

Representative Sandra Hollins proposes the following substitute bill:

SCHOOL SAFETY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Todd D. Weiler

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:

This bill appropriates in fiscal year 2023:

▶ to State Board of Education - State Board and Administrative Operations, as a one-time appropriation:

- from Education Fund, One-time, \$10,000.



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-3-516**, as last amended by Laws of Utah 2020, Chapters 388 and 408

31 **53G-8-802**, as last amended by Laws of Utah 2020, Chapter 408

32 **53G-9-606**, as last amended by Laws of Utah 2019, Chapter 293



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

35 Section 1. Section **53E-3-516** is amended to read:

36 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
37 **authority.**

38 (1) As used in this section:

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

41 (b) "Law enforcement agency" means the same as that term is defined in Section
42 **77-7a-103**.

43 (c) "Minor" means the same as that term is defined in Section **53G-6-201**.

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

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

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

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

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

59 (B) the activity uses the school district or public school facilities, equipment, or other
60 school resources; or

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

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

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

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

70 (a) arrests of a minor;

71 (b) other law enforcement activities; and

72 (c) disciplinary actions.

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

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

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

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

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

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

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

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

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

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

87 (e) if applicable, the demographics of an individual who is subject to, as the following

88 are defined in Section [53G-9-601](#), bullying, hazing, cyber-bullying, or retaliation.

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

- 91 (a) age;
- 92 (b) grade level;
- 93 (c) race;
- 94 (d) sex; and
- 95 (e) disability status.

96 (6) Information included in the annual report described in Subsection (2) shall comply
97 with:

- 98 (a) Chapter 9, Part 3, Student Data Protection;
- 99 (b) Chapter 9, Part 2, Student Privacy; and
- 100 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

101 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
102 state board shall make rules to compile the report described in Subsection (2).

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

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

106 **53G-8-802. State Safety and Support Program -- State board duties -- LEA**
107 **duties.**

108 (1) There is created the State Safety and Support Program.

109 (2) The state board shall:

110 (a) develop in conjunction with the Division of Substance Abuse and Mental Health
111 model student safety and support policies for an LEA, including:

112 (i) evidence-based procedures for the assessment of and intervention with an individual
113 whose behavior poses a threat to school safety;

114 (ii) procedures for referrals to law enforcement; and

115 (iii) procedures for referrals to a community services entity, a family support
116 organization, or a health care provider for evaluation or treatment;

117 (b) provide training:

118 (i) in school safety;

- 119 (ii) in evidence-based approaches to improve school climate and address and correct
120 bullying behavior;
- 121 (iii) in evidence-based approaches in identifying an individual who may pose a threat
122 to the school community;
- 123 (iv) in evidence-based approaches in identifying an individual who may be showing
124 signs or symptoms of mental illness;
- 125 (v) on permitted disclosures of student data to law enforcement and other support
126 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; ~~and~~
- 127 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections
128 [53E-9-203](#) and [53E-9-305](#); and
- 129 (vii) for administrators on rights and prohibited acts under:
- 130 (A) Chapter 9, Part 6, Bullying and Hazing;
- 131 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 132 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 133 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- 134 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 135 (c) conduct and disseminate evidence-based research on school safety concerns;
- 136 (d) disseminate information on effective school safety initiatives;
- 137 (e) encourage partnerships between public and private sectors to promote school safety;
- 138 (f) provide technical assistance to an LEA in the development and implementation of
139 school safety initiatives;
- 140 (g) in conjunction with the Department of Public Safety, develop and make available to
141 an LEA a model critical incident response training program that includes protocols for
142 conducting a threat assessment, and ensuring building security during an incident;
- 143 (h) provide space for the public safety liaison described in Section [53-1-106](#) and the
144 school-based mental health specialist described in Section [62A-15-103](#);
- 145 (i) create a model school climate survey that may be used by an LEA to assess
146 stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3,
147 Utah Administrative Rulemaking Act, adopt rules:
- 148 (i) requiring an LEA to:
- 149 (A) create or adopt and disseminate a school climate survey; and

150 (B) disseminate the school climate survey;

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

152 survey; and

153 (iii) specifying the areas of content for the school climate survey; and

154 (j) collect aggregate data and school climate survey results from each LEA.

155 (3) Nothing in this section requires an individual to respond to a school climate survey.

156 (4) An LEA shall:

157 (a) (i) review data from the state board-facilitated surveys containing school climate

158 data for each school within the LEA; and

159 (ii) based on the review described in Subsection (4)(a)(i):

160 (A) revise practices, policies, and training to eliminate harassment and discrimination

161 in each school within the LEA;

162 (B) adopt a plan for harassment- and discrimination-free learning; and

163 (C) host outreach events or assemblies to inform students and parents of the plan

164 adopted under Subsection (4)(a)(ii)(B);

165 (b) no later than September 1 of each school year, send a notice to each student, parent,

166 and LEA staff member stating the LEA's commitment to maintaining a school climate that is

167 free of harassment and discrimination; and

168 (c) report to the state board:

169 (i) no later than August 1, 2023, on the LEA's plan adopted under Subsection

170 (4)(a)(ii)(B); and

171 (ii) after August 1, 2023, annually on the LEA's implementation of the plan and

172 progress.

173 Section 3. Section **53G-9-606** is amended to read:

174 **53G-9-606. Model policy and state board duties.**

175 (1) On or before September 1, 2018, the state board shall:

176 (a) update the state board's model policy on bullying, cyber-bullying, hazing, and

177 retaliation to include abusive conduct; and

178 (b) post the model policy described in Subsection (1)(a) on the state board's website.

179 (2) The state board shall require [a] an LEA governing board to report annually to the

180 state board on:

181 (a) the LEA governing board's policy, including implementation of the signed
182 statement requirement described in Subsection 53G-9-605(3);

183 (b) the LEA governing board's training of school employees relating to bullying,
184 cyber-bullying, hazing, and retaliation described in Section 53G-9-607; [and]

185 (c) the demographics of an individual who is subject to bullying, hazing,
186 cyber-bullying, or retaliation subject to:

187 (i) Title 53E, Chapter 9, Part 2, Student Privacy;

188 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

189 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

190 (iv) 34 C.F.R. Part 99; and

191 [~~e~~] (d) other information related to this part, as determined by the state board.

192 **Section 4. Appropriation.**

193 The following sums of money are appropriated for the fiscal year beginning July 1,
194 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
195 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
196 Act, the Legislature appropriates the following sums of money from the funds or accounts
197 indicated for the use and support of the government of the state of Utah.

198 ITEM 1

199 To State Board of Education - State Board and Administrative Operations

200 From Education Fund, One-time \$10,000

201 Schedule of Programs:

202 Board and Administration \$10,000

203 The Legislature intends that the State Board of Education use funds appropriated under
204 this section to implement the training for administrators on federal law outlined in Section
205 53G-8-802 in fiscal year 2023.