

Luz Escamilla proposes the following substitute bill:

School Discipline Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Jason E. Thompson

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;
- ensures compliance with federal and state student privacy laws;
- 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:

This bill appropriates \$2,500,000 in operating and capital budgets for fiscal year 2027, all of which is from the various sources as detailed in this bill.

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53G-8-301, as repealed and reenacted by Laws of Utah 2025, Chapter 327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

- 63 disability.
- 64 (2)(a) A school employee shall first use the least restrictive intervention available to the
65 school employee, including a physical escort, to address circumstances described in
66 Subsection (4).
- 67 (b) Nothing in this section prohibits a school employee from subsequently using less
68 restrictive interventions to address circumstances described in Subsection (4).
- 69 (3)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
70 the state board shall make rules to:
- 71 (i) establish guidelines and best practices that consider individual student needs
72 related to emergency safety interventions described in Subsection (10)(b);
73 (ii) establish intervention reporting requirements;
74 (iii) create school staff training standards that may be included in an existing training;
75 (iv) develop parental notification procedures;
76 (v) implement data collection and review processes;
77 (vi) establish ~~[investigation]~~ data review protocols;
78 (vii) establish data collection and reporting requirements for an LEA regarding:
79 (A) incidents of seclusion;
80 (B) alternative interventions used;
81 (C) student demographic information, including sex, gender, age, grade in school,
82 and applicable disability status; and
83 (D) incident outcomes~~[-]~~ ; and
84 (viii) establish standards for seclusion rooms as described in Subsection (14).
- 85 (b) The state board shall include ~~[the information described in Subsection (3)(a)]~~ data
86 collected under Subsection (3)(a)(vii) in the State Superintendent's Annual Report
87 described in Section 53E-1-203.
- 88 (4) A school employee may use reasonable and necessary physical restraint only:
89 (a) in self defense;
90 (b) to obtain possession of a weapon or other dangerous object in the possession or
91 under the control of a student;
92 (c) to protect a student or another individual from physical injury;
93 (d) to remove from a situation a student who is violent; or
94 (e) to protect property from being damaged, when physical safety is at risk.
- 95 (5)(a) A school employee may not inflict or cause the infliction of corporal punishment
96 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 Section 76-2-401 is insufficient to establish liability in a civil or criminal action.
- (d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds reasonable discipline under Section 76-2-401 may be used by a court to establish civil or criminal liability.
- (6) School authorities shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation of this section with respect to corporal punishment violations.
- (7) The Division of Child and Family Services shall maintain all violation reports made in accordance with this section under the confidentiality requirements of Section 80-2-1005.
- (8) A school or individual who makes a good faith report or cooperates in an investigation shall receive immunity from civil or criminal liability.
- (9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration 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.
- (10) A school:
- (a) may not:
- (i) enforce any rule, policy, or directive that permits acts prohibited by this section;
- (ii) sanction an employee who refuses to commit a prohibited act; or
- (iii) except as provided in Subsection (10)(b), use seclusion:
- (A) as ~~a~~ a behavior intervention or disciplinary practice;
- (B) for coercion, retaliation, or humiliation; or
- (C) due to inadequate staffing or for the staff member's convenience;
- (b) for a student in grade 1 or higher, may use seclusion as an emergency safety intervention only when:
- (i) the LEA has developed and implemented written policies and procedures that:
- (A) describe the circumstances under which a staff member may use seclusion, including compliance with Subsection (14);
- (B) describe which staff members are authorized to use seclusion;
- (C) describe procedures for monitoring a student that is in seclusion;
- (D) describe time limitations on the use of seclusion;
- (E) require immediate and continuous review of the decision to use seclusion;

- 131 (F) require documenting the use of seclusion;
- 132 (G) describe record keeping requirements for records related to the use of
- 133 seclusion; and
- 134 (H) require debriefing of all witnesses, involved staff members, the student who
- 135 was secluded, and the parent of the student who was secluded;
- 136 (ii) a student poses an immediate and significant threat to the student or others;
- 137 (iii) less restrictive interventions have failed;
- 138 (iv) a staff member who is familiar to the student is actively supervising the student
- 139 for the duration of the seclusion; and
- 140 (v) the use is time-limited to a maximum time of 30 minutes and monitored;
- 141 (c) if seclusion was used, shall document the reason for its use, duration, and any
- 142 alternative strategies attempted, and whether the room complied with Subsection (14); [
- 143 and]
- 144 (d) shall notify parents immediately, and not to exceed 15 minutes after the use, of any
- 145 emergency safety intervention used on the parent's child, including seclusion or
- 146 physical restraint[-] ; and
- 147 (e) if a parent or guardian cannot be reached after 15 minutes as required in Subsection
- 148 (10)(d), and the 30-minute time limit in Subsection (10)(b)(v) has been reached, may:
- 149 (i) conduct a reassessment of the student's condition;
- 150 (ii) determine whether the student continues to pose an immediate and significant
- 151 threat to the student or others; and
- 152 (iii) if the LEA determines that the threat continues and that less restrictive
- 153 interventions remain ineffective, place the student back in seclusion for an
- 154 additional period not to exceed 30 minutes, after which the process described in
- 155 this Subsection (10)(e) shall be repeated if necessary.
- 156 (11) An LEA shall collect and report data to the state board annually regarding:
- 157 (a) an incident; and
- 158 (b) for each incident, the:
- 159 (i) duration of an emergency safety intervention used to respond to the incident;
- 160 (ii) stated purpose for any emergency safety intervention used;
- 161 (iii) alternative [interventions] de-escalation strategies attempted;
- 162 (iv) student demographic information, including sex, gender, age, grade in school,
- 163 and applicable disability status; and
- 164 (v) relevant training offered to staff and if the staff involved received the relevant

- 165 training without revealing the identity of the staff member.
- 166 (12) This section does not apply to:
- 167 (a) a law enforcement officer as defined in Section 53-13-103;
- 168 (b) a parochial or private school that:
- 169 (i) does not receive state funds;
- 170 (ii) adopts a policy of exemption from this section; and
- 171 (iii) notifies the parents of students in the school of the exemption; or
- 172 (c) behavior support intervention which is in compliance with:
- 173 (i) Section 76-2-401; and
- 174 (ii) state and local rules adopted under Section 53E-7-204.
- 175 ~~[(13) Any violations of this section, including violations of any standards for seclusion or~~
- 176 ~~physical restraint established by the state board pursuant to this section, shall:]~~
- 177 ~~[(a) constitute an act of unlawful detention and is subject to the penalty described in~~
- 178 ~~Section 76-5-304; and]~~
- 179 ~~[(b) result in a referral to:]~~
- 180 ~~[(i) local law enforcement; and]~~
- 181 ~~[(ii) the Utah Professional Practices Advisory Commission established in Section~~
- 182 ~~53E-6-501.]~~
- 183 (13)(a) A violation of the physical standards for seclusion rooms established in
- 184 Subsection (14) shall be addressed as follows:
- 185 (i) by or reported to the LEA, the LEA shall:
- 186 (A) notify the LEA's local school board or charter school governing board;
- 187 (B) develop a corrective action plan; and
- 188 (C) report the violation and corrective action plan to the state board within a
- 189 timeframe established by the state board in rule;
- 190 (ii) if a violation is identified by or reported to the state board, the state board shall
- 191 refer the matter to the LEA for investigation and corrective action under
- 192 Subsection (13)(a)(i); and
- 193 (iii) if the LEA fails to develop a corrective action plan or does not achieve
- 194 compliance within a reasonable timeframe established by the state board, the state
- 195 board shall take further action.
- 196 (b) A violation of the use requirements in Subsection (10), including improper use of
- 197 seclusion or physical restraint, failure to notify parents within the required time
- 198 frame, or failure to properly document use, shall result in:

- (i) investigation by the LEA;
- (ii) appropriate disciplinary action against involved staff; and
- (iii) corrective measures to prevent future violations.
- (c) A violation that constitutes unlawful detention, including use of seclusion or physical restraint that does not meet the requirements of Subsection (10)(b) or involves prohibited conduct under Subsection (10)(a), shall:
- (i) constitute an act of unlawful detention and is subject to the penalty described in Section 76-5-304; and
- (ii) result in a referral to:
- (A) local law enforcement; and
- (B) the Utah Professional Practices Advisory Commission established in Section 53E-6-501.
- (14)(a) If an LEA operates a seclusion room, the seclusion room shall comply with the standards described in this Subsection (14).
- (b) All new school construction that includes plans for a seclusion room shall have seclusion rooms that comply with this Subsection (14).
- (c) A seclusion room shall meet the following physical standards:
- (i) have a minimum interior area of 60 square feet;
- (ii) have a minimum distance of six 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:

- 233 (i) be properly lighted at all times;
- 234 (ii) have light fixtures and electrical receptacles that are recessed or constructed to
- 235 prevent the occupant from causing harm to the occupant's self; and
- 236 (iii) have light controls located outside the seclusion room.
- 237 (e) A seclusion room shall meet the following ventilation and climate requirements:
- 238 (i) be properly ventilated;
- 239 (ii) be equipped with heating, cooling, ventilation, and lighting that is comparable to
- 240 other rooms in the building;
- 241 (iii) have natural or mechanical ventilation in compliance with state law including
- 242 relevant administrative rules; and
- 243 (iv) be maintained at a temperature that is within the normal comfort range and
- 244 consistent with the rest of the building.
- 245 (f) A seclusion room shall meet the following safety requirements:
- 246 (i) if the seclusion room has windows, the windows shall be transparent and made of
- 247 unbreakable or shatterproof glass or plastic;
- 248 (ii) the door shall permit continuous visual and auditory monitoring by staff;
- 249 (iii) the door shall have a vision panel that:
- 250 (A) consists of clear, one-fourth inch thick, unbreakable material;
- 251 (B) is flush with the interior face of the door;
- 252 (C) is positioned to allow staff to continuously observe the student; and
- 253 (D) is not covered with any material;
- 254 (iv) the door shall have only a push panel exposed on the interior of the room; and
- 255 (v) if a locking mechanism is used on the door, the mechanism shall:
- 256 (A) engage only when a key, handle, knob, or similar device is actively held in
- 257 position by a person; or
- 258 (B) be an electrically or electronically controlled mechanism that automatically
- 259 releases when the building's fire alarm system is triggered.
- 260 (g) A seclusion room shall be equipped with audio and video recording equipment that:
- 261 (i) records all activities that occur in the seclusion room during use;
- 262 (ii) includes audio recording capability;
- 263 (iii) maintains recordings in accordance with retention requirements established by
- 264 the state board in rule, which shall balance evidence preservation needs with data
- 265 storage costs and student privacy protections;
- 266 (iv) provides immediate access to recordings for administrative review;

- (v) complies with applicable student privacy requirements, including:
- (A) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
 - (B) the student data privacy requirements in Title 53E, Chapter 9, Student Data Privacy and Collection; and
 - (C) other applicable state and federal privacy laws; and
- (vi) ensures that access to recordings is limited to:
- (A) school administrators conducting investigations;
 - (B) parents or guardians of the student who was secluded;
 - (C) individuals authorized under applicable privacy laws; and
 - (D) law enforcement when required by law or court order.
- (h) A seclusion room shall comply with:
- (i) state and local fire codes;
 - (ii) other applicable building codes; and
 - (iii) relevant administrative rules.
- (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules regarding:
- (i) additional safety standards for seclusion rooms;
 - (ii) procedures for verifying LEA compliance with this Subsection (14);
 - (iii) requirements for periodic safety inspections of seclusion rooms, which shall be conducted by the LEA, including procedures for the state board to take action against an LEA that fails to conduct required inspections or fails to meet the standards of this Subsection (14); and
 - (iv) procedures and interim milestones for existing seclusion rooms to achieve compliance with this Subsection (14) by the deadline established in Subsection (16).
- (15)(a) Subject to legislative appropriation, the state board may establish a grant program to assist an LEA in modifying an existing seclusion room to comply with Subsection (14).
- (b) A grant under Subsection (15)(a):
- (i) may only be used to modify an existing seclusion room to achieve compliance with Subsection (14);
 - (ii) may not be used to construct a new seclusion room;
 - (iii) requires the LEA to provide matching funds equal to the grant amount, except that the state board may waive or reduce the matching requirement for an LEA

- 301 that demonstrates financial hardship; and
- 302 (iv) is contingent on the LEA's demonstration of compliance with Subsection (10).
- 303 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 304 state board shall make rules to administer the grant program described in Subsection
- 305 (15)(a), including:
- 306 (i) application procedures;
- 307 (ii) application timelines;
- 308 (iii) eligibility criteria;
- 309 (iv) procedures for evaluating applications;
- 310 (v) required documentation;
- 311 (vi) verification procedures for completed modifications;
- 312 (vii) reporting requirements for grant recipients; and
- 313 (viii) procedures for recovery of grant funds if an LEA fails to achieve compliance.
- 314 (d) In awarding grants under this Subsection (15), the state board shall give priority to an
- 315 LEA that:
- 316 (i) demonstrates significant safety deficiencies in an existing seclusion room;
- 317 (ii) commits to implementing alternatives to seclusion; or
- 318 (iii) provides evidence that staff have received training in de-escalation techniques.
- 319 (e) The grant program described in this Subsection (15) terminates on the earlier of:
- 320 (i) the date that all appropriated funds are expended; or
- 321 (ii) June 30, 2029.
- 322 (16)(a) An existing seclusion room shall comply with the requirements of Subsection
- 323 (14) by July 1, 2028.
- 324 (b) An LEA that operates or plans to construct a seclusion room shall:
- 325 (i) report to the state board by December 31, 2026:
- 326 (A) the location of each existing seclusion room;
- 327 (B) the current compliance status of each existing seclusion room with the
- 328 requirements of Subsection (14);
- 329 (C) any plans to construct new seclusion rooms; and
- 330 (D) the LEA's plan and timeline for achieving compliance with Subsection (14)
- 331 for each existing and planned seclusion room; and
- 332 (ii) provide updated reports as requested by the state board.
- 333 (c) An LEA operating a seclusion room during the transition period before July 1, 2028,
- 334 shall:

(i) ensure the room meets all safety requirements that can be reasonably implemented without major construction;

(ii) report to the state board on progress toward compliance as required by the state board in rule; and

(iii) prioritize student safety through enhanced supervision and monitoring procedures.

(d) This Subsection (16) does not exempt an LEA from compliance with the use requirements in Subsection (10).

Section 2. **FY 2027 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for fiscal year 2027.

Subsection 2(a). **Operating and Capital Budgets**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To State Board of Education - Contracted Initiatives and Grants

From Public Education Economic Stabilization

Restricted Account, One-time 2,500,000

Schedule of Programs:

Contracts and Grants 2,500,000

Section 3. **Effective Date.**

This bill takes effect on July 1, 2026.