

STUDENT AND SCHOOL SAFETY ASSESSMENT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill enacts provisions related to school safety.

Highlighted Provisions:

This bill:

- ▶ amends provisions of the International Fire Code related to routine emergency evacuation drills;
- ▶ directs the Department of Public Safety to employ a public safety liaison;
- ▶ directs the State Board of Education (Board) to establish policies and procedures for student resource officers;
- ▶ creates the State Safety and Support Program;
- ▶ requires the Board to develop model policies and procedures for student safety and support;
- ▶ directs the Division of Substance Abuse and Mental Health to employ a school-based mental health specialist; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the State Board of Education - MSP Categorical Program Administration - State Safety and Support Program, as an ongoing appropriation:
 - from the Education Fund, \$480,000;
- ▶ to the Department of Public Safety - Programs and Operations - Department Commissioner's Office, as an ongoing appropriation:

- 30 • from the General Fund, \$150,000; and
- 31 ▸ to the Department of Human Services - Division of Substance Abuse and Mental
- 32 Health, as an ongoing appropriation:
- 33 • from the General Fund, \$150,000.

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **15A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 189
- 39 **53-1-106**, as last amended by Laws of Utah 2018, Chapters 200 and 417
- 40 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 41 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

42 ENACTS:

- 43 **53G-8-801**, Utah Code Annotated 1953
- 44 **53G-8-802**, Utah Code Annotated 1953



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

47 Section 1. Section **15A-5-202.5** is amended to read:

48 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

49 (1) For IFC, Chapter 3, General Requirements:

50 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six
51 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for
52 Wildland Fire Ordinance".

53 (b) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted
54 and rewritten as follows: "1. When the fire code official determines that existing or historical
55 hazardous environmental conditions necessitate controlled use of any ignition source, including
56 fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may
57 occur:

58 1.1. If the existing or historical hazardous environmental conditions exist in a
59 municipality, the legislative body of the municipality may prohibit the ignition or use of an
60 ignition source in:

61 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;

62 1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

63 1.1.3. the wildland urban interface area, which means the line, area, or zone where
64 structures or other human development meet or intermingle with undeveloped wildland or land
65 being used for an agricultural purpose; or

66 1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to
67 facilitate a readily identifiable closed area, in accordance with paragraph 2.

68 1.2. If the existing or historical hazardous environmental conditions exist in an
69 unincorporated area, the state forester may prohibit the ignition or use of an ignition source in
70 all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after
71 consulting with the county fire code official who has jurisdiction over that area.

72 1.3. If the existing or historical hazardous environmental conditions exist in a metro
73 township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and
74 Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro
75 township legislative body may prohibit the ignition or use of an ignition source in all or part of
76 the areas described in paragraph 1.1 that are within the township.

77 2. If a municipal legislative body, the state forester, or a metro township legislative
78 body closes an area to the discharge of fireworks under paragraph 1, the legislative body or
79 state forester shall:

80 2.1. designate the closed area along readily identifiable features like major roadways,
81 waterways, or geographic features;

82 2.2. ensure that the boundary of the designated closed area is as close as is practical to
83 the defined hazardous area, provided that the closed area may include areas outside of the
84 hazardous area to facilitate a readily identifiable line; and

85 2.3. identify the closed area through a written description or map that is readily

86 available to the public.

87 3. A municipal legislative body, the state forester, or a metro township legislative body
88 may close a defined area to the discharge of fireworks due to a historical hazardous
89 environmental condition under paragraph 1 if the legislative body or state forester:

90 3.1. makes a finding that the historical hazardous environmental condition has existed
91 in the defined area before July 1 of at least two of the preceding five years;

92 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the
93 defined area described; and

94 3.3. before May 1 of each year the defined area is closed, provides the map described
95 in paragraph 3.2 to the county in which the defined area is located.

96 4. A municipal legislative body, the state forester, or a metro township legislative body
97 may not close an area to the discharge of fireworks due to a historical hazardous environmental
98 condition unless the legislative body or state forester provides a map, in accordance with
99 paragraph 3."

100 (c) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On
101 line 10 delete the words "International Property Maintenance Code and the".

102 (d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
103 the word "shall" and replace it with the word "may".

104 (e) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the
105 following: "Exception: Where storage is not directly below the sprinkler heads, storage is
106 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler
107 heads in occupancies meeting classification as light or ordinary hazard."

108 (2) IFC, Chapter 4, Emergency Planning and Preparedness:

109 (a) IFC, Chapter 4, Section 403.10.2.1, College and university buildings, is deleted and
110 replaced with the following:

111 "403.10.2.1 College and university buildings and fraternity and sorority houses.

112 (a) College and university buildings, including fraternity and sorority houses, shall
113 prepare an approved fire safety and evacuation plan, in accordance with Section 404.

114 (b) Group R-2 college and university buildings, including fraternity and sorority
115 houses, shall comply with Sections 403.10.2.1.1 and 403.10.2.1.2."

116 (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following
117 footnotes:

118 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
119 drill for fire conducted at least every two months, to a total of four emergency evacuation drills
120 during the nine-month school year. The first emergency evacuation drill for fire shall be
121 conducted within 10 school days after the beginning of classes. The third emergency
122 evacuation drill for fire, weather permitting, shall be conducted 10 school days after the
123 beginning of the next calendar year. The second and fourth emergency evacuation drills may
124 be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock
125 down for violence. If inclement weather causes a secondary school to miss the 10-day deadline
126 for the third emergency evacuation drill for fire, the secondary school shall perform the third
127 emergency evacuation drill for fire as soon as practicable after the missed deadline."

128 (ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the
129 monthly required emergency evacuation drill can be substituted by a security or safety drill to
130 include shelter in place, earthquake drill, or lock down for violence. The routine emergency
131 evacuation drill [~~for fire~~] must be conducted at least every other evacuation drill."

132 (iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are
133 required to have one emergency evacuation drill per year, provided the following conditions are
134 met:

135 (A) The building has a fire alarm system in accordance with Section 907.2.

136 (B) The rooms classified as assembly shall have fire safety floor plans as required in
137 Subsection 404.2.2(4) posted.

138 (C) The building is not classified a high-rise building.

139 (D) The building does not contain hazardous materials over the allowable quantities by
140 code."

141 Section 2. Section **53-1-106** is amended to read:

142 **53-1-106. Department duties -- Powers.**

143 (1) In addition to the responsibilities contained in this title, the department shall:

144 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
145 Code, including:

146 (i) setting performance standards for towing companies to be used by the department,
147 as required by Section 41-6a-1406; and

148 (ii) advising the Department of Transportation regarding the safe design and operation
149 of school buses, as required by Section 41-6a-1304;

150 (b) make rules to establish and clarify standards pertaining to the curriculum and
151 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

152 (c) aid in enforcement efforts to combat drug trafficking;

153 (d) meet with the Department of Technology Services to formulate contracts, establish
154 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

155 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
156 Victims of Crime in conducting research or monitoring victims' programs, as required by
157 Section 63M-7-505;

158 (f) develop sexual assault exam protocol standards in conjunction with the Utah
159 Hospital Association;

160 (g) engage in emergency planning activities, including preparation of policy and
161 procedure and rulemaking necessary for implementation of the federal Emergency Planning
162 and Community Right to Know Act of 1986, as required by Section 53-2a-702;

163 (h) implement the provisions of Section 53-2a-402, the Emergency Management
164 Assistance Compact; [~~and~~]

165 (i) ensure that any training or certification required of a public official or public
166 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
167 22, State Training and Certification Requirements, if the training or certification is required:

168 (i) under this title;

169 (ii) by the department; or

- 170 (iii) by an agency or division within the department[-]; and
- 171 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
- 172 Board of Education who shall work with the State Board of Education to:
- 173 (i) support training with relevant state agencies for school resource officers as
- 174 described in Section 53G-8-702;
- 175 (ii) coordinate the creation of model policies and memorandums of understanding for a
- 176 local education agency and a local law enforcement agency; and
- 177 (iii) ensure cooperation between relevant state agencies, a local education agency, and
- 178 a local law enforcement agency to foster compliance with disciplinary related statutory
- 179 provisions, including Sections 53E-3-516 and 53G-8-211.
- 180 (2) (a) The department shall establish a schedule of fees as required or allowed in this
- 181 title for services provided by the department.
- 182 (b) All fees not established in statute shall be established in accordance with Section
- 183 63J-1-504.
- 184 (3) The department may establish or contract for the establishment of an Organ
- 185 Procurement Donor Registry in accordance with Section 26-28-120.
- 186 Section 3. Section 53G-8-702 is amended to read:
- 187 **53G-8-702. School resource officer training -- Curriculum.**
- 188 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 189 State Board of Education shall make rules that prepare and make available a training program
- 190 for school principals and school resource officers to attend.
- 191 (2) To create the curriculum and materials for the training program described in
- 192 Subsection (1), the State Board of Education shall:
- 193 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice
- 194 created in Section 63M-7-201;
- 195 (b) solicit input from local school boards, charter school governing boards, and the
- 196 Utah Schools for the Deaf and the Blind;
- 197 (c) solicit input from local law enforcement and other interested community

198 stakeholders; and

199 (d) consider the current United States Department of Education recommendations on
200 school discipline and the role of a school resource officer.

201 (3) The training program described in Subsection (1) may include training on the
202 following:

203 (a) childhood and adolescent development;

204 (b) responding age-appropriately to students;

205 (c) working with disabled students;

206 (d) techniques to de-escalate and resolve conflict;

207 (e) cultural awareness;

208 (f) restorative justice practices;

209 (g) identifying a student exposed to violence or trauma and referring the student to
210 appropriate resources;

211 (h) student privacy rights;

212 (i) negative consequences associated with youth involvement in the juvenile and
213 criminal justice systems;

214 (j) strategies to reduce juvenile justice involvement; and

215 (k) roles of and distinctions between a school resource officer and other school staff
216 who help keep a school secure.

217 (4) The state board shall work together with the Department of Public Safety, the State
218 Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish
219 policies and procedures that govern student resource officers.

220 Section 4. Section **53G-8-801** is enacted to read:

221 **Part 8. State Safety and Support Program**

222 **53G-8-801. Definitions.**

223 As used in this section:

224 (1) "Bullying" means the same as that term is defined in Section [53G-9-601](#).

225 (2) "Law enforcement officer" means the same as that term is defined in Section

226 [53-13-103.](#)

227 (3) "Program" means the State Safety and Support Program established in Section

228 [53G-8-802.](#)

229 Section 5. Section **53G-8-802** is enacted to read:

230 **53G-8-802. State Safety and Support Program -- State board duties.**

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

232 (2) The state board shall:

233 (a) develop in conjunction with the Division of Substance Abuse and Mental Health

234 model student safety and support policies for an LEA, including:

235 (i) evidence-based procedures for the assessment of and intervention with an individual

236 whose behavior poses a threat to school safety;

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

238 (iii) procedures for referrals to a community services entity, a family support

239 organization, or a health care provider for evaluation or treatment;

240 (b) provide training:

241 (i) in school safety;

242 (ii) in evidence-based approaches to improve school climate and address and correct

243 bullying behavior;

244 (iii) in evidence-based approaches in identifying an individual who may pose a threat

245 to the school community;

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

247 signs or symptoms of mental illness;

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

249 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

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

251 [53E-9-203](#) and [53E-9-305](#);

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

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

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

255 (f) provide technical assistance to an LEA in the development and implementation of
256 school safety initiatives;

257 (g) in conjunction with the Department of Public Safety, develop and make available to
258 an LEA a model critical incident response training program that includes protocols for
259 conducting a threat assessment, and ensuring building security during an incident;

260 (h) provide space for the public safety liaison described in Section 53-1-106 and the
261 school-based mental health specialist described in Section 62A-15-103;

262 (i) create a model school climate survey that may be used by an LEA to assess
263 stakeholder perception of a school environment and adopt rules:

264 (i) requiring an LEA to:

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

266 (B) disseminate the school climate survey;

267 (ii) recommending the distribution method, survey frequency, and sample size of the
268 survey; and

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

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

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

272 Section 6. Section **62A-15-103** is amended to read:

273 **62A-15-103. Division -- Creation -- Responsibilities.**

274 (1) There is created the Division of Substance Abuse and Mental Health within the
275 department, under the administration and general supervision of the executive director. The
276 division is the substance abuse authority and the mental health authority for this state.

277 (2) The division shall:

278 (a) (i) educate the general public regarding the nature and consequences of substance
279 abuse by promoting school and community-based prevention programs;

280 (ii) render support and assistance to public schools through approved school-based
281 substance abuse education programs aimed at prevention of substance abuse;

- 282 (iii) promote or establish programs for the prevention of substance abuse within the
283 community setting through community-based prevention programs;
- 284 (iv) cooperate with and assist treatment centers, recovery residences, and other
285 organizations that provide services to individuals recovering from a substance abuse disorder,
286 by identifying and disseminating information about effective practices and programs;
- 287 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
288 Rulemaking Act, to develop, in collaboration with public and private programs, minimum
289 standards for public and private providers of substance abuse and mental health programs
290 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;
- 291 (vi) promote integrated programs that address an individual's substance abuse, mental
292 health, physical health, and criminal risk factors;
- 293 (vii) establish and promote an evidence-based continuum of screening, assessment,
294 prevention, treatment, and recovery support services in the community for individuals with
295 substance use disorder and mental illness that addresses criminal risk factors;
- 296 (viii) evaluate the effectiveness of programs described in this Subsection (2);
- 297 (ix) consider the impact of the programs described in this Subsection (2) on:
- 298 (A) emergency department utilization;
- 299 (B) jail and prison populations;
- 300 (C) the homeless population; and
- 301 (D) the child welfare system; and
- 302 (x) promote or establish programs for education and certification of instructors to
303 educate persons convicted of driving under the influence of alcohol or drugs or driving with
304 any measurable controlled substance in the body;
- 305 (b) (i) collect and disseminate information pertaining to mental health;
- 306 (ii) provide direction over the state hospital including approval of its budget,
307 administrative policy, and coordination of services with local service plans;
- 308 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
309 Rulemaking Act, to educate families concerning mental illness and promote family

310 involvement, when appropriate, and with patient consent, in the treatment program of a family
311 member; and

312 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
313 Rulemaking Act, to direct that an individual receiving services through a local mental health
314 authority or the Utah State Hospital be informed about and, if desired by the individual,
315 provided assistance in the completion of a declaration for mental health treatment in
316 accordance with Section [62A-15-1002](#);

317 (c) (i) consult and coordinate with local substance abuse authorities and local mental
318 health authorities regarding programs and services;

319 (ii) provide consultation and other assistance to public and private agencies and groups
320 working on substance abuse and mental health issues;

321 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
322 medical and social agencies, public health authorities, law enforcement agencies, education and
323 research organizations, and other related groups;

324 (iv) promote or conduct research on substance abuse and mental health issues, and
325 submit to the governor and the Legislature recommendations for changes in policy and
326 legislation;

327 (v) receive, distribute, and provide direction over public funds for substance abuse and
328 mental health services;

329 (vi) monitor and evaluate programs provided by local substance abuse authorities and
330 local mental health authorities;

331 (vii) examine expenditures of local, state, and federal funds;

332 (viii) monitor the expenditure of public funds by:

333 (A) local substance abuse authorities;

334 (B) local mental health authorities; and

335 (C) in counties where they exist, a private contract provider that has an annual or
336 otherwise ongoing contract to provide comprehensive substance abuse or mental health
337 programs or services for the local substance abuse authority or local mental health authority;

338 (ix) contract with local substance abuse authorities and local mental health authorities
339 to provide a comprehensive continuum of services that include community-based services for
340 individuals involved in the criminal justice system, in accordance with division policy, contract
341 provisions, and the local plan;

342 (x) contract with private and public entities for special statewide or nonclinical
343 services, or services for individuals involved in the criminal justice system, according to
344 division rules;

345 (xi) review and approve each local substance abuse authority's plan and each local
346 mental health authority's plan in order to ensure:

347 (A) a statewide comprehensive continuum of substance abuse services;

348 (B) a statewide comprehensive continuum of mental health services;

349 (C) services result in improved overall health and functioning;

350 (D) a statewide comprehensive continuum of community-based services designed to
351 reduce criminal risk factors for individuals who are determined to have substance abuse or
352 mental illness conditions or both, and who are involved in the criminal justice system;

353 (E) compliance, where appropriate, with the certification requirements in Subsection
354 (2)(j); and

355 (F) appropriate expenditure of public funds;

356 (xii) review and make recommendations regarding each local substance abuse
357 authority's contract with the local substance abuse authority's provider of substance abuse
358 programs and services and each local mental health authority's contract with the local mental
359 health authority's provider of mental health programs and services to ensure compliance with
360 state and federal law and policy;

361 (xiii) monitor and ensure compliance with division rules and contract requirements;
362 and

363 (xiv) withhold funds from local substance abuse authorities, local mental health
364 authorities, and public and private providers for contract noncompliance, failure to comply
365 with division directives regarding the use of public funds, or for misuse of public funds or

366 money;

367 (d) ensure that the requirements of this part are met and applied uniformly by local
368 substance abuse authorities and local mental health authorities across the state;

369 (e) require each local substance abuse authority and each local mental health authority,
370 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(5)(a)(ii), to submit a plan to
371 the division on or before May 15 of each year;

372 (f) conduct an annual program audit and review of each local substance abuse authority
373 and each local substance abuse authority's contract provider, and each local mental health
374 authority and each local mental health authority's contract provider, including:

375 (i) a review and determination regarding whether:

376 (A) public funds allocated to the local substance abuse authority or the local mental
377 health authorities are consistent with services rendered by the authority or the authority's
378 contract provider, and with outcomes reported by the authority's contract provider; and

379 (B) each local substance abuse authority and each local mental health authority is
380 exercising sufficient oversight and control over public funds allocated for substance use
381 disorder and mental health programs and services; and

382 (ii) items determined by the division to be necessary and appropriate; and

383 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
384 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

385 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
386 supports services to an individual with:

387 (A) a substance use disorder;

388 (B) a mental health disorder; or

389 (C) a substance use disorder and a mental health disorder;

390 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
391 adult as a peer support specialist;

392 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
393 Rulemaking Act, that:

- 394 (A) establish training and certification requirements for a peer support specialist;
- 395 (B) specify the types of services a peer support specialist is qualified to provide;
- 396 (C) specify the type of supervision under which a peer support specialist is required to
397 operate; and
- 398 (D) specify continuing education and other requirements for maintaining or renewing
399 certification as a peer support specialist; and
- 400 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
401 Rulemaking Act, that:
 - 402 (A) establish the requirements for a person to be certified to carry out, as needed, the
403 division's duty to train and certify an adult as a peer support specialist; and
 - 404 (B) specify how the division shall provide oversight of a person certified to train and
405 certify a peer support specialist;
 - 406 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
407 Rulemaking Act, minimum standards and requirements for the provision of substance use
408 disorder and mental health treatment to an individual who is required to participate in treatment
409 by the court or the Board of Pardons and Parole, or who is incarcerated, including:
 - 410 (i) collaboration with the Department of Corrections and the Utah Substance Use and
411 Mental Health Advisory Council to develop and coordinate the standards, including standards
412 for county and state programs serving individuals convicted of class A and class B
413 misdemeanors;
 - 414 (ii) determining that the standards ensure available treatment, including the most
415 current practices and procedures demonstrated by recognized scientific research to reduce
416 recidivism, including focus on the individual's criminal risk factors; and
 - 417 (iii) requiring that all public and private treatment programs meet the standards
418 established under this Subsection (2)(i) in order to receive public funds allocated to the
419 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
420 for the costs of providing screening, assessment, prevention, treatment, and recovery support;
 - 421 (j) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative

422 Rulemaking Act, the requirements and procedures for the certification of licensed public and
423 private providers who provide, as part of their practice, substance use disorder and mental
424 health treatment to an individual involved in the criminal justice system, including:

425 (i) collaboration with the Department of Corrections, the Utah Substance Use and
426 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
427 and implement the certification process;

428 (ii) basing the certification process on the standards developed under Subsection (2)(i)
429 for the treatment of an individual involved in the criminal justice system; and

430 (iii) the requirement that a public or private provider of treatment to an individual
431 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
432 shall renew the certification every two years, in order to qualify for funds allocated to the
433 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
434 on or after July 1, 2016;

435 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
436 provide recommendations to the Legislature regarding:

437 (i) pretrial services and the resources needed to reduce recidivism;

438 (ii) county jail and county behavioral health early-assessment resources needed for an
439 offender convicted of a class A or class B misdemeanor; and

440 (iii) the replacement of federal dollars associated with drug interdiction law
441 enforcement task forces that are reduced;

442 (l) (i) establish performance goals and outcome measurements for all treatment
443 programs for which minimum standards are established under Subsection (2)(i), including
444 recidivism data and data regarding cost savings associated with recidivism reduction and the
445 reduction in the number of inmates, that are obtained in collaboration with the Administrative
446 Office of the Courts and the Department of Corrections; and

447 (ii) collect data to track and determine whether the goals and measurements are being
448 attained and make this information available to the public;

449 (m) in the division's discretion, use the data to make decisions regarding the use of

450 funds allocated to the division, the Administrative Office of the Courts, and the Department of
451 Corrections to provide treatment for which standards are established under Subsection (2)(i);
452 and

453 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
454 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
455 based on the data and provide the report to the Judiciary Interim Committee, the Health and
456 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
457 Committee, and the related appropriations subcommittees.

458 (3) (a) The division may refuse to contract with and may pursue legal remedies against
459 any local substance abuse authority or local mental health authority that fails, or has failed, to
460 expend public funds in accordance with state law, division policy, contract provisions, or
461 directives issued in accordance with state law.

462 (b) The division may withhold funds from a local substance abuse authority or local
463 mental health authority if the authority's contract provider of substance abuse or mental health
464 programs or services fails to comply with state and federal law or policy.

465 (4) Before reissuing or renewing a contract with any local substance abuse authority or
466 local mental health authority, the division shall review and determine whether the local
467 substance abuse authority or local mental health authority is complying with the oversight and
468 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
469 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and
470 liability described in Section 17-43-303 and to the responsibility and liability described in
471 Section 17-43-203.

472 (5) In carrying out the division's duties and responsibilities, the division may not
473 duplicate treatment or educational facilities that exist in other divisions or departments of the
474 state, but shall work in conjunction with those divisions and departments in rendering the
475 treatment or educational services that those divisions and departments are competent and able
476 to provide.

477 (6) The division may accept in the name of and on behalf of the state donations, gifts,

478 devises, or bequests of real or personal property or services to be used as specified by the
479 donor.

480 (7) The division shall annually review with each local substance abuse authority and
481 each local mental health authority the authority's statutory and contract responsibilities
482 regarding:

- 483 (a) use of public funds;
- 484 (b) oversight of public funds; and
- 485 (c) governance of substance use disorder and mental health programs and services.

486 (8) The Legislature may refuse to appropriate funds to the division upon the division's
487 failure to comply with the provisions of this part.

488 (9) If a local substance abuse authority contacts the division under Subsection
489 [17-43-201](#) (10) for assistance in providing treatment services to a pregnant woman or pregnant
490 minor, the division shall:

- 491 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
492 capacity to provide the treatment services; or
- 493 (b) otherwise ensure that treatment services are made available to the pregnant woman
494 or pregnant minor.

495 (10) The division shall employ a school-based mental health specialist to be housed at
496 the State Board of Education who shall work with the State Board of Education to:

- 497 (a) provide coordination between a local education agency and local mental health
498 authority;
- 499 (b) recommend evidence-based and evidence informed mental health screenings and
500 intervention assessments for a local education agency; and
- 501 (c) coordinate with the local community, including local departments of health, to
502 enhance and expand mental health related resources for a local education agency.

503 **Section 7. Appropriation.**

504 The following sums of money are appropriated for the fiscal year beginning July 1,
505 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for

506 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
507 Act, the Legislature appropriates the following sums of money from the funds or accounts
508 indicated for the use and support of the government of the state of Utah.

509 ITEM 1

510 To State Board of Education - MSP Categorical Program Administration

511 From Education Fund \$480,000

512 Schedule of Programs:

513 State Safety and Support Program \$480,000

514 (1) The Legislature intends that the State Board of Education use:

515 (a) \$150,000 of the ongoing appropriation under this item to fund school safety

516 technical assistance for local education agencies, including training, materials, and curriculum;

517 (b) \$150,000 of the ongoing appropriation under this item to fund the development of a

518 student support team pilot program for participating local education agencies, including

519 support team structures, climate surveys as described in Section [53G-8-802](#), and policies; and

520 (c) \$180,000 of the ongoing appropriation under this item to fund a data collection

521 analyst for school safety data.

522 (2) No later than November 1, 2019, the State Board of Education shall submit a report

523 to the Education Interim Committee on the development of the student support team pilot

524 program described in Subsection (1)(b).

525 ITEM 2

526 To Department of Public Safety - Program and Operations

527 From General Fund \$150,000

528 Schedule of Programs:

529 Department Commissioner's Office \$150,000

530 (1) The Legislature intends that the Department of Public Safety use the appropriation

531 provided under this item to fund the public safety liaison described in Section [53-1-106](#).

532 (2) The Legislature further intends that under Section [63J-1-603](#), appropriations

533 provided under this item not lapse at the close of fiscal year 2020.

534 ITEM 3

535 To Department of Human Services - Division of Substance Abuse and Mental Health

536 From General Fund

\$150,000

537 Schedule of Programs:

538 Community Health Services

\$150,000

539 (1) The Legislature intends that the Department of Human Services use the
540 appropriation provided under this item to fund the school-based mental health specialist
541 described in Section [62A-15-103](#).

542 (2) The Legislature further intends that under Section [63J-1-603](#), appropriations
543 provided under this item not lapse at the close of fiscal year 2020.