



Utah

Compilation of School

Discipline Laws and

Regulations

Prepared: March 31, 2021

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:

Child Trends

7315 Wisconsin Avenue
Suite 1200W
Bethesda, Maryland 20814

EMT Associates, Inc.

1631 Creekside Drive
Suite 100
Folsom, California 95630



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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

§ 53E-3-501. State board to establish miscellaneous minimum standards for public schools.

(1) The state board shall establish rules and minimum standards for the public schools that are consistent with this public education code, including rules and minimum standards governing the following:

(b)(v) discipline and control.

§ 53G-8-202. Public school discipline policies - Basis of the policies - Enforcement.

(2)(a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.

(b) A district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted standards of conduct; and

(ii) to show respect for other people and to obey persons in authority at the school.

§ 53G-8-203. Conduct and discipline policies and procedures.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:

(a) provisions governing student conduct, safety, and welfare.

REGULATIONS

R277-609-1. Authority and purpose.

(1) This rule is authorized by:

(c) Subsection 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(b) written standards for student behavior expectations, including school and classroom management.

R277-613-1. Authority and Purpose.

(1) This rule is authorized by:

(c) Section 53E-3-501, which directs the Board to establish rules and minimum standards for the public schools governing discipline and control.

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

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

Scope

LAWS

§ 53G-8-203. Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
- (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events; [...]
 - (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
 - (i) the school;
 - (ii) school property;
 - (iii) a person associated with the school; or
 - (iv) property associated with a person described in Subsection (1)(e)(iii).

§ 53G-9-602. Bullying, hazing, and cyber-bullying prohibited.

- (1) A school employee or student may not engage in bullying a school employee or student:
- (a) on school property;
 - (b) at a school related or sponsored event;
 - (c) on a school bus;
 - (d) at a school bus stop; or
 - (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).
- (2) A school employee or student may not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

§ 53G-6-803. Parental right to academic accommodations.

- (10)(a) An LEA shall provide for:
- (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
 - (ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.

§ 53G-8-204. Suspension and expulsion procedures - Notice to parents - Distribution of policies.

- (2)(a) Each local school board or charter school governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.
- (b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

§ 53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

(3) A policy shall include the following components:

(h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:

- (i) school employee;
- (ii) student who is at least eight years old; and
- (iii) parent of a student enrolled in the charter school or school district.

(4) A copy of a policy shall be:

- (a) included in student conduct handbooks;
- (b) included in employee handbooks; and
- (c) provided to a parent of a student enrolled in the charter school or school district.

REGULATIONS

R277-609-4. LEA Responsibility to Develop Plans.

(1) An LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, school discipline and restorative practices. [...]

(3) A plan described in Subsection (1) shall include:

- (v) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
 - (iii) a provision for publication of notice to parents and school employees of policies by reasonable means.

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

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

- (a) develop, update, and implement policies as required by Section 53G-9-605 and this rule, which shall include a prohibition on:
 - (i) bullying;
 - (ii) cyber-bullying;
 - (iii) hazing;
 - (iv) retaliation; and
 - (v) making a false report;
- (b) post a copy of the LEA's policy on the LEA website;
- (c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
- (d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.

R277-615-4. LEA responsibilities.

(4) An LEA shall make policies available electronically and in printed form to parents and students upon enrollment.

In-School Discipline

Discipline Frameworks

LAWS

53G-8-202. Conduct and discipline policies and procedures.

(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

(2)(a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.

(b) A district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted standards of conduct; and

(ii) to show respect for other people and to obey persons in authority at the school.

(c)(i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.

(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.

(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

53G-8-203. Public school discipline policies - Basis of the policies - Enforcement.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:

(a) provisions governing student conduct, safety, and welfare;

(b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;

(c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);

(d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;

(e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

(i) the school;

(ii) school property;

(iii) a person associated with the school; or

(iv) property associated with a person described in Subsection (1)(e)(iii);

(f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;

- (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
 - (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2)(a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
- (b)(i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
 - (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
 - (c) The policy described in Subsection (2)(a) shall provide for:
 - (i) notice to the parent of a student prior to holding the student after school on a particular day; and
 - (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.
- (3)(a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
- (b) The policy described in Subsection (3)(a) shall:
 - (i) prohibit students from possessing or using electronic cigarette products on school property;
 - (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
 - (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.
 - (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:
 - (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
 - (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.

REGULATIONS

R277-609-4. LEA Responsibility to Develop Plans.

- (1) An LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, school discipline and restorative practices.
- (2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation so as to create a community sense of participation, ownership, support, and responsibility.
- (3) A plan described in Subsection (1) shall include:
 - (a) the definitions of Section 53G-8-210;
 - (b) written standards for student behavior expectations, including school and classroom management;
 - (c) effective instructional practices for teaching student expectations, including:
 - (i) self-discipline;

- (ii) citizenship;
- (iii) civic skills; and
- (iv) social emotional skills;
- (d) systematic methods for reinforcement of expected behaviors;
- (e) uniform and equitable methods for correction of student behavior;
- (f) consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions;
- (g) uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;
- (h) an ongoing staff development program related to development of:
 - (i) student behavior expectations;
 - (ii) effective instructional practices for teaching and reinforcing behavior expectations;
 - (iii) effective intervention strategies; and
 - (iv) effective strategies for evaluation of the efficiency and effectiveness of interventions;
- (i) procedures for ongoing training of appropriate school personnel in:
 - (i) crisis management;
 - (ii) emergency safety interventions; and
 - (iii) LEA policies related to emergency safety interventions consistent with evidence-based practice;
- (j) policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;
- (k) policies and procedures for responding to possession or use of electronic cigarette products by a student on school property as required by Subsection 53G-8-203(3);
- (l) policies and procedures, consistent with requirements of Rule R277-613, related to:
 - (i) bullying;
 - (ii) cyber-bullying;
 - (iv) hazing; and
 - (v) retaliation;
- (l) policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:
 - (i) physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in Subsection 53G-8-302(2);
 - (ii) prone, or face-down, physical restraint;
 - (iii) supine, or face-up, physical restraint;
 - (iv) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;
 - (v) mechanical restraint, except:
 - (A) protective or stabilizing restraints;
 - (B) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and
 - (C) any device used by a law enforcement officer in carrying out law enforcement duties;
 - (vi) chemical restraint, except as:

- (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
- (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
- (vii) seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and
- (viii) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:
 - (A) school personnel, the family, and the IEP team agree less restrictive means have been attempted;
 - (B) a FBA has been conducted; and
 - (C) a positive behavior intervention, based on data analysis has been written into the plan and implemented;
- (m) direction for dealing with bullying and disruptive students;
- (n) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address student behavior, including students who engage in disruptive student behaviors as described in Section 53G-8-210;
- (o) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;
- (p) identification of individuals who shall receive notices of disruptive and bullying student behavior;
- (q) a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor prior to referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;
- (r) strategies to provide for necessary adult supervision;
- (s) a requirement that policies be clearly written and consistently enforced;
- (t) notice to employees that violation of this rule may result in employee discipline or action;
- (u) gang prevention and intervention policies in accordance with Subsection 53E-3-509(1);
- (v) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
 - (i) the role of law enforcement;
 - (ii) emergency medical services; and
 - (iii) a provision for publication of notice to parents and school employees of policies by reasonable means; and
 - (iv) a plan for referral for a student with a qualifying office to alternative school-related interventions, including:
 - (A) a mobile crisis outreach team, as defined in Section 78A-6-105;
 - (B) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 62A-7-104;
 - (C) a youth court; or
- (w) a comparable restorative justice program.
- (4) A plan described in Subsection (1) may include:
 - (a) the provisions of Subsection 53E-3-509(2); and

(b) a plan for training administrators and school resource officers in accordance with Section 53G-8-702.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

§ 53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board shall establish:

(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

§ 53G-8-210. Disruptive student behavior.

(1) As used in this section:

(f) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:

(i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and

(ii) to help minors take responsibility for and repair harmful behavior that occurs in school.

REGULATIONS

R277-609-1. Authority and purpose.

2)(a) The purpose of this rule is to outline requirements for school discipline plans, restorative practices and related policies.

R277-609-2. Definitions.

(15) "Policy" means standards and procedures that include:

(a) the provisions of Section 53G-8-202 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:

(iii) requires training regarding:

(B) the use of restorative practices, positive behavior interventions and supports, and emergency safety interventions. [...]

(18) "Restorative practice" means the building and sustaining of relationships among students, school personnel, families and community members to build and strengthen social connections within communities and hold individuals accountable to restore relationships when harm has occurred.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(n) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address student behavior, including students who engage in disruptive student behaviors as described in Section 53G-8-210. [...]

(w) a comparable restorative justice program.

R277-609-6. Implementation.

(1) An LEA shall implement strategies and policies consistent with the LEA's plan required in Section R277-609-4.

(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to suspension or court referral.

(3) An LEA shall implement positive behavior interventions, supports, and restorative practices as part of the LEA's continuum of behavior interventions strategies.

R277-613-2. Definitions.

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

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

(7)(c) An LEA shall ensure that a discipline plan required by Rule R277-609:

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

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

(7) Following an investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:

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

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

§ 53G-8-301. Definitions.

As used in this part:

- (1) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

§ 53G-8-302. Prohibition of corporal punishment - Use of reasonable and necessary physical restraint.

- (1) A school employee may not inflict or cause the infliction of corporal punishment upon a student.

§ 53G-8-303. Investigation of complaint - Confidentiality - Immunity.

(1)(a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

- (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.

(2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.

(3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

§ 53G-8-304. Liability.

(1)(a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.

- (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.

(2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

§ 53G-8-305. Exception.

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53E-7-204 is excepted from this part.

REGULATIONS

R277-217-2. Prohibited conduct by an educator.

An educator may not:

- (9) use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Section 53G-8-302.

R277-608-1. Authority and Purpose.

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Sections 53G-8-301 through 53G-8-305, which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

(2) The purpose of this rule is to direct LEAs to have policies in place that prohibit corporal punishment consistent with the law.

R277-608-2. Definitions.

(1) "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

R277-608-3. Reporting requirements.

(1) Each LEA shall incorporate in the LEA plan submitted to the Superintendent annually, the prohibition of corporal punishment consistent with the law.

(2) An LEA policy shall include:

- (a) a prohibition of corporal punishment consistent with the law;
- (b) criteria and procedures for using appropriate behavior reduction intervention in accordance with federal and state law;
- (c) appropriate sanctions for LEA employees who use corporal punishment; and
- (d) appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

Search and Seizure

LAWS

§ 53G-8-508. Admissibility of evidence in civil and criminal actions.

(1) Evidence relating to a violation of Section 53G-8-505, 53G-8-506, 53G-8-507, or 53G-8-509, which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.

(2) An LEA shall dispose of or destroy seized electronic cigarette products in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).

(3) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

§ 53G-8-509. Board rules to ensure protection of individual rights.

The state board and LEA governing boards shall adopt rules or policies to implement Sections 53G-8-505 through 53G-8-508. The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

REGULATIONS

R277-615-3. Superintendent responsibilities.

- (1) The Superintendent shall provide consistent definitions for LEAs to include in search and seizure policies.
- (2) The Superintendent shall develop a model search and seizure policy as guidance for LEAs.
- (3) The Superintendent shall require an assurance from LEAs in the Utah Consolidated Report regarding the student search policy required under Section 53G-8-509.

R277-615-4. LEA responsibilities.

- (1) An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching students for electronic cigarette products.
- (2) An LEA shall include appropriate interested parties in the development of student search policies, including:
 - (a) parents;
 - (b) school employees; and
 - (c) licensed school employees.
- (3) An LEA policy described in Subsection (1) shall ensure protection of individual student rights against excessive and unreasonable intrusion.
- (4) An LEA shall make policies available electronically and in printed form to parents and students upon enrollment.
- (5) An LEA shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

Restraint and Seclusion

LAWS

§ 53G-8-203. Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
 - (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302.

§ 53G-8-209. Extracurricular activities - Prohibited conduct - Reporting of violations - Limitation of liability.

- (2)(a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.
 - (b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):
 - (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.

§ 53G-8-301. Definitions.

As used in this part:

- (3) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

§ 53G-8-302. Prohibition of corporal punishment - Use of reasonable and necessary physical restraint.

(2) A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:

- (a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- (b) protect a student or another individual from physical injury;
- (c) remove from a situation a student who is violent; or
- (d) protect property from being damaged, when physical safety is at risk.

§ 53G-8-303. Investigation of complaint - Confidentiality - Immunity.

(1)(a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

- (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.

(2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 62A-4a-412.

(3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

§ 53G-8-304. Liability.

(1)(a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.

- (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.

(2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

§ 53G-8-305. Exception.

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53E-7-204 is excepted from this part.

REGULATIONS

R277-605-3. Coaches and School Activity Leaders as Supervisors and Role Models.

(3) Coaches, assistants and advisors shall act in a manner consistent with Section 53G-8-209 and may not:

- (a) use foul, abusive, or profane language while engaged in school related activities; or

(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

R277-608-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Sections 53G-8-301 through 53G-8-305, which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

(2) The purpose of this rule is to direct LEAs to have policies in place that prohibit corporal punishment consistent with the law.

R277-609-1. Authority and purpose.

(1) This rule is authorized by:

(g) Section 53G-8-302, which describes the instances when a school employee may use reasonable and necessary physical restraint.

R277-609-2. Definitions.

(4)(a) "Emergency safety intervention" or "ESI" means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others. [...]

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

(21) "Seclusionary time out" means that a student is:

(a) placed in a safe enclosed area by school personnel in accordance with the requirements of Rules R392-200 and R710-4;

(b) purposefully isolated from adults and peers; and

(c) prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

R277-609-3. Incorporation of least restricted behavioral interventions (LRBI) technical assistance manual by reference.

(1) This rule incorporates by reference the LRBI Technical Assistance Manual, dated September 2015, which provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:

(a) promote positive behaviors while preventing negative or risky behaviors; and

(b) create a safe learning environment that enhances all student outcomes.

(2) A copy of the manual is located at:

(a) <https://www.schools.utah.gov/safehealthyschools/programs/behaviorsupport?mid=5333&tid=2>; and

(b) the Utah State Board of Education.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(l) policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:

(i) physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in Subsection 53G-8-302(2);

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

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

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

(v) mechanical restraint, except:

(A) protective or stabilizing restraints;

(B) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and

(C) any device used by a law enforcement officer in carrying out law enforcement duties;

(vi) chemical restraint, except as:

(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;

(vii) seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and

(viii) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:

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

(B) a FBA has been conducted; and

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

R277-609-5. Physical Restraint and Seclusionary Time Out.

(1) When used consistently with an LEA plan under Subsection R277-609-4(1):

(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 and a release criteria, as outlined in LEA policies, must be implemented.

(2) If a public education employee physically restrains a student, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school as described in Section R277-609-10 to the student's parent.

(b) school administration.

(3) A public education 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 emergency intervention training program;

- (b) 30 minutes; or
 - (c) when law enforcement arrives.
- (4) A public education employee may not use physical restraint as a means of discipline or punishment.
- (5) If a public education employee uses seclusionary time out, the public education employee shall:
- (a) use the minimum time necessary to ensure safety;
 - (b) use release criteria as outlined in LEA policies;
 - (c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in R392-200 and R710-4;
 - (d) maintain the student within line of sight of the public education employee;
 - (e) use the seclusionary time out consistent with the LEA's plan described in Section R277-609-4; and
 - (f) ensure that the enclosed area meets the fire and public safety requirements described in R392-200 and R710-4.
- (6) If a student is placed in seclusionary time out, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school to:
- (a) the student's parent; and
 - (b) school administration.
- (7) A public education employee may not place a student in a seclusionary time out for more than 30 minutes.
- (8) In addition to the notice described in Subsection (6), if a public education employee places a student in seclusionary time out for more than fifteen minutes, the school or the public education employee shall immediately provide notice to:
- (a) the student's parent or guardian; and
 - (b) school administration.
- (9) Seclusionary time out may only be used for maintaining safety.
- (10) A public education employee may not use seclusionary time out as a means of discipline or punishment.

R277-609-6. Implementation.

- (1) An LEA shall implement strategies and policies consistent with the LEA's plan required in Section R277-609-4.
- (2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to suspension or court referral.
- (3) An LEA shall implement positive behavior interventions, supports, and restorative practices as part of the LEA's continuum of behavior interventions strategies.

R277-609-7. LEA Emergency Safety Intervention (ESI Committees).

- (1) An LEA shall establish an Emergency Safety Intervention (ESI) Committee.
- (2) An LEA ESI Committee:
- (a) shall include:
 - (i) at least two administrators;

- (ii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and
- (iii) at least two certified educational professionals with behavior training and knowledge in both state rules and LEA discipline policies;
- (b) shall meet often enough to monitor the use of emergency safety intervention in the LEA;
- (c) shall determine and recommend professional development needs; and
- (d) shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.
- (e) shall ensure that each emergency incident where a school employee uses an emergency safety intervention is documented in the LEA's student information system and reported to the Superintendent through the Board's UTREx system.

R277-609-8. LEA Reporting.

- (1) An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA.
- (2) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection (1).
- (3) An LEA shall provide documentation of any school, program or LEA's use of emergency safety interventions to the Superintendent annually.
- (4)(a) An LEA shall submit all required UTREx discipline data and incident or infraction data elements and suspensions to the Superintendent no later than June 30 of each year.
 - (b) Beginning in the 2018-19 school year, an LEA shall submit all required UTREx discipline data and incident or infraction data elements as part of the LEA's daily UTREx submission.

R277-609-9. Special Education Exception (s) to this Rule.

- (1) An LEA shall have in place, as part of its LEA special education policies, procedures, or practices, criteria and steps for using emergency safety interventions consistent with state and federal law.
- (2) The Superintendent shall periodically review:
 - (a) all LEA special education behavior intervention, procedures, and manuals; and
 - (b) emergency safety intervention data as related to IDEA eligible students in accordance with Utah's Program Improvement and Planning System.

R277-609-10. Parent/Guardian Notification and Court Referral.

- (3)(a) When an emergency safety intervention is used to protect a student or others from harm, a school shall:
 - (i) provide notice to the student's parent as soon as reasonably possibly and before the student leaves the school;
 - (ii) provide notice to school administration; and
 - (iii) provide documentation of the emergency safety intervention to the LEA's ESI Committee described in R277-609-7.
- (b) In addition to the notice described in Subsection (3)(a), if the use of an emergency safety intervention occurs for more than fifteen minutes, the school shall immediately provide a second notification to:
 - (i) the student's parent or guardian; and
 - (ii) school administration.

(d) A notice described in Subsection (3)(a) shall be documented within student information systems (SIS) records.

(4)(a) A school shall provide a parent or guardian with a copy of any notes or additional documentation taken during the use of the emergency safety intervention upon request of the parent or guardian.

(b) Within 24 hours of the school using an emergency safety intervention with a student, a school shall provide notice to a parent or guardian that the parent or guardian may request a copy of any notes or additional documentation taken during the use of the emergency safety intervention.

(c) A parent or guardian may request a time to meet with school staff and administration to discuss the use of the use of an emergency safety intervention.

R277-609-11. Model Policies.

(1) The Superintendent shall develop, review regularly, and provide to LEA boards model policies to address disruptive student behavior and appropriate consequences.

(2) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of physical force and emergency safety interventions to the extent of resources available.

R277-609-12. LEA Compliance.

If an LEA fails to comply with this rule, the Superintendent may withhold funds in accordance with Rule R277-114 or impose any other sanction authorized by law.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

- (1) A student may be suspended or expelled from a public school for any of the following reasons:
- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;
 - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
 - (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - (f) possession or use of pornographic material on school property.
- (2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:
- (i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - (C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or
 - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
- (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
- (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school;
 - (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students.

§ 53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board shall establish:

(a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school.

§ 53G-8-212. Defacing or damaging school property - Student's liability - Work program alternative.

(1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(2)(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(ii) the superintendent, chief administrator, or designee shall determine:

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

§ 53G-8-204. Suspension and expulsion procedures - Notice to parents - Distribution of policies.

(1)(a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

§ 53G-8-206. Delegation of authority to suspend or expel a student - Procedure for suspension - Readmission.

(5)(c) A suspension may not extend beyond 10 school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

§ 53G-8-212. Defacing or damaging school property - Student's liability - Work program alternative.

(4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.

REGULATIONS

R277-607-4. Compulsory education procedures.

(2) The compulsory education procedures shall:

(c) provide an appeals process to contest:

(i) a notice of truancy; or

(ii) any disciplinary actions against a student pursuant to absenteeism and the truancy policy or. [...]

(3) An LEA shall publish the appeals process described in Subsection R277-607-4(2)(c) for use by a student or the student's parents.

R277-609-10. Parent/Guardian Notification and Court Referral.

(2) An LEA shall establish policies that:

(b) provide for notices of disruptive behavior to be issued by schools to qualifying minors and parents consistent with:

(iv) provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

Return to School Following Removal

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(2)(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school.

§ 53G-8-206. Delegation of authority to suspend or expel a student - Procedure for suspension - Readmission.

(5)(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:

(i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

(ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

§ 53E-3-501. State board to establish miscellaneous minimum standards for public schools.

(1) The state board shall establish rules and minimum standards for the public schools that are consistent with this public education code, including rules and minimum standards governing the following:

(c)(iii) alternative and pilot programs.

§ 53G-6-209. Truancy support centers.

(4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(2)(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(ii) the superintendent, chief administrator, or designee shall determine:

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in.

§ 53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board shall establish:

(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

§ 53G-8-208. Student suspended or expelled - Responsibility of parent - Application for students with disabilities.

(1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

(2)(a) The parent shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.

REGULATIONS

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(v) provisions that account for an individual LEA's or school's unique needs or circumstances, including:

(iv) a plan for referral for a student with a qualifying office to alternative school-related interventions, including:

(A) a mobile crisis outreach team, as defined in Section 78A-6-105;

(B) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 62A-7-104;

(C) a youth court.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

- (2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:
- (i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities. [...]
 - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school;
 - (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
 - (C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students.

§ 53G-8-510. Notification of teachers of weapons on school property - Immunity from civil and criminal liability .

- (1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.
- (2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

REGULATIONS

R277-615-4. LEA responsibilities.

- (1) An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching students for electronic cigarette products.

Students with Chronic Disciplinary Issues

LAWS

§ 53G-8-203. Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
- (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part.

§ 53G-8-207. Alternatives to suspension or expulsion.

- (1) Each local school board or charter school governing board shall establish:
- (a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school.

§ 53G-8-210. Disruptive student behavior.

- (5) A habitual disruptive student behavior notice:
- (a) may only be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
 - (ii)(A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and
 - (B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or
 - (iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and
 - (b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board to issue a habitual disruptive student behavior notice.
- (6)(a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.
- (b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

§ 53G-6-201. Definitions.

As used in this part:

- (1)(a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
- (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Minor" means a person under the age of 18 years.
- (3) "Parent" includes:
- (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (3)(a) or (b).
- (4) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- (5) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:
- (a) is enrolled; or
 - (b) should be enrolled, if the school-age child is not enrolled in school.
- (6) "School-age child" means a minor who:
- (a) is at least six years old but younger than 18 years old; and
 - (b) is not emancipated.
- (7)(a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (7)(b), is absent for at least:
- (i) half of the school day; or
 - (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.
- (b) A school-age child may not be considered truant under this part more than one time during one day.
- (8) "Truant minor" means a school-age child who:
- (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
 - (b) is truant.
- (9)(a) "Valid excuse" means:
- (i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
 - (ii) mental or behavioral health of the school-age child;
 - (iii) a family death;
 - (iv) an approved school activity;
 - (v) an absence permitted by a school-age child's:
 - (A) individualized education program; or
 - (B) Section 504 accommodation plan;
 - (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or
 - (vii) any other excuse established as valid by a local school board, charter school governing board, or school district.

(b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (9)(a)(vi).

§ 53G-6-202. Compulsory education.

(1) As used in this section:

(a) "Intentionally" means the same as that term is defined in Section 76-2-103.

(b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections (3) and (4).

(c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which a notice of compulsory education violation is served and ending on the last day of the school year.

(2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll and send the school-age child to a public or regularly established private school.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:

(a) in grade 1 through 6; and

(b) truant at least five times during the school year.

(4) A notice of compulsory education violation issued to a parent:

(a) shall direct the parent to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and

(ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:

(i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

(ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;

(d) shall be served on the parent by personal service or certified mail; and

(e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

(6) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child who is in grade 1 through 6 to, after being served with a notice of compulsory education violation, intentionally or without good cause:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.

(7) Except during the period described in Subsections (5) and (6), a local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.

(8) Except during the period described in Subsections (5) and (6), if school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:

- (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
- (b) information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
- (c) whether the school-age child has made adequate educational progress;
- (d) whether the requirements of Section 53G-6-206 have been met;
- (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
- (f) whether the school-age child is receiving special education services or systematic remediation efforts.

(9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.

§ 53G-6-203. Truancy - Notice of truancy - Failure to cooperate with school authorities.

(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.

(2) Except during the period between the effective date of this bill and June 1, 2022, accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:

- (a) in grade 7 or above, unless the school-age child is less than 12 years old; and
- (b) truant.

(3) A local school board or charter school governing board:

- (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and
- (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.

(4) A notice of truancy described in Subsection (3):

- (a) may not be issued until a school-age child has been truant at least five times during the school year;
- (b) may not be issued to a school-age child who is less than 12 years old or in a grade below grade 7;
- (c) may not be issued to a school-age child exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
- (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's trancies; and

(ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child; and

(e) shall be mailed to, or served on, the school-age child's parent.

(5)(a) Except as provided in Subsection (5)(b), nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age child who has been truant fewer than five times, provided that the action does not conflict with the requirements of this part.

(b) A local school board, charter school governing board, or school district may not take punitive action to resolve a truancy problem with a school-age child during the period described in Subsection (2).

(6) Notwithstanding this section, during the period described in Subsection (2), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of truancy.

§ 53G-6-206. Duties of a local school board, charter school governing board, or school district in resolving attendance problems - Parental involvement - Liability not imposed.

(1)(a) Subject to Subsection (1)(b), a local school board, charter school governing board, or school district shall make efforts to resolve the school attendance problems of each school-age child who is, or should be, enrolled in the school district.

(b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702 is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the school-age child by school authorities;

(b)(i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or

(ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;

(c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;

(d) considering alternatives proposed by the school-age child's parent;

(e) monitoring school attendance of the school-age child;

(f) voluntary participation in truancy mediation, if available; and

(g) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible in accordance with Section 53G-8-211.

(4) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.

(6) Each LEA shall annually report the following data separately to the state board:

(a) absences with a valid excuse; and

(b) absences without a valid excuse.

§ 53G-6-207. Truancy specialists.

A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

§ 53G-6-208. Taking custody of a person believed to be a truant minor - Disposition - Reports - Immunity from liability.

(1) Except during the period between March 17, 2021 and June 1, 2022, a peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

(2) An individual taking a presumed truant minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:

- (a) the principal of the minor's school;
- (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
- (c) a truancy center established under Subsection (5).

(3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.

(4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.

(5)(a)(i) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors.

(ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

(b)(i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.

(ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6)(a) An individual taking action under this section shall report the action to the appropriate school district.

(b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.

(7) The Utah Governmental Immunity Act applies to all actions taken under this section.

(8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

§ 53G-6-209. Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53G-6-208; or
 - (b) students suspended or expelled from school.
- (2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
 - (a) assessments of the truant minor's needs and abilities;
 - (b) support for the parents and truant minor through counseling and community programs; and
 - (c) tutoring for the truant minor during the time spent at the center.
- (3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
- (4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.
- (5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents.

§ 53G-8-211. Responses to school-based behavior.

- (1) As used in this section:
 - (b) "Habitual truant" means a school-age child who:
 - (i) is in grade 7 or above, unless the school-age child is less than 12 years old;
 - (ii) is subject to the requirements of Section 53G-6-202; and
 - (iii)(A) is truant at least 10 times during one school year; or
 - (B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

REGULATIONS

R277-607-1. Authority and purpose.

- (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; and
 - (c) Section 53G-6-206, which directs educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or who should be enrolled in an LEA.
- (2) The purpose of this rule is to direct an LEA to create policies for truancy procedures and compulsory education.

R277-607-2. Definitions.

- (1) "Absence" means the same as that term is defined in Subsection 53G-6-201(1).
- (2) "Notice of truancy" is a citation issued consistent with Section 53G-6-203.
- (3) "Truant" means the same as that term is defined in Subsection 53G-6-201(7).
- (4) "Unexcused absence" means a student's absence from school for reasons other than those deemed a valid excuse.
- (5) "Valid excuse" means the same as that term is defined in Subsection 53G-6-201(9).

R277-607-3. Truancy policy requirements.

- (1) An LEA shall:
 - (a) develop an absenteeism and truancy policy that encourages regular, punctual attendance of students, consistent with Section 53G-8-211 and Title 53G Public Education System - Local Administration, Chapter 6 Participation in Public Schools, Part 2 Compulsory Education;
 - (b) review the LEA's absenteeism and truancy policy regularly;
 - (c) create and operate an attendance review team as described in Subsection (3);
 - (d) review attendance data annually and consider revisions to the absenteeism and truancy policy to encourage student attendance; and
 - (e) make the absenteeism and truancy policy available for review by parents or interested parties.
- (2) An LEA may issue a notice of truancy to a student consistent with the LEA's absenteeism and truancy policy and Section 53G-6-203.
- (3) An LEA's attendance review team shall:
 - (a) consist of:
 - (i) administrators including those responsible for:
 - (A) academic instruction;
 - (B) health and wellness;
 - (C) student support services; and
 - (D) attendance data;
 - (ii) where possible, community agencies; and
 - (iii) may include the LEA's multi-disciplinary team;
 - (b) review attendance data to inform actions and tiered interventions development at least monthly;
 - (c) create a systematic LEA and school level response for the LEA's absenteeism and truancy policy including:
 - (i) practice improvement; and
 - (ii) prevention and intervention strategies; and
 - (d) promote shared accountability and continuous improvement related to an LEA's absenteeism and truancy policy including a school level attendance plan developed at the end of the previous school year.

R277-607-4. Compulsory education procedures.

- (1) An LEA shall develop compulsory education procedures as part of the LEA's absenteeism and truancy policy described in Section R277-607-3.
- (2) The compulsory education procedures shall:
 - (a) provide a process for notice to parents about the absenteeism and truancy policy;

- (b) require notice to parents regarding the progress of a student's discipline and consequences for violation of the truancy policy;
 - (c) provide an appeals process to contest:
 - (i) a notice of truancy; or
 - (ii) any disciplinary actions against a student pursuant to absenteeism and the truancy policy or;
 - (d) establish definitions not provided in law or this rule necessary to implement the absenteeism and truancy policy and compulsory education procedures;
 - (e) include definitions of:
 - (i) "approved school activity" under Subsection 53G-6-201(9)(c); and
 - (ii) "any other excuse" under Subsection 53G-6-201(9)(e);
 - (f) include criteria and procedures for preapproval of extended absences consistent with Section 53G-6-205; and
 - (g) establish programs and meaningful incentives which promote regular, punctual student attendance.
- (3) An LEA shall publish the appeals process described in Subsection R277-607-4(2)(c) for use by a student or the student's parents.

Substance Use

LAWS

§ 53E-3-522. Substance abuse prevention in public school programs - Funds allocated.

The state board shall provide for:

- (1) substance abuse prevention and education;
- (2) substance abuse prevention training for teachers and administrators; and
- (3) district and school programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

§ 53G-8-203. Conduct and discipline policies and procedures.

(3)(a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.

(b) The policy described in Subsection (3)(a) shall:

- (i) prohibit students from possessing or using electronic cigarette products on school property;
- (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
- (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.

(c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:

- (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
- (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102; [...]

(2)(a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3.

§ 53G-8-209. Extracurricular activities - Prohibited conduct - Reporting of violations - Limitation of liability.

(2)(a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):

(i) the use of foul, abusive, or profane language while engaged in school related activities;

(ii) the illicit use, possession, or distribution of:

(A) a controlled substance or drug paraphernalia;

(B) a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-10-101; or

(C) an alcoholic beverage.

§ 53G-8-501. Definitions.

For purposes of Sections 53G-8-502 through 53G-8-504:

(1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.

(2) "Prohibited act" means an act prohibited by Section 53G-8-602, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

§ 53G-8-502. Mandatory reporting of prohibited acts.

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

§ 53G-8-503. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

§ 53G-8-504. Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53G-8-502 and 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.

§ 53G-8-505. Definitions.

For purposes of Sections 53G-8-506 through 53G-8-509:

- (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to Sections 53G-8-506 through 53G-8-509.
- (2) "Prohibited act" means:
 - (a) an act punishable under Section 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled Substances Act; or
 - (b) possession of an electronic cigarette product by a student on school property.
- (3) "School" means a public or private elementary or secondary school.

§ 53G-8-506. Reporting of prohibited acts affecting a school -Confidentiality.

- (1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:
 - (a) the principal;
 - (b) an administrator of the affected school;
 - (c) the superintendent of the affected school district; or
 - (d) an administrator of the affected school district.
- (2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
- (3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school property or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

§ 53G-8-507. Immunity from civil or criminal liability.

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

§ 53G-9-702. Youth suicide prevention programs required in secondary schools - State board to develop model programs.

- (3) Each school district and charter school shall ensure that the youth suicide prevention program described in Subsection (2):
 - (a) considers appropriate coordination with the following prevention programs:
 - (ii) the prevention of underage drinking of alcohol and substance abuse under Section 53G-10-406.

§ 53G-9-703. Parent education - Mental health - Bullying - Safety.

- (2) The state board shall:
 - (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

- (i) substance abuse, including illegal drugs and prescription drugs and prevention;
 - (ii) bullying;
 - (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;
 - (iv) Internet safety, including pornography addiction; and
 - (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
- (b) provide the curriculum, including resources and training, to school districts upon request.

§ 53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled substances - Rulemaking authority - Assistance from the Division of Substance Abuse and Mental Health.

(4) The state board shall establish a library of documented best practices and resources for alcohol, tobacco, and electronic cigarette product cessation interventions for use by local school districts.

§ 53G-10-406. Underage Drinking Prevention Program - State board rules.

- (1) As used in this section:
- (a) "Advisory council" means the Underage Drinking and Substance Abuse Prevention Program Advisory Council created in this section.
 - (b) "Program" means the Underage Drinking and Substance Abuse Prevention Program created in this section.
 - (c) "School-based prevention program" means an evidence-based program that:
 - (i) is aimed at preventing underage consumption of alcohol and underage use of electronic cigarette products;
 - (ii) is delivered by methods that engage students in storytelling and visualization;
 - (iii) addresses the behavioral risk factors associated with underage drinking and use of electronic cigarette products; and
 - (iv) provides practical tools to address the dangers of underage drinking and use of electronic cigarette products.
- (2) There is created the Underage Drinking and Substance Abuse Prevention Program that consists of:
- (a) a school-based prevention program for students in grade 4 or 5;
 - (b) a school-based prevention program for students in grade 7 or 8; and
 - (c) a school-based prevention program for students in grade 9 or 10 that increases awareness of the dangers of driving under the influence of alcohol.
- (3)(a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 7 or 8 and grade 9 or 10.
- (b) In addition to Subsection (3)(a), beginning with the 2020-21 school year, an LEA shall offer the program each school year to each student in grade 4 or 5.
 - (c) An LEA shall select from the providers qualified by the state board under Subsection (6) to offer the program.
- (4) The state board shall administer the program with input from the advisory council.
- (5) There is created the Underage Drinking and Substance Abuse Prevention Program Advisory Council comprised of the following members:
- (a) the executive director of the Department of Alcoholic Beverage Control or the executive director's designee;

- (b) the executive director of the Department of Health or the executive director's designee;
 - (c) the director of the Division of Substance Abuse and Mental Health or the director's designee;
 - (d) the director of the Division of Child and Family Services or the director's designee;
 - (e) the director of the Division of Juvenile Justice Services or the director's designee;
 - (f) the state superintendent or the state superintendent's designee; and
 - (g) two members of the state board, appointed by the chair of the state board.
- (6)(a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall qualify one or more providers to provide the program to an LEA.
- (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
 - (i) whether the provider's program complies with the requirements described in this section;
 - (ii) the extent to which the provider's prevention program aligns with core standards for Utah public schools; and
 - (iii) the provider's experience in providing a program that is effective.
- (7)(a) The state board shall use money from the Underage Drinking and Substance Abuse Prevention Program Restricted Account described in Section 53F-9-304 for the program.
- (b) The state board may use money from the Underage Drinking Prevention Program Restricted Account to fund up to .5 of a full-time equivalent position to administer the program.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
- (a) beginning with the 2018-19 school year, require an LEA to offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 7 or 8 and grade 9 or 10;
 - (b) beginning with the 2020-21 school year, require an LEA to offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5; and
 - (c) establish criteria for the state board to use in selecting a provider described in Subsection (6).

§ 53G-10-407. Positive behaviors plan - Positive behaviors specialist stipend - Reports.

- (1) As used in this section:
- (a) "Positive behaviors plan" means a plan to address the causes of student use of tobacco, alcohol, electronic cigarette products, and other controlled substances through promoting positive behaviors.
 - (b) "Positive behaviors specialist" means an individual designated to administer a positive behaviors plan.
- (2)(a) A school principal shall:
- (i) create a positive behaviors plan based on the input of students, parents, and staff; and
 - (ii) submit the positive behaviors plan to the LEA governing board for approval.
- (b) A positive behaviors plan shall address issues including peer pressure, mental health, and creating meaningful relationships.
- (c) A positive behaviors plan may include programs, clubs, service opportunities, and pro-social activities.
- (3) Each LEA shall designate one or more employees as a positive behaviors specialist for each school to administer the positive behaviors plan.
- (4)(a) The state board shall distribute annually to each school:
- (i) \$3,000 as a stipend for the positive behaviors specialists; and

(ii) \$1,000 to administer the positive behaviors plan.

(b) Notwithstanding Subsection (4)(a), if funding is insufficient to cover the costs associated with stipends, the state board may reduce the amount of the stipend.

(5)(a) A positive behaviors specialist shall annually submit a written report to the LEA governing board detailing how the positive behaviors plan was implemented in the prior year.

(b) An LEA governing board shall submit an annual report to the state board confirming that each school under the governing board's jurisdiction has an approved positive behaviors plan.

REGULATIONS

R277-460-1. Authority and purpose.

(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) Section 53G-10-405, which directs the Board to adopt rules providing for instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances;

(c) 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

(d) Section 51-9-405, which provides for funds from the Substance Abuse Prevention Account to be allocated to the Board for:

(i) substance abuse prevention and education;

(ii) substance abuse prevention training for teachers and administrators; and

(iii) LEA programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

(2) The purpose of this rule is to provide for the distribution of the Board's share of the money from the Substance Abuse Prevention Account.

R277-460-2. Definitions.

(1) "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.

(2) "Electronic cigarette product" has the same meaning as that term is defined in Section 59-14-802.

(3) "Local substance abuse authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.

(4) "Substance abuse prevention education activities and intervention" means proactive educational activities designed to eliminate any illegal use of alcohol, tobacco, electronic cigarette products, and controlled substances.

R277-460-3. Fund allocations.

(1) Before making the distributions described in Subsections (2) and (3), the Superintendent shall retain sufficient substance abuse prevention funds to pay for the salary, benefits, and indirect costs of a program administrator at a salary level to be determined by the Superintendent and support staff costs for the program administrator.

(2) After the allocation of substance abuse prevention funds is retained as described in Subsection (1), the Superintendent may use up to 45% to:

- (a) purchase educational materials to support and supplement existing substance abuse prevention efforts;
 - (b) encourage and support statewide substance abuse prevention training for school district and charter school teachers and administrators; and
 - (c) promote substance abuse prevention in the classroom.
- (3) At least 55% of the substance abuse prevention funds remaining after the allocation described in Subsection (1) shall be distributed to LEAs for use by the LEAs or individual schools within the LEA based on application.

R277-460-4. Applications.

- (1) The Superintendent shall develop an application for LEAs that are interested in applying for substance abuse prevention funds available as described in this R277-460.
- (2) An LEA shall submit the LEA's application to the specialist designated by the Superintendent.
- (3)(a) Substance abuse prevention funds shall be distributed to LEAs based on funds available from the Substance Abuse Prevention Account.
- (b) The Superintendent shall describe the available funding amounts in the Board application described in Subsection (1).
- (4) An LEA's application for substance abuse prevention funds shall include the following:
- (a) the applicant's intention to collaborate with the local substance abuse authority and community groups, including shared plans and strategies for substance abuse prevention education, activities, and intervention;
 - (b) the applicant's plan for professional development on substance abuse;
 - (c) the use of funds to implement applicant's plan;
 - (d) teacher reports of classroom implementation and plans for classroom monitoring visits;
 - (e) applicant's enhancement of substance abuse curriculum with additional substance abuse activities and strategies; and
 - (f) applicant's implementation of substance abuse curriculum with school-based behavioral/health or coordinated school health initiatives.

R277-460-5. Limitations on funds.

- (1) The Superintendent and LEAs shall use substance abuse prevention funds exclusively for purposes set forth in Section 51-9-405.
- (2) Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the Superintendent.
- (3) An LEA may not use funds received under this R277-460 to supplant:
- (a) funds currently available to the LEA; or
 - (b) funds available from other state or local sources.

R277-460-6. Evaluation and reports.

- (1) An applicant that receives substance abuse prevention funds shall provide the Superintendent with a year-end report on or before July 1 of the fiscal year in which the award was made.
- (2) The year-end report described in Subsection (1) shall include:
- (a) an expenditure report;
 - (b) a narrative description of activities funded; and

- (c) an action research or data project report.
- (3) The Superintendent may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.
- (4) The Superintendent shall annually report the following information to the Board's Finance Committee:
 - (a) the number of LEAs receiving substance abuse prevention funds;
 - (b) a summary of the LEAs' use of program funds; and
 - (c) a description of how the Superintendent is using the funds described in Subsections R277-460-3(1) and (2).

R277-609-4. LEA Responsibility to Develop Plans.

- (3) A plan described in Subsection (1) shall include:
 - (j) policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;
 - (k) policies and procedures for responding to possession or use of electronic cigarette products by a student on school property as required by Subsection 53G-8-203(3).

R277-615-4. LEA responsibilities.

- (1) An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching students for electronic cigarette products.

R277-910-1. Authority and purpose.

- (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) Subsection 53G-10-406 which directs the Board to establish rules regarding:
 - (i) a requirement that an LEA offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5, grade 7 or 8, and grade 9 or 10; and
 - (ii) the criteria for the board to use in selecting a provider for the Underage Drinking and Substance Abuse Prevention Program.
- (2) The purpose of this rule is to establish the criteria for selecting a provider for the Underage Drinking and Substance Abuse Prevention Program and general requirements of an LEA when offering the program.

R277-910-3. Mandatory offering of underage drinking and substance abuse prevention program.

- (1) Except as provided in Subsection (3), an LEA shall offer to each student in grades 4 or 5, grades 7 or 8, and grades 9 or 10, respectively, the Underage Drinking and Substance Abuse Prevention Program procured by the Board.
- (2) An LEA shall offer the Underage Drinking and Substance Abuse Prevention Program to students:
 - (a) in grades 7 or 8 and grades 9 or 10; and
 - (b) for students in grades 4 or 5, beginning in the 2021-22 school year.

Gang-related Activity

LAWS

§ 53E-3-509. Gang prevention and intervention policies.

(1)(a) The state board shall adopt rules that require a local school board or charter school governing board to enact gang prevention and intervention policies for all schools within the state board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

(ii) emphasizing the school's concern for safety; and

(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:

(i) advocating or promoting a gang or any gang-related activities;

(ii) marking school property, books, or school work with gang names, slogans, or signs;

(iii) conducting gang initiations;

(iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;

(v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a person's presence or support;

(vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and

(vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

(3) The rules described in Subsection (1) may require a local school board or charter school governing board to publicize the policies enacted by the local school board or charter school governing board in accordance with the rules described in Subsection (1) to all students, parents, and faculty through school websites, handbooks, letters to parents, or other reasonable means of communication.

(4) The state board may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).

§ 53F-2-410. Gang prevention and intervention program.

Subject to legislative appropriations, the state board shall distribute money for a gang prevention and intervention program:

- (1) that is designed to help students at risk for gang involvement stay in school; and
- (2) to school districts and charter schools through a request for proposals process.

§ 53G-8-203. Conduct and discipline policies and procedures.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:

- (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events.

REGULATIONS

R277-436-1. Authority and Purpose.

(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) Subsection 53F-2-410(1)(b), which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools.

(2) The purpose of this rule is to establish standards and procedures for distributing funding for gang prevention and intervention programs in public schools.

R277-436-2. Definitions.

(1) "At-risk student" means any student who because of the student's individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options.

(2)(a) "Gang" means a group of three or more people who form an allegiance and engage in criminal activity, which uses violence or intimidation to further its criminal objectives.

(b) A gang may have a name, turf, colors, symbols, distinct dress, or any combination of the preceding characteristics.

(3)(a) "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families.

(b) Gang prevention activities shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

(4) "Gang intervention" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships, within or outside of the school, which may impact the individual's susceptibility to gang membership or gang-like activities.

(4) "Gang Prevention and Intervention Program" means specifically designed projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

R277-436-3. Application, distribution of funds, and administrative support.

(1) An LEA may apply for gang intervention funds by submitting a proposal on a form approved by the Superintendent.

(a) An school district may submit:

- (i) a proposal for a single school; or
- (ii) a single district-wide proposal.

(b) A charter school may apply individually or jointly with other charter schools.

(2) A proposal submitted in accordance with Subsection (1) shall:

- (a) provide for distribution of funds to individual schools;
- (b) explain prevention and intervention activities and strategies planned for individual schools;
- (c) identify the school's at-risk student population and demonstrate how the prevention and intervention strategies will benefit at-risk students; and
- (d) demonstrate interagency collaboration between the LEA and other service providers.

(3) The Superintendent shall award gang intervention funds based on proposals submitted in accordance with Subsection (1), and subject to the annual legislative appropriation.

(4) The Superintendent shall give priority in awarding funds to:

- (a) schools that demonstrate multiple risk factors for gang involvement; and
- (b) schools with outcome data that show successful reduction of gang involvement.

(5) The Superintendent shall notify successful applicants of their awards by July 1 annually.

(6) An LEA or charter consortia may use up to ten percent of its funding awarded in accordance with this rule for:

- (a) administrative oversight;
- (b) professional development for licensed and non-licensed employees who directly in gang prevention or intervention activities; and
- (c) professional and technical services.

R277-436-4. Evaluation and reports.

(1) An LEA or charter school consortia shall provide the Superintendent a year-end evaluation report by June 30 for the previous fiscal year.

(2) A year-end report shall include:

- (a) an expenditure report;
- (b) a narrative description of all activities funded;
- (c) copies of any and all products developed;

(d) an effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and

(e) any other information or data required by the Superintendent.

(3) The Superintendent may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.

R277-436-5. Waivers.

Notwithstanding Rule R277-121, the Superintendent may grant a written request for a waiver of a requirement or deadline contained in this rule, which a district or school finds unduly restrictive.

R277-609-1. Authority and purpose.

(1) This rule is authorized by:

(d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(u) gang prevention and intervention policies in accordance with Subsection 53E-3-509(1).

Bullying, Harassment, or Hazing

LAWS

§ 53B-17-1202. SafeUT Crisis Line established.

The University Neuropsychiatric Institute shall:

(1) establish a SafeUT Crisis Line to provide:

(a) a means for an individual to anonymously report:

(i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;

(ii) incidents of bullying, cyber-bullying, harassment, or hazing; and

(iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and

(b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;

(2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and

(3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:

(a) school officials; and

(b) law enforcement officials.

§ 53G-8-209. Extracurricular activities - Prohibited conduct - Reporting of violations - Limitation of liability.

(2)(a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property,

during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.

§ 53G-8-802. State Safety and Support Program - State board duties.

(2) The state board shall:

(b) provide training:

(ii) in evidence-based approaches to improve school climate and address and correct bullying behavior.

§ 53G-9-601. Definitions.

As used in this part:

(1)(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) causing physical or emotional harm to the school employee or student;

(b) causing damage to the school employee's or student's property;

(c) placing the school employee or student in reasonable fear of:

(i) harm to the school employee's or student's physical or emotional well-being; or

(ii) damage to the school employee's or student's property;

(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(i) the pervasiveness, persistence, or severity of the actions; or

(ii) a power differential between the bully and the target; or

(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

(5)(a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

(i)(A) endangers the mental or physical health or safety of a school employee or student;

(B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or

(D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

(ii)(A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or

(B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

(b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(6) "LEA governing board" means a local school board or charter school governing board.

(7) "Policy" means an LEA governing board policy described in Section 53G-9-605.

(8) "Retaliate" means an act or communication intended:

(a) as retribution against a person for reporting bullying or hazing; or

(b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

(9) "School" means a public elementary or secondary school, including a charter school.

(10) "School employee" means an individual working in the individual's official capacity as:

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

(d) an individual:

(i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and

(ii) who works on a school campus.

§ 53G-9-602. Bullying, hazing, and cyber-bullying prohibited.

(1) A school employee or student may not engage in bullying a school employee or student:

(a) on school property;

(b) at a school related or sponsored event;

(c) on a school bus;

(d) at a school bus stop; or

(e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).

(2) A school employee or student may not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

§ 53G-9-603. Retaliation and making false allegation prohibited.

- (1) A school employee or student may not engage in retaliation against:
- (a) a school employee;
 - (b) a student; or
 - (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- (2) A school employee or student may not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

§ 53G-9-604. Parental notification of certain incidents and threats required.

- (1) A school shall:
- (a) notify a parent if the parent's student threatens to commit suicide; or
 - (b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.
- (2)(a) If a school notifies a parent of an incident or threat required to be reported under Subsection (1), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.
- (b) A school shall maintain a record described in Subsection (2)(a) in accordance with the requirements of:
- (i) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (iv) 34 C.F.R. Part 99.
- (3) A local school board or charter school governing board shall adopt a policy regarding the process for:
- (a) notifying a parent as required in Subsection (1); and
 - (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (2).
- (4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).
- (5) A school shall:
- (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and
 - (b) expunge a record maintained in accordance with this section that relates to a student if the student:
 - (i) has graduated from high school; and
 - (ii) requests the record be expunged.

§ 53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

- (1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.
- (2) A policy shall:
- (a) be developed only with input from:
 - (i) students;
 - (ii) parents;

- (iii) teachers;
 - (iv) school administrators;
 - (v) school staff; or
 - (vi) local law enforcement agencies; and
- (b) provide protection to a student, regardless of the student's legal status.
- (3) A policy shall include the following components:
- (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;
 - (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
 - (c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this part;
 - (d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
 - (e) as required in Section 53G-9-604, parental notification of:
 - (i) a student's threat to commit suicide; and
 - (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;
 - (f) a grievance process for a school employee who has experienced abusive conduct;
 - (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
 - (h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
 - (i) school employee;
 - (ii) student who is at least eight years old; and
 - (iii) parent of a student enrolled in the charter school or school district.
- (4) A copy of a policy shall be:
- (a) included in student conduct handbooks;
 - (b) included in employee handbooks; and
 - (c) provided to a parent of a student enrolled in the charter school or school district.
- (5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- (6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

§ 53G-9-606. Model policy and state board duties.

- (1) On or before September 1, 2018, the state board shall:
- (a) update the state board's model policy on bullying, cyber-bullying, hazing, and retaliation to include abusive conduct; and
 - (b) post the model policy described in Subsection (1)(a) on the state board's website.
- (2) The state board shall require a an LEA governing board to report annually to the state board on:
- (a) the LEA governing board's policy, including implementation of the signed statement requirement described in Subsection 53G-9-605(3);
 - (b) the LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607; and

(c) other information related to this part, as determined by the state board.

§ 53G-9-607. Training, education, and prevention - Standards.

(1)(a) An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).

(b) An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.

(2) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:

(a) the establishment of a bullying task force; or

(b) the involvement of school employees, students, or law enforcement.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

§ 53G-9-608. Other forms of legal redress.

(1) Nothing in this part prohibits a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or criminal law.

(2) This section does not create or alter tort liability.

§ 53G-9-702. Youth suicide prevention programs required in secondary schools - State board to develop model programs.

(3) Each school district and charter school shall ensure that the youth suicide prevention program described in Subsection (2):

(a) considers appropriate coordination with the following prevention programs:

(i) the prevention of bullying and cyber-bullying, as those terms are defined in Section 53G-9-601.

§ 53G-9-703. Parent education - Mental health - Bullying - Safety.

(2) The state board shall:

(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

(i) substance abuse, including illegal drugs and prescription drugs and prevention;

(ii) bullying;

(iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;

(iv) Internet safety, including pornography addiction; and

(v) the SafeUT Crisis Line established in Section 53B-17-1202; and

(b) provide the curriculum, including resources and training, to school districts upon request.

§ 63C-22-101. Title.

(1) This chapter is known as the "Digital Wellness, Citizenship, and Safe Technology Commission."

(2) This part is known as "General Provisions."

§ 63C-22-102. Definitions.

As used in this chapter:

- (1) "Commission" means the Digital Wellness, Citizenship, and Safe Technology Commission created in Section 63C-22-201.
- (2) "Cyber-bullying" means the same as that term is defined in Section 53G-9-601.
- (3) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.
- (4) "Local education agency" or "LEA" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.
- (5) "State board" means the State Board of Education.
- (6) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.
- (7) "Student" means a child who is under the age of 18.

§ 63C-22-201. Commission established - Members.

(1) There is created the Digital Wellness, Citizenship, and Safe Technology Commission to advance the goal of reaching every student, parent, and student's support network with training and ongoing support in digital citizenship, composed of the following 11 members:

- (a) one member of the Senate, appointed by the president of the Senate who shall serve as co-chair of the commission;
- (b) one member of the House of Representatives, appointed by the speaker of the House of Representatives who shall serve as co-chair of the commission;
- (c) two members appointed by the state superintendent, that may include:
 - (i) a current or former classroom teacher; and
 - (ii) a parent of a student;
- (d) the governor or the governor's designee;
- (e) the attorney general or the attorney general's designee; and
- (f) five members with experience and expertise related to digital citizenship training and education, recommended by the co-chairs of the commission and jointly approved by the president of the Senate and the speaker of the House of Representatives, that may include:
 - (i) a mental health professional;
 - (ii) a facilitator of a school community council;
 - (iii) a media literacy librarian; and
 - (iv) a representative of the Utah Education and Telehealth Network created in Section 53B-17-105.

(2)(a) A majority of the members of the commission constitutes a quorum of the commission.

(b) The action by a majority of the members of a quorum constitutes the action of the commission.

(3)(a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

- (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (4) The Office of Legislative Research and General Counsel shall provide staff support to the commission.
- (5) The commission shall meet up to seven times per year.

§ 63C-22-202. Commission duties - Reporting requirements.

- (1) To ensure students are digital media-literate, and able to use technology safely and ethically, the commission shall:
- (d) collaborate and coordinate efforts with programs related to cyber-bullying, suicide prevention, anti-pornography, and social and emotional learning to provide resources for promoting digital citizenship to LEAs, students, teachers, and parents.

§ 76-5-107.5. Prohibition of "hazing" - Definitions - Penalties.

- (1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:
- (a)(i) endangers the mental or physical health or safety of another;
 - (ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - (iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
 - (iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and
- (b)(i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
- (ii) if the actor knew that the victim is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.
- (2) It is not a defense to prosecution of hazing that a person under 21, against whom the hazing was directed, consented to or acquiesced in the hazing activity.
- (3) An actor who hazes another is guilty of a:
- (a) class B misdemeanor except as provided in Subsection (3)(b), (c), (d), or (e);
 - (b) class A misdemeanor if the act involves:
 - (i) the operation or other use of a motor vehicle;
 - (ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or
 - (iii) the consumption of a drug or a substance as defined in Section 76-5-113;
 - (c) third degree felony if the act involves the use of a dangerous weapon as defined in Section 76-1-601;
 - (d) third degree felony if the hazing results in serious bodily injury to a person; or
 - (e) second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon as defined in Section 76-1-601.
- (4) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.
- (5)(a) This section does not apply to military training or other official military activities.

- (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.
- (6)(a) A prosecution under this section does not bar a prosecution of the actor for:
 - (i) any other offense for which the actor may be liable as a party for conduct committed by the person hazed; or
 - (ii) any offense, caused in the course of the hazing, that the actor commits against the person who is hazed.
- (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.
- (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

REGULATIONS

R277-217-3. Required conduct for an educator.

(3) take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment.

R277-316-5. Association professional standard setting, training, and monitoring.

- (2) An association shall establish policies or rules that require:
 - (b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:
 - (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:
 - (A) Title 53G, Chapter 9, Part 6, Bullying and Hazing.

R277-409-3. Membership Restrictions.

- (6) An association shall establish policies or rules that require:
 - (b) the association or public school to annually train each coach or other individual who oversees or works with students as part of an interscholastic activity of a public school on the following:
 - (ii) the prevention of bullying, cyber-bullying, hazing, harassment, and retaliation as described in:
 - (A) Title 53G, Chapter 9, Part 6, Bullying and Hazing.

R277-495-4. LEA Electronic Device Policy Requirements.

- (1) An LEA's policy shall include at least the following:
 - (b) prohibitions on the use of electronic devices in ways that:
 - (i) bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests, consistent with R277-609 and R277-613. [...]
- (2) In addition to the requirements of Subsection (1), an LEA's policies for student use of electronic devices shall include directives regarding the following:
 - (f) uses of privately-owned electronic devices to bully or harass other students or employees during school hours or at school-sponsored activities that may result in the student being subject to LEA disciplinary action.

R277-605-3. Coaches and School Activity Leaders as Supervisors and Role Models.

(3) Coaches, assistants and advisors shall act in a manner consistent with Section 53G-8-209 and may not:

(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

R277-609-2. Definitions.

(15) "Policy" means standards and procedures that include:

(a) the provisions of Section 53G-8-202 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:

(i) defines hazing, bullying, and cyber-bullying;

(ii) prohibits hazing and bullying;

(iii) requires training regarding:

(A) the prevention of hazing, bullying, cyber-bullying, and discipline among school employees and students; and

(B) the use of restorative practices, positive behavior interventions and supports, and emergency safety interventions; and

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

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(l) policies and procedures, consistent with requirements of Rule R277-613, related to:

(i) bullying;

(ii) cyber-bullying;

(iv) hazing; and

(v) retaliation; [...]

(m) direction for dealing with bullying and disruptive students;

(o) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;

(p) identification of individuals who shall receive notices of disruptive and bullying student behavior.

R277-613-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

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

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

- (i) prohibitions against the use of foul, abusive, or profane language while in the classroom, on school property, or during a school sponsored activity; and
 - (ii) prohibitions against hazing, demeaning, or assaultive behavior, whether consensual or not;
 - (e) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
 - (f) Subsection 53E-3-401(4)(a), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of the rule is to:
- (a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;
 - (b) provide for regular and meaningful training of school employees and students;
 - (c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; and
 - (d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.

R277-613-2. Definitions.

- (2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-601(2).
- (b) The conduct described in Subsection 53G-9-601(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing that is targeted at a student based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
- (a) Title VI of the Civil Rights Act of 1964;
 - (b) Title IX of the Education Amendments of 1972;
 - (c) Section 504 of the Rehabilitation Act of 1973; or
 - (d) Title II of the Americans with Disabilities Act of 1990.
- (4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-601(4).
- (5) "Disruptive student behavior" means the same as that term is defined in Subsection 53G-8-210(1)(a).
- (6) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5). [...]
- (11) "Policy" means standards and procedures that:
- (a) are required in Section 53G-9-605;
 - (b) include the provisions of Section 53G-8-202; and
 - (c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:
 - (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, and retaliation among school employees and students; and
 - (iv) provide for enforcement through employment action or student discipline.

R277-613-3. Superintendent Responsibilities.

- (1) The Superintendent shall provide:

- (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;
 - (b) subject to availability of funds, model training and training opportunities on:
 - (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and
 - (ii) the reporting and review requirements in Section R277-613-5;
 - (c) subject to availability of funds, evidence based practices and policies related to the prevention of bullying, cyber-bullying, hazing, and retaliation.
- (2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).
- (3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:
- (a) Title 53G, Chapter 9, Bulling and Hazing; and
 - (b) this rule.
- (4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this R277-613, LEAs are required to comply with applicable federal requirements.

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

- (1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:
- (a) develop, update, and implement policies as required by Section 53G-9-605 and this rule, which shall include a prohibition on:
 - (i) bullying;
 - (ii) cyber-bullying;
 - (iii) hazing;
 - (iv) retaliation; and
 - (v) making a false report;
 - (b) post a copy of the LEA's policy on the LEA website;
 - (c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
 - (d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.
- (2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:
- (i) a parent's student's threat to commit suicide; or
 - (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim or an individual who is alleged to have engaged in prohibited conduct.
- (b) An LEA shall:
- (i) notify a parent described in Subsection (2)(a) in a timely manner;
 - (ii) designate the appropriate school employee to provide parental notification; and
 - (iii) designate the format in which notification is provided to parents and maintained by the LEA.
- (3) Subject to the parental consent requirements of Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools,

specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

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

(5)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to provide such training.

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

(i) include information on:

(A) bullying, cyber-bullying, hazing and retaliation;

(B) Discrimination under the following federal laws:

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

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

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

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

(C) how bullying, cyber-bullying, hazing and retaliation are different from discrimination and may occur separately from each other or in combination;

(D) bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and

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

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

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

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

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

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

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

(b) Consistent with Rule R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation and disruptive students.

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

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

(ii) provides for identification, by position, of individuals designated to issue notices of disruptive student behavior, bullying, cyber-bullying, hazing, and retaliation;

(iii) designates to whom notices shall be provided;

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

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

(vi) is clearly written and consistently enforced; and

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

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

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

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

(b) provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.

(2)(a) An LEA shall investigate allegations of incidents described in Subsection (1)(a) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.

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

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

(ii) any witnesses;

(iii) school staff; and

(iv) other individuals who may provide additional information.

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

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

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

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

(a) conversations with law enforcement professionals;

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

(c) a state or federal reporting requirement; or

(d) other reporting required by this rule.

(4) In conducting an investigation under this section, an LEA may:

(a) review disciplinary reports of involved students; and

(b) review physical evidence, consistent with search and seizure law in schools, which may include:

(i) video or audio;

(ii) notes;

(iii) email;

(iv) text messages;

(v) social media; or

(vi) graffiti.

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

(6) An LEA shall adopt a policy outlining under what circumstances the LEA will investigate and report incidents of bullying, cyber-bullying, and retaliation as civil rights violations.

(7) Following an investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:

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

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

(8)(a) An alleged victim is not required to participate in a restorative justice practice as described in Subsection (7)(a) with an individual who is alleged to have engaged in prohibited conduct.

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

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

(10) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

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

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

(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;

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

(e) the number and type of incidents described in Subsection (8)(d) required to be reported separately under federal law, including the reporting requirements in:

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

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

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

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

(f) the number and type of incidents described in Subsection (10)(d) that include a student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation.

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

R277-613-6. Training by LEAs specific to participants in public school athletic programs and school clubs.

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

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

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

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

R277-613-7. Abusive Conduct.

(1) An LEA shall prohibit abusive conduct.

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

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

§ 53G-8-202. Public school discipline policies - Basis of the policies - Enforcement.

(2)(c)(i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.

§ 53G-8-207. Alternatives to suspension or expulsion.

(4) The state superintendent, in cooperation with school districts and charter schools, shall:

(d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel.

§ 53G-8-802. State Safety and Support Program - State board duties.

(2) The state board shall:

(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident.

§ 53G-9-606. Model policy and state board duties.

(1) On or before September 1, 2018, the state board shall:

(a) update the state board's model policy on bullying, cyber-bullying, hazing, and retaliation to include abusive conduct; and

(b) post the model policy described in Subsection (1)(a) on the state board's website.

(2) The state board shall require a an LEA governing board to report annually to the state board on:

(a) the LEA governing board's policy, including implementation of the signed statement requirement described in Subsection 53G-9-605(3);

(b) the LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607; and

(c) other information related to this part, as determined by the state board.

REGULATIONS

R277-609-1. Authority and purpose.

(1) This rule is authorized by:

(f) Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

R277-609-11. Model Policies.

- (1) The Superintendent shall develop, review regularly, and provide to LEA boards model policies to address disruptive student behavior and appropriate consequences.
- (2) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of physical force and emergency safety interventions to the extent of resources available.

R277-613-3. Superintendent Responsibilities.

- (1) The Superintendent shall provide:
 - (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606. [...]
- (2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).

R277-615-3. Superintendent responsibilities.

- (1) The Superintendent shall provide consistent definitions for LEAs to include in search and seizure policies.
- (2) The Superintendent shall develop a model search and seizure policy as guidance for LEAs.
- (3) The Superintendent shall require an assurance from LEAs in the Utah Consolidated Report regarding the student search policy required under Section 53G-8-509.

Multi-tiered Frameworks and Systems of Support

LAWS

No relevant laws found.

REGULATIONS

R277-400-8. Prevention and Intervention.

- (3) An LEA shall also develop or incorporate to the extent resources permit:
 - (b) tiered student assistance programs.

R277-609-2. Definitions.

- (13) "Positive behavior interventions and support" means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student. [...]
- (15) "Policy" means standards and procedures that include:
 - (a) the provisions of Section 53G-8-202 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:
 - (iii) requires training regarding:
 - (B) the use of restorative practices, positive behavior interventions and supports, and emergency safety interventions.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

(l) policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:

(viii) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:

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

R277-609-6. Implementation.

(1) An LEA shall implement strategies and policies consistent with the LEA's plan required in Section R277-609-4.

(2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to suspension or court referral.

(3) An LEA shall implement positive behavior interventions, supports, and restorative practices as part of the LEA's continuum of behavior interventions strategies.

Prevention

LAWS

No relevant laws found.

REGULATIONS

R277-400-8. Prevention and Intervention.

(1) An LEA shall provide a school comprehensive violence prevention and intervention strategies as part of a school's regular curriculum including:

- (a) resource lessons and materials on anger management;
- (b) conflict resolution; and
- (c) respect for diversity and other cultures.

(2) As part of a violence prevention and intervention strategy in subsection (1), a school may provide age-appropriate instruction on firearm safety including appropriate steps to take if a student sees a firearm or facsimile in school.

(3) An LEA shall also develop or incorporate to the extent resources permit:

- (a) care teams;
- (b) tiered student assistance programs;
- (c) social-emotional learning;
- (d) support through multi-disciplinary teams, such as care teams, that may:
 - (i) review school safety related data;
 - (ii) conduct threat assessments;
 - (iii) consult on case-specific interventions and disciplinary actions;

- (iv) involve parents in the intervention process; and
 - (v) suggest referrals to resources as appropriate;
- (4) An LEA's multi-disciplinary school team as described in Subsection R277-400-8(3) may include:
- (a) administration personnel;
 - (b) local law enforcement or a school resource officer;
 - (c) a mental health professional; and
 - (d) a general education or special education teacher.
- (5) In developing student assistance programs, an LEA may coordinate with other state agencies and the Superintendent.

Social-emotional Learning (SEL)

LAWS

§ 53G-10-204. Civic and character education - Definitions - Legislative finding - Elements - Reporting requirements.

- (1) As used in this section:
- (a) "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.
 - (b) "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.
 - (c) "Civics engagement pilot program" means the pilot program described in Subsection (6).
 - (d) "Civics engagement project" means the civics engagement project described in Subsection (6), which a student enrolled in a participating LEA may complete.
 - (e) "Participating LEA" means an LEA that meets the eligibility criteria, and is selected by the state board, to participate in the civics engagement pilot program.
 - (f) "Values" means time-established principles or standards of worth.
- (2) The Legislature recognizes that:
- (a) Civic and character education are fundamental elements of the public education system's core mission as originally intended and established under Article X of the Utah Constitution;
 - (b) Civic and character education are fundamental elements of the constitutional responsibility of public education and shall be a continuing emphasis and focus in public schools;
 - (c) the cultivation of a continuing understanding and appreciation of a constitutional republic and principles of representative democracy in Utah and the United States among succeeding generations of educated and responsible citizens is important to the nation and state;
 - (d) the primary responsibility for the education of children within the state resides with their parents and that the role of state and local governments is to support and assist parents in fulfilling that responsibility;
 - (e) public schools fulfill a vital purpose in the preparation of succeeding generations of informed and responsible citizens who are deeply attached to essential democratic values and institutions; and
 - (f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.

- (3) Through an integrated curriculum, students shall be taught in connection with regular school work:
- (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;
 - (b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;
 - (c) Utah history, including territorial and preterritorial development to the present;
 - (d) the essentials and benefits of the free enterprise system;
 - (e) respect for parents, home, and family;
 - (f) the dignity and necessity of honest labor; and
 - (g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.
- (4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize civic and character education in the course of regular instruction in the public schools.
- (5) Civic and character education in public schools are:
- (a) not intended to be separate programs in need of special funding or added specialists to be accomplished; and
 - (b) core principles which reflect the shared values of the citizens of Utah and the founding principles upon which representative democracy in the United States and the state of Utah are based.
- (6)(a) In accordance with this section, subject to appropriations by the Legislature for this purpose, beginning with the 2020-21 school year, the state board shall administer a three-year civics engagement pilot program to assess the benefits of, and methods for, implementing a requirement to complete a civics engagement project as a condition for receiving a high school diploma.
- (b) The state board shall:
- (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (A) to create a civics engagement project that complies with core standards for Utah public education for social studies and prepares students for lifelong civic motivation and participation through applied learning of civics content;
 - (B) to establish eligibility requirements for participating LEAs;
 - (C) to create an application process for LEAs to apply to participate in the pilot program; and
 - (D) for a report that a participating LEA is required to submit to the state board at the end of the pilot program;
 - (ii) select participating LEAs:
 - (A) from diverse geographic areas within the state; and
 - (B) with a range of student population sizes; and
 - (iii) subject to appropriations by the Legislature for this purpose, in cooperation with school districts, charter schools, and interested private and nonprofit entities, provide training that prepares teachers in a participating LEA to assist students to successfully complete the civics engagement project.
- (c) A participating LEA shall submit a report to the state board in accordance with the rules described in Subsection (6)(b)(i)(D).

§ 63C-22-202. Commission duties - Reporting requirements.

(1) To ensure students are digital media-literate, and able to use technology safely and ethically, the commission shall:

- (d) collaborate and coordinate efforts with programs related to cyber-bullying, suicide prevention, anti-pornography, and social and emotional learning to provide resources for promoting digital citizenship to LEAs, students, teachers, and parents.

REGULATIONS

R277-400-8. Prevention and Intervention.

(3) An LEA shall also develop or incorporate to the extent resources permit:

- (c) social-emotional learning.

R277-475-1. Authority and Purpose.

(1) This rule is authorized by:

- (a) the Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board;
- (b) Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities; and
- (c) Section 53G-10-304 which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The purpose of this rule is to provide direction for patriotic, civic and character education programs in an LEA.

R277-475-2. Definitions.

- (1) "Character education" means the same as that term is defined in Subsection 53G-10-204(1)(a).
- (2) "Civic education" means the same as that term is defined in Subsection 53G-10-204(1)(b).
- (3) "LEA" includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (4) "Patriotic" means having love of and dedication to one's country.
- (5) "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.

R277-475-3. Patriotic, Civic and Character Education.

(1) An LEA shall provide instruction for patriotic, civic and character education in the social studies curricula of kindergarten through grade twelve.

(2) An LEA shall ensure an educator has responsibility for patriotic, civic and character education taught in an integrated school curriculum and in the regular course of school work.

R277-475-4. School Responsibilities and Required Instruction.

(1) An LEA shall:

- (a) ensure that all patriotic, civic and character education programs are consistent with the requirements of Sections 53G-10-302, 53G-10-304, and 53G-10-204;
- (b) provide the setting and opportunities to teach patriotic values associated with the flag of the United States by example; and

(c) make information about the flag, respect for the flag, and civility toward all during patriotic activities available on the LEA's website.

Trauma-informed Practices

LAWS

§ 53F-2-415. Student health and counseling support - Qualifying personnel - Distribution formula - Rulemaking.

(2)(a) Subject to legislative appropriations, and in accordance with Subsection (2)(b), the state board shall distribute money appropriated under this section to LEAs to provide in a school targeted school-based mental health support, including clinical services and trauma-informed care, through:

- (i) employing qualifying personnel; or
 - (ii) entering into contracts for services provided by qualifying personnel, including telehealth services.
- [...]

(8) Beginning on or before July 1, 2019, the state board shall provide training that instructs school personnel on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

§ 53F-2-519. Appropriation for school nurses.

(2)(a) A school district or charter school that is awarded a grant under this section shall require each school nurse employed by the school district or charter school to complete two hours of continuing nurse education on the emotional and mental health of students.

- (b) The continuing nurse education described in Subsection (2)(a) shall include training on:
 - (ii) trauma-informed care.

§ 53F-5-209. Grants for school-based mental health supports.

(8) Beginning on or before July 1, 2019, the state board shall provide training that instructs educators on the impact of trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

REGULATIONS

R277-304-4. General teacher preparation.

Prior to approval by the Board, a teacher preparation program shall:

- (4) require competency in:
 - (h) establishing a consistent, organized, and respectful learning environment, including:
 - (iii) trauma-informed practices.

R277-461-5. Grant Recipient Requirements, Accountability, and Reporting.

(4) Qualifying personnel funded by these grant funds shall:

- (d) in accordance with Subsection 53F-5-209(8), participate in trauma-informed modules.

R277-613-2. Definitions.

(13) "Trauma-Informed Care" means a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged victim and the individual who is alleged to have engaged in

prohibited conduct, and that creates opportunities for targets to rebuild a sense of control and empowerment.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

(7) Following an investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:

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

R277-620-3. Youth Suicide Prevention Grants - LEA Reporting Requirements.

(1) The Superintendent, in collaboration with the Department of Health - State Division of Substance Abuse and Mental Health and the State suicide prevention coordinator, shall establish model youth suicide prevention programs for LEAs that include training and resources addressing:

(b) standard response protocols that utilize trauma informed practices, which may reference the ACES or other empirical data.

R277-622-3. School-based Mental Health Plan.

(1) To qualify for a School-based Mental Health Qualified Grant, an LEA shall submit a plan to the Superintendent.

(2) The plan shall include:

(a) a three-year projection for the LEA's goals, metrics, and outcomes;

(b) requirements outlined in Subsection 53F-2-415(3);

(c) plan for improving access to students who are underserved or at risk;

(d) how qualified personnel will increase access to mental health services;

(e) a process for utilization of qualified personnel in participating with an LEA's care team as outlined in R277-400;

(f) the source of the LEA's matching funds; and

(g) a timeline and process for stakeholder training in trauma-informed practices.

(3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no later than May 31 for a funding distribution to be made for the upcoming school year.

(4) An LEA shall submit a plan no later than June 7 for a funding distribution to be made in Fiscal Year 20.

(5) An LEA's approved plan is valid for three years and may be required to be reapproved after three years of implementation.

Mental Health Literacy Training

LAWS

§ 53F-2-519. Appropriation for school nurses.

(2)(a) A school district or charter school that is awarded a grant under this section shall require each school nurse employed by the school district or charter school to complete two hours of continuing nurse education on the emotional and mental health of students.

(b) The continuing nurse education described in Subsection (2)(a) shall include training on:

(i) the awareness of, screening for, and triaging to appropriate treatment for mental health problems;

- (ii) trauma-informed care;
- (iii) signs of mental illness;
- (iv) alcohol and substance abuse;
- (v) response to acute mental health crises; and
- (vi) suicide prevention, including information about the 24-hour availability of the SafeUT Crisis Line established under Section 53B-17-1202.

§ 53G-8-802. State Safety and Support Program - State board duties.

- (2) The state board shall:
- (b) provide training:
 - (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness.

§ 53G-9-203. Definitions - School personnel - Medical recommendations - Exceptions - Penalties.

- (7) Local school boards or charter schools shall adopt a policy:
- (a) providing for training of appropriate school personnel on the provisions of this section; and
 - (b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

§ 53F-2-415. Student health and counseling support - Qualifying personnel - Distribution formula - Rulemaking.

- (1) As used in this section:
- (a) "Qualifying personnel" means a school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or school nurse who:
 - (i) is licensed; and
 - (ii) collaborates with educators and a student's parent on:
 - (A) early identification and intervention of the student's academic and mental health needs; and
 - (B) removing barriers to learning and developing skills and behaviors critical for the student's academic achievement.
 - (b) "Telehealth services" means the same as that term is defined in Section 26-60-102.
- (2)(a) Subject to legislative appropriations, and in accordance with Subsection (2)(b), the state board shall distribute money appropriated under this section to LEAs to provide in a school targeted school-based mental health support, including clinical services and trauma-informed care, through:
- (i) employing qualifying personnel; or
 - (ii) entering into contracts for services provided by qualifying personnel, including telehealth services.
- (b)(i) The state board shall, after consulting with LEA governing boards, develop a formula to distribute money appropriated under this section to LEAs.

- (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i) incentivizes an LEA to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.
- (3) To qualify for money under this section, an LEA shall submit to the state board a plan that includes:
- (a) measurable goals approved by the LEA governing board on improving student safety, student engagement, school culture, or academic achievement;
 - (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the use of the money;
 - (c) how the LEA is meeting the requirements related to parent education described in Section 53G-9-703; and
 - (d) whether the LEA intends to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.
- (4) The state board shall distribute money appropriated under this section to an LEA that qualifies under Subsection (3):
- (a) based on the formula described in Subsection (2)(b); and
 - (b) if the state board approves the LEA's plan before April 1, 2020, in an amount of money that the LEA equally matches using local money, unrestricted state money, or money distributed to the LEA under Section 53G-7-1303.
- (5) An LEA may not use money distributed by the state board under this section to supplant federal, state, or local money previously allocated to:
- (a) employ qualifying personnel; or
 - (b) enter into contracts for services provided by qualified personnel, including telehealth services.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
- (a) procedures for submitting a plan for and distributing money under this section;
 - (b) the formula the state board will use to distribute money to LEAs described in Subsection (2)(b); and
 - (c) in accordance with Subsection (7), annual reporting requirements for an LEA that receives money under this section.
- (7) An LEA that receives money under this section shall submit an annual report to the state board, including:
- (a) progress toward achieving the goals submitted under Subsection (3)(a);
 - (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for discontinuing the position; and
 - (c) how the LEA, in providing school-based mental health support, complies with the provisions of Section 53E-9-203.
- (8) Beginning on or before July 1, 2019, the state board shall provide training that instructs school personnel on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.
- (9) The state board may use up to 2% of an appropriation under this section for costs related to the administration of the provisions of this section.
- (10) Notwithstanding the provisions of this section, money appropriated under this section may be used, as determined by the state board, for:
- (a) the SafeUT Crisis Line described in Section 53B-17-1202; or
 - (b) youth suicide prevention programs described in Section 53G-9-702.

§ 53F-2-522. Public education mental health screening.

(1) As used in this section:

- (a) "Division" means the Division of Substance Abuse and Mental Health.
- (b) "Participating LEA" means an LEA that has an approved screening program described in this section.
- (c) "Participating student" means a student in a participating LEA who participates in a mental health screening program.
- (d) "Qualifying parent" means a parent:
 - (i) of a participating student who, based on the results of a screening program, would benefit from resources that cannot be provided to the participating student in the school setting; and
 - (ii) who qualifies for financial assistance to pay for the resources under rules made by the state board.
- (e) "Screening program" means a student mental health screening program selected by a participating LEA and approved by the state board in consultation with the division.

(2) A participating LEA may implement a mental health screening for participating students using an evidence-based screening program.

(3) The state board shall:

- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (i) a process for a participating LEA to submit a selected screening program to the state board for approval;
 - (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, who may access and use a participating student's screening data; and
 - (iii) a requirement and a process for appropriate LEA or school personnel to attend annual training related to administering the screening program;
- (b) in consultation with the division, approve an evidence-based student mental health screening program selected by a participating LEA that:
 - (i) is age appropriate for each grade in which the screening program is administered;
 - (ii) screens for the mental health conditions determined by the state board and division; and
 - (iii) is an effective tool for identifying whether a student has a mental health condition that requires intervention; and
- (c) on or before November 30 of each year, submit a report on the screening programs to:
 - (i) the State Suicide Prevention Coalition created under Subsection 62A-15-1101(2); and
 - (ii) the Education Interim Committee in accordance with Section 53E-1-201.

(4) A participating LEA shall:

- (a) in accordance with rules made by the state board under Subsection (3)(a), submit a selected screening program to the state board for approval;
- (b) administer a screening program to participating students in the participating LEA;
- (c) obtain prior written consent from a student's parent, that complies with Section 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before the participating LEA administers the screening program to a participating student; and
- (d) if results of a participating student's screening indicate a potential mental health condition, notify the parent of the participating student of:

- (i) the participating student's results; and
- (ii) resources available to the participating student, including any services that can be provided by the school mental health provider or by a partnering entity.

(5)(a) Within appropriations made by the Legislature for this purpose, the state board may distribute funds to a participating LEA to use to assist a qualifying parent to pay for resources described in Subsection (4)(d)(ii) that cannot be provided by a school mental health professional in the school setting.

(b) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:

- (i) determining whether a parent is eligible to receive the financial support described in Subsection (5)(a); and
- (ii) applying for and distributing the financial support described in Subsection (5)(a).

(6) A school employee trained in accordance with rules made by the state board under Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with this section in good faith, is not liable in a civil action for an act taken or not taken under this section.

§ 53F-5-209. Grants for school-based mental health supports.

(1) As used in this section:

- (a) "Elementary school" means a school that includes any one or all of grades kindergarten through grade 6.
- (b) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (c) "Qualifying personnel" means a school counselor or school social worker who:
 - (i) is licensed by the state board; and
 - (ii) collaborates with educators and a student's family or guardian on:
 - (A) early identification and intervention of a student's academic and mental health needs; and
 - (B) removing barriers to learning and developing skills and behaviors critical for a student's academic achievement.

(2) Subject to legislative appropriations and Subsection (3), the state board shall award a grant to an LEA to provide targeted school-based mental health support in an elementary school, including trauma-informed care, through employment of qualifying personnel.

(3) In awarding a grant under this section, the state board shall give:

- (a) first priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students exhibiting risk factors for childhood trauma; and
- (b) second priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students experiencing intergenerational poverty.

(4) To qualify for a grant, an LEA shall:

- (a) submit an application to the state board that includes:
 - (i) measurable goals on improving student safety, student engagement, school culture, and academic achievement; and
 - (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through the use of the grant funds; and
- (b) provide local funds to match grant funds received under this section in an amount equal to one-half of the amount of the grant funds.

(5) An LEA may not replace federal, state, or local funds previously allocated to employ qualified personnel with funds distributed under this section.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules specifying:

(a) procedures for applying for and awarding grants under this section, including:

- (i) a definition of risk factors for childhood trauma;
- (ii) the duration of a grant; and
- (iii) a schedule for submission of matching grant funds; and

(b) annual reporting requirements for grantees in accordance with Subsection (7).

(7) An LEA that receives a grant under this section shall submit an annual report to the state board, including:

(a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and

(b) if the LEA decides to discontinue the qualifying personnel position, the LEA's reason for discontinuing the position.

(8) Beginning on or before July 1, 2019, the state board shall provide training that instructs educators on the impact of trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

§ 53G-9-203. Definitions - School personnel - Medical recommendations - Exceptions - Penalties.

(2) School personnel may:

(c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system.

(6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the state board, working within the school system may:

(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;

(c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and

(d) provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.

§ 53G-9-703. Parent education - Mental health - Bullying - Safety.

(2) The state board shall:

(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

(i) substance abuse, including illegal drugs and prescription drugs and prevention;

(ii) bullying;

(iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;

(iv) Internet safety, including pornography addiction; and

(v) the SafeUT Crisis Line established in Section 53B-17-1202; and

(b) provide the curriculum, including resources and training, to school districts upon request.

§ 62A-15-103. Division - Creation - Responsibilities.

(11) The division shall employ a school-based mental health specialist to be housed at the State Board of Education who shall work with the State Board of Education to:

- (a) provide coordination between a local education agency and local mental health authority;
- (b) recommend evidence-based and evidence informed mental health screenings and intervention assessments for a local education agency; and
- (c) coordinate with the local community, including local departments of health, to enhance and expand mental health related resources for a local education agency.

§ 62A-15-114. Division - Creation - Responsibilities.

(1) As used in this section:

- (a) "Grant" means a grant awarded by the division under this section to a person to develop and implement a project.
- (b) "Project" means a telehealth mental health pilot project for which the division awards a grant.
- (c) "Public school" means:
 - (i) a school district;
 - (ii) a school under the control of a school district;
 - (iii) a charter school; or
 - (iv) the Utah Schools for the Deaf and the Blind.
- (d) "Telehealth mental health services" means mental health services provided remotely through the use of telecommunications technology.
- (e) "Utah State Hospital" means the Utah State Hospital established in Section 62A-15-601.

(2)(a) On or before July 1, 2018, the division shall issue a project proposal request in accordance with this section to award a grant to:

- (i) one or more local authorities to develop and implement one or more projects in one or more public schools in the state; or
- (ii) the Utah State Hospital.

(b) An application for a project described in Subsection (2)(a) shall be submitted jointly by:

- (i) a public school or the Utah State Hospital; and
- (ii) a provider of telehealth mental health services.

(c) The division shall award all grants under this section before December 31, 2018.

(d) A project shall run for two years.

(3) The purpose of the telehealth mental health pilot program is to:

(a) determine how telehealth mental health services can best be used in the state to:

- (i) increase access to mental health services by public school students;
- (ii) increase the timeliness and effectiveness of mental health crisis intervention services for public school students;
- (iii) reduce the cost associated with providing mental health services to public school students; and
- (iv) increase access to mental health services by public school students in underserved areas of the state;

- (b) identify best practices for providing telehealth mental health services to public school students in the state; and
 - (c) identify the best methods of using telecommunications technology to provide mental health services to public school students remotely.
- (4) Persons who apply for a grant under this section shall:
- (a) identify the population to which the proposed project will provide telehealth mental health services;
 - (b) explain how the population described in Subsection (4)(a):
 - (i) is currently underserved; and
 - (ii) will benefit from the provision of telehealth mental health services;
 - (c) provide details regarding:
 - (i) how the proposed project will provide the telehealth mental health services;
 - (ii) the projected costs of providing the telehealth mental health services;
 - (iii) the sustainability of the proposed project; and
 - (iv) the methods that the proposed project will use to:
 - (A) protect the privacy of students and patients;
 - (B) collect nonidentifying data relating to the proposed project; and
 - (C) provide transparency on the costs and operation of the proposed project; and
 - (d) provide other information requested by the division to ensure that the proposed project satisfies the criteria described in Subsection (5).
- (5) In evaluating a proposal for a grant, the division shall consider:
- (a) the extent to which the proposed project will fulfill the purposes described in Subsection (3);
 - (b) the extent to which the population that will be served by the proposed project is:
 - (i) currently underserved; and
 - (ii) likely to benefit from the proposed project;
 - (c) the cost of the proposed project;
 - (d) the viability and innovation of the proposed project; and
 - (e) the extent to which the proposed project will yield useful data to evaluate the effectiveness of the proposed project.
- (6)(a) Within six months after the day on which the division awards a grant, the division shall report to the Health and Human Services Interim Committee regarding:
- (i) each person who received a grant; and
 - (ii) the details of each project.
- (b) Within six months after the day on which a project concludes, the division shall report to the Health and Human Services Interim Committee regarding:
- (i) the success of each project;
 - (ii) data gathered in relation to each project;
 - (iii) knowledge gained from each project relating to the provision of telehealth mental health services;
 - (iv) proposals for the future use of telehealth mental health services in the state;
 - (v) obstacles encountered in the provision of telehealth mental health services; and
 - (vi) changes needed in the law to overcome obstacles to providing telehealth mental health services.

REGULATIONS

R277-461-5. Grant Recipient Requirements, Accountability, and Reporting.

(1) A grant recipient shall engage in systemic leadership and planning to align efforts in supporting school improvement and school-based mental health, based on the Utah School Counseling Program Model.

[...]

(4) Qualifying personnel funded by these grant funds shall:

- (a) implement a systemic school-based mental health program.

R277-622-1. Authority and purpose.

(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 53F-2-415 which requires the Board to make rules that establish:

- (i) procedures for submitting a plan for the School-based Mental Health Qualified Grant Program;
- (ii) a distribution formula the Board will use to distribute funds to an LEA; and
- (iii) annual reporting requirements for an LEA that receives funds pursuant to the School-based Mental Health Qualified Grant Program.

(2) The purpose of this rule is to establish the procedures for an LEA to receive a School-based Mental Health Qualified Grant including:

- (i) plan submission process, format, and requirements;
- (ii) funding distribution methods; and
- (iii) additional requirements including reporting and accountability.

R277-622-2. Definitions.

(1) "Plan" means a School-based Mental Health Qualified Grant plan described in Section R277-622-3.

(2) "Qualified Personnel" means the same as the term is defined in Subsection 53F-2-415(1).

(3) "Related Services" means mental-health or school nursing services provided by the local mental health authority or a private provider through a contract.

R277-622-3. School-based Mental Health Plan.

(1) To qualify for a School-based Mental Health Qualified Grant, an LEA shall submit a plan to the Superintendent.

(2) The plan shall include:

- (a) a three-year projection for the LEA's goals, metrics, and outcomes;
- (b) requirements outlined in Subsection 53F-2-415(3);
- (c) plan for improving access to students who are underserved or at risk;
- (d) how qualified personnel will increase access to mental health services;
- (e) a process for utilization of qualified personnel in participating with an LEA's care team as outlined in R277-400;
- (f) the source of the LEA's matching funds; and
- (g) a timeline and process for stakeholder training in trauma-informed practices.

(3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no later than May 31 for a funding distribution to be made for the upcoming school year.

(4) An LEA shall submit a plan no later than June 7 for a funding distribution to be made in Fiscal Year 20.

(5) An LEA's approved plan is valid for three years and may be required to be reapproved after three years of implementation.

R277-625-1. Authority and purpose.

(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) Section 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;

(c) Section 53F-2-522 which directs the board to make rules regarding the selection of a mental health screener and financial aid for qualifying parents.

(2) The purpose of this rule is to:

(a) provide the approval process for a mental health screener chosen by an LEA; and

(b) establish the approval and distribution of funds for a qualifying parent to receive financial assistance for related mental health services.

R277-625-2. Definitions.

(1) "Division of Substance Abuse and Mental Health" or "DSAMH" means the same as the term is defined in Subsection 62A-15-103.

(2) "Mental health" means a person's emotional, psychological, and social well-being which can affect how a person thinks, feels, and acts including how a person handles stress, relates to others, and makes healthy choices.

(3) "Mental health Screener" or "screener" means the use of a systematic tool or process:

(a) to identify if a student is experiencing, or is at risk of experiencing, issues related to the student's mental health;

(b) for an early identification strategy to detect the onset of mental health conditions, enabling the mental health conditions to be potentially addressed; and

(c) that is not:

(i) a diagnostic tool or process; or

(ii) a system or process used by a student's teacher to observe behavior for the purpose of targeted learning interventions.

(4) "Mental health services" means the same as the term is defined in Subsection R523-1-3(3).

(5) "Qualifies for financial assistance" means a qualifying parent that has a student receiving educational services through an LEA who:

(a) receives free or reduced lunch; or

(b) as recommended by the local mental health authority, demonstrates need including being:

(i) uninsured;

(ii) underinsured;

(iii) ineligible for Medicaid to cover part or all of any recommended mental health treatments; or

(iv) demonstrates a high need for interventions based upon results of the LEA's mental health screener.

(6) "Qualifying parent" means the same as the term is defined in Subsection 53F-2-522(1)(d).

(7) "Relevant services" means mental health services provided to a student that are directly related to mental health needs identified by a student's mental health screening.

R277-625-3. Approval of mental health screeners.

(1)(a) The Superintendent, in consultation with DSAMH, shall publish annually a list of pre-approved mental health screeners to the Board's website.

(b) the published pre-approved list shall include:

(i) the name or brand of the mental health screener including a link to the screening program's website; (ii) the recommended ages for the mental health screener;

(iii) any limitations of the mental health screener including the typical level of false positives;

(iii) the mental health conditions the mental health screener can detect; and

(iv) the scientific data or research used to verify a screener is evidence-based.

(2) The Board shall approve:

(a) the pre-approved mental health screener list; and

(b) the mental health conditions for which a screener can be used.

(3) All pre-approved mental health screeners shall comply with the requirements as described in Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(4) Except as provided for in Subsection (4)(c) and (d), an LEA shall notify the Superintendent by May 1:

(a) if the LEA plans to:

(i) use a mental health screener from the pre-approved list; or

(ii) apply to the Superintendent for approval of a mental health screener that is not on the pre-approved list;

(b) whether an LEA elects to participate in providing a qualifying parent with financial assistance;

(c) In accordance with Subsections (4)(a) and (b) and for the 2020-2021 school year, an LEA shall notify the Superintendent by August 15; and

(d) An LEA is not required to comply with Subsection (4) if the LEA chooses not to offer a mental health screener.

(5) If the LEA chooses to apply for use of a mental health screener that is not on the pre-approved list, the LEA shall submit an application in a form prescribed by the Superintendent specifying:

(a) the mental health screener proposed for use by the LEA;

(b) the reason for choosing the mental health screener over a screener from the pre-approved list;

(c) the approved mental health conditions the mental health screener measures;

(d) how the mental health screening program complies with all state and federal data privacy laws; and

(e) the scientific data or research demonstrating the mental health screener is evidence based and meets industry standards;

(f) why the mental health screener is age appropriate for each grade the screener is administered; and

(g) why the mental health screener is an effective tool for identifying whether a student has a mental health condition that requires intervention.

- (6) The Superintendent shall review the application in consultation with DSAMH and approve or deny the application within 30 days of receipt.
- (7) If the application is approved, the Superintendent shall submit the approved application to the Board for final approval.
- (8) Subject to legislative appropriation, the Superintendent shall provide annually a maximum reimbursement amount an LEA may receive for use of a mental health screener.
- (9) An LEA may request in writing a reimbursement from the Superintendent in an amount not to exceed the amount described in Subsection (8).
- (10)(a) An LEA shall require relevant staff, who will be administering a mental health screener, to attend an annual mental health screener training provided by the Superintendent in collaboration with DSAMH;
- (b) the training described in Subsection (10)(a) shall provide an LEA with information needed for appropriate parental consent including:
- (i) consent shall be obtained:
 - (A) within eight weeks prior to administration of the mental health screener; and
 - (B) in accordance with Subsection 53E-9-203(4);
 - (ii) the consent form shall be provided separately from other consent forms given to a parent pursuant to other state or federal laws;
 - (iii) additional variables that might influence a screener's results; and
 - (iv) a statement that:
 - (A) the mental health screener is optional;
 - (B) a screener is not a diagnostic tool;
 - (C) a parent has the right to seek outside resources or opinions; and
 - (D) specifies which board approved mental health conditions the mental health screener measures.
- (11) An LEA may not administer a mental health screener if the LEA has not attended the annual mental health screener training described in Subsection (10).
- (12) An LEA shall report annually to the Superintendent aggregate data regarding the types of LEA provided mental health interventions, referrals, or other actions taken based on screener results.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

§ 53G-8-209. Extracurricular activities - Prohibited conduct - Reporting of violations - Limitation of liability.

(3)(a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

§ 53G-8-501. Definitions.

For purposes of Sections 53G-8-502 through 53G-8-504:

(1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.

(2) "Prohibited act" means an act prohibited by Section 53G-8-602, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

§ 53G-8-502. Mandatory reporting of prohibited acts.

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

§ 53G-8-503. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

§ 53G-8-504. Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53G-8-502 and 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.

§ 53G-8-506. Reporting of prohibited acts affecting a school -Confidentiality.

(1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:

(a) the principal;

- (b) an administrator of the affected school;
 - (c) the superintendent of the affected school district; or
 - (d) an administrator of the affected school district.
- (2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
- (3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school property or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

§ 53G-8-507. Immunity from civil or criminal liability.

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

§ 53G-8-510. Notification of teachers of weapons on school property - Immunity from civil and criminal liability .

- (1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.
- (2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

REGULATIONS

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

- (1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:
- (c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

- (5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.
- (6) An LEA shall adopt a policy outlining under what circumstances the LEA will investigate and report incidents of bullying, cyber-bullying, and retaliation as civil rights violations.

Parental Notification

LAWS

§ 53E-3-509. Gang prevention and intervention policies.

- (2) The rules described in Subsection (1) may include the following provisions:

(c) gang-related graffiti or damage to school property shall result in parent notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage; [...]

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents of students in the school:

- (i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;
- (ii) emphasizing the school's concern for safety; and
- (iii) outlining the action taken at the school regarding the incident.

§ 53G-6-202. Compulsory education.

(4) A notice of compulsory education violation issued to a parent:

(a) shall direct the parent to:

- (i) meet with school authorities to discuss the school-age child's school attendance problems; and
- (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:

- (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
- (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;

(d) shall be served on the parent by personal service or certified mail; and

(e) may not be issued unless the school-age child has been truant at least five times during the school year.

§ 53G-6-203. Truancy - Notice of truancy - Failure to cooperate with school authorities.

(4) A notice of truancy described in Subsection (3):

(e) shall be mailed to, or served on, the school-age child's parent.

§ 53G-6-208. Taking custody of a person believed to be a truant minor - Disposition - Reports - Immunity from liability.

(3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.

§ 53G-6-803. Parental right to academic accommodations.

(10)(b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

§ 53G-8-204. Suspension and expulsion procedures - Notice to parents - Distribution of policies.

(1)(b)(i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board.

§ 53G-8-206. Delegation of authority to suspend or expel a student - Procedure for suspension - Readmission.

(4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:

- (a) that the student has been suspended;
- (b) the grounds for the suspension;
- (c) the period of time for which the student is suspended; and
- (d) the time and place for the parent to meet with a designated school official to review the suspension.

§ 53G-8-208. Student suspended or expelled - Responsibility of parent - Application for students with disabilities.

(4)(b) The district or charter school shall contact the parent of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

§ 53G-8-210. Disruptive student behavior.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

- (b) shall require that the qualifying minor and a parent of the qualifying minor:
 - (i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and
 - (ii) cooperate with the local school board or charter school governing board in correcting the qualifying minor's disruptive student behavior. [...]

(6)(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

§ 53G-9-604. Parental notification of certain incidents and threats required.

(1) A school shall:

- (a) notify a parent if the parent's student threatens to commit suicide; or
- (b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.

(2)(a) If a school notifies a parent of an incident or threat required to be reported under Subsection (1), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.

- (b) A school shall maintain a record described in Subsection (2)(a) in accordance with the requirements of:

- (i) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (iv) 34 C.F.R. Part 99.
- (3) A local school board or charter school governing board shall adopt a policy regarding the process for:
- (a) notifying a parent as required in Subsection (1); and
 - (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (2).
- (4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).
- (5) A school shall:
- (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and
 - (b) expunge a record maintained in accordance with this section that relates to a student if the student:
 - (i) has graduated from high school; and
 - (ii) requests the record be expunged.

§ 53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

- (3) A policy shall include the following components:
- (e) as required in Section 53G-9-604, parental notification of:
 - (i) a student's threat to commit suicide; and
 - (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student.

REGULATIONS

R277-607-4. Compulsory education procedures.

- (2) The compulsory education procedures shall:
- (a) provide a process for notice to parents about the absenteeism and truancy policy;
 - (b) require notice to parents regarding the progress of a student's discipline and consequences for violation of the truancy policy.

R277-609-4. LEA Responsibility to Develop Plans.

- (3) A plan described in Subsection (1) shall include:
- (v) provisions that account for an individual LEA's or school's unique needs or circumstances, including:
 - (iii) a provision for publication of notice to parents and school employees of policies by reasonable means.

R277-609-5. Physical Restraint and Seclusionary Time Out.

- (6) If a student is placed in seclusionary time out, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school to:
- (a) the student's parent; and
 - (b) school administration. [...]

(8) In addition to the notice described in Subsection (6), if a public education employee places a student in seclusionary time out for more than fifteen minutes, the school or the public education employee shall immediately provide notice to:

- (a) the student's parent or guardian; and
- (b) school administration.

R277-609-10. Parent/Guardian Notification and Court Referral.

(1) LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

(2) An LEA shall establish policies that:

- (a) provide notice to parents and information about resources available to assist a parent in resolving the parent's school-age minors' disruptive behavior;
- (b) provide for notices of disruptive behavior to be issued by schools to qualifying minors and parents consistent with:
 - (i) numbers of disruptions, suspensions, and timelines in accordance with Section 53G-8-210;
 - (ii) school resources available;
 - (iii) cooperation from the appropriate juvenile court in accessing student school records, including:
 - (A) attendance;
 - (B) grades;
 - (C) behavioral reports; and
 - (D) other available student school data; and
 - (iv) provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

(3)(a) When an emergency safety intervention is used to protect a student or others from harm, a school shall:

- (i) provide notice to the student's parent as soon as reasonably possibly and before the student leaves the school;
- (ii) provide notice to school administration; and
- (iii) provide documentation of the emergency safety intervention to the LEA's ESI Committee described in R277-609-7.

(b) In addition to the notice described in Subsection (3)(a), if the use of an emergency safety intervention occurs for more than fifteen minutes, the school shall immediately provide a second notification to:

- (i) the student's parent or guardian; and
- (ii) school administration.

(d) A notice described in Subsection (3)(a) shall be documented within student information systems (SIS) records.

(4)(a) A school shall provide a parent or guardian with a copy of any notes or additional documentation taken during the use of the emergency safety intervention upon request of the parent or guardian.

(b) Within 24 hours of the school using an emergency safety intervention with a student, a school shall provide notice to a parent or guardian that the parent or guardian may request a copy of any notes or additional documentation taken during the use of the emergency safety intervention.

(c) A parent or guardian may request a time to meet with school staff and administration to discuss the use of the use of an emergency safety intervention.

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

(2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:

- (i) a parent's student's threat to commit suicide; or
- (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim or an individual who is alleged to have engaged in prohibited conduct.

(b) An LEA shall:

- (i) notify a parent described in Subsection (2)(a) in a timely manner;
- (ii) designate the appropriate school employee to provide parental notification; and
- (iii) designate the format in which notification is provided to parents and maintained by the LEA.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

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

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

§ 53E-3-516. School disciplinary and law enforcement action report - Rulemaking authority.

(2) Beginning on July 1, 2023, the state board shall develop an annual report regarding the following incidents that occur on school grounds while school is in session or during a school-sponsored activity:

- (a) arrests of a minor;
- (b) other law enforcement activities; and
- (c) disciplinary actions.

(3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the state board and LEAs to provide and validate data and information necessary to complete the report described in Subsection (2), as requested by an LEA or the state board.

(4) The report described in Subsection (2) shall include the following information listed separately for each LEA:

- (a) the number of arrests of a minor, including the reason why the minor was arrested;
- (b) the number of other law enforcement activities, including the following information for each incident:
 - (i) the reason for the other law enforcement activity; and
 - (ii) the type of other law enforcement activity used;
- (c) the number of disciplinary actions imposed, including:
 - (i) the reason for the disciplinary action; and
 - (ii) the type of disciplinary action; and
- (d) the number of SROs employed.

(5) The report described in Subsection (2) shall include the following information, in aggregate, for each element described in Subsections (4)(a) through (c):

- (a) age;
- (b) grade level;
- (c) race;
- (d) sex; and
- (e) disability status.

(6) Information included in the annual report described in Subsection (2) shall comply with:

- (a) Chapter 9, Part 3, Student Data Protection;
- (b) Chapter 9, Part 2, Student Privacy; and
- (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to compile the report described in Subsection (2).

(8) The state board shall provide the report described in Subsection (2) in accordance with Section 53E-1-203 for incidents that occurred during the previous school year.

§ 53G-8-205. Grounds for suspension or expulsion from a public school.

(5) Each local school board and charter school governing board shall prepare an annual report for the state board on:

- (a) each violation committed under this section; and
- (b) each action taken by the school district against a student who committed the violation.

REGULATIONS

R277-436-4. Evaluation and reports.

(1) An LEA or charter school consortia shall provide the Superintendent a year-end evaluation report by June 30 for the previous fiscal year.

(2) A year-end report shall include:

- (a) an expenditure report;
- (b) a narrative description of all activities funded;
- (c) copies of any and all products developed;
- (d) an effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and
- (e) any other information or data required by the Superintendent.

(3) The Superintendent may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.

R277-607-3. Truancy policy requirements.

(1) An LEA shall:

- (d) review attendance data annually and consider revisions to the absenteeism and truancy policy to encourage student attendance. [...]

(3) An LEA's attendance review team shall:

- (b) review attendance data to inform actions and tiered interventions development at least monthly.

R277-609-4. LEA Responsibility to Develop Plans.

(3) A plan described in Subsection (1) shall include:

- (f) consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions;
- (g) uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness.

R277-609-8. LEA Reporting.

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

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

(3) An LEA shall provide documentation of any school, program or LEA's use of emergency safety interventions to the Superintendent annually.

(4)(a) An LEA shall submit all required UTREx discipline data and incident or infraction data elements and suspensions to the Superintendent no later than June 30 of each year.

(b) Beginning in the 2018-19 school year, an LEA shall submit all required UTREx discipline data and incident or infraction data elements as part of the LEA's daily UTREx submission.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

(10) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

- (a) a copy of the LEA's policy required in Section R277-613-4;
- (b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);
- (c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
- (d) incidents of bullying, cyber-bullying, hazing, and retaliation;
- (e) the number and type of incidents described in Subsection (8)(d) required to be reported separately under federal law, including the reporting requirements in:
 - (i) Title VI of the Civil Rights Act of 1964;
 - (ii) Title IX of the Education Amendments of 1972;
 - (iii) Section 504 of the Rehabilitation Act of 1973; and
 - (iv) Title II of the Americans with Disabilities Act of 1990; and
- (f) the number and type of incidents described in Subsection (10)(d) that include a student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation.

R277-912-1. Authority and Purpose.

(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) Subsection 53E-3-516 which directs the Board to establish rules regarding a collaborative annual report meeting all the requirements of Subsection 53E-3-516(2).

(2) The purpose of this rule is to generate the report required by Subsection 53E-3-516 and the form that the report may be accessed.

R277-912-2. LEA Reporting Requirements.

(1) An LEA shall work with the Superintendent and the relevant law enforcement agencies and school personnel to collect the following data for incidents that occurred on school grounds while school is in session or during a school-sponsored activity:

(a) arrests of a minor;

(b) other law enforcement activities as defined in Section 53E-3-516(1);

(c) disciplinary actions as defined in section 53E-3-516(1); and

(d) all other data as outlined in subsection 53E-3-516(3) and (4).

(2) An LEA shall collect the data in a form agreed upon by the Superintendent and the relevant law enforcement agencies.

(3) An LEA shall report the data required to the Superintendent in a timely manner.

(4) Beginning in the 2022-2023 school year, an LEA shall report the data compiled for each school year to the Superintendent on or before September 1st of the year in which the school year ended.

(5) An LEA shall report the data to the Superintendent as prescribed by the Superintendent.

R277-912-3. Annual Report Content and Access.

(1) The Superintendent shall compile the data to form an aggregated report consistent with the requirements of Subsection 53E-3-516(3), (4) and (5).

(2) The report shall exclude all identifiable student information and data.

(3) The report shall be compiled no later than November 1st of each year in which the school year ended and provided to the board.

(4) An external entity may request access to the data used to compile the report consistent with Utah Code Title 63G, Chapter 2, Government Records Access Management Act.

(5) The Superintendent shall respond to the request within 15 business days and provide the report within 30 business days of the request by providing the most recent data set available at the time of the request, so long as the data set is aggregated and no student identifiable information is included in the data set.

(6) If the request is for the data being used for an upcoming report that is more than 30 days from being compiled, the Superintendent may wait longer than 30 days to provide the requested report.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

§ 53B-17-1202. SafeUT Crisis Line established.

The University Neuropsychiatric Institute shall:

- (1) establish a SafeUT Crisis Line to provide:
 - (a) a means for an individual to anonymously report:
 - (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;
 - (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
 - (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and
 - (b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;
- (2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and
- (3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
 - (a) school officials; and
 - (b) law enforcement officials.

§ 53E-3-509. Gang prevention and intervention policies.

- (2) The rules described in Subsection (1) may include the following provisions:
 - (a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement.

§ 53G-6-208. Taking custody of a person believed to be a truant minor - Disposition - Reports - Immunity from liability.

(1) Except during the period between March 17, 2021 and June 1, 2022, a peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

§ 53G-8-211. Responses to school-based behavior.

- (3)(c) Notwithstanding Subsection (3)(a), a school resource officer may:
 - (i) investigate possible criminal offenses and conduct, including conducting probable cause searches;
 - (ii) consult with school administration about the conduct of a minor enrolled in a school;
 - (iii) transport a minor enrolled in a school to a location if the location is permitted by law;
 - (iv) take temporary custody of a minor in accordance with Subsection 78A-6-112(1); or
 - (v) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances. [...]
- (5) A school district or school may refer a minor to a court or a law enforcement officer or agency for an alleged class C misdemeanor committed on school property or for allegedly being a habitual truant if the minor:
 - (a) refuses to participate in an evidence-based alternative intervention under Subsection (3)(b); and

(b) fails to participate in prevention and early intervention youth services provided by the Division of Juvenile Justice Services under Subsection (4).

§ 53G-8-402. Notification by juvenile court and law enforcement agencies.

(1) Notifications received from the juvenile court or law enforcement agencies by the school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(c) are governed by this part.

(2) School districts may enter into agreements with law enforcement agencies for notification under Subsection (1).

§ 53G-8-403. Superintendent required to notify school.

(1) Within three days of receiving the information from the juvenile court or a law enforcement agency, the district superintendent shall notify the principal of the school the juvenile attends or last attended.

(2) Upon receipt of the information, the principal shall:

(a) make a notation in a secure file other than the student's permanent file; and

(b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.

(3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.

(4) Access to secure files shall be limited to persons authorized to receive information under this part.

§ 53G-8-503. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

§ 53G-8-506. Reporting of prohibited acts affecting a school -Confidentiality.

(3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school property or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.

§ 53G-8-510. Notification of teachers of weapons on school property - Immunity from civil and criminal liability .

(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.

(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

§ 53G-8-802. State Safety and Support Program - State board duties.

(2) The state board shall:

- (a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:
 - (ii) procedures for referrals to law enforcement.

REGULATIONS

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

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

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

§ 53-1-106. Department duties - Powers.

- (1) In addition to the responsibilities contained in this title, the department shall:
 - (j) employ a law enforcement officer as a public safety liaison to be housed at the State Board of Education who shall work with the State Board of Education to:
 - (i) support training with relevant state agencies for school resource officers as described in Section 53G-8-702;
 - (ii) coordinate the creation of model policies and memorandums of understanding for a local education agency and a local law enforcement agency; and
 - (iii) ensure cooperation between relevant state agencies, a local education agency, and a local law enforcement agency to foster compliance with disciplinary related statutory provisions, including Sections 53E-3-516 and 53G-8-211.

§ 53G-8-702. School resource officer training - Curriculum.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that prepare and make available a training program for school principals, school personnel, and school resource officers to attend.
- (2) To create the curriculum and materials for the training program described in Subsection (1), the state board shall:
 - (a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;
 - (b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;
 - (c) solicit input from local law enforcement and other interested community stakeholders; and
 - (d) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.
- (3) The training program described in Subsection (1) may include training on the following:
 - (a) childhood and adolescent development;
 - (b) responding age-appropriately to students;
 - (c) working with disabled students;

- (d) techniques to de-escalate and resolve conflict;
 - (e) cultural awareness;
 - (f) restorative justice practices;
 - (g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;
 - (h) student privacy rights;
 - (i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;
 - (j) strategies to reduce juvenile justice involvement;
 - (k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure;
 - (l) developing and supporting successful relationships with students; and
 - (m) legal parameters of searching and questioning students on school property.
- (4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies and procedures that govern school resource officers.

§ 53G-8-703. Contracts between an LEA and law enforcement for school resource officer services - Requirements.

- (2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA governing board shall require in the contract:
- (g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702.

REGULATIONS

R277-609-4. LEA Responsibility to Develop Plans.

- (4) A plan described in Subsection (1) may include:
- (a) the provisions of Subsection 53E-3-509(2); and
 - (b) a plan for training administrators and school resource officers in accordance with Section 53G-8-702.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

§ 53-1-106. Department duties - Powers.

- (1) In addition to the responsibilities contained in this title, the department shall:
- (j) employ a law enforcement officer as a public safety liaison to be housed at the State Board of Education who shall work with the State Board of Education to:
 - (i) support training with relevant state agencies for school resource officers as described in Section 53G-8-702;
 - (ii) coordinate the creation of model policies and memorandums of understanding for a local education agency and a local law enforcement agency; and

(iii) ensure cooperation between relevant state agencies, a local education agency, and a local law enforcement agency to foster compliance with disciplinary related statutory provisions, including Sections 53E-3-516 and 53G-8-211.

§ 53G-6-202. Compulsory education.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:

- (a) in grade 1 through 6; and
- (b) truant at least five times during the school year.

§ 53G-6-203. Truancy - Notice of truancy - Failure to cooperate with school authorities.

(3) A local school board or charter school governing board:

- (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and
- (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.

§ 53G-8-211. Responses to school-based behavior.

(1) As used in this section:

- (i) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.

§ 53G-8-701. Definitions.

As used in this part:

- (1) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (2) "School resource officer" or "SRO" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.

§ 53G-8-702. School resource officer training - Curriculum.

(4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies and procedures that govern school resource officers.

§ 53G-8-703. Contracts between an LEA and law enforcement for school resource officer services - Requirements.

- (1) An LEA may contract with a law enforcement agency or an individual to provide school resource officer services at the LEA if the LEA governing board reviews and approves the contract.
- (2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA governing board shall require in the contract:
 - (a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:
 - (i) provide for and maintain a safe, healthy, and productive learning environment in a school;

- (ii) act as a positive role model to students;
 - (iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;
 - (iv) emphasize the use of restorative approaches to address negative behavior; and
 - (v) at the request of the LEA, teach a vocational law enforcement class;
- (b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA to:
- (i) maintain safe schools;
 - (ii) improve school climate; and
 - (iii) support educational opportunities for students;
- (c) a designation of student offenses that the SRO shall confer with the LEA to resolve, including an offense that:
- (i) is a minor violation of the law; and
 - (ii) would not violate the law if the offense was committed by an adult;
- (d) a designation of student offenses that are administrative issues that an SRO shall refer to a school administrator for resolution in accordance with Section 53G-8-211;
- (e) a detailed description of the rights of a student under state and federal law with regard to:
- (i) searches;
 - (ii) questioning; and
 - (iii) information privacy;
- (f) a detailed description of:
- (i) job duties;
 - (ii) training requirements; and
 - (iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;
- (g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702; and
- (h) if the contract is between an LEA and a law enforcement agency, that:
- (i) both parties agree to jointly discuss SRO applicants; and
 - (ii) the law enforcement agency will accept feedback from an LEA about an SRO's performance.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

§ 53G-8-802. State Safety and Support Program - State board duties.

(2) The state board shall:

(g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes protocols for conducting a threat assessment, and ensuring building security during an incident.

REGULATIONS

R277-400-8. Prevention and Intervention.

- (3) An LEA shall also develop or incorporate to the extent resources permit:
- (d) support through multi-disciplinary teams, such as care teams, that may:
 - (ii) conduct threat assessments.

R277-736-3. Dissemination of information received.

- (1)(a) A school principal that receives information from the LEA's governing authority shall not share the information before consulting with the school's multi-disciplinary team.
- (b) A school principal may share the information without consulting the school's multi-disciplinary team when the information demonstrates possible imminent harm to self or others.
- (2) A school principal and the school's multi-disciplinary team shall use the information regarding a student to assess the level of threat the student poses including potential for:
- (a) self-harm;
 - (b) suicide ideation;
 - (c) harm to others; or
 - (d) harm to school property.
- (3) A school principal and the school's multi-disciplinary team shall use an evidence-based threat assessment, as approved by the board, to perform the requirements described in Subsection (2).
- (4) A school principal and the school's multi-disciplinary team shall determine, based on the level of threat, the appropriate school staff to inform regarding the information of a student.
- (5) A school principal and the school's multi-disciplinary team shall only share the information and data needed to ensure the safety of the student or the school's general population and the victim.
- (6) An LEA shall ensure that any action taken toward a student related to the information received is in accordance with restorative justice practices as described in Subsection R277-613-2(12).

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Utah provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
Website		
Prevention and At-Risk Programs, Utah State Board of Education (USBE)	Provides information and links to absenteeism and dropout prevention, bullying prevention, restorative practices, and other related topics.	https://www.schools.utah.gov/prevention
Safe and Healthy Schools, USBE	Provides an overview of Utah's framework for school safety that includes 8 conditions schools may follow to create comprehensive safe and healthy school policies, plans, protocols and partnerships. Also includes resources regarding support programs (PBIS, MTSS, Social Emotional Learning, Trauma-Informed Practices) for educators.	https://www.schools.utah.gov/safehealthyschools
School-based Mental Health, USBE	Provides information on state funded initiatives supporting the implementation of mental health supports in schools.	https://www.schools.utah.gov/safehealthyschools/programs/mentalhealth?mid=5082&tid=3
Utah Multi-Tiered System of Supports (UMTSS), USBE	Provides an overview of Utah MTSS and additional resources for learning and implementation tools of UMTSS.	https://www.schools.utah.gov/curr/umtss
Utah State Board of Education Administrative Rules, USBE	Compilation of administrative rules regarding various topics within education.	https://www.schools.utah.gov/administrativerules
Documents		
Bullying, Cyberbullying, Harassment, Hazing, and Retaliation Model Policy (Revised July 2018), USBE	Model policy addressing bullying, cyberbullying, harassment, hazing, and retaliation in Utah schools.	https://schools.utah.gov/file/86110147-0c87-43be-a6cd-21617e053cf5

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
Electronic Device Model Policy, USBE	Model policy addressing the permissive and restrictive use of electronic devices in Utah schools.	https://schools.utah.gov/file/f9238285-76c4-4128-9615-6517887d3a52
School District or Charter School Search and Seizure Model Policy (Revised April 2012), USBE	Model policy addressing search and seizure in Utah schools.	https://schools.utah.gov/file/bc7b118f-62ea-4600-af74-5aa3bdce7a07
Student Suspension/Expulsion Model Policy (December 2003), USBE	Model policy addressing suspension and expulsion in Utah schools.	https://schools.utah.gov/file/a9185614-c0a1-40e1-9f9f-54b69a1fb0ed
XYZ School District Student Discipline Model Policy (including Safe School Policy), USBE	Model policy addressing student discipline In Utah schools.	https://schools.utah.gov/file/4516c544-dcb9-48ec-9a9a-97cfd49cab8
<i>Other Resources</i>		
Data and Statistics - Reports, Utah State Board of Education	Superintendent's annual report of incidents of prohibited behavior in school or school-related activities.	https://www.schools.utah.gov/data/reports?mid=1424&tid=6
Trauma-Informed Resources, USBE	Resource library for school leaders and educators regard student trauma including guides and toolkits, videos, and models.	https://www.schools.utah.gov/file/188f11df-9c61-424a-b57b-47a34e29cf55