

## HB0120S01 compared with HB0120

~~{deleted text}~~ shows text that was in HB0120 but was deleted in HB0120S01.

Inserted text shows text that was not in HB0120 but was inserted into HB0120S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Raymond P. Ward proposes the following substitute bill:

### STUDENT AND SCHOOL SAFETY ASSESSMENT

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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#### 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 develop ~~{and maintain a central repository database}~~ a secure digital tool for purposes of reporting school safety information;
- ▶ authorizes the Board to share certain student data as requested by local law enforcement for specified purposes;

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- ▶ creates the Student Safety Restricted Account with a 2024 sunset date;
- ▶ creates the ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team Program;
- ▶ requires the Board to develop model policies and procedures for ~~{threat assessment}~~ safety and ~~{student}~~ support teams (team);
- ▶ requires a public school to establish a team and conduct a school climate survey;
- ▶ establishes duties of a team, including working with and responding to an individual who poses a threat ~~{of violence or harm}~~ to the individual, or a member of the school ~~{employee, or a student}~~ community;
- ▶ enacts provisions granting immunity from liability for a member of a team;
- ▶ requires law enforcement to report a student to the student's school if that student poses a threat ~~{of violence or harm}~~;
- ▶ directs the Division of Substance Abuse and Mental Health to employ a school-based mental health specialist;
- ▶ classifies certain records created by a team as protected; and
- ▶ makes technical corrections.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the Education Fund Restricted - Student Safety Restricted Account, as an ongoing appropriation:
  - from the Education Fund, \$30,000,000;
- ▶ to the State Board of Education - Minimum School Program - Related to Basic School Programs, as an ongoing appropriation:
  - from the Education Fund Restricted - Student Safety Restricted Account, \$30,000,000;
- ▶ to the State Board of Education - Minimum School Program - Related to Basic School Programs, as a one-time appropriation:
  - from the Education Fund, One-time, \$66,000,000;
- ▶ to the State Board of Education - MSP Categorical Program Administration - ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team Program, as an ongoing appropriation:
  - from the Education Fund, \$415,000;

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- ▶ to the State Board of Education - State Administrative Office - Student Advocacy Services, as an ongoing appropriation:
  - from the Education Fund, \$65,000;
- ▶ to the State Board of Education - State Administrative Office - Student Advocacy Services, as a one-time appropriation:
  - from the Education Fund, One-time, \$1,055,000;
- ▶ to the Department of Public Safety - Programs and Operations - Department Commissioner's Office, as an ongoing appropriation:
  - from the General Fund, \$150,000; and
- ▶ to the Department of Human Services - Division of Substance Abuse and Mental Health, as an ongoing appropriation:
  - from the General Fund, \$150,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**15A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 189

**53-1-106**, as last amended by Laws of Utah 2018, Chapters 200 and 417

**53E-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-9-305**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and amended by Laws of Utah 2018, Chapter 1

**53E-9-308**, as last amended by Laws of Utah 2018, Chapters 285, 304 and renumbered and amended by Laws of Utah 2018, Chapter 1

**53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3

**62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

**63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316, 319, 352, 409, and 425

**63I-2-253**, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and 456

#### ENACTS:

**53F-2-520**, Utah Code Annotated 1953

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53F-9-307, Utah Code Annotated 1953

53G-8-801, Utah Code Annotated 1953

53G-8-802, Utah Code Annotated 1953

53G-8-803, Utah Code Annotated 1953

53G-8-804, Utah Code Annotated 1953

53G-8-805, Utah Code Annotated 1953

53G-8-806, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

1.2. If the existing or historical hazardous environmental conditions exist in an

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unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.

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

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

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

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

2.3. identify the closed area through a written description or map that is readily available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the monthly required emergency evacuation drill can be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock down for violence. The routine emergency

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evacuation drill [~~for fire~~] must be conducted at least every other evacuation drill."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning

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and Community Right to Know Act of 1986, as required by Section 53-2a-702;

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

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

(i) under this title;

(ii) by the department; or

(iii) by an agency or division within the department~~[-]~~;

(j) provide to the State Board of Education support for the purposes of assisting a ~~{threat assessment}~~ ~~{safety}~~ and ~~{student}~~ support team in accordance with Section 53G-8-803; and

(k) employ a law enforcement officer as a public safety liaison to be housed at the State Board of Education who shall work with the State Board of Education to:

(i) ~~{provide}~~ support training with relevant state agencies for school resource officers as described in Section 53G-8-702;

(ii) ~~{create}~~ coordinate the creation of model policies and memorandums of understanding for a local education agency and a local law enforcement agency; and

(iii) ensure cooperation between relevant state agencies, a local education agency, and a local law enforcement agency to foster compliance with disciplinary related statutory provisions, including Sections 53E-3-516 and 53G-8-211.

(2) (a) The department shall establish a schedule of fees as required or allowed in this title for services provided by the department.

(b) All fees not established in statute shall be established in accordance with Section 63J-1-504.

(3) The department may establish or contract for the establishment of an Organ Procurement Donor Registry in accordance with Section 26-28-120.

Section 3. Section **53E-3-502** is amended to read:

**53E-3-502. State Board of Education assistance to districts and schools.**

In order to assist school districts and individual schools in acquiring and maintaining the characteristics set forth in Section 53E-2-302, the State Board of Education shall:



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(1) provide the framework for an education system, including core competency standards and their assessment, in which school districts and public schools permit students to advance by demonstrating competency in subject matter and mastery of skills;

(2) conduct a statewide public awareness program on competency-based educational systems;

(3) compile and publish, for the state as a whole, a set of educational performance indicators describing trends in student performance;

(4) promote a public education climate of high expectations and academic excellence;

(5) disseminate successful site-based decision-making models to districts and schools and provide teacher professional development opportunities and evaluation programs for site-based plans consistent with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b);

(6) provide a mechanism for widespread dissemination of information about strategic planning for public education, including involvement of business and industry in the education process, in order to ensure the understanding and support of all the individuals and groups concerned with the mission of public education as outlined in Section 53E-2-301;

(7) provide for a research and development clearing house at the state level to receive and share with school districts and public schools information on effective and innovative practices and programs in education;

(8) help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools; ~~and~~

(9) in concert with the State Board of Regents and the state's colleges of education review and revise teacher licensing requirements to be consistent with teacher preparation for participation in personalized education programs within the public schools~~[-]; and~~

(10) develop and maintain a ~~central repository database~~ secure digital tool for the purposes of the ~~Threat Assessment~~ State Safety and ~~Student~~ Support Team Program in accordance with Section 53G-8-805.

Section 4. Section **53E-9-305** is amended to read:

**53E-9-305. Collecting student data -- Prohibition -- Student data collection notice -- Written consent.**

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(1) An education entity may not collect a student's:

(a) social security number; or

(b) except as required in [Section] Sections 53G-8-807 and 78A-6-112, criminal record.

(2) An education entity that collects student data shall, in accordance with this section, prepare and distribute, except as provided in Subsection (3), to parents and students a student data collection notice statement that:

(a) is a prominent, stand-alone document;

(b) is annually updated and published on the education entity's website;

(c) states the student data that the education entity collects;

(d) states that the education entity will not collect the student data described in Subsection (1);

(e) states the student data described in Section 53E-9-308 that the education entity may not share without written consent;

(f) includes the following statement:

"The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.";

(g) describes in general terms how the education entity stores and protects student data;

(h) states a student's rights under this part; and

(i) for an education entity that teaches students in grade 9, 10, 11, or 12, requests written consent to share student data with the State Board of Regents as described in Section 53E-9-308.

(3) The board may publicly post the board's collection notice described in Subsection (2).

(4) An education entity may collect the necessary student data of a student if the education entity provides a student data collection notice to:

(a) the student, if the student is an adult student; or

(b) the student's parent, if the student is not an adult student.

(5) An education entity may collect optional student data if the education entity:

(a) provides, to an individual described in Subsection (4), a student data collection

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notice that includes a description of:

- (i) the optional student data to be collected; and
- (ii) how the education entity will use the optional student data; and
- (b) obtains written consent to collect the optional student data from an individual

described in Subsection (4).

(6) An education entity may collect a student's biometric identifier or biometric information if the education entity:

- (a) provides, to an individual described in Subsection (4), a biometric information

collection notice that is separate from a student data collection notice, which states:

- (i) the biometric identifier or biometric information to be collected;
- (ii) the purpose of collecting the biometric identifier or biometric information; and
- (iii) how the education entity will use and store the biometric identifier or biometric

information; and

(b) obtains written consent to collect the biometric identifier or biometric information from an individual described in Subsection (4).

(7) Except under the circumstances described in Subsection 53G-8-211(2), an education entity may not refer a student to an alternative evidence-based intervention described in Subsection 53G-8-211(3) without written consent.

Section 5. Section **53E-9-308** is amended to read:

**53E-9-308. Sharing student data -- Prohibition -- Requirements for student data manager -- Authorized student data sharing.**

(1) (a) Except as provided in Subsection (1)(b), an education entity, including a student data manager, may not share personally identifiable student data without written consent.

(b) An education entity, including a student data manager, may share personally identifiable student data:

(i) in accordance with the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h;

- (ii) as required by federal law; and
- (iii) as described in Subsections (3), (5), and (6).

(2) A student data manager shall:

- (a) authorize and manage the sharing, outside of the student data manager's education

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entity, of personally identifiable student data for the education entity as described in this section;

(b) act as the primary local point of contact for the state student data officer described in Section 53E-9-302; and

(c) fulfill other responsibilities described in the data governance plan of the student data manager's education entity.

(3) A student data manager may share a student's personally identifiable student data with a caseworker or representative of the Department of Human Services if:

(a) the Department of Human Services is:

(i) legally responsible for the care and protection of the student, including the responsibility to investigate a report of educational neglect, as provided in Subsection 62A-4a-409(5); or

(ii) providing services to the student;

(b) the student's personally identifiable student data is not shared with a person who is not authorized:

(i) to address the student's education needs; or

(ii) by the Department of Human Services to receive the student's personally identifiable student data; and

(c) the Department of Human Services maintains and protects the student's personally identifiable student data.

(4) The Department of Human Services, a school official, or the Utah Juvenile Court may share personally identifiable student data to improve education outcomes for youth:

(a) in the custody of, or under the guardianship of, the Department of Human Services;

(b) receiving services from the Division of Juvenile Justice Services;

(c) in the custody of the Division of Child and Family Services;

(d) receiving services from the Division of Services for People with Disabilities; or

(e) under the jurisdiction of the Utah Juvenile Court.

(5) (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.

(b) A person who receives personally identifiable student data under Subsection (5)(a) may not use the personally identifiable student data outside of the use described in the

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subpoena.

(6) (a) A student data manager may share student data, including personally identifiable student data, in response to a request to share student data for the purpose of research or evaluation, if the student data manager:

- (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);
- (ii) submits the request to the education entity's research review process; and
- (iii) fulfills the instructions that result from the review process.

(b) (i) In accordance with state and federal law, the board shall share student data, including personally identifiable student data, as requested by the Utah Registry of Autism and Developmental Disabilities described in Section 26-7-4.

(ii) A person who receives student data under Subsection (6)(b)(i):

(A) shall maintain and protect the student data in accordance with board rule described in Section 53E-9-307;

(B) may not use the student data for a purpose not described in Section 26-7-4; and

(C) is subject to audit by the state student data officer described in Section 53E-9-302.

(c) The board shall enter into an agreement with the State Board of Regents, established in Section 53B-1-103, to share higher education outreach student data, for students in grades 9 through 12 who have obtained written consent under Subsection 53E-9-305(2)(i), to be used strictly for the purpose of:

(i) providing information and resources to students in grades 9 through 12 about higher education; and

(ii) helping students in grades 9 through 12 enter the higher education system and remain until graduation.

(d) In accordance with state and federal law, the state board shall share student data ~~including personally identifiable student data, as requested by~~ collected through the secure digital tool described in Section 53G-8-805 with local law enforcement for the sole purpose of informing a ~~{threat assessment}~~safety and ~~{student}~~ support team ~~{through the database described}~~, as defined in Section ~~{53G-8-805}~~53G-8-801, for an investigation, crisis, or emergency response.

Section 6. Section **53F-2-520** is enacted to read:

**53F-2-520.** ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team

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### Program -- Student safety operations appropriation.

(1) Subject to future budget constraints, the Legislature shall appropriate funds to the ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team Program created in Section 53G-8-802.

(2) As appropriated by the Legislature, the ~~{State Board of Education}~~ state board shall distribute appropriations for school safety operations to school districts and charter schools for the purpose of employing professionals for the support of school safety and mental health.

(3) (a) For fiscal years 2020, 2021, 2022, and 2023 the Legislature shall appropriate money for school safety operations described in Subsection (2).

(b) For fiscal year 2024 or later, instead of an appropriation described in Subsection (2), the Legislature shall appropriate an amount equal to the amount of ongoing money appropriated to student safety operations for fiscal year 2023 to the basic program described in ~~{Title 53F, }~~ Chapter 2, Part 3, Basic Program (Weighted Pupil Units).

Section 7. Section **53F-9-307** is enacted to read:

#### **53F-9-307. Student Safety Restricted Account.**

(1) As used in this section, "account" means the Student Safety Restricted Account.

(2) There is created within the Education Fund a restricted account known as the "Student Safety Restricted Account."

(3) (a) The account shall earn interest.

(b) Interest on the account shall be deposited into the account.

(4) The Legislature shall appropriate money in the account for student safety and support operations described in Section 53F-2-520.

#### Section 8. Section **53G-8-702** is amended to read:

#### **53G-8-702. School resource officer training -- Curriculum.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that prepare and make available a training program for school principals and school resource officers to attend.

(2) To create the curriculum and materials for the training program described in Subsection (1), the State Board of Education shall:

(a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;

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(b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;

(c) solicit input from local law enforcement and other interested community stakeholders; and

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

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

(a) childhood and adolescent development;

(b) responding age-appropriately to students;

(c) working with disabled students;

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

(e) cultural awareness;

(f) restorative justice practices;

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

(h) student privacy rights;

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

(j) strategies to reduce juvenile justice involvement; and

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

(4) The state board shall work together with the Department of Public Safety and state and local law enforcement to establish policies and procedures that govern student resource officers.

Section ~~{8}~~9. Section **53G-8-801** is enacted to read:

**Part 8. ~~{Threat Assessment}~~State Safety and~~{ Student}~~ Support Team Program~~{}~~**

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

As used in this section:

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

~~{~~ (2) "Database" means the data repository database described in Section 53G-8-805.

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~~(3)2~~ "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

~~(4)3~~ "Local education agency" or "LEA" means:

- (a) a school district;
- (b) a charter school; or
- (c) the Utah Schools for the Deaf and the Blind.

~~(5)4~~ "LEA governing board" means:

- (a) a local school board;
- (b) a charter school governing board; or
- (c) the board acting in the board's capacity as the governing board of the Utah Schools for the Deaf and the Blind as described in Section 53E-8-204.

~~(6)5~~ "Parent" means a parent or legal guardian.

~~(7)6~~ "Program" means the ~~Threat Assessment~~ State Safety and ~~Student~~ Support Team Program established in Section 53G-8-802.

(7) "Safety and support team" or "team" means a group of individuals who assess and respond to school safety issues, risk behaviors, or student needs in accordance with this part.

(8) "School employee" means an individual working in the individual's official capacity as:

- (a) a school teacher;
- (b) a school staff member;
- (c) a school administrator; or
- (d) an individual:
  - (i) who is employed, directly or indirectly, by a school, LEA governing board, or school district; and
  - (ii) who works on a school campus.

(9) "State board" means the State Board of Education.

~~(10) "Threat assessment and student support team" or "team" means a group of individuals who assess and respond to school safety issues or student needs in accordance with this part.~~

~~Section 9} Tool" means the secure digital tool described in Section 53G-8-805.~~

Section 10. Section **53G-8-802** is enacted to read:



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### 53G-8-802. ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team

#### Program -- State board duties.

(1) There is created the ~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support Team Program.

(2) The state board shall:

(a) develop in conjunction with the Division of Substance Abuse and Mental Health model policies for the establishment and duties of a ~~{threat assessment}~~ safety and ~~{student}~~ support team, including:

(i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to the safety of a student or school employee; ~~{and}~~

(ii) procedures for referrals to law enforcement;

(~~{ii}~~ iii) procedures for referrals to ~~{law enforcement,}~~ a community services entity, a family support organization, or a health care provider for evaluation or treatment; and

(iv) recommendations for an LEA to establish a committee to oversee teams;

(b) provide training to teams and school employees, including training:

(i) in school safety;

(ii) in evidence-based approaches to address and correct bullying behavior;

(iii) in evidence-based approaches in the effective identification of an individual who may be at risk for violent behavior, showing signs or symptoms of mental illness, or in need of special services or assistance;

(iv) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(v) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305;

(c) conduct and disseminate evidence-based research on school safety concerns, conflict mediation, bullying, safe school design and technology, and school safety legal requirements;

(d) disseminate information on effective school safety initiatives;

(e) collect and analyze quantitative data reports submitted by each team in accordance with Section 53G-8-803;

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

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

(h) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program for school employees and others providing services to schools that includes protocol for conducting a threat assessment, and ensuring building security during an incident;

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

(j) ~~adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to specify:~~

~~—— (i) the type of~~ create a model school climate survey that ~~{an LEA shall disseminate and use to inform the efforts of a team and school safety efforts generally;~~

~~—— (ii) the frequency in which an LEA shall;~~ may be used by an LEA to assess stakeholder perception of a school environment and adopt rules:

(i) requiring an LEA to:

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

(B) disseminate the school climate survey;

~~{(iii) the type of data}~~ ii) recommending the distribution method, survey frequency, and sample size of the survey; and

(iii) specifying the areas of content for the school climate survey ~~shall collect; and~~

~~—— (iv) a valid sample size for the}, including:~~

(A) physical and emotional safety while at school;

(B) bullying behaviors;

(C) violence;

(D) understanding of reporting procedures; and

(E) availability of social supports for students; and

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

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

Section ~~{10}~~ 11. Section **53G-8-803** is enacted to read:

**53G-8-803.** ~~Threat assessment~~ Safety and ~~student~~ support teams -- Duties~~==~~

**Oversight committee:**

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~~(1) (a) A~~;

(1) (a) For the school year immediately following the state board's adoption of policies and rules described in Section 53G-8-802 and thereafter, a public school shall establish a ~~{threat assessment}~~safety and ~~{student}~~ support team in accordance with policies described in Subsection (2).

(b) A team shall include:

(i) individuals with expertise in at least the following:

(A) mental health;

(B) instruction; and

(C) school administration and personnel; and

(ii) a law enforcement officer.

(c) Members of a team may serve more than one school.

(d) A team shall:

(i) implement policies adopted by the LEA governing board under Subsection (~~{2}~~6);

(ii) provide guidance to students and school employees regarding recognition of ~~{threatening or aberrant}~~a risk behavior or situation that may represent a threat to the school or an individual; and

(iii) ~~{identify members of the school community to whom threatening or aberrant behavior should be reported}~~.

~~(e) (i) adopt procedures to report the risk behavior or situation to identified school personnel.~~

(e) (i) (A) If a team determines that an individual poses a threat ~~{of violence}~~ to a member of the school community, ~~{or if a student poses a threat to himself or herself, the team shall}~~

~~(A) determine whether the individual posing the threat would benefit from mental health counseling and, if so, work with the individual and, if the individual is a student, the individual's parent to provide a referral to mental health counseling; and~~

~~(B) {the team shall} determine whether the involvement of law enforcement is needed to minimize or deter the threat and, if applicable, communicate with law enforcement.~~

(B) A team may not identify an individual as a threat to a member of the school community based on an individual's race, color, sex, sexual orientation, age, religion, national

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origin, or citizenship status, and shall ensure that guidance provided under Subsection (1)(d)(ii) discourages such practices.

(ii) (A) If a team determines that a student poses a threat to himself or herself, the team shall determine whether the student posing the threat would benefit from mental health counseling and, if so, work with the student and the student's parent to provide a referral to mental health counseling or other school services.

(B) For a student described in Subsection (1)(e)(ii)(A), a team shall align intervention strategies with, if applicable, a student's Section 504 accommodation plan in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., or IEP.

(~~fi~~iii) The team shall report a determination made under Subsection (1)(e)(~~fi~~i) or (ii) immediately to the district superintendent, charter school director, or the superintendent's or director's designee, as applicable.

(~~fi~~iv) If a student poses a threat described in Subsection (1)(e)(~~fi~~i) or (ii), the applicable district superintendent, charter school director, or the superintendent's or director's designee shall immediately attempt to notify the student's parent.

(~~fi~~2) Nothing in this section may be interpreted to preclude a district superintendent, charter school director, or the superintendent's or director's designee from acting immediately to address an imminent threat.

(~~fi~~3) In accordance with Section 53G-8-805, each team shall enter required ~~{data}~~information into the ~~{database}~~tool.

(~~fi~~4) A team shall utilize the data gathered from the school climate survey described in Section 53G-8-802 to inform the team's efforts.

(~~fi~~5) In accordance with Section 53G-8-802, each team shall report annually quantitative data to the state board on the team's activities, including number of reported school threats and a summary of team ~~{responses to each threat}~~interventions and accessed resources.

(~~f~~2)(a)6) An LEA governing board shall adopt policies for a school to establish a team~~{, including policies:~~

~~—— (i) authorizing a team to assess and intervene with a student or school employee whose behavior has been determined to pose a threat to the safety of a school employee or student; and~~

~~—— (ii) procedures for referrals, if appropriate, to law enforcement, a community services~~

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~~entity, family support organization, or health care provider for evaluation or treatment.~~

~~— (b) A policy adopted by an LEA governing board under Subsection (2)(a) shall be consistent with model policies developed by the state board.~~

~~— (3) (a) A district superintendent or charter school director may establish an oversight committee to oversee each team within an LEA.~~

~~— (b) If a district superintendent or charter school director establishes an oversight committee, the committee shall include:~~

~~— (i) individuals with expertise in at least the following:~~

~~— (A) human resources;~~

~~— (B) education;~~

~~— (C) school administration; and~~

~~— (D) mental health; and~~

~~— (ii) a law enforcement officer.~~

~~Section 11} under Section 53G-8-802.~~

Section 12. Section 53G-8-804 is enacted to read:

### **53G-8-804. Liability.**

An individual who is a member of a team or a school employee is immune from any liability, civil or criminal, for acting or failing to act in response to information that the individual receives in the individual's capacity as a team member or school employee unless the individual acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

Section ~~{12}~~13. Section 53G-8-805 is enacted to read:

**53G-8-805.** ~~{Threat Assessment}~~ Intervention and ~~{Student Support Team Program database}~~ incidents technology tool.

(1) The state board shall develop ~~{a central repository database that contains information related to assessments conducted by a team in accordance with Section 53G-8-803.~~

~~— (2) The state board shall, in conjunction with the Department of Public Safety, adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to specify:~~

~~— (a) the information to be collected and maintained in the database;~~

~~— (b) what information may be accessed by a member of a team; and~~

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~~(c) what information may be accessed by a law enforcement officer.~~

~~Section 13} and maintain a secure digital tool with which a designated school employee shall enter information regarding student safety incidents and interventions as required by law, including information described in:~~

~~(a) Section 53E-3-301;~~

~~(b) Section 53E-3-516;~~

~~(c) Section 53G-8-205;~~

~~(d) Section 53G-8-210;~~

~~(e) Section 53G-8-211;~~

~~(f) Section 53G-9-605;~~

~~(g) all other applicable state law; and~~

~~(h) all applicable federal law.~~

~~(2) The tool shall, based on the type of student safety incident, provide resources for risk behaviors and protocols for responding to a student safety incident.~~

~~Section 14.~~ Section **53G-8-806** is enacted to read:

### ~~53G-8-806. Law enforcement required reporting.~~

~~If a law enforcement officer determines that a student poses a threat ~~of violence or harm~~ to himself or herself, a school employee, or a student, the law enforcement officer shall notify a member of the team of the school in which the student is enrolled ~~of the incident~~.~~

Section ~~{14}~~15. Section **62A-15-103** is amended to read:

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

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

(2) The division shall:

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

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

(iii) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;

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(iv) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance abuse disorder, by identifying and disseminating information about effective practices and programs;

(v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public and private programs, minimum standards for public and private providers of substance abuse and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(vi) promote integrated programs that address an individual's substance abuse, mental health, physical health, and criminal risk factors;

(vii) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with substance use disorder and mental illness that addresses criminal risk factors;

(viii) evaluate the effectiveness of programs described in this Subsection (2);

(ix) consider the impact of the programs described in this Subsection (2) on:

(A) emergency department utilization;

(B) jail and prison populations;

(C) the homeless population; and

(D) the child welfare system; and

(x) promote or establish programs for education and certification of instructors to educate persons convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;

(b) (i) collect and disseminate information pertaining to mental health;

(ii) provide direction over the state hospital including approval of its budget, administrative policy, and coordination of services with local service plans;

(iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member; and

(iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to direct that an individual receiving services through a local mental health authority or the Utah State Hospital be informed about and, if desired by the individual,

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provided assistance in the completion of a declaration for mental health treatment in accordance with Section 62A-15-1002;

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

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

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

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

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

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

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

(viii) monitor the expenditure of public funds by:

(A) local substance abuse authorities;

(B) local mental health authorities; and

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

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

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

(xi) review and approve each local substance abuse authority's plan and each local



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mental health authority's plan in order to ensure:

- (A) a statewide comprehensive continuum of substance abuse services;
- (B) a statewide comprehensive continuum of mental health services;
- (C) services result in improved overall health and functioning;
- (D) a statewide comprehensive continuum of community-based services designed to reduce criminal risk factors for individuals who are determined to have substance abuse or mental illness conditions or both, and who are involved in the criminal justice system;
- (E) compliance, where appropriate, with the certification requirements in Subsection (2)(j); and
- (F) appropriate expenditure of public funds;
- (xii) review and make recommendations regarding each local substance abuse authority's contract with the local substance abuse authority's provider of substance abuse programs and services and each local mental health authority's contract with the local mental health authority's provider of mental health programs and services to ensure compliance with state and federal law and policy;
- (xiii) monitor and ensure compliance with division rules and contract requirements; and
- (xiv) withhold funds from local substance abuse authorities, local mental health authorities, and public and private providers for contract noncompliance, failure to comply with division directives regarding the use of public funds, or for misuse of public funds or money;
- (d) ensure that the requirements of this part are met and applied uniformly by local substance abuse authorities and local mental health authorities across the state;
- (e) require each local substance abuse authority and each local mental health authority, in accordance with Subsections 17-43-201(5)(b) and 17-43-301(5)(a)(ii), to submit a plan to the division on or before May 15 of each year;
- (f) conduct an annual program audit and review of each local substance abuse authority and each local substance abuse authority's contract provider, and each local mental health authority and each local mental health authority's contract provider, including:
  - (i) a review and determination regarding whether:
    - (A) public funds allocated to the local substance abuse authority or the local mental

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health authorities are consistent with services rendered by the authority or the authority's contract provider, and with outcomes reported by the authority's contract provider; and

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

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

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

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

(A) a substance use disorder;

(B) a mental health disorder; or

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

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

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

(A) establish training and certification requirements for a peer support specialist;

(B) specify the types of services a peer support specialist is qualified to provide;

(C) specify the type of supervision under which a peer support specialist is required to operate; and

(D) specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist; and

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

(A) establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist; and

(B) specify how the division shall provide oversight of a person certified to train and certify a peer support specialist;

(i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and requirements for the provision of substance use

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disorder and mental health treatment to an individual who is required to participate in treatment by the court or the Board of Pardons and Parole, or who is incarcerated, including:

(i) collaboration with the Department of Corrections and the Utah Substance Use and Mental Health Advisory Council to develop and coordinate the standards, including standards for county and state programs serving individuals convicted of class A and class B misdemeanors;

(ii) determining that the standards ensure available treatment, including the most current practices and procedures demonstrated by recognized scientific research to reduce recidivism, including focus on the individual's criminal risk factors; and

(iii) requiring that all public and private treatment programs meet the standards established under this Subsection (2)(i) in order to receive public funds allocated to the division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice for the costs of providing screening, assessment, prevention, treatment, and recovery support;

(j) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures for the certification of licensed public and private providers who provide, as part of their practice, substance use disorder and mental health treatment to an individual involved in the criminal justice system, including:

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

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

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

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

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

(ii) county jail and county behavioral health early-assessment resources needed for an

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offender convicted of a class A or class B misdemeanor; and

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

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

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

(m) in the division's discretion, use the data to make decisions regarding the use of funds allocated to the division, the Administrative Office of the Courts, and the Department of Corrections to provide treatment for which standards are established under Subsection (2)(i); and

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

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

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

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

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liability described in Section 17-43-303 and to the responsibility and liability described in Section 17-43-203.

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

(6) The division may accept in the name of and on behalf of the state donations, gifts, devises, or bequests of real or personal property or services to be used as specified by the donor.

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

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

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

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

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

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

(a) provide coordination between a local education agency and local mental health authority;

(b) recommend evidence based and evidence informed mental health screenings and intervention assessments for a local education agency; and

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(c) coordinate with the local community, including local departments of health, to enhance and expand mental health related resources for a local education agency.

Section ~~15~~16. Section **63G-2-305** is amended to read:

### **63G-2-305. Protected records.**

The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental

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entity in response to:

- (i) an invitation for bids;
- (ii) a request for proposals;
- (iii) a request for quotes;
- (iv) a grant; or
- (v) other similar document; or
- (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- (7) information submitted to or by a governmental entity in response to a request for

information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b) (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

(8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;

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(9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

(a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or

(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

(a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;

(b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

(e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(11) records the disclosure of which would jeopardize the life or safety of an individual;

(12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;



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(13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

(15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

(16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(17) records that are subject to the attorney client privilege;

(18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

(19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and

(b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

(B) a member of a legislative body and a member of the legislative body's staff; or

(C) members of a legislative body's staff; and

(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the

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legislation or course of action, or made the legislation or course of action public; and

(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about:

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated

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policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;

(33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

(b) any terms, conditions, restrictions, or privileges relating to the donation may not be

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classified protected by the governmental entity under this Subsection (37); and

(c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

(38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(40) (a) the following records of an institution within the state system of higher education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

(I) the institution within the state system of higher education defined in Section 53B-1-102; or

(II) a sponsor of sponsored research;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals;

(b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

(c) Subsection (40)(a) may not be construed to affect the ownership of a record;

(41) (a) records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

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Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

(a) a production facility; or

(b) a magazine;

(43) information:

(a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1; or

(b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67-5-22;

(44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;

(45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

(46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

(47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

(48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

(a) the safety of the general public; or

(b) the security of:

(i) governmental property;

(ii) governmental programs; or

(iii) the property of a private person who provides the Division of Emergency

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Management information;

(49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

(50) as provided in Section 26-39-501:

(a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care;

(51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

(b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order;

(52) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:

(a) conducted within the state system of higher education, as defined in Section 53B-1-102; and

(b) conducted using animals;

(53) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote on whether or not to recommend that the voters retain a judge including information disclosed under Subsection 78A-12-203(5)(e);

(54) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

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12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

(55) records contained in the Management Information System created in Section 62A-4a-1003;

(56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

(57) information requested by and provided to the 911 Division under Section 63H-7a-302;

(58) in accordance with Section 73-10-33:

(a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

(b) an outline of an emergency response plan in possession of the state or a county or municipality;

(59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

(a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

(c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

(d) records that would disclose an outline or part of any investigation, audit survey

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plan, or audit program; or

(e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

(60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;

(61) information provided to the Department of Health or the Division of Occupational and Professional Licensing under Subsection 58-68-304(3) or (4);

(62) a record described in Section 63G-12-210;

(63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

(64) any record in the custody of the Utah Office for Victims of Crime relating to a victim, including:

(a) a victim's application or request for benefits;

(b) a victim's receipt or denial of benefits; and

(c) any administrative notes or records made or created for the purpose of, or used to, evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim Reparations Fund;

(65) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 62A-2-101, except for recordings that:

(a) depict the commission of an alleged crime;

(b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(d); or

(e) have been requested for reclassification as a public record by a subject or



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authorized agent of a subject featured in the recording;

(66) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist; and

(67) an audio recording that is:

(a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

(b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:

(i) is responding to an individual needing resuscitation or with a life-threatening condition; and

(ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and

(c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;

(68) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;

(69) work papers as defined in Section 31A-2-204; [~~and~~]

(70) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206[-]; and

(71) a record created by a ~~{threat assessment}~~ ~~safety~~ and ~~{ student }~~ support team, as defined in Section 53G-8-801, relating to the assessment of or intervention with a specific individual.

Section ~~{16}~~ 17. Section **63I-2-253** is amended to read:

**63I-2-253. Repeal dates -- Titles 53 through 53G.**

(1) Section 53A-24-602 is repealed July 1, 2018.

(2) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

(b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative

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Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(3) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

(b) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.

(5) (a) Subsection 53B-7-707(4)(a)(ii), the language that states "Except as provided in Subsection (4)(b)," is repealed July 1, 2021.

(b) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.

(6) (a) The following sections are repealed on July 1, 2023:

(i) Section 53B-8-202;

(ii) Section 53B-8-203;

(iii) Section 53B-8-204; and

(iv) Section 53B-8-205.

(b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.

(ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(7) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

(8) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.

(9) Section 53E-5-307 is repealed July 1, 2020.

(10) Subsections 53F-2-205(4) and (5), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(11) Subsection 53F-2-301(1) is repealed July 1, 2023.

(12) Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(13) Section 53F-4-204 is repealed July 1, 2019.

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(14) Section 53F-6-202 is repealed July 1, 2020.

(15) Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(16) Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(17) Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

(18) Section 53F-9-307 is repealed July 1, 2024.

~~[(18)]~~ (19) Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(19)]~~ (20) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section ~~{17}~~ 18. **Appropriation.**

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

### **Operating and Capital Budgets**

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

#### ITEM 1

To State Board of Education - Minimum School Program - Related to Basic School Programs

From Education Fund Restricted -- Student Safety

Restricted Account \$30,000,000

From Education Fund, One-time \$66,000,000

Schedule of Programs:

School Safety Operations \$30,000,000

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School Safety Capital Facilities \$66,000,000

(1) The Legislature intends that the State Board of Education distribute the ongoing appropriation for school safety operations provided under this item in accordance with Section 53F-2-520.

(2) The Legislature further intends that the State Board of Education:

(a) develop a distribution formula to determine how to allocate the one-time appropriation for school safety capital facilities provided under this item to school districts and charter schools to use to purchase or improve capital facilities, software, or equipment that will increase school safety; and

(b) distribute the one-time appropriation for school safety capital facilities provided under this item to school districts and charter schools to use to purchase or improve capital facilities, software, or equipment that will increase school safety.

### ITEM 2

To State Board of Education - MSP Categorical Program Administration

From Education Fund \$415,000

Schedule of Programs:

~~{Threat Assessment}~~ State Safety and ~~{Student}~~ Support

Team Program \$415,000

The Legislature intends that the State Board of Education use the appropriation provided under this item to fund a data collection analyst and for maintenance for the school safety ~~{data}~~ information reporting tool described in the legislative intent language for Item 3.

### ITEM 3

To State Board of Education - State Administrative Office

From Education Fund \$65,000

From Education Fund, One-time \$1,055,000

Schedule of Programs:

Student Advocacy Services ~~{~~ \$1,120,000 ~~}~~

(1) The Legislature intends that the State Board of Education use the ongoing appropriation provided under this item to fund the development of curricula and materials to provide training to school staff related to student mental health.

(2) The Legislature further intends that the State Board of Education use the one-time

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appropriation provided under this item to fund a school safety ~~{data}~~ information reporting tool.

### ITEM 4

To Department of Public Safety - Program and Operations

From General Fund \$150,000

Schedule of Programs:

Department Commissioner's Office \$150,000

(1) The Legislature intends that the Department of Public Safety use the appropriation provided under this item to fund the public safety liaison described in Section 53-1-106.

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

### ITEM 5

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

From General Fund \$150,000

Schedule of Programs:

Community Health Services \$150,000

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

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

### **Restricted fund and account transfers**

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds ~~{or accounts}~~ to which the money is transferred must be authorized in an appropriation.

### ITEM 6

To Education Fund Restricted ~~{---}~~ School Safety Restricted Account

From Education Fund \$30,000,000

Schedule of Programs:

Education Fund Restricted ~~{---}~~ Student Safety Restricted

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Account

\$30,000,000