

1 **MAINTENANCE OF STUDENT RECORDS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gage Froerer**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to public school parental notifications.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends provisions related to a record a school maintains to verify that a parent was
13 notified of certain incidents or threats;

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

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

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53A-11a-203**, as enacted by Laws of Utah 2013, Chapter 335

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

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

29 **53A-11a-203. Parental notification of certain incidents and threats required.**

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

31 (2) A school shall:

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

33 (b) notify the parents of each student involved in an incident of bullying,

34 cyber-bullying, harassment, hazing, or retaliation, of the incident involving each parent's
35 student.

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

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

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

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

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

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

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

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

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

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

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

55 (i) Section [53A-13-301](#);

56 (ii) Section [53A-13-302](#);

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

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

59 (4) A local school board or charter school governing board shall adopt a policy
60 regarding the process for:

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

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

64 (5) At the request of a parent, a school may provide information and make
65 recommendations related to an incident or threat described in Subsection (2).

66 (6) A school shall:

67 (a) provide a student a copy of a record maintained in accordance with this section that
68 relates to the student if the student requests a copy of the record; and

69 (b) expunge a record maintained in accordance with this section that relates to a
70 student if the student:

71 (i) has graduated from high school; and

72 (ii) requests the record be expunged.