

School Discipline Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor:

LONG TITLE**General Description:**

This bill establishes minimum safety standards for seclusion rooms in schools and creates a one-time grant program to help a local education agency (LEA) bring existing rooms into compliance.

Highlighted Provisions:

This bill:

- establishes minimum physical standards for seclusion rooms including room size, ceiling height, construction materials, and structural integrity requirements;
- requires proper lighting with fixtures located outside the room and controls that prevent student access;
- mandates adequate ventilation, heating, and cooling systems comparable to other school rooms;
- sets safety requirements including prohibition of dangerous objects, unbreakable windows, and specific door and locking mechanism standards;
- requires audio and video recording equipment that records all activities during seclusion use with one-year retention requirements;
- ensures compliance with state and local fire and building codes;
- applies standards to both existing seclusion rooms and any new school construction that includes seclusion rooms;
- creates a one-time grant program with required matching funds to help an LEA modify existing rooms to meet the new standards;
- prohibits grant funds from being used to construct new seclusion rooms;
- gives the State Board of Education authority to adopt additional rules for safety standards, compliance verification, and grant program administration;
- integrates the new standards into existing policy, documentation, and enforcement requirements; and
- makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-8-301, as repealed and reenacted by Laws of Utah 2025, Chapter 327

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-8-301** is amended to read:

53G-8-301 . Emergency safety interventions -- Appropriate uses -- Penalties.

(1) As used in this section:

- (a) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.
- (b) "Emergency safety intervention" means the use of seclusion or physical restraint when a student presents an immediate danger to self or others.
- (c) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.
- (d) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.
- (e) "School" means a public or private elementary school, secondary school, or preschool.
- (f) "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including:
 - (i) placing a student in a locked room; or
 - (ii) placing a student in a room where the door is blocked by furniture or held closed by staff.
- (g) "Student" means an individual who is:
 - (i) under the age of 19 and receiving educational services; or
 - (ii) under the age of 23 and receiving educational services as an individual with a disability.

(2)(a) A school employee shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in

Subsection (4).

(b) Nothing in this section prohibits a school employee from subsequently using less restrictive interventions to address circumstances described in Subsection (4).

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

(i) establish guidelines and best practices that consider individual student needs

related to emergency safety interventions described in Subsection (10)(b);

(ii) establish intervention reporting requirements;

(iii) create school staff training standards that may be included in an existing training;

(iv) develop parental notification procedures;

(v) implement data collection and review processes;

(vi) establish ~~[investigation]~~ data review protocols;

(vii) establish data collection and reporting requirements for an LEA regarding:

(A) incidents of seclusion;

(B) alternative interventions used;

(C) student demographic information, including sex, gender, age, grade in school, and applicable disability status; and

(D) incident outcomes~~[-]~~ ; and

(viii) establish standards for seclusion rooms as described in Subsection (14).

(b) The state board shall include ~~[the information described in Subsection (3)(a)]~~ data collected under Subsection (3)(a)(vii) in the State Superintendent's Annual Report described in Section 53E-1-203.

(4) A school employee may use reasonable and necessary physical restraint only:

(a) in self defense;

(b) to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

(c) to protect a student or another individual from physical injury;

(d) to remove from a situation a student who is violent; or

(e) to protect property from being damaged, when physical safety is at risk.

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

(b) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports, apply to complaints on corporal punishment.

(c) Evidence of corporal punishment that would qualify as reasonable discipline under

- 99 Section 76-2-401 is insufficient to establish liability in a civil or criminal action.
- 100 (d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds
101 reasonable discipline under Section 76-2-401 may be used by a court to establish
102 civil or criminal liability.
- 103 (6) School authorities shall take prompt and appropriate action, including in-service
104 training and other administrative action, upon confirming a violation of this section with
105 respect to corporal punishment violations.
- 106 (7) The Division of Child and Family Services shall maintain all violation reports made in
107 accordance with this section under the confidentiality requirements of Section 80-2-1005.
- 108 (8) A school or individual who makes a good faith report or cooperates in an investigation
109 shall receive immunity from civil or criminal liability.
- 110 (9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration may
111 take appropriate action against any employing entity if the court finds that the
112 employing entity has not taken reasonable steps to enforce the provisions of this part.
- 113 (10) A school:
- 114 (a) may not:
- 115 (i) enforce any rule, policy, or directive that permits acts prohibited by this section;
- 116 (ii) sanction an employee who refuses to commit a prohibited act; or
- 117 (iii) except as provided in Subsection (10)(b), use seclusion:
- 118 (A) as ~~a~~ a behavior intervention or disciplinary practice;
- 119 (B) for coercion, retaliation, or humiliation; or
- 120 (C) due to inadequate staffing or for the staff member's convenience;
- 121 (b) for a student in grade 1 or higher, may use seclusion as an emergency safety
122 intervention only when:
- 123 (i) the LEA has developed and implemented written policies and procedures that:
- 124 (A) describe the circumstances under which a staff member may use seclusion,
125 including compliance with Subsection (14);
- 126 (B) describe which staff members are authorized to use seclusion;
- 127 (C) describe procedures for monitoring a student that is in seclusion;
- 128 (D) describe time limitations on the use of seclusion;
- 129 (E) require immediate and continuous review of the decision to use seclusion;
- 130 (F) require documenting the use of seclusion;
- 131 (G) describe record keeping requirements for records related to the use of
132 seclusion; and

- (H) require debriefing of all witnesses, involved staff members, the student who was secluded, and the parent of the student who was secluded;
- (ii) a student poses an immediate and significant threat to the student or others;
- (iii) less restrictive interventions have failed;
- (iv) a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion; and
- (v) the use is time-limited to a maximum time of 30 minutes and monitored;
- (c) if seclusion was used, shall document the reason for its use, duration, and any alternative strategies attempted, and whether the room complied with Subsection (14); and
- (d) shall notify parents immediately, and not to exceed 15 minutes after the use, of any emergency safety intervention used on the parent's child, including seclusion or physical restraint.
- (11) An LEA shall collect and report data to the state board annually regarding:
- (a) an incident; and
- (b) for each incident, the:
- (i) duration of an emergency safety intervention used to respond to the incident;
- (ii) stated purpose for any emergency safety intervention used;
- (iii) alternative [interventions] de-escalation strategies attempted;
- (iv) student demographic information, including sex, gender, age, grade in school, and applicable disability status; and
- (v) relevant training offered to staff and if the staff involved received the relevant training without revealing the identity of the staff member.
- (12) This section does not apply to:
- (a) a law enforcement officer as defined in Section 53-13-103;
- (b) a parochial or private school that:
- (i) does not receive state funds;
- (ii) adopts a policy of exemption from this section; and
- (iii) notifies the parents of students in the school of the exemption; or
- (c) behavior support intervention which is in compliance with:
- (i) Section 76-2-401; and
- (ii) state and local rules adopted under Section 53E-7-204.
- ~~[(13) Any violations of this section, including violations of any standards for seclusion or physical restraint established by the state board pursuant to this section, shall:]~~

167 ~~[(a) constitute an act of unlawful detention and is subject to the penalty described in~~
168 ~~Section 76-5-304; and]~~

169 ~~[(b) result in a referral to:]~~

170 ~~[(i) local law enforcement; and]~~

171 ~~[(ii) the Utah Professional Practices Advisory Commission established in Section~~
172 ~~53E-6-501.]~~

173 (13)(a) A violation of the physical standards for seclusion rooms established in

174 Subsection (14) shall result in:

175 (i) notification to the LEA's local school board or charter school governing board;

176 (ii) development of a corrective action plan; and

177 (iii) if not corrected within a reasonable timeframe established by the state board,
178 referral to the state board for further action.

179 (b) A violation of the use requirements in Subsection (10), including improper use of
180 seclusion or physical restraint, failure to notify parents within the required time
181 frame, or failure to properly document use, shall result in:

182 (i) investigation by the LEA;

183 (ii) appropriate disciplinary action against involved staff; and

184 (iii) corrective measures to prevent future violations.

185 (c) A violation that constitutes unlawful detention, including use of seclusion or physical
186 restraint that does not meet the requirements of Subsection (10)(b) or involves
187 prohibited conduct under Subsection (10)(a), shall:

188 (i) constitute an act of unlawful detention and is subject to the penalty described in
189 Section 76-5-304; and

190 (ii) result in a referral to:

191 (A) local law enforcement; and

192 (B) the Utah Professional Practices Advisory Commission established in Section
193 53E-6-501.

194 (14)(a) If an LEA operates a seclusion room, the seclusion room shall comply with the
195 standards described in this Subsection (14).

196 (b) All new school construction that includes plans for a seclusion room shall have
197 seclusion rooms that comply with this Subsection (14).

198 (c) A seclusion room shall meet the following physical standards:

199 (i) have a minimum interior area of 60 square feet;

200 (ii) have a minimum distance of seven feet between opposing walls;

- (iii) have a ceiling height that is comparable to other rooms in the building in which the seclusion room is located, but in no case less than eight feet;
- (iv) be constructed of materials that cannot be used to harm the occupant or others;
- (v) be free of open electrical outlets and exposed wiring;
- (vi) be designed so that a student cannot climb the walls;
- (vii) have walls that are part of the structural integrity of the building and may not consist of free-standing cells or portable units attached to existing walls or floors, except that manufactured safety units that are permanently anchored and bolted to the building structure and that meet all other requirements of this Subsection (14) are permitted;
- (viii) be free of objects, fixtures, and materials that pose a danger to the occupant;
- (ix) have ceilings, floors, and walls that are free of loose, torn, or potentially hazardous materials; and
- (x) contain no free-standing furniture.
- (d) A seclusion room shall meet the following lighting requirements:
- (i) be properly lighted at all times;
- (ii) have light fixtures and electrical receptacles that are recessed or constructed to prevent the occupant from causing harm to the occupant's self; and
- (iii) have light controls located outside the seclusion room.
- (e) A seclusion room shall meet the following ventilation and climate requirements:
- (i) be properly ventilated;
- (ii) be equipped with heating, cooling, ventilation, and lighting that is comparable to other rooms in the building;
- (iii) have natural or mechanical ventilation in compliance with state law including relevant administrative rules; and
- (iv) be maintained at a temperature that is within the normal comfort range and consistent with the rest of the building.
- (f) A seclusion room shall meet the following safety requirements:
- (i) if the seclusion room has windows, the windows shall be transparent and made of unbreakable or shatterproof glass or plastic;
- (ii) the door shall permit continuous visual and auditory monitoring by staff;
- (iii) the door shall have a vision panel that:
- (A) consists of clear, one-fourth inch thick, unbreakable material;
- (B) is flush with the interior face of the door;

- 235 (C) is positioned to allow staff to continuously observe the student; and
236 (D) is not covered with any material;
237 (iv) the door shall have only a push panel exposed on the interior of the room; and
238 (v) if a locking mechanism is used on the door, the mechanism shall:
239 (A) engage only when a key, handle, knob, or similar device is actively held in
240 position by a person; or
241 (B) be an electrically or electronically controlled mechanism that automatically
242 releases when the building's fire alarm system is triggered.
243 (g) A seclusion room shall be equipped with audio and video recording equipment that:
244 (i) records all activities that occur in the seclusion room during use;
245 (ii) includes audio recording capability;
246 (iii) maintains recordings in accordance with retention requirements established by
247 the state board in rule, which shall balance evidence preservation needs with data
248 storage costs and student privacy protections;
249 (iv) provides immediate access to recordings for administrative review; and
250 (v) complies with applicable student privacy requirements.
251 (h) A seclusion room shall comply with:
252 (i) state and local fire codes;
253 (ii) state school safety building standards;
254 (iii) other applicable building codes; and
255 (iv) relevant administrative rules.
256 (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
257 state board shall make rules regarding:
258 (i) additional safety standards for seclusion rooms;
259 (ii) procedures for verifying LEA compliance with this Subsection (14);
260 (iii) requirements for periodic safety inspections of seclusion rooms; and
261 (iv) transition timelines for existing seclusion rooms to achieve compliance with this
262 Subsection (14).
263 (15)(a) Subject to legislative appropriation, the state board may establish a grant
264 program to assist an LEA in modifying an existing seclusion room to comply with
265 Subsection (14).
266 (b) A grant under Subsection (15)(a):
267 (i) may only be used to modify an existing seclusion room to achieve compliance
268 with Subsection (14);

- 269 (ii) may not be used to construct a new seclusion room;
- 270 (iii) requires the LEA to provide matching funds equal to the grant amount, except
- 271 that the state board may waive or reduce the matching requirement for an LEA
- 272 that demonstrates financial hardship; and
- 273 (iv) is contingent on the LEA's demonstration of compliance with Subsection (10).
- 274 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 275 state board shall make rules to administer the grant program described in Subsection
- 276 (15)(a), including:
- 277 (i) application procedures;
- 278 (ii) application timelines;
- 279 (iii) eligibility criteria;
- 280 (iv) procedures for evaluating applications;
- 281 (v) required documentation;
- 282 (vi) verification procedures for completed modifications;
- 283 (vii) reporting requirements for grant recipients; and
- 284 (viii) procedures for recovery of grant funds if an LEA fails to achieve compliance.
- 285 (d) In awarding grants under this Subsection (15), the state board shall give priority to an
- 286 LEA that:
- 287 (i) demonstrates significant safety deficiencies in an existing seclusion room;
- 288 (ii) commits to implementing alternatives to seclusion; or
- 289 (iii) provides evidence that staff have received training in de-escalation techniques.
- 290 (e) The grant program described in this Subsection (15) terminates on the earlier of:
- 291 (i) the date that all appropriated funds are expended; or
- 292 (ii) June 30, 2029.
- 293 (16)(a) An existing seclusion room that does not comply with the requirements of
- 294 Subsection (14) on the effective date of this section may continue to operate until:
- 295 (i) July 1, 2027, if the LEA has applied for a grant under Subsection (15) or has an
- 296 approved plan for achieving compliance; or
- 297 (ii) July 1, 2028, if the LEA is actively implementing modifications to achieve
- 298 compliance.
- 299 (b) An LEA operating a seclusion room under the transition period in Subsection (16)(a)
- 300 shall:
- 301 (i) ensure the room meets all safety requirements that can be reasonably implemented
- 302 without major construction;

- 303 (ii) report to the state board on progress toward compliance; and
304 (iii) prioritize student safety through enhanced supervision and monitoring
305 procedures.
- 306 (c) This Subsection (16) does not exempt an LEA from compliance with the use
307 requirements in Subsection (10).
- 308 Section 2. **Effective Date.**
- 309 This bill takes effect on July 1, 2026.