



28

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

30 Section 1. Section **53A-13-302** is amended to read:

31 **53A-13-302. Activities prohibited without prior written consent -- Validity of**

32 **consent -- Qualifications -- Training on implementation.**

33 (1) Policies adopted by a school district or charter school under Section **53A-13-301**

34 shall include:

35 (a) prohibitions on the administration to a student of any psychological or psychiatric

36 examination, test, or treatment, or any survey, analysis, or evaluation without the prior written

37 consent of the student's parent or legal guardian, in which the purpose or evident intended

38 effect is to cause the student to reveal information, whether the information is personally

39 identifiable or not, concerning the student's or any family member's:

40 ~~[(a)]~~ (i) political affiliations or, except as provided under Section **53A-13-101.1** or

41 rules of the State Board of Education, political philosophies;

42 ~~[(b)]~~ (ii) mental or psychological problems;

43 ~~[(c)]~~ (iii) sexual behavior, orientation, or attitudes;

44 ~~[(d)]~~ (iv) illegal, anti-social, self-incriminating, or demeaning behavior;

45 ~~[(e)]~~ (v) critical appraisals of individuals with whom the student or family member has

46 close family relationships;

47 ~~[(f)]~~ (vi) religious affiliations or beliefs;

48 ~~[(g)]~~ (vii) legally recognized privileged and analogous relationships, such as those with

49 lawyers, medical personnel, or ministers; ~~[and] or~~

50 ~~[(h)]~~ (viii) income, except as required by law~~[:];~~

51 (b) prohibitions on the administration to a student of any survey question or assessment

52 question without the prior written consent of the student's parent or legal guardian, in which the

53 purpose or evident intended effect of the question is to cause the student to reveal information ~~↳~~ ;

54 ~~whether the information~~ that ~~↳~~ is personally identifiable ~~↳~~ [or not,] ~~↳~~ concerning ~~↳~~ ;

55 ~~(i) the economic or socioeconomic status of the student's family; or~~

56 ~~(ii) ↳ the possession or ownership of a firearm by a member of the student's family; and~~

57 (c) a prohibition on offering an inducement or incentive to a student if the student's

58 parent or legal guardian provides prior written consent for the student to reveal information

59 listed in Subsection (1)(a) or (1)(b).

60 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten  
61 through grade 12.

62 (3) Except as provided in Section 53A-11a-203, the prohibitions under Subsection (1)  
63 shall also apply within the curriculum and other school activities unless prior written consent of  
64 the student's parent or legal guardian has been obtained.

65 (4) Written parental consent is valid only if a parent or legal guardian has been first  
66 given written notice, including notice that a copy of the educational or student survey questions  
67 to be asked of the student in obtaining the desired information is made available at the school,  
68 and a reasonable opportunity to obtain written information concerning:

69 (a) records or information, including information about relationships, that may be  
70 examined or requested;

71 (b) the means by which the records or information shall be examined or reviewed;

72 (c) the means by which the information is to be obtained;

73 (d) the purposes for which the records or information are needed;

74 (e) the entities or persons, regardless of affiliation, who will have access to the  
75 personally identifiable information; and

76 (f) a method by which a parent of a student can grant permission to access or examine  
77 the personally identifiable information.

78 (5) (a) Except in response to a situation which a school employee reasonably believes  
79 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or  
80 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian  
81 must be given at least two weeks before information protected under this section is sought.

82 (b) Following disclosure, a parent or guardian may waive the two week minimum  
83 notification period.

84 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person  
85 requesting written consent, the authorization is valid only for the activity for which it was  
86 granted.

87 (d) A written withdrawal of authorization submitted to the school principal by the  
88 authorizing parent or guardian terminates the authorization.

89 (e) A general consent used to approve admission to school or involvement in special

90 education, remedial education, or a school activity does not constitute written consent under  
91 this section.

92 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3  
93 to spontaneously express sentiments or opinions otherwise protected against disclosure under  
94 this section.

95 (b) (i) If a school employee or agent believes that a situation exists which presents a  
96 serious threat to the well-being of a student, that employee or agent shall notify the student's  
97 parent or guardian without delay.

98 (ii) If, however, the matter has been reported to the Division of Child and Family  
99 Services within the Department of Human Services, it is the responsibility of the division to  
100 notify the student's parent or guardian of any possible investigation, prior to the student's return  
101 home from school.

102 (iii) The division may be exempted from the notification requirements described in  
103 [this] Subsection (6)(b)(ii) only if it determines that the student would be endangered by  
104 notification of his parent or guardian, or if that notification is otherwise prohibited by state or  
105 federal law.

106 (7) [~~Local school boards~~] A local school board or charter school governing board shall  
107 provide inservice training for teachers and administrators within [~~their respective school~~  
108 ~~districts~~] the school district or charter school on the implementation of this section.

109 (8) The [~~board~~] State Board of Education shall provide procedures for disciplinary  
110 action for violations of this section.

110a **H→ (9) The prohibition of Subsection (1)(b)(ii) on administering a survey question or**  
110b **assessment question to a student, without the prior written consent of the student's parent or**  
110c **legal guardian, related to the possession or ownership of a firearm by a member of the**  
110d **student's family, does not apply to an inquiry made by a school employee or agent or a school**  
110e **resource officer regarding a student's access to a firearm, if the school employee or agent or**  
110f **the school resource officer believes the student is at risk of attempting suicide or harming**  
110g **others.**

110h **Section 2. Coordinating H.B. 397 with H.B. 23 -- Technical amendments.**  
110i **If this H.B. 397 and H.B. 23, Suicide Prevention Revisions, both pass and become law, it is the**  
110j **intent of the Legislature that the Office of Legislative Research and General Counsel in**  
110k **preparing the Utah Code database for publication, modify Subsection 53A-13-302(8) to read:**  
110l **"(8) A local school board or charter school governing board shall provide inservice training**  
110m **for teachers and administrators on the implementation of this section."** ←H