

HB0040S02 compared with HB0040S01

{Omitted text} shows text that was in HB0040S01 but was omitted in HB0040S02
inserted text shows text that was not in HB0040S01 but was inserted into HB0040S02

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1 **School Safety Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Ryan D. Wilcox**

. Senate Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies school safety provisions.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 11 ▶ modifies communication device requirements for new construction to post-completion determination;
- 13 ▶ amends building standards;
- 14 ▶ revises screening and training requirements for school safety personnel;
- 15 ▶ adjusts school safety personnel provisions;
- 16 ▶ changes safety assessment deadlines and responsibilities;
- 17 ▶ establishes a school safety foundation for certain purposes;
- 18 ▶ creates compliance supports;
- 19 ▶ modifies certain administrative structures within the school safety program;and
- 20 ▶

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~~{ amends the procurement code to allow a school safety foundation to use state cooperative contracts; and }~~

22 ▶ makes technical changes.

19 Money Appropriated in this Bill:

20 None

21 This bill provides a special effective date.

24 AMENDS:

25 **15A-5-203** , as last amended by Laws of Utah 2024, Chapters 21, 381 , as last amended by Laws of Utah 2024, Chapters 21, 381

26 **53-22-102** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah 2024, Chapter 21

27 **53-22-103** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah 2024, Chapter 21

28 **53-22-104.1** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024, Chapter 21

29 **53-22-104.2** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024, Chapter 21

30 **53-22-105** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024, Chapter 21

31 **53-22-106** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024, Chapter 21

32 **53B-28-401** , as last amended by Laws of Utah 2024, Chapters 65, 378 , as last amended by Laws of Utah 2024, Chapters 65, 378

33 **53B-28-403** , as enacted by Laws of Utah 2021, Chapter 332 , as enacted by Laws of Utah 2021, Chapter 332

34 **53G-8-102 , as enacted by Laws of Utah 2018, Chapter 3 , as enacted by Laws of Utah 2018, Chapter 3**

35 **53G-8-701** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah 2024, Chapter 21

36 **53G-8-701.5** , as repealed and reenacted by Laws of Utah 2024, Chapter 21 , as repealed and reenacted by Laws of Utah 2024, Chapter 21

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- 37 **53G-8-701.6** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 38 **53G-8-701.8** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 39 **53G-8-704** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 40 **53G-8-802** , as last amended by Laws of Utah 2024, Chapter 23 , as last amended by Laws of Utah
2024, Chapter 23
- 41 **53G-8-803** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21
- 42 **53G-8-805** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 43 **53G-9-207** , as last amended by Laws of Utah 2024, Chapter 520 , as last amended by Laws of Utah
2024, Chapter 520
- 44 **53G-9-703** , as last amended by Laws of Utah 2024, Chapter 20 , as last amended by Laws of Utah
2024, Chapter 20
- 45 **53G-10-408** , as enacted by Laws of Utah 2022, Chapter 292 , as enacted by Laws of Utah 2022,
Chapter 292
- 49 ~~**63G-6a-103** , as last amended by Laws of Utah 2024, Chapters 291, 408 and 438 , as last
amended by Laws of Utah 2024, Chapters 291, 408 and 438}~~
- 50 ~~**63G-6a-2105** , as last amended by Laws of Utah 2016, Chapters 348, 355 , as last amended
by Laws of Utah 2016, Chapters 348, 355}~~
- 46 **63I-1-253** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last
amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 47 ENACTS:
- 48 **53-22-104.3** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 49 **53-22-108** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 50 **53-22-109** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 51 **53-25-601** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 52 **53B-28-404** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 53 **76-5-417** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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54 REPEALS:

55 **53F-4-208** , as enacted by Laws of Utah 2023, Chapter 383 , as enacted by Laws of Utah 2023,
Chapter 383

56

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

58 Section 1. Section **15A-5-203** is amended to read:

59 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and site
requirements.**

66 (1) For IFC, Chapter 5, Fire Service Features:

67 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as follows: "An
authority having jurisdiction over a structure built in accordance with the requirements of the
International Residential Code as adopted in the State Construction Code, may require an automatic
fire sprinkler system for the structure only by ordinance and only if any of the following conditions
exist:

72 (i) the structure:

73 (A) is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface
Code adopted as a construction code under the State Construction Code; and

76 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203(4)(a) and Utah
Administrative Code, R652-122-1300, Minimum Standards for County Wildland Fire Ordinance;

79 (ii) the structure is in an area where a public water distribution system with fire hydrants does not exist
as required in Utah Administrative Code, R309-550-5, Water Main Design;

82 (iii) the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;

84 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000
square feet; or

86 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit is double the
average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no
larger than 10,000 square feet.

89 (vi) Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:

91 (A) is located outside the wildland urban interface;

92 (B) is built in a one-lot subdivision; and

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- (C) has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property."
- 95 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official, after consultation with the building owner, may require a key box to be installed in an approved location. The key box shall contain keys to gain necessary access as required by the fire code official. For each fire jurisdiction that has at least one building with a required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that creates a process to ensure that each key to each key box is properly accounted for and secure."
- 105 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling when the authority having jurisdiction over the dwelling determines that the development of a full fire-flow requirement is impractical."
- 109 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
110 "507.1.2 Pre-existing subdivision lots.
111 The requirements for a pre-existing subdivision lot shall not exceed the requirements described in Section 501.5."
- 113 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One interior and one detached accessory dwelling unit on a single residential lot."
- 115 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in new buildings, is amended by adding: "When required by the fire code official, unless the new building is a public school as that term is defined in Section 53G-9-205.1 or a private school, ~~[then]~~ if determined by the fire code official to be necessary after construction of the new building is completed, then the fire code official shall require," at the beginning of the first paragraph.
- 121 (2) For IFC, Chapter 6, Building Services and Systems:
122 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as follows:
"Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator, one key for lobby control, and any other keys

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necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered key."

- 128 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after the word "Code",
add the words "and NFPA 96".
- 130 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1 hood is not
required for a cooking appliance in a microenterprise home kitchen, as that term is defined in Utah
Code, Section 26B-7-401, for which the operator obtains a permit in accordance with Section
26B-7-416."
- 134 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.
- 130 Section 2. Section **53-22-102** is amended to read:
- 131 **53-22-102. State security chief -- Creation -- Appointment.**
- 137 (1) There is created within the department a state security chief.
- 138 (2) The state security chief:
- 139 (a) is appointed by the commissioner with the approval of the governor;
- 140 (b) is subject to the supervision and control of the commissioner;
- 141 (c) may be removed at the will of the commissioner;
- 142 (d) shall be qualified by experience and education to:
- 143 (i) enforce the laws of this state relating to school safety;
- 144 (ii) perform duties prescribed by the commissioner; and
- 145 (iii) enforce rules made under this chapter.
- 146 (3) The state security chief shall:
- 147 (a) establish building and safety standards for all public and private schools, including:
- 148 (i) coordinating with the State Board of Education to establish the required minimum safety and
security standards for all public and private school facilities, including:
- 150 (A) limited entry points, including, if applicable, secured entry points for specific student grades or
groups;
- 152 (B) internal video surveillance~~[-of entrances when school is in session];~~
- 153 (C) [~~ground level~~] exterior windows, which are windows surrounding points of entry, and interior
windows, which are windows entering areas of instruction, protected by security [~~film~~] glazing or
ballistic windows;
- 155 (D) internal classroom door locks;

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- 156 (E) bleed kits and first aid kits;
- 157 (F) exterior cameras on entrances, parking areas, and campus grounds; [~~and~~]
- 158 (G) fencing around playgrounds; and
- 159 (H) compliance with universal access key box requirements under Section 53G-8-305;
- 161 (ii) establishing a schedule or timeline for existing buildings to come into compliance with this section;
- 163 (iii) creating a process to examine plans and specifications for construction or remodeling of a school building, in accordance with Section 53E-3-706;
- 165 (iv) recommending to the commissioner the denial or revocation a public or private school's occupancy permit for a building if:
- 167 (A) the building does not meet the standards established in this section; and
- 168 (B) after consultation with the local governing board, the building remains non-compliant with the standards established in this section;
- 170 (v) creating minimum standards for radio communication equipment in every school;
- 171 (vi) establishing an incident response method or system that a school shall use; and
- 172 [~~(vi)~~] (vii) establishing a process to approve the safety and security criteria the state superintendent of public instruction establishes for building inspectors described in Section 53E-3-706;
- 175 (b) oversee the implementation of the school safety personnel requirements described in Section 53G-8-701.5, including:
- 177 (i) in consultation with a county security chief, overseeing the school guardian program described in Section 53-22-105, including approving and coordinating the relevant training programs;
- 180 (ii) establishing an application process for approved alternatives to the school safety personnel requirements described in Section 53G-8-701.5;
- 182 (iii) selecting training requirements for school safety and security specialists in consultation with the State Board of Education as described in Section 53G-8-701.6;
- 185 (iv) as required by Section 53G-8-701.8, tracking each school safety and security director for a local education agency and ensuring that the contact information for the school safety and security directors is readily available to the local law enforcement agency of relevant jurisdiction; and
- 189 (v) reviewing and approving the State Board of Education's school resource officer training program as described in Section 53G-8-702;
- 191 (c) oversee the creation of school safety trainings, protocols, and incident responses, including:
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- (i) in consultation with the State Board of Education, defining what constitutes an "active threat" and "developmentally appropriate" for purposes of the emergency response training described in Section 53G-8-803;
- 196 (ii) in consultation with the Office of Substance [Abuse] Use and Mental Health, establishing or selecting an adolescent mental health and de-escalation training for school safety personnel;
- 199 (iii) consulting with the School Safety Center to develop the model critical incident response that all schools and law enforcement will use during a threat, including:
- 201 (A) standardized response protocol terminology for use throughout the state, including what constitutes a threat;
- 203 (B) protocols for planning and safety drills, including drills required in a school before the school year begins;
- 205 (C) integration and appropriate use of a panic alert device described in Subsection 53G-8-805;
- 207 (D) the establishment of incident command for a threat or safety incident, including which entity and individual runs the incident command;
- 209 (E) the required components for a communication plan to be followed during an incident or threat;
- 211 (F) reunification plan protocols, including the appropriate design and use of an incident command by others responding to or involved in an incident; and
- 213 (G) recommendations for safety equipment for schools, including amounts and types of first aid supplies;
- 215 (iv) reviewing and suggesting any changes to the response plans and training under Section 53G-8-803;
- 217 (v) creating the official standard response protocol described in Section 53G-8-803 for use by schools and law enforcement for school safety incidents;
- 219 (vi) ensuring a school physically marks doorways and hallways consistent with the incident response method required in Subsection (3)(a); and
- 221 [~~(vi)~~] (vii) establishing a manner for any security personnel described in Section 53G-8-701.5 to be quickly identified by law enforcement during an incident;
- 223 (d) in collaboration with the School Safety Center, create a needs assessment that a local education agency shall use to ensure compliance with the needs assessment requirement described in Section 53G-8-701.5;
- 226 (e) in consultation with the School Safety Center, select a system to track relevant data, including the tracking required in Sections 53-22-105, 53G-8-701.5, 53G-8-701.8, and 53G-8-704;

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- 229 (f) in consultation with the School Safety Center established in Section 53G-8-802:
- 230 (i) create a process to receive and analyze the school safety needs assessments described in Section
53G-8-701.5; and
- 232 (ii) establish a required data reporting system for public schools to report serious and non-serious
threats and other data related to threat assessment that the state security chief determines to be
necessary;
- 235 (g) establish, in collaboration with the Utah Education and Telehealth Network created in Section
53B-17-105 and the School Safety Center established in Section 53G-8-802, minimum
cybersecurity standards for local education agencies, including:
- 238 (i) adoption of nationally recognized cybersecurity framework;
- 239 (ii) requirements for regular cybersecurity assessments that may be part of the needs assessment
described in Section 53G-8-701.5;
- 241 (iii) cybersecurity incident response protocols; and
- 242 (iv) additional data protection standards;
- 243 (h) review, authorize, and oversee foundation activities under Section 53-22-108; and
- 244 [(e)] (i) fulfill any other duties and responsibilities determined by the commissioner.
- 245 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department,
in consultation with the state security chief, shall make rules to fulfill the duties described in this
section.
- 248 (5) The state security chief may delegate duties under this section to a sworn department member with
the approval of the commissioner.
- 246 Section 3. Section **53-22-103** is amended to read:
- 247 **53-22-103. County sheriff responsibilities -- Coordination.**
- 252 (1) Each county sheriff shall identify an individual as a county security chief within the sheriff's office
to coordinate security responsibilities, protocols, and required trainings between the state security
chief, the county sheriff's office, and the corresponding police chiefs whose jurisdiction includes a
public school within the county.
- 256 (2) The county security chief shall:
- 257 (a) in collaboration with the school safety and security specialist described in Section 53G-8-701.6
and a member of the local law enforcement agency of relevant jurisdiction as described in Section
53-25-601:

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- 260 (i) [~~conduct, or coordinate~~] administer or coordinate with a designee from the local law enforcement
agency of relevant jurisdiction to [~~conduct~~] participate in, by any appropriate means the county
264 security chief determines, the school safety needs assessment described in Section 53G-8-701.5; and
- 264 (ii) conduct a building safety evaluation at least annually using the results of the school safety needs
assessment to recommend and implement improvements to school facilities, policies, procedures,
268 protocols, rules, and regulations relating to school safety and security;
- 268 (b) collaborate and maintain effective communications regarding school safety with each:
- 270 (i) school safety and security specialist in the county security chief's county, as described in Section
53G-8-701.6;
- 272 (ii) school safety and security director in the county security chief's county, as described in Section
53G-8-701.8; and
- 274 (iii) local law enforcement agency within the county;
- 275 (c) administer with the corresponding police chiefs whose jurisdiction includes a public school, the
trainings described in Sections 53-22-105 and 53G-8-704, including:
- 277 (i) assessing if an individual is capable of the duties and responsibilities that the trainings cover; and
- 279 (ii) denying an individual the ability to be a school safety personnel described in Section 53G-8-701.5 if
the county security chief finds the individual is not capable of the duties and responsibilities that the
trainings cover; and
- 282 (d) in conjunction with the state security chief, administer the school guardian program established in
Section 53-22-105 at any school participating in the program in the county security chief's county.
- 281 Section 4. Section **53-22-104.1** is amended to read:
- 282 **53-22-104.1. School Security Task Force -- Membership -- Duties -- Per diem -- Report --**
Expiration.
- 288 (1) There is created a School Security Task Force composed of the following members:
- 289 (a) the House chair and vice chair of the House Law Enforcement and Criminal Justice Standing
Committee during the 2024 General Session, with the House chair serving as the co-chair of the task
force;
- 292 (b) two members from the Senate, whom the president of the Senate selects and one of whom the
president of the Senate appoints as co-chair of the task force;
- 294 (c) the state security chief;
- 295 (d) one member of the State Board of Education, whom the chair of State Board of Education selects;

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- 297 (e) a member of the School Safety Center or designee, whom the state security chief selects;
- 299 (f) the director of the Utah Division of Juvenile Justice Youth Services or the director's designee;
- 301 (g) a member of the Utah School Superintendents Association, whom the chairs select;
- 302 (h) the Commissioner of Higher Education or designee;
- 303 (i) a school security expert, whom the state security chief selects;
- 304 (j) a cybersecurity expert, whom the state security chief selects in consultation with the director of the
Utah Education Telehealth Network created in Section 53B-17-105;
- 306 (k) the director of a school safety foundation established under Section 53-22-108 or the director's
designee;
- 308 [~~h~~] (l) one member of the Chiefs of Police Association from a county of the first or second class;
- 310 [~~i~~] (m) one member of the Sheriff's Association from a county of the third, fourth, fifth, or sixth class,
whom the president of the association selects;
- 312 [~~j~~] (n) one county security chief, whom the state security chief selects;
- 313 [~~k~~] (o) a school safety and security director, whom the chairs select;
- 314 [~~h~~] (p) a school resource officer, whom the state security chief selects; and
- 315 [~~m~~] (q) a member of the SafeUT and School Safety Commission, whom the chairs select.
- 317 (2) The task force shall:
- 318 (a) review school safety updates;
- 319 (b) consult with the Education Advisory Board created in Section 53-22-104.2; and
- 320 (c) develop legislation recommendations as necessary.
- 321 (3)
- . (a) A majority of the members of the task force constitutes a quorum.
- 322 (b) The action of a majority of a quorum constitutes an action of the task force.
- 323 (4) The Office of Legislative Research and General Counsel shall provide staff for the task force.
- 325 (5)
- . (a) Salaries and expenses of the members of the task force who are legislators shall be paid in
accordance with:
- 327 (i) Section 36-2-2;
- 328 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and
- 330 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
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- (b) A member of the task force who is not a legislator may not receive compensation for the member's work associated with the task force but may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under:
- 335 (i) Sections 63A-3-106 and 63A-3-107; and
- 336 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 334 Section 5. Section **53-22-104.2** is amended to read:
- 335 **53-22-104.2. The School Security Task Force -- Public Education Advisory Board.**
- 341 (1) There is created an advisory board to the task force called the Public Education Advisory Board.
- 343 (2) The advisory board shall consist of the following members:
- 344 (a) the state security chief, who acts as chair of the advisory board;
- 345 (b) the construction and facility specialist at the State Board of Education;
- 346 (c) the Director of School Safety and Student Services at the State Board of Education or the director's designee;
- 348 (d) a school nurse, whom the state security chief selects;
- 345 (e) a representative from the state school district technology directors, whom the Director of School Safety and Student Services selects;
- 349 [(e)] ~~{(e)}~~ (f) a superintendent from a county of the fourth, fifth, or sixth class, whom the state security chief selects;
- 351 ~~{(f)}~~ (g) a superintendent from a county of the first, second, or third class, whom the state security chief selects;
- 353 [(e)] ~~{(e)}~~ (h) a charter school director who is employed in ~~[from]~~ a county of the fourth, fifth, or sixth class, whom the state security chief selects;
- 355 [(f)] ~~{(f)}~~ (i) a charter school director from a county of the first, second, or third class, whom the state security chief selects;
- 357 [(g)] ~~{(g)}~~ (j) the president of the Utah School Boards Association or the president's designee;
- 358 [(h)] ~~{(h)}~~ (k) a parent representative from a school community council or parent teacher organization, whom the state security chief selects;
- 360 [(i)] ~~{(i)}~~ (l) a facilities manager from an LEA in a county of the fourth, fifth, or sixth class, whom the state security chief selects;
- 362 [(j)] ~~{(j)}~~ (m) a facilities manager from an LEA in county of the first, second, or third class, whom the state security chief selects;

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- 364 [(k)] ~~{(m)}~~ (n) a representative of private schools, whom the state security chief selects; and
365 [(H)] ~~{(n)}~~ (o) a member of the Office of Substance Abuse and Mental Health, whom the state security
chief selects.
- 367 (3) The advisory board's purpose is to:
- 368 (a) review and provide input on official business of the task force;
- 369 (b) provide recommendations and suggestions for the task force's consideration; and
- 370 (c) study and evaluate the policies, procedures, and programs implemented for school safety and
provide proactive information regarding the implementation.
- 372 (4)
- . (a) A majority of the members of the advisory board constitutes a quorum.
- 373 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 374 (5)
- . (a) The advisory board shall select two members to serve as co-chairs.
- 375 (b) The co-chairs are responsible for the call and conduct of meetings.
- 376 (6) The staff of the state security chief shall provide staff for the advisory board.
- 377 (7) A member of the advisory board who is not a legislator may not receive compensation for the
member's work associated with the task force but may receive per diem and reimbursement for
travel expenses incurred as a member of the task force at the rates established by the Division of
Finance under:
- 381 (a) Sections 63A-3-106 and 63A-3-107; and
- 382 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 382 Section 6. Section **6** is enacted to read:
- 383 **53-22-104.3. The School Security Task Force -- Higher Education Advisory Board.**
- 387 (1) There is created an advisory board to the task force called the Higher Education Advisory Board.
- 389 (2) The advisory board shall consist of the following members:
- 390 (a) the state security chief, who acts as chair of the advisory board;
- 391 (b) the Commissioner of Higher Education or the commissioner's designee;
- 392 (c) one representative from a Utah higher education institution, whom the state security chief and
commissioner jointly select from either:
- 394 (i) a degree-granting institution; or
- 395 (ii) a technical college;

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- 396 (d) a facilities management director from a higher education institution, whom the state security chief
selects;
- 398 (e) a campus security director from a higher education institution, whom the state security chief selects;
- 400 (f) a Title IX coordinator from a higher education institution, whom the state security chief selects; and
- 402 (g) additional members as the state security chief and the commissioner determine necessary.
- 404 (3) The advisory board's purpose is to:
- 405 (a) review and provide input on official business of the task force;
- 406 (b) provide recommendations and suggestions for the task force's consideration, including potential
higher education campus use of the standard response protocol described in Section 5G-8-803; and
- 409 (c) study and evaluate the policies, procedures, and programs implemented for campus safety and
provide proactive information regarding implementation.
- 411 (4)
- . (a) A majority of the members of the advisory board constitutes a quorum.
- 412 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 413 (5) The chair is responsible for the call and conduct of meetings.
- 414 (6) The staff of the state security chief shall provide staff for the advisory board.
- 415 (7) A member of the advisory board who is not a legislator may not receive compensation for the
member's work associated with the task force but may receive per diem and reimbursement for
travel expenses incurred as a member of the task force at the rates established by the Division of
Finance under:
- 419 (a) Sections 63A-3-106 and 63A-3-107; and
- 420 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 420 Section 7. Section **53-22-105** is amended to read:
- 421 **53-22-105. School guardian program.**
- 424 (1) As used in this section:
- 425 (a) "Annual training" means an annual four-hour training that:
- 426 (i) a county security chief or a designee administers in coordination with personnel from local law
enforcement of relevant jurisdiction as described in Section 53-25-601(2)(b);
- 429 (ii) the state security chief approves;
- 430 (iii) can be tailored to local needs;
- 431

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- (iv) allows an individual to practice and demonstrate firearms proficiency at a firearms range using the firearm the individual carries for self defense and defense of others;
- 434 (v) includes the following components:
- 435 (A) firearm safety, including safe storage of a firearm;
- 436 (B) de-escalation tactics;
- 437 (C) the role of mental health in incidents; and
- 438 (D) disability awareness and interactions; and
- 439 (vi) contains other training needs as determined by the state security chief.
- 440 (b) "Biannual training" means a twice-yearly training that:
- 441 (i) is at least four hours, unless otherwise approved by the state security chief;
- 442 (ii) a county security chief or a designee administers in coordination with personnel from local law enforcement of relevant jurisdiction as described in Section 53-25-601(2)(b);
- 445 (iii) the state security chief approves;
- 446 (iv) can be tailored to local needs; and
- 447 (v) through which a school guardian at a school or simulated school environment:
- 448 (A) receives training on the specifics of the building or buildings of the school, including the location of emergency supplies and security infrastructure; and
- 450 (B) participates in a live-action practice plan with school administrators in responding to active threats at the school; and
- 452 (vi) shall be taken with at least three months in between the two trainings.
- 453 (c) "Firearm" means the same as that term is defined in Section 76-10-501.
- 454 (d) "Initial training" means an in-person training that:
- 455 (i) a county security chief or a designee administers in coordination with personnel from local law enforcement of relevant jurisdiction as described in Section 53-25-601(2)(b);
- 458 (ii) the state security chief approves;
- 459 (iii) can be tailored to local needs; and
- 460 (iv) provides:
- 461 (A) training on general familiarity with the types of firearms that can be concealed for self-defense and defense of others;
- 463 (B) training on the safe loading, unloading, storage, and carrying of firearms in a school setting;
- 465

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- (C) training at a firearms range with instruction regarding firearms fundamentals, marksmanship, the demonstration and explanation of the difference between sight picture, sight alignment, and trigger control, and a recognized pistol course;
- 469 (D) current laws dealing with the lawful use of a firearm by a private citizen, including laws on self-defense, defense of others, transportation of firearms, and concealment of firearms;
- 472 (E) coordination with law enforcement officers in the event of an active threat;
- 473 (F) basic trauma first aid;
- 474 (G) the appropriate use of force, emphasizing the de-escalation of force and alternatives to using force;
- 476 (H) situational response evaluations, including:
- 477 (I) protecting and securing a crime or accident scene;
- 478 (II) notifying law enforcement;
- 479 (III) controlling information; and
- 480 (IV) other training that the county sheriff, designee, or department deems appropriate.
- 482 (e) "Program" means the school guardian program created in this section.
- 483 (f)
- . (i) "School employee" means an employee of a school whose duties and responsibilities require the employee to be physically present at a school's campus while school is in session.
- 486 (ii) "School employee" does not include a principal, teacher, or individual whose primary responsibilities require the employee to be primarily present in a classroom to teach, care for, or interact with students, unless:
- 489 (A) the principal, teacher, or individual is employed at a school with ~~[100]~~ 350 or fewer students;
- 491 (B) the principal, teacher, or individual is employed at a school with adjacent campuses as determined by the state security chief; or
- 493 (C) as provided in Subsection 53G-8-701.5(3).
- 494 (g) "School guardian" means a school employee who meets the requirements of Subsection (3).
- 496 (2)
- . (a)
- . (i) There is created within the department the school guardian program~~;~~ .
- 497 (ii) ~~[the]~~ The state security chief shall oversee the school guardian program~~;~~ .
- 498 (iii) ~~[the]~~ The applicable county security chief shall administer the school guardian program in each county.

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- 500 (b) The state security chief shall ensure that the school guardian program includes:
- 501 (i) initial training;
- 502 (ii) biannual training; and
- 503 (iii) annual training.
- 504 (c) A county sheriff may partner or contract with:
- 505 (i) another county sheriff to support the respective county security chiefs in jointly administering the
school guardian program in the relevant counties; and
- 507 (ii) a local law enforcement agency of relevant jurisdiction to provide the:
- 508 (A) initial training;
- 509 (B) biannual training; and
- 510 (C) annual training.
- 511 (3)
- . (a) A school employee that volunteers to participate is eligible to join the program as a school guardian
if:
- 513 (i) the school administrator approves the volunteer school employee to be designated as a school
guardian;
- 515 (ii) the school employee satisfactorily completes initial training within six months before the day on
which the school employee joins the program;
- 517 (iii) the school employee holds a valid concealed carry permit issued under ~~[Title 53,]~~ Chapter 5,
Part 7, Concealed Firearm Act;
- 519 (iv) the school employee certifies to the sheriff of the county where the school is located that the
school employee has undergone the training in accordance with Subsection (3)(a)(ii) and intends
to serve as a school guardian; and
- 522 (v) the school employee~~[- successfully completes a mental health screening selected by the
state security chief in collaboration with the Office of Substance Abuse and Mental Health
established in Section 26B-5-102.] :~~
- 525 (A) completes an initial "fit to carry" assessment the Department of Health and Human Services
approves and a provider administers; and
- 527 (B) maintains compliance with mental health screening requirements consistent with law enforcement
standards.
- 529

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- (b) After joining the program a school guardian shall complete annual training and biannual training to retain the designation of a school guardian in the program.
- 531 (4) The state security chief shall:
- 532 (a) for each school that participates in the program, track each school guardian at the school by collecting the photograph and the name and contact information for each guardian;
- 535 (b) make the information described in Subsection (4)(a) readily available to each law enforcement agency in the state categorized by school; and
- 537 (c) provide each school guardian with a one-time stipend of \$500.
- 538 (5) A school guardian:
- 539 (a) may store the school guardian's firearm on the grounds of a school only if:
- 540 (i) the firearm is stored in a biometric gun safe;
- 541 (ii) the biometric gun safe is located in the school guardian's office; and
- 542 (iii) the school guardian is physically present on the grounds of the school while the firearm is stored in the safe;
- 544 (b) shall carry the school guardian's firearm in a concealed manner; and
- 545 (c) may not, unless during an active threat, display or open carry a firearm while on school grounds.
- 547 (6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who has a valid concealed carry permit but is not participating in the program from carrying a firearm on the grounds of a public school or charter school under Subsection 76-10-505.5(4).
- 551 (7) A school guardian:
- 552 (a) does not have authority to act in a law enforcement capacity; and
- 553 (b) may, at the school where the school guardian is employed:
- 554 (i) take actions necessary to prevent or abate an active threat; and
- 555 (ii) temporarily detain an individual when the school guardian has reasonable cause to believe the individual has committed or is about to commit a forcible felony, as that term is defined in Section 76-2-402.
- 558 (8) A school may designate a single volunteer or multiple volunteers to participate in the school guardian program to satisfy the school safety personnel requirements of Section 53G-8-701.5.
- 561 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section.

563

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(10) A school guardian who has active status in the guardian program is not liable for any civil damages or penalties if the school guardian:

565 (a) when carrying or storing a firearm:

566 (i) is acting in good faith; and

567 (ii) is not grossly negligent; or

568 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
569 necessary in compliance with Section 76-2-402.

570 (11) A school guardian shall file a report described in Subsection (12) if, during the performance of the
school guardian's duties, the school guardian points a firearm at an individual.

573 (12)

. (a) A report described in Subsection (11) shall include:

574 (i) a description of the incident;

575 (ii) the identification of the individuals involved in the incident; and

576 (iii) any other information required by the state security chief.

577 (b) A school guardian shall submit a report required under Subsection (11) to the school administrator,
school safety and security director, and the state security chief within 48 hours after the incident.

580 (c) The school administrator, school safety and security director, and the state security chief shall
consult and review the report submitted under Subsection (12)(b).

582 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.

583 (14) A school guardian may have the designation of school guardian revoked at any time by the school
principal, county sheriff, or state security chief.

585 (15)

. (a) Any information or record created detailing a school guardian's participation in the program is:

587 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records
Access and Management Act; and

589 (ii) available only to:

590 (A) the state security chief;

591 (B) administrators at the school guardian's school;

592 (C) if applicable, other school safety personnel described in Section 53G-8-701.5;

593 (D) a local law enforcement agency that would respond to the school in case of an emergency; and

595

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(E) the individual designated by the county sheriff in accordance with Section 53-22-103 of the county of the school where the school guardian in the program is located.

598 (b) The information or record described in Subsection (15)(a) includes information related to the school guardian's identity and activity within the program as described in this section and any personal identifying information of a school guardian participating in the program collected or obtained during initial training, annual training, and biannual training.

603 (c) An individual who intentionally or knowingly provides the information described in Subsection (15) (a) to an individual or entity not listed in Subsection (15)(a)(ii) is guilty of a class B misdemeanor.

604 Section 8. Section **53-22-106** is amended to read:

605 **53-22-106. Substantial threats against a school reporting requirements -- Exceptions.**

609 (1) As used in this section, "substantial threat" means a threat made with serious intent to cause harm.

611 (2) Except as provided in Subsection (3), if a state employee or person in a position of special trust as defined in Section 76-5-404.1, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, has reason to believe a substantial threat against a school, school employee, or student attending a school or is aware of circumstances that would reasonably result in a substantial threat against a school, school employee, or student attending a school, the state employee or person in a position of special trust shall immediately report the suspected substantial threat to:

619 [~~(a) the state security chief;~~]

620 [~~(b)~~] (a) the local education agency that the substantial threat would impact; [~~or~~]

621 [~~(c)~~] (b) to the nearest peace officer or law enforcement agency~~[-]~~ ; and

622 (c) the state security chief.

623 (3)

. (a)

. (i) If the state security chief, a peace officer, or law enforcement agency receives a report under Subsection (2), the state security chief, peace officer, or law enforcement agency shall immediately notify the local education agency that the substantial threat would impact.

627 (ii) If the local education agency that the substantial threat would impact receives a report under Subsection (2), the local education agency that the substantial threat would impact shall immediately notify the appropriate local law enforcement agency and the state security chief.

631 (b)

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- . (i) A local education agency that the substantial threat would impact shall coordinate with the law enforcement agency on the law enforcement agency's investigation of the report described in Subsection (1).
- 634 (ii) If a law enforcement agency undertakes an investigation of a report under Subsection (2), the law enforcement agency shall provide a final investigatory report to the local education agency that the substantial threat would impact upon request.
- 638 (4) Subject to Subsection (5), the reporting requirement described in Subsection (2) does not apply to:
- 640 (a) a member of the clergy with regard to any confession an individual makes to the member of the clergy while functioning in the ministerial capacity of the member of the clergy if:
- 643 (i) the individual made the confession directly to the member of the clergy;
- 644 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of the confession; and
- 646 (iii) the member of the clergy does not have the consent of the individual making the confession to disclose the content of the confession; or
- 648 (b) an attorney, or an individual whom the attorney employs, if:
- 649 (i) the knowledge or belief of the substantial threat arises from the representation of a client; and
- 651 (ii) if disclosure of the substantial threat would not reveal the substantial threat to prevent reasonably certain death or substantial bodily harm in accordance with Utah Rules of Professional Conduct, Rule 1.6.
- 654 (5)
- . (a) When a member of the clergy receives information about the substantial threat from any source other than a confession, the member of the clergy shall report the information even if the member of the clergy also received information about the substantial threat from the confession of the perpetrator.
- 658 (b) Exemption of the reporting requirement for an individual described in Subsection (4) does not exempt the individual from any other actions required by law to prevent further substantial threats or actual harm related to the substantial threat.
- 661 (6) The physician-patient privilege does not:
- 662 (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting under this section; or
- 665

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- (b) constitute grounds for excluding evidence in a judicial or administrative proceeding resulting from a report under this section.

665 Section 9. Section 9 is enacted to read:

666 **53-22-108. School safety foundation.**

669 (1) As used in this section:

670 (a) "Authorized foundation" means a nonprofit foundation that:

671 (i) meets the requirements of this section; and

672 (ii) the state security chief authorizes in consultation with the School Safety Center created in Section 53G-8-802.

674 (b) "School safety product" means equipment, technology, service, or material that enhances school safety and security.

676 (2) The state security chief may approve a nonprofit foundation to be an authorized foundation if the foundation:

678 (a) maintains status as a nonprofit organization under 26 U.S.C. Sec. 501(c)(3);

679 (b) has operated continuously in the state for three or more years;

680 (c) maintains a primary mission focused on school safety;

681 (d) operates under a board of directors that includes:

682 (i) a law enforcement representative;

683 (ii) an educator or school administrator; and

684 (iii) an emergency management professional;

685 (e) demonstrates financial stability through:

686 (i) an annual independent audit;

687 (ii) maintained reserves; and

688 (iii) a clean financial record; and

689 (f) provides evidence of:

690 (i) successful project management;

691 (ii) an existing relationship with an educational institution; and

692 (iii) knowledge of school safety requirements described in federal and state law.

693 (3) A foundation seeking authorization shall submit to the state security chief:

694 (a) a written application that demonstrates compliance with Subsection (2);

695 (b) a financial record for the previous three years;

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- 696 (c) a current board member qualification;
- 697 (d) a proposed school safety initiative; and
- 698 (e) an internal procurement policy for purchases not made from a state cooperative contract.
- 699 (4) The state security chief shall:
- 700 (a) review an application within 60 days;
- 701 (b) request additional information if needed;
- 702 (c) issue a written decision; and
- 703 (d) maintain a public record of an authorized foundation, including records related to the approval
process of an authorized foundation.
- 705 (5) An authorized foundation may:
- 706 (a) {participate in} use a state cooperative contract in accordance with Section 63G-6a-2105;
- 707 (b) make a bulk purchase of a school safety product; and
- 708 (c) in coordination with the state security chief and the School Safety Center:
- 709 (i) facilitate a donation of a school safety product; and
- 710 (ii) distribute a product to a school.
- 711 (6) An authorized foundation shall:
- 712 (a) follow Title 63G, Chapter 6a, Utah Procurement Code, when utilizing a state cooperative contract;
- 714 (b) maintain separate accounting for a school safety purchase;
- 715 (c) by August 1 of each year, submit an annual report to the state security chief that includes:
- 717 (i) {a} any product procured through a state cooperative contract;
- 718 (ii) the annual independent audit required in Subsection (2)(e);
- 719 (iii) all schools served;
- 720 (iv) the total value of a donation facilitated; and
- 721 (v) a compliance certification; and
- 722 (d) renew authorization every three years.
- 723 (7) The state security chief:
- 724 (a) may revoke authorization if the authorized foundation:
- 725 (i) fails to maintain a requirement of this section;
- 726 {(ii) {violates Title 63G, Chapter 6a, Utah Procurement Code;}-}
- 727 {(iii)} (ii) engages in financial mismanagement; or
- 728 {(iv)} (iii) submits false information in a report required by this section; and

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- 729 (b) shall, before revoking authorization:
730 (i) provide written notice to the foundation;
731 (ii) allow a 30-day period to remedy the violation;
732 (iii) provide an opportunity for a hearing; and
733 (iv) issue a final written decision.

- 734 (8) Authorization under this section does not:
735 (a) create state liability;
736 (b) imply state endorsement;
737 (c) override a local procurement requirement; and
738 (d) exempt the foundation from an applicable law.

737 Section 10. Section 10 is enacted to read:

738 **53-22-109. School safety -- Compliance.**

741 (1) As used in this section:

742 (a) "Compliance issue" means a violation of a school safety requirement under:

- 743 (i) this chapter; or
744 (ii) rules established in accordance with this chapter.

745 (b) "Tiered system of support" means an escalating system of:

- 746 (i) technical assistance;
747 (ii) intervention; and
748 (iii) corrective action.

749 (2) The state security chief shall, in collaboration with the School Safety Center:

- 750 (a) establish a tiered system of support for a compliance issue;
751 (b) develop implementation procedures for the system; and
752 (c) define criteria for:
753 (i) evaluating a compliance issue;
754 (ii) assigning an appropriate tier; and
755 (iii) monitoring progress.

756 (3) In establishing the system under Subsection (2), the state security chief and School Safety Center shall consider:

- 758 (a) severity of the compliance issue;
759 (b) risk to student and staff safety;

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- 760 (c) available technical assistance resources;
761 (d) local education agency capacity; and
762 (e) required corrective action timelines.

761 Section 11. Section **11** is enacted to read:

764

Part 6. Requirements for School Safety

763 **53-25-601. Requirements for school safety.**

766 (1) As used in this section:

767 (a) "Local law enforcement agency" means the law enforcement agency with primary jurisdiction over a school's physical location.

769 (b) "School safety needs assessment" means the assessment required under Section 53G-8-701.5.

771 (c) "Security camera system" means the system described in Section 53G-8-805.

772 (2) Each local law enforcement agency shall:

773 (a) as coordinated with the county security chief described in Section 53-22-103, allocate adequate personnel to participate in the annual school safety needs assessments with a school's school safety and security specialist as required by Section 53G-8-701.5 for each school within the local law enforcement's jurisdiction;

777 (b) if a school within the local law enforcement agency's jurisdiction elects to satisfy the requirements described in Subsection 53G-8-701.5(2)(a)(ii) by employing school guardians, assign adequate personnel time as the the county security chief determines to assist the county security chief in administering the trainings required under Section 53-22-105;

782 (c) ensure the school safety and security specialist for each school has all relevant information collected by the county security chief or the local law enforcement agency to submit the completed assessments to the School Safety Center created in Section 53G-8-802 by October 15 of each year;

786 (d) coordinate with each school within the local law enforcement's jurisdiction to obtain and maintain access to school security camera systems as described in Section 53G-8-805; and

789 (e) coordinate with the relevant county security chiefs as specified in Sections 53-22-103 and 53-22-105.

789 Section 12. Section **53B-28-401** is amended to read:

790 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing board duties.**

794 (1) As used in this section:

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- 795 (a) "Covered offense" means:
- 796 (i) sexual assault;
- 797 (ii) domestic violence;
- 798 (iii) dating violence; or
- 799 (iv) stalking.
- 800 (b) "Institution" means an institution of higher education described in Section 53B-1-102.
- 801 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or other organization:
- 803 (i) of which the majority of members is composed of students enrolled in an institution; and
- 805 (ii)
- . (A) that is officially recognized by the institution; or
- 806 (B) seeks to be officially recognized by the institution.
- 807 (2) An institution shall develop a campus safety plan that addresses:
- 808 (a) where an individual can locate the institution's policies and publications related to a covered offense;
- 810 (b) institution and community resources for a victim of a covered offense;
- 811 (c) the rights of a victim of a covered offense, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;
- 814 (d) how the institution informs the campus community of a crime that presents a threat to the campus community;
- 816 (e) availability, locations, and methods for requesting assistance of security personnel on the institution's campus;
- 818 (f) guidance on how a student may contact law enforcement for incidents that occur off campus;
- 820 (g) institution efforts related to increasing campus safety, including efforts related to the institution's increased response in providing services to victims of a covered offense, that:
- 823 (i) the institution made in the preceding 18 months; and
- 824 (ii) the institution expects to make in the upcoming 24 months;
- 825 (h) coordination and communication between institution resources and organizations, including campus law enforcement;
- 827 (i) institution coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and
- 829

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(j) how the institution requires a student organization to provide the campus safety training as described in Subsection (5).

831 (3) An institution shall:

832 (a) prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses; and

834 (b) annually update the institution's campus safety plan.

835 (4) An institution shall develop a campus safety training curriculum that addresses:

836 (a) awareness and prevention of covered offenses, including information on institution and community resources for a victim of a covered offense;

838 (b) bystander intervention; and

839 (c) sexual consent.

840 (5) An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in Subsection (4), to the student organization's members.

844 [~~(6) An institution shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, on crime statistics aggregated by housing facility as described in Subsection 53B-28-403(2).]~~

846 Section 13. Section **53B-28-403** is amended to read:

847 **53B-28-403. Student housing crime reporting.**

850 (1) As used in this section:

851 (a) "Campus law enforcement" means an institution's police department.

852 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec. 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by type of crime.

855 (c) "Institution" means an institution of higher education described in Section 53B-2-101.

856 (d)

. (i) "Institution noncampus housing facility" means a building or property that:

857 (A) is used for housing students;

858 (B) is not part of the institution's campus; and

859 (C) the institution owns, manages, controls, or leases;

860 (ii) "Institution noncampus housing facility" includes real property that is adjacent to, and is used in direct support of, the building or property described in Subsection (1)(d)(i).

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- 863 (e) "Local law enforcement agency" means a state or local law enforcement agency other than campus
law enforcement.
- 865 (f)
- . (i) "On-campus housing facility" means a building or property that is:
- 866 (A) used for housing students; and
- 867 (B) part of the institution's campus.
- 868 (ii) "On-campus housing facility" includes real property that is:
- 869 (A) adjacent to the on-campus housing facility; and
- 870 (B) used in direct support of the on-campus housing facility.
- 871 (g) "Student housing" means:
- 872 (i) an institution noncampus housing facility;
- 873 (ii) an on-campus housing facility; or
- 874 (iii) a student organization noncampus housing facility.
- 875 (h) "Student organization" means the same as that term is defined in Section 53B-28-401.
- 876 (i) "Student organization noncampus housing facility" means a building or property that:
- 877 (i) is used for housing students;
- 878 (ii) is not part of the institution's campus; and
- 879 (iii)
- . (A) a student organization owns, manages, controls, or leases; or
- 880 (B) is real property that is adjacent to the student organization noncampus housing facility and is used
in direct support of the noncampus housing facility.
- 882 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- 883 (a) create a report of crime statistics aggregated by:
- 884 (i) on-campus housing facility, identified and listed individually using the institution's system for
inventorying institution facilities;
- 886 (ii) institution noncampus housing facility, identified and listed individually using the institution's
system for inventorying institution facilities; and
- 888 (iii) student organization noncampus housing facilities, identified and listed individually using the
institution's system for identifying student organization noncampus housing facilities; and
- 891 (b) [~~include the report described in Subsection (2)(a) in the report described in Subsection
53B-28-401(6).~~] report annually to the Education Interim Committee and the Law Enforcement and

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Criminal Justice Interim Committee, at or before the committee's November meetings, on crime statistics aggregated by housing facility as described in Subsection(2)(a).

896 (3) An institution that does not have the types of housing described in Subsection (2) shall report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities specified in Subsection (2).

900 (4) Upon request from an institution, a local law enforcement agency shall provide to the institution crime statistics for each student housing facility over which the local law enforcement agency has jurisdiction.

903 [~~4~~] (5) Except as provided in Section 53B-28-303, when campus law enforcement receives a complaint or report of a crime that campus law enforcement reasonably determines occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall share any record of the complaint or report with the local law enforcement agency with jurisdiction.

906 Section 14. Section 14 is enacted to read:

907 **53B-28-404. Higher Education Safety Needs Assessment.**

910 (1) As used in this section:

911 (a) "Institution" means an institution of higher education described in Section 53B-2-101.

912 (b) "Safety needs assessment" means a comprehensive evaluation of:

913 (i) campus security infrastructure;

914 (ii) emergency response protocols;

915 (iii) threat assessment capabilities;

916 (iv) mental health resources;

917 (v) cybersecurity measures;

918 (vi) communication systems; and

919 (vii) other safety-related elements as the state security chief determines.

920 (2) An institution shall:

919 (a) by June 15, 2025, provide to the state security chief described in Section 53-22-102:

920 (i) written notice of intent to conduct the initial safety needs assessment; and

921 (ii) an executive summary describing:

922 (A) the proposed timeline for conducting the assessment;

923 (B) key personnel responsible for overseeing the assessment; and

924 (C) the general methodology to be used in evaluating each element described under Subsection (1)(b);

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- 921 ~~{(a)}~~ (b) by October 15 of each year, ~~{conduct}~~ complete an annual safety needs assessment that:
- 922 (i) evaluates the institution's current safety and security measures;
- 923 (ii) identifies potential vulnerabilities and risks;
- 924 (iii) assesses compliance with applicable safety regulations;
- 925 (iv) reviews emergency response plans; and
- 926 (v) examines the effectiveness of safety-related policies and procedures;
- 927 ~~{(b)}~~ (c) submit the assessment results to:
- 928 (i) the state security chief;
- 929 (ii) the institution's board of trustees;
- 930 (iii) the Utah Board of Higher Education;
- 931 (iv) the School Security Task Force established in Section 53-22-104.1; and
- 932 (v) local law enforcement agencies with jurisdiction over the institution's campus;
- 933 ~~{(e)}~~ (d) develop and implement an action plan to address identified safety needs; and
- 934 ~~{(d)}~~ (e) maintain records of completed assessments and improvement actions.
- 935 (3) The state security chief in collaboration with the Office of the Higher Education Commissioner, shall:
- 937 (a) establish ~~{guidelines for conducting}~~ the elements of the safety needs assessment~~{;}~~ in accordance with this section; and
- 938 ~~{(b) {provide technical assistance to institutions in completing the assessment;}}~~
- 939 ~~{(e)}~~ (b) review assessment results and action plans~~{;and}~~.
- 940 ~~{(d) {make recommendations for safety improvements.}}~~
- 941 (4) The Utah Board of Higher Education shall:
- 942 (a) ensure institutions comply with this section;
- 943 (b) coordinate resources to assist institutions in implementing safety improvements;
- 944 (c) facilitate sharing of best practices among institutions; and
- 945 (d) establish policies for maintaining confidentiality of sensitive security information contained in the assessments.

951 Section 15. Section 53G-8-102 is amended to read:

952 **53G-8-102. Definitions.**

[Reserved] As used in this chapter:

954

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- (1) "Climate" means the perceptions and experiences of students, staff, parents, and the community regarding the school's environment and the resources that support the experiences.
- 957 (2) "Culture" means the beliefs, values, and practices that shape how a school functions and influences student learning and well-being through policies, procedures, and safety protocols.
- 960 (3) "K-12 School Campus" means an LEA governed property or building where K-12 students gather daily for instructional purposes or has an assigned administrator.
- 962 (4) "Physical Space" means the way in which a building is designed and structured to promote safety including the minimum safety and security standards as described in Section 53-22-102.
- 965 (5) "School safety means" the physical space, culture, and climate of a school.
- 966 Section 16. Section **53G-8-701** is amended to read:
- 967 **53G-8-701. Definitions.**
- As used in this part:
- 950 (1) "Armed school security guard" means the same as that term is defined in Section [53G-8-804] 53G-8-704.
- 952 (2) "County security chief" means the same as that term is defined in Section 53-22-101.
- 953 (3) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- 954 (4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- 955 (5) "School guardian" means the same as that term is defined in Section 53-22-106.
- 956 (6) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 957 (7) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.
- 960 (8) "School safety and security director" means an individual whom an LEA designates in accordance with Section 53G-8-701.8.
- 962 (9) "School safety and security specialist" means a school employee designated under Section 53G-8-701.6 who is responsible for supporting school safety initiatives.
- 964 (10) "School [~~safety center~~] Safety Center" means the same as that term is defined in Section 53G-8-801.
- 966 (11) "State security chief" means the same as that term is defined in Section 53-22-101.
- 986 Section 17. Section **53G-8-701.5** is amended to read:
- 987

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53G-8-701.5. School safety needs assessment -- School safety personnel -- Alternative requirements.

970 (1)

. (a) No later than [~~December 31, 2024~~] October 15 of each year, an LEA shall:

971 (i) ensure a school safety needs assessment the state security chief selects is conducted in accordance with Subsection (1)(b) for each school or K-12 campus within the LEA to determine the needs and deficiencies regarding:

974 (A) appropriate school safety personnel, including necessary supports, training, and policy creation for the personnel;

976 (B) physical building security and safety, including required upgrades to facilities and safety technology, and a list of current deferred maintenance; and

978 (C) a school's current threat and emergency response protocols, including any emergency response agreements with local law enforcement;

980 (D) cybersecurity preparedness and compliance with the cybersecurity standards established under Section 53-22-102;

982 (E) cardiac emergency preparedness, including presence and accessibility of automated external defibrillators, automated external defibrillator maintenance status and replacement needs, staff training levels for using an automated external defibrillator, and integration with local emergency services;

986 (F) compliance with universal access key box requirements under Section 53G-7-220; and

988 (ii) report the results of the school safety needs assessment for each school within the LEA to the state security chief and the School Safety Center.

990 (b)

. (i) The school safety specialist described in Section 53G-8-701.6, in collaboration with the county security chief, [~~or designee described in Section 53-22-103~~] and with the local law enforcement of relevant jurisdiction over the school as described in Section 53-25-601, shall conduct the school safety needs assessment for each school.

1014 (ii) A school safety and security director may fulfill the role of a school safety and security specialist in conducting the school safety needs assessment.

994

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- [~~(e)~~ In collaboration with the School Safety Center described in Section 53G-8-802, the state security chief described in Section 53-22-102 shall create a school safety needs assessment that an LEA shall use to ensure compliance with this Subsection (1).]
- 997 [~~(d)~~] (c) The state board shall use the results of the school safety needs assessment for each school within an LEA to award a grant to an LEA in accordance with Section 53F-5-220.
- 1000 [~~(e)~~] (d) Any information or record detailing a school's needs assessment results is:
- 1001 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- 1003 (ii) available only to:
- 1004 (A) the state security chief;
- 1005 (B) the School Safety Center;
- 1006 (C) members of an LEA governing board;
- 1007 (D) administrators of the LEA and school the needs assessment concerns;
- 1008 (E) only to the extent necessary to award a grant under Section 53F-5-220, the state board;
- 1010 (F) the applicable school safety personnel described in Subsection (2);
- 1011 (G) a local law enforcement agency that would respond to the school in case of an emergency; and
- 1013 (H) the county security chief.
- 1014 [~~(f)~~] (e) An individual who intentionally or knowingly provides the information described in Subsection (1)(e) to an individual or entity not listed in Subsection (1)(e)(ii) is guilty of a class B misdemeanor.
- 1017 (2)
- . (a) An LEA shall ensure each school within the LEA has the following school safety personnel:
- 1019 (i) a school safety and security specialist described in Section 53G-8-701.6; and
- 1020 (ii) based on the results of the needs assessment described in Subsection (1), at least one of the following:
- 1022 (A) a school resource officer;
- 1023 (B) a school guardian; or
- 1024 (C) an armed school security guard.
- 1025 (b) In addition to the school safety personnel described in Subsection (2)(a), an LEA shall designate a school safety and security director described in Section 53G-8-701.8.
- 1027 (c) [~~If a school has more than 350 students enrolled at the school, the~~] The same individual may [not serve in more than one of the roles listed in Subsections (2)(a) and (b) if the school notifies the

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School Safety Center and the state security chief of the decision to have the same individual serve in multiple roles as described in this Subsection (2).

- 1032 (d) An LEA may implement the requirements of Subsection (2)(a)(ii) before the LEA has completed the school safety needs assessment described in Subsection (1).
- 1034 (e) The state security chief in consultation with the School Safety Center shall establish a timeline for an LEA to comply with the school safety personnel requirements of this Subsection (2).
- 1037 (3)
- . (a) An LEA, school administrator, or private school may apply to the state security chief for an approved alternative to the requirements described in:
- 1039 (i) Section 53-22-105;
- 1040 (ii) this section;
- 1041 (iii) Section 53G-8-701.6;
- 1042 (iv) Section 53G-8-701.8; and
- 1043 (v) Section 53G-8-704.
- 1044 (b) In approving or denying an application described in Subsection (3)(a), the state security chief may consider factors that impact a school or LEA's ability to adhere to the requirements of this section, including the school or LEA's:
- 1047 (i) population size;
- 1048 (ii) staffing needs or capacity;
- 1049 (iii) geographic location;
- 1050 (iv) available funding; or
- 1051 (v) general demonstration of need for an alternative to the requirements of this section.
- 1053 (4) A private school shall identify an individual at the private school to serve as the safety liaison with the local law enforcement of relevant jurisdiction and the state security chief.
- 1077 Section 18. Section **53G-8-701.6** is amended to read:
- 1078 **53G-8-701.6. School safety and security specialist.**
- 1057 (1) As used in this section, "principal" means the chief administrator at a public school, including:
- 1059 (a) a school principal;
- 1060 (b) a charter school director; or
- 1061 (c) the superintendent of the Utah Schools for the Deaf and the Blind.
- 1062 (2)

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- . (a) Subject to Subsection (2)(b) and except as provided in Subsection 53G-8-701.5(3), every campus within an LEA shall designate a school safety and security specialist from the employees of the relevant campus.
- 1065 (b) The school safety and security specialist:
- 1066 (i) may not be a principal; and
- 1067 (ii) may be the school safety and security director at one campus within the LEA.
- 1068 (3) The school safety and security specialist shall:
- 1069 (a) report directly to the principal;
- 1070 (b) oversee school safety and security practices to ensure a safe and secure school environment for students and staff;
- 1072 (c) ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security through collaborating and maintaining effective communications with the following as applicable:
- 1075 (i) the principal;
- 1076 (ii) school staff;
- 1077 (iii) the school resource officer;
- 1078 (iv) the armed school security guard;
- 1079 (v) the school guardian;
- 1080 (vi) local law enforcement;
- 1081 (vii) the county security chief;
- 1082 (viii) the school safety and security director;
- 1083 (ix) the LEA; and
- 1084 (x) school-based behavioral and mental health professionals;
- 1085 (d) in collaboration with the county security chief [~~or designee described in Section 53-22-103~~] and with the local law enforcement of relevant jurisdiction over the school as described in Section 53-25-601:
- 1088 (i) conduct the school safety needs assessment described in Section 53G-8-701.5;
- 1089 (ii) in accordance with Sections 53-25-601 and 53G-8-701.5, submit the completed assessments to the School Safety Center created in Section 53G-8-802 by October 15 of each year; and
- 1092

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- [~~(ii)~~] (iii) conduct a building safety evaluation at least annually using the results of the school safety needs assessment to recommend and implement improvements to school facilities, policies, procedures, protocols, rules, and regulations relating to school safety and security;
- 1096 (e) [~~if the specialist is also an employee of an LEA,~~] participate on the multidisciplinary team that the [LEA] school establishes;
- 1098 (f) conduct a behavioral threat assessment when the school safety and security specialist deems necessary using an evidence-based tool the state security chief recommends in consultation with the school safety center and the Office of Substance [~~Abuse~~] Use and Mental Health;
- 1102 (g) regularly monitor and report to the principal, local law enforcement, and, if applicable, the LEA superintendent or designee, security risks for the school resulting from:
- 1105 (i) issues with school facilities; or
- 1106 (ii) the implementation of practices, policies, procedures, and protocols relating to school safety and security;
- 1108 (h) coordinate with local first responder agencies to implement and monitor safety and security drills in accordance with policy and applicable procedures and protocols;
- 1110 (i) ensure that school staff, and, when appropriate, students, receive training on and remain current on the school's safety and security procedures and protocols;
- 1112 (j) following an event where security of the school has been significantly compromised, organize a debriefing with the individuals listed in Subsection (3)(c) following the recommendations from the state security chief, in collaboration with the School Safety Center, regarding strengthening school safety and security practices, policies, procedures, and protocols;
- 1117 (k) abide by any LEA, school, or law enforcement agency policy outlining the chain of command;
- 1119 (l) during an emergency, coordinate with the following individuals as applicable, the:
- 1120 (i) school resource officer;
- 1121 (ii) school guardians;
- 1122 (iii) armed school security guards;
- 1123 (iv) school administrators; and
- 1124 (v) responding law enforcement officers;
- 1125 (m) follow any LEA, school, or law enforcement agency student privacy policies, including state and federal privacy laws;
- 1127

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- (n) participate in an annual training the state security chief selects in consultation with the School Safety Center; and
- 1129 (o) remain current on:
- 1130 (i) a comprehensive school guideline the state security chief selects;
- 1131 (ii) the duties of a school safety and security specialist described in this Subsection (3); and
- 1133 (iii) the school's emergency response plan.
- 1134 (4) During an active emergency at the school, the school safety and security specialist is subordinate to any responding law enforcement officers.
- 1158 Section 19. Section **53G-8-701.8** is amended to read:
- 1159 **53G-8-701.8. School safety and security director.**
- 1138 (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school safety and security director as the LEA point of contact for the county security chief, local law enforcement, and the state security chief.
- 1141 (2) A school safety and security director shall:
- 1142 (a) participate in and satisfy the training requirements~~[, including the annual and biannual requirements, described in]~~ as follows:
- 1144 (i) only once, the training requirements described in Section 53-22-105 for school guardians;
- 1146 (ii) ~~[Section 53G-8-702 for]~~ the school resource [officers] officer and administrator training the state security chief approves in consultation with the School Safety Center; and
- 1149 ~~[(iii) Section 53G-8-704 for armed school security guards;]~~
- 1150 ~~[(b) {if serving as a backup school guardian, } have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act{ } satisfy all requirements described in 53-22-105};]~~
- 1153 ~~[(e)]~~ (b) if serving as a backup school guardian, satisfy all requirements described in 53-22-105;
- 1176 (c) if the designee is an employee of an LEA, participate on the multidisciplinary team the LEA establishes;
- 1155 (d) coordinate security responses among, if applicable, the following individuals in the LEA that employs the school safety and security director:
- 1157 (i) school safety and security specialists;
- 1158 (ii) school resource officers;
- 1159 (iii) armed school security guards; and
- 1160 (iv) school guardians; and

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- 1161 (e) collaborate and maintain effective communications with local law enforcement, a county security chief, the LEA, and school-based behavioral and mental health professionals to ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security.
- 1165 (3) A school safety and security director:
- 1166 (a) does not have authority to act in a law enforcement capacity; and
- 1167 (b) may, at the LEA that employs the director:
- 1168 (i) take actions necessary to prevent or abate an active threat; and
- 1169 (ii) temporarily detain an individual when the school safety and security director has reasonable cause to believe the individual has committed or is about to commit a forcible felony, as that term is defined in Section 76-2-402[;] .
- 1172 (4) Notwithstanding Subsection 76-10-505.5(4), if a school safety and security director is carrying a firearm, the school safety and security director shall carry the school safety and security director's firearm in a concealed manner and may not, unless during an active threat, display or open carry a firearm while on school grounds.
- 1176 (5) A school may use the services of the school safety and security director on a temporary basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).
- 1178 (6) The state security chief shall:
- 1179 (a) for each school safety and security director, track each school safety and security director by collecting the photograph and the name and contact information for each school safety and security director; and
- 1182 (b) make the information described in Subsection (6)(a) readily available to each law enforcement agency in the state categorized by LEA.
- 1207 Section 20. Section **53G-8-704** is amended to read:
- 1208 **53G-8-704. Contracts between an LEA and a contract security company for armed school security guards.**
- 1187 (1) As used in this section:
- 1188 (a) "Armed private security officer" means the same as that term is defined in Section 58-63-102.
- 1190 (b) "Armed school security guard" means an armed private security officer who[is]:
- 1191 (i) is licensed as an armed private security officer under Title 58, Chapter 63, Security Personnel Licensing Act; and
- 1193 (ii) has met the requirements described in Subsection (4)(a).

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- 1194 (c) "Contract security company" means the same as that term is defined in Section 58-63-102.
- 1196 (d) "State security chief" means the same as that term is defined in Section 53-22-102.
- 1197 (2)
- . (a) An LEA may use an armed school security guard to satisfy the school safety personnel requirements of Section 53G-8-701.5.
- 1199 (b) An LEA that uses an armed school security guard under Subsection (2)(a) shall contract with a contract security company to provide armed school security guards at each school within the LEA.
- 1202 (3) The contract described in Subsection (2)(b) shall include a detailed description of:
- 1203 (a) the rights of a student under state and federal law with regard to:
- 1204 (i) searches;
- 1205 (ii) questioning;
- 1206 (iii) arrests; and
- 1207 (iv) information privacy;
- 1208 (b) job assignment and duties of an armed school security guard, including:
- 1209 (i) the school to which an armed school security guard will be assigned;
- 1210 (ii) the hours an armed school security guard is present at the school;
- 1211 (iii) the point of contact at the school that an armed school security guard will contact in case of an emergency;
- 1213 (iv) specific responsibilities for providing and receiving information;
- 1214 (v) types of records to be kept, and by whom; and
- 1215 (vi) training requirements; and
- 1216 (c) other expectations of the contract security company in relation to school security at the LEA.
- 1218 (4)
- . (a) In addition to the requirements for licensure under Title 58, Chapter 63, Security Personnel Licensing Act, an armed private security officer may only serve as an armed school security guard under a contract described in Subsection (2)(b) if the armed private security officer:
- 1222 (i) has a valid concealed carry permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act; ~~and~~
- 1224 (ii) has undergone training from a county security chief or local law enforcement agency regarding:
- 1226 (A) the safe loading, unloading, storage, and carrying of firearms in a school setting;
- 1228 (B) the role of armed security guards in a school setting; and

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- 1229 (C) coordination with law enforcement and school officials during an active threat[-] ;
- 1230 (iii) completes an initial "fit to carry" assessment the Department of Health and Human Services
approves and a provider administers; and
- 1232 (iv) maintains compliance with mental health screening requirements consistent with law
enforcement standards.
- 1234 (b) An armed school security guard that meets the requirements of Subsection (4)(a) shall, in order to remain eligible to be assigned as an armed school security guard at any school under a contract described in Subsection (2)(b), participate in and satisfy the training requirements of the initial, annual, and biannual trainings as defined in Section 53-22-105.
- 1239 (5) An armed school security guard may conceal or openly carry a firearm at the school at which the armed school security guard is employed under the contract described in Subsection (2)(b).
- 1242 (6) An LEA that enters a contract under this section shall inform the state security chief and the relevant county security chief of the contract and provide the contact information of the contract security company employing the armed security guard for use during an emergency.
- 1246 (7) The state security chief shall:
- 1247 (a) for each LEA that contracts with a contract security company under this section, track each contract security company providing armed school security guards by name and the contact information for use in case of an emergency; and
- 1250 (b) make the information described in Subsection (7)(a) readily available to each law enforcement agency in the state by school.
- 1252 (8) An armed school security guard shall file a report described in Subsection (9) if, during the performance of the armed school security guard's duties, the armed school security guard:
- 1255 (a) points a firearm at an individual; or
- 1256 (b) aims a conductive energy device at an individual and displays the electrical current.
- 1257 (9)
- . (a) A report described in Subsection (8) shall include:
- 1258 (i) a description of the incident;
- 1259 (ii) the identification of the individuals involved in the incident; and
- 1260 (iii) any other information required by the state security chief.
- 1261

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- (b) An armed school security guard shall submit a report required under Subsection (8) to the school administrator, school safety and security director, and the state security chief within 48 hours after the incident.
- 1264 (c) The school administrator, school safety and security director, and the state security chief shall
consult and review the report submitted under Subsection (9)(b).
- 1289 Section 21. Section **53G-8-802** is amended to read:
- 1290 **53G-8-802. State Safety and Support Program -- State board duties -- LEA duties.**
- 1269 (1) There is created the School Safety Center.
- 1270 (2) The School Safety Center shall:
- 1271 (a) develop in conjunction with the Office of Substance Use and Mental Health and the state security
chief model student safety and support policies for an LEA, including:
- 1273 (i) requiring an evidence-based behavior threat assessment that includes[?]
1274 [(A)] recommended interventions with an individual whose behavior poses a threat to school safety;
[and]
- 1276 [~~(B) establishes defined roles for a multidisciplinary team and school safety personnel described in Title
53G, Chapter 8, Part 7, School Safety Personnel, including:~~]
- 1279 (ii) procedures for referrals to law enforcement; and
- 1280 (iii) procedures for referrals to a community services entity, a family support organization, or a health
care provider for evaluation or treatment;
- 1282 (b) provide training in consultation with the state security chief:
- 1283 (i) in school safety;
- 1284 (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
- 1286 (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school
community;
- 1288 (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms
of mental illness;
- 1290 (v) on permitted disclosures of student data to law enforcement and other support services under the
Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
- 1293 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and
53E-9-305; and
- 1295 (vii) for administrators on rights and prohibited acts under:

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- 1296 (A) Chapter 9, Part 6, Bullying and Hazing;
- 1297 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 1298 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 1299 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- 1300 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 1301 (c) conduct and disseminate evidence-based research on school safety concerns;
- 1302 (d) disseminate information on effective school safety initiatives;
- 1303 (e) encourage partnerships between public and private sectors to promote school safety;
- 1304 (f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
- 1306 (g) in conjunction with the state security chief, make available to an LEA the model critical incident response training program a school and law enforcement agency shall use during a threat;
- 1309 (h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 26B-5-102;
- 1311 (i) collaborate with the state security chief to determine appropriate application of school safety requirements in Utah Code to an online school;
- 1313 (j) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment;
- 1315 (k) establish a charter school liaison including defined responsibilities for charter school communication and coordination with the School Safety Center; and
- 1317 (l) assist a foundation described in Section 53-22-108 in distributing school safety products if a foundation seeks assistance;
- 1319 (m) in collaboration with the state security chief established in Section 53-22-102 and the Utah Education and Telehealth Network created in Section 53B-17-105, conduct an initial gap analysis of LEA cybersecurity practices by December 31, 2025;
- 1322 (n) submit findings from the gap analysis described in Subsection (2)(m) to:
- 1323 (i) the state security chief established in Section 53-22-102;
- 1324 (ii) the School Safety Task Force created in Section 53-22-104.1; and
- 1325 (iii) the state board;
- 1326

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- (o) establishes defined roles for a multidisciplinary team and school safety personnel described in Title 53G, Chapter 8, Part 7, School Safety Personnel, including providing training and standards for cardiac emergency response that includes:
- 1329 (i) CPR and automated external defibrillator operation certification from a nationally recognized organization;
- 1331 (ii) automated external defibrillator placement, maintenance, and operation protocols;
- 1332 (iii) emergency response procedures, including designation of a cardiac emergency response coordinator and response team; and
- 1334 (iv) coordination with local emergency medical services for emergency response integration; and
- 1336 [~~k~~] (p) assist LEAs in implementing and maintaining universal access key box requirements under Section 53G-8-805;
- 1338 (q) collect aggregate data and school climate survey results from an LEA that administers the model school climate survey described in Subsection [~~2~~](i) (2)(j).
- 1340 (3) Nothing in this section requires:
- 1341 (a) an individual to respond to a school climate survey; or
- 1342 (b) an LEA to use the model school climate survey or any specified questions in the model school climate survey described in Subsection [~~2~~](i) (2)(j).
- 1344 (4) The state board shall require an LEA to:
- 1345 (a)
- . (i) if an LEA administers a school climate survey, review school climate data for each school within the LEA; and
- 1347 (ii) based on the review described in Subsection (4)(a)(i):
- 1348 (A) revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA;
- 1350 (B) adopt a plan for harassment- and discrimination-free learning; and
- 1351 (C) host outreach events or assemblies to inform students and parents of the plan adopted under Subsection (4)(a)(ii)(B);
- 1353 (b) no later than September 1 of each school year, send a notice to each student, parent, and LEA staff member stating the LEA's commitment to maintaining a school climate that is free of harassment and discrimination; and
- 1356

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(c) report to the state board annually on the LEA's implementation of the plan under Subsection (4)(a)(ii)(B) and progress.

1358 (5) A charter school authorizer as that term is defined in Section 53G-5-102, shall pay a portion of the salary of the charter liaison described in Subsection (2)(k) in an amount proportionate to the number of charter schools the authorizer has authorized.

1384 Section 22. Section **53G-8-803** is amended to read:

1385 **53G-8-803. Standard response protocol to active threats in schools.**

The state security chief described in Section 53-22-102, in consultation with the School Safety Center, shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

1366 (1) in accordance with the standard response protocol established by the state security chief, require an LEA or school to develop emergency preparedness plans and emergency response plans for use during an emergency that include developmentally appropriate training for students and adults regarding:

1370 (a) active threats;

1371 (b) emergency preparedness;

1372 (c) cardiac emergency preparedness;

1373 ~~[(e)]~~ (d) drills as required under Subsection 15A-5-202.5 and by the state security chief; and

1375 ~~[(d)]~~ (e) standard response protocols coordinated with community stakeholders; and

1376 (2) identify the necessary components of emergency preparedness and response plans, including underlying standard response protocols and emerging best practices for an emergency.

1402 Section 23. Section **53G-8-805** is amended to read:

1403 **53G-8-805. Panic alert device -- Security cameras.**

1381 (1) As used in this section:

1382 (a) "Universal access key box" means a UL Standard 1037 compliant secure container designed to store and protect emergency access keys and devices.

1384 (b) "Emergency responder" means law enforcement, fire service, or emergency medical personnel authorized by local authorities to respond to school emergencies.

1386 ~~[(1)]~~ (2) In accordance with the results of the school safety needs assessment described in Section 53G-8-701.5, an LEA shall provide ~~[a staff person]~~ the lead teacher in each classroom with a wearable panic alert device that ~~[allows for immediate contact with emergency services]~~

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~~or emergency services agencies, law enforcement agencies, health departments, and fire departments]~~ shall communicate directly with public safety answering points.

- 1392 [(2)] (3) An LEA shall ensure, before the school year begins, all school building personnel receive training on the protocol and appropriate use of the panic alert device described in Subsection [(4)] (2).
- 1395 [(3)] (4) An LEA shall:
- 1396 (a) ensure all security cameras within a school building are accessible by:
- 1397 (i) a local law enforcement agency; and
- 1398 (ii) public safety answering points;
- 1399 (b) coordinate with a local law enforcement agency to establish appropriate access protocols[-]; and
- 1401 (c) physically mark all hallways and doorways consistent with the incident response method or system the state security chief creates pursuant to Section 53-22-102(3).
- 1403 [(4)]
- 1404 (5) A school building shall include universal access key boxes that:
- 1405 (a) are installed at main entry points;
- 1406 (b) contain master keys and access devices providing complete access to all areas of the school;
- 1408 (c) are accessible only to authorized emergency responders;
- 1409 (d) are electronically monitored for tampering; and
- 1410 (e) are weather-resistant and vandal-resistant.
- 1411 (6) An LEA shall:
- 1412 (a) maintain universal access key boxes by:
- 1413 (i) conducting quarterly inspections;
- 1414 (ii) updating contents within 24 hours of any lock or access control changes;
- 1415 (iii) maintaining current key and access device inventories;
- 1416 (iv) documenting all inspections and updates; and
- 1417 (v) immediately replacing any damaged or malfunctioning boxes;
- 1418 (b) coordinate with local emergency responders to:
- 1419 (i) determine optimal box placement;
- 1420 (ii) establish access protocols;
- 1421 (iii) maintain current emergency contact information; and
- 1422 (iv) conduct annual reviews of box usage and effectiveness;

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- 1423 (c) include universal access key box locations and protocols in:
- 1424 (i) school emergency response plans;
- 1425 (ii) building schematic diagrams provided to emergency responders; and
- 1426 (iii) school safety and security training materials.
- 1427 (7) The state board shall:
- 1428 (a) establish standards for:
- 1429 (i) box installation and placement;
- 1430 (ii) access control and monitoring;
- 1431 (iii) maintenance schedules; and
- 1432 (iv) compliance verification;
- 1433 (b) provide technical assistance to LEAs implementing this section.
- 1434 (8) Nothing in this section:
- 1435 (a) affects requirements for fire department key boxes under applicable building or fire codes; or
- 1437 (b) restricts additional security measures implemented by LEAs that exceed these requirements.
- 1439 (9) This section is not subject to the restrictions in Section 41-6a-2003.
- 1463 Section 24. Section **53G-9-207** is amended to read:
- 1464 **53G-9-207. Child sexual abuse prevention.**
- 1442 (1) As used in this section:
- 1443 (a)
- 1445 (i) "Age-appropriate instructional material" means materials that provide instruction on:
- 1446 (A) the responsibility of adults for the safety of children;
- 1447 (B) how to recognize uncomfortable inner feelings;
- 1448 (C) how to say no and leave an uncomfortable situation;
- 1449 (D) how to set clear boundaries;
- 1451 (E) the risks of sharing intimate images or personal information through electronic means; and
- 1451 [~~E~~] (F) the importance of discussing uncomfortable situations with parents and other trusted adults.
- 1453 (ii) "Age-appropriate instructional material" does not include materials that:
- 1454 (A) invites a student to share personal experiences about abuse during instruction;
- 1455 (B) gives instruction regarding consent as described in Section 76-5-406; or
- 1456 (C) includes sexually explicit language or depictions.

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- 1457 (b) "Alternative provider" means a provider other than the provider selected by the state board
under Subsection (8) that provides the training and instruction described in Subsection (4) with
instructional materials approved under Subsection (2).
- 1460 (c) "School personnel" means the same as that term is defined in Section 53G-9-203.
- 1461 (d) "Sexual extortion" means the criminal offense described in Section 76-5b-204.
- 1462 (2) The state board shall approve, in partnership with the Department of Health and Human Services,
age-appropriate instructional materials for the training and instruction described in Subsections (3)
(a) and (4).
- 1465 (3)
- . (a) An LEA shall provide~~[, once every three years,]~~ annual training and instruction on child sexual
abuse and human trafficking prevention and awareness to:
- 1467 (i) school personnel in elementary and secondary schools on:
- 1468 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner;
- 1470 (B) identifying children who are victims or may be at risk of becoming victims of human trafficking or
commercial sexual exploitation; and
- 1472 (C) the mandatory reporting requirements described in Sections 53E-6-701 and 80-2-602;
- 1474 (D) appropriate responses to incidents of sexual extortion, including connecting victims with support
services; and
- 1476 (ii) parents of elementary school students on:
- 1477 (A) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at
risk of becoming a victim of human trafficking or commercial sexual exploitation; ~~[and]~~
- 1480 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child~~[-]~~ ;
and
- 1482 (C) resources available for victims of sexual extortion.
- 1483 (b) An LEA:
- 1484 (i) shall use the instructional materials approved by the state board under Subsection (2) to provide the
training and instruction under Subsections (3)(a) and (4); or
- 1486 (ii) may use instructional materials the LEA creates to provide the instruction and training described in
Subsections (3)(a) and (4), if the LEA's instructional materials are approved by the state board under
Subsection (2).
- 1489 (4)

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- . (a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction on child sexual abuse and human trafficking prevention and awareness to elementary school students using age-appropriate curriculum.
- 1492 (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the instructional materials approved by the state board under Subsection (2) to provide the instruction.
- 1495 (5)
 - . (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent of the student is:
 - 1497 (i) notified in advance of the:
 - 1498 (A) instruction and the content of the instruction; and
 - 1499 (B) parent's right to have the student excused from the instruction;
 - 1500 (ii) given an opportunity to review the instructional materials before the instruction occurs; and
 - 1502 (iii) allowed to be present when the instruction is delivered.
 - 1503 (b) Upon the written request of the parent of an elementary school student, the student shall be excused from the instruction described in Subsection (4).
 - 1505 (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.
 - 1507 (6) An LEA may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).
 - 1509 (7) Upon request of the state board, an LEA shall provide evidence of compliance with this section.
 - 1511 (8) The state board shall select a provider to provide the training and instruction described in Subsection (4), including requiring the provider selected to:
 - 1513 (a) engage in outreach efforts to support more schools to participate in the training and instruction;
 - 1515 (b) provide materials for the instruction involving students in accordance with Subsection (4);
 - 1517 (c) provide an outline of how many LEAs, schools, and students the provider could service; and
 - 1519 (d) submit a report to the state board that includes:
 - 1520 (i) information on the LEAs the provider engaged with in the outreach efforts, including:
 - 1522 (A) how many schools within an LEA increased instructional offerings for training and instruction; and
 - 1524 (B) the reasons why an LEA chose to participate or not in the offered training or instruction;
 - 1526 (ii) the number of schools and students that received the training and instruction;
 - 1527 (iii) budgetary information regarding how the provider utilized any funds the state board allocated; and
 - 1529 (iv) additional information the state board requests.

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- 1530 (9) Subject to legislative appropriation, there is created a grant program to support an LEA that chooses
to use an alternative provider other than the provider selected by the state board under Subsection
1531 (8) to provide the training and instruction described in Subsection (4).
- 1534 (10) The state board shall:
- 1535 (a) establish a process to select alternative providers for an LEA to use, including:
- 1536 (i) an application process for a provider to become an alternative provider;
- 1537 (ii) required criteria for a provider to become an alternative provider; and
- 1538 (iii) relevant timelines;
- 1539 (b) create a process for an LEA to receive a grant award described in Subsection (9), including:
- 1541 (i) an application process;
- 1542 (ii) relevant timelines; and
- 1543 (iii) a scoring rubric and corresponding formula for determining a grant amount; and
- 1544 (c) make grant awards on a first come first served basis until the state board distributes all appropriated
funds.
- 1546 (11) An LEA that receives a grant award described in Subsection (10)(b) shall:
- 1547 (a) use the grant award to cover the costs needed for implementation of the training or instruction
described in Subsection (4); and
- 1549 (b) upon request of the state board, provide an itemized list of the uses of the grant award.
- 1574 Section 25. Section **53G-9-703** is amended to read:
- 1575 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**
- 1553 (1)
- . (a) Except as provided in Subsection (3), a school district shall offer a seminar for parents of students
who attend school in the school district that:
- 1555 (i) is offered at no cost to parents;
- 1556 (ii)
- . (A) if in person, begins at or after 6 p.m.;~~[-or]~~
- 1557 (B) if in person, takes place on a Saturday; or
- 1558 (C) may be conducted at anytime online and recorded if the recording is made available on the school
district's website, including the parent portal created in Section 53G-6-806.
- 1561 (iii)
- . (A) is held in at least one school located in the school district; or

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- 1562 (B) is provided through a virtual platform; and
1563 (iv) covers the topics described in Subsection (2).
1564 (b)
. (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the
school district.
1566 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three
seminars.
1568 (c) A school district may:
1569 (i) develop the district school's own curriculum for the seminar described in Subsection (1)(a); or
1571 (ii) use the curriculum developed by the state board under Subsection (2).
1572 (d) A school district shall notify each charter school located in the attendance boundaries of the school
district of the date and time of a parent seminar, so the charter school may inform parents of the
seminar.
1575 (2) The state board shall:
1576 (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information
on:
1578 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
1579 (ii) bullying;
1580 (iii) mental health, depression, suicide awareness, and suicide prevention, including education on
limiting access to fatal means;
1582 (iv) Internet safety, including pornography addiction; [~~and~~]
1583 (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
1584 (vi) resources related to the topics described in this Subsection (2); and
1585 (b) provide the curriculum, including resources and training, to school districts upon request.
1587 (3)
. (a) A school district is not required to offer the parent seminar if the local school board determines that
the topics described in Subsection (2) are not of significant interest or value to families in the school
district.
1590 (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the
state board and provide the reasons why the local school board chose not to offer the parent seminar.
1616 Section 26. Section **53G-10-408** is amended to read:

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- 1617 **53G-10-408. Cardiopulmonary resuscitation instruction -- Grant program.**
- 1595 (1) As used in this section:
- 1596 (a) "Board" means the State Board of Education.
- 1597 (b) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest
compression applied to a person who is unresponsive and not breathing.
- 1599 (c) "Individualized education program" or "IEP" means the same as that term is defined in Section
53E-1-102.
- 1601 (d) "Local education agency" or "LEA" means a school district or charter school that serves students in
grade 9, 10, 11, or 12.
- 1603 (e) "Psychomotor skills" means sequences of physical actions that are practiced in a manner that
supports cognitive learning.
- 1605 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the
requirements of this section, the board shall make rules to develop and implement CPR training as
part of the core curriculum standards for instruction in health.
- 1608 (3) The state board may consult with the American Heart Association, the American Red Cross, or
other similar organizations to make the rules described in Subsection (2).
- 1610 (4) Rules made under Subsection (2) shall include:
- 1611 (a) a requirement that CPR training be based on current national evidence-based emergency
cardiovascular care guidelines for cardiopulmonary resuscitation;
- 1613 (b) except for a participant who is enrolled in an online-only school, a requirement that CPR training
include the use of psychomotor skills with appropriate CPR training equipment; ~~and~~
- 1616 (c) a requirement that a student complete CPR training at least once during the period that begins with
the beginning of grade 9 and ends at the end of grade 12, except as provided in Subsection (7)~~[-]~~ ;
and
- 1619 (d) a requirement that CPR training described in this section include, when possible, instruction on
automated external defibrillator use and operation.
- 1621 (5) Beginning with the 2022-23 school year, and in accordance with the rules made under Subsection
(2), an LEA shall offer CPR training for students.
- 1623 (6) Rules made under Subsection (2) may not allow an LEA to issue a CPR certification to a student,
but may allow a student to receive CPR certification from an individual who provides the

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CPR training if the individual is authorized to issue a CPR certification by the American Heart Association, American Red Cross, or other similar organization.

1627 (7) A student is exempt from completing CPR training if:

1628 (a) the student's parent or legal guardian requests that the student be exempt from CPR training;

1630 (b) the student provides documentation to the LEA showing that the student has previously received CPR training or has a current CPR certification; or

1632 (c) the student has an IEP and the CPR training is inconsistent with the IEP.

1633 (8) An LEA may accept a donation of materials, equipment, or services related to CPR training if the materials, equipment, or services are in compliance with rules made pursuant to Subsection (2).

1636 (9)

(a) There is created the CPR Training Grant Program.

1637 (b) Subject to legislative appropriations, the board shall award grants to LEAs to provide the CPR training described in this section, which may include engaging a qualified CPR instructor or replacing materials and equipment used in CPR training.

1640 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules to establish:

1642 (i) application and eligibility requirements for an LEA that seeks a grant under this section; or

1644 (ii) specific materials or equipment that may be purchased using a grant awarded under this section.

1646 ~~{Section 26. Section 63G-6a-103 is amended to read: }~~

1647 **63G-6a-103. Definitions.**

As used in this chapter:

1649 (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list through the approved vendor list process.

1651 (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.

1653 (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.

1655 (4) "Authorized school safety foundation" means a foundation authorized under Section 53-22-108.

1657 [(4)] (5) "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.

1659 [(5)] (6) "Bidding process" means the procurement process described in Part 6, Bidding.

1660 [(6)] (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.

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- [~~(7)~~] (8) "Change directive" means a written order signed by the procurement officer that directs the contractor to suspend work or make changes, as authorized by contract, without the consent of the contractor.
- 1665 [~~(8)~~] (9) "Change order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.
- 1668 [~~(9)~~] (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 1670 [~~(10)~~] (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a procurement:
- 1672 (a) except:
- 1673 (i) reviewing a solicitation to verify that it is in proper form; and
- 1674 (ii) causing the publication of a notice of a solicitation; and
- 1675 (b) including:
- 1676 (i) preparing any solicitation document;
- 1677 (ii) appointing an evaluation committee;
- 1678 (iii) conducting the evaluation process, except the process relating to scores calculated for costs of proposals;
- 1680 (iv) selecting and recommending the person to be awarded a contract;
- 1681 (v) negotiating the terms and conditions of a contract, subject to the issuing procurement unit's approval; and
- 1683 (vi) contract administration.
- 1684 [~~(11)~~] (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 1686 [~~(12)~~] (13) "Construction project":
- 1687 (a) means a project for the construction, renovation, alteration, improvement, or repair of a public facility on real property, including all services, labor, supplies, and materials for the project; and
- 1690 (b) does not include services and supplies for the routine, day-to-day operation, repair, or maintenance of an existing public facility.
- 1692 [~~(13)~~] (14) "Construction manager/general contractor":
- 1693 (a) means a contractor who enters into a contract:
- 1694 (i) for the management of a construction project; and
- 1695

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- (ii) that allows the contractor to subcontract for additional labor and materials that are not included in the contractor's cost proposal submitted at the time of the procurement of the contractor's services; and
- 1698 (b) does not include a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of the contractor's services is to meet subcontracted portions of change orders approved within the scope of the project.
- 1702 ~~[(14)]~~ (15) "Construction subcontractor":
- 1703 (a) means a person under contract with a contractor or another subcontractor to provide services or labor for the design or construction of a construction project;
- 1705 (b) includes a general contractor or specialty contractor licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 1707 (c) does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor for a construction project.
- 1709 ~~[(15)]~~ (16) "Contract" means an agreement for a procurement.
- 1710 ~~[(16)]~~ (17) "Contract administration" means all functions, duties, and responsibilities associated with managing, overseeing, and carrying out a contract between a procurement unit and a contractor, including:
- 1713 (a) implementing the contract;
- 1714 (b) ensuring compliance with the contract terms and conditions by the conducting procurement unit and the contractor;
- 1716 (c) executing change orders;
- 1717 (d) processing contract amendments;
- 1718 (e) resolving, to the extent practicable, contract disputes;
- 1719 (f) curing contract errors and deficiencies;
- 1720 (g) terminating a contract;
- 1721 (h) measuring or evaluating completed work and contractor performance;
- 1722 (i) computing payments under the contract; and
- 1723 (j) closing out a contract.
- 1724 ~~[(17)]~~ (18) "Contractor" means a person who is awarded a contract with a procurement unit.
- 1725 ~~[(18)]~~ (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
- 1726 (a) more than one procurement unit; or

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- 1727 (b) a procurement unit and a cooperative purchasing organization.
- 1728 [~~(19)~~] (20) "Cooperative purchasing organization" means an organization, association, or alliance of purchasers established to combine purchasing power in order to obtain the best value for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 1732 [~~(20)~~] (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor is paid a percentage of the total actual expenses or costs in addition to the contractor's actual expenses or costs.
- 1735 [~~(21)~~] (22) "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are allowed and allocated in accordance with the contract terms and the provisions of this chapter, and a fee, if any.
- 1738 [~~(22)~~] (23) "Days" means calendar days, unless expressly provided otherwise.
- 1739 [~~(23)~~] (24) "Definite quantity contract" means a fixed price contract that provides for a specified amount of supplies over a specified period, with deliveries scheduled according to a specified schedule.
- 1742 [~~(24)~~] (25) "Design professional" means:
- 1743 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects Licensing Act;
- 1745 (b) an individual licensed as a professional engineer or professional land surveyor under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- 1748 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing Act, to engage in the practice of landscape architecture, as defined in Section 58-53-102; or
- 1751 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86, State Certification of Commercial Interior Designers Act.
- 1753 [~~(25)~~] (26) "Design professional procurement process" means the procurement process described in Part 15, Design Professional Services.
- 1755 [~~(26)~~] (27) "Design professional services" means:
- 1756 (a) professional services within the scope of the practice of architecture as defined in Section 58-3a-102;
- 1758 (b) professional engineering as defined in Section 58-22-102;
- 1759 (c) master planning and programming services;
- 1760 (d) professional services within the scope of the practice of landscape architecture, as defined in Section 58-53-102; or

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- 1762 (e) services within the scope of the practice of commercial interior design, as defined in Section
58-86-102.
- 1764 [~~(27)~~] (28) "Design-build" means the procurement of design professional services and construction by
the use of a single contract.
- 1766 [~~(28)~~] (29) "Division" means the Division of Purchasing and General Services, created in Section
63A-2-101.
- 1768 [~~(29)~~] (30) "Educational procurement unit" means:
- 1769 (a) a school district;
- 1770 (b) a public school, including a local school board or a charter school;
- 1771 (c) the Utah Schools for the Deaf and the Blind;
- 1772 (d) the Utah Education and Telehealth Network;
- 1773 (e) an institution of higher education of the state described in Section 53B-1-102; or
- 1774 (f) the State Board of Education.
- 1775 [~~(30)~~] (31) "Established catalogue price" means the price included in a catalogue, price list, schedule, or
other form that:
- 1777 (a) is regularly maintained by a manufacturer or contractor;
- 1778 (b) is published or otherwise available for inspection by customers; and
- 1779 (c) states prices at which sales are currently or were last made to a significant number of any category
of buyers or buyers constituting the general buying public for the supplies or services involved.
- 1782 [~~(31)~~] (32)
- . (a) "Executive branch procurement unit" means a department, division, office, bureau, agency, or other
organization within the state executive branch.
- 1784 (b) "Executive branch procurement unit" does not include the Colorado River Authority of Utah as
provided in Section 63M-14-210.
- 1786 [~~(32)~~] (33) "Facilities division" means the Division of Facilities Construction and Management, created
in Section 63A-5b-301.
- 1788 [~~(33)~~] (34) "Fixed price contract" means a contract that provides a price, for each procurement item
obtained under the contract, that is not subject to adjustment except to the extent that:
- 1791 (a) the contract provides, under circumstances specified in the contract, for an adjustment in price that is
not based on cost to the contractor; or
- 1793 (b) an adjustment is required by law.

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- 1794 [(34)] (35) "Fixed price contract with price adjustment" means a fixed price contract that provides for
an upward or downward revision of price, precisely described in the contract, that:
- 1797 (a) is based on the consumer price index or another commercially acceptable index, source, or formula;
and
- 1799 (b) is not based on a percentage of the cost to the contractor.
- 1800 [(35)] (36) "Grant" means an expenditure of public funds or other assistance, or an agreement to
expend public funds or other assistance, for a public purpose authorized by law, without acquiring a
procurement item in exchange.
- 1803 [(36)] (37) "Human services procurement item" means a procurement item used to provide services or
support to a child, youth, adult, or family.
- 1805 [(37)] (38) "Immaterial error":
- 1806 (a) means an irregularity or abnormality that is:
- 1807 (i) a matter of form that does not affect substance; or
- 1808 (ii) an inconsequential variation from a requirement of a solicitation that has no, little, or a trivial effect
on the procurement process and that is not prejudicial to other vendors; and
- 1811 (b) includes:
- 1812 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a professional
license, bond, or insurance certificate;
- 1814 (ii) a typographical error;
- 1815 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 1816 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 1818 [(38)] (39) "Indefinite quantity contract" means a fixed price contract that:
- 1819 (a) is for an indefinite amount of procurement items to be supplied as ordered by a procurement unit;
and
- 1821 (b)
- . (i) does not require a minimum purchase amount; or
- 1822 (ii) provides a maximum purchase limit.
- 1823 [(39)] (40) "Independent procurement unit" means:
- 1824 (a)
- . (i) a legislative procurement unit;
- 1825 (ii) a judicial branch procurement unit;

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- 1826 (iii) an educational procurement unit;
- 1827 (iv) a local government procurement unit;
- 1828 (v) a conservation district;
- 1829 (vi) a local building authority;
- 1830 (vii) a special district;
- 1831 (viii) a public corporation;
- 1832 (ix) a special service district; or
- 1833 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 1834 (b) the facilities division, but only to the extent of the procurement authority provided under Title 63A, Chapter 5b, Administration of State Facilities;
- 1836 (c) the attorney general, but only to the extent of the procurement authority provided under Title 67, Chapter 5, Attorney General;
- 1838 (d) the Department of Transportation, but only to the extent of the procurement authority provided under Title 72, Transportation Code;
- 1840 (e) the Department of Health and Human Services, but only for the procurement of a human services procurement item; or
- 1842 (f) any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, but only to the extent of that statutory procurement authority.
- 1845 [~~(40)~~] (41)
- . (a) "Interlocal entity" means a separate political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1847 (b) "Interlocal entity" does not include a project entity.
- 1848 [~~(41)~~] (42) "Invitation for bids":
- 1849 (a) means a document used to solicit:
- 1850 (i) bids to provide a procurement item to a procurement unit; or
- 1851 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 1852 (b) includes all documents attached to or incorporated by reference in a document described in Subsection [~~(41)(a)~~] (42)(a).
- 1854 [~~(42)~~] (43) "Issuing procurement unit" means a procurement unit that:
- 1855 (a) reviews a solicitation to verify that it is in proper form;
- 1856 (b) causes the notice of a solicitation to be published; and

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- 1857 (c) negotiates and approves the terms and conditions of a contract.
- 1858 [~~(43)~~] (44) "Judicial procurement unit" means:
- 1859 (a) the Utah Supreme Court;
- 1860 (b) the Utah Court of Appeals;
- 1861 (c) the Judicial Council;
- 1862 (d) a state judicial district; or
- 1863 (e) an office, committee, subcommittee, or other organization within the state judicial branch.
- 1865 [~~(44)~~] (45) "Labor hour contract" is a contract under which:
- 1866 (a) the supplies and materials are not provided by, or through, the contractor; and
- 1867 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit for a specified number of labor hours or days.
- 1869 [~~(45)~~] (46) "Legislative procurement unit" means:
- 1870 (a) the Legislature;
- 1871 (b) the Senate;
- 1872 (c) the House of Representatives;
- 1873 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 1874 (e) a committee, subcommittee, commission, or other organization:
- 1875 (i) within the state legislative branch; or
- 1876 (ii)
- . (A) that is created by statute to advise or make recommendations to the Legislature;
- 1878 (B) the membership of which includes legislators; and
- 1879 (C) for which the Office of Legislative Research and General Counsel provides staff support.
- 1881 [~~(46)~~] (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 1883 [~~(47)~~] (48) "Local government procurement unit" means:
- 1884 (a) a county, municipality, interlocal entity, or project entity, and each office of the county, municipality, interlocal entity, or project entity, unless:
- 1886 (i) the county or municipality adopts a procurement code by ordinance;
- 1887 (ii) the interlocal entity adopts procurement rules or policies as provided in Subsection 11-13-226(2); or
- 1889 (iii) the project entity adopts a procurement code through the process described in Section 11-13-316;
- 1891 (b)
- .

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- (i) a county or municipality that has adopted this entire chapter by ordinance, and each office or agency of that county or municipality; and
- 1893 (ii) a project entity that has adopted this entire chapter through the process described in Subsection 11-13-316; or
- 1895 (c) a county, municipality, or project entity, and each office of the county, municipality, or project entity that has adopted a portion of this chapter to the extent that:
- 1897 (i) a term in the ordinance is used in the adopted chapter; or
- 1898 (ii) a term in the ordinance is used in the language a project entity adopts in its procurement code through the process described in Section 11-13-316.
- 1900 [~~(48)~~] (49) "Multiple award contracts" means the award of a contract for an indefinite quantity of a procurement item to more than one person.
- 1902 [~~(49)~~] (50) "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.
- 1905 [~~(50)~~] (51) "Municipality" means a city or town.
- 1906 [~~(51)~~] (52) "Nonadopting local government procurement unit" means:
- 1907 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19, General Provisions Related to Protest or Appeal; and
- 1910 (b) each office or agency of a county or municipality described in Subsection [~~(51)(a)~~] (52)(a).
- 1912 [~~(52)~~] (53) "Offeror" means a person who submits a proposal in response to a request for proposals.
- 1914 [~~(53)~~] (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the requirements of this chapter.
- 1916 [~~(54)~~] (55) "Procure" means to acquire a procurement item through a procurement.
- 1917 [~~(55)~~] (56) "Procurement" means the acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.
- 1920 [~~(56)~~] (57) "Procurement item" means an item of personal property, a technology, a service, or a construction project.
- 1922 [~~(57)~~] (58) "Procurement official" means:
- 1923 (a) for a procurement unit other than an independent procurement unit, the chief procurement officer;

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- 1925 (b) for a legislative procurement unit, the individual, individuals, or body designated in a policy adopted by the Legislative Management Committee;
- 1927 (c) for a judicial procurement unit, the Judicial Council or an individual or body designated by the Judicial Council by rule;
- 1929 (d) for a local government procurement unit:
- 1930 (i) the legislative body of the local government procurement unit; or
- 1931 (ii) an individual or body designated by the local government procurement unit;
- 1932 (e) for a special district, the board of trustees of the special district or the board of trustees' designee;
- 1934 (f) for a special service district, the governing body of the special service district or the governing body's designee;
- 1936 (g) for a local building authority, the board of directors of the local building authority or the board of directors' designee;
- 1938 (h) for a conservation district, the board of supervisors of the conservation district or the board of supervisors' designee;
- 1940 (i) for a public corporation, the board of directors of the public corporation or the board of directors' designee;
- 1942 (j) for a school district or any school or entity within a school district, the board of the school district or the board's designee;
- 1944 (k) for a charter school, the individual or body with executive authority over the charter school or the designee of the individual or body;
- 1946 (l) for an institution of higher education described in Section 53B-2-101, the president of the institution of higher education or the president's designee;
- 1948 (m) for the State Board of Education, the State Board of Education or the State Board of Education's designee;
- 1950 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or the designee of the Commissioner of Higher Education;
- 1952 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the executive director of the Utah Communications Authority or the executive director's designee; or
- 1955 (p)
- . (i) for the facilities division, and only to the extent of procurement activities of the facilities division as an independent procurement unit under the procurement authority provided under Title 63A,

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- Chapter 5b, Administration of State Facilities, the director of the facilities division or the director's designee;
- 1959 (ii) for the attorney general, and only to the extent of procurement activities of the attorney general as an independent procurement unit under the procurement authority provided under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's designee;
- 1963 (iii) for the Department of Transportation created in Section 72-1-201, and only to the extent of procurement activities of the Department of Transportation as an independent procurement unit under the procurement authority provided under Title 72, Transportation Code, the executive director of the Department of Transportation or the executive director's designee;
- 1968 (iv) for the Department of Health and Human Services, and only to the extent of the procurement activities of the Department of Health and Human Services as an independent procurement unit, the executive director of the Department of Health and Human Services or the executive director's designee; or
- 1972 (v) for any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, and only to the extent of the procurement activities of the department, division, office, or entity as an independent procurement unit under the procurement authority provided outside this chapter for the department, division, office, or entity, the chief executive officer of the department, division, office, or entity or the chief executive officer's designee.
- 1979 [(58)] (59) "Procurement unit" means:
- 1980 (a) a legislative procurement unit;
- 1981 (b) an executive branch procurement unit;
- 1982 (c) a judicial procurement unit;
- 1983 (d) an educational procurement unit;
- 1984 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 1985 (f) a local government procurement unit;
- 1986 (g) a special district;
- 1987 (h) a special service district;
- 1988 (i) a local building authority;
- 1989 (j) a conservation district; or
- 1990 (k) a public corporation.
- 1991

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- [~~(59)~~] (60) "Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 1993 (a) accounting;
- 1994 (b) administrative law judge service;
- 1995 (c) architecture;
- 1996 (d) construction design and management;
- 1997 (e) engineering;
- 1998 (f) financial services;
- 1999 (g) information technology;
- 2000 (h) the law;
- 2001 (i) medicine;
- 2002 (j) psychiatry; or
- 2003 (k) underwriting.
- 2004 [~~(60)~~] (61) "Project entity" means the same as that term is defined in Section 11-13-103.
- 2005 [~~(61)~~] (62) "Protest officer" means:
- 2006 (a) for the division or an independent procurement unit:
- 2007 (i) the procurement official;
- 2008 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 2010 (iii) a person designated by rule made by the rulemaking authority; or
- 2011 (b) for a procurement unit other than an independent procurement unit, the chief procurement officer or the chief procurement officer's designee who is an employee of the division .
- 2014 [~~(62)~~] (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 2015 [~~(63)~~] (64) "Public entity" means the state or any other government entity within the state that expends public funds.
- 2017 [~~(64)~~] (65) "Public facility" means a building, structure, infrastructure, improvement, or other facility of a public entity.
- 2019 [~~(65)~~] (66) "Public funds" means money, regardless of its source, including from the federal government, that is owned or held by a procurement unit.
- 2021 [~~(66)~~] (67) "Public transit district" means a public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act.
- 2023

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~~[(67)]~~ (68) "Public-private partnership" means an arrangement or agreement, occurring on or after January 1, 2017, between a procurement unit and one or more contractors to provide for a public need through the development or operation of a project in which the contractor or contractors share with the procurement unit the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

2028 ~~[(68)]~~ (69) "Qualified vendor" means a vendor who:

2029 (a) is responsible; and

2030 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that meets the minimum mandatory requirements, evaluation criteria, and any applicable score thresholds set forth in the request for statement of qualifications.

2033 ~~[(69)]~~ (70) "Real property" means land and any building, fixture, improvement, appurtenance, structure, or other development that is permanently affixed to land.

2035 ~~[(70)]~~ (71) "Request for information" means a nonbinding process through which a procurement unit requests information relating to a procurement item.

2037 ~~[(71)]~~ (72) "Request for proposals" means a document used to solicit proposals to provide a procurement item to a procurement unit, including all other documents that are attached to that document or incorporated in that document by reference.

2040 ~~[(72)]~~ (73) "Request for proposals process" means the procurement process described in Part 7, Request for Proposals.

2042 ~~[(73)]~~ (74) "Request for statement of qualifications" means a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.

2046 ~~[(74)]~~ (75) "Requirements contract" means a contract:

2047 (a) under which a contractor agrees to provide a procurement unit's entire requirements for certain procurement items at prices specified in the contract during the contract period; and

2050 (b) that:

2051 (i) does not require a minimum purchase amount; or

2052 (ii) provides a maximum purchase limit.

2053 ~~[(75)]~~ (76) "Responsible" means being capable, in all respects, of:

2054 (a) meeting all the requirements of a solicitation; and

2055

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- (b) fully performing all the requirements of the contract resulting from the solicitation, including being financially solvent with sufficient financial resources to perform the contract.
- 2058 [(76)] (77) "Responsive" means conforming in all material respects to the requirements of a solicitation.
- 2060 [(77)] (78) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions that govern the applicable procurement unit.
- 2063 [(78)] (79) "Rulemaking authority" means:
- 2064 (a) for a legislative procurement unit, the Legislative Management Committee;
- 2065 (b) for a judicial procurement unit, the Judicial Council;
- 2066 (c)
- . (i) only to the extent of the procurement authority expressly granted to the procurement unit by statute:
- 2068 (A) for the facilities division, the facilities division;
- 2069 (B) for the Office of the Attorney General, the attorney general;
- 2070 (C) for the Department of Transportation created in Section 72-1-201, the executive director of the Department of Transportation;
- 2072 (D) for the Department of Health and Human Services, the executive director of the Department of Health and Human Services; and
- 2074 (E) for any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, the governing authority of the department, division, office, or entity; and
- 2077 (ii) for each other executive branch procurement unit, the board;
- 2078 (d) for a local government procurement unit:
- 2079 (i) the governing body of the local government unit; or
- 2080 (ii) an individual or body designated by the local government procurement unit;
- 2081 (e) for a school district or a public school, the board, except to the extent of a school district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 2084 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 2085 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the State Board of Education;
- 2087 (h) for a public transit district, the chief executive of the public transit district;
- 2088

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- (i) for a special district other than a public transit district or for a special service district, the board, except to the extent that the board of trustees of the special district or the governing body of the special service district makes its own rules:
- 2091 (i) with respect to a subject addressed by board rules; or
- 2092 (ii) that are in addition to board rules;
- 2093 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah Board of Higher Education;
- 2095 (k) for the School and Institutional Trust Lands Administration, created in Section 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 2097 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the School and Institutional Trust Fund Board of Trustees;
- 2099 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the Utah Communications Authority board, created in Section 63H-7a-203; or
- 2101 (n) for any other procurement unit, the board.
- 2102 [~~(79)~~] (80) "Service":
- 2103 (a) means labor, effort, or work to produce a result that is beneficial to a procurement unit;
- 2105 (b) includes a professional service; and
- 2106 (c) does not include labor, effort, or work provided under an employment agreement or a collective bargaining agreement.
- 2108 [~~(80)~~] (81) "Small purchase process" means the procurement process described in Section 63G-6a-506.
- 2110 [~~(81)~~] (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 2111 [~~(82)~~] (83) "Sole source procurement" means a procurement without competition pursuant to a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the procurement item.
- 2114 [~~(83)~~] (84) "Solicitation" means an invitation for bids, request for proposals, or request for statement of qualifications.
- 2116 [~~(84)~~] (85) "Solicitation response" means:
- 2117 (a) a bid submitted in response to an invitation for bids;
- 2118 (b) a proposal submitted in response to a request for proposals; or
- 2119 (c) a statement of qualifications submitted in response to a request for statement of qualifications.
- 2121 [~~(85)~~] (86) "Special district" means the same as that term is defined in Section 17B-1-102.

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- 2122 [(86)] (87) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 2124 [(87)] (88) "Specification" means any description of the physical or functional characteristics or of the nature of a procurement item included in an invitation for bids or a request for proposals, or otherwise specified or agreed to by a procurement unit, including a description of:
- 2128 (a) a requirement for inspecting or testing a procurement item; or
- 2129 (b) preparing a procurement item for delivery.
- 2130 [(88)] (89) "Standard procurement process" means:
- 2131 (a) the bidding process;
- 2132 (b) the request for proposals process;
- 2133 (c) the approved vendor list process;
- 2134 (d) the small purchase process; or
- 2135 (e) the design professional procurement process.
- 2136 [(89)] (90) "State cooperative contract" means a contract awarded by the division for and in behalf of all public entities.
- 2138 [(90)] (91) "Statement of qualifications" means a written statement submitted to a procurement unit in response to a request for statement of qualifications.
- 2140 [(91)] (92) "Subcontractor":
- 2141 (a) means a person under contract to perform part of a contractual obligation under the control of the contractor, whether the person's contract is with the contractor directly or with another person who is under contract to perform part of a contractual obligation under the control of the contractor; and
- 2145 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to a contractor.
- 2147 [(92)] (93) "Technology" means the same as "information technology," as defined in Section 63A-16-102.
- 2149 [(93)] (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in price.
- 2151 [(94)] (95) "Time and materials contract" means a contract under which the contractor is paid:
- 2153 (a) the actual cost of direct labor at specified hourly rates;
- 2154 (b) the actual cost of materials and equipment usage; and
- 2155 (c) an additional amount, expressly described in the contract, to cover overhead and profit, that is not based on a percentage of the cost to the contractor.
- 2157 [(95)] (96) "Transitional costs":
- 2158 (a) means the costs of changing:

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- 2159 (i) from an existing provider of a procurement item to another provider of that procurement item; or
2161 (ii) from an existing type of procurement item to another type;
- 2162 (b) includes:
- 2163 (i) training costs;
2164 (ii) conversion costs;
2165 (iii) compatibility costs;
2166 (iv) costs associated with system downtime;
2167 (v) disruption of service costs;
2168 (vi) staff time necessary to implement the change;
2169 (vii) installation costs; and
2170 (viii) ancillary software, hardware, equipment, or construction costs; and
- 2171 (c) does not include:
- 2172 (i) the costs of preparing for or engaging in a procurement process; or
2173 (ii) contract negotiation or drafting costs.

2174 ~~[(96)]~~ (97) "Vendor":

- 2175 (a) means a person who is seeking to enter into a contract with a procurement unit to provide a procurement item; and
- 2177 (b) includes:
- 2178 (i) a bidder;
2179 (ii) an offeror;
2180 (iii) an approved vendor;
2181 (iv) a design professional; and
2182 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

2183 ~~{Section 27. Section 63G-6a-2105 is amended to read: }~~

2184 **63G-6a-2105. Cooperative procurements -- Contracts with federal government -- Regional solicitations.**

- 2186 (1) The chief procurement officer may, in accordance with the requirements of this chapter, enter into a cooperative procurement, and a contract that is awarded as a result of a cooperative procurement, with:
- 2189 (a) another state;
2190 (b) a cooperative purchasing organization; or

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- 2191 (c) a public entity inside or outside the state.
- 2192 (2)
- . (a) A public entity, nonprofit organization, or, as permitted under federal law, an agency of the federal government, may obtain a procurement item from a state cooperative contract or a contract awarded by the chief procurement officer under Subsection (1), without signing a participating addendum if the solicitation issued by the chief procurement officer to obtain the contract includes a statement indicating that the resulting contract will be issued for the benefit of public entities and, as applicable, nonprofit organizations and agencies of the federal government.
- 2199 (b) An authorized school safety foundation under Section 53-22-108 may participate in, sponsor, conduct, or administer a cooperative procurement for school safety products.
- 2201 (3) Except as provided in Section 63G-6a-506, or as otherwise provided in this chapter, an executive branch procurement unit may not obtain a procurement item from a source other than a state cooperative contract or a contract awarded by the chief procurement officer under Subsection (1), if the procurement item is available under a state cooperative contract or a contract awarded by the chief procurement officer under Subsection (1).
- 2207 (4) A Utah procurement unit may:
- 2208 (a) contract with the federal government without going through a standard procurement process or an exception to a standard procurement process, described in Part 8, Exceptions to Procurement Requirements, if the procurement item obtained under the contract is provided:
- 2212 (i) directly by the federal government and not by a person contracting with the federal government; or
- 2214 (ii) by a person under contract with the federal government that obtained the contract in a manner that substantially complies with the provisions of this chapter;
- 2216 (b) participate in, sponsor, conduct, or administer a cooperative procurement with another Utah procurement unit or another public entity in Utah, if:
- 2218 (i) each party unit involved in the cooperative procurement enters into an agreement describing the rights and duties of each party;
- 2220 (ii) the procurement is conducted, and the contract awarded, in accordance with the requirements of this chapter;
- 2222 (iii) the solicitation:
- 2223 (A) clearly indicates that the procurement is a cooperative procurement; and
- 2224 (B) identifies each party that may purchase under the resulting contract; and

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- 2225 (iv) each party involved in the cooperative procurement signs a participating addendum describing its
rights and obligations in relation to the resulting contract; or
- 2228 (c) purchase under, or otherwise participate in, an agreement or contract of a cooperative purchasing
organization, if:
- 2230 (i) each party involved in the cooperative procurement enters into an agreement describing the rights
and duties of each party;
- 2232 (ii) the procurement was conducted in accordance with the requirements of this chapter;
- 2234 (iii) the solicitation:
- 2235 (A) clearly indicates that the procurement is a cooperative procurement; and
- 2236 (B) identifies each party that may purchase under the resulting contract; and
- 2237 (iv) each party involved in the cooperative procurement signs a participating addendum describing its
rights and obligations in relation to the resulting contract.
- 2239 (5) A procurement unit may not obtain a procurement item under a contract that results from a
cooperative procurement described in Subsection (4), unless the procurement unit:
- 2242 (a) is identified under Subsection (4)(b)(iii)(B) or (4)(c)(iii)(B); and
- 2243 (b) signs a participating addendum to the contract as required by this section.
- 2244 (6) A procurement unit, other than a legislative procurement unit or a judicial procurement unit,
may not obtain a procurement item under a contract held by the United States General Services
Administration, unless, based upon documentation provided by the procurement unit, the Director of
the State Division of Purchasing and General Services determines in writing that the United States
General Services Administration procured the contract in a manner that substantially complies with
the provisions of this chapter.
- 2250 (7)
- . (a) As used in this Subsection (7), "regional solicitation" means a solicitation issued by the chief
procurement officer for the procurement of a procurement item within a specified geographical
region of the state.
- 2253 (b) In addition to any other duty or authority under this section, the chief procurement officer shall:
- 2255 (i) after considering board recommendations, develop a plan for issuing regional solicitations; and
- 2257 (ii) after developing a plan, issue regional solicitations for procurement items in accordance with the
plan and this chapter.
- 2259 (c) A plan under Subsection (7)(b) shall:

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- 2260 (i) define the proposed regional boundaries for regional solicitations;
- 2261 (ii) specify the types of procurement items for which a regional solicitation may be issued; and
- 2263 (iii) identify the regional solicitations that the chief procurement officer plans to issue.
- 2264 (d) A regional solicitation shall require that a person responding to the solicitation offer similar warranties and submit to similar obligations as are standard under other state cooperative contracts.
- 2267 (e) Except as authorized by the chief procurement officer, a procurement item that is available under a state cooperative contract may not be provided under a contract pursuant to a regional solicitation until after the expiration of the state cooperative contract.
- 1669 Section 27. Section **63I-1-253** is amended to read:
- 1670 **63I-1-253. Repeal dates: Titles 53 through 53G.**
- 2273 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.
- 2275 (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.
- 2277 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2027.
- 2279 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- 2281 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 2282 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- 2284 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board, is repealed July 1, 2027.
- 2287 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- 2289 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 2290 (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, [~~2025~~] 2027.
- 2292 (11) Section 53-22-104.2, The School Security Task Force -- Public Education Advisory Board, is repealed December 31, [~~2025~~] 2027.

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- 2294 ~~(12)~~ (12) Section 53-22-104.3, The School Security Task Force -- Higher Education Advisory Board, is repealed December 31, 2027.
- 2296 ~~[(12)]~~ (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 2298 ~~[(13)]~~ (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 2299 ~~[(14)]~~ (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- 2301 ~~[(15)]~~ (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 2302 ~~[(16)]~~ (17) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.
- 2304 ~~[(17)]~~ (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 2305 ~~[(18)]~~ (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 2306 ~~[(19)]~~ (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.
- 2308 ~~[(20)]~~ (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1, 2027.
- 2310 ~~[(21)]~~ (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 2313 ~~[(22)]~~ (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 2315 ~~[(23)]~~ (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 2317 ~~[(24)]~~ (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 2319 ~~[(25)]~~ (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 2321 ~~[(26)]~~ (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 2323 ~~[(27)]~~ (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 2324 ~~[(28)]~~ (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.

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- 2326 [(29)] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 2328 [(30)] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed July 1, 2024.
- 2330 [(31)] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 2331 [(32)] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1, 2025.
- 2333 [(33)] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2025.
- 2335 [(34)] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.
- 2337 [(35)] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 2339 [(36)] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 2341 [(37)] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1740 Section 28. Section **28** is enacted to read:
- 1741 **76-5-417. Sexual relations with an adult high school student.**
- 2344 (1) As used in this section:
- 2345 (a) "Actor" means an individual who is 21 years old or older.
- 2346 (b) "Adult high school student" means an individual who is 18 to 21 years old and enrolled at a high school.
- 2348 (c) "High school" means a district, charter, or private school that is comprised of grade 9, 10, 11, or 12.
- 2350 (d) "Position of special trust" means the following positions in a high school:
- 2351 (i) a teacher;
- 2352 (ii) an administrator;
- 2353 (iii) a coach;
- 2354 (iv) a counselor; or
- 2355 (v) an individual other than an individual listed in this Subsections (1)(d) who occupies a position of authority that enables the individual to exercise undue influence over an adult high school student.
- 2358 (e) "Sexual intercourse" means any penetration, however slight, of:
- 2359 (i) the genitals or anus of an individual by another individual using any body part, object, or substance;
or

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- 2361 (ii) the mouth of an individual by another individual's genitals.
- 2362 (f) Terms defined in Section 76-1-101.5 apply to this section.
- 2363 (2) An actor commits sexual relations with an adult high school student if the actor:
- 2364 (a)
- . (i) has sexual intercourse with an adult high school student; or
- 2365 (ii) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:
- 2367 (A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult high school student;
- 2369 (B) touches the breast of a female adult high school student; or
- 2370 (C) otherwise takes indecent liberties with an adult high school student;
- 2371 (b) occupies a position of special trust in relation to the adult high school student described in Subsection (2)(a); and
- 2373 (c) knows or should have known that the individual with which the actor committed the acts described in Subsection (2)(a) was an adult high school student.
- 2375 (3) A violation of Subsection (2) is a third degree felony.
- 2376 (4) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a)(ii).
- 2378 (5) Consent of an adult high school student to an act described in Subsection (2) is not a defense to prosecution under this section.

1778 Section 29. **Repealer.**

This Bill Repeals:

1779 This bill repeals:

1780 Section **53F-4-208, State board procurement for school security software.**

1781 Section 30. **Effective date.**

This bill takes effect on July 1, 2025.

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