

**Superseded 5/10/2016**

**63A-4-204 School district participation in Risk Management Fund.**

- (1)
  - (a) For the purpose of this section, action by a public school district shall be taken upon resolution by a majority of the members of the school district's board of education.
  - (b)
    - (i) Upon approval by the state risk manager and the board of education of the school district, a public school district may participate in the Risk Management Fund and may permit a foundation established under Section 53A-4-205 to participate in the Risk Management Fund.
    - (ii) Upon approval by the state risk manager and the State Board of Education, a state public education foundation may participate in the Risk Management Fund.
  - (c) Subject to any cancellation or other applicable coverage provisions, either the state risk manager or the public school district may terminate participation in the fund.
- (2) The state risk manager shall contract for all insurance, legal, loss adjustment, consulting, loss control, safety, and other related services necessary to support the insurance program provided to a participating public school district, except that all supporting legal services are subject to the prior approval of the state attorney general.
- (3)
  - (a) The state risk manager shall treat each participating public school district as a state agency when participating in the Risk Management Fund.
  - (b) Each public school district participating in the fund shall comply with the provisions of this part that affect state agencies.
- (4)
  - (a) By no later than March 31 of each year, the risk manager shall prepare, in writing, the information required by Subsection (4)(b) regarding the coverage against legal liability provided a school district employee of this state:
    - (i) by the Risk Management Fund;
    - (ii) under Title 63G, Chapter 7, Governmental Immunity Act of Utah; and
    - (iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and Employees Act.
  - (b)
    - (i) The information described in Subsection (4)(a) shall include:
      - (A) the eligibility requirements, if any, to receive the coverage;
      - (B) the basic nature of the coverage for a school district employee, including what is not covered; and
      - (C) whether the coverage is primary or in excess of any other coverage the risk manager knows is commonly available to a school district employee in this state.
    - (ii) The information described in Subsection (4)(a) may include:
      - (A) comparisons the risk manager considers beneficial to a school district employee between:
        - (I) the coverage described in Subsection (4)(a); and
        - (II) other coverage the risk manager knows is commonly available to a school district employee in this state; and
      - (B) any other information the risk manager considers appropriate.
  - (c) The risk manager shall provide the information prepared under this Subsection (4) to each school district that participates in the Risk Management Fund.

- (d) A school district that participates in the Risk Management Fund shall provide a copy of the information described in Subsection (4)(c) to each school district employee within the school district:
  - (i) at the time an employee enters into an employment contract and signs a separate acknowledgment of legal liability protection in accordance with Section 53A-3-411; or
  - (ii) if the school district does not provide the information to the employee pursuant to Subsection (4)(d)(i):
    - (A) within 30 days of the day the school district employee is hired by the school district; and
    - (B) by no later than April 15 of each calendar year.