

1                   **STATE LIABILITY PROTECTION FOR SCHOOL**

2                                   **EMPLOYEES**

3   2016 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Curtis Oda**

6                                   Senate Sponsor: Howard A. Stephenson

---

---

8   **LONG TITLE**

9   **General Description:**

10           This bill modifies provisions relating to public school participation in the Risk  
11 Management Fund.

12   **Highlighted Provisions:**

13           This bill:  
14           ▶ modifies certain deadlines related to public school employee participation in the  
15 Risk Management Fund.

16   **Money Appropriated in this Bill:**

17           None

18   **Other Special Clauses:**

19           None

20   **Utah Code Sections Affected:**

21   AMENDS:

22           **63A-4-204**, as last amended by Laws of Utah 2008, Chapter 382

23           **63A-4-204.5**, as last amended by Laws of Utah 2008, Chapter 382

---

---

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

26           Section 1. Section **63A-4-204** is amended to read:

27           **63A-4-204. School district participation in Risk Management Fund.**

28           (1) (a) For the purpose of this section, action by a public school district shall be taken  
29 upon resolution by a majority of the members of the school district's board of education.

30 (b) (i) Upon approval by the state risk manager and the board of education of the  
31 school district, a public school district may participate in the Risk Management Fund and may  
32 permit a foundation established under Section 53A-4-205 to participate in the Risk  
33 Management Fund.

34 (ii) Upon approval by the state risk manager and the State Board of Education, a state  
35 public education foundation may participate in the Risk Management Fund.

36 (c) Subject to any cancellation or other applicable coverage provisions, either the state  
37 risk manager or the public school district may terminate participation in the fund.

38 (2) The state risk manager shall contract for all insurance, legal, loss adjustment,  
39 consulting, loss control, safety, and other related services necessary to support the insurance  
40 program provided to a participating public school district, except that all supporting legal  
41 services are subject to the prior approval of the state attorney general.

42 (3) (a) The state risk manager shall treat each participating public school district as a  
43 state agency when participating in the Risk Management Fund.

44 (b) Each public school district participating in the fund shall comply with the  
45 provisions of this part that affect state agencies.

46 (4) (a) [~~By no later than March 31 of each~~] Each year, the risk manager shall prepare,  
47 in writing, the information required by Subsection (4)(b) regarding the coverage against legal  
48 liability provided a school district employee of this state:

49 (i) by the Risk Management Fund;

50 (ii) under Title 63G, Chapter 7, Governmental Immunity Act of Utah; and

51 (iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and  
52 Employees Act.

53 (b) (i) The information described in Subsection (4)(a) shall include:

54 (A) the eligibility requirements, if any, to receive the coverage;

55 (B) the basic nature of the coverage for a school district employee, including what is  
56 not covered; and

57 (C) whether the coverage is primary or in excess of any other coverage the risk

58 manager knows is commonly available to a school district employee in this state.

59 (ii) The information described in Subsection (4)(a) may include:

60 (A) comparisons the risk manager considers beneficial to a school district employee  
61 between:

62 (I) the coverage described in Subsection (4)(a); and

63 (II) other coverage the risk manager knows is commonly available to a school district  
64 employee in this state; and

65 (B) any other information the risk manager considers appropriate.

66 (c) ~~[The]~~ By no later than July 1 of each year, the risk manager shall provide the  
67 information prepared under this Subsection (4) to each school district that participates in the  
68 Risk Management Fund.

69 (d) A school district that participates in the Risk Management Fund shall provide a  
70 copy of the information described in Subsection (4)(c) to each school district employee within  
71 the school district~~[:]~~ no later than the first day of each school year.

72 ~~[(i) at the time an employee enters into an employment contract and signs a separate  
73 acknowledgment of legal liability protection in accordance with Section 53A-3-411; or]~~

74 ~~[(ii) if the school district does not provide the information to the employee pursuant to  
75 Subsection (4)(d)(i):]~~

76 ~~[(A) within 30 days of the day the school district employee is hired by the school  
77 district; and]~~

78 ~~[(B) by no later than April 15 of each calendar year.]~~

79 (e) If a school district hires an employee after the first day of the school year, no later  
80 than 10 days after the day on which the employee is hired, the school district shall provide the  
81 information described in Subsection (4)(c) to the employee.

82 Section 2. Section 63A-4-204.5 is amended to read:

83 **63A-4-204.5. Charter school participation in Risk Management Fund.**

84 (1) A charter school established under the authority of Title 53A, Chapter 1a, Part 5,  
85 The Utah Charter Schools Act, may participate in the Risk Management Fund upon the

86 approval of the state risk manager and the governing body of the charter school.

87 (2) (a) For purposes of administration, the state risk manager shall treat each charter  
88 school participating in the fund as a state agency.

89 (b) Each charter school participating in the fund shall comply with the provisions of  
90 this part that affect state agencies.

91 (3) (a) [~~By no later than March 31 of each~~] Each year, the risk manager shall prepare,  
92 in writing, the information required by Subsection (3)(b) regarding the coverage against legal  
93 liability provided a charter school employee of this state:

94 (i) by the Risk Management Fund;

95 (ii) under Title 63G, Chapter 7, Utah Governmental Immunity Act of Utah; and

96 (iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and  
97 Employees Act.

98 (b) (i) The information described in Subsection (3)(a) shall include:

99 (A) the eligibility requirements, if any, to receive the coverage;

100 (B) the basic nature of the coverage for a charter school employee, including what is  
101 not covered; and

102 (C) whether the coverage is primary or in excess of any other coverage the risk  
103 manager knows is commonly available to a charter school employee in this state.

104 (ii) The information described in Subsection (3)(a) may include:

105 (A) comparisons the risk manager considers beneficial to a charter school employee  
106 between:

107 (I) the coverage described in Subsection (3)(a); and

108 (II) other coverage the risk manager knows is commonly available to a charter school  
109 employee in this state; and

110 (B) any other information the risk manager considers appropriate.

111 (c) [~~The~~] By no later than July 1 of each year, the risk manager shall provide the  
112 information prepared under this Subsection (3) to each charter school that participates in the  
113 Risk Management Fund.

114 (d) A charter school that participates in the Risk Management Fund shall provide a  
115 copy of the information described in Subsection (3)(c) to each charter school employee within  
116 the charter school[:] no later than the first day of each school year.

117 [~~(i) within 30 days of the day the charter school employee is hired by the charter~~  
118 ~~school; and]~~

119 [~~(ii) by no later than April 15 of each calendar year.]~~

120 (e) If a charter school hires an employee after the first day of the school year, no later  
121 than 10 days after the day on which the employee is hired, the charter school shall provide the  
122 information described in Subsection (3)(c) to the employee.