

Selected Utah Statutes RE Bullying

Title 53E, Chapter 3, State Board of Education Organization, Powers, and Duties

Part 4 - - Powers

53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement -- Attorney. . .

(4)(a) **The state board may make rules to execute the state board's duties and responsibilities under the Utah Constitution and state law.**

(b) The state board may delegate the state board's statutory duties and responsibilities to state board employees.

Title 53G, Chapter 9, Health and Welfare

Part 6 -- Bullying and Hazing

53G-9-601. Definitions.

As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

(d) an individual:

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

(ii) who works on a school campus. . .

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

(1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(2) A policy shall:

(a) be developed only with input from:

(i) students;

(ii) parents;

(iii) teachers;

(iv) school administrators;

(v) school staff; or

(vi) local law enforcement agencies; and

(b) provide protection to a student, regardless of the student's legal status.

(3) A policy shall include the following components:

(a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;

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

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

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

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

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

- (b) the LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607; and
- (c) other information related to this part, as determined by the state board.

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

- (1)(a) An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).
- (b) An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.
- (2) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.
- (3) The programs or initiatives described in Subsection (2) may involve:
 - (a) the establishment of a bullying task force; or
 - (b) the involvement of school employees, students, or law enforcement.
- (4) The state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.