

SCHOOL SAFETY TIP LINE

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill establishes a School Safety Tip Line.

Highlighted Provisions:

This bill:

▶ provides for the creation of a statewide School Safety Tip Line to provide a means for a public school student, parent, school employee, or citizen to make an anonymous report concerning unsafe, violent, or criminal activities, or the threat of such activities;

▶ designates the abbreviated dialing code "311" for use by the School Safety Tip Line beginning September 1, 2015;

▶ establishes the School Safety Tip Line Governing Board;

▶ requires the State Board of Education to revise certain policies and curricula to include information related to the School Safety Tip Line;

▶ requires a School Safety Tip Line operator to operate 24 hours a day, seven days a week and be staffed by licensed social workers;

▶ requires a local school board or a charter school governing board to revise certain policies to include information related to the School Safety Tip Line; and

▶ provides that a record or report of information received through the School Safety Tip Line is classified as a protected record under the Government Records Access and Management Act;



28 ▶ requires the School Safety Tip Line Governing Board to report an estimation of the
29 cost of operating the School Safety Tip Line to certain Legislative committees; and

30 ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53A-11-901**, as last amended by Laws of Utah 2007, Chapter 161

38 **53A-11-902**, as last amended by Laws of Utah 2010, Chapter 207

39 **53A-15-1302**, as enacted by Laws of Utah 2013, Chapter 139

40 **63G-2-305**, as last amended by Laws of Utah 2013, Chapters 12, 445, and 447

41 ENACTS:

42 **53A-11-1501**, Utah Code Annotated 1953

43 **53A-11-1502**, Utah Code Annotated 1953

44 **53A-11-1503**, Utah Code Annotated 1953

45 **53A-11-1504**, Utah Code Annotated 1953

46 **53A-11-1505**, Utah Code Annotated 1953

47 **53A-11-1506**, Utah Code Annotated 1953

48 **53A-11-1507**, Utah Code Annotated 1953

49 **53A-11-1508**, Utah Code Annotated 1953

50 **53A-11-1509**, Utah Code Annotated 1953

51 **53A-11-1510**, Utah Code Annotated 1953

52 **53A-11-1511**, Utah Code Annotated 1953



54 *Be it enacted by the Legislature of the state of Utah:*

55 Section 1. Section **53A-11-901** is amended to read:

56 **53A-11-901. Public school discipline policies -- Basis of the policies --**

57 **Enforcement.**

58 (1) The Legislature recognizes that every student in the public schools should have the

59 opportunity to learn in an environment which is safe, conducive to the learning process, and
60 free from unnecessary disruption.

61 (2) (a) To foster such an environment, each local school board or governing board of a
62 charter school, with input from school employees, parents and guardians of students, students,
63 and the community at large, shall adopt conduct and discipline policies for the public schools.

64 (b) Each district or charter school shall base its policies on the principle that every
65 student is expected:

66 (i) to follow accepted rules of conduct; and

67 (ii) to show respect for other people and to obey persons in authority at the school.

68 (c) (i) [~~The State Superintendent of Public Instruction shall develop~~] On or before
69 September 1, 2015, the State Board of Education shall revise the conduct and discipline policy
70 models for elementary and secondary public schools to include procedures for responding to
71 reports received through the School Safety Tip Line established in Section 53A-11-1503.

72 (ii) Each district or charter school shall use the models, where appropriate, in
73 developing its conduct and discipline policies under this chapter.

74 (d) The policies shall emphasize that certain behavior, most particularly behavior
75 which disrupts, is unacceptable and may result in disciplinary action.

76 (3) The local superintendent and designated employees of the district or charter school
77 shall enforce the policies so that students demonstrating unacceptable behavior and their
78 parents or guardians understand that such behavior will not be tolerated and will be dealt with
79 in accordance with the district's conduct and discipline policies.

80 Section 2. Section **53A-11-902** is amended to read:

81 **53A-11-902. Conduct and discipline policies and procedures.**

82 The conduct and discipline policies required under Section **53A-11-901** shall include:

83 (1) provisions governing student conduct, safety, and welfare;

84 (2) standards and procedures for dealing with students who cause disruption in the
85 classroom, on school grounds, on school vehicles, or in connection with school-related
86 activities or events;

87 (3) procedures for the development of remedial discipline plans for students who cause
88 a disruption at any of the places referred to in Subsection (2);

89 (4) procedures for the use of reasonable and necessary physical restraint or force in

90 dealing with disruptive students, consistent with Section 53A-11-802;

91 (5) standards and procedures for dealing with student conduct in locations other than
92 those referred to in Subsection (2), if the conduct threatens harm or does harm to:

93 (a) the school;

94 (b) school property;

95 (c) a person associated with the school; or

96 (d) property associated with a person described in Subsection (5)(c);

97 (6) procedures for the imposition of disciplinary sanctions, including suspension and
98 expulsion;

99 (7) specific provisions, consistent with Section 53A-15-603, for preventing and
100 responding to gang-related activities in the school, on school grounds, on school vehicles, or in
101 connection with school-related activities or events; [~~and~~]

102 (8) standards and procedures for dealing with habitual disruptive student behavior in
103 accordance with the provisions of this part[-]; and

104 (9) procedures for responding to reports received through the School Safety Tip Line
105 established in Section 53A-11-1503.

106 Section 3. Section 53A-11-1501 is enacted to read:

107 **Part 15. School Safety**

108 **53A-11-1501. Title.**

109 This part is known as "School Safety."

110 Section 4. Section 53A-11-1502 is enacted to read:

111 **53A-11-1502. Definitions.**

112 As used in this part:

113 (1) "311" means the abbreviated dialing code assigned by the Federal Communications
114 Commission for quickly accessing nonemergency services.

115 (2) "Governing board" means the School Safety Tip Line Governing Board established
116 in Section 53A-11-1504.

117 (3) "Reporting party" means an individual who calls the School Safety Tip Line.

118 (4) "School Safety Tip Line operator" means a public or nonprofit agency or
119 organization designated by the board to provide School Safety Tip Line services.

120 Section 5. Section 53A-11-1503 is enacted to read:

121 **53A-11-1503. School Safety Tip Line established -- 311 designation.**

122 (1) There is established a School Safety Tip Line to provide a means for a public
123 school student, parent, school employee, or citizen to dial 311 to make anonymous reports
124 concerning unsafe, violent, or criminal activities, or the threat of such activities.

125 (2) Beginning September 1, 2015, only an entity approved by the governing board
126 under Subsection 53A-11-1505(1)(a) may provide 311 telephone services in this state.

127 Section 6. Section **53A-11-1504** is enacted to read:

128 **53A-11-1504. School Safety Tip Line Governing Board established -- Members.**

129 (1) There is created the School Safety Tip Line Governing Board, within the Office of
130 the Attorney General, composed of the following members:

131 (a) one member who represents the Office of the Attorney General, appointed by the
132 attorney general;

133 (b) two members who represent the Utah Public Education System, appointed by the
134 State Board of Education;

135 (c) one member who represents parents, appointed by the Utah Parent Teachers
136 Association;

137 (d) one member who has experience operating a call center with a mission similar to
138 the School Safety Tip Line, appointed by the attorney general;

139 (e) two members of the House of Representatives, appointed by the speaker of the
140 House of Representatives; and

141 (f) two members of the Senate, appointed by the president of the Senate.

142 (2) Except as required in Subsection (3), members shall be appointed to four-year
143 terms.

144 (3) Notwithstanding the requirements of Subsection (2), the length of terms of the
145 members shall be staggered so that approximately half of the committee is appointed every two
146 years.

147 (4) (a) The attorney general's designee shall serve as chair of the board.

148 (b) The chair shall set the agenda for board meetings.

149 (5) When a vacancy occurs in the membership of the governing board, the replacement
150 shall be appointed for the unexpired term.

151 (6) Attendance of a simple majority of the members constitutes a quorum for the

152 transaction of official board business.

153 (7) Formal action by the governing board requires a majority vote of a quorum.

154 (8) A member may not receive compensation, benefits, per diem, or travel expenses for
155 the member's service.

156 (9) The Office of the Attorney General shall provide staff support to the governing
157 board.

158 Section 7. Section **53A-11-1505** is enacted to read:

159 **53A-11-1505. School Safety Tip Line Governing Board responsibilities.**

160 (1) On or before September 1, 2015, the governing board shall:

161 (a) designate one or more approved School Safety Tip Line operators after
162 consideration of:

163 (i) the financial stability of the proposed operator;

164 (ii) the community support for the proposed operator, including the ability of the
165 proposed operator to raise private donations to fund the operation of the School Safety Tip
166 Line;

167 (iii) the ability of the proposed operator to:

168 (A) meet the requirements of Section [53A-11-1507](#); and

169 (B) effectively respond to the sensitive nature of the reports that may be received
170 through the tip line; and

171 (iv) other criteria that the governing board considers appropriate;

172 (b) establish procedures to ensure that:

173 (i) the identity of a reporting party remains unknown to all persons unless:

174 (A) the reporting party voluntarily discloses the reporting party's identity; and

175 (B) the School Safety Tip Line operator verifies that the reporting party is willing to be
176 identified;

177 (ii) an individual who receives information through the School Safety Tip Line
178 prepares a record or report of the information received;

179 (iii) when necessary, a report received through the School Safety Tip Line is promptly
180 forwarded to the appropriate principal or appropriate law enforcement officials; and

181 (iv) the School Safety Tip Line operator facilitates school district and charter school
182 compliance with state and federal law; and

183 (c) estimate the cost of the operation of the School Safety Tip Line, including the
184 extent to which it will be funded by private donations.

185 Section 8. Section **53A-11-1506** is enacted to read:

186 **53A-11-1506. State Board of Education responsibilities.**

187 The State Board of Education shall:

188 (1) revise the conduct and discipline policy model, as required in Section [53A-11-901](#)
189 to include procedures for responding to reports received through the School Safety Tip Line;
190 and

191 (2) revise the curriculum developed by the governing board for the parent seminar
192 described in Section [53A-15-1302](#) to include information about the School Safety Tip Line.

193 Section 9. Section **53A-11-1507** is enacted to read:

194 **53A-11-1507. School Safety Tip Line operator responsibilities.**

195 A School Safety Tip Line operator shall:

196 (1) provide the services described in this part and as required by the governing board
197 24 hours a day, seven days a week;

198 (2) be staffed by social workers licensed by the Division of Occupational and
199 Professional Licensing under Section [58-60-204](#); and

200 (3) follow the procedures established by the governing board under Subsection
201 [53A-11-1505](#)(1)(b).

202 Section 10. Section **53A-11-1508** is enacted to read:

203 **53A-11-1508. Local school board or charter school governing board**
204 **responsibilities.**

205 On or before September 1, 2015, a local school board or charter school governing board
206 shall revise the conduct and discipline policies described in Section [53A-11-902](#) to include
207 procedures for responding to reports received through the School Safety Tip Line.

208 Section 11. Section **53A-11-1509** is enacted to read:

209 **53A-11-1509. Immunity from liability.**

210 A person who in good faith reports information to the School Safety Tip Line and any
211 person who receives the information is immune from any liability, civil or criminal, that might
212 otherwise result from the reporting or receipt of the information.

213 Section 12. Section **53A-11-1510** is enacted to read:

214 **53A-11-1510. Designation of a report received as a protected record.**

215 A record or report of information received through the School Safety Tip Line is a
216 protected record under Subsection [63G-2-305](#)(66).

217 Section 13. Section **53A-11-1511** is enacted to read:

218 **53A-11-1511. Report to the Legislature.**

219 The board shall report the estimation described in Subsection [53A-11-1505](#)(1)(c) to the
220 Education Interim Committee and the Executive Appropriations Committee on or before each
221 committee's November 2014 meeting.

222 Section 14. Section **53A-15-1302** is amended to read:

223 **53A-15-1302. Parent education -- Mental health -- Bullying -- Safety.**

224 (1) (a) Except as provided in Subsection (5), a school district shall offer a seminar for
225 parents of students in the school district that:

226 (i) is offered at no cost to parents;

227 (ii) begins at or after 6 p.m.;

228 (iii) is held in at least one school located in the school district;

229 (iv) is offered once a year; and

230 (v) covers the topics described in Subsection (2).

231 (b) A school district may:

232 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or

233 (ii) use the curriculum developed by the State Board of Education under Subsection

234 (2).

235 (c) A school district shall notify each charter school located in the attendance
236 boundaries of the school district of the date and time of the parent seminar, so the charter
237 school may inform parents of the seminar.

238 (2) The State Board of Education shall:

239 (a) develop a curriculum for the parent seminar described in Subsection (1) that
240 includes information on:

241 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

242 (ii) bullying;

243 (iii) mental health, depression, and suicide awareness; [~~and~~]

244 (iv) Internet safety, including pornography addiction; and

245 (v) the School Safety Tip Line established in Section 53A-11-1503; and
 246 (b) provide the curriculum, including resources and training, to school districts upon
 247 request.

248 ~~[(3) The State Board of Education shall report to the Legislature's Education Interim~~
 249 ~~Committee, by the November 2013 meeting, on the progress of implementation of the parent~~
 250 ~~seminar, including if a local school board has opted out of providing the parent seminar, as~~
 251 ~~described in Subsection (5), and the reasons why a local school board opted out.]~~

252 ~~[(4)]~~ (3) The State Board of Education shall report to the Legislature's Education
 253 Interim Committee by the November 2014 meeting on:

254 (a) the progress of implementation of the parent seminar;
 255 (b) the estimated attendance reported by each school district;
 256 (c) a recommendation of whether to continue the parent seminar program; and
 257 (d) if a local school board has opted out of providing the parent seminar, as described
 258 in Subsection ~~[(5)]~~ (4), and the reasons why a local school board opted out.

259 ~~[(5)]~~ (4) (a) A school district is not required to offer the parent seminar if the local
 260 school board determines that the topics described in Subsection (2) are not of significant
 261 interest or value to families in the school district.

262 (b) If a local school board chooses not to offer the parent seminar, the local school
 263 board shall notify the State Board of Education and provide the reasons why the local school
 264 board chose not to offer the parent seminar.

265 Section 15. Section **63G-2-305** is amended to read:

266 **63G-2-305. Protected records.**

267 The following records are protected if properly classified by a governmental entity:

268 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
 269 has provided the governmental entity with the information specified in Section 63G-2-309;
 270 (2) commercial information or nonindividual financial information obtained from a
 271 person if:

272 (a) disclosure of the information could reasonably be expected to result in unfair
 273 competitive injury to the person submitting the information or would impair the ability of the
 274 governmental entity to obtain necessary information in the future;

275 (b) the person submitting the information has a greater interest in prohibiting access

276 than the public in obtaining access; and

277 (c) the person submitting the information has provided the governmental entity with
278 the information specified in Section 63G-2-309;

279 (3) commercial or financial information acquired or prepared by a governmental entity
280 to the extent that disclosure would lead to financial speculations in currencies, securities, or
281 commodities that will interfere with a planned transaction by the governmental entity or cause
282 substantial financial injury to the governmental entity or state economy;

283 (4) records, the disclosure of which could cause commercial injury to, or confer a
284 competitive advantage upon a potential or actual competitor of, a commercial project entity as
285 defined in Subsection 11-13-103(4);

286 (5) test questions and answers to be used in future license, certification, registration,
287 employment, or academic examinations;

288 (6) records, the disclosure of which would impair governmental procurement
289 proceedings or give an unfair advantage to any person proposing to enter into a contract or
290 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
291 Subsection (6) does not restrict the right of a person to have access to, after the contract or
292 grant has been awarded and signed by all parties, a bid, proposal, application, or other
293 information submitted to or by a governmental entity in response to:

294 (a) an invitation for bids;

295 (b) a request for proposals;

296 (c) a request for quotes;

297 (d) a grant; or

298 (e) other similar document;

299 (7) information submitted to or by a governmental entity in response to a request for
300 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
301 the right of a person to have access to the information, after:

302 (a) a contract directly relating to the subject of the request for information has been
303 awarded and signed by all parties; or

304 (b) (i) a final determination is made not to enter into a contract that relates to the
305 subject of the request for information; and

306 (ii) at least two years have passed after the day on which the request for information is

307 issued;

308 (8) records that would identify real property or the appraisal or estimated value of real
309 or personal property, including intellectual property, under consideration for public acquisition
310 before any rights to the property are acquired unless:

311 (a) public interest in obtaining access to the information is greater than or equal to the
312 governmental entity's need to acquire the property on the best terms possible;

313 (b) the information has already been disclosed to persons not employed by or under a
314 duty of confidentiality to the entity;

315 (c) in the case of records that would identify property, potential sellers of the described
316 property have already learned of the governmental entity's plans to acquire the property;

317 (d) in the case of records that would identify the appraisal or estimated value of
318 property, the potential sellers have already learned of the governmental entity's estimated value
319 of the property; or

320 (e) the property under consideration for public acquisition is a single family residence
321 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
322 the property as required under Section [78B-6-505](#);

323 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
324 compensated transaction of real or personal property including intellectual property, which, if
325 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
326 of the subject property, unless:

327 (a) the public interest in access is greater than or equal to the interests in restricting
328 access, including the governmental entity's interest in maximizing the financial benefit of the
329 transaction; or

330 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
331 the value of the subject property have already been disclosed to persons not employed by or
332 under a duty of confidentiality to the entity;

333 (10) records created or maintained for civil, criminal, or administrative enforcement
334 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
335 release of the records:

336 (a) reasonably could be expected to interfere with investigations undertaken for
337 enforcement, discipline, licensing, certification, or registration purposes;

338 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
339 proceedings;

340 (c) would create a danger of depriving a person of a right to a fair trial or impartial
341 hearing;

342 (d) reasonably could be expected to disclose the identity of a source who is not
343 generally known outside of government and, in the case of a record compiled in the course of
344 an investigation, disclose information furnished by a source not generally known outside of
345 government if disclosure would compromise the source; or

346 (e) reasonably could be expected to disclose investigative or audit techniques,
347 procedures, policies, or orders not generally known outside of government if disclosure would
348 interfere with enforcement or audit efforts;

349 (11) records the disclosure of which would jeopardize the life or safety of an
350 individual;

351 (12) records the disclosure of which would jeopardize the security of governmental
352 property, governmental programs, or governmental recordkeeping systems from damage, theft,
353 or other appropriation or use contrary to law or public policy;

354 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
355 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
356 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

357 (14) records that, if disclosed, would reveal recommendations made to the Board of
358 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
359 Board of Pardons and Parole, or the Department of Human Services that are based on the
360 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
361 jurisdiction;

362 (15) records and audit workpapers that identify audit, collection, and operational
363 procedures and methods used by the State Tax Commission, if disclosure would interfere with
364 audits or collections;

365 (16) records of a governmental audit agency relating to an ongoing or planned audit
366 until the final audit is released;

367 (17) records that are subject to the attorney client privilege;

368 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,

369 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
370 quasi-judicial, or administrative proceeding;

371 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
372 from a member of the Legislature; and

373 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
374 legislative action or policy may not be classified as protected under this section; and

375 (b) (i) an internal communication that is part of the deliberative process in connection
376 with the preparation of legislation between:

377 (A) members of a legislative body;

378 (B) a member of a legislative body and a member of the legislative body's staff; or

379 (C) members of a legislative body's staff; and

380 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
381 legislative action or policy may not be classified as protected under this section;

382 (20) (a) records in the custody or control of the Office of Legislative Research and
383 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

384 legislation or contemplated course of action before the legislator has elected to support the
385 legislation or course of action, or made the legislation or course of action public; and

386 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
387 Office of Legislative Research and General Counsel is a public document unless a legislator
388 asks that the records requesting the legislation be maintained as protected records until such
389 time as the legislator elects to make the legislation or course of action public;

390 (21) research requests from legislators to the Office of Legislative Research and
391 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
392 in response to these requests;

393 (22) drafts, unless otherwise classified as public;

394 (23) records concerning a governmental entity's strategy about:

395 (a) collective bargaining; or

396 (b) imminent or pending litigation;

397 (24) records of investigations of loss occurrences and analyses of loss occurrences that
398 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
399 Uninsured Employers' Fund, or similar divisions in other governmental entities;

400 (25) records, other than personnel evaluations, that contain a personal recommendation
401 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
402 personal privacy, or disclosure is not in the public interest;

403 (26) records that reveal the location of historic, prehistoric, paleontological, or
404 biological resources that if known would jeopardize the security of those resources or of
405 valuable historic, scientific, educational, or cultural information;

406 (27) records of independent state agencies if the disclosure of the records would
407 conflict with the fiduciary obligations of the agency;

408 (28) records of an institution within the state system of higher education defined in
409 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
410 retention decisions, and promotions, which could be properly discussed in a meeting closed in
411 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
412 the final decisions about tenure, appointments, retention, promotions, or those students
413 admitted, may not be classified as protected under this section;

414 (29) records of the governor's office, including budget recommendations, legislative
415 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
416 policies or contemplated courses of action before the governor has implemented or rejected
417 those policies or courses of action or made them public;

418 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
419 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
420 recommendations in these areas;

421 (31) records provided by the United States or by a government entity outside the state
422 that are given to the governmental entity with a requirement that they be managed as protected
423 records if the providing entity certifies that the record would not be subject to public disclosure
424 if retained by it;

425 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
426 except as provided in Section 52-4-206;

427 (33) records that would reveal the contents of settlement negotiations but not including
428 final settlements or empirical data to the extent that they are not otherwise exempt from
429 disclosure;

430 (34) memoranda prepared by staff and used in the decision-making process by an

431 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
432 other body charged by law with performing a quasi-judicial function;

433 (35) records that would reveal negotiations regarding assistance or incentives offered
434 by or requested from a governmental entity for the purpose of encouraging a person to expand
435 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
436 person or place the governmental entity at a competitive disadvantage, but this section may not
437 be used to restrict access to a record evidencing a final contract;

438 (36) materials to which access must be limited for purposes of securing or maintaining
439 the governmental entity's proprietary protection of intellectual property rights including patents,
440 copyrights, and trade secrets;

441 (37) the name of a donor or a prospective donor to a governmental entity, including an
442 institution within the state system of higher education defined in Section 53B-1-102, and other
443 information concerning the donation that could reasonably be expected to reveal the identity of
444 the donor, provided that:

445 (a) the donor requests anonymity in writing;

446 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
447 classified protected by the governmental entity under this Subsection (37); and

448 (c) except for an institution within the state system of higher education defined in
449 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
450 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
451 over the donor, a member of the donor's immediate family, or any entity owned or controlled
452 by the donor or the donor's immediate family;

453 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
454 73-18-13;

455 (39) a notification of workers' compensation insurance coverage described in Section
456 34A-2-205;

457 (40) (a) the following records of an institution within the state system of higher
458 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
459 or received by or on behalf of faculty, staff, employees, or students of the institution:

460 (i) unpublished lecture notes;

461 (ii) unpublished notes, data, and information:

- 462 (A) relating to research; and
- 463 (B) of:
- 464 (I) the institution within the state system of higher education defined in Section
- 465 [53B-1-102](#); or
- 466 (II) a sponsor of sponsored research;
- 467 (iii) unpublished manuscripts;
- 468 (iv) creative works in process;
- 469 (v) scholarly correspondence; and
- 470 (vi) confidential information contained in research proposals;
- 471 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
- 472 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and
- 473 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 474 (41) (a) records in the custody or control of the Office of Legislative Auditor General
- 475 that would reveal the name of a particular legislator who requests a legislative audit prior to the
- 476 date that audit is completed and made public; and
- 477 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 478 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 479 the records in the custody or control of the Office of Legislative Auditor General that would
- 480 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 481 protected records until the audit is completed and made public;
- 482 (42) records that provide detail as to the location of an explosive, including a map or
- 483 other document that indicates the location of:
- 484 (a) a production facility; or
- 485 (b) a magazine;
- 486 (43) information:
- 487 (a) contained in the statewide database of the Division of Aging and Adult Services
- 488 created by Section [62A-3-311.1](#); or
- 489 (b) received or maintained in relation to the Identity Theft Reporting Information
- 490 System (IRIS) established under Section [67-5-22](#);
- 491 (44) information contained in the Management Information System and Licensing
- 492 Information System described in Title 62A, Chapter 4a, Child and Family Services;

- 493 (45) information regarding National Guard operations or activities in support of the
494 National Guard's federal mission;
- 495 (46) records provided by any pawn or secondhand business to a law enforcement
496 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
497 Secondhand Merchandise Transaction Information Act;
- 498 (47) information regarding food security, risk, and vulnerability assessments performed
499 by the Department of Agriculture and Food;
- 500 (48) except to the extent that the record is exempt from this chapter pursuant to Section
501 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
502 prepared or maintained by the Division of Emergency Management, and the disclosure of
503 which would jeopardize:
- 504 (a) the safety of the general public; or
505 (b) the security of:
- 506 (i) governmental property;
507 (ii) governmental programs; or
508 (iii) the property of a private person who provides the Division of Emergency
509 Management information;
- 510 (49) records of the Department of Agriculture and Food that provides for the
511 identification, tracing, or control of livestock diseases, including any program established under
512 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or Title 4, Chapter 31, Control
513 of Animal Disease;
- 514 (50) as provided in Section [26-39-501](#):
- 515 (a) information or records held by the Department of Health related to a complaint
516 regarding a child care program or residential child care which the department is unable to
517 substantiate; and
- 518 (b) information or records related to a complaint received by the Department of Health
519 from an anonymous complainant regarding a child care program or residential child care;
- 520 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
521 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
522 personal mobile phone number, if:
- 523 (a) the individual is required to provide the information in order to comply with a law,

524 ordinance, rule, or order of a government entity; and

525 (b) the subject of the record has a reasonable expectation that this information will be
526 kept confidential due to:

527 (i) the nature of the law, ordinance, rule, or order; and

528 (ii) the individual complying with the law, ordinance, rule, or order;

529 (52) the name, home address, work addresses, and telephone numbers of an individual
530 that is engaged in, or that provides goods or services for, medical or scientific research that is:

531 (a) conducted within the state system of higher education, as defined in Section

532 [53B-1-102](#); and

533 (b) conducted using animals;

534 (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement
535 Private Proposal Program, to the extent not made public by rules made under that chapter;

536 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
537 Evaluation Commission concerning an individual commissioner's vote on whether or not to
538 recommend that the voters retain a judge;

539 (55) information collected and a report prepared by the Judicial Performance
540 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
541 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
542 the information or report;

543 (56) records contained in the Management Information System created in Section
544 [62A-4a-1003](#);

545 (57) records provided or received by the Public Lands Policy Coordinating Office in
546 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

547 (58) information requested by and provided to the Utah State 911 Committee under
548 Section [53-10-602](#);

549 (59) recorded Children's Justice Center investigative interviews, both video and audio,
550 the release of which are governed by Section [77-37-4](#);

551 (60) in accordance with Section [73-10-33](#):

552 (a) a management plan for a water conveyance facility in the possession of the Division
553 of Water Resources or the Board of Water Resources; or

554 (b) an outline of an emergency response plan in possession of the state or a county or

555 municipality;

556 (61) the following records in the custody or control of the Office of Inspector General
557 of Medicaid Services, created in Section 63A-13-201:

558 (a) records that would disclose information relating to allegations of personal
559 misconduct, gross mismanagement, or illegal activity of a person if the information or
560 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
561 through other documents or evidence, and the records relating to the allegation are not relied
562 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
563 report or final audit report;

564 (b) records and audit workpapers to the extent they would disclose the identity of a
565 person who, during the course of an investigation or audit, communicated the existence of any
566 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
567 regulation adopted under the laws of this state, a political subdivision of the state, or any
568 recognized entity of the United States, if the information was disclosed on the condition that
569 the identity of the person be protected;

570 (c) before the time that an investigation or audit is completed and the final
571 investigation or final audit report is released, records or drafts circulated to a person who is not
572 an employee or head of a governmental entity for the person's response or information;

573 (d) records that would disclose an outline or part of any investigation, audit survey
574 plan, or audit program; or

575 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
576 investigation or audit;

577 (62) records that reveal methods used by the Office of Inspector General of Medicaid
578 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
579 abuse;

580 (63) information provided to the Department of Health or the Division of Occupational
581 and Professional Licensing under Subsection 58-68-304(3) or (4);

582 (64) a record described in Section 63G-12-210; ~~and~~

583 (65) captured plate data that is obtained through an automatic license plate reader
584 system used by a governmental entity as authorized in Section 41-6a-2003[-]; and

585 (66) a record or report of information received through the School Safety Tip Line

586 established in Section [53A-11-1503](#).

Legislative Review Note
as of 2-18-14 8:57 AM

Office of Legislative Research and General Counsel