

Effective 5/10/2016

63A-4-204 School district participation in Risk Management Fund.

- (1)
 - (a) For the purpose of this section, action by a public school district shall be taken upon resolution by a majority of the members of the school district's board of education.
 - (b)
 - (i) Upon approval by the state risk manager and the board of education of the school district, a public school district may participate in the Risk Management Fund and may permit a foundation established under Section 53A-4-205 to participate in the Risk Management Fund.
 - (ii) Upon approval by the state risk manager and the State Board of Education, a state public education foundation may participate in the Risk Management Fund.
 - (c) Subject to any cancellation or other applicable coverage provisions, either the state risk manager or the public school district may terminate participation in the fund.
- (2) The state risk manager shall contract for all insurance, legal, loss adjustment, consulting, loss control, safety, and other related services necessary to support the insurance program provided to a participating public school district, except that all supporting legal services are subject to the prior approval of the state attorney general.
- (3)
 - (a) The state risk manager shall treat each participating public school district as a state agency when participating in the Risk Management Fund.
 - (b) Each public school district participating in the fund shall comply with the provisions of this part that affect state agencies.
- (4)
 - (a) Each year, the risk manager shall prepare, in writing, the information required by Subsection (4)(b) regarding the coverage against legal liability provided a school district employee of this state:
 - (i) by the Risk Management Fund;
 - (ii) under Title 63G, Chapter 7, Governmental Immunity Act of Utah; and
 - (iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and Employees Act.
 - (b)
 - (i) The information described in Subsection (4)(a) shall include:
 - (A) the eligibility requirements, if any, to receive the coverage;
 - (B) the basic nature of the coverage for a school district employee, including what is not covered; and
 - (C) whether the coverage is primary or in excess of any other coverage the risk manager knows is commonly available to a school district employee in this state.
 - (ii) The information described in Subsection (4)(a) may include:
 - (A) comparisons the risk manager considers beneficial to a school district employee between:
 - (I) the coverage described in Subsection (4)(a); and
 - (II) other coverage the risk manager knows is commonly available to a school district employee in this state; and
 - (B) any other information the risk manager considers appropriate.
 - (c) By no later than July 1 of each year, the risk manager shall provide the information prepared under this Subsection (4) to each school district that participates in the Risk Management Fund.

- (d) A school district that participates in the Risk Management Fund shall provide a copy of the information described in Subsection (4)(c) to each school district employee within the school district no later than the first day of each school year.
- (e) If a school district hires an employee after the first day of the school year, no later than 10 days after the day on which the employee is hired, the school district shall provide the information described in Subsection (4)(c) to the employee.

Amended by Chapter 189, 2016 General Session