

1 **RESTRUCTURING FAMILIES, AGENCIES,**
2 **AND COMMUNITIES TOGETHER**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Duane E. Bourdeaux**

6 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; AMENDING THE COMPOSITION
7 OF THE FAMILY, AGENCIES, AND COMMUNITIES TOGETHER STEERING
8 COMMITTEE; AND MAKING TECHNICAL AND CONFORMING AMENDMENTS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **63-75-4**, as last amended by Chapter 104, Laws of Utah 1999

12 **63-75-5**, as last amended by Chapters 27 and 276, Laws of Utah 1997

13 **63-75-5.5**, as enacted by Chapter 12, Laws of Utah 1993

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

15 Section 1. Section **63-75-4** is amended to read:

16 **63-75-4. Families, Agencies, and Communities Together State Council --**
17 **Composition -- Duties -- Interagency case management team.**

18 (1) (a) There is created within state government the Families, Agencies, and Communities
19 Together State Council composed of:

20 (i) the state superintendent of public instruction;

21 (ii) the executive director of the Department of Health;

22 (iii) the executive director of the Department of Human Services;

23 (iv) the state court administrator; and

24 (v) the executive director of the Department of Workforce Services.

25 (b) The council members listed in Subsection (1)(a) shall appoint to a four-year term the
26 following nonvoting members:

27 (i) a representative of community-based service organizations [appointed to a four-year

28 term];

29 (ii) a parent representative from a rural community; and

30 (iii) a parent representative from an urban community.

31 (c) If a vacancy occurs with respect to a council member appointed under Subsection
32 (1)(b), council members listed in Subsection (1)(a) shall appoint a replacement for the unexpired
33 term.

34 (d) Appointments and reappointments under Subsection (1)(b) and (c) shall be made
35 within 60 days of a vacancy.

36 (2) (a) The council shall annually elect a chair from its membership.

37 (b) All voting members of the council are necessary to constitute a quorum at any meeting.

38 (c) The action of a majority of a quorum is the action of the council, except that a
39 unanimous vote of the council is required to appoint or remove a nonvoting council member.

40 (d) The council shall meet quarterly or more frequently as determined by the chair.

41 (3) (a) State government officer and employee members who do not receive salary, per
42 diem, or expenses from their agency for their service may receive per diem and expenses incurred
43 in the performance of their official duties from the council at the rates established by the Division
44 of Finance under Sections 63A-3-106 and 63A-3-107.

45 (b) Members who are not government employees may not receive compensation or
46 benefits for their services, but may receive per diem and expenses incurred in the performance of
47 the member's official duties from the council at rates established by the Division of Finance under
48 Sections 63A-3-106 and 63A-3-107.

49 (c) Council members may decline to receive per diem and expenses for their service.

50 (4) The council shall:

51 (a) provide leadership to increase and enhance efficient and effective services to Utah's
52 children and youth at risk by:

53 (i) cooperatively planning, funding, monitoring, evaluating, and marketing innovative and
54 individualized service delivery and funding strategies;

55 (ii) recommending legislative, executive, and judicial policy and procedural changes,
56 including joint budget proposals as described in Section 63-38-2;

57 (iii) developing incentives and strategies to increase family involvement, collaboration,
58 and public-private partnerships in the planning and delivery of services at the state and local level;

- 59 (iv) promoting prevention and early intervention services;
- 60 (v) increasing public understanding of and advocating for the needs of Utah's children and
61 youth who are at risk; and
- 62 (vi) establishing policies to remove administrative barriers to collaboration in
63 communities;
- 64 (b) compile and disseminate information regarding effective service delivery and funding
65 strategies for replication;
- 66 (c) receive and act upon recommendations of the steering committee;
- 67 (d) approve the establishment of collaborative service delivery systems under Section
68 63-75-6.5 and adopt performance goals for those systems;
- 69 (e) recommend to the governor for each fiscal year funds contained in an agency's base
70 budget and building block request that can be identified for collaborative service delivery systems
71 established under Section 63-75-6.5;
- 72 (f) (i) develop model administrative and governance structures to be established by
73 communities that at least:
- 74 (A) ensure accountability for public funds;
- 75 (B) are voluntarily adopted and modified by communities, based on community needs;
- 76 (C) ensure collaboration on matters of policy and administrative processes in operating
77 programs under this chapter between the state, school districts, and counties;
- 78 (D) establish a board consisting of heads of state and local government agencies, private
79 agencies, and school districts that provide services under this chapter; and
- 80 (E) ensure equity in the scope, duration, and level of services throughout a prescribed
81 geographical area;
- 82 (ii) the council may, through contracts that provide funding for programs under this
83 chapter, give incentives to communities to establish an administrative and governance structure
84 that meets the requirements of Subsection (4)(f)(i) and to designate the geographical area within
85 which that administrative and governance structure will operate; and
- 86 ~~[(g) review the structure and function of the steering committee before December 1, 1999;~~
87 ~~to determine the effectiveness of the steering committee in:]~~
- 88 ~~[(i) achieving the purposes and carrying out the responsibilities of the committee; and]~~
- 89 ~~[(ii) assisting communities to establish collaborative service delivery systems;]~~

90 ~~[(h) forward to the Legislature for the 2000 General Session recommendations for~~
91 ~~restructuring the size, membership, and function of the steering committee based on the review~~
92 ~~conducted under Subsection (4)(g); and]~~

93 ~~[(i) (g) report to the governor and the Legislature on an annual basis.~~

94 (5) The council shall ensure that projects selected under Section 63-75-6 have outcomes
95 that:

96 (a) focus all project activities on the prevention of academic failure and social
97 misbehaviors;

98 (b) involve parents in planning, implementation, and evaluation of services;

99 (c) allow frequent opportunities for planning between teachers, parents, school
100 administrators, and representatives of agencies and community-based service organizations that
101 provide services; and

102 (d) provide frequent monitoring and assessment of each child's and youth's progress.

103 (6) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
104 council shall make rules to ensure cooperative development of individualized and coordinated
105 service plans by local interagency councils and case management teams for children or youth at
106 risk and their families who receive services under this chapter.

107 (b) For purposes of developing and implementing individualized and coordinated plans,
108 the members of the local interagency councils and case management teams shall be considered to
109 be employees of each agency represented on the team and entitled to review and discuss agency
110 records as necessary in planning and providing services under a plan.

111 (c) Records shared by the teams remain the property of the supplying agency and may not
112 be incorporated in the records of another agency unless transferred in accordance with standard
113 procedures for transfer of records of the type in question.

114 Section 2. Section **63-75-5** is amended to read:

115 **63-75-5. Steering committee -- Membership -- Duties.**

116 ~~[(1) As used in this section, "Council of Mental Health Programs" means a council~~
117 ~~consisting of all of the directors of Utah public mental health centers.]~~

118 ~~[(2)]~~ (1) There is established a Families, Agencies, and Communities Together Steering
119 Committee.

120 ~~[(3)]~~ (2) The steering committee shall include ~~[at least 19]~~ no more than 30 voting

121 members as follows:

122 ~~[(a) the director of the Division of Health Care Financing within the Department of~~
123 ~~Health;]~~

124 ~~[(b) a representative annually designated by the Council of Mental Health Programs;]~~

125 ~~[(c) the director of the Division of Substance Abuse within the Department of Human~~
126 ~~Services;]~~

127 ~~[(d) the director of the Division of Youth Corrections within the Department of Human~~
128 ~~Services;]~~

129 ~~[(e) the state director of special education;]~~

130 ~~[(f) the person responsible for programs for at risk students within the Utah State Office~~
131 ~~of Education, if that person is not the state director of special education;]~~

132 ~~[(g) the Juvenile Court Administrator;]~~

133 ~~[(h) a representative annually designated by substance abuse directors;]~~

134 ~~[(i) the director of the Division of Child and Family Services within the Department of~~
135 ~~Human Services;]~~

136 ~~[(j) the director of the Division of Mental Health within the Department of Human~~
137 ~~Services;]~~

138 ~~[(k) the director of family health services programs;]~~

139 ~~[(l) a representative annually designated by the Utah School Superintendents Association;]~~

140 ~~[(m) a juvenile court judge designated by the presiding officer of the state Judicial~~
141 ~~Council;]~~

142 ~~[(n) a representative annually designated by the local health officers;]~~

143 ~~[(o) a representative annually designated by the executive director of the Department of~~
144 ~~Workforce Services;]~~

145 ~~[(p) three at-large members appointed by a majority of the committee to four-year terms,~~
146 ~~who represent a statewide perspective on children and youth issues; and]~~

147 ~~[(q) parent representatives appointed by members specified in Subsections (a) through (p).]~~

148 ~~[(4) Additional members may be selected by a majority of the committee to serve as voting~~
149 ~~members for four-year terms.]~~

150 (a) five parent or family representatives representing both urban and rural areas of the
151 state;

152 (b) one representative from each of the state agencies that comprise the council established
153 in Section 63-75-4;

154 (c) five representatives of statewide community-based organizations;

155 (d) one representative from a local community within the geographical boundaries as
156 defined by juvenile court districts; and

157 (e) a minimum of four and maximum of seven representatives of local community
158 initiatives which are reflective of collaborative service delivery systems.

159 (3) Steering committee members identified in Subsections (2)(a), (b), (c), and (e) shall be
160 appointed by the council.

161 (4) Steering committee members identified in Subsection (2)(d) shall be appointed by the
162 council upon the recommendation of community members within each of the specified geographic
163 boundaries.

164 (5) (a) Except as required by Subsection (5)(b), as terms of current at-large committee
165 members expire, the committee shall appoint each new member or reappointed member to a
166 four-year term.

167 (b) Notwithstanding the requirements of Subsection (5)(a), the committee shall, at the time
168 of appointment or reappointment, adjust the length of terms to ensure that the terms of at-large
169 committee members are staggered so that approximately half of the at-large committee members
170 are appointed every two years.

171 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
172 appointed for the unexpired term.

173 (7) The members shall annually elect a chair and vice chair.

174 (8) A majority of committee members are necessary to constitute a quorum and to transact
175 the business of the committee.

176 (9) (a) (i) Members who are not government employees may not receive compensation or
177 benefits for their services, but may receive per diem and expenses incurred in the performance of
178 the member's official duties at the rates established by the Division of Finance under Sections
179 63A-3-106 and 63A-3-107.

180 (ii) Members may decline to receive per diem and expenses for their service.

181 (b) (i) State government officer and employee members who do not receive salary, per
182 diem, or expenses from their agency for their service may receive per diem and expenses incurred

183 in the performance of their official duties from the committee at the rates established by the
184 Division of Finance under Sections 63A-3-106 and 63A-3-107.

185 (ii) State government officer and employee members may decline to receive per diem and
186 expenses for their service.

187 (c) (i) Local government members who do not receive salary, per diem, or expenses from
188 the entity that they represent for their service may receive per diem and expenses incurred in the
189 performance of their official duties at the rates established by the Division of Finance under
190 Sections 63A-3-106 and 63A-3-107.

191 (ii) Local government members may decline to receive per diem and expenses for their
192 service.

193 (10) The committee shall:

194 (a) assist the council in fulfilling its duties set out in Section 63-75-4;

195 (b) monitor, solicit input for policy changes, and provide technical assistance to local
196 collaborative programs; and

197 (c) report any formal recommendations to the council.

198 Section 3. Section **63-75-5.5** is amended to read:

199 **63-75-5.5. Staffing.**

200 The Department of Human Services, the Department of Health, the State Office of
201 Education, the Department of Workforce Services, and the Office of the Court Administrator shall
202 provide staff for the state council and steering committee.

Legislative Review Note
as of 1-27-00 12:14 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel