

1 **STUDENT AND FAMILY PRIVACY AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dana L. Layton**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding the protection of student and family privacy.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires a school district or charter school to enact policies that prohibit:

13 • the administration to any student of a survey or assessment question without the
14 prior consent of the student's parent or legal guardian if the purpose of the
15 question is to cause the student to reveal certain information about the student or
16 the student's family; or

17 • the offering of an inducement or incentive to a student if the student's parent or
18 legal guardian provides prior written consent to the student revealing certain
19 information; and

20 ▶ makes technical amendments.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 **H→ [None] This bill coordinates with H.B. 23, Suicide Prevention Revisions, by**
24a **providing technical amendments. ←H**

25 **Utah Code Sections Affected:**

26 AMENDS:

27 53A-13-302, as last amended by Laws of Utah 2013, Chapter 335

27a **H→ Utah Code Sections Affected by Coordination Clause:**

27b **53A-13-302, as last amended by Laws of Utah 2013, Chapter 335 ←H**



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **53A-13-302** is amended to read:31 **53A-13-302. Activities prohibited without prior written consent -- Validity of**
32 **consent -- Qualifications -- Training on implementation.**33 (1) Policies adopted by a school district or charter school under Section 53A-13-301
34 shall include:35 (a) prohibitions on the administration to a student of any psychological or psychiatric
36 examination, test, or treatment, or any survey, analysis, or evaluation without the prior written
37 consent of the student's parent or legal guardian, in which the purpose or evident intended
38 effect is to cause the student to reveal information, whether the information is personally
39 identifiable or not, concerning the student's or any family member's:40 [~~(a)~~] (i) political affiliations or, except as provided under Section 53A-13-101.1 or
41 rules of the State Board of Education, political philosophies;42 [~~(b)~~] (ii) mental or psychological problems;43 [~~(c)~~] (iii) sexual behavior, orientation, or attitudes;44 [~~(d)~~] (iv) illegal, anti-social, self-incriminating, or demeaning behavior;45 [~~(e)~~] (v) critical appraisals of individuals with whom the student or family member has
46 close family relationships;47 [~~(f)~~] (vi) religious affiliations or beliefs;48 [~~(g)~~] (vii) legally recognized privileged and analogous relationships, such as those with
49 lawyers, medical personnel, or ministers; [~~and~~] or50 [~~(h)~~] (viii) income, except as required by law[:];51 (b) ~~Ĥ→~~ [~~prohibitions~~] **a prohibition** ~~←Ĥ~~ on the administration to a student of any survey
51a question or assessment52 question without the prior written consent of the student's parent or legal guardian, in which the
53 purpose or evident intended effect of the question is to cause the student to reveal53a information ~~Ĥ→~~ [f] ,54 whether the information [f] [~~that~~] ~~←Ĥ~~ is personally identifiable ~~Ĥ→~~ [f] or not, [f] ~~←Ĥ~~
54a concerning ~~Ĥ→~~ [:]55 ~~(i) the economic or socioeconomic status of the student's family; or~~56 ~~——~~ ~~(ii)~~ ~~←Ĥ~~ the possession or ownership of a firearm by a member of the student's family; and57 (c) a prohibition on offering an inducement or incentive to a student if the student's
58 parent or legal guardian provides prior written consent for the student to reveal information

90 education, remedial education, or a school activity does not constitute written consent under
91 this section.

92 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3
93 to spontaneously express sentiments or opinions otherwise protected against disclosure under
94 this section.

95 (b) (i) If a school employee or agent believes that a situation exists which presents a
96 serious threat to the well-being of a student, that employee or agent shall notify the student's
97 parent or guardian without delay.

98 (ii) If, however, the matter has been reported to the Division of Child and Family
99 Services within the Department of Human Services, it is the responsibility of the division to
100 notify the student's parent or guardian of any possible investigation, prior to the student's return
101 home from school.

102 (iii) The division may be exempted from the notification requirements described in
103 ~~[this]~~ Subsection (6)(b)(ii) only if it determines that the student would be endangered by
104 notification of his parent or guardian, or if that notification is otherwise prohibited by state or
105 federal law.

106 (7) ~~[Local school boards]~~ A local school board or charter school governing board shall
107 provide inservice training for teachers and administrators within ~~[their respective school~~
108 ~~districts]~~ the school district or charter school on the implementation of this section.

109 (8) The ~~[board]~~ State Board of Education shall provide procedures for disciplinary
110 action for violations of this section.

110a **↔ (9) The prohibition of Subsection (1)(b)(ii) on administering a survey question or**
110b **assessment question to a student, without the prior written consent of the student's parent or**
110c **legal guardian, related to the possession or ownership of a firearm by a member of the**
110d **student's family, does not apply to an inquiry made by a school employee or agent or a school**
110e **resource officer regarding a student's access to a firearm, if the school employee or agent or**
110f **the school resource officer believes the student is at risk of attempting suicide or harming**
110g **others.**

110h **Section 2. Coordinating H.B. 397 with H.B. 23 -- Technical amendments.**
110i **If this H.B. 397 and H.B. 23, Suicide Prevention Revisions, both pass and become law, it is the**
110j **intent of the Legislature that the Office of Legislative Research and General Counsel in**
110k **preparing the Utah Code database for publication, modify Subsection 53A-13-302(8) to read:**
110l **"(8) A local school board or charter school governing board shall provide inservice training**
110m **for teachers and administrators on the implementation of this section."** ↔↔