

Representative Sandra Hollins proposes the following substitute bill:

SCHOOL SAFETY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends student safety and support provisions.

Highlighted Provisions:

This bill:

▶ requires the State Board of Education to provide training on certain state and federal law;

▶ requires a local education agency (LEA) to:

- review information on harassment and discrimination within the LEA;
- adopt a plan for harassment- and discrimination-free learning; and
- report on the plan;

▶ requires the state board and an LEA to report data on the demographics of a victim of bullying, hazing, cyber-bullying, or retaliation; and

▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [53E-3-516](#), as last amended by Laws of Utah 2020, Chapters 388 and 408

28 [53G-8-802](#), as last amended by Laws of Utah 2020, Chapter 408

29 [53G-9-606](#), as last amended by Laws of Utah 2019, Chapter 293

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

32 Section 1. Section [53E-3-516](#) is amended to read:

33 **[53E-3-516. School disciplinary and law enforcement action report -- Rulemaking](#)**
34 **authority.**

35 (1) As used in this section:

36 (a) "Disciplinary action" means an action by a public school meant to formally
37 discipline a student of that public school that includes a suspension or expulsion.

38 (b) "Law enforcement agency" means the same as that term is defined in Section
39 [77-7a-103](#).

40 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

41 (d) "Other law enforcement activity" means a significant law enforcement interaction
42 with a minor that does not result in an arrest, including:

- 43 (i) a search and seizure by an SRO;
- 44 (ii) issuance of a criminal citation;
- 45 (iii) issuance of a ticket or summons;
- 46 (iv) filing a delinquency petition; or
- 47 (v) referral to a probation officer.

48 (e) "School is in session" means the hours of a day during which a public school
49 conducts instruction for which student attendance is counted toward calculating average daily
50 membership.

51 (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
52 clinic, or other event or activity that is authorized by a specific public school, according to LEA
53 governing board policy, and satisfies at least one of the following conditions:

54 (A) the activity is managed or supervised by a school district, public school, or public
55 school employee;

56 (B) the activity uses the school district or public school facilities, equipment, or other

57 school resources; or

58 (C) the activity is supported or subsidized, more than inconsequentially, by public
59 funds, including the public school's activity funds or Minimum School Program dollars.

60 (ii) "School-sponsored activity" includes preparation for and involvement in a public
61 performance, contest, athletic competition, demonstration, display, or club activity.

62 (g) "Student resource officer" or "SRO" means the same as that term is defined in
63 Section [53G-8-701](#).

64 (2) Beginning on July 1, 2023, the state board shall develop an annual report regarding
65 the following incidents that occur on school grounds while school is in session or during a
66 school-sponsored activity:

67 (a) arrests of a minor;

68 (b) other law enforcement activities; and

69 (c) disciplinary actions.

70 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
71 the state board and LEAs to provide and validate data and information necessary to complete
72 the report described in Subsection (2), as requested by an LEA or the state board.

73 (4) The report described in Subsection (2) shall include the following information
74 listed separately for each LEA:

75 (a) the number of arrests of a minor, including the reason why the minor was arrested;

76 (b) the number of other law enforcement activities, including the following information
77 for each incident:

78 (i) the reason for the other law enforcement activity; and

79 (ii) the type of other law enforcement activity used;

80 (c) the number of disciplinary actions imposed, including:

81 (i) the reason for the disciplinary action; and

82 (ii) the type of disciplinary action; [~~and~~]

83 (d) the number of SROs employed[~~;~~]; and

84 (e) if applicable, the demographics of an individual who is subject to, as the following
85 are defined in Section [53G-9-601](#), bullying, hazing, cyber-bullying, or retaliation.

86 (5) The report described in Subsection (2) shall include the following information, in
87 aggregate, for each element described in Subsections (4)(a) through (c):

- 88 (a) age;
- 89 (b) grade level;
- 90 (c) race;
- 91 (d) sex; and
- 92 (e) disability status.
- 93 (6) Information included in the annual report described in Subsection (2) shall comply

94 with:

- 95 (a) Chapter 9, Part 3, Student Data Protection;
- 96 (b) Chapter 9, Part 2, Student Privacy; and
- 97 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 98 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 99 state board shall make rules to compile the report described in Subsection (2).

100 (8) The state board shall provide the report described in Subsection (2) in accordance
101 with Section [53E-1-203](#) for incidents that occurred during the previous school year.

102 Section 2. Section **53G-8-802** is amended to read:

103 **53G-8-802. State Safety and Support Program -- State board duties -- LEA**
104 **duties.**

- 105 (1) There is created the State Safety and Support Program.
- 106 (2) The state board shall:
 - 107 (a) develop in conjunction with the Division of Substance Abuse and Mental Health
 - 108 model student safety and support policies for an LEA, including:
 - 109 (i) evidence-based procedures for the assessment of and intervention with an individual
 - 110 whose behavior poses a threat to school safety;
 - 111 (ii) procedures for referrals to law enforcement; and
 - 112 (iii) procedures for referrals to a community services entity, a family support
 - 113 organization, or a health care provider for evaluation or treatment;
 - 114 (b) provide training:
 - 115 (i) in school safety;
 - 116 (ii) in evidence-based approaches to improve school climate and address and correct
 - 117 bullying behavior;
 - 118 (iii) in evidence-based approaches in identifying an individual who may pose a threat

119 to the school community;

120 (iv) in evidence-based approaches in identifying an individual who may be showing

121 signs or symptoms of mental illness;

122 (v) on permitted disclosures of student data to law enforcement and other support

123 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; [~~and~~]

124 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections

125 [53E-9-203](#) and [53E-9-305](#); and

126 (vii) for administrators on rights and prohibited acts under:

127 (A) Chapter 9, Part 6, Bullying and Hazing;

128 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;

129 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;

130 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and

131 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;

132 (c) conduct and disseminate evidence-based research on school safety concerns;

133 (d) disseminate information on effective school safety initiatives;

134 (e) encourage partnerships between public and private sectors to promote school safety;

135 (f) provide technical assistance to an LEA in the development and implementation of

136 school safety initiatives;

137 (g) in conjunction with the Department of Public Safety, develop and make available to

138 an LEA a model critical incident response training program that includes protocols for

139 conducting a threat assessment, and ensuring building security during an incident;

140 (h) provide space for the public safety liaison described in Section [53-1-106](#) and the

141 school-based mental health specialist described in Section [62A-15-103](#);

142 (i) create a model school climate survey that may be used by an LEA to assess

143 stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3,

144 Utah Administrative Rulemaking Act, adopt rules:

145 (i) requiring an LEA to:

146 (A) create or adopt and disseminate a school climate survey; and

147 (B) disseminate the school climate survey;

148 (ii) recommending the distribution method, survey frequency, and sample size of the

149 survey; and

- 150 (iii) specifying the areas of content for the school climate survey; and
- 151 (j) collect aggregate data and school climate survey results from each LEA.
- 152 (3) Nothing in this section requires an individual to respond to a school climate survey.
- 153 (4) An LEA shall:
- 154 (a) (i) review data from the state board-facilitated surveys containing school climate
- 155 data for each school within the LEA; and
- 156 (ii) based on the review described in Subsection (4)(a)(i):
- 157 (A) revise practices, policies, and training to eliminate harassment and discrimination
- 158 in each school within the LEA;
- 159 (B) adopt a plan for harassment- and discrimination-free learning; and
- 160 (C) host outreach events or assemblies to inform students and parents of the plan
- 161 adopted under Subsection (4)(a)(ii)(B);
- 162 (b) no later than September 1 of each school year, send a notice to each student, parent,
- 163 and LEA staff member stating the LEA's commitment to maintaining a school climate that is
- 164 free of harassment and discrimination; and
- 165 (c) report to the state board:
- 166 (i) no later than August 1, 2023, on the LEA's plan adopted under Subsection
- 167 (4)(a)(ii)(B); and
- 168 (ii) after August 1, 2023, annually on the LEA's implementation of the plan and
- 169 progress.
- 170 Section 3. Section **53G-9-606** is amended to read:
- 171 **53G-9-606. Model policy and state board duties.**
- 172 (1) On or before September 1, 2018, the state board shall:
- 173 (a) update the state board's model policy on bullying, cyber-bullying, hazing, and
- 174 retaliation to include abusive conduct; and
- 175 (b) post the model policy described in Subsection (1)(a) on the state board's website.
- 176 (2) The state board shall require [a] an LEA governing board to report annually to the
- 177 state board on:
- 178 (a) the LEA governing board's policy, including implementation of the signed
- 179 statement requirement described in Subsection **53G-9-605**(3);
- 180 (b) the LEA governing board's training of school employees relating to bullying,

181 cyber-bullying, hazing, and retaliation described in Section 53G-9-607; [and]
182 (c) the demographics of an individual who is subject to bullying, hazing,
183 cyber-bullying, or retaliation subject to:
184 (i) Title 53E, Chapter 9, Part 2, Student Privacy;
185 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
186 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
187 (iv) 34 C.F.R. Part 99; and
188 [~~e~~] (d) other information related to this part, as determined by the state board.