

Defining “Bullying”– USBE Rule R277-613

Administrative Rules Review Committee
August 29, 2019



UTAH STATE BOARD OF EDUCATION

Rule R277-613 Background

USBE action:

- November 2016, the Board and staff recommended R277-613 be updated

Legislative action:

- In 2017 SB-161, Bullying and Hazing Amendments passed
 - Significantly amending the definition of “bullying”
 - Required the State Board of Education to update the Board’s R277-613 and update the model policy



USBE Law and Licensing Committee's Bullying Prevention Work Group

Membership -- Board Members, School District and Charter School representatives, and USBE staff

- Met seven times as a group
- Additional meetings, USBE Staff met multiple times with individual Board Members and members of the Work Group
- Made recommendations to the Board for R277-613 amendments



Timeline of State Board and Committee Review of R277-613

Dec 9, 2016 to Jan 4, 2018:

- The Law and Licensing Committee reviewed and discussed R277-613 and related bullying and student discipline policies over six meetings

Feb 1, 2018 to May 3, 2018:

- The full Board reviewed and discussed multiple revisions of R277-613 over three meetings and ultimately approved Revision 9 of R277-613 on May 3, 2018



Board's Statutory Authority for R277-613

Section 53G-9-606

Directs the board to monitor LEA development and implementation of bullying and hazing policies.

Section 53G-9-607

Directs the board to make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, and abusive conduct, and retaliation.

Section 53E-3-501

Directs the Board to establish rules and minimum standards for the public schools governing discipline and control.



Board's Statutory Authority for R277-613

Section 53G-8-209

Requires the Board, when making rules regarding student participation in cocurricular or extracurricular activities, to include **prohibitions against:**

- the use of foul, abusive, or profane language while in the classroom, on school property, or during a school sponsored activity
- hazing, demeaning, or assaultive behavior, whether consensual or not

Section 53E-3-401

Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.



Statutory vs Board rule Definition of Bullying

"**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.

Utah Code Subsection 53G-9-601(2)



Statutory vs **Board Rule** Definition of Bullying

- (a) "**Bullying**" means the same as that term is defined in Subsection 53G-9-601(2).
- (b) "**Bullying**" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
- (c) The conduct described in Subsection 53G-9-601(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.



Background on Language Related to Relational Aggression in R277-613(2)(b)

Subsection (2)(b) further defines the conduct prohibited in Utah Cod and includes examples of “emotional harm” to a student

- Perceptions and misperceptions of relational aggression
- Minimizing the effects of relational aggression
- Inputs from stakeholders to address relational aggression
- New technological advances impact relational aggression

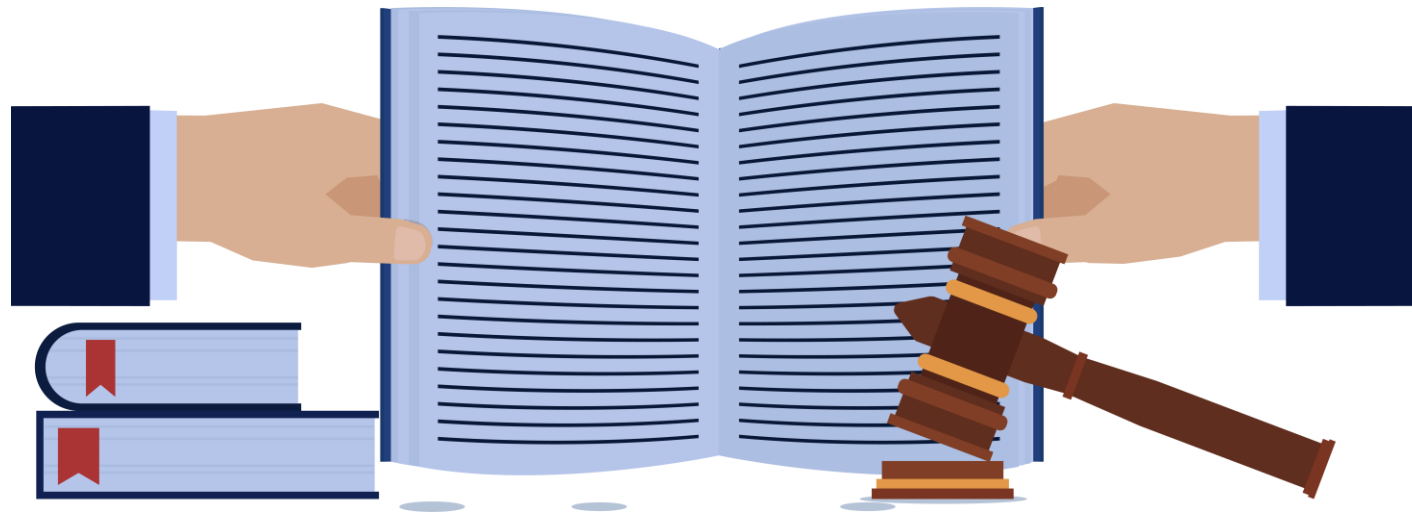
Example

A student repeats humiliating gossip via technology (e.g. web pages, instant messaging, text messages, picture messages) in a negative way to indirectly or directly attack another person



Connecting the Language of the Rule and Statute

Subsection (2)(c) incorporates prohibitions required in Subsection 53G-8-209(2)(b)(iii)



Questions?

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