

HB0040S04 compared with HB0040S02

{Omitted text} shows text that was in HB0040S02 but was omitted in HB0040S04
inserted text shows text that was not in HB0040S02 but was inserted into HB0040S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

HB0040S02

HB0040S02 compared with HB0040S04

19 **Money Appropriated in this Bill:**

- 20 ▸ **This bill appropriates \$100,000,000 in operating and capital budgets for fiscal year**
21 **2026,**
22 **all of which is from the various sources as detailed in this bill.**
-

22 **Other Special Clauses:**

23 None

25 **AMENDS:**

- 26 **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
- 27 **53-22-102** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21
- 28 **53-22-103** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21
- 29 **53-22-104.1** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 30 **53-22-104.2** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 31 **53-22-105** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 32 **53-22-106** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 33 **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
- 34 **53B-28-403** , as enacted by Laws of Utah 2021, Chapter 332 , as enacted by Laws of Utah 2021,
Chapter 332
- 35 **53E-1-201** , as last amended by Laws of Utah 2024, Chapters 3, 460 and 525 , as last
amended by Laws of Utah 2024, Chapters 3, 460 and 525
-
- 36 **53F-2-208** , as last amended by Laws of Utah 2024, Chapters 460, 484 , as last amended by
Laws of Utah 2024, Chapters 460, 484
-
- 37 **53G-8-102** , as enacted by Laws of Utah 2018, Chapter 3 , as enacted by Laws of Utah 2018,
Chapter 3

HB0040S02 compared with HB0040S04

- 38 **53G-8-701** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21
- 39 **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
- 40 **53G-8-701.6** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 41 **53G-8-701.8** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 42 **53G-8-704** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 43 **53G-8-802** , as last amended by Laws of Utah 2024, Chapter 23 , as last amended by Laws of Utah
2024, Chapter 23
- 44 **53G-8-803** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21
- 45 **53G-8-805** , as enacted by Laws of Utah 2024, Chapter 21 , as enacted by Laws of Utah 2024,
Chapter 21
- 46 **53G-9-207** , as last amended by Laws of Utah 2024, Chapter 520 , as last amended by Laws of Utah
2024, Chapter 520
- 47 **53G-9-703** , as last amended by Laws of Utah 2024, Chapter 20 , as last amended by Laws of Utah
2024, Chapter 20
- 48 **53G-10-408** , as enacted by Laws of Utah 2022, Chapter 292 , as enacted by Laws of Utah 2022,
Chapter 292
- 49 **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
- 50 ENACTS:
- 48 ~~**53-22-104.3** , Utah Code Annotated 1953 , Utah Code Annotated 1953~~
- 51 **53-22-108** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 52 **53-22-109** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 53 **53-25-601** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 54 **53B-28-404** , Utah Code Annotated 1953 , Utah Code Annotated 1953
- 55 **53F-2-422** , Utah Code Annotated 1953 , Utah Code Annotated 1953
-

HB0040S02 compared with HB0040S04

56 76-5-417 , Utah Code Annotated 1953 , Utah Code Annotated 1953

57 REPEALS:

58 **53F-4-208 , as enacted by Laws of Utah 2023, Chapter 383 , as enacted by Laws of Utah**
59 **2023, Chapter 383**

55 ~~{53F-4-208 , as enacted by Laws of Utah 2023, Chapter 383 , as enacted by Laws of Utah~~
56 ~~2023, Chapter 383}~~

59

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

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

62 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and site**
63 **requirements.**

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

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

67 (i) the structure:

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

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

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

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

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

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

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

HB0040S02 compared with HB0040S04

- 86 (A) is located outside the wildland urban interface;
- 87 (B) is built in a one-lot subdivision; and
- 88 (C) has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property."
- 90 (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."
- 100 (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."
- 104 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
- 105 "507.1.2 Pre-existing subdivision lots.
- 106 The requirements for a pre-existing subdivision lot shall not exceed the requirements described in Section 501.5."
- 108 (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."
- 110 (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.
- 116 (2) For IFC, Chapter 6, Building Services and Systems:
- 117 (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.

HB0040S02 compared with HB0040S04

The key box shall contain one key for each elevator, one key for lobby control, and any other keys necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered key."

- 123 (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".
- 125 (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."
- 129 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.
- 133 Section 2. Section **53-22-102** is amended to read:
- 134 **53-22-102. State security chief -- Creation -- Appointment.**
- 132 (1) There is created within the department a state security chief.
- 133 (2) The state security chief:
- 134 (a) is appointed by the commissioner with the approval of the governor;
- 135 (b) is subject to the supervision and control of the commissioner;
- 136 (c) may be removed at the will of the commissioner;
- 137 (d) shall be qualified by experience and education to:
- 138 (i) enforce the laws of this state relating to school safety;
- 139 (ii) perform duties prescribed by the commissioner; and
- 140 (iii) enforce rules made under this chapter.
- 141 (3) The state security chief shall:
- 142 (a) establish building and safety standards for all public and private schools, including:
- 143 (i) establishing a reasonable schedule or timeline spanning several years for existing buildings to come
into compliance with this section;
- 148 (ii) coordinating with the State Board of Education to establish the required minimum safety and
security standards for all public and private school facilities, including:
- 145 (A) limited entry points, including, if applicable, secured entry points for specific student grades or
groups;
- 147 (B) internal video surveillance~~[-of entrances when school is in session];~~
- 148

HB0040S02 compared with HB0040S04

- (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;
- 151 (D) internal classroom door locks;
- 152 (E) bleed kits and first aid kits;
- 153 (F) exterior cameras on entrances, parking areas, and campus grounds; ~~[and]~~
- 154 (G) fencing around playgrounds; and
- 155 (H) compliance with universal access key box requirements under Section 53G-8-305;
- 157 ~~[(ii) establishing a schedule or timeline for existing buildings to come into compliance with this section;]~~
- 159 (iii) creating a process to examine plans and specifications for construction or remodeling of a school building, in accordance with Section 53E-3-706;
- 161 (iv) recommending to the commissioner the denial or revocation a public or private school's occupancy permit for a building if:
- 163 (A) the building does not meet the standards established in this section; and
- 164 (B) after consultation with the local governing board, the building remains non-compliant with the standards established in this section;
- 166 (v) creating minimum standards for radio communication equipment in every school;
- 167 (vi) establishing an incident response method or system that a school shall use; and
- 168 ~~[(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;
- 171 (b) oversee the implementation of the school safety personnel requirements described in Section 53G-8-701.5, including:
- 173 (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;
- 176 (ii) establishing an application process for approved alternatives to the school safety personnel requirements described in Section 53G-8-701.5;
- 178 (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;
- 181

HB0040S02 compared with HB0040S04

- (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
- 185 (v) reviewing and approving the State Board of Education's school resource officer training program as described in Section 53G-8-702;
- 187 (c) oversee the creation of school safety trainings, protocols, and incident responses, including:
- 189 (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;
- 192 (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;
- 195 (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:
- 197 (A) standardized response protocol terminology for use throughout the state, including what constitutes a threat;
- 199 (B) protocols for planning and safety drills, including drills required in a school before the school year begins;
- 201 (C) integration and appropriate use of a panic alert device described in Subsection 53G-8-805;
- 203 (D) the establishment of incident command for a threat or safety incident, including which entity and individual runs the incident command;
- 205 (E) the required components for a communication plan to be followed during an incident or threat;
- 207 (F) reunification plan protocols, including the appropriate design and use of an incident command by others responding to or involved in an incident; and
- 209 (G) recommendations for safety equipment for schools, including amounts and types of first aid supplies;
- 211 (iv) reviewing and suggesting any changes to the response plans and training under Section 53G-8-803;
- 213 (v) creating the official standard response protocol described in Section 53G-8-803 for use by schools and law enforcement for school safety incidents;
- 215 (vi) ensuring a school physically marks doorways and hallways consistent with the incident response method required in Subsection (3)(a); and

217

HB0040S02 compared with HB0040S04

- [(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;
- 219 (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;
- 222 (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;
- 225 (f) in consultation with the School Safety Center established in Section 53G-8-802:
- 226 (i) create a process to receive and analyze the school safety needs assessments described in Section 53G-8-701.5; and
- 228 (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;
- 231 ~~{(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:}~~
- 234 ~~{(i) adoption of nationally recognized cybersecurity framework;}~~
- 235 ~~{(ii) requirements for regular cybersecurity assessments that may be part of the needs assessment described in Section 53G-8-701.5;}~~
- 237 ~~{(iii) cybersecurity incident response protocols; and}~~
- 238 ~~{(iv) additional data protection standards;}~~
- 239 ~~{(h) review, authorize, and oversee foundation activities under Section 53-22-108;}~~ and
- 235 (g) 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, study possible recommendations for minimum cybersecurity standards for local education agencies; and
- 240 [(e)] ~~{(f)}~~ (h) fulfill any other duties and responsibilities determined by the commissioner.
- 241 (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.
- 244 (5) The state security chief may delegate duties under this section to a sworn department member with the approval of the commissioner.

HB0040S02 compared with HB0040S04

245 Section 3. Section **53-22-103** is amended to read:

246 **53-22-103. County sheriff responsibilities -- Coordination.**

- 248 (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.
- 252 (2) The county security chief shall:
- 253 (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:
- 256 (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
security chief determines, the school safety needs assessment described in Section 53G-8-701.5; and
- 260 (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,
protocols, rules, and regulations relating to school safety and security;
- 264 (b) collaborate and maintain effective communications regarding school safety with each:
- 266 (i) school safety and security specialist in the county security chief's county, as described in Section
53G-8-701.6;
- 268 (ii) school safety and security director in the county security chief's county, as described in Section
53G-8-701.8; and
- 270 (iii) local law enforcement agency within the county;
- 271 (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:
- 273 (i) assessing if an individual is capable of the duties and responsibilities that the trainings cover; and
- 275 (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
- 278 (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.

280 Section 4. Section **53-22-104.1** is amended to read:

HB0040S02 compared with HB0040S04

- 281 **53-22-104.1. School Security Task Force -- Membership -- Duties -- Per diem -- Report --**
 Expiration.
- 284 (1) There is created a School Security Task Force composed of the following members:
- 285 (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;
- 288 (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;
- 290 (c) the state security chief;
- 291 (d) one member of the State Board of Education, whom the chair of State Board of Education selects;
- 293 (e) a member of the School Safety Center or designee, whom the state security chief selects;
- 295 (f) the director of the Utah Division of Juvenile Justice Youth Services or the director's designee;
- 297 (g) a member of the Utah School Superintendents Association, whom the chairs select;
- 298 (h) the Commissioner of Higher Education or ~~the commissioner's~~ designee;
- 299 (i) a school security expert, whom the state security chief selects;
- 300 (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;
- 302 (k) the director of a school safety foundation established under Section 53-22-108 or the director's
 designee;
- 304 [~~h~~] (l) one member of the Chiefs of Police Association from a county of the first or second class;
- 306 [~~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;
- 308 [~~j~~] (n) one county security chief, whom the state security chief selects;
- 309 [~~k~~] (o) a school safety and security director, whom the chairs select;
- 310 [~~h~~] (p) a school resource officer, whom the state security chief selects; and
- 311 [~~m~~] (q) a member of the SafeUT and School Safety Commission, whom the chairs select.
- 313 (2) The task force shall:
- 314 (a) review school safety updates;
- 314 (b) study possible recommendations for minimum cybersecurity standards for local education agencies;
- 315 [~~b~~] (c) consult with the Education Advisory Board created in Section 53-22-104.2; and
- 316 [~~e~~] (d) develop legislation recommendations as necessary.

HB0040S02 compared with HB0040S04

317 (3)

(a) A majority of the members of the task force constitutes a quorum.

318 (b) The action of a majority of a quorum constitutes an action of the task force.

319 (4) The Office of Legislative Research and General Counsel shall provide staff for the task force.

321 (5)

(a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with:

323 (i) Section 36-2-2;

324 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and

326 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

327 (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:

331 (i) Sections 63A-3-106 and 63A-3-107; and

332 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

335 Section 5. Section **53-22-104.2** is amended to read:

336 **53-22-104.2. The School Security Task Force -- Public Education Advisory Board.**

337 (1) There is created an advisory board to the task force called the Public Education Advisory Board.

339 (2) The advisory board shall consist of the following members:

340 (a) the state security chief, who acts as chair of the advisory board;

341 (b) the construction and facility specialist at the State Board of Education;

342 (c) the {~~Director~~} ~~director~~ of {~~School Safety and Student Services~~} school safety and student services at the State Board of Education or the director's designee;

344 (d) a school nurse, whom the state security chief selects;

345 (e) a {~~representative from the state~~} school district technology {~~directors~~} director, whom the {~~Director~~} director of {~~School Safety~~} school safety and {~~Student Services~~} student services selects;

347 [(e)] (f) a superintendent from a county of the fourth, fifth, or sixth class, whom the state security chief selects;

349 [(d)] (g) a superintendent from a county of the first, second, or third class, whom the state security chief selects;

HB0040S02 compared with HB0040S04

- 351 ~~[(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;
- 353 ~~[(f)]~~ (i) a charter school director from a county of the first, second, or third class, whom the state
security chief selects;
- 355 ~~[(g)]~~ (j) the president of the Utah School Boards Association or the president's designee;
- 356 ~~[(h)]~~ (k) a parent representative from a school community council or parent teacher organization, whom
the state security chief selects;
- 358 ~~[(i)]~~ (l) a facilities manager from an LEA in a county of the fourth, fifth, or sixth class, whom the state
security chief selects;
- 360 ~~[(j)]~~ (m) a facilities manager from an LEA in county of the first, second, or third class, whom the state
security chief selects;
- 362 ~~[(k)]~~ (n) a representative of private schools, whom the state security chief selects; and
- 363 ~~[(l)]~~ (o) a member of the Office of Substance Abuse and Mental Health, whom the state security chief
selects.
- 365 (3) The advisory board's purpose is to:
- 366 (a) review and provide input on official business of the task force;
- 367 (b) provide recommendations and suggestions for the task force's consideration; and
- 368 (c) study and evaluate the policies, procedures, and programs implemented for school safety and
provide proactive information regarding the implementation.
- 370 (4)
- (a) A majority of the members of the advisory board constitutes a quorum.
- 371 (b) The action of a majority of a quorum constitutes an action of the advisory board.
- 372 (5)
- (a) The advisory board shall select two members to serve as co-chairs.
- 373 (b) The co-chairs are responsible for the call and conduct of meetings.
- 374 (6) The staff of the state security chief shall provide staff for the advisory board.
- 375 (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:
- 379 (a) Sections 63A-3-106 and 63A-3-107; and

HB0040S02 compared with HB0040S04

- 380 (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.**
- 385 (1) There is created an advisory board to the task force called the Higher Education Advisory Board.
387 (2) The advisory board shall consist of the following members:
388 (a) the state security chief, who acts as chair of the advisory board;
389 (b) the Commissioner of Higher Education or the commissioner's designee;
390 (c) one representative from a Utah higher education institution, whom the state security chief and
commissioner jointly select from either:
392 (i) a degree-granting institution; or
393 (ii) a technical college;
394 (d) a facilities management director from a higher education institution, whom the state security chief
selects;
396 (e) a campus security director from a higher education institution, whom the state security chief selects;
398 (f) a Title IX coordinator from a higher education institution, whom the state security chief selects; and
400 (g) additional members as the state security chief and the commissioner determine necessary.
402 (3) The advisory board's purpose is to:
403 (a) review and provide input on official business of the task force;
404 (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
407 (c) study and evaluate the policies, procedures, and programs implemented for campus safety and
provide proactive information regarding implementation.
409 (4)
(a) A majority of the members of the advisory board constitutes a quorum.
410 (b) The action of a majority of a quorum constitutes an action of the advisory board.
411 (5) The chair is responsible for the call and conduct of meetings.
412 (6) The staff of the state security chief shall provide staff for the advisory board.
413 (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:

HB0040S02 compared with HB0040S04

- 417 (a) Sections 63A-3-106 and 63A-3-107; and
- 418 (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 383 Section 6. Section **53-22-105** is amended to read:
- 384 **53-22-105. School guardian program.**
- 422 (1) As used in this section:
- 423 (a) "Annual training" means an annual four-hour training that:
- 424 (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);
- 427 (ii) the state security chief approves;
- 428 (iii) can be tailored to local needs;
- 429 (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;
- 432 (v) includes the following components:
- 433 (A) firearm safety, including safe storage of a firearm;
- 434 (B) de-escalation tactics;
- 435 (C) the role of mental health in incidents; and
- 436 (D) disability awareness and interactions; and
- 437 (vi) contains other training needs as determined by the state security chief.
- 438 (b) "Biannual training" means a twice-yearly training that:
- 439 (i) is at least four hours, unless otherwise approved by the state security chief;
- 440 (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);
- 443 (iii) the state security chief approves;
- 444 (iv) can be tailored to local needs; and
- 445 (v) through which a school guardian at a school or simulated school environment:
- 446 (A) receives training on the specifics of the building or buildings of the school, including the location of
emergency supplies and security infrastructure; and
- 448 (B) participates in a live-action practice plan with school administrators in responding to active threats
at the school; and
- 450 (vi) shall be taken with at least three months in between the two trainings.
- 451 (c) "Firearm" means the same as that term is defined in Section 76-10-501.

HB0040S02 compared with HB0040S04

- 452 (d) "Initial training" means an in-person training that:
- 453 (i) a county security chief or a designee administers in coordination with personnel from local law
454 enforcement of relevant jurisdiction as described in Section 53-25-601(2)(b);
- 456 (ii) the state security chief approves;
- 457 (iii) can be tailored to local needs; and
- 458 (iv) provides:
- 459 (A) training on general familiarity with the types of firearms that can be concealed for self-defense and
460 defense of others;
- 461 (B) training on the safe loading, unloading, storage, and carrying of firearms in a school setting;
- 463 (C) training at a firearms range with instruction regarding firearms fundamentals, marksmanship, the
464 demonstration and explanation of the difference between sight picture, sight alignment, and trigger
465 control, and a recognized pistol course;
- 467 (D) current laws dealing with the lawful use of a firearm by a private citizen, including laws on self-
468 defense, defense of others, transportation of firearms, and concealment of firearms;
- 470 (E) coordination with law enforcement officers in the event of an active threat;
- 471 (F) basic trauma first aid;
- 472 (G) the appropriate use of force, emphasizing the de-escalation of force and alternatives to using force;
- 474 (H) situational response evaluations, including:
- 475 (I) protecting and securing a crime or accident scene;
- 476 (II) notifying law enforcement;
- 477 (III) controlling information; and
- 478 (IV) other training that the county sheriff, designee, or department deems appropriate.
- 480 (e) "Program" means the school guardian program created in this section.
- 481 (f)
- 482 (i) "School employee" means an employee of a school whose duties and responsibilities require the
483 employee to be physically present at a school's campus while school is in session.
- 484 (ii) "School employee" does not include a principal, teacher, or individual whose primary
485 responsibilities require the employee to be primarily present in a classroom to teach, care for, or
486 interact with students, unless:
- 487 (A) the principal, teacher, or individual is employed at a school with [~~100~~] 350 or fewer students;
- 489

HB0040S02 compared with HB0040S04

- (B) the principal, teacher, or individual is employed at a school with adjacent campuses as determined by the state security chief; or
- 491 (C) as provided in Subsection 53G-8-701.5(3).
- 492 (g) "School guardian" means a school employee who meets the requirements of Subsection (3).
- 494 (2)
- (a)
- (i) There is created within the department the school guardian program[;] .
- 495 (ii) [~~the~~] The state security chief shall oversee the school guardian program[;] .
- 496 (iii) [~~the~~] The applicable county security chief shall administer the school guardian program in each county.
- 498 (b) The state security chief shall ensure that the school guardian program includes:
- 499 (i) initial training;
- 500 (ii) biannual training; and
- 501 (iii) annual training.
- 502 (c) A county sheriff may partner or contract with:
- 503 (i) another county sheriff to support the respective county security chiefs in jointly administering the school guardian program in the relevant counties; and
- 505 (ii) a local law enforcement agency of relevant jurisdiction to provide the:
- 506 (A) initial training;
- 507 (B) biannual training; and
- 508 (C) annual training.
- 509 (3)
- (a) A school employee that volunteers to participate is eligible to join the program as a school guardian if:
- 511 (i) the school administrator approves the volunteer school employee to be designated as a school guardian;
- 513 (ii) the school employee satisfactorily completes initial training within six months before the day on which the school employee joins the program;
- 515 (iii) the school employee holds a valid concealed carry permit issued under [~~Title 53,~~] Chapter 5, Part 7, Concealed Firearm Act;

517

HB0040S02 compared with HB0040S04

- (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
- 520 (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.]~~ :
- 523 (A) completes an initial "fit to carry" assessment the Department of Health and Human Services approves and a provider administers; and
- 525 (B) maintains compliance with mental health screening requirements consistent with law enforcement standards.
- 527 (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.
- 529 (4) The state security chief shall:
- 530 (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;
- 533 (b) make the information described in Subsection (4)(a) readily available to each law enforcement agency in the state categorized by school; and
- 535 (c) provide each school guardian with a one-time stipend of \$500.
- 536 (5) A school guardian:
- 537 (a) may store the school guardian's firearm on the grounds of a school only if:
- 538 (i) the firearm is stored in a biometric gun safe;
- 539 (ii) the biometric gun safe is located in the school guardian's office; and
- 540 (iii) the school guardian is physically present on the grounds of the school while the firearm is stored in the safe;
- 542 (b) shall carry the school guardian's firearm in a concealed manner; and
- 543 (c) may not, unless during an active threat, display or open carry a firearm while on school grounds.
- 545 (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).
- 549 (7) A school guardian:
- 550 (a) does not have authority to act in a law enforcement capacity; and

HB0040S02 compared with HB0040S04

- 551 (b) may, at the school where the school guardian is employed:
- 552 (i) take actions necessary to prevent or abate an active threat; and
- 553 (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.
- 556 (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.
- 559 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to administer this section.
- 561 (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:
- 563 (a) when carrying or storing a firearm:
- 564 (i) is acting in good faith; and
- 565 (ii) is not grossly negligent; or
- 566 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 567 necessary in compliance with Section 76-2-402.
- 568 (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.
- 571 (12)
- (a) A report described in Subsection (11) shall include:
- 572 (i) a description of the incident;
- 573 (ii) the identification of the individuals involved in the incident; and
- 574 (iii) any other information required by the state security chief.
- 575 (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.
- 578 (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).
- 580 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.
- 581 (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.
- 583 (15)

HB0040S02 compared with HB0040S04

- (a) Any information or record created detailing a school guardian's participation in the program is:
- 585 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records
Access and Management Act; and
- 587 (ii) available only to:
- 588 (A) the state security chief;
- 589 (B) administrators at the school guardian's school;
- 590 (C) if applicable, other school safety personnel described in Section 53G-8-701.5;
- 591 (D) a local law enforcement agency that would respond to the school in case of an emergency; and
- 593 (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.
- 596 (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.
- 601 (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.
- 567 Section 7. Section **53-22-106** is amended to read:
- 568 **53-22-106. Substantial threats against a school reporting requirements -- Exceptions.**
- 607 (1) As used in this section, "substantial threat" means a threat made with serious intent to cause harm.
- 609 (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:
- 617 [~~(a) the state security chief;~~]
- 618 [~~(b)~~] (a) the local education agency that the substantial threat would impact; [~~or~~]
- 619 [~~(e)~~] (b) to the nearest peace officer or law enforcement agency[~~;~~] ; and
- 620 (c) the state security chief.
- 621 (3)

HB0040S02 compared with HB0040S04

- (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.
- 625 (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.
- 629 (b)
- (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).
- 632 (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.
- 636 (4) Subject to Subsection (5), the reporting requirement described in Subsection (2) does not apply to:
- 638 (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:
- 641 (i) the individual made the confession directly to the member of the clergy;
- 642 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of the confession; and
- 644 (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
- 646 (b) an attorney, or an individual whom the attorney employs, if:
- 647 (i) the knowledge or belief of the substantial threat arises from the representation of a client; and
- 649 (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.
- 652 (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

HB0040S02 compared with HB0040S04

of the clergy also received information about the substantial threat from the confession of the perpetrator.

656 (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.

659 (6) The physician-patient privilege does not:

660 (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

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

628 Section 8. Section 8 is enacted to read:

629 **53-22-108. School safety foundation.**

667 (1) As used in this section:

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

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

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

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

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

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

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

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

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

680 (i) a law enforcement representative;

681 (ii) an educator or school administrator; and

682 (iii) an emergency management professional;

683 (e) demonstrates financial stability through:

684 (i) an annual independent audit;

685 (ii) maintained reserves; and

HB0040S02 compared with HB0040S04

- 686 (iii) a clean financial record; and
687 (f) provides evidence of:
688 (i) successful project management;
689 (ii) an existing relationship with an educational institution; and
690 (iii) knowledge of school safety requirements described in federal and state law.
691 (3) A foundation seeking authorization shall submit to the state security chief:
692 (a) a written application that demonstrates compliance with Subsection (2);
693 (b) a financial record for the previous three years;
694 (c) a current board member qualification;
695 (d) a proposed school safety initiative; and
696 (e) an internal procurement policy for purchases not made from a state cooperative contract.
698 (4) The state security chief shall:
699 (a) review an application within 60 days;
700 (b) request additional information if needed;
701 (c) issue a written decision; and
702 (d) maintain a public record of an authorized foundation, including records related to the approval
process of an authorized foundation.
704 (5) An authorized foundation may:
705 (a) use a state cooperative contract in accordance with Section 63G-6a-2105;
706 (b) make a bulk purchase of a school safety product; and
707 (c) in coordination with the state security chief and the School Safety Center:
708 (i) facilitate a donation of a school safety product; and
709 (ii) distribute a product to a school.
710 (6) An authorized foundation shall:
711 (a) follow Title 63G, Chapter 6a, Utah Procurement Code, when utilizing a state cooperative contract;
713 (b) maintain separate accounting for a school safety purchase;
714 (c) by August 1 of each year, submit an annual report to the state security chief that includes:
716 (i) any product procured through a state cooperative contract;
717 (ii) the annual independent audit required in Subsection (2)(e);
718 (iii) all schools served;
719 (iv) the total value of a donation facilitated; and

HB0040S02 compared with HB0040S04

- 720 (v) a compliance certification; and
721 (d) renew authorization every three years.
722 (7) The state security chief:
723 (a) may revoke authorization if the authorized foundation:
724 (i) fails to maintain a requirement of this section;
725 (ii) engages in financial mismanagement; or
726 (iii) submits false information in a report required by this section; and
727 (b) shall, before revoking authorization:
728 (i) provide written notice to the foundation;
729 (ii) allow a 30-day period to remedy the violation;
730 (iii) provide an opportunity for a hearing; and
731 (iv) issue a final written decision.
732 (8) Authorization under this section does not:
733 (a) create state liability;
734 (b) imply state endorsement;
735 (c) override a local procurement requirement; and
736 (d) exempt the foundation from an applicable law.

700 Section 9. Section 9 is enacted to read:

701 **53-22-109. School safety -- Compliance.**

- 739 (1) As used in this section:
740 (a) "Compliance issue" means a violation of a school safety requirement under:
741 (i) this chapter; or
742 (ii) rules established in accordance with this chapter.
743 (b) "Tiered system of support" means an escalating system of:
744 (i) technical assistance;
745 (ii) intervention; and
746 (iii) corrective action.
747 (2) The state security chief shall, in collaboration with the School Safety Center:
748 (a) establish a tiered system of support for a compliance issue;
749 (b) develop implementation procedures for the system; and
750 (c) define criteria for:

HB0040S02 compared with HB0040S04

- 751 (i) evaluating a compliance issue;
752 (ii) assigning an appropriate tier; and
753 (iii) monitoring progress.
754 (3) In establishing the system under Subsection (2), the state security chief and School Safety Center shall consider:
756 (a) severity of the compliance issue;
757 (b) risk to student and staff safety;
758 (c) available technical assistance resources;
759 (d) local education agency capacity; and
760 (e) required corrective action timelines.

724 Section 10. Section 10 is enacted to read:

762

Part 6. Requirements for School Safety

726 **53-25-601. Requirements for school safety.**

764 (1) As used in this section:

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

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

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

770 (2) Each local law enforcement agency shall:

771 (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;

775 (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;

780 (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;

784

HB0040S02 compared with HB0040S04

- (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
- 787 (e) coordinate with the relevant county security chiefs as specified in Sections 53-22-103 and
752 53-22-105.
- 753 Section 11. Section **53B-28-401** is amended to read:
- 53B-28-401. Campus safety plans and training -- Institution duties -- Governing board duties.**
- 792 (1) As used in this section:
- 793 (a) "Covered offense" means:
- 794 (i) sexual assault;
- 795 (ii) domestic violence;
- 796 (iii) dating violence; or
- 797 (iv) stalking.
- 798 (b) "Institution" means an institution of higher education described in Section 53B-1-102.
- 799 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or other organization:
- 801 (i) of which the majority of members is composed of students enrolled in an institution; and
- 803 (ii)
- (A) that is officially recognized by the institution; or
- 804 (B) seeks to be officially recognized by the institution.
- 805 (2) An institution shall develop a campus safety plan that addresses:
- 806 (a) where an individual can locate the institution's policies and publications related to a covered offense;
- 808 (b) institution and community resources for a victim of a covered offense;
- 809 (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;
- 812 (d) how the institution informs the campus community of a crime that presents a threat to the campus community;
- 814 (e) availability, locations, and methods for requesting assistance of security personnel on the institution's campus;
- 816 (f) guidance on how a student may contact law enforcement for incidents that occur off campus;
- 818

HB0040S02 compared with HB0040S04

- (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:
- 821 (i) the institution made in the preceding 18 months; and
- 822 (ii) the institution expects to make in the upcoming 24 months;
- 823 (h) coordination and communication between institution resources and organizations, including campus law enforcement;
- 825 (i) institution coordination with local law enforcement or community resources, including coordination related to a student's safety at an off-campus location; and
- 827 (j) how the institution requires a student organization to provide the campus safety training as described in Subsection (5).
- 829 (3) An institution shall:
- 830 (a) prominently post the institution's campus safety plan on the institution's website and each of the institution's campuses; and
- 832 (b) annually update the institution's campus safety plan.
- 833 (4) An institution shall develop a campus safety training curriculum that addresses:
- 834 (a) awareness and prevention of covered offenses, including information on institution and community resources for a victim of a covered offense;
- 836 (b) bystander intervention; and
- 837 (c) sexual consent.
- 838 (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.
- 842 [~~(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).]~~
- 809 Section 12. Section **53B-28-403** is amended to read:
- 810 **53B-28-403. Student housing crime reporting.**
- 848 (1) As used in this section:
- 849 (a) "Campus law enforcement" means an institution's police department.
- 850 (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.

HB0040S02 compared with HB0040S04

- 853 (c) "Institution" means an institution of higher education described in Section 53B-2-101.
- 854 (d)
- 855 (i) "Institution noncampus housing facility" means a building or property that:
- 856 (A) is used for housing students;
- 857 (B) is not part of the institution's campus; and
- 858 (C) the institution owns, manages, controls, or leases;
- 859 (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).
- 860 (e) "Local law enforcement agency" means a state or local law enforcement agency other than campus law enforcement.
- 861 (f)
- 862 (i) "On-campus housing facility" means a building or property that is:
- 863 (A) used for housing students; and
- 864 (B) part of the institution's campus.
- 865 (ii) "On-campus housing facility" includes real property that is:
- 866 (A) adjacent to the on-campus housing facility; and
- 867 (B) used in direct support of the on-campus housing facility.
- 868 (g) "Student housing" means:
- 869 (i) an institution noncampus housing facility;
- 870 (ii) an on-campus housing facility; or
- 871 (iii) a student organization noncampus housing facility.
- 872 (h) "Student organization" means the same as that term is defined in Section 53B-28-401.
- 873 (i) "Student organization noncampus housing facility" means a building or property that:
- 874 (i) is used for housing students;
- 875 (ii) is not part of the institution's campus; and
- 876 (iii)
- 877 (A) a student organization owns, manages, controls, or leases; or
- 878 (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.
- 879 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- 880 (a) create a report of crime statistics aggregated by:
- 881

HB0040S02 compared with HB0040S04

- 882 (i) on-campus housing facility, identified and listed individually using the institution's system for
inventorying institution facilities;
- 884 (ii) institution noncampus housing facility, identified and listed individually using the institution's
system for inventorying institution facilities; and
- 886 (iii) student organization noncampus housing facilities, identified and listed individually using the
institution's system for identifying student organization noncampus housing facilities; and
- 889 (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
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).
- 894 (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).
- 898 (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.
- 901 ~~[(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.

869 Section 13. Section 13 is enacted to read:

870 ~~53B-28-404. Higher~~ ~~{Education Safety Needs Assessment}~~ education school safety
coordination.

908 ~~{(1) {As used in this section:}}~~

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

910 ~~{(b) {"Safety needs assessment" means a comprehensive evaluation of:}}~~

911 ~~{(i) {campus security infrastructure;}}~~

912 ~~{(ii) {emergency response protocols;}}~~

913 ~~{(iii) {threat assessment capabilities;}}~~

914 ~~{(iv) {mental health resources;}}~~

915 ~~{(v) {cybersecurity measures;}}~~

HB0040S02 compared with HB0040S04

- 916 ~~{(vi) {communication systems; and} }~~
917 ~~{(vii) {other safety-related elements as the state security chief determines.} }~~
918 ~~{(2)} (1) {An institution} The commissioner shall:~~
872 (a) designate an employee within the Office of the Commissioner of Higher Education to:
874 (i) serve as the primary contact for higher education safety and security matters; and
919 ~~{(a)} (ii) ~~{by June 15, 2025, provide to}~~ coordinate with the state security chief described in Section
53-22-102on:
920 ~~{(i)} (A) {written notice of intent to conduct the initial}~~ higher education 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} }~~
877 (B) implementation of safety standards at degree-granting institutions and technical colleges; and
879 (C) response protocols during safety incidents at higher education facilities; and
880 (b) ensure the designated employee has sufficient time and resources to perform the duties described in
this section.
924 ~~{(C)} (2) {the general methodology to be used in evaluating each element described}~~ The employee
designated under Subsection ~~{(1)(b);}~~ (1) shall:
926 ~~{(b) {by October 15 of each year, complete an annual safety needs assessment that:} }~~
883 (a) facilitate communication between degree-granting institutions, technical colleges, and the state
security chief;
885 (b) assist in developing institution-specific safety policies that align with statewide standards;
887 (c) develop higher education safety training resources and protocols; and
888 (d) report to the commissioner and state security chief regarding:
927 (i) ~~{evaluates}~~ the ~~{institution's current}~~ status of safety and security measuresat higher education
institutions;
928 ~~{(ii) {identifies potential vulnerabilities and risks; } }~~
929 ~~{(iii) {assesses compliance with applicable safety regulations; } }~~
930 ~~{(iv) {reviews emergency response plans; and} }~~
931 ~~{(v) {examines the effectiveness of safety-related policies and procedures; } }~~
932 ~~{(e) {submit the assessment results to:} }~~~~

HB0040S02 compared with HB0040S04

- 933 ~~{(i) {the state security chief;}}~~
- 934 ~~{(ii) {the institution's board of trustees;}}~~
- 935 ~~{(iii) {the Utah Board of Higher Education;}}~~
- 936 ~~{(iv) {the School Security Task Force established in Section 53-22-104.1; and}}~~
- 937 ~~{(v) {local law enforcement agencies with jurisdiction over the institution's campus;}}~~
- 938 ~~{(d) {develop and implement an action plan to address identified safety needs; and}}~~
- 939 ~~{(e) {maintain records of completed assessments and improvement actions;}}~~
- 940 ~~{(3) {The state security chief in collaboration with the Office of the Higher Education Commissioner, shall;}}~~
- 942 ~~{(a) (ii) {establish the elements of the } emerging safety concerns or needs {assessment in accordance with this section } ; and~~
- 944 ~~{(b) {review assessment results and action plans;}}~~
- 945 ~~{(4) {The Utah Board of Higher Education shall;}}~~
- 946 ~~{(a) {ensure institutions comply with this section;}}~~
- 947 ~~{(b) {coordinate resources to assist institutions in implementing safety improvements;}}~~
- 948 ~~{(c) {facilitate sharing of best practices among institutions; and}}~~
- 949 ~~{(d) {establish policies for maintaining confidentiality of sensitive security information contained in the assessments;}}~~
- 891 (iii) recommendations for improving campus safety coordination.
- 892 Section 14. Section 53E-1-201 is amended to read:
- 893 **53E-1-201. Reports to and action required of the Education Interim Committee.**
- 894 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:
- 896 (a) the report described in Section 9-22-109 by the STEM Action Center Board, including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;
- 900 (b) the prioritized list of data research described in Section 53B-33-302 and the report on research and activities described in Section 53B-33-304 by the Utah Data Research Center;
- 903 (c) the report described in Section 53B-1-402 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;
- 905 (d) the annual report of the Utah Board of Higher Education described in Section 53B-1-402;

HB0040S02 compared with HB0040S04

- 907 (e) the reports described in Section [~~53B-28-401~~] 53B-28-403 by the Utah Board of Higher Education
regarding activities related to campus safety;
- 909 (f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;
- 911 (g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve
student outcomes;
- 913 (h) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and
the Blind;
- 915 (i) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and
Dynamic Education director on research and other activities;
- 917 (j) the report described in Section 53F-2-522 regarding mental health screening programs;
- 919 (k) the report described in Section 53F-4-203 by the state board and the independent evaluator on an
evaluation of early interactive reading software;
- 921 (l) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity on
UPSTART;
- 923 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board related to grants for
professional learning and grants for an elementary teacher preparation assessment;
- 926 (n) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations
Civics Education Pilot Program;
- 928 (o) the report described in Section 53F-5-405 by the state board regarding an evaluation of a partnership
that receives a grant to improve educational outcomes for students who are low income;
- 931 (p) the report described in Section 53B-35-202 regarding the Higher Education and Corrections
Council;
- 933 (q) the report described in Section 53G-7-221 by the state board regarding innovation plans;
- 935 (r) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.
- 937 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are
due to the Education Interim Committee:
- 939 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53B-1-116, 53B-1-117, and
53B-1-118;
- 941 (b) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for
changing the grade level specification for the administration of specific assessments;
- 944

HB0040S02 compared with HB0040S04

- 947 (c) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- 949 (d) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;
- 952 (e) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high poverty schools;
- 955 (f) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;
- 957 (g) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and
- 961 (h) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.

961 Section 15. Section 53F-2-208 is amended to read:

962 **53F-2-208. Cost of adjustments for growth and inflation.**

- 963 (1) In accordance with Subsection (2), the Legislature shall annually determine:
- 964 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:
 - 967 (i) education for youth in care, described in Section 53E-3-503;
 - 968 (ii) concurrent enrollment courses for accelerated foreign language students described in Section 53E-10-307;
 - 970 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
 - 971 (iv) the Adult Education Program, described in Section 53F-2-401;
 - 972 (v) state support of pupil transportation, described in Section 53F-2-402;
 - 973 (vi) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;
 - 975 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
 - 976 (viii) the juvenile gang and other violent crime prevention and intervention program, described in Section 53F-2-410;
 - 978 (ix) the School Safety Support Program, described in Section 53F-2-422; and
 - 979 [~~(ix)~~] (x) dual language immersion, described in Section 53F-2-502; and

HB0040S02 compared with HB0040S04

- 980 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal
year's ongoing state tax fund appropriations to the following programs:
- 982 (i) a program described in Subsection (1)(a);
- 983 (ii) educator salary adjustments, described in Section 53F-2-405;
- 984 (iii) the Salary Supplement for Highly Needed Educators Program, described in Section 53F-2-504;
- 986 (iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and
- 988 (v) charter school local replacement funding, described in Section 53F-2-702.
- 989 (2)
- (a) In or before December each year, the Executive Appropriations Committee shall determine:
- 991 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
- 992 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- 993 (b) The Executive Appropriations Committee shall make the determinations described in Subsection
(2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in
consultation with the state board and the Governor's Office of Planning and Budget.
- 997 (3) Beginning in the 2026 fiscal year, if the Executive Appropriations Committee includes in the public
education base budget or the final public education budget an increase in the value of the WPU in
excess of the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall
also include an appropriation to the Local Levy Growth Account established in Section 53F-9-305
in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the relevant
budget.
- 1003 (4) (4) Notwithstanding Subsection (1)(b), the School Safety Support Program, described in Section
53F-2-422, may not receive funding reductions based on negative enrollment growth.
- 1006 Section 16. Section **16** is enacted to read:
- 1007 **53F-2-422. The School Safety Support Program -- Distribution formula -- State board
duties.**
- 1009 (1) As used in this section:
- 1010 (a) "Participating LEA" means an LEA that receives money appropriated under this section;
- 1012 (b) "Program" means the School Safety Support Program created in this section;
- 1013 (c) "School Safety Center" means the same as that term is defined in Section 53G-8-801; and
- 1015 (d) "State security chief" means the same as that term is defined in Section 53-22-101.
- 1016 (2)

HB0040S02 compared with HB0040S04

- (a) There is created the School Safety Support Program to provide funding to LEAs to implement and maintain:
- 1018 (i) school safety personnel requirements described in:
- 1019 (A) Subsection 53-22-102(3)(b); and
- 1020 (B) Section 53G-8-701.5;
- 1021 (ii) building and safety standards described in:
- 1022 (A) Subsection 53-22-102(3)(a); and
- 1023 (B) Section 53E-3-706.
- 1024 (iii) emergency response protocols described in:
- 1025 (A) Subsection 53-22-102(3)(c); and
- 1026 (B) Section 53G-8-803;
- 1027 (iv) safety and security devices and infrastructure described in:
- 1028 (A) Subsection 53-22-102(3)(a); and
- 1029 (B) Section 53G-8-805;
- 1030 (v) safety needs identified from the LEA's school safety needs assessment described in Section
53G-8-701.5; and
- 1032 (vi) other school safety requirements or needs established in:
- 1033 (A) Title 53, Chapter 22, School Security Act;
- 1034 (B) Title 53G, Chapter 8, Part 7, School Safety Personnel; and
- 1035 (C) Title 53G, Chapter 8, Part 8, State Safety and Support Program.
- 1036 (3) In accordance with Subsection (4) and subject to legislative appropriations, the state board shall:
- 1038 (a) distribute money appropriated under this section to LEAs to implement school safety requirements
and needs as described in Subsection (2); and
- 1040 (b) distribute the money as follows:
- 1041 (i) to charter schools, an amount equal to:
- 1042 (A) the total charter school enrollment on October 1 in the prior year, or projected enrollment for a
charter school in the charter school's first year of operations, divided by enrollment on October 1 in
public schools statewide in the prior year multiplied by the total amount available for distribution;
and
- 1046 (B) allocated to each charter school with 20% divided equally among all charter schools, and 80%
distributed on a per-student basis; and

HB0040S02 compared with HB0040S04

- 1048 (ii) to school districts, the remainder of funds available after the distribution to charter schools under
1049 Subsection (3)(b)(i), allocated as follows:
- 1050 (A) \$250,000 for a school district with enrollment less than 1% of total state enrollment;
1052 (B) \$175,000 for a school district with enrollment of between 1% and 5% of total state enrollment;
1054 (C) \$100,000 for a school district with enrollment greater than 5% of total state enrollment; and
1056 (D) the remainder distributed on a per-student basis.
- 1057 (4) To receive money under this section, an LEA shall submit to the School Safety Center:
- 1058 (a) a plan that includes:
- 1059 (i) the LEA's proposed use of program money as the uses align with school safety requirements and
1060 needs described in Subsection (2);
- 1061 (ii) measurable goals for improving school safety;
1062 (iii) proposed safety compliance timelines; and
1063 (iv) coordination efforts with local law enforcement described in Section 53-25-601; and
- 1065 (b) an annual report that includes:
- 1066 (i) progress toward achieving the goals submitted under Subsection (4)(a) ;
1067 (ii) expenditure of program money; and
1068 (iii) compliance with school safety requirements.
- 1069 (5) The state board in collaboration with the School Safety Center and the state security chief, shall:
- 1071 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1072 establish:
- 1073 (i) procedures for submitting a plan and distributing money under this section;
1074 (ii) permitted uses of program money; and
1075 (iii) reporting requirements; and
- 1076 (b) monitor the program's implementation.
- 1077 (6) To reduce administrative burden to LEAs, the state board shall use methods to automate reporting
1078 requirements established under this section wherever possible.
- 1079 Section 17. Section **53G-8-102** is amended to read:
- 1080 **53G-8-102. Definitions.**
- [Reserved] As used in this chapter:
- 954 (1) "Climate" means the perceptions and experiences of students, staff, parents, and the community
955 regarding the school's environment and the resources that support the experiences.

HB0040S02 compared with HB0040S04

- 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} and 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.

1094 Section 18. Section **53G-8-701** is amended to read:

1095 **53G-8-701. Definitions.**

As used in this part:

- 969 (1) "Armed school security guard" means the same as that term is defined in Section [53G-8-804] 53G-8-704.
- 971 (2) "County security chief" means the same as that term is defined in Section 53-22-101.
- 972 (3) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- 973 (4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- 974 (5) "School guardian" means the same as that term is defined in Section 53-22-106.
- 975 (6) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 976 (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.
- 979 (8) "School safety and security director" means an individual whom an LEA designates in accordance with Section 53G-8-701.8.
- 981 (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.
- 983 (10) "School [~~safety center~~] Safety Center" means the same as that term is defined in Section 53G-8-801.
- 985 (11) "State security chief" means the same as that term is defined in Section 53-22-101.

1114 Section 19. Section **53G-8-701.5** is amended to read:

1115 **53G-8-701.5. School safety needs assessment -- School safety personnel -- Alternative requirements.**

- 989 (1)

HB0040S02 compared with HB0040S04

- (a) No later than ~~[December 31, 2024]~~ October 15 of each year, an LEA shall:
- 990 (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:
- 993 (A) appropriate school safety personnel, including necessary supports, training, and policy creation for the personnel;
- 995 (B) physical building security and safety, including required upgrades to facilities and safety technology, and a list of current deferred maintenance; ~~[and]~~
- 997 (C) a school's current threat and emergency response protocols, including any emergency response agreements with local law enforcement;
- 999 ~~{(D) cybersecurity preparedness and compliance with the cybersecurity standards established under Section 53-22-102;}~~
- 1001 ~~{(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;}~~
- 1005 ~~{(F)}~~
- 1127 (D) 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; and
- 1131 (E) compliance with universal access key box requirements under Section 53G-7-220; and
- 1007 (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.
- 1009 (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.

HB0040S02 compared with HB0040S04

- 1016 [~~(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).]
- 1019 [~~(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.
- 1022 [~~(e)~~] (d) Any information or record detailing a school's needs assessment results is:
- 1023 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access
and Management Act; and
- 1025 (ii) available only to:
- 1026 (A) the state security chief;
- 1027 (B) the School Safety Center;
- 1028 (C) members of an LEA governing board;
- 1029 (D) administrators of the LEA and school the needs assessment concerns;
- 1030 (E) only to the extent necessary to award a grant under Section 53F-5-220, the state board;
- 1032 (F) the applicable school safety personnel described in Subsection (2);
- 1033 (G) a local law enforcement agency that would respond to the school in case of an emergency; and
- 1035 (H) the county security chief.
- 1036 [~~(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.
- 1039 (2)
- (a) An LEA shall ensure each school within the LEA has the following school safety personnel:
- 1041 (i) a school safety and security specialist described in Section 53G-8-701.6; and
- 1042 (ii) based on the results of the needs assessment described in Subsection (1), at least one of the
following:
- 1044 (A) a school resource officer;
- 1045 (B) a school guardian; or
- 1046 (C) an armed school security guard.
- 1047 (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.
- 1049 (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

HB0040S02 compared with HB0040S04

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).

1054 (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).

1056 (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).

1059 (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:

1061 (i) Section 53-22-105;

1062 (ii) this section;

1063 (iii) Section 53G-8-701.6;

1064 (iv) Section 53G-8-701.8; and

1065 (v) Section 53G-8-704.

1066 (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:

1069 (i) population size;

1070 (ii) staffing needs or capacity;

1071 (iii) geographic location;

1072 (iv) available funding; or

1073 (v) general demonstration of need for an alternative to the requirements of this section.

1075 (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.

1203 Section 20. Section **53G-8-701.6** is amended to read:

1204 **53G-8-701.6. School safety and security specialist.**

1079 (1) As used in this section, "principal" means the chief administrator at a public school, including:

1081 (a) a school principal;

1082 (b) a charter school director; or

1083 (c) the superintendent of the Utah Schools for the Deaf and the Blind.

1084 (2)

HB0040S02 compared with HB0040S04

- (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.
- 1087 (b) The school safety and security specialist:
- 1088 (i) may not be a principal; and
- 1089 (ii) may be the school safety and security director at one campus within the LEA.
- 1090 (3) The school safety and security specialist shall:
- 1091 (a) report directly to the principal;
- 1092 (b) oversee school safety and security practices to ensure a safe and secure school environment for students and staff;
- 1094 (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:
- 1097 (i) the principal;
- 1098 (ii) school staff;
- 1099 (iii) the school resource officer;
- 1100 (iv) the armed school security guard;
- 1101 (v) the school guardian;
- 1102 (vi) local law enforcement;
- 1103 (vii) the county security chief;
- 1104 (viii) the school safety and security director;
- 1105 (ix) the LEA; and
- 1106 (x) school-based behavioral and mental health professionals;
- 1107 (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:
- 1110 (i) conduct the school safety needs assessment described in Section 53G-8-701.5;
- 1111 (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
- 1114

HB0040S02 compared with HB0040S04

- [~~(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;
- 1118 (e) [~~if the specialist is also an employee of an LEA,~~] participate on the multidisciplinary team that the [~~LEA~~] school establishes;
- 1120 (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;
- 1124 (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:
- 1127 (i) issues with school facilities; or
- 1128 (ii) the implementation of practices, policies, procedures, and protocols relating to school safety and security;
- 1130 (h) coordinate with local first responder agencies to implement and monitor safety and security drills in accordance with policy and applicable procedures and protocols;
- 1132 (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;
- 1134 (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;
- 1139 (k) abide by any LEA, school, or law enforcement agency policy outlining the chain of command;
- 1141 (l) during an emergency, coordinate with the following individuals as applicable, the:
- 1142 (i) school resource officer;
- 1143 (ii) school guardians;
- 1144 (iii) armed school security guards;
- 1145 (iv) school administrators; and
- 1146 (v) responding law enforcement officers;
- 1147 (m) follow any LEA, school, or law enforcement agency student privacy policies, including state and federal privacy laws;
- 1149

HB0040S02 compared with HB0040S04

- (n) participate in an annual training the state security chief selects in consultation with the School Safety Center; and
- 1151 (o) remain current on:
- 1152 (i) a comprehensive school guideline the state security chief selects;
- 1153 (ii) the duties of a school safety and security specialist described in this Subsection (3); and
- 1155 (iii) the school's emergency response plan.
- 1156 (4) During an active emergency at the school, the school safety and security specialist is subordinate to any responding law enforcement officers.
- 1284 Section 21. Section **53G-8-701.8** is amended to read:
- 1285 **53G-8-701.8. School safety and security director.**
- 1160 (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.
- 1163 (2) A school safety and security director shall:
- 1164 (a) participate in and satisfy the training requirements~~[, including the annual and biannual requirements, described in]~~ as follows:
- 1166 (i) only once, the training requirements described in Section 53-22-105 for school guardians;
- 1168 (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
- 1171 ~~[(iii) Section 53G-8-704 for armed school security guards;]~~
- 1172 ~~[(b) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act;]~~
- 1174 ~~[(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;
- 1178 (d) coordinate security responses among, if applicable, the following individuals in the LEA that employs the school safety and security director:
- 1180 (i) school safety and security specialists;
- 1181 (ii) school resource officers;
- 1182 (iii) armed school security guards; and
- 1183 (iv) school guardians; and

HB0040S02 compared with HB0040S04

- 1184 (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.
- 1188 (3) A school safety and security director:
- 1189 (a) does not have authority to act in a law enforcement capacity; and
- 1190 (b) may, at the LEA that employs the director:
- 1191 (i) take actions necessary to prevent or abate an active threat; and
- 1192 (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[;] .
- 1195 (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.
- 1199 (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).
- 1201 (6) The state security chief shall:
- 1202 (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
- 1205 (b) make the information described in Subsection (6)(a) readily available to each law enforcement agency in the state categorized by LEA.
- 1333 Section 22. Section **53G-8-704** is amended to read:
- 1334 **53G-8-704. Contracts between an LEA and a contract security company for armed school security guards.**
- 1210 (1) As used in this section:
- 1211 (a) "Armed private security officer" means the same as that term is defined in Section 58-63-102.
- 1213 (b) "Armed school security guard" means an armed private security officer who[~~is~~]:
- 1214 (i) is licensed as an armed private security officer under Title 58, Chapter 63, Security Personnel Licensing Act; and
- 1216 (ii) has met the requirements described in Subsection (4)(a).

HB0040S02 compared with HB0040S04

- 1217 (c) "Contract security company" means the same as that term is defined in Section 58-63-102.
- 1219 (d) "State security chief" means the same as that term is defined in Section 53-22-102.
- 1220 (2)
- (a) An LEA may use an armed school security guard to satisfy the school safety personnel requirements of Section 53G-8-701.5.
- 1222 (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.
- 1225 (3) The contract described in Subsection (2)(b) shall include a detailed description of:
- 1226 (a) the rights of a student under state and federal law with regard to:
- 1227 (i) searches;
- 1228 (ii) questioning;
- 1229 (iii) arrests; and
- 1230 (iv) information privacy;
- 1231 (b) job assignment and duties of an armed school security guard, including:
- 1232 (i) the school to which an armed school security guard will be assigned;
- 1233 (ii) the hours an armed school security guard is present at the school;
- 1234 (iii) the point of contact at the school that an armed school security guard will contact in case of an emergency;
- 1236 (iv) specific responsibilities for providing and receiving information;
- 1237 (v) types of records to be kept, and by whom; and
- 1238 (vi) training requirements; and
- 1239 (c) other expectations of the contract security company in relation to school security at the LEA.
- 1241 (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:
- 1245 (i) has a valid concealed carry permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act; ~~and~~
- 1247 (ii) has undergone training from a county security chief or local law enforcement agency regarding:
- 1249 (A) the safe loading, unloading, storage, and carrying of firearms in a school setting;
- 1251 (B) the role of armed security guards in a school setting; and

HB0040S02 compared with HB0040S04

- 1252 (C) coordination with law enforcement and school officials during an active threat[-] ;
- 1253 (iii) completes an initial "fit to carry" assessment the Department of Health and Human Services
approves and a provider administers; and
- 1255 (iv) maintains compliance with mental health screening requirements consistent with law
enforcement standards.
- 1257 (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.
- 1262 (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).
- 1265 (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.
- 1269 (7) The state security chief shall:
- 1270 (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
- 1273 (b) make the information described in Subsection (7)(a) readily available to each law enforcement agency in the state by school.
- 1275 (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:
- 1278 (a) points a firearm at an individual; or
- 1279 (b) aims a conductive energy device at an individual and displays the electrical current.
- 1280 (9)
- (a) A report described in Subsection (8) shall include:
- 1281 (i) a description of the incident;
- 1282 (ii) the identification of the individuals involved in the incident; and
- 1283 (iii) any other information required by the state security chief.
- 1284

HB0040S02 compared with HB0040S04

- (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.
- 1287 (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).
- 1415 Section 23. Section **53G-8-802** is amended to read:
- 1416 **53G-8-802. State Safety and Support Program -- State board duties -- LEA duties.**
- 1292 (1) There is created the School Safety Center.
- 1293 (2) The School Safety Center shall:
- 1294 (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:
- 1296 (i) requiring an evidence-based behavior threat assessment that includes[?]
1297 [(A)] recommended interventions with an individual whose behavior poses a threat to school safety;
[and]
- 1299 [~~(B) establishes defined roles for a multidisciplinary team and school safety personnel described in Title
53G, Chapter 8, Part 7, School Safety Personnel, including:~~]
- 1302 (ii) procedures for referrals to law enforcement; and
- 1303 (iii) procedures for referrals to a community services entity, a family support organization, or a health
care provider for evaluation or treatment;
- 1305 (b) provide training in consultation with the state security chief:
- 1306 (i) in school safety;
- 1307 (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
- 1309 (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school
community;
- 1311 (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms
of mental illness;
- 1313 (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;
- 1316 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and
53E-9-305; and
- 1318 (vii) for administrators on rights and prohibited acts under:

HB0040S02 compared with HB0040S04

- 1319 (A) Chapter 9, Part 6, Bullying and Hazing;
- 1320 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 1321 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 1322 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- 1323 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 1324 (c) conduct and disseminate evidence-based research on school safety concerns;
- 1325 (d) disseminate information on effective school safety initiatives;
- 1326 (e) encourage partnerships between public and private sectors to promote school safety;
- 1327 (f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
- 1329 (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;
- 1332 (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;
- 1334 (i) collaborate with the state security chief to determine appropriate application of school safety requirements in Utah Code to an online school;
- 1336 (j) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment;
- 1338 ~~{(k) establish a charter school liaison including defined responsibilities for charter school communication and coordination with the School Safety Center; and }~~
- 1340 ~~{(l) assist a foundation described in Section 53-22-108 in distributing school safety products if a foundation seeks assistance; }~~
- 1342 ~~{(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; }~~
- 1345 ~~{(n) submit findings from the gap analysis described in Subsection (2)(m) to: }~~
- 1346 ~~{(i) the state security chief established in Section 53-22-102; }~~
- 1347 ~~{(ii) the School Safety Task Force created in Section 53-22-104.1; and }~~
- 1348 ~~{(iii) the state board; }~~
- 1349

HB0040S02 compared with HB0040S04

- ~~{(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:}~~
- 1352 ~~{(i) CPR and automated external defibrillator operation certification from a nationally recognized organization;}~~
- 1354 ~~{(ii) automated external defibrillator placement, maintenance, and operation protocols;}~~
- 1355 ~~{(iii) {emergency response procedures, including designation of a cardiac emergency response coordinator and response team; and}~~
- 1357 ~~{(iv)}~~
- 1464 (k) establish a charter school liaison including defined responsibilities for charter school communication and coordination with the School Safety Center; and
- 1466 (l) assist a foundation described in Section 53-22-108 in distributing school safety products if a foundation seeks assistance;
- 1468 (m) submit findings from the gap analysis described in Subsection (2)(m) to:
- 1469 (i) the state security chief established in Section 53-22-102;
- 1470 (ii) the School Safety Task Force created in Section 53-22-104.1; and
- 1471 (iii) the state board;
- 1472 (n) 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:
- 1475 (i) CPR and automated external defibrillator operation certification from a nationally recognized organization;
- 1477 (ii) automated external defibrillator placement, maintenance, and operation protocols;
- 1478 (iii) emergency response procedures, including designation of a cardiac emergency response coordinator and response team; and
- 1480 (iv) coordination with local emergency medical services for emergency response integration; and
- 1359 ~~[(k)]~~ ~~{(p)}~~ (o) assist LEAs in implementing and maintaining universal access key box requirements under Section 53G-8-805;
- 1361 ~~{(q)}~~ (p) 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).
- 1363 (3) Nothing in this section requires:

HB0040S02 compared with HB0040S04

- 1364 (a) an individual to respond to a school climate survey; or
- 1365 (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).
- 1367 (4) The state board shall require an LEA to:
- 1368 (a)
- (i) if an LEA administers a school climate survey, review school climate data for each school within the LEA; and
- 1370 (ii) based on the review described in Subsection (4)(a)(i):
- 1371 (A) revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA;
- 1373 (B) adopt a plan for harassment- and discrimination-free learning; and
- 1374 (C) host outreach events or assemblies to inform students and parents of the plan adopted under Subsection (4)(a)(ii)(B);
- 1376 (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
- 1379 (c) report to the state board annually on the LEA's implementation of the plan under Subsection (4)(a)(ii)(B) and progress.
- 1381 (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.
- 1507 Section 24. Section **53G-8-803** is amended to read:
- 1508 **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:
- 1389 (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:
- 1393 (a) active threats;

HB0040S02 compared with HB0040S04

- 1394 (b) emergency preparedness;
- 1395 (c) cardiac emergency preparedness;
- 1396 ~~[(e)]~~ (d) drills as required under Subsection 15A-5-202.5 and by the state security chief; and
- 1398 ~~[(d)]~~ (e) standard response protocols coordinated with community stakeholders; and
- 1399 (2) identify the necessary components of emergency preparedness and response plans, including underlying standard response protocols and emerging best practices for an emergency.
- 1525 Section 25. Section **53G-8-805** is amended to read:
- 1526 **53G-8-805. Panic alert device -- Security cameras-- Key box.**
- 1404 (1) As used in this section:
- 1405 (a) "Universal access key box" means a UL Standard 1037 compliant secure container designed to store and protect emergency access keys and devices.
- 1407 (b) "Emergency responder" means law enforcement, fire service, or emergency medical personnel authorized by local authorities to respond to school emergencies.
- 1409 ~~[(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 or emergency services agencies, law enforcement agencies, health departments, and fire departments]~~ shall communicate directly with public safety answering points.
- 1415 ~~[(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 ~~[(1)]~~ (2).
- 1418 ~~[(3)]~~ (4) An LEA shall:
- 1419 (a) ensure all security cameras within a school building are accessible by:
- 1420 (i) a local law enforcement agency; and
- 1421 (ii) public safety answering points;
- 1422 (b) coordinate with a local law enforcement agency to establish appropriate access protocols~~[-]~~ ; and
- 1424 (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).
- 1426 ~~[(4)]~~
- 1427 (5) A school building shall include universal access key boxes that:
- 1428 (a) are installed at main entry points;

HB0040S02 compared with HB0040S04

- 1429 (b) contain master keys and access devices providing complete access to all areas of the school;
1431 (c) are accessible only to authorized emergency responders;
1432 (d) are electronically monitored for tampering; and
1433 (e) are weather-resistant and vandal-resistant.
1434 (6) An LEA shall:
1435 (a) maintain universal access key boxes by:
1436 (i) conducting quarterly inspections;
1437 (ii) updating contents within 24 hours of any lock or access control changes;
1438 (iii) maintaining current key and access device inventories;
1439 (iv) documenting all inspections and updates; and
1440 (v) immediately replacing any damaged or malfunctioning boxes;
1441 (b) coordinate with local emergency responders to:
1442 (i) determine optimal box placement;
1443 (ii) establish access protocols;
1444 (iii) maintain current emergency contact information; and
1445 (iv) conduct annual reviews of box usage and effectiveness;
1446 (c) include universal access key box locations and protocols in:
1447 (i) school emergency response plans;
1448 (ii) building schematic diagrams provided to emergency responders; and
1449 (iii) school safety and security training materials.
1450 (7) The state board shall:
1451 (a) establish standards for:
1452 (i) box installation and placement;
1453 (ii) access control and monitoring;
1454 (iii) maintenance schedules; and
1455 (iv) compliance verification;
1456 (b) provide technical assistance to LEAs implementing this section.
1457 (8) Nothing in this section:
1458 (a) affects requirements for fire department key boxes under applicable building or fire codes; or
1460 (b) restricts additional security measures implemented by LEAs that exceed these requirements.
1462 (9) This section is not subject to the restrictions in Section 41-6a-2003.

HB0040S02 compared with HB0040S04

1586 Section 26. Section **53G-9-207** is amended to read:

1587 **53G-9-207. Child sexual abuse prevention.**

1465 (1) As used in this section:

1466 (a)

(i) "Age-appropriate instructional material" means materials that provide instruction on:

1468 (A) the responsibility of adults for the safety of children;

1469 (B) how to recognize uncomfortable inner feelings;

1470 (C) how to say no and leave an uncomfortable situation;

1471 (D) how to set clear boundaries;

1472 (E) the risks of sharing intimate images or personal information through electronic means; and

1474 [~~E~~] (F) the importance of discussing uncomfortable situations with parents and other trusted adults.

1476 (ii) "Age-appropriate instructional material" does not include materials that:

1477 (A) invites a student to share personal experiences about abuse during instruction;

1478 (B) gives instruction regarding consent as described in Section 76-5-406; or

1479 (C) includes sexually explicit language or depictions.

1480 (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).

1483 (c) "School personnel" means the same as that term is defined in Section 53G-9-203.

1484 (d) "Sexual extortion" means the criminal offense described in Section 76-5b-204.

1485 (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).

1488 (3)

(a) An LEA shall provide{~~f, once every three years,~~{~~}}~~ annual training and instruction on child sexual abuse and human trafficking prevention and awareness to:

1490 (i) school personnel in elementary and secondary schools on:

1491 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner;

1493 (B) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and

HB0040S02 compared with HB0040S04

- 1495 (C) the mandatory reporting requirements described in Sections 53E-6-701 and 80-2-602;
- 1497 (D) appropriate responses to incidents of sexual extortion, including connecting victims with support services; and
- 1499 (ii) parents of elementary school students on:
- 1500 (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~~
- 1503 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child[-] ;
and
- 1505 (C) resources available for victims of sexual extortion.
- 1506 (b) An LEA:
- 1507 (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
- 1509 (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).
- 1512 (4)
- (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.
- 1515 (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.
- 1518 (5)
- (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent of the student is:
- 1520 (i) notified in advance of the:
- 1521 (A) instruction and the content of the instruction; and
- 1522 (B) parent's right to have the student excused from the instruction;
- 1523 (ii) given an opportunity to review the instructional materials before the instruction occurs; and
- 1525 (iii) allowed to be present when the instruction is delivered.
- 1526 (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).

HB0040S02 compared with HB0040S04

- 1528 (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.
- 1530 (6) An LEA may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).
- 1532 (7) Upon request of the state board, an LEA shall provide evidence of compliance with this section.
- 1534 (8) The state board shall select a provider to provide the training and instruction described in Subsection (4), including requiring the provider selected to:
- 1536 (a) engage in outreach efforts to support more schools to participate in the training and instruction;
- 1538 (b) provide materials for the instruction involving students in accordance with Subsection (4);
- 1540 (c) provide an outline of how many LEAs, schools, and students the provider could service; and
- 1542 (d) submit a report to the state board that includes:
- 1543 (i) information on the LEAs the provider engaged with in the outreach efforts, including:
- 1545 (A) how many schools within an LEA increased instructional offerings for training and instruction; and
- 1547 (B) the reasons why an LEA chose to participate or not in the offered training or instruction;
- 1549 (ii) the number of schools and students that received the training and instruction;
- 1550 (iii) budgetary information regarding how the provider utilized any funds the state board allocated; and
- 1552 (iv) additional information the state board requests.
- 1553 (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 (8) to provide the training and instruction described in Subsection (4).
- 1557 (10) The state board shall:
- 1558 (a) establish a process to select alternative providers for an LEA to use, including:
- 1559 (i) an application process for a provider to become an alternative provider;
- 1560 (ii) required criteria for a provider to become an alternative provider; and
- 1561 (iii) relevant timelines;
- 1562 (b) create a process for an LEA to receive a grant award described in Subsection (9), including:
- 1564 (i) an application process;
- 1565 (ii) relevant timelines; and
- 1566 (iii) a scoring rubric and corresponding formula for determining a grant amount; and
- 1567 (c) make grant awards on a first come first served basis until the state board distributes all appropriated funds.
- 1569 (11) An LEA that receives a grant award described in Subsection (10)(b) shall:

HB0040S02 compared with HB0040S04

- 1570 (a) use the grant award to cover the costs needed for implementation of the training or instruction described in Subsection (4); and
- 1572 (b) upon request of the state board, provide an itemized list of the uses of the grant award.
- 1697 Section 27. Section **53G-9-703** is amended to read:
- 1698 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**
- 1576 (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:
- 1578 (i) is offered at no cost to parents;
- 1579 (ii)
- (A) if in person, begins at or after 6 p.m.;~~[-or]~~
- 1580 (B) if in person, takes place on a Saturday; or
- 1581 (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.
- 1584 (iii)
- (A) is held in at least one school located in the school district; or
- 1585 (B) is provided through a virtual platform; and
- 1586 (iv) covers the topics described in Subsection (2).
- 1587 (b)
- (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
- 1589 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.
- 1591 (c) A school district may:
- 1592 (i) develop the district school's own curriculum for the seminar described in Subsection (1)(a); or
- 1594 (ii) use the curriculum developed by the state board under Subsection (2).
- 1595 (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.
- 1598 (2) The state board shall:
- 1599

HB0040S02 compared with HB0040S04

- (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:
- 1601 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
- 1602 (ii) bullying;
- 1603 (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;
- 1605 (iv) Internet safety, including pornography addiction;[~~and~~]
- 1606 (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
- 1607 (vi) resources related to the topics described in this Subsection (2); and
- 1608 (b) provide the curriculum, including resources and training, to school districts upon request.
- 1610 (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.
- 1613 (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.
- 1739 Section 28. Section **53G-10-408** is amended to read:
- 1740 **53G-10-408. Cardiopulmonary resuscitation instruction -- Grant program.**
- 1618 (1) As used in this section:
- 1619 (a) "Board" means the State Board of Education.
- 1620 (b) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.
- 1622 (c) "Individualized education program" or "IEP" means the same as that term is defined in Section 53E-1-102.
- 1624 (d) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.
- 1626 (e) "Psychomotor skills" means sequences of physical actions that are practiced in a manner that supports cognitive learning.
- 1628 (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.

HB0040S02 compared with HB0040S04

- 1631 (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).
- 1633 (4) Rules made under Subsection (2) shall include:
- 1634 (a) a requirement that CPR training be based on current national evidence-based emergency
cardiovascular care guidelines for cardiopulmonary resuscitation;
- 1636 (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~~
- 1639 (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
- 1642 (d) a requirement that CPR training described in this section include~~{, when possible, }~~ instruction on
automated external defibrillator use and operation.
- 1644 (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.
- 1646 (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
CPR training if the individual is authorized to issue a CPR certification by the American Heart
Association, American Red Cross, or other similar organization.
- 1650 (7) A student is exempt from completing CPR training if:
- 1651 (a) the student's parent or legal guardian requests that the student be exempt from CPR training;
- 1653 (b) the student provides documentation to the LEA showing that the student has previously received
CPR training or has a current CPR certification; or
- 1655 (c) the student has an IEP and the CPR training is inconsistent with the IEP.
- 1656 (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).
- 1659 (9)
- (a) There is created the CPR Training Grant Program.
- 1660 (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.

1663

HB0040S02 compared with HB0040S04

- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules to establish:
- 1665 (i) application and eligibility requirements for an LEA that seeks a grant under this section; or
1667 (ii) specific materials or equipment that may be purchased using a grant awarded under this section.
- 1792 Section 29. Section **63I-1-253** is amended to read:
1793 **63I-1-253. Repeal dates: Titles 53 through 53G.**
- 1671 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1,
2028.
- 1673 (2) Section 53-2a-105, Emergency Management Administration Council created -- Function --
Composition -- Expenses, is repealed July 1, 2029.
- 1675 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed
July 1, 2027.
- 1677 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1,
2027.
- 1679 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 1680 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is
repealed July 1, 2029.
- 1682 (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.
- 1685 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1,
2029.
- 1687 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 1688 (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report --
Expiration, is repealed December 31, [~~2025~~] 2027.
- 1690 (11) Section 53-22-104.2, The School Security Task Force -- Public Education Advisory Board, is
repealed December 31, [~~2025~~] 2027.
- 1692 (12) Section 53-22-104.3, The School Security Task Force -- Higher Education Advisory Board, is
repealed December 31, 2027.
- 1694 [(12)] (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is
repealed July 1, 2027.

HB0040S02 compared with HB0040S04

- 1696 [~~(13)~~] (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 1697 [~~(14)~~] (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- 1699 [~~(15)~~] (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1700 [~~(16)~~] (17) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.
- 1702 [~~(17)~~] (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1703 [~~(18)~~] (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 1704 [~~(19)~~] (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.
- 1706 [~~(20)~~] (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1, 2027.
- 1708 [~~(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.
- 1711 [~~(22)~~] (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 1713 [~~(23)~~] (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 1715 [~~(24)~~] (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 1717 [~~(25)~~] (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 1719 [~~(26)~~] (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 1721 [~~(27)~~] (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 1722 [~~(28)~~] (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.
- 1724 [~~(29)~~] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 1726 [~~(30)~~] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

HB0040S02 compared with HB0040S04

- 1728 [~~(31)~~] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 1729 [~~(32)~~] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1, 2025.
- 1731 [~~(33)~~] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2025.
- 1733 [~~(34)~~] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.
- 1735 [~~(35)~~] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 1737 [~~(36)~~] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 1739 [~~(37)~~] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1863 Section 30. Section **30** is enacted to read:
- 1864 **76-5-417. Sexual relations with an adult high school student.**
- 1742 (1) As used in this section:
- 1743 (a) "Actor" means an individual who is 21 years old or older.
- 1744 (b) "Adult high school student" means an individual who is 18 to 21 years old and enrolled at a high school.
- 1746 (c) "High school" means a district, charter, or private school that is comprised of grade 9, 10, 11, or 12.
- 1748 (d) "Position of special trust" means the following positions in a high school:
- 1749 (i) a teacher;
- 1750 (ii) an administrator;
- 1751 (iii) a coach;
- 1752 (iv) a counselor; or
- 1753 (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.
- 1756 (e) "Sexual intercourse" means any penetration, however slight, of:
- 1757 (i) the genitals or anus of an individual by another individual using any body part, object, or substance;
or
- 1759 (ii) the mouth of an individual by another individual's genitals.
- 1760 (f) Terms defined in Section 76-1-101.5 apply to this section.
- 1761 (2) An actor commits sexual relations with an adult high school student if the actor:
- 1762 (a)

HB0040S02 compared with HB0040S04

- 1763 (i) has sexual intercourse with an adult high school student; or
1765 (ii) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to
1766 arouse or gratify the sexual desire of any individual:
1767 (A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult high school student;
1768 (B) touches the breast of a female adult high school student; or
1769 (C) otherwise takes indecent liberties with an adult high school student;
1770 (b) occupies a position of special trust in relation to the adult high school student described in
1771 Subsection (2)(a); and
1772 (c) knows or should have known that the individual with which the actor committed the acts described
1773 in Subsection (2)(a) was an adult high school student.
1774 (3) A violation of Subsection (2) is a third degree felony.
1775 (4) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element
1776 of a violation of Subsection (2)(a)(ii).
1777 (5) Consent of an adult high school student to an act described in Subsection (2) is not a defense to
1778 prosecution under this section.

1901 Section 31. **Repealer.**

This Bill Repeals:

1902 This bill repeals:

1903 Section **53F-4-208, State board procurement for school security software.**

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

1904 Section . **FY 2026 Appropriations.**

1905 The following sums of money are appropriated for the fiscal year beginning July 1,
1906 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
1907 fiscal year 2026.

1908 Subsection 32(a). **Operating and Capital Budgets**

1909 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
1910 Legislature appropriates the following sums of money from the funds or accounts indicated for
1911 the use and support of the government of the state of Utah.

1912 To State Board of Education - Contracted Initiatives and Grants

1913 100,000,000

1915 Schedule of Programs:

HB0040S02 compared with HB0040S04

1916 100,000,000

1917 The Legislature intends:

1918 (1) \$100,000,000 for the School Safety and

1919 Support Grant Program in this item be used as follows:

1920 (a) \$50,000,000 is used for:

1921 (i) supporting general grants to local education agencies prioritized

1922 by need as the school security task force described in

1923 Section 53-22-104.1 determines in coordination with the

1924 state security chief and the school safety center; and

1925 (ii) research expenses supporting the work of the school security

1926 task force as the co-chairs of the task force authorize; and

1927 (b) \$50,000,000 for targeted grants to local

1928 education agencies for needs reported in the local

1929 education agencies' school safety needs assessments

1930 described in 53G-8-701.5.

1931 Section 33. **Effective date.**

This bill takes effect on {~~July 1,~~ May 7, 2025.

2-18-25 2:38 PM