



Utah

Compilation of School Discipline Laws and Regulations

Prepared: March 20, 2015

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 (NCSSLE). 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 2015. 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.

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Chapter 11. Students in Public Schools

Part 1. Compulsory Education Requirements

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[§ 53A-11-101.7.](#) Truancy — Notice of truancy — Failure to cooperate with school authorities — Habitual truant citation

[§ 53A-11-102.](#) Minors exempt from school attendance

[§ 53A-11-103.](#) Duties of a school board, local charter board, or school district in resolving attendance problems — Parental involvement — Liability not imposed

[§ 53A-11-104.](#) Truancy specialists

[§ 53A-11-105.](#) Taking custody of a person believed to be a truant minor — Disposition — Receiving centers — Reports — Immunity from liability

[§ 53A-11-106.](#) Truancy support centers

Part 4. Reporting of Prohibited Acts

[§ 53A-11-401.](#) Definitions

[§ 53A-11-402.](#) Mandatory reporting of prohibited acts

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[§ 53A-11-404.](#) Immunity from civil or criminal liability

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[§ 53A-11-803.](#) Investigation of complaint — Confidentiality — Immunity

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[§ 53A-11-908.](#) Extracurricular activities — Prohibited conduct — Reporting of violations — Limitation of liability
[§ 53A-11-910.](#) Disruptive student behavior

Part 10. Notification

- [§ 53A-11-1001.](#) Notification by juvenile court and law enforcement agencies
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Part 11. Weapons on School Property

- [§ 53A-11-1101.](#) Notification of teachers of weapons on school property — Immunity from civil and criminal liability

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- [§ 53A-13-102.](#) Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health
[§ 53A-13-106.](#) Instruction in firearm safety -- Purpose -- School districts to implement volunteer education classes -- Parental consent exception

Chapter 15. Standards and Programs

Part 6. Gang Prevention and Intervention

- [§ 53A-15-603.](#) Gang prevention and intervention policies

Part 13. Suicide Prevention Programs - Parent Education

- [§ 53A-15-1301.](#) Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements
[§ 53A-15-1302.](#) Parent education—Mental health—Bullying—Safety

Title 76. Utah Criminal Code

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Part 2. Sentencing

- [§ 76-3-203.2.](#) Definitions — Use of dangerous weapon in offenses committed on or about school premises — Enhanced penalties

Chapter 5. Offenses Against the Person

Part 1. Assault and Related Offenses

- [§ 76-5-102.3.](#) Assault against school employees
[§ 76-5-107.5.](#) Prohibition of hazing

Chapter 8. Offenses Against the Administration of Government

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- [§ 76-8-1402.](#) Disruption of activities in or near a school building

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- [§ 76-9-106.](#) Disrupting the operation of a school
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Chapter 10. Offenses Against Public Health, Safety, Welfare, and Morals

Part 5. Weapons

§ 76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises – Penalties

Part 12. Pornographic and Harmful Materials and Performances

§ 76-10-1235. Accessing pornographic or indecent material on school property

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Title R277. Education, Administration

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General Provisions

Authority to develop and establish rules of conduct

LAWS

§ 53A-11-901. Public school discipline policies — Basis of the policies — Enforcement.

- (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 governing board of a charter school, with input from school employees, parents and guardians of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools.
- (b) Each district or charter school shall base its policies on the principle that every student is expected:
- (i) to follow accepted rules of conduct; and
 - (ii) to show respect for other people and to obey persons in authority at the school.
- (c) (i) The State Superintendent of Public Instruction shall develop conduct and discipline policy models for elementary and secondary public schools.
- (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 or guardians understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.

- (1) The State Board of Education shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:
- (a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;
 - (b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and
 - (c) discouraging the use of alcohol, tobacco, and controlled substances.

REGULATIONS

R277-515-4. Educator responsibility for maintaining a safe learning environment and educational standards.

A. A professional educator maintains a positive and safe learning environment for students, and works toward meeting educational standards required by law.

B. Failure to strictly adhere to the following shall result in licensing discipline as defined in R277-515-1G. The professional educator, upon receiving a Utah educator license:

- (1) shall take prompt and appropriate action to prevent harassment or discriminatory conduct towards students or school employees that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment;
- (2) shall resolve disciplinary problems according to law, school board policy, and local building procedures and strictly protect student confidentiality and understand laws relating to student information and records;[...]
- (4) shall take action to protect a student from any known condition detrimental to that student's physical health, mental health, safety or learning;[...]

R277-609-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, Section 53A-1-402(1)(b) which requires the Board to establish rules concerning discipline and control, Section 53A-15-603 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, and Section 53A-11-901 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.

B. The purpose of this rule is to outline requirements for school discipline plans and policies which LEAs shall meet.

R277-609-3. LEA responsibility to develop plans.

A. Each LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline. The plan shall include:

- (1) the definitions of Section 53A-11-910;
- (2) written standards for student behavior expectations, including school and classroom management;
- (3) effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills;
- (4) systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;
- (5) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;
- (6) an ongoing staff development program related to development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective strategies for evaluation of the efficiency and effectiveness of interventions;
- (7) policies and procedures relating to the use and abuse of alcohol and controlled substances by students; and
- (8) policies and procedures related to bullying, cyber-bulling, hazing, and retaliation consistent with requirements of R277-613.

B. The plan shall also provide direction for dealing with bullying and disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
- (2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive and bullying student behavior;
- (3) designate to whom notices shall be provided;
- (4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
- (5) include strategies to provide for necessary adult supervision;
- (6) require that policies be clearly written and consistently enforced; and
- (7) 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; and
- (8) provide notice to employees that violation of this rule may result in employee discipline or action.

C. Plans required under R277-609-3 shall include gang prevention and intervention policies.

- (1) The required plans shall account for an individual LEA or school's unique needs or circumstances.
- (2) The required plans may include the provisions of Section 53A-15-603(2).
- (3) The required plans may provide for publication of notice to parents and school employees of policies by reasonable means.

R277-609-4. Implementation.

- A. LEAs shall implement strategies and policies consistent with their plans.
- B. LEAs shall develop, use and monitor a continuum of intervention strategies to assist students whose behavior in school falls repeatedly short of reasonable expectations, including teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.
- C. As part of any suspension or expulsion process that results in court involvement, once an LEA receives information from the courts that disruptive student behavior will result in court action, the school district, school or charter school shall provide a formal written assessment of habitually disruptive students. Assessment information shall be used to connect parents and students with supportive school and community resources.
- D. Nothing in state law or this rule restricts LEAs from implementing policies to allow for suspension of students of any age consistent with due process and with all requirements of Individuals with Disabilities Education Act 2004.

R277-613-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure LEA compliance with Section 53A-11a-301.
- B. The purpose of the rule is to require LEAs to implement bullying, cyber-bullying, hazing, and harassment policies district and school wide, to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, cyber-bullying,

hazing and harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

Scope

LAWS

53A-3-501. Possession or consumption of alcoholic beverages at school or school-sponsored activities -- Penalty.

- (1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:
- (a) inside or on the grounds of any building owned or operated by a part of the public education system; or
 - (b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.
- (2)(a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.
- (b)(i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.
- (ii) The property may not be used for school purposes at any time during the lease period.

§ 53A-11-902. Conduct and discipline policies and procedures.

The conduct and discipline policies required under Section 53A-11-901 shall include:

- (1) provisions governing student conduct, safety, and welfare;
- (2) 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;
- (3) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (2);
- (4) procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Section 53A-11-802;
- (5) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (2), if the conduct threatens harm or does harm to:
 - (a) the school;
 - (b) school property;
 - (c) a person associated with the school; or
 - (d) property associated with a person described in Subsection (5)(c);
- (6) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
- (7) specific provisions, consistent with Section 53A-15-603, 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; and
- (8) standards and procedures for dealing with habitual disruptive student behavior in accordance with the provisions of this part.

REGULATIONS

R277-613-4. LEA responsibility to create bullying policies.

D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

Communication of policy

LAWS

§ 53A-11-903. 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.

(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 governing board of a charter school.

(2) (a) Each local school board or governing board of a charter school 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.

§ 53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2013, each school board shall update the school board's bullying, cyber-bullying, harassment, hazing, and retaliation policy consistent with this chapter.

(4) A copy of the policy shall be included in student conduct handbooks and employee handbooks.

REGULATIONS

R277-613-4. LEA responsibility to create bullying policies.

A. Each LEA shall implement an updated policy prohibiting bullying, cyber-bullying, hazing, harassment and retaliation, and making a false report, consistent with Section 53A-11a-301.

B. Each LEA shall:

(1) post a copy of its policy on the LEA website; and

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

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

§ 53A-11-906. Alternatives to suspension or expulsion.

- (1) Each local school board or governing board of a charter school 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; and
 - (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 or guardian, 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.
- (2) If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent of public instruction, in cooperation with school districts and charter schools, shall:
 - (a) research methods of motivating and providing incentives to students that:
 - (i) directly and regularly reward or recognize appropriate behavior;
 - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and

- (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
- (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
- (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
- (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;
- (e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and
- (f) maintain data for purposes of accountability, later reporting, and future analysis.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

§ 53A-11-801. Definitions.

As used in this part:

- (1) "Child" or "minor child" means a person:
 - (a) under the age of 18; or
 - (b) under the age of 23 who is receiving educational services as an individual with a disability.
- (2) "Corporal punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.
- (3) "School" means any public or private elementary or secondary school, pre-school, care center, nursery school, or business which receives compensation for supervising or educating a child.

§ 53A-11-802. Prohibition of corporal punishment — Use of reasonable and necessary physical restraint or force.

- (1) A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so.
- (2) This section does not prohibit the use of reasonable and necessary physical restraint or force in self defense or 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 child;
 - (b) protect the child or another person from physical injury;
 - (c) remove from a situation a child who is violent or disruptive; or
 - (d) protect property from being damaged.
- (3) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.
(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

(4) A parochial or private school may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of children in the school of the exemption.

§ 53A-11-803. 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.

§ 53A-11-804. 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 76-2-401 and 53A-11-805.

§ 53A-11-805. Exception.

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53A-15-301 is excepted from this part.

REGULATIONS

R277-608-1. Definitions.

A. "Board" means the Utah State Board of Education.

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

C. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and the Utah Schools for the Deaf and the Blind.

D. "USOE" means the Utah State Office of Education.

R277-608-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities and Sections 53A-11-801 through 53A-11-805 which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

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

R277-608-3. Reporting requirements.

A. Each LEA shall incorporate in the LEA plan submitted to the USOE annually, the prohibition of corporal punishment consistent with the law.

B. An LEA policy shall incorporate a prohibition of corporal punishment consistent with the law, appropriate sanctions and appeal procedures for LEA employees disciplined under this rule and the corresponding state statute.

R277-608-4. Special education exception(s) to this rule.

LEAs shall have in place, as part of their LEA special education plans, procedures or manuals, criteria and procedures for using appropriate behavior reduction intervention in accordance with state and federal law.

Use of student and locker searches

LAWS

§ 53A-11-1304. Admissibility of evidence in civil and criminal actions.

(1) Evidence relating to violations of this part 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) 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.

§ 53A-11-1305. Board rules to ensure protection of individual rights.

The State Board of Education and local boards of education shall adopt rules to implement this part. The rules shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

REGULATIONS

R277-615-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Controlled substances" means substances identified under Sections 58-37-2, 58-37a-3 and 58-37b-2.
- C. "Law enforcement authorities" means officers working under the direct supervision and in the employment of police or law enforcement, as opposed to under the supervision of a public education agency. Law enforcement authorities have received police officer training and are acting in that capacity.
- D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and the Utah Schools for the Deaf and the Blind.
- E. "Reasonable suspicion" means a particularized and objective basis, supported by objective and articulable facts leading the searcher to believe that there is a moderate chance of finding evidence of wrongdoing. Reasonableness considers the totality of the circumstances including such factors as the scope and manner of the intrusion, the justification for the search, the nature of the infraction, the place where the search is conducted, the student's age, history and school record, the prevalence and seriousness of the problem in the school, the exigency requiring the search without delay, the reliability of

the information used as a justification for the search, and the school official's prior experience with the student. The search shall be reasonable both in inception of the search and the scope of the search.

F. "School official" means a school superintendent, associate superintendent, school district specialist, school principal or assistant principal or charter school employee who is a director, principal, headmaster, or assistant administrator.

G. "Weapon" means any item capable of causing death or serious bodily injury or a facsimile or representation of the item.

R277-615-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53A-11-1305 that directs the Board and LEAs to adopt rules to protect students against unreasonable and excessive intrusion of personal rights and privacy on school property or at school-sponsored activities, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to direct LEAs to adopt rules or policies or both to protect student rights with procedures and provisions that balance students' rights and privacy with the responsibility of school officials for the safety and protection of students and adults while on school property or at school-sponsored events.

R277-615-3. Board responsibilities.

A. The Board shall provide consistent definitions for LEAs to include in policies.

B. The Board shall develop a model policy as guidance for LEAs.

C. The Board shall include an assurance for LEAs regarding the student search policy required under Section 53A-11-1305 in the Utah Consolidated Report, beginning with the 2012-13 school year.

R277-615-4. LEA responsibilities.

A. LEAs shall develop a policy for searching students for controlled substances as required under Utah law and for weapons before June 30, 2012.

B. LEAs shall include appropriate interested parties in the development of student search policies, including parents, school employees, and licensed school employees.

C. LEA policies shall ensure protection of individual student rights against excessive and unreasonable intrusion.

D. LEAs shall make policies available to parents electronically and in materials provided to parents and students upon enrollment as soon as reasonably possible following adoption of policies.

E. LEAs shall provide adequate training to appropriate classes of employees for fair and consistent implementation of student search policies.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

§ 53A-11-806. Defacing or injuring school property — Student's liability — Voluntary work program alternative.

- (1) Any student who willfully defaces or otherwise injures any school property may be suspended or otherwise disciplined.
- (2) (a) Any school district whose property has been lost or willfully cut, defaced, or otherwise injured may withhold the issuance of official written grade reports, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.
- (b) The student's parent or guardian is liable for damages as otherwise provided in Section 78A-6-1113.
- (3) (a) If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then, the school district shall provide for a program of voluntary work for the student in lieu of the payment.
- (b) The district shall release the official grades, diploma, and transcripts of the student upon completion of the voluntary work.
- (4) Before any penalties are assessed under this section, the local school board shall adopt procedures to insure that the student's right to due process is protected.
- (5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
- (6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

§ 53A-11-904. 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[...]

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

§ 53A-11-904. 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; 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 or legal guardian; 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 53A-11-907, 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 governing board of a charter school and giving highest priority to providing a safe school environment for all students[...]

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

§ 53A-11-904. Grounds for suspension or expulsion from a public school.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53A-11-102(1)[...]

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

§ 53A-11-905. Delegation of authority to suspend or expel a student — Procedure for suspension — Readmission.

(1) (a) A local board of education may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to ten school days.

(b) A governing board of a charter school may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to ten school days.

(2) The board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.

(3) The board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the board, at least once each year.

(4) If a student is suspended, a designated school official shall notify the parent or guardian 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 or guardian to meet with a designated school official to review the suspension.

(5) (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or guardian or other person authorized by the parent or applicable law to accept custody of the student.

(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 or guardian 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 or guardian of the suspended student and the student have agreed to participate in such a meeting.

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

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

§ 53A-11-906. Alternatives to suspension or expulsion.

- (1) Each local school board or governing board of a charter school 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 or guardian, 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.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

§ 53A-11-904. 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:
- (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 or legal guardian; 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 53A-11-907, 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 governing board of a charter school and giving highest priority to providing a safe school environment for all students[...]
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months [...]

§ 53A-11-905. 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 or guardian 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 or guardian of the suspended student and the student have agreed to participate in such a meeting.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

§ 53A-11-802. Prohibition of corporal punishment — Use of reasonable and necessary physical restraint or force.

(1) A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so.

(2) This section does not prohibit the use of reasonable and necessary physical restraint or force in self defense or 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 child;
- (b) protect the child or another person from physical injury;
- (c) remove from a situation a child who is violent or disruptive; or
- (d) protect property from being damaged.

(3) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

(4) A parochial or private school may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of children in the school of the exemption.

REGULATIONS

R277-608-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities and Sections 53A-11-801 through 53A-11-805 which provide guidelines for the use of reasonable and necessary physical restraint or force in educational settings.

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

Alternative placements

LAWS

§ 53A-11-906. Alternatives to suspension or expulsion.

- (1) Each local school board or governing board of a charter school 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; and
 - (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 or guardian, 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.
- (2) If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent of public instruction, in cooperation with school districts and charter schools, shall:
- (a) research methods of motivating and providing incentives to students that:
 - (i) directly and regularly reward or recognize appropriate behavior;
 - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
 - (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (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;
 - (e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and
 - (f) maintain data for purposes of accountability, later reporting, and future analysis.

§ 53A-11-907. Student suspended or expelled — Responsibility of parent or guardian — Application for students with disabilities.

- (1) If a student is suspended or expelled from a public school under this part for more than ten school days, the parent or guardian 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 or guardian 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.

- (b) The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
- (3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent or guardian.
- (4) (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.
- (b) The district or charter school shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.
- (5) (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.
- (b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

REGULATIONS

R277-483-6. Students' right to transfer to and continued attendance.

- A. Parents receiving notification of persistently dangerous school status may choose to transfer and shall indicate desire to transfer and school of preference to the local board within 30 calendar days of the date of the notification letter. Schools or local school boards shall provide by written policy a window of at least 30 school days for student transfers. Students shall be assigned to a non-dangerous school within 30 days of written parent request for transfer.
- B. Parents of students moving into a persistently dangerous school community following the transfer window shall be notified immediately of the school's persistently dangerous status and shall have 30 calendar days following registration to request transfer from the local board and indicate school preference. The local board shall have 30 calendar days to assign a school. Parents shall make a decision within 10 days following notification to accept the school assignment as offered by the local board or have their children remain in the resident school.
- C. The local board shall designate available transfer schools within the district. The local board shall develop criteria for transfer schools and shall not designate other persistently dangerous schools or schools that failed to make adequate yearly progress (Section 1111 of the NCLB Act 1116 NCLB) as transfer schools.
- D. Students attending alternative schools that have been designated as persistently dangerous shall be offered choices consistent with district policies for alternative school placement. If a local board determines that the only appropriate placement for a student is an alternative school, the local board shall offer homebound/hospitalized services, under R277-419, or other home or non-school based programs as an option to the alternative school.
- E. Students who have been disciplined for any of the violations identified in this rule forfeit the right to transfer from a persistently dangerous school.
- F. Students shall be eligible to participate in all extracurricular activities immediately in their new schools of residence if they transfer consistent with this rule.

G. A student shall have a right to continued attendance at a school selected under this rule or a local board may require, by local board policy, a student to return to the student's resident school upon change of school safety designation, under R277-483-5.

R277-483-7. Student victims of school safety offenses.

A. Students who are victims of a violent criminal offense, as defined in R277-483-1J, and their parent(s)/guardian(s), shall receive notice of available non-dangerous schools in the district as soon as reasonably possible after the school's or district's official notification of the incident by law enforcement.

B. The local board shall make available a school within 15 days of parental notification or arrange for homebound/hospitalized services, under R277-419, within 15 days of parental notification. The transfer shall not result in loss of credit or reduction in grade of the victimized student as long as the parent and student cooperate fully in the transfer process.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

§ 53A-11-1101. 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.

§ 76-3-203.2. Definitions — Use of dangerous weapon in offenses committed on or about school premises — Enhanced penalties.

(1) (a) As used in this section "on or about school premises" means:

- (i) (A) in a public or private elementary or secondary school; or
- (B) on the grounds of any of those schools;
- (ii) (A) in a public or private institution of higher education; or
- (B) on the grounds of a public or private institution of higher education;
- (iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii); and
- (iv) in or on the grounds of a preschool or child care facility.

(b) As used in this section:

- (i) "Dangerous weapon" has the same definition as in Section 76-1-601.
- (ii) "Educator" means a person who is:
 - (A) employed by a public school district; and
 - (B) required to hold a certificate issued by the State Board of Education in order to perform duties of employment.
- (iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.

(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-601, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).

(3) (a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).

(b) As used in Subsection (3)(a), "offense" means:

- (i) an offense under Title 76, Chapter 5, Offenses Against the Person; and

- (ii) an offense under Title 76, Chapter 6, Part 3, Robbery.
- (4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:
- (a) class B misdemeanor is a class A misdemeanor;
 - (b) class A misdemeanor is a third degree felony;
 - (c) third degree felony is a second degree felony; or
 - (d) second degree felony is a first degree felony.
- (5) The enhanced penalty for a first degree felony offense of a convicted person:
- (a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and
 - (b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.
- (6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).
- (7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.
- (8) The sentencing enhancement described in this section does not apply if:
- (a) the offense for which the person is being sentenced is:
 - (i) a grievous sexual offense;
 - (ii) child kidnapping under Section 76-5-301.1;
 - (iii) aggravated kidnapping under Section 76-5-302; or
 - (iv) forcible sexual abuse under Section 76-5-404; and
 - (b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

- (1) As used in this section, "on or about school premises" means:
- (a) (i) in a public or private elementary or secondary school; or
 - (ii) on the grounds of any of those schools;
 - (b) (i) in a public or private institution of higher education; or
 - (ii) on the grounds of a public or private institution of higher education; and
 - (iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
 - (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.

(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.

(b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if:

(a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

(b) the possession is approved by the responsible school administrator;

(c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or

(d) the possession is:

(i) at the person's place of residence or on the person's property; or

(ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

§ 53A-11-904. 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; 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 or legal guardian; 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 53A-11-907, 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 governing board of a charter school and giving highest priority to providing a safe school environment for all students[...]

§ 53A-11-1101. 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

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

§ 53A-11-101.7. Truancy — Notice of truancy — Failure to cooperate with school authorities — Habitual truant citation.

- (5) (a) Except as provided in Subsection (5)(b), a habitual truant citation may be issued to a habitual truant if:
 - (i) the local school board, charter school governing board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and
 - (ii) the efforts to resolve the school attendance problems, described in Subsection (5)(a)(i), have not been successful.
- (b) A habitual truant citation may not be issued to a habitual truant if the habitual truant:
 - (i) has at least a 3.5 cumulative grade point average; and
 - (ii) is at least 16 years old.
- (6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):
 - (a) shall be referred to the juvenile court for violation of Subsection (1); and

- (b) is subject to the jurisdiction of the juvenile court.
- (7) A notice of truancy or a habitual truant citation may only be issued by:
- (a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;
 - (b) a designee of a school administrator described in Subsection (7)(a); or
 - (c) a law enforcement officer acting as a school resource officer.
- (8) 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 minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.

§ 53A-11-910. Disruptive student behavior.

- (1) As used in this section:
- (a) "Disruptive student behavior" includes:
 - (i) the grounds for suspension or expulsion described in Section 53A-11-904; and
 - (ii) the conduct described in Subsection 53A-11-908(2)(b) [...]
- (2) A local school board, school district, governing board of a charter school, or charter school may impose administrative penalties on a school-age minor who violates this part.
- (3) (a) It is unlawful for a school-age minor to engage in disruptive student behavior.
- (b) A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:
- (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.
- (4) (a) A local school board or governing board of a charter school shall:
- (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
 - (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
- (b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
- (c) A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.
- (5) The notice of disruptive student behavior described in Subsection (4)(a):
- (a) shall be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

- (ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;
- (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 governing board of a charter school in correcting the school-age minor's disruptive student behavior;
- (c) shall contain a statement indicating:
 - (i) the number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation; and
 - (ii) that the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and
- (d) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(6) A habitual disruptive student behavior citation:

- (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 governing board of a local charter school to issue habitual disruptive student behavior citations.

(7) (a) A qualifying minor to whom a habitual disruptive student behavior citation is issued under Subsection (6) shall be referred to the juvenile court for violation of Subsection (3).

- (b) Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (4)(c).[...]

R277-609-4. Implementation.

- A. LEAs shall implement strategies and policies consistent with their plans.
- B. LEAs shall develop, use and monitor a continuum of intervention strategies to assist students whose behavior in school falls repeatedly short of reasonable expectations, including teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence- based interventions matched to student needs prior to administrative referral.

REGULATIONS

R277-609-3. LEA responsibility to develop plans.

- A. Each LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline. [...]

B. The plan shall also provide direction for dealing with bullying and disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;[...]

R277-613-4. LEA responsibility to create bullying policies.

G. Policies shall also complement existing safe and drug free school policies and school discipline plans. Consistent with R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, harassment and disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

Attendance and truancy

LAWS

§ 53A-11-101. Definitions.

For purposes of this part:

- (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.
 - (b) A school-age minor may not be considered absent under this part more than one time during one day.
- (2) "Habitual truant" means a school-age minor who:
 - (a) is at least 12 years old;
 - (b) is subject to the requirements of Section 53A-11-101.5; and
 - (c) (i) is truant at least ten times during one school year; or
 - (ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.[...]
- (7) "Truant" means absent without a valid excuse.
- (8) "Truant minor" means a school-age minor who:
 - (a) is subject to the requirements of Section 53A-11-101.5 or 53A-11-101.7; and
 - (b) is truant.
- (9) "Valid excuse" means:
 - (a) an illness;
 - (b) a family death;
 - (c) an approved school activity;
 - (d) an absence permitted by a school-age minor's:
 - (i) individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended; or
 - (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended; or

(e) any other excuse established as valid by a local school board, local charter board, or school district.

§ 53A-11-101.3. Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age minor as a valid excuse under Subsection 53A-11-101(9)(e), a local school board, local charter board, or school district shall approve the absence if the local school board, local charter board, or school district determines that the extended absence will not adversely impact the school-age minor's education.

§ 53A-11-101.5. Compulsory education.

(1) For purposes of this section:

(a) "Intentionally" is as defined in Section 76-2-103.

(b) "Recklessly" is as defined in Section 76-2-103.

(c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.

(d) "School-age child" means a school-age minor under the age of 14.

(2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor 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 issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):

(a) shall direct the parent of the school-age child to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and
(ii) cooperate with the school board, local charter 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 of the school-age child to intentionally or recklessly:

(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 absent without a valid excuse five or more times during the remainder of the school year;

(d) shall be served on the school-age child's 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) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53A-11-102 or 53A-11-102.5.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:

- (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 absent without a valid excuse five or more times during the remainder of the school year.
- (7) A local school board, local charter board, or school district shall report violations of this section to the appropriate county or district attorney.

§ 53A-11-101.7. Truancy — Notice of truancy — Failure to cooperate with school authorities — Habitual truant citation.

- (1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.
- (2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor who is 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 notices of truancy to school-age minors who are at least 12 years old; and
 - (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.
- (4) The notice of truancy described in Subsection (3):
 - (a) may not be issued until the school-age minor has been truant at least five times during the school year;
 - (b) may not be issued to a school-age minor who is less than 12 years old;
 - (c) may not be issued to a minor exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5;
 - (d) shall direct the school-age minor and the parent of the school-age minor to:
 - (i) meet with school authorities to discuss the school-age minor's truancies; and
 - (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor; and
 - (e) shall be mailed to, or served on, the school-age minor's parent.
- (5) (a) Except as provided in Subsection (5)(b), a habitual truant citation may be issued to a habitual truant if:
 - (i) the local school board, charter school governing board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and
 - (ii) the efforts to resolve the school attendance problems, described in Subsection (5)(a)(i), have not been successful.
- (b) A habitual truant citation may not be issued to a habitual truant if the habitual truant:
 - (i) has at least a 3.5 cumulative grade point average; and
 - (ii) is at least 16 years old.
- (6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):
 - (a) shall be referred to the juvenile court for violation of Subsection (1); and
 - (b) is subject to the jurisdiction of the juvenile court.

(7) A notice of truancy or a habitual truant citation may only be issued by:

- (a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;
- (b) a designee of a school administrator described in Subsection (7)(a); or
- (c) a law enforcement officer acting as a school resource officer.

(8) 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 minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.

(9) Nothing in this part allows a local school board or charter school governing board to issue a citation pursuant to this section if the minor is exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5.

§ 53A-11-102. Minors exempt from school attendance.

(1)(a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:

- (i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed the eighth grade; or
- (ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:
 - (A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);
 - (B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;
 - (C) proper influences and adequate opportunities for education are provided in connection with the school-age minor's employment; or
 - (D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

- (i) school part time as prescribed by the local school board or charter school governing board; or
- (ii) a home school part time.

(c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.

(d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.

(2) (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53A-2-201, that:

- (i) the school-age minor will attend a home school; and

- (ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53A-11-102.5.
 - (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:
 - (i) the school-age minor attends a home school; and
 - (ii) the school district where the affidavit was filed remains the school-age minor's district of residence.
 - (c) A parent of a school-age minor who attends a home school is solely responsible for:
 - (i) the selection of instructional materials and textbooks;
 - (ii) the time, place, and method of instruction; and
 - (iii) the evaluation of the home school instruction.
 - (d) A local school board may not:
 - (i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;
 - (ii) require credentials for individuals providing home school instruction;
 - (iii) inspect home school facilities; or
 - (iv) require standardized or other testing of home school students.
 - (e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.
 - (f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.
 - (g) A local school board shall issue a certificate excusing a school-age minor from attendance:
 - (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to Subsection (2); and
 - (ii) on or before August 1 each year thereafter unless:
 - (A) the school-age minor enrolls in a school within the school district;
 - (B) the school-age minor's parent or guardian notifies the school district that the school-age minor no longer attends a home school; or
 - (C) the school-age minor's parent or guardian notifies the school district that the school-age minor's school district of residence has changed.
- (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53A-11-101.5(2), (5), and (6).
- (4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or guardian of a minor attending a home school.

§ 53A-11-103. Duties of a school board, local charter board, or school district in resolving attendance problems — Parental involvement — Liability not imposed.

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

- (b) A minor exempt from school attendance under Section 53A-11-102 or 53A-11-102.5 is not considered to be a minor 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 minor by school authorities;
 - (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53A-11-101.7;
 - (c) issuing a habitual truant citation, in accordance with Section 53A-11-101.7;
 - (d) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53A-11-101.5;
 - (e) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;
 - (f) considering alternatives proposed by a parent;
 - (g) monitoring school attendance of the minor;
 - (h) voluntary participation in truancy mediation, if available; and
 - (i) providing a school-age minor's parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor's attendance problems.
- (3) In addition to the efforts described in Subsection (2), the local school board, local charter board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible.
- (4) This section shall not impose any civil liability on boards of education, local school boards, local charter 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.

§ 53A-11-104. Truancy specialists.

A local school board or local charter 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 board.

§ 53A-11-105. Taking custody of a person believed to be a truant minor — Disposition — Receiving centers — Reports — Immunity from liability.

- (1) 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 school-age 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 local charter board to receive and return the minor to school; or
 - (c) a receiving center established under Subsection (5).
- (3) If the minor refuses to return to school or go to the receiving 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 cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.

(5) (a) A local school board or local charter board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. 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) If the parents 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 insure 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. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6) Action taken under this section shall be reported to the appropriate school district. The district 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 the provisions of Title 62A, Chapter 4a, Parts 2, Child Welfare Services, and 2A, Minors in Custody on Grounds Other Than Abuse or Neglect, and of Title 78A, Chapter 6, Parts 3, Abuse, Neglect, and Dependency Proceedings, and 4, Minors in Custody on Grounds Other Than Abuse or Neglect.

§ 53A-11-106. Truancy support centers.

(1) A school district may establish one or more truancy support centers for:

- (a) truant minors taken into custody under Section 53A-11-105; 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 or guardian 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 or guardian 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 or guardian.

REGULATIONS

R277-607-1. Definitions.

A. "Absence" means a student's non-attendance at school for one school day or part of one school day.

B. "Habitual truant" means a school-age minor who:

- (1) is at least 12 years old;
 - (2) is subject to the requirements of Section 53A-11-101.5; and
 - (3)(a) is truant at least five times during one school year; and
 - (b) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.
- C. "Habitual truant citation" is a citation issued only consistent with Section 53A-11-101.7.
- D. "IEP team" means an local education agency representative, a parent, a regular and special education educator, and person qualified to interpret evaluation results, in accordance with the Individuals with Disabilities Education Act (IDEA).
- E. "LEA" means a local education agency, including local school boards/public school districts and charter schools.
- F. "Truant" means absent without a valid excuse.
- G. "Unexcused absence" means a student's absence from school for reasons other than those authorized under the LEA policy.
- H. "USOE" means the Utah State Office of Education.
- I. "Valid excuse" means an excuse for an absence from school consistent with Section 53A-11-101(9).

R277-607-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-106 which direct educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or should be enrolled in LEAs.
- B. The purpose of this rule is to direct LEAs to establish procedures for:
- (1) informing parents about compulsory education laws;
 - (2) encouraging and monitoring school attendance consistent with the law; and
 - (3) providing firm consequences for noncompliance.
- C. This rule encourages meaningful incentives for parental responsibility and directs LEAs to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.

R277-607-3. General provisions.

- A. Each LEA board shall develop a truancy policy that encourages regular, punctual attendance of students, consistent with this rule and 53A-11-101 through 53A-11-105, and shall review the policy annually.
- B. LEA boards shall annually review attendance data and consider revisions to policies to encourage student attendance.
- C. LEAs shall make truancy policies available for review by parents or interested parties.
- D. LEAs may issue habitual truant citations to students consistent with Section 53A-11-101.7.

R277-607-4. LEA responsibilities.

- A. LEAs shall:
- (1) establish definitions not provided in law or this rule necessary to implement a compulsory attendance policy;

- (2) include definitions of approved school activity under Section 53A-11-101(9)(c) and excused absence to be provided locally under Section 53A-11-101(9)(e);
- (3) include criteria and procedures for preapproval of extended absences consistent with Section 53A-11-101.3; and
- (4) establish programs and meaningful incentives which promote regular, punctual student attendance.

B. LEAs shall include in their policies provisions for:

- (1) notice to parents of the policy;
- (2) notice to parents as discipline or consequences progress; and
- (3) the opportunity to appeal disciplinary measures.

C. LEAs shall establish and publish procedures for use by school-age minors or their parents to contest notices of truancy.

Substance use

LAWS

53A-3-501. Possession or consumption of alcoholic beverages at school or school-sponsored activities -- Penalty.

- (1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:
 - (a) inside or on the grounds of any building owned or operated by a part of the public education system; or
 - (b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.
- (2)(a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.
 - (b)(i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.
 - (ii) The property may not be used for school purposes at any time during the lease period.
- (3) Violation of this section is a class B misdemeanor.

§ 53A-11-904. 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:
 - (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; [...]

§ 53A-11-1301. Definitions.

- (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to this part.
- (2) As used in this part:
 - (a) "Prohibited act" means an act punishable under Section 53A-3-501, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b.
 - (b) "School" means a public or private elementary or secondary school.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

§ 53A-11a-101. Title.

This chapter is known as "Bullying and Hazing."

§ 53A-11a-102. Definitions.

As used in this chapter:

- (1) (a) "Bullying" means intentionally or knowingly committing an act that:
 - (i) (A) endangers the physical health or safety of a school employee or student;
(B) 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;
(C) involves consumption of any food, liquor, drug, or other substance;
(D) involves other physical activity that endangers the physical health and safety of a school employee or student; or
(E) involves physically obstructing a school employee's or student's freedom to move; and
 - (ii) is done for the purpose of placing a school employee or student in fear of:
(A) physical harm to the school employee or student; or
(B) harm to property of the school employee or student.
- (b) The conduct described in Subsection (1)(a) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (2) "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- (3) "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.
- (4) "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
- (5) (a) "Hazing" means intentionally or knowingly committing an act that:
 - (i) (A) endangers the physical health or safety of a school employee or student;
(B) 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;
(C) involves consumption of any food, liquor, drug, or other substance;
(D) involves other physical activity that endangers the physical health and safety of a school employee or student; or
(E) involves physically obstructing a school employee's or student's freedom to move; and

- (ii) (A) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
 - (B) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.
 - (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (6) "Policy" means a bullying and hazing policy described in Section 53A-11a-301.
- (7) "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.
- (8) "School" means any public elementary or secondary school or charter school.
- (9) "School board" means:
- (a) a local school board; or
 - (b) a local charter board.
- (10) "School employee" means:
- (a) school teachers;
 - (b) school staff;
 - (c) school administrators; and
 - (d) all others employed, directly or indirectly, by the school, school board, or school district.

§ 53A-11a-201. Bullying, cyber-bullying, harassment, hazing, sexual battery, and sexual exposure prohibited.

- (1) No school employee or student may engage in bullying or harassing 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) No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location.

§ 53A-11a-202. Retaliation and making false allegation prohibited.

- (1) No school employee or student may 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, harassment, hazing, or retaliation.
- (2) No school employee or student may make a false allegation of bullying, cyber-bullying, harassment, hazing, or retaliation against a school employee or student.

§ 53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2013, each school board shall update the school board's bullying, cyber-bullying, harassment, hazing, and retaliation policy consistent with this chapter.

(2) The 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) The policy shall include the following components:

- (a) definitions of bullying, cyber-bullying, harassment, and hazing that are consistent with this chapter;
- (b) language prohibiting bullying, cyber-bullying, harassment, and hazing;
- (c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this chapter;
- (d) language prohibiting making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation; and
- (e) as required in Section 53A-11a-203, parental notification of:
 - (i) a student's threat to commit suicide; and
 - (ii) an incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's student.

(4) A copy of the policy shall be included in student conduct handbooks and employee handbooks.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, harassment, hazing, or retaliation.

(6) Nothing in this chapter is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

§ 53A-11a-402. Other forms of legal redress.

(1) Nothing in this chapter prohibits a victim of bullying, cyber-bullying, harassment, hazing, 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.

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

R277-613-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Bullying" means intentionally or knowingly committing an act that:
 - (1)(a) endangers the physical health or safety of a school employee or student;
 - (b) 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;
 - (c) involves consumption of any food, liquor, drug, or other substance;

- (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - (e) involves physically obstructing a school employee's or student's freedom to move; and
- (2) is done for the purpose of placing a school employee or student in fear of:
- (a) physical harm to the school employee or student; or
 - (b) harm to property of the school employee or student.
- (3) The conduct described in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (4) Bullying is commonly understood as aggressive behavior that:
- (a) is intended to cause distress and harm;
 - (b) exists in a relationship in which there is an imbalance of power and strength; and
 - (c) is repeated over time.

C. "Civil rights violations," for purposes of this rule, means bullying, cyber-bullying, hazing or harassing that is targeted at a federally protected class.

D. "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.

E. "Federally protected class" means any group protected from discrimination under the following federal laws:

- (1) Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin;
- (2) Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex;
- (3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability; and
- (4) Other areas included under these acts prohibit discrimination on the basis of religion, gender identity, and sexual orientation.

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

G. "Hazing" means intentionally or knowingly committing an act that:

- (1)(a) endangers the physical health or safety of a school employee or student;
 - (b) 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;
 - (c) involves consumption of any food, liquor, drug, or other substance;
 - (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - (e) involves physically obstructing a school employee's or student's freedom to move; and
- (f)(i) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
- (ii) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school

sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

(2) The conduct described in R277-613-1E constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

H. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

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

J. "Participant" means any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity.

K. "Policy" means standards and procedures that include the provisions of Section 53A-11-901 and additional standards, procedures, and training adopted in an open meeting by an LEA board that define bullying, cyber-bullying, hazing and harassment, prohibit bullying, cyber-bullying, hazing and harassment, require annual discussion and training designed to prevent bullying, cyber-bullying, hazing and harassment among school employees and students and provide for enforcement through employment action or student discipline.

L. "Retaliate or retaliation" means an act or communication intended:

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

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

R277-613-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure LEA compliance with Section 53A-11a-301.

B. The purpose of the rule is to require LEAs to implement bullying and hazing policies district and school wide, to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, cyber-bullying, hazing, harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

R277-613-3. Utah State Board of Education responsibilities.

A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, including cyber-bullying, and hazing.

B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of an LEA to comply with this rule.

R277-613-4. LEA responsibility to create bullying policies.

A. Each LEA shall implement a policy prohibiting bullying, cyber-bullying, hazing, harassment and retaliation consistent with Section 53A-11a-301.

B. Each LEA shall:

(1) post a copy of its policy on the LEA website; and

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

C. The policy shall include parental notification of:

- (1) a parent's student's threat to commit suicide; and
 - (2) an incident of bullying, cyber-bullying, hazing, harassment or retaliation involving the parent's student.
- (3) This part of the policy shall also include:
- (a) timely parent notification;
 - (b) designation of the appropriate school employee(s) to provide parent notification;
 - (c) designation of the format in which notification shall be provided to parents and maintained by the LEA;
 - (d) directives for secure maintenance of the notification record as required under Section 53A-11a-203(1);
 - (e) a retention period and destruction process for the notification; and
 - (f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule.

D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

E. The policy shall include required strong responsive action against retaliation, including assistance to harassed students and their parents in reporting subsequent problems and new incidents.

F. The policy shall provide that students, staff, and volunteers receive training on bullying, cyber- bullying, hazing and harassment from individuals qualified to provide such training. The LEA shall determine how often training shall be provided.

- (1) The training should be specific to:
 - (a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
 - (b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
 - (c) sexual aggression or acts of a sexual nature or with sexual overtones;
 - (d) cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and
 - (e) civil rights violations, appropriate reporting and investigative procedures. This includes bullying, cyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.

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

(3) Training on bullying, cyber-bullying, hazing and harassment required of LEA policies under the rule should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53A-1-603(9).

F. Policies shall also complement existing safe and drug free school policies and school discipline plans. Consistent with R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, harassment and dealing with disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

- (2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student and bullying, cyber-bullying, hazing and harassment behavior;
- (3) designate to whom notices shall be provided;
- (4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
- (5) include strategies to provide for necessary adult supervision;
- (6) be clearly written and consistently enforced;
- (7) 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; and
- (8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

Other special infractions or conditions

LAWS

§ 53A-11-806. Defacing or injuring school property — Student's liability — Voluntary work program alternative.

- (1) Any student who willfully defaces or otherwise injures any school property may be suspended or otherwise disciplined.
- (2) (a) Any school district whose property has been lost or willfully cut, defaced, or otherwise injured may withhold the issuance of official written grade reports, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.
 - (b) The student's parent or guardian is liable for damages as otherwise provided in Section 78A-6-1113.
- (3) (a) If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then, the school district shall provide for a program of voluntary work for the student in lieu of the payment.
 - (b) The district shall release the official grades, diploma, and transcripts of the student upon completion of the voluntary work.
- (4) Before any penalties are assessed under this section, the local school board shall adopt procedures to insure that the student's right to due process is protected.
- (5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
- (6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

§ 53A-11-908. Extracurricular activities — Prohibited conduct — Reporting of violations — Limitation of liability.

- (1) The Legislature recognizes that:
 - (a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

- (b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
 - (c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
 - (d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
 - (e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.
- (2) (a) The State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules implementing this section that apply to both students and staff.
- (b) Those rules shall include prohibitions against the following types of conduct, 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 53A-11-902(5)(a) through (d):
- (i) use of foul, abusive, or profane language while engaged in school related activities;
 - (ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
 - (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 Utah law.
- (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.
- (4) Limitations of liability set forth under Section 53A-11-1004 apply to this section.

76-5-102.3. Assault against school employees.

- (1) Any person who assaults an employee of a public or private school, with knowledge that the individual is an employee, and when the employee is acting within the scope of his authority as an employee, is guilty of a class A misdemeanor.
- (2) As used in this section, "employee" includes a volunteer.

76-8-1402. Disruption of activities in or near school building -- Failure to leave -- Reentry -- Penalties.

- (1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:

- (a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and
 - (b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.
- (2) (a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.
- (b) (i) The first and second violation of Subsection (1) are class B misdemeanors.
 - (ii) A third and any subsequent violations of Subsection (1) are class A misdemeanors.

76-9-106. Disrupting the operation of a school.

- (1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.
- (2) For purposes of this section, "school property" includes property being used by a public or private school for a school function.
- (3) Disrupting the operation of a school is a class B misdemeanor.

76-9-107. Unauthorized entry of school bus -- Posting of warning on school buses.

- (1) As used in this section:
- (a) "Driver" means the driver of the school bus.
 - (b) "School bus" means every publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.
- (2) A person is guilty of a class B misdemeanor if the person:
- (a) enters a school bus with the intent to commit a criminal offense;
 - (b) enters a school bus and disrupts or interferes with the driver; or
 - (c) enters a school bus and refuses to leave the bus after being ordered to leave by the driver and the person:
 - (i) is not a peace officer acting within the scope of his or her authority as a peace officer;
 - (ii) is not authorized by the school district to board the bus as a student or as an individual employed by the school district or volunteering as a participant in a school activity;
 - (iii) causes or attempts to cause a disruption or an annoyance to any passenger on the bus; or
 - (iv) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.
- (3) Each school district shall ensure that clearly legible signs be placed on each school bus, next to each entrance to the bus, warning that unauthorized entry of a school bus is a violation of state law.

76-10-1235. Accessing pornographic or indecent material on school property.

- (1) As used in this section:
- (a) "Pornographic or indecent material" means any material:
 - (i) defined as harmful to minors in Section 76-10-1201;
 - (ii) described as pornographic in Section 76-10-1203; or
 - (iii) described in Section 76-10-1227.
 - (b) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.

(2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:

- (a) distributing pornographic material as specified in Section 76-10-1204;
- (b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
- (c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
- (d) indecent public displays as specified in Section 76-10-1228.

(3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:

- (a) investigation of a violation of this section; or
- (b) enforcement of this section.

(4) Each separate offense under this section is:

- (a) a class A misdemeanor if the person is 18 years of age or older; and
- (b) a class B misdemeanor if the person is under 18 years of age.

(5) This section does not prohibit disciplinary action for actions that violate this section.

REGULATIONS

R277-495-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.
- C. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- D. "LEA-owned electronic device" means any device that is used for audio, video, text communication or any other type of computer or computer-like instrument that is owned, provided, issued or lent by the LEA to a student or employee.
- E. "Privately-owned electronic device" means any device that is used for audio, video, text communication or any other type of computer or computer-like instrument that is not owned or issued by the LEA to a student or employee.
- F. "Public school" means all schools and public school programs, grades kindergarten through 12, that are part of the Utah Public School system, including charter schools, distance learning programs, and alternative programs.
- G. "Student," for purposes of this rule, means any individual enrolled as a student at the LEA regardless of the part-time nature of the enrollment or the age of the individual.
- H. "The Children's Internet Protection Act (CIPA)" means regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC. CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal technology funds to comply with certain Internet filtering and policy requirements.
- I. "USOE" means the Utah State Office of Education.

J. "Utah Education Network (UEN)" is a robust network that connects most Utah LEAs, schools, and higher education institutions to quality educational resources and services consistent with Section 53B-17-102.

R277-495-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Section 53A-11-901(2)(c)(i) directs the State Superintendent of Public Instruction to develop a conduct and discipline policy model for elementary and secondary public schools, and 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with Internet access to certify they have Internet safety policies and technology protection measures in place in order to receive discounted internet access and services.
- B. The purpose of this rule is to direct all LEAs or public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices, both LEA-owned and privately-owned, while on public school premises and, for LEA-owned devices, wherever the devices are used.

R277-495-3. Local board and charter school responsibilities.

- A. LEAs shall require all schools under their supervision to have a policy or policies for students, employees and, where appropriate, for invitees, governing the use of electronic devices on school premises and at school sponsored activities.
- B. LEAs shall review and approve policies regularly.
- C. LEAs shall encourage schools to involve teachers, parents, students, school employees and community members in developing local policies; school community councils could provide helpful information and guidance within various school communities and neighborhoods.
- D. LEAs shall provide copies of their policies or clear electronic links to policies at LEA offices, in schools and on the LEA website.
- E. LEAs and schools within LEAs shall work together to ensure that all policies within a school or school district are consistent and understandable for parents.
- F. LEAs shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised Internet safety policy. LEAs shall retain documentation of the policy review and adoption actions.

R277-495-4. Policy requirements.

- A. Local policies shall address the following minimum components:
 - (1) definitions of devices covered by policy;
 - (2) prohibitions on the use of electronic devices in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and invitees, consistent with R277-609 and R277-613, or violate local, state, or federal laws; and
 - (3) the prohibition of access by students, LEA employees and invitees to inappropriate matter on the Internet and World Wide Web while using LEA equipment, services or connectivity whether on school property or while using school-owned or issued devices;
 - (4) the safety and security of students when using electronic mail, chat rooms, and other forms of direct electronic communications (including instant messaging);
 - (5) unauthorized access, including hacking and other unlawful activities by LEA electronic device users; and

(6) unauthorized disclosure, use and dissemination of personal student information under the Family Educational Rights and Privacy Act, 34 CFR, Part 99.

B. Additional requirements for student policies - In addition to the provisions of R277-495-4A, policies for student use of electronic devices shall include:

- (1) prohibitions against use of electronic devices during standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;
- (2) provisions that inform students that there may be administrative and criminal penalties for misuse of electronic devices and that local law enforcement officers may be notified if school employees believe that a student has misused an electronic device in violation of the law;
- (3) provisions that inform students that violation of LEA acceptable use policies may result in confiscation of LEA-owned devices which may result in missed assignments, inability to participate in required assessments and possible loss of credit or academic grade consequences;
- (4) provisions that inform students that they are personally responsible for devices assigned or provided to them by the LEA, both for loss or damage of devices and use of devices consistent with LEA directives;
- (5) provisions that inform students and parents that use of electronic devices in violation of LEA or teacher instructional policies may result in the confiscation of personal devices for a designated period; and
- (6) provisions that inform students that use of privately-owned electronic devices to bully or harass other students or employees and result in disruption at school or school-sponsored activities may justify administrative penalties, including expulsion from school and notification to law enforcement.

C. Additional requirements for employee policies - In addition to the provisions of R277-495-4A, policies for employee use of electronic devices shall include:

- (1) notice that use of electronic devices to access inappropriate or pornographic images on school premises is illegal, may have both criminal and employment consequences, and where appropriate, shall be reported to law enforcement;
- (2) notice that employees are responsible for LEA-issued devices at all times and misuse of devices may have employment consequences, regardless of the user; and
- (3) notice that employees may use privately-owned electronic devices on school premises or at school sponsored activities when the employee has supervisory duties only as directed by the employing LEA; and
- (4) required staff responsibilities in educating minors on appropriate online activities and in supervising such activities.

D. Local policies may also include the following:

- (1) prohibitions or restrictions on unauthorized audio recordings, capture of images, transmissions of recordings or images, or invasions of reasonable expectations of student and employee privacy;
- (2) procedures to report the misuse of electronic devices;
- (3) potential disciplinary actions toward students or employees or both for violation of local policies regarding the use of electronic devices;
- (4) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any; and
- (5) strategies for use of technology that enhance instruction.

E. An LEA shall certify annually to the USOE and as required by the FCC, that the LEA has a CIPA-compliant Internet safety policy.

R277-495-5. Board and USOE responsibilities.

- A. The Board and USOE shall provide resources, upon request, for LEAs and public schools as they develop and update electronic device policies, including sources for successful policies, assistance with reviewing draft policies and amendments, and information about bullying, harassing, and discrimination via electronic devices consistent with R277-613.
- B. The Board and USOE shall develop or provide a model policy or a policy framework to assist LEAs and public schools in developing and implementing their policies.
- C. The Board and USOE shall promote the use of effective strategies to enhance instruction and professional development through technology.
- D. The Board and USOE shall ensure that parents and school employees are involved in the development and implementation of policies.
- E. The Board and USOE shall work and cooperate with other education entities, such as the PTA, the Utah School Boards Association, the Utah Education Association, the State Charter School Board and the Utah High School Activities Association to provide consistent information to parents and community members about electronic device policies and to provide for appropriate and consistent penalties for violation of policies, including violations that take place at public school extracurricular and athletic events.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

§ 53A-11a-401. Training, education, and prevention.

- (1) A school board shall include in the training of a school employee, training regarding bullying, cyber-bullying, harassment, hazing, and retaliation.
- (2) To the extent that state or federal funding is available for this purpose, school 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, 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.

53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.

- (1) The State Board of Education shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:
- (a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;
 - (b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and
 - (c) discouraging the use of alcohol, tobacco, and controlled substances.
- (2) At the request of the board, the Division of Substance Abuse and Mental Health shall cooperate with the board in developing programs to provide this instruction.
- (3) The board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

53A-13-106. Instruction in firearm safety -- Purpose -- School districts to implement volunteer education classes -- Parental consent exception.

- (1)(a) School districts may permit the use of district approved volunteers or school district teachers for instruction of firearm safety education classes for students.
- (b) The volunteers or school district teachers instructing the firearm safety education class are encouraged to utilize donated materials prepared by firearms training and education organizations or to develop their own materials within existing budgets.
- (2) The purpose of firearm safety education is to:
- (a) develop the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and
 - (b) help students avoid firearm injuries.
- (3) School districts may offer firearm safety instruction to students in grades kindergarten through four to teach them that in order to avoid injury when they find a firearm they should:

- (a) not touch it;
 - (b) tell an adult about finding the firearm and its location; and
 - (c) be able to share the instruction provided in Subsections (3)(a) and (b) with any other minors who are with them when they find a firearm.
- (4) As used in this chapter, "firearm" means any firearm as defined in Section 76-10-501.
- (5) The State Board of Education shall make rules promulgated pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:
- (a) use of certified volunteers for instruction of firearm safety education classes in the public schools;
 - (b) use of public school classrooms or auditoriums for these classes;
 - (c) school district review of donated materials before their use; and
 - (d) proof of certification as a firearm safety instructor.
- (6)(a) A local school board may require every student in grades kindergarten through six to participate in a firearm safety education class offered within the public schools under this section.
- (b) A student may be exempted from participation upon notification to the local school by the student's parent or legal guardian that the parent or legal guardian wants the student exempted from the class in its entirety or any portion specified.
- (7) If a student is exempted under Subsection (6), the school may provide other activities during the period of time in which the student would otherwise be participating in the program.
- (8) The school districts may permit the Division of Wildlife Resources, local law enforcement agencies, peace officers as defined in Title 53, Chapter 13, Peace Officer Classifications, certified instructors, certified hunter education instructors, and other certified firearms safety instructors, as provided by rules adopted under Subsection (5)(a) to teach the firearm safety education class on a voluntary basis.
- (9) The school district is encouraged to maximize the use of existing firearm safety educational materials which are available at minimal or no cost and the use of certified volunteer instructors.
- (10) The school district may review the class on a regular basis for its effectiveness.

53A-15-1301. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.

- (1) As used in the section:
- (a) "Board" means the State Board of Education.
 - (b) "Intervention" means an effort to prevent a student from attempting suicide.
 - (c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.
 - (d) "Program" means a youth suicide prevention program described in Subsection (2).
 - (e) "Secondary grades":
 - (i) means grades 7 through 12; and
 - (ii) if a middle or junior high school includes grade 6, includes grade 6.
 - (f) "State Office of Education suicide prevention coordinator" means a person designated by the board as described in Subsection (3).
 - (g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) (a) In collaboration with the State Office of Education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the secondary grades of the school district or charter school.

(b) A school district or charter school's program shall include the following components:

- (i) prevention of youth suicides;
- (ii) youth suicide intervention; and
- (iii) postvention for family, students, and faculty.

(3) The board shall:

- (a) designate a State Office of Education suicide prevention coordinator; and
- (b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:
 - (i) program training; and
 - (ii) resources regarding the required components described in Subsection (2)(b).

(4) The State Office of Education suicide prevention coordinator shall:

- (a) oversee the youth suicide prevention programs of school districts and charter schools; and
- (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.

(5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.

(6) (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.

- (b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser amount per school if the legislative appropriation is not sufficient to provide at least \$500 per school.
- (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
 - (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

(7) (a) The board shall report to the Legislature's Education Interim Committee, by the November 2014 meeting, jointly with the state suicide prevention coordinator, on:

- (i) the progress of school district and charter school programs; and
 - (ii) the board's coordination efforts with the Department of Health and the state suicide prevention coordinator.
- (b) School districts and charter schools shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

§ 53A-15-1302. Parent education—Mental health—Bullying—Safety.

(1) (a) Except as provided in Subsection (5), a school district shall offer a seminar for parents of students in the school district that:

- (i) is offered at no cost to parents;
- (ii) begins at or after 6 p.m.;
- (iii) is held in at least one school located in the school district; and

- (iv) covers the topics described in Subsection (2).
 - (b) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
 - (c) A school district may:
 - (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
 - (ii) use the curriculum developed by the State Board of Education under Subsection (2).
 - (d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.
- (2) The State Board of Education 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; and
 - (iv) Internet safety, including pornography addiction; and
 - (b) provide the curriculum, including resources and training, to school districts upon request.
- (3) The State Board of Education shall report to the Legislature's Education Interim Committee, by the November 2013 meeting, on the progress of implementation of the parent seminar, including if a local school board has opted out of providing the parent seminar, as described in Subsection (5), and the reasons why a local school board opted out.
- (4) The State Board of Education shall report to the Legislature's Education Interim Committee by the November 2014 meeting on:
- (a) the progress of implementation of the parent seminar;
 - (b) the estimated attendance reported by each school district;
 - (c) a recommendation of whether to continue the parent seminar program; and
 - (d) if a local school board has opted out of providing the parent seminar, as described in Subsection (5), and the reasons why a local school board opted out.
- (5) (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.
- (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the State Board of Education and provide the reasons why the local school board chose not to offer the parent seminar.

REGULATIONS

R277-613-5. Training by LEAs specific to participants in public school athletic programs and school clubs.

A. Prior to any student or 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 harassment prevention training. This

training shall be offered to new participants on an annual basis to all participants at least once every three years.

B. LEAs may collaborate with the Utah High School Activities Association to develop and provide training.

C. Student athletes and extracurricular club members shall be informed of prohibited activities under this rule and notified of potential consequences for violation of the law and the rule.

D. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each LEA and provided to the Utah State Office of Education upon request.

R277-436-1. Definitions.

A. "Student at risk" means any student who because of his 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.

B. "Board" means the Utah State Board of Education.

C. "Gang" (as defined in this rule) means a group of three or more people who form an allegiance and engage in a range of anti-social behaviors that may include violent or unlawful activity or both. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.

D. "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families. These components 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.

E. "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 or both.

F. "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[...]

R277-436-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-17a-166(1)(b) which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

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

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

A. Awards shall be made to individual schools and funds allocated to charter schools or to school districts to distribute to designated schools.

B. School districts may submit a single district-wide proposal for one or more schools within the district. The proposal shall:

(1) provide for distribution of funds to individual schools; and

- (2) provide explanations of prevention and intervention activities and strategies planned for individual schools.
- C. Charter schools may submit independent or joint proposals.
- D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:
- (1) administrative oversight;
 - (2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and
 - (3) professional and technical services.
- E. Proposals/applications shall be provided by the USOE.
- F. Awards per school shall be based on funds available.
- G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.
- H. Proposals receiving funding shall be notified by July 1.
- I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated proposal form provided by the USOE.
- J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:
- (1) an amount not to exceed 2.5 percent for:
 - (a) site visits; and
 - (b) professional development, as determined and guided by the USOE.
 - (2) an amount not to exceed 2.5 percent for:
 - (a) administrative oversight; and
 - (b) statewide coordination training.

R277-436-4. Evaluation and reports.

- A. School districts and charter schools or consortia shall provide the USOE with a year-end evaluation report by June 30 for the previous fiscal year.
- B. The year-end report shall include:
- (1) an expenditure report;
 - (2) a narrative description of all activities funded;
 - (3) copies of any and all products developed;
 - (4) effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and
 - (5) other information or data as required by the USOE.
- C. The USOE 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.

The superintendent may grant a written request for a waiver of a requirement or deadline which a district or school finds unduly restrictive.

R277-460-1. Definitions.

- A. "Board" means the Utah State Board of Education.

- B. "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.
- C. "Evaluation" means a review by a person or group which assesses procedures, results and products specific to a program.
- D. "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.
- E. "Prevention education" means proactive educational activities designed to eliminate any illegal use of controlled substances.
- F. "Superintendent" means the State Superintendent of Public Instruction.
- G. "USOE" means the Utah State Office of Education.
- H. "Utah Substance Abuse Prevention Guiding Principles" means criteria established by the Utah Division of Substance Abuse and Mental Health to be used in selecting or developing substance abuse prevention materials.

R277-460-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-13-102 which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by Section 51-9-405 which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:
- (1) substance abuse prevention and education;
 - (2) substance abuse prevention training for teachers and administrators; and
 - (3) school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.
- B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account. [...]

Behavioral interventions and student support services

LAWS

§ 53A-11-106. Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53A-11-105; 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 or guardian 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 or guardian 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 or guardian.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

§53A-1-603 Duties of State Board of Education.

(9)(a) School districts and charter schools shall require each licensed employee to complete two hours of professional development on youth suicide prevention within their license cycle in accordance with Section 53A-6-104.

(b) The State Board of Education shall develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention.

(c) The training required by this Section 9 shall be incorporated into professional development training required by rule in accordance with Section 53A-6-104.

§ 53A-11a-401. Training, education, and prevention.

(1) A school board shall include in the training of a school employee, training regarding bullying, cyber-bullying, harassment, hazing, and retaliation.

(2) To the extent that state or federal funding is available for this purpose, school 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, 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.

REGULATIONS

R277-613-3. Utah State Board of Education responsibilities.

A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, cyber-bullying, hazing and harassment.

R277-613-4. LEA responsibility to create bullying policies.

F. The policy shall provide that students, staff, and volunteers receive training on bullying, cyber-bullying, hazing and harassment from individuals qualified to provide such training. The LEA shall determine how often training shall be provided.

- (1) The training should be specific to:

- (a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
 - (b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
 - (c) sexual aggression or acts of a sexual nature or with sexual overtones;
 - (d) cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and
 - (e) civil rights violations, appropriate reporting and investigative procedures. This includes bullying, cyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.
- (2) Training should also include awareness and intervention skills such as social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches.
- (3) Training on bullying, cyber-bullying, hazing and harassment required of LEA policies under the rule should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53A-1-603(9).

R277-613-5. Training by LEAs specific to participants in public school athletic programs and school clubs.

- A. Prior to any student or 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 harassment prevention training. This training shall be offered to new participants on an annual basis to all participants at least once every three years.
- B. LEAs may collaborate with the Utah High School Activities Association to develop and provide training.
- C. Student athletes and extracurricular club members shall be informed of prohibited activities under this rule and notified of potential consequences for violation of the law and the rule.
- D. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each LEA and provided to the Utah State Office of Education upon request.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

53A-11-401. Definitions.

For purposes of Sections 53A-11-402 through 53A-11-404:

- (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 53A-3-501, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

53A-11-402. 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.

53A-11-403. 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 53A-11-401 through 53A-11-404.
- (2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53A-11-402, shall immediately report the violation to the student's parent or legal guardian, and may report the violation to an appropriate law enforcement agency or official.
- (3) The designated educator may not disclose to the student or to the student's parent or legal guardian the identity of the educator who made the initial report.

§ 53A-11-908. Extracurricular activities — Prohibited conduct — Reporting of violations — Limitation of liability.

- (1) The Legislature recognizes that:
 - (a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways; [...]
- (2) (a) The State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules implementing this section that apply to both students and staff. [...]
- (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.

§ 53A-11-1302. 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 immediately notify:

- (a) the nearest law enforcement agency;
- (b) the principal;
- (c) an administrator of the affected school;
- (d) the superintendent of the affected school district; or
- (e) 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) School officials may refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency. Referrals shall be made by school officials if the complaint alleges the prohibited act occurred elsewhere.

(4) The identity of persons making reports pursuant to this section shall be kept confidential.

REGULATIONS

R277-608-3. Reporting requirements.

A. Each LEA shall incorporate in the LEA plan submitted to the USOE annually, the prohibition of corporal punishment consistent with the law.

B. An LEA policy shall incorporate a prohibition of corporal punishment consistent with the law, appropriate sanctions and appeal procedures for LEA employees disciplined under this rule and the corresponding state statute.

Parental notification

LAWS

§ 53A-11-101.7. Truancy — Notice of truancy — Failure to cooperate with school authorities — Habitual truant citation.

(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 notices of truancy to school-age minors who are at least 12 years old; and
- (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.

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

- (a) may not be issued until the school-age minor has been truant at least five times during the school year;
- (b) may not be issued to a school-age minor who is less than 12 years old;
- (c) may not be issued to a minor exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5;
- (d) shall direct the school-age minor and the parent of the school-age minor to:
 - (i) meet with school authorities to discuss the school-age minor's truancies; and

- (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor; and
- (e) shall be mailed to, or served on, the school-age minor's parent.

§ 53A-11-105. Taking custody of a person believed to be a truant minor — Disposition — Receiving centers — Reports — Immunity from liability.

- (1) 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 school-age 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 local charter board to receive and return the minor to school; or
 - (c) a receiving center established under Subsection (5).
- (3) If the minor refuses to return to school or go to the receiving 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 cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.
- (5) (a) A local school board or local charter board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. 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) If the parents 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 insure 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. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken [...]

§ 53A-11-903. 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.
 - (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 governing board of a charter school.
 - (2) (a) Each local school board or governing board of a charter school 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.

§ 53A-11-910. Disruptive student behavior.

- (1) As used in this section:
 - (a) "Disruptive student behavior" includes:
 - (i) the grounds for suspension or expulsion described in Section 53A-11-904; and
 - (ii) the conduct described in Subsection 53A-11-908(2)(b)[...]
- (4) (a) A local school board or governing board of a charter school shall:
 - (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
 - (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
- (b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
- (c) A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.
- (5) The notice of disruptive student behavior described in Subsection (4)(a):
 - (a) shall be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or
 - (ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;
 - (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 governing board of a charter school in correcting the school-age minor's disruptive student behavior;
 - (c) shall contain a statement indicating:
 - (i) the number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation; and
 - (ii) that the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and
 - (d) shall be mailed by certified mail to, or served on, a parent of the qualifying minor[...]
- (7) (a) A qualifying minor to whom a habitual disruptive student behavior citation is issued under Subsection (6) shall be referred to the juvenile court for violation of Subsection (3).
 - (b) Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (4)(c) [...]

§ 53A-11a-203. Parental notification of certain incidents and threats required.

- (1) For purposes of this section, "parent" includes a student's guardian.
- (2) 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, harassment, hazing, or retaliation, of the incident involving each parent's student.
- (3) (a) If a school notifies a parent of an incident or threat required to be reported under Subsection (2), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.
 - (b) A school may not:
 - (i) disclose a record described in Subsection (3)(a), including any information obtained to prepare the record, to a person other than a person authorized to receive the record described in Subsection (3)(c); or
 - (ii) use a record described in Subsection (3)(a), including any information obtained to prepare the record, for the school's own purposes, including the following purposes:
 - (A) for a report or study;
 - (B) for a statistical analysis; or
 - (C) to conduct research.
 - (c) A school may disclose a record described in Subsection (3)(a), including any information obtained to prepare the record:
 - (i) to the parent or the parent's student; or
 - (ii) to a person if required to disclose the record or information to a person pursuant to the terms of a court order as described in Subsection 63G-2-202(7).
- (4) A school board shall adopt a policy regarding the process for:
 - (a) notifying a parent as required in Subsection (2); and
 - (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (3).
- (5) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (2).

§ 53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

- (1) On or before September 1, 2013, each school board shall update the school board's bullying, cyber-bullying, harassment, hazing, and retaliation policy consistent with this chapter.
- (3) The policy shall include the following components:
 - (e) as required in Section 53A-11a-203, parental notification of:
 - (i) a student's threat to commit suicide; and
 - (ii) an incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's student.

REGULATIONS

R277-483-5. Parental notification.

If a school is designated by the Board as persistently dangerous, parents of all students attending the school shall be notified by the local board of available transfer schools in a reasonable manner by no later than August 15 of the school year of designation.

R277-483-7. Student victims of school safety offenses.

- A. Students who are victims of a violent criminal offense, as defined in R277-483-1J, and their parent(s)/guardian(s), shall receive notice of available non-dangerous schools in the district as soon as reasonably possible after the school's or district's official notification of the incident by law enforcement.
- B. The local board shall make available a school within 15 days of parental notification or arrange for homebound/hospitalized services, under R277-419, within 15 days of parental notification. The transfer shall not result in loss of credit or reduction in grade of the victimized student as long as the parent and student cooperate fully in the transfer process.

R277-607-4. LEA responsibilities.

- A. LEAs shall:
 - (1) establish definitions not provided in law or this rule necessary to implement a compulsory attendance policy;
 - (2) include definitions of approved school activity under Section 53A-11-101(9)(c) and excused absence to be provided locally under Section 53A-11-101(9)(e);
 - (3) include criteria and procedures for preapproval of extended absences consistent with Section 53A-11-101.3; and
 - (4) establish programs and meaningful incentives which promote regular, punctual student attendance.
- B. LEAs shall include in their policies provisions for:
 - (1) notice to parents of the policy;
 - (2) notice to parents as discipline or consequences progress; and
 - (3) the opportunity to appeal disciplinary measures.
- C. LEAs shall establish and publish procedures for use by school-age minors or their parents to contest notices of truancy.

R277-609-5. Parent/Guardian notification and court referral.

- A. Through school administrative and juvenile court referral consequences, LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.
- B. Policies shall provide for notice to parents and information about resources available to assist parents in resolving school-age minors' disruptive behavior.
- C. Policies shall provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:
 - (1) numbers of disruptions and timelines in accordance with Section 53A-11-910;
 - (2) school resources available; and
 - (3) cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

D. Policies shall provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.

R277-613-2. Authority and purpose.

B. The purpose of the rule is to require LEAs to implement bullying, cyber-bullying, hazing and harassment policies district and school wide; to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, cyber-bullying, hazing, harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

R277-613-4. LEA responsibility to create bullying policies.

A. Each LEA shall implement an updated policy prohibiting bullying, cyber-bullying, hazing, harassment and retaliation, and making a false report, consistent with Section 53A-11a-301.

C. The policy shall include parental notification of:

- (1) a parent's student's threat to commit suicide; and
- (2) an incident of bullying, cyber-bullying, hazing, harassment or retaliation involving the parent's student.
- (3) This part of the policy shall also include:
 - (a) timely parent notification;
 - (b) designation of the appropriate school employee(s) to provide parent notification;
 - (c) designation of the format in which notification shall be provided to parents and maintained by the LEA;
 - (d) directives for secure maintenance of the notification record as required under Section 53A-11a-203(1);
 - (e) a retention period and destruction process for the notification; and
 - (f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule.

Reporting and referrals between schools and law enforcement

LAWS

§ 53A-11-910. Disruptive student behavior.

- (3) (a) It is unlawful for a school-age minor to engage in disruptive student behavior.
 - (b) A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:
 - (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.
- (4) (c) A local school board or governing board of a charter school shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in

disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems before the qualifying minor becomes subject to the jurisdiction of the juvenile court as provided for under this section.

(7) (a) A qualifying minor to whom a habitual disruptive student behavior citation is issued under Subsection (6) shall be referred to the juvenile court for violation of Subsection (3).

(b) Within five days after the day on which a habitual disruptive student behavior citation is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the citation, of the efforts made by a school counselor or representative under Subsection (4)(c).

(8) Nothing in this part prohibits a local school board, school district, governing board of a charter school, or charter school from taking any lawful action not in conflict with the provisions of this section, including action described in this part and action relating to a habitually truant or ungovernable child, to address a disruptive student behavior problem of:

(a) a school-age minor who is not a qualifying minor; or

(b) a qualifying minor, regardless of the number of times that the qualifying minor has engaged in disruptive student behavior during the school year.

§ 53A-11-1001. 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)(b) are governed by this part.

(2) School districts may enter into agreements with law enforcement agencies for notification under Subsection (1).

§ 53A-11-1002. 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.

§ 53A-11-1302. 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 (for definitions see § 53A-11-1301) shall immediately notify:

(a) the nearest law enforcement agency;

(b) the principal;

(c) an administrator of the affected school;

(d) the superintendent of the affected school district; or

(e) 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) School officials may refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency. Referrals shall be made by school officials if the complaint alleges the prohibited act occurred elsewhere.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

76-5-102.3. Assault against school employees.

- (1) Any person who assaults an employee of a public or private school, with knowledge that the individual is an employee, and when the employee is acting within the scope of his authority as an employee, is guilty of a class A misdemeanor.
- (2) As used in this section, "employee" includes a volunteer.

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.

76-8-1402. Disruption of activities in or near school building -- Failure to leave -- Reentry -- Penalties.

- (1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:
- (a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and
 - (b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.
- (2) (a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.
- (b) (i) The first and second violation of Subsection (1) are class B misdemeanors.
 - (ii) A third and any subsequent violations of Subsection (1) are class A misdemeanors.

76-9-106. Disrupting the operation of a school.

- (1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a public or private school.
- (2) For purposes of this section, "school property" includes property being used by a public or private school for a school function.
- (3) Disrupting the operation of a school is a class B misdemeanor.

76-9-107. Unauthorized entry of school bus -- Posting of warning on school buses.

- (1) As used in this section:
- (a) "Driver" means the driver of the school bus.
 - (b) "School bus" means every publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.
- (2) A person is guilty of a class B misdemeanor if the person:
- (a) enters a school bus with the intent to commit a criminal offense;
 - (b) enters a school bus and disrupts or interferes with the driver; or
 - (c) enters a school bus and refuses to leave the bus after being ordered to leave by the driver and the person:
 - (i) is not a peace officer acting within the scope of his or her authority as a peace officer;
 - (ii) is not authorized by the school district to board the bus as a student or as an individual employed by the school district or volunteering as a participant in a school activity;

- (iii) causes or attempts to cause a disruption or an annoyance to any passenger on the bus; or
 - (iv) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.
- (3) Each school district shall ensure that clearly legible signs be placed on each school bus, next to each entrance to the bus, warning that unauthorized entry of a school bus is a violation of state law.

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

- (1) As used in this section, "on or about school premises" means:
 - (a) (i) in a public or private elementary or secondary school; or
 - (ii) on the grounds of any of those schools;
 - (b) (i) in a public or private institution of higher education; or
 - (ii) on the grounds of a public or private institution of higher education; and
 - (iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
 - (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
- (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.
- (3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
 - (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.
- (4) This section does not apply if:
 - (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;
 - (b) the possession is approved by the responsible school administrator;
 - (c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
 - (d) the possession is:
 - (i) at the person's place of residence or on the person's property; or
 - (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.
- (5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.

76-10-1235. Accessing pornographic or indecent material on school property.

- (1) As used in this section:
 - (a) "Pornographic or indecent material" means any material:
 - (i) defined as harmful to minors in Section 76-10-1201;
 - (ii) described as pornographic in Section 76-10-1203; or
 - (iii) described in Section 76-10-1227.

- (b) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.
- (2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:
- (a) distributing pornographic material as specified in Section 76-10-1204;
 - (b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
 - (c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
 - (d) indecent public displays as specified in Section 76-10-1228.
- (3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:
- (a) investigation of a violation of this section; or
 - (b) enforcement of this section.
- (4) Each separate offense under this section is:
- (a) a class A misdemeanor if the person is 18 years of age or older; and
 - (b) a class B misdemeanor if the person is under 18 years of age.
- (5) This section does not prohibit disciplinary action for actions that violate this section.

REGULATIONS

R277-714-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Section 53A-11-1003 which directs the Board to adopt rules governing the dissemination of information about juvenile offenders in the public schools.
- B. The purpose of this rule is to provide procedures for LEAs to follow in notifying school personnel of offenders in their schools and for protecting the confidentiality of the information.

R277-714-3. Dissemination of information.

- A. The dissemination of any information about students among agencies and LEAs shall be consistent with FERPA and GRAMA, including applicable time periods and protection of confidential information.
- B. Each LEA shall establish by written policy which staff members have authority to receive confidential information about students, depending upon the offense and the circumstances. This policy shall be approved by the LEA and available to parents and students upon request.
- C. A dispute regarding the dissemination of information shall be decided in favor of a student's rights to privacy, except in the event of apparent imminent danger to persons or property.

Disclosure of school records

LAWS

§ 53A-11-1003. Board to set procedures.

The State Board of Education shall make rules governing the dissemination of the information.

§ 53A-11-1004. Liability for release of information.

- (1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.
- (2) A person receiving information under Subsection 78A-6-112(3)(b), 78A-6-117(1)(b), or Section 53A-11-1002 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

REGULATIONS

R277-714-3. Dissemination of information.

- A. The dissemination of any information about students among agencies and LEAs shall be consistent with FERPA and GRAMA, including applicable time periods and protection of confidential information.
- B. Each LEA shall establish by written policy which staff members have authority to receive confidential information about students, depending upon the offense and the circumstances. This policy shall be approved by the LEA and available to parents and students upon request.
- C. A dispute regarding the dissemination of information shall be decided in favor of a student's rights to privacy, except in the event of apparent imminent danger to persons or property.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

§ 53A-11-904. Grounds for suspension or expulsion from a public school.

- (5) Each local school board and governing board of a charter school shall prepare an annual report for the State Board of Education 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

R277-483-1. Definitions.

- A. "Adequate yearly progress" means a specific level of student achievement has been met by an individual school consistent with the requirements of the federal No Child Left Behind (NCLB) Act.
- B. "Board" means the Utah State Board of Education.
- C. "Charged" means the accusation of a crime by a formal complaint, information, or indictment.
- D. "Days" for purposes of this rule mean school days, unless otherwise specified.
- E. "Expelled" for purposes of this rule means a denial of school services at the student's school of residence for at least 60 consecutive school days. Expulsion differs from suspension in that a suspension is a less drastic method of discipline and generally continues for a shorter period than expulsion. A student shall be expelled by the local school board consistent with Section 53A-11-903.
- F. "Federal gun-free schools violation" means any violation involving a firearm as defined under U.S.C., Title 18, Section 921.

G. "Homebound/hospitalized services" means services provided by a school district to a student that include the following:

- (1) a minimum of two instructional contact hours per week;
- (2) documentation of that contact;
- (3) justification of the services which may include specific injuries, surgery, illness, other disabilities, pregnancy, or a district determination that a student should receive home instruction and supervision for a designated period of time. The expected period of absence must be estimated.

H. "Parent" for purposes of this rule, means the custodial parent, court-appointed legal guardian, or district-appointed guardian.

I. "Persistently dangerous school" means a public K-12 school with any combination of grades and that meets the following criteria: The school has at least three percent of the student body, as determined by the October 1 count, that has been expelled, as defined by this rule, in each of three consecutive school years for:

- (1) violent criminal offenses, as defined in this rule, that occurred on school property or at school sponsored activities; or
- (2) federal gun free school violations.

J. "USOE" means the Utah State Office of Education.

K. "Victim" for purposes of this rule means the student who is the object of a violent criminal offense that occurs on the property of the school the student attends.

L. "Violent criminal offense" means actual or attempted criminal homicide under Section 76-5-201, rape under Section 76-5-402 through 76-5-402.3, aggravated sexual assault under 76-5-405, forceable sexual abuse under 76-5-404, aggravated sexual abuse of a child under 76-5-404.1, aggravated assault under 76-5-103 and robbery under 76-6-301. The offense shall be reported to law enforcement and charged as indicated to qualify for purposes of this rule. The list of violent criminal offenses identified in this definition shall be maintained by the USOE and be readily available to the U.S. Department of Education.

R277-483-2. Authority and purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Title IX, Part E, Subpart 2, Section 9532, Unsafe School Choice Options, which requires a state receiving funds under this Act to establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary or secondary school, or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the school district, including a public charter school.

B. The purpose of this rule is to comply with federal law and to provide for student transfers, consistent with state law and local board policies, if students are residents of schools designated as persistently dangerous or victims of violent criminal offenses identified in R277-483-1L.

R277-483-3. Persistently dangerous school data collection.

A. The USOE shall provide consistent definitions and forms for collection of data necessary to make designations under this rule.

B. The USOE shall use data to count violent criminal offenses, identified in R277-483-1L, collected annually in the Safe Schools Incident Report, received by the USOE by June 15 annually, and required by the Elementary and Secondary Education Act, Section 4122.

R277-483-4. Identification of persistently dangerous schools.

- A. A school that reports data showing three percent or more of its studentbody has been expelled for violent criminal offenses, as defined under R277-483-1H and federal gun-free schools violations, as defined under R277-483- 1E, shall be required to provide data to the USOE for the previous two school years documenting the number and type of student expulsions. If the documentation shows that more than three percent of the school's studentbody for both years in question was expelled for offenses designated in R277-483-1E or R277-483-1H or both, the school shall be designated a persistently dangerous school for the upcoming school year under this rule.
- B. Following review of data collected under R277-483-3 and application of the criteria of this rule, the USOE shall recommend to the Board a list of persistently dangerous schools no later than July 1 of each school year.
- C. The Board shall review the list of recommended persistently dangerous schools. The board shall designate persistently dangerous schools at a regular open Board meeting in July or August of each year.
- D. A school, working with the local board, shall be removed by the Board from the list on an annual basis if:
- (1) the school provides evidence and information to the Board's satisfaction that proves that the school no longer meets the qualifying criteria of this rule and
 - (2) the school presents evidence to the Board of regular and consistent training of students, staff, and community about school safety, harassment, bullying, and problem solving.

R277-483-8. Corrective action.

- A. The Board may assist local boards to develop corrective action plans for schools designated as persistently dangerous.
- B. Corrective action plans shall include such training as improving communication among schools, parents, local law enforcement; training about harassment and bullying for both school personnel and students; activities that address and increase student social competency; improved student supervision; and consistent enforcement of school discipline plans.
- C. Local boards shall provide annual assurance to the Board that corrective action plans have been implemented in all designated persistently dangerous schools.

R277-483-9. Complaint and appeal procedure.

- A. A designated standing committee of the Board shall be the appeals committee for schools designated as persistently dangerous.
- (1) The designated standing committee of the Board shall establish procedures for the appeal process.
 - (2) Annually, the USOE shall notify local boards of proposed designation of persistently dangerous schools prior to presenting the list to the Board.
 - (3) The designated standing committee of the Board shall provide an opportunity to the local board to appeal the proposed designation. The Board shall receive the designated standing committee's designations prior to a final decision by the Board. Local boards may only appeal based on evidence of incomplete or inaccurate data.
- B. Parent appeal process of decisions made by local boards under this rule:
- (1) A local board shall develop a procedure or use an existing appeals procedure to address appeals of decisions made under this rule.

(2) A parent shall attempt to resolve a complaint involving the application of this rule at the school level, where the parent shall receive, upon request, a copy of this rule and the local board's policy for handling parental complaints.

(3) If a parent is not satisfied, the parent shall attempt to resolve the complaint with the local board or its designee.

R277-483-10. Miscellaneous provisions.

A. The Board shall maintain a record of the data collected and used to identify persistently dangerous schools and other appropriate records in order to demonstrate compliance with the law.

B. School districts have no responsibility for transportation of students under this rule.

R277-607-3. General provisions.

A. Each LEA board shall develop a truancy policy that encourages regular, punctual attendance of students, consistent with this rule and 53A-11-101 through 53A-11-105, and shall review the policy annually.

B. LEA boards shall annually review attendance data and consider revisions to policies to encourage student attendance.

C. LEAs shall make truancy policies available for review by parents or interested parties.

D. LEAs may issue habitual truant citations to students consistent with Section 53A-11-101.7.

R277-613-4. LEA responsibility to create bullying policies.

D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

§ 53A-11-101.5. 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 issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year [...]

§ 53A-11-101.7. Truancy — Notice of truancy — Failure to cooperate with school authorities — Habitual truant citation.

(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 notices of truancy to school-age minors who are at least 12 years old; and
- (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.

(7) A notice of truancy or a habitual truant citation may only be issued by:

- (a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;
- (b) a designee of a school administrator described in Subsection (7)(a); or
- (c) a law enforcement officer acting as a school resource officer.

§ 53A-11-105. Taking custody of a person believed to be a truant minor — Disposition — Receiving centers — Reports — Immunity from liability.

(1) 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 school-age 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 local charter board to receive and return the minor to school; or
- (c) a receiving center established under Subsection (5). [...]

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

§ 53A-11-104. Truancy specialists.

A local school board or local charter 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 board.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

§ 53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

(1) On or before September 1, 2013, each school board shall update the school board's bullying, cyber-bullying, harassment, hazing, and retaliation policy consistent with this chapter.

(2) The 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) The policy shall include the following components:

(a) definitions of bullying, cyber-bullying, harassment, and hazing that are consistent with this chapter;

(b) language prohibiting bullying, cyber-bullying, harassment, and hazing;

(c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this chapter;

(d) language prohibiting making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation; and

(e) as required in Section 53A-11a-203, parental notification of:

(i) a student's threat to commit suicide; and

(ii) an incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's student.

(4) A copy of the policy shall be included in student conduct handbooks and employee handbooks.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, harassment, hazing, or retaliation.

(6) Nothing in this chapter is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

§ 53A-11a-302. Model policy and State Board of Education duties.

On or before September 1, 2013, the State Board of Education shall:

(1) update the State Board of Education's model policy on bullying, cyber-bullying, harassment, hazing, and retaliation; and

(2) post the model policy described in Subsection (1) on the State Board of Education's website.

§ 53A-15-603. Gang prevention and intervention policies.

- (1) (a) The State Board of Education shall 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.
- (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 or guardian 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 and guardians 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 (1)(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 governing board of a charter school to publicize the policies enacted by the local school board or governing board of a charter school in accordance with the rules described in Subsection (1) to all students, parents, guardians, and

faculty through school websites, handbooks, letters to parents and guardians, or other reasonable means of communication.

(4) The State Board of Education 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).

REGULATIONS

R277-609-6. USOE model policies.

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

Funding appropriations

LAWS

53A-15-1301. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.

(6) (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.

(b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser amount per school if the legislative appropriation is not sufficient to provide at least \$500 per school.

(c) (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.

(ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

REGULATIONS

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

A. Awards shall be made to individual schools and funds allocated to charter schools or to school districts to distribute to designated schools.

B. School districts may submit a single district-wide proposal for one or more schools within the district. The proposal shall:

(1) provide for distribution of funds to individual schools; and

(2) provide explanations of prevention and intervention activities and strategies planned for individual schools.

C. Charter schools may submit independent or joint proposals.

D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:

(1) administrative oversight;

(2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and

(3) professional and technical services.

- E. Proposals/applications shall be provided by the USOE.
- F. Awards per school shall be based on funds available.
- G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.
- H. Proposals receiving funding shall be notified by July 1.
- I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated proposal form provided by the USOE.
- J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:
 - (1) an amount not to exceed 2.5 percent for:
 - (a) site visits; and
 - (b) professional development, as determined and guided by the USOE.
 - (2) an amount not to exceed 2.5 percent for:
 - (a) administrative oversight; and
 - (b) statewide coordination training.

R277-460-2. Authority and purpose.

- A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-13-102 which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by Section 51-9-405 which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:
 - (1) substance abuse prevention and education;
 - (2) substance abuse prevention training for teachers and administrators; and
 - (3) school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.
- B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account.

R277-460-3. Fund allocations.

- A. The USOE shall retain sufficient funds to pay for the salary, benefits and indirect costs of a .5 FTE Program Administrator at a salary level to be determined by the Board.
- B. The remaining funds shall be allocated as follows:
 - (1) An amount not to exceed fifteen percent shall remain at the USOE to purchase educational materials to support and supplement existing Utah's Substance Abuse Prevention Program, Prevention Dimensions.
 - (2) An amount not to exceed fifteen percent shall remain at the USOE to encourage and support statewide substance abuse prevention training for school district/charter school teachers and administrators.
 - (3) An amount not to exceed fifteen percent shall remain at the USOE to promote Utah's Substance Abuse Prevention Program and encourage its classroom use by Utah educators.
 - (4) A minimum of fifty-five percent shall be distributed to school districts, charter schools or consortia for use by the school district, individual schools, charter schools or consortia in a cooperative substance abuse prevention effort based on application.

R277-460-4. Applications.

- A. Applications shall be provided by the USOE.
- B. School districts, charter schools or consortia shall submit applications to the specialist designated by the USOE.
- C. The USOE specialist shall make funding recommendations to the USOE Finance Committee as soon as reasonably possible after the application deadline.
- D. Awards per school districts, charter schools or consortia shall be based on funds available and specific funding amounts shall be provided in the USOE application.
- E. Only applications for funding that propose projects or programs consistent with the Utah Substance Abuse Prevention Guiding Principles shall be considered for funding.
 - (1) Applications shall address the following:
 - (a) the applicant's intention to collaborate with the local substance abuse authority and community groups within the school district, including shared plans and strategies for activities and intervention;
 - (b) the applicant's plan for professional development and teachers' use of Prevention Dimensions materials within their classrooms;
 - (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 Prevention Dimensions with additional substance abuse activities and strategies; and
 - (f) applicant's implementation of Prevention Dimensions with school-based behavioral/health or coordinated school health initiatives.
- F. Projects receiving funding shall be notified of funding approval by the USOE Finance Committee.

R277-460-5. Limitations on funds.

- A. Funds shall be used by the USOE, school districts, charter schools and consortia exclusively for purposes set forth in Section 51-9-405.
- B. Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the USOE.
- C. Funds received by school districts, charter schools or consortia shall not be used to supplant either currently available school district or charter school funds or funds available from other state or local sources.

R277-460-6. Evaluation and reports.

- A. An applicant that accepts a USOE Substance Abuse Prevention award shall provide the USOE with a year-end evaluation report before July 1 of the fiscal year in which the award was made.
- B. The year-end report shall include:
 - (1) an expenditure report;
 - (2) a narrative description of activities funded; and
 - (3) copies of all products and materials developed with USOE Substance Abuse Prevention funds.
- C. The USOE may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.

R277-460-7. Waivers.

The Superintendent may grant a written request for a waiver of a requirement or deadline which a school district, charter school or consortia finds unduly restrictive.

R277-613-3. Utah State Board of Education responsibilities.

- A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, including cyber-bullying, and hazing.
- B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of a LEA to comply with this rule.

Other or Uncategorized

Professional immunity or liability

LAWS

§ 53A-11-103. Duties of a school board, local charter board, or school district in resolving attendance problems — Parental involvement — Liability not imposed.

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

(b) A minor exempt from school attendance under Section 53A-11-102 or 53A-11-102.5 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(4) This section shall not impose any civil liability on boards of education, local school boards, local charter boards, school districts, or their employees [...]

53A-11-401. Definitions.

For purposes of Sections 53A-11-402 through 53A-11-404:

(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 53A-3-501, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

53A-11-402. 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.

53A-11-403. 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 53A-11-401 through 53A-11-404.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53A-11-402, shall immediately report the violation to the student's parent or legal guardian, and may report the violation to an appropriate law enforcement agency or official.

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

§ 53A-11-404. Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53A-11-402 and 53A-11-403 is immune from any liability, civil or criminal, that might otherwise result from that action.

§ 53A-11-803. 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.

§ 53A-11-804. 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 76-2-401 and 53A-11-805.

§ 53A-11-1004. Liability for release of information.

- (1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.
- (2) A person receiving information under Subsection 78A-6-112(3)(b), 78A-6-117(1)(b), or Section 53A-11-1002 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

§ 53A-11-1101. 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.

§ 53A-11-1303. 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 this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

§ 53A-11-1503. School Safety Tip Line established.

A School Safety Tip Line is established to provide a means for a public school student, parent, school employee, or citizen to make anonymous reports concerning unsafe, violent, or criminal activities, or the threat of such activities.

§ 53A-11-1504. School Safety Tip Line Commission established -- Members.

(1) There is created the School Safety Tip Line Commission, within the Office of the Attorney General, composed of the following members:

- (a) one member who represents the Office of the Attorney General, appointed by the attorney general;
- (b) two members who represent the Utah Public Education System, appointed by the State Board of Education;
- (c) one member who represents the Utah Department of Health, appointed by the executive director of the Department of Health;
- (d) two members of the House of Representatives, appointed by the speaker of the House of Representatives; and
- (e) two members of the Senate, appointed by the president of the Senate.

(2)(a) The attorney general's designee shall serve as chair of the commission.

(b) The chair shall set the agenda for commission meetings.

(3) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.

(4) Formal action by the commission requires a majority vote of a quorum.

(5)(a) Except as provided in Subsection (5)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(6) The Office of the Attorney General shall provide staff support to the commission.

§ 53A-11-1505. School Safety Tip Line Commission duties -- Reporting requirements.

(1)(a) The commission shall:

- (i) designate a School Safety Tip Line provider network after consideration of the ability of the proposed provider network's ability to:
 - (A) provide the services described in Section 53A-11-1503 24 hours a day, seven days a week; and
 - (B) employ, as operators, social workers licensed by the Division of Occupational and Professional Licensing under Section 58-60-204;
- (ii) estimate the cost of operating a School Safety Tip Line including the extent to which operations will be funded through private donations and grants; and
- (iii) designate a phone number for the School Safety Tip Line.

(b) The commission may conduct other business related to establishing a School Safety Tip Line.

(2) The commission shall report to the Education Interim Committee and the Executive Appropriations Committee before November 30, 2014, regarding:

- (a) how the commission fulfilled its duties during the year; and
- (b) recommendations for future legislation related to a School Safety Tip Line.

§ 53A-11a-301. Bullying, cyber-bullying, harassment, hazing, and retaliation policy.

- (1) On or before September 1, 2013, each school board shall update the school board's bullying, cyber-bullying, harassment, hazing, and retaliation policy consistent with this chapter.
- (2) The 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.

53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.

- (2) At the request of the board, the Division of Substance Abuse and Mental Health shall cooperate with the board in developing programs to provide this instruction.
- (3) The board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

53A-13-106. Instruction in firearm safety -- Purpose -- School districts to implement volunteer education classes -- Parental consent exception.

- (8) The school districts may permit the Division of Wildlife Resources, local law enforcement agencies, peace officers as defined in Title 53, Chapter 13, Peace Officer Classifications, certified instructors, certified hunter education instructors, and other certified firearms safety instructors, as provided by rules adopted under Subsection (5)(a) to teach the firearm safety education class on a voluntary basis.

§ 53A-15-603. Gang prevention and intervention policies.

- (2) The rules described in Subsection (1) may include the following provisions:
 - (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;
- (4) The State Board of Education 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).

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

§ 53A-11-1503. School Safety Tip Line established.

A School Safety Tip Line is established to provide a means for a public school student, parent, school employee, or citizen to make anonymous reports concerning unsafe, violent, or criminal activities, or the threat of such activities.

REGULATIONS

No relevant regulations found.

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.

Title	Description	Website address (if applicable)
Website		
USOE Bullying Prevention	Goals, strategies, and resources related to bullying prevention	http://www.schools.utah.gov/prevention/Bullying-Prevention.aspx
Documents		
USOE Model Policy: Bullying, Cyberbullying, Harassment, and Hazing	Model policy for bullying, cyberbullying, harassment, and hazing	http://www.schools.utah.gov/charterschools/Training/Directors-Meetings/2012-Directors-Meetings/October-2012/Law---Policy---USOE-Model-Bullying-Policy.aspx
Model School District or Charter School Search and Seizure Policy	Model policy for search and seizure	http://www.schools.utah.gov/law/Policies-Procedures/SearchSeizure.aspx
XYZ School District Student Discipline Model Policy	Model policy for student discipline	http://www.schools.utah.gov/law/Policies-Procedures/StudentDiscipline.aspx
Student Discipline Plans Model Template	Template for model policy for student discipline	http://www.schools.utah.gov/law/Policies-Procedures/StudentDisciplineTemplate.aspx
Model Student Suspension/Expulsion Policy	Model policy for suspension and expulsion	http://www.schools.utah.gov/law/Policies-Procedures/SuspensionExpulsion.aspx
Electronic Device Model Policy	Permissive and restrictive model policies for electronic device use	http://www.schools.utah.gov/law/Policies-Procedures/ElectronicDevice.aspx
Other Resources		
No relevant resources found		