

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 **Committee Note:**

10 The Administrative Rules Review Committee recommended this bill.

11 **General Description:**

12 This bill modifies provisions relating to public school participation in the Risk
13 Management Fund.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ modifies certain deadlines related to public school employee participation in the
17 Risk Management Fund.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63A-4-204**, as last amended by Laws of Utah 2008, Chapter 382

25 **63A-4-204.5**, as last amended by Laws of Utah 2008, Chapter 382

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



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

29 **63A-4-204. School district participation in Risk Management Fund.**

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

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

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

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

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

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

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

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

51 (i) by the Risk Management Fund;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 **63A-4-204.5. Charter school participation in Risk Management Fund.**

86 (1) A charter school established under the authority of Title 53A, Chapter 1a, Part 5,
87 The Utah Charter Schools Act, may participate in the Risk Management Fund upon the
88 approval of the state risk manager and the governing body of the charter school.

89 (2) (a) For purposes of administration, the state risk manager shall treat each charter

90 school participating in the fund as a state agency.

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

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

96 (i) by the Risk Management Fund;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel