

Douglas R. Welton proposes the following substitute bill:

State Board of Education Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill establishes ethics standards for members of the State Board of Education.

Highlighted Provisions:

This bill:

- establishes ethics standards for members of the State Board of Education; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-2-302, as last amended by Laws of Utah 2024, Chapter 234

ENACTS:

53E-3-1201, Utah Code Annotated 1953

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

Section 1. Section **53E-3-1201** is enacted to read:

53E-3-1201 . Ethics requirements governing State Board of Education members.

(1) The state board shall establish within the state board's bylaws and policies, a code of conduct and ethical standards for board members, incorporating standards and procedures relevant to the state board's constitutional and statutory roles including:

- (a) provisions for ethics training for state board members;
- (b) a process for filing and reviewing ethics complaints against state board members;
- (c) protections related to complaint privacy before and during the preliminary review period;

- 30 (d) options for disciplinary action for violations;
31 (e) prohibitions related to filing complaints before a primary or general election; and
32 (f) declarations related to a conflict of interest;
33 (2) The records received or generated for review of an ethics violation under this section
34 shall be private records in accordance with Section 63G-2-302.
35 (3) The state board shall maintain a summary record of actions, which shall be classified as
36 a public record.
37 (4) The state board shall:
38 (a) report to the Education Interim Committee at or before the committee's October 2025
39 interim meeting regarding:
40 (i) the code of conduct and ethical standards established under Subsection (1);
41 (ii) the number and types of ethics complaints received;
42 (iii) the disposition of ethics complaints; and
43 (iv) any recommendations for statutory modifications to the ethics requirements; and
44 (b) provide any additional information requested by the committee for purposes of
45 reviewing:
46 (i) the effectiveness of the ethics requirements established under this section; and
47 (ii) whether additional legislation is necessary.
48 (5) The Education Interim Committee shall:
49 (a) review the report submitted under Subsection (4);
50 (b) evaluate the effectiveness of the ethics requirements established by the state board;
51 and
52 (c) consider whether to recommend legislation to:
53 (i) modify the ethics requirements under this section; or
54 (ii) establish additional statutory requirements governing state board member conduct.
55 Section 2. Section **63G-2-302** is amended to read:
56 **63G-2-302 . Private records.**
57 (1) The following records are private:
58 (a) records concerning an individual's eligibility for unemployment insurance benefits,
59 social services, welfare benefits, or the determination of benefit levels;
60 (b) records containing data on individuals describing medical history, diagnosis,
61 condition, treatment, evaluation, or similar medical data;
62 (c) records of publicly funded libraries that when examined alone or with other records
63 identify a patron;

- 64 (d) records received by or generated by or for:
- 65 (i) the Independent Legislative Ethics Commission, except for:
- 66 (A) the commission's summary data report that is required under legislative rule;
- 67 and
- 68 (B) any other document that is classified as public under legislative rule; or
- 69 (ii) a Senate or House Ethics Committee in relation to the review of ethics
- 70 complaints, unless the record is classified as public under legislative rule;
- 71 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
- 72 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
- 73 Review of Executive Branch Ethics Complaints;
- 74 (f) records received or generated for a Senate confirmation committee concerning
- 75 character, professional competence, or physical or mental health of an individual:
- 76 (i) if, prior to the meeting, the chair of the committee determines release of the
- 77 records:
- 78 (A) reasonably could be expected to interfere with the investigation undertaken by
- 79 the committee; or
- 80 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 81 impartial hearing; and
- 82 (ii) after the meeting, if the meeting was closed to the public;
- 83 (g) employment records concerning a current or former employee of, or applicant for
- 84 employment with, a governmental entity that would disclose that individual's home
- 85 address, home telephone number, social security number, insurance coverage, marital
- 86 status, or payroll deductions;
- 87 (h) records or parts of records under Section 63G-2-303 that a current or former
- 88 employee identifies as private according to the requirements of that section;
- 89 (i) that part of a record indicating a person's social security number or federal employer
- 90 identification number if provided under Section 31A-23a-104, 31A-25-202,
- 91 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 92 (j) that part of a voter registration record identifying a voter's:
- 93 (i) driver license or identification card number;
- 94 (ii) social security number, or last four digits of the social security number;
- 95 (iii) email address;
- 96 (iv) date of birth; or
- 97 (v) phone number;

- 98 (k) a voter registration record that is classified as a private record by the lieutenant
99 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
100 20A-2-204(4)(b);
- 101 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 102 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
103 verification submitted in support of the form;
- 104 (n) a record that:
- 105 (i) contains information about an individual;
- 106 (ii) is voluntarily provided by the individual; and
- 107 (iii) goes into an electronic database that:
- 108 (A) is designated by and administered under the authority of the Chief Information
109 Officer; and
- 110 (B) acts as a repository of information about the individual that can be
111 electronically retrieved and used to facilitate the individual's online interaction
112 with a state agency;
- 113 (o) information provided to the Commissioner of Insurance under:
- 114 (i) Subsection 31A-23a-115(3)(a);
- 115 (ii) Subsection 31A-23a-302(4); or
- 116 (iii) Subsection 31A-26-210(4);
- 117 (p) information obtained through a criminal background check under Title 11, Chapter
118 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 119 (q) information provided by an offender that is:
- 120 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and
121 Child Abuse Offender Registry; and
- 122 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 123 (r) a statement and any supporting documentation filed with the attorney general in
124 accordance with Section 34-45-107, if the federal law or action supporting the filing
125 involves homeland security;
- 126 (s) electronic toll collection customer account information received or collected under
127 Section 72-6-118 and customer information described in Section 17B-2a-815
128 received or collected by a public transit district, including contact and payment
129 information and customer travel data;
- 130 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 131 (u) a completed military-overseas ballot that is electronically transmitted under Title

- 132 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 133 (v) records received by or generated by or for the Political Subdivisions Ethics Review
134 Commission established in Section 63A-15-201, except for:
- 135 (i) the commission's summary data report that is required in Section 63A-15-202; and
136 (ii) any other document that is classified as public in accordance with Title 63A,
137 Chapter 15, Political Subdivisions Ethics Review Commission;
- 138 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
139 incident or threat;
- 140 (x) a criminal background check or credit history report conducted in accordance with
141 Section 63A-3-201;
- 142 (y) a record described in Subsection 53-5a-104(7);
- 143 (z) on a record maintained by a county for the purpose of administering property taxes,
144 an individual's:
- 145 (i) email address;
146 (ii) phone number; or
147 (iii) personal financial information related to a person's payment method;
- 148 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
149 exemption, deferral, abatement, or relief under:
- 150 (i) Title 59, Chapter 2, Part 11, Exemptions;
151 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
152 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
153 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 154 (bb) a record provided by the State Tax Commission in response to a request under
155 Subsection 59-1-403(4)(y)(iii);
- 156 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
157 child welfare case, as described in Subsection 36-33-103(3); and
- 158 (dd) a record relating to drug or alcohol testing of a state employee under Section
159 63A-17-1004;
- 160 (ee) a record relating to a request by a state elected official or state employee who has
161 been threatened to the Division of Technology Services to remove personal
162 identifying information from the open web under Section 63A-16-109; [and]
- 163 (ff) a record including confidential information as that term is defined in Section
164 67-27-105[-] ; and
- 165 (gg) a record of an ethics violation as described in Section 53E-3-1201.

- 166 (2) The following records are private if properly classified by a governmental entity:
- 167 (a) records concerning a current or former employee of, or applicant for employment
- 168 with a governmental entity, including performance evaluations and personal status
- 169 information such as race, religion, or disabilities, but not including records that are
- 170 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
- 171 Subsection (1)(b);
- 172 (b) records describing an individual's finances, except that the following are public:
- 173 (i) records described in Subsection 63G-2-301(2);
- 174 (ii) information provided to the governmental entity for the purpose of complying
- 175 with a financial assurance requirement; or
- 176 (iii) records that must be disclosed in accordance with another statute;
- 177 (c) records of independent state agencies if the disclosure of those records would
- 178 conflict with the fiduciary obligations of the agency;
- 179 (d) other records containing data on individuals the disclosure of which constitutes a
- 180 clearly unwarranted invasion of personal privacy;
- 181 (e) records provided by the United States or by a government entity outside the state that
- 182 are given with the requirement that the records be managed as private records, if the
- 183 providing entity states in writing that the record would not be subject to public
- 184 disclosure if retained by it;
- 185 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 186 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
- 187 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
- 188 vulnerable adult; and
- 189 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 190 77-7a-103, that record sound or images inside a home or residence except for
- 191 recordings that:
- 192 (i) depict the commission of an alleged crime;
- 193 (ii) record any encounter between a law enforcement officer and a person that results
- 194 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 195 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 196 against a law enforcement officer or law enforcement agency;
- 197 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
- 198 (1)(f); or
- 199 (v) have been requested for reclassification as a public record by a subject or

- 200 authorized agent of a subject featured in the recording.
- 201 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
202 statements, history, diagnosis, condition, treatment, and evaluation.
- 203 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
204 doctors, or affiliated entities are not private records or controlled records under
205 Section 63G-2-304 when the records are sought:
- 206 (i) in connection with any legal or administrative proceeding in which the patient's
207 physical, mental, or emotional condition is an element of any claim or defense; or
208 (ii) after a patient's death, in any legal or administrative proceeding in which any
209 party relies upon the condition as an element of the claim or defense.
- 210 (c) Medical records are subject to production in a legal or administrative proceeding
211 according to state or federal statutes or rules of procedure and evidence as if the
212 medical records were in the possession of a nongovernmental medical care provider.

213 **Section 3. Effective Date.**

214 This bill takes effect on May 7, 2025.