullying, cyber-bullying, hazing, ~~[and]~~ retaliation, and abusive conduct are
162 prohibited based upon the students' or employees' actual or perceived characteristics,
163 including race, color, national origin, sex, disability, religion, gender identity, sexual
164 orientation, or other physical or mental attributes or conformance or failure to conform with
165 stereotypes; and

166 (E) the right of free speech and how it differs for students, employees, and
167 parents;

168 (ii) complement the suicide prevention program required for students under Rule
169 [R277-620](#) and the suicide prevention training required for licensed educators consistent
170 with Subsection [53G-9-704](#)(1); and

171 (iii) include information on when issues relating to this rule may lead to student or

172 employee discipline.

173 ([6]7) The training described in Subsection ([5]6) shall be offered to:

174 (a) new school employees, coaches, and volunteers within the first year of
175 employment or service; and

176 (b) all school employees, coaches, and volunteers at least once every three years
177 after the initial training.

178 ([7]8)(a) An LEA's policies developed under this section shall complement existing
179 school policies and research based school discipline plans.

180 (b) Consistent with Rule [R277-609](#), the discipline plan shall provide direction for
181 dealing with bullying, cyber-bullying, hazing, retaliation, abusive conduct, and disruptive
182 students.

183 (c) An LEA shall ensure that a discipline plan required by Rule [R277-609](#):

184 (i) directs schools to determine the range of behaviors and establish the
185 continuum of administrative procedures to be used by school personnel to address the
186 behavior of students;

187 (ii) provides for identification, by position, of individuals designated to issue notices
188 of disruptive student behavior, bullying, cyber-bullying, hazing, [~~and~~] retaliation, and
189 abusive conduct;

190 (iii) designates to whom notices shall be provided;

191 (iv) provides for documentation of disruptive student behavior in the LEA's student
192 information system;

193 (v) includes strategies to provide for necessary adult supervision;

194 (vi) is clearly written and consistently enforced; and

195 (vii) includes administration, instruction and support staff, students, parents,
196 community council and other community members in policy development, training and
197 prevention implementation so as to create a community sense of participation, ownership,
198 support and responsibility.

199 **R277-613-5. Reporting and Incident Investigations of Allegations of Bullying,**

200 **Cyber-bullying, Hazing, ~~[and]~~ Retaliation and Abusive Conduct.**

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

203 (a) investigate allegations of incidents of bullying, cyber-bullying, hazing, ~~[and]~~
204 retaliation, and abusive conduct in accordance with this section; ~~[and]~~

205 (b) provide an individual who investigates allegations of incidents of bullying,
206 cyber-bullying, hazing, ~~[and]~~ retaliation, and abusive conduct with adequate training on
207 conducting an investigation[-];

208 (c) designate an individual at the LEA level with expertise to provide training to
209 individuals designated in accordance with Subsection (1)(b); and

210 (d) designate an individual at the LEA level to administer the grievance process.

211 (2)(a) An LEA shall investigate allegations of incidents described in Subsection
212 (1)(a) by interviewing: ~~[at least]~~

213 (i) the alleged victim ~~[and]~~

214 (ii) the individual who is alleged to have engaged in prohibited conduct[-];

215 ~~[(b) An LEA may also interview the following as part of an investigation:]~~

216 (iii) parents of the alleged victim and the individual who is alleged to have engaged
217 in prohibited conduct;

218 ~~[(iv)]~~ (iv) any witnesses;

219 ~~[(v)]~~ (v) school staff familiar with the alleged victim; ~~[and]~~

220 (vi) school staff familiar with the individual who is alleged to have engaged in
221 prohibited conduct; and

222 ~~[(v)]~~ (vii) other individuals who may provide additional relevant information.

223 (c) An individual who investigates an allegation of an incident shall inform an
224 individual being interviewed that:

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

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

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

- 229 (a) conversations with law enforcement professionals;
230 (b) requests for information pursuant to a warrant or subpoena;
231 (c) a state or federal reporting requirement; or
232 (d) other reporting required by this rule.
- 233 (4) In conducting an investigation under this section, an LEA may:
234 (a) review disciplinary reports of involved students; and
235 (b) review physical evidence, consistent with search and seizure law in schools,
236 which may include:
237 (i) video or audio;
238 (ii) notes;
239 (iii) email;
240 (iv) text messages;
241 (v) social media; or
242 (vi) graffiti.
- 243 (5) An LEA shall adopt a policy outlining under what circumstances the LEA will
244 report incidents of bullying, cyber-bullying, harassment, and retaliation to law
245 enforcement.
- 246 (6) An LEA shall adopt a policy outlining under what circumstances the LEA will
247 investigate and report incidents of bullying, cyber-bullying, ~~and~~ retaliation, and abusive
248 conduct as civil rights violations.
- 249 (7) Following an investigation of a confirmed allegation of an incident of bullying,
250 cyber-bullying, hazing, ~~or~~ retaliation, or abusive conduct, if appropriate, an LEA may:
251 (a) in accordance with the requirements in Subsection (6), take positive restorative
252 justice practice action, in accordance with policies established by the LEA; and
253 (b) support involved students through trauma-informed practices, if appropriate.
- 254 (8)(a) An alleged victim is not required to participate in a restorative justice
255 practice as described in Subsection (7)(a) with an individual who is alleged to have
256 engaged in prohibited conduct.
257 (b) If an LEA would like ~~[an alleged victim who is]~~ a student to participate in a

258 restorative justice practice, the LEA shall notify the ~~[alleged victim's]~~student's parent of the
259 restorative justice practice and obtain consent from the ~~[alleged victim's]~~student's parent
260 before including the ~~[alleged victim]~~student in the process.

261 (9) A grievance process required under Subsection [53G-9-605](#)(3)(f) shall be
262 consistent with the LEA's established grievance process.

263 (10) An LEA shall follow up with the parents of all parties to:

264 (a) discuss the outcome of the LEA's investigation;

265 (b) discuss safety considerations; and

266 (c) explain the grievance process.

267 ([~~40~~]11) An LEA shall, as required by Subsection [53G-9-606](#)(2), report the
268 following annually, on or before June 30, to the Superintendent in accordance with the
269 Superintendent's submission requirements:

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

271 (b) implementation of the signed statement requirement described in Subsection
272 [53G-9-605](#)(3)(h);

273 (c) verification of the LEA's training of school employees relating to bullying, cyber-
274 bullying, hazing, [~~and~~] retaliation, and abusive conduct described in Section [53G-9-607](#);

275 (d) verified and alleged incidents of bullying, cyber-bullying, hazing, [~~and~~]
276 retaliation, and abusive conduct;

277 (e) the number and type of incidents described in Subsection ([~~40~~]11)(d) required
278 to be reported separately under federal law, including the reporting requirements in:

279 (i) Title VI of the Civil Rights Act of 1964;

280 (ii) Title IX of the Education Amendments of 1972;

281 (iii) Section 504 of the Rehabilitation Act of 1973; and

282 (iv) Title II of the Americans with Disabilities Act of 1990; and

283 (f) the number and type of incidents described in Subsection ([~~40~~]11)(d) that
284 include a student or LEA employee who was bullied, cyber-bullied, hazed, or retaliated
285 against based on the student's or LEA employee's actual or perceived characteristics,
286 including disability, race, national origin, religion, sex, gender identity, or sexual

287 orientation.

288 ([11]12) The requirements of this Rule R277-613 are in addition to any federal
289 requirements, including reporting civil rights violations to the appropriate entities and
290 taking other appropriate action.

291 **R277-613-6. Training by LEAs Specific to Participants in Public School Athletic**
292 **Programs and School Clubs.**

293 (1)(a) Prior to any student, employee or volunteer coach participating in a public
294 school sponsored athletic program, both curricular and extracurricular, or extracurricular
295 club or activity, the student, employee or coach shall participate in bullying, cyber-bullying,
296 hazing, ~~and~~ retaliation, and abusive conduct prevention training.

297 (b) A training described in Subsection (1)(a) shall be offered to new participants on
298 an annual basis and to all participants at least once every three years.

299 (2) An LEA shall inform student athletes and extracurricular club members of
300 prohibited activities under this rule and potential consequences for violation of the law and
301 the rule.

302 (3) An LEA shall maintain training participant lists or signatures, to be provided to
303 the Board upon request.

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

305 (1) An LEA shall prohibit abusive conduct.

306 (2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation
307 policy, required in Section [53G-9-605](#) and this rule, shall include a grievance process for a
308 school employee who has experienced abusive conduct as described in Subsection [53G-](#)
309 [9-605\(3\)\(f\)](#).

310 **KEY: abusive conduct, bullying, harassment, hazing, training**

311 **Date of Enactment or Last Substantive Amendment:**

312 **Notice of Continuation: August 2, 2018**

313 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-401\(4\)](#); [53G-9-](#)**
314 **[607](#); [53E-3-501](#); [53G-8-209](#); 53G-9**