

MAINTENANCE OF STUDENT RECORDS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to public school parental notifications.

Highlighted Provisions:

This bill:

▶ amends provisions related to a record a school maintains to verify that a parent was notified of certain incidents or threats ~~H→~~ [·] ;

▶ requires a school to provide a student a copy of a record a school maintains at the request of the student under certain circumstances;

▶ requires a school to expunge a record a school maintains at the request of a student under certain circumstances; and

▶ makes technical changes. ←~~H~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11a-203, as enacted by Laws of Utah 2013, Chapter 335

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

Section 1. Section **53A-11a-203** is amended to read:

53A-11a-203. Parental notification of certain incidents and threats required.

(1) For purposes of this section, "parent" includes a student's guardian.

(2) A school shall:

(a) notify a parent if the parent's student threatens to commit suicide; or



28 (b) notify the parents of each student involved in an incident of bullying,
29 cyber-bullying, harassment, hazing, or retaliation, of the incident involving each parent's
30 student.

31 (3) (a) If a school notifies a parent of an incident or threat required to be reported under
32 Subsection (2), the school shall produce and maintain a record that verifies that the parent was
33 notified of the incident or threat.

34 [~~(b) A school may not:~~]

35 [~~(i) disclose a record described in Subsection (3)(a), including any information
36 obtained to prepare the record, to a person other than a person authorized to receive the record
37 described in Subsection (3)(c); or]~~

38 [~~(ii) use a record described in Subsection (3)(a), including any information obtained to
39 prepare the record, for the school's own purposes, including the following purposes:]~~

40 [~~(A) for a report or study;~~]

41 [~~(B) for a statistical analysis; or]~~

42 [~~(C) to conduct research.]~~

43 [~~(c) A school may disclose a record described in Subsection (3)(a), including any
44 information obtained to prepare the record:]~~

45 [~~(i) to the parent or the parent's student; or]~~

46 [~~(ii) to a person if required to disclose the record or information to a person pursuant to
47 the terms of a court order as described in Subsection 63G-2-202(7).]~~

48 (b) A school shall maintain a record described in Subsection (3)(a) in accordance with
49 the requirements of:

50 (i) Section 53A-13-301;

51 (ii) Section 53A-13-302;

52 (iii) 20 U.S.C. 1232g, Federal Family Educational Rights and Privacy Act; and

53 (iv) C.F.R. Part 99.

54 (4) A ~~H~~→ local ←~~H~~ school board ~~H~~→ or charter school governing board ←~~H~~ shall
54a adopt a policy regarding the process for:

55 (a) notifying a parent as required in Subsection (2); and

56 (b) producing and retaining a record that verifies that a parent was notified of an
57 incident or threat as required in Subsection (3).

58 (5) At the request of a parent, a school may provide information and make

- 59 recommendations related to an incident or threat described in Subsection (2).
- 59a **⚡→ (6) A school shall:**
- 59b **(a) provide a student a copy of a record maintained in accordance with this section that**
- 59c **relates to the student if the student requests a copy of the record; and**
- 59d **(b) expunge a record maintained in accordance with this section that relates to a**
- 59e **student if the student:**
- 59f **(i) has graduated from high school; and**
- 59g **(ii) requests the record be expunged. ⚡←**
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Legislative Review Note
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Office of Legislative Research and General Counsel

