

Senator Ann Millner proposes the following substitute bill:

STUDENT AND SCHOOL SAFETY ASSESSMENT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill enacts provisions related to school safety.

Highlighted Provisions:

This bill:

- ▶ amends provisions of the International Fire Code related to routine emergency evacuation drills;
- ▶ directs the Department of Public Safety to employ a public safety liaison;
- ▶ directs the State Board of Education (Board) to develop a secure digital tool for purposes of providing resources and protocols for school safety;
- ▶ authorizes the Board to share certain student data as requested by local law enforcement for specified purposes;
- ▶ creates the State Safety and Support Team Program;
- ▶ requires the Board to develop model policies and procedures for safety and 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 to the individual, or a member of the school community;
- ▶ enacts provisions granting immunity from liability for a member of a team;



- 26 ▶ requires law enforcement to report a student to the student's school if that student
- 27 poses a threat;
- 28 ▶ directs the Division of Substance Abuse and Mental Health to employ a
- 29 school-based mental health specialist;
- 30 ▶ classifies certain records created by a team as protected; and
- 31 ▶ makes technical corrections.

32 **Money Appropriated in this Bill:**

33 This bill appropriates in fiscal year 2020:

- 34 ▶ to the State Board of Education - MSP Categorical Program Administration - State
- 35 Safety and Support Team Program, as an ongoing appropriation:
 - 36 • from the Education Fund, \$415,000;
- 37 ▶ to the State Board of Education - State Administrative Office - Student Advocacy
- 38 Services, as an ongoing appropriation:
 - 39 • from the Education Fund, \$150,000;
- 40 ▶ to the State Board of Education - State Administrative Office - Student Advocacy
- 41 Services, as a one-time appropriation:
 - 42 • from the Education Fund, One-time, \$1,055,000;
- 43 ▶ to the Department of Public Safety - Programs and Operations - Department
- 44 Commissioner's Office, as an ongoing appropriation:
 - 45 • from the General Fund, \$150,000; and
- 46 ▶ to the Department of Human Services - Division of Substance Abuse and Mental
- 47 Health, as an ongoing appropriation:
 - 48 • from the General Fund, \$150,000.

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

- 53 [15A-5-202.5](#), as last amended by Laws of Utah 2018, Chapter 189
- 54 [53-1-106](#), as last amended by Laws of Utah 2018, Chapters 200 and 417
- 55 [53E-3-502](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 56 [53E-9-305](#), as last amended by Laws of Utah 2018, Chapter 304 and renumbered and

57 amended by Laws of Utah 2018, Chapter 1

58 **53E-9-308**, as last amended by Laws of Utah 2018, Chapters 285, 304 and renumbered
59 and amended by Laws of Utah 2018, Chapter 1

60 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3

61 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

62 **63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,
63 319, 352, 409, and 425

64 ENACTS:

65 **53G-8-801**, Utah Code Annotated 1953

66 **53G-8-802**, Utah Code Annotated 1953

67 **53G-8-803**, Utah Code Annotated 1953

68 **53G-8-804**, Utah Code Annotated 1953

69 **53G-8-805**, Utah Code Annotated 1953

70 **53G-8-806**, Utah Code Annotated 1953



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

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

74 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

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

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

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

84 1.1. If the existing or historical hazardous environmental conditions exist in a
85 municipality, the legislative body of the municipality may prohibit the ignition or use of an
86 ignition source in:

87 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;

88 1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

89 1.1.3. the wildland urban interface area, which means the line, area, or zone where
90 structures or other human development meet or intermingle with undeveloped wildland or land
91 being used for an agricultural purpose; or

92 1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to
93 facilitate a readily identifiable closed area, in accordance with paragraph 2.

94 1.2. If the existing or historical hazardous environmental conditions exist in an
95 unincorporated area, the state forester may prohibit the ignition or use of an ignition source in
96 all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after
97 consulting with the county fire code official who has jurisdiction over that area.

98 1.3. If the existing or historical hazardous environmental conditions exist in a metro
99 township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and
100 Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro
101 township legislative body may prohibit the ignition or use of an ignition source in all or part of
102 the areas described in paragraph 1.1 that are within the township.

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

106 2.1. designate the closed area along readily identifiable features like major roadways,
107 waterways, or geographic features;

108 2.2. ensure that the boundary of the designated closed area is as close as is practical to
109 the defined hazardous area, provided that the closed area may include areas outside of the
110 hazardous area to facilitate a readily identifiable line; and

111 2.3. identify the closed area through a written description or map that is readily
112 available to the public.

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

116 3.1. makes a finding that the historical hazardous environmental condition has existed
117 in the defined area before July 1 of at least two of the preceding five years;

118 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the

119 defined area described; and

120 3.3. before May 1 of each year the defined area is closed, provides the map described
121 in paragraph 3.2 to the county in which the defined area is located.

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

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

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

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

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

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

137 "403.10.2.1 College and university buildings and fraternity and sorority houses.

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

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

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

144 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
145 drill for fire conducted at least every two months, to a total of four emergency evacuation drills
146 during the nine-month school year. The first emergency evacuation drill for fire shall be
147 conducted within 10 school days after the beginning of classes. The third emergency
148 evacuation drill for fire, weather permitting, shall be conducted 10 school days after the
149 beginning of the next calendar year. The second and fourth emergency evacuation drills may

150 be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock
151 down for violence. If inclement weather causes a secondary school to miss the 10-day deadline
152 for the third emergency evacuation drill for fire, the secondary school shall perform the third
153 emergency evacuation drill for fire as soon as practicable after the missed deadline."

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

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

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

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

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

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

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

168 **53-1-106. Department duties -- Powers.**

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

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

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

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

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

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

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

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

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

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

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

191 (i) ensure that any training or certification required of a public official or public
192 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
193 22, State Training and Certification Requirements, if the training or certification is required:

194 (i) under this title;

195 (ii) by the department; or

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

197 (j) provide to the State Board of Education support for the purposes of assisting a
198 safety and support team in accordance with Section [53G-8-803](#); and

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

201 (i) support training with relevant state agencies for school resource officers as
202 described in Section [53G-8-702](#);

203 (ii) coordinate the creation of model policies and memorandums of understanding for a
204 local education agency and a local law enforcement agency; and

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

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

210 (b) All fees not established in statute shall be established in accordance with Section
211 [63J-1-504](#).

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

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

215 **53E-3-502. State Board of Education assistance to districts and schools.**

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

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

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

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

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

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

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

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

236 (8) help school districts develop and implement guidelines, strategies, and professional
237 development programs for administrators and teachers consistent with Subsections
238 53E-2-302(7) and 53E-6-103(2)(a) and (b) focused on improving interaction with parents and
239 promoting greater parental involvement in the public schools; ~~and~~

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

243 (10) develop and maintain a secure digital tool for the purposes of the State Safety and
244 Support Team Program in accordance with Section 53G-8-805.

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

246 **53E-9-305. Collecting student data -- Prohibition -- Student data collection notice**

247 **-- Written consent.**

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

249 (a) social security number; or

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

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

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

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

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

258 (d) states that the education entity will not collect the student data described in

259 Subsection (1);

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

262 (f) includes the following statement:

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

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

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

268 (i) for an education entity that teaches students in grade 9, 10, 11, or 12, requests

269 written consent to share student data with the State Board of Regents as described in Section
270 53E-9-308.

271 (3) The board may publicly post the board's collection notice described in Subsection
272 (2).

273 (4) An education entity may collect the necessary student data of a student if the

274 education entity provides a student data collection notice to:

- 275 (a) the student, if the student is an adult student; or
- 276 (b) the student's parent, if the student is not an adult student.

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

278 (a) provides, to an individual described in Subsection (4), a student data collection
279 notice that includes a description of:

- 280 (i) the optional student data to be collected; and
- 281 (ii) how the education entity will use the optional student data; and
- 282 (b) obtains written consent to collect the optional student data from an individual
283 described in Subsection (4).

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

286 (a) provides, to an individual described in Subsection (4), a biometric information
287 collection notice that is separate from a student data collection notice, which states:

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

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

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

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

298 **53E-9-308. Sharing student data -- Prohibition -- Requirements for student data**
299 **manager -- Authorized student data sharing.**

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

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

- 304 (i) in accordance with the Family Education Rights and Privacy Act and related

305 provisions under 20 U.S.C. Secs. 1232g and 1232h;

306 (ii) as required by federal law; and

307 (iii) as described in Subsections (3), (5), and (6).

308 (2) A student data manager shall:

309 (a) authorize and manage the sharing, outside of the student data manager's education
310 entity, of personally identifiable student data for the education entity as described in this
311 section;

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

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

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

318 (a) the Department of Human Services is:

319 (i) legally responsible for the care and protection of the student, including the
320 responsibility to investigate a report of educational neglect, as provided in Subsection
321 [62A-4a-409\(5\)](#); or

322 (ii) providing services to the student;

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

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

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

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

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

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

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

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

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

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

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

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

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

345 (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);

346 (ii) submits the request to the education entity's research review process; and

347 (iii) fulfills the instructions that result from the review process.

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

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

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

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

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

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

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

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

364 (d) In accordance with state and federal law, the state board shall share student data
365 collected through the secure digital tool described in Section 53G-8-805 with local law
366 enforcement for the sole purpose of informing a safety and support team, as defined in Section

367 [53G-8-801](#), for an investigation, crisis, or emergency response.

368 Section 6. Section **53G-8-702** is amended to read:

369 **53G-8-702. School resource officer training -- Curriculum.**

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

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

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

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

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

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

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

385 (a) childhood and adolescent development;

386 (b) responding age-appropriately to students;

387 (c) working with disabled students;

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

389 (e) cultural awareness;

390 (f) restorative justice practices;

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

393 (h) student privacy rights;

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

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

397 (k) roles of and distinctions between a school resource officer and other school staff

398 who help keep a school secure.

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

402 Section 7. Section **53G-8-801** is enacted to read:

403 **Part 8. State Safety and Support Team Program**

404 **53G-8-801. Definitions.**

405 As used in this section:

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

407 (2) "Law enforcement officer" means the same as that term is defined in Section
408 [53-13-103](#).

409 (3) "Program" means the State Safety and Support Team Program established in
410 Section [53G-8-802](#).

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

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

415 (a) a school teacher;

416 (b) a school staff member;

417 (c) a school administrator; or

418 (d) an individual:

419 (i) who is employed, directly or indirectly, by a school, LEA governing board, or
420 school district; and

421 (ii) who works on a school campus.

422 (6) "Tool" means the secure digital tool described in Section [53G-8-805](#).

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

424 **53G-8-802. State Safety and Support Team Program -- State board duties.**

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

426 (2) The state board shall:

427 (a) develop in conjunction with the Division of Substance Abuse and Mental Health
428 model policies for the establishment and duties of a safety and support team, including:

- 429 (i) evidence-based procedures for the assessment of and intervention with an individual
430 whose behavior poses a threat to school safety;
- 431 (ii) procedures for referrals to law enforcement;
- 432 (iii) procedures for referrals to a community services entity, a family support
433 organization, or a health care provider for evaluation or treatment; and
- 434 (iv) recommendations for an LEA to establish a committee to oversee teams;
- 435 (b) provide training:
- 436 (i) in school safety;
- 437 (ii) in evidence-based approaches to improve school climate and address and correct
438 bullying behavior;
- 439 (iii) in evidence-based approaches in identifying an individual who may pose a threat
440 to the school community;
- 441 (iv) in evidence-based approaches in identifying an individual who may be showing
442 signs or symptoms of mental illness;
- 443 (v) on permitted disclosures of student data to law enforcement and other support
444 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
- 445 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections
446 [53E-9-203](#) and [53E-9-305](#);
- 447 (c) conduct and disseminate evidence-based research on school safety concerns;
- 448 (d) disseminate information on effective school safety initiatives;
- 449 (e) collect and analyze data submitted by each team using the tool and in accordance
450 with Section [53G-8-803](#);
- 451 (f) encourage partnerships between public and private sectors to promote school safety;
- 452 (g) provide technical assistance to an LEA in the development and implementation of
453 school safety initiatives;
- 454 (h) in conjunction with the Department of Public Safety, develop and make available to
455 an LEA a model critical incident response training program that includes protocols for
456 conducting a threat assessment, and ensuring building security during an incident;
- 457 (i) provide space for the public safety liaison described in Section [53-1-106](#) and the
458 school-based mental health specialist described in Section [62A-15-103](#);
- 459 (j) create a model school climate survey that may be used by an LEA to assess

460 stakeholder perception of a school environment and adopt rules:

461 (i) requiring an LEA to:

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

463 (B) disseminate the school climate survey;

464 (ii) recommending the distribution method, survey frequency, and sample size of the
465 survey; and

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

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

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

469 Section 9. Section **53G-8-803** is enacted to read:

470 **53G-8-803. Safety and support teams -- Duties.**

471 (1) (a) For the school year immediately following the state board's adoption of policies
472 and rules described in Section [53G-8-802](#) and thereafter, a public school shall establish a safety
473 and support team in accordance with policies described in Subsection (2).

474 (b) A team shall include:

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

476 (A) mental health; and

477 (B) school administration and personnel;

478 (ii) a law enforcement officer; and

479 (iii) a licensed educator.

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

481 (d) A team shall:

482 (i) implement policies adopted by the LEA governing board under Subsection (6);

483 (ii) provide guidance regarding recognition of behaviors that may represent a threat to
484 the school community; and

485 (iii) adopt procedures to report the risk behavior or situation to identified school
486 personnel.

487 (e) (i) (A) If a team determines that an individual poses a threat to the school
488 community, the team shall determine whether the involvement of law enforcement is needed to
489 minimize or deter the threat and, if applicable, communicate with law enforcement.

490 (B) A team may identify an individual as a threat based on the individual's behavior.

491 (C) A team may not identify an individual as a threat based on the individual's
492 characteristics and shall ensure that guidance provided under Subsection (1)(d)(ii) discourages
493 such practices.

494 (D) A team shall ensure that applicable employment law provisions are followed in the
495 team's response to a threat.

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

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

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

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

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

512 (3) In accordance with Section [53G-8-805](#), each team shall enter required information
513 into the tool.

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

516 (5) In accordance with Section [53G-8-802](#), each team shall report data to the state
517 board regarding student safety incidents and interventions and may use the tool to make those
518 reports.

519 (6) An LEA governing board shall adopt policies for a school to establish a team
520 consistent with model policies developed by the state board under Section [53G-8-802](#).

521 Section 10. Section **53G-8-804** is enacted to read:

522 **53G-8-804. Liability.**

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

527 Section 11. Section **53G-8-805** is enacted to read:

528 **53G-8-805. Intervention and incidents technology tool.**

529 (1) The state board shall develop and maintain a secure digital tool with which a
530 designated school employee shall enter information regarding student safety incidents and
531 interventions as required by law, including information described in:

- 532 (a) Section [53E-3-301](#);
- 533 (b) Section [53E-3-516](#);
- 534 (c) Section [53G-8-205](#);
- 535 (d) Section [53G-8-210](#);
- 536 (e) Section [53G-8-211](#);
- 537 (f) Section [53G-9-605](#);
- 538 (g) all other applicable state law; and
- 539 (h) all applicable federal law.

540 (2) The tool shall provide appropriate resources and protocols for responding to student
541 safety incidents.

542 Section 12. Section **53G-8-806** is enacted to read:

543 **53G-8-806. Law enforcement required reporting.**

544 If a law enforcement officer determines that a student poses a threat to himself or
545 herself, or the school community, the law enforcement officer shall notify a member of the
546 team of the school in which the student is enrolled.

547 Section 13. Section **62A-15-103** is amended to read:

548 **62A-15-103. Division -- Creation -- Responsibilities.**

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

552 (2) The division shall:

- 553 (a) (i) educate the general public regarding the nature and consequences of substance
554 abuse by promoting school and community-based prevention programs;
- 555 (ii) render support and assistance to public schools through approved school-based
556 substance abuse education programs aimed at prevention of substance abuse;
- 557 (iii) promote or establish programs for the prevention of substance abuse within the
558 community setting through community-based prevention programs;
- 559 (iv) cooperate with and assist treatment centers, recovery residences, and other
560 organizations that provide services to individuals recovering from a substance abuse disorder,
561 by identifying and disseminating information about effective practices and programs;
- 562 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
563 Rulemaking Act, to develop, in collaboration with public and private programs, minimum
564 standards for public and private providers of substance abuse and mental health programs
565 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;
- 566 (vi) promote integrated programs that address an individual's substance abuse, mental
567 health, physical health, and criminal risk factors;
- 568 (vii) establish and promote an evidence-based continuum of screening, assessment,
569 prevention, treatment, and recovery support services in the community for individuals with
570 substance use disorder and mental illness that addresses criminal risk factors;
- 571 (viii) evaluate the effectiveness of programs described in this Subsection (2);
- 572 (ix) consider the impact of the programs described in this Subsection (2) on:
- 573 (A) emergency department utilization;
- 574 (B) jail and prison populations;
- 575 (C) the homeless population; and
- 576 (D) the child welfare system; and
- 577 (x) promote or establish programs for education and certification of instructors to
578 educate persons convicted of driving under the influence of alcohol or drugs or driving with
579 any measurable controlled substance in the body;
- 580 (b) (i) collect and disseminate information pertaining to mental health;
- 581 (ii) provide direction over the state hospital including approval of its budget,
582 administrative policy, and coordination of services with local service plans;
- 583 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

584 Rulemaking Act, to educate families concerning mental illness and promote family
585 involvement, when appropriate, and with patient consent, in the treatment program of a family
586 member; and

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

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

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

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

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

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

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

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

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

608 (A) local substance abuse authorities;

609 (B) local mental health authorities; and

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

613 (ix) contract with local substance abuse authorities and local mental health authorities
614 to provide a comprehensive continuum of services that include community-based services for

615 individuals involved in the criminal justice system, in accordance with division policy, contract
616 provisions, and the local plan;

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

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

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

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

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

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

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

630 (F) appropriate expenditure of public funds;

631 (xii) review and make recommendations regarding each local substance abuse
632 authority's contract with the local substance abuse authority's provider of substance abuse
633 programs and services and each local mental health authority's contract with the local mental
634 health authority's provider of mental health programs and services to ensure compliance with
635 state and federal law and policy;

636 (xiii) monitor and ensure compliance with division rules and contract requirements;
637 and

638 (xiv) withhold funds from local substance abuse authorities, local mental health
639 authorities, and public and private providers for contract noncompliance, failure to comply
640 with division directives regarding the use of public funds, or for misuse of public funds or
641 money;

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

644 (e) require each local substance abuse authority and each local mental health authority,
645 in accordance with Subsections [17-43-201\(5\)\(b\)](#) and [17-43-301\(5\)\(a\)\(ii\)](#), to submit a plan to

646 the division on or before May 15 of each year;

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

650 (i) a review and determination regarding whether:

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

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

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

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

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

662 (A) a substance use disorder;

663 (B) a mental health disorder; or

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

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

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

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

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

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

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

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

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

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

681 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
682 Rulemaking Act, minimum standards and requirements for the provision of substance use
683 disorder and mental health treatment to an individual who is required to participate in treatment
684 by the court or the Board of Pardons and Parole, or who is incarcerated, including:

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

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

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

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

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

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

705 (iii) the requirement that a public or private provider of treatment to an individual
706 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
707 shall renew the certification every two years, in order to qualify for funds allocated to the

708 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
709 on or after July 1, 2016;

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

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

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

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

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

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

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

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

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

737 (b) The division may withhold funds from a local substance abuse authority or local
738 mental health authority if the authority's contract provider of substance abuse or mental health

739 programs or services fails to comply with state and federal law or policy.

740 (4) Before reissuing or renewing a contract with any local substance abuse authority or
741 local mental health authority, the division shall review and determine whether the local
742 substance abuse authority or local mental health authority is complying with the oversight and
743 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
744 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and
745 liability described in Section 17-43-303 and to the responsibility and liability described in
746 Section 17-43-203.

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

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

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

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

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

763 (9) If a local substance abuse authority contacts the division under Subsection
764 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
765 minor, the division shall:

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

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

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

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

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

778 Section 14. Section **63G-2-305** is amended to read:

779 **63G-2-305. Protected records.**

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

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

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

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

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

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

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

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

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

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

806 (a) a bid, proposal, application, or other information submitted to or by a governmental
807 entity in response to:

808 (i) an invitation for bids;

809 (ii) a request for proposals;

810 (iii) a request for quotes;

811 (iv) a grant; or

812 (v) other similar document; or

813 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

814 (7) information submitted to or by a governmental entity in response to a request for
815 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
816 the right of a person to have access to the information, after:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

861 (e) reasonably could be expected to disclose investigative or audit techniques,
862 procedures, policies, or orders not generally known outside of government if disclosure would

863 interfere with enforcement or audit efforts;

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

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

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

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

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

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

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

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

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

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

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

892 (A) members of a legislative body;

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

894 (C) members of a legislative body's staff; and
895 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
896 legislative action or policy may not be classified as protected under this section;
897 (20) (a) records in the custody or control of the Office of Legislative Research and
898 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
899 legislation or contemplated course of action before the legislator has elected to support the
900 legislation or course of action, or made the legislation or course of action public; and
901 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
902 Office of Legislative Research and General Counsel is a public document unless a legislator
903 asks that the records requesting the legislation be maintained as protected records until such
904 time as the legislator elects to make the legislation or course of action public;
905 (21) research requests from legislators to the Office of Legislative Research and
906 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
907 in response to these requests;
908 (22) drafts, unless otherwise classified as public;
909 (23) records concerning a governmental entity's strategy about:
910 (a) collective bargaining; or
911 (b) imminent or pending litigation;
912 (24) records of investigations of loss occurrences and analyses of loss occurrences that
913 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
914 Uninsured Employers' Fund, or similar divisions in other governmental entities;
915 (25) records, other than personnel evaluations, that contain a personal recommendation
916 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
917 personal privacy, or disclosure is not in the public interest;
918 (26) records that reveal the location of historic, prehistoric, paleontological, or
919 biological resources that if known would jeopardize the security of those resources or of
920 valuable historic, scientific, educational, or cultural information;
921 (27) records of independent state agencies if the disclosure of the records would
922 conflict with the fiduciary obligations of the agency;
923 (28) records of an institution within the state system of higher education defined in
924 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,

925 retention decisions, and promotions, which could be properly discussed in a meeting closed in
926 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
927 the final decisions about tenure, appointments, retention, promotions, or those students
928 admitted, may not be classified as protected under this section;

929 (29) records of the governor's office, including budget recommendations, legislative
930 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
931 policies or contemplated courses of action before the governor has implemented or rejected
932 those policies or courses of action or made them public;

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

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

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

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

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

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

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

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

960 (a) the donor requests anonymity in writing;

961 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
962 classified protected by the governmental entity under this Subsection (37); and

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

968 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
969 73-18-13;

970 (39) a notification of workers' compensation insurance coverage described in Section
971 34A-2-205;

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

975 (i) unpublished lecture notes;

976 (ii) unpublished notes, data, and information:

977 (A) relating to research; and

978 (B) of:

979 (I) the institution within the state system of higher education defined in Section
980 53B-1-102; or

981 (II) a sponsor of sponsored research;

982 (iii) unpublished manuscripts;

983 (iv) creative works in process;

984 (v) scholarly correspondence; and

985 (vi) confidential information contained in research proposals;

986 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

987 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and
988 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
989 (41) (a) records in the custody or control of the Office of Legislative Auditor General
990 that would reveal the name of a particular legislator who requests a legislative audit prior to the
991 date that audit is completed and made public; and
992 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
993 Office of the Legislative Auditor General is a public document unless the legislator asks that
994 the records in the custody or control of the Office of Legislative Auditor General that would
995 reveal the name of a particular legislator who requests a legislative audit be maintained as
996 protected records until the audit is completed and made public;
997 (42) records that provide detail as to the location of an explosive, including a map or
998 other document that indicates the location of:
999 (a) a production facility; or
1000 (b) a magazine;
1001 (43) information:
1002 (a) contained in the statewide database of the Division of Aging and Adult Services
1003 created by Section [62A-3-311.1](#); or
1004 (b) received or maintained in relation to the Identity Theft Reporting Information
1005 System (IRIS) established under Section [67-5-22](#);
1006 (44) information contained in the Management Information System and Licensing
1007 Information System described in Title 62A, Chapter 4a, Child and Family Services;
1008 (45) information regarding National Guard operations or activities in support of the
1009 National Guard's federal mission;
1010 (46) records provided by any pawn or secondhand business to a law enforcement
1011 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
1012 Secondhand Merchandise Transaction Information Act;
1013 (47) information regarding food security, risk, and vulnerability assessments performed
1014 by the Department of Agriculture and Food;
1015 (48) except to the extent that the record is exempt from this chapter pursuant to Section
1016 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
1017 prepared or maintained by the Division of Emergency Management, and the disclosure of

1018 which would jeopardize:

1019 (a) the safety of the general public; or

1020 (b) the security of:

1021 (i) governmental property;

1022 (ii) governmental programs; or

1023 (iii) the property of a private person who provides the Division of Emergency

1024 Management information;

1025 (49) records of the Department of Agriculture and Food that provides for the

1026 identification, tracing, or control of livestock diseases, including any program established under

1027 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control

1028 of Animal Disease;

1029 (50) as provided in Section 26-39-501:

1030 (a) information or records held by the Department of Health related to a complaint

1031 regarding a child care program or residential child care which the department is unable to

1032 substantiate; and

1033 (b) information or records related to a complaint received by the Department of Health

1034 from an anonymous complainant regarding a child care program or residential child care;

1035 (51) unless otherwise classified as public under Section 63G-2-301 and except as

1036 provided under Section 41-1a-116, an individual's home address, home telephone number, or

1037 personal mobile phone number, if:

1038 (a) the individual is required to provide the information in order to comply with a law,

1039 ordinance, rule, or order of a government entity; and

1040 (b) the subject of the record has a reasonable expectation that this information will be

1041 kept confidential due to:

1042 (i) the nature of the law, ordinance, rule, or order; and

1043 (ii) the individual complying with the law, ordinance, rule, or order;

1044 (52) the name, home address, work addresses, and telephone numbers of an individual

1045 that is engaged in, or that provides goods or services for, medical or scientific research that is:

1046 (a) conducted within the state system of higher education, as defined in Section

1047 53B-1-102; and

1048 (b) conducted using animals;

1049 (53) in accordance with Section 78A-12-203, any record of the Judicial Performance
1050 Evaluation Commission concerning an individual commissioner's vote on whether or not to
1051 recommend that the voters retain a judge including information disclosed under Subsection
1052 78A-12-203(5)(e);

1053 (54) information collected and a report prepared by the Judicial Performance
1054 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
1055 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
1056 the information or report;

1057 (55) records contained in the Management Information System created in Section
1058 62A-4a-1003;

1059 (56) records provided or received by the Public Lands Policy Coordinating Office in
1060 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

1061 (57) information requested by and provided to the 911 Division under Section
1062 63H-7a-302;

1063 (58) in accordance with Section 73-10-33:

1064 (a) a management plan for a water conveyance facility in the possession of the Division
1065 of Water Resources or the Board of Water Resources; or

1066 (b) an outline of an emergency response plan in possession of the state or a county or
1067 municipality;

1068 (59) the following records in the custody or control of the Office of Inspector General
1069 of Medicaid Services, created in Section 63A-13-201:

1070 (a) records that would disclose information relating to allegations of personal
1071 misconduct, gross mismanagement, or illegal activity of a person if the information or
1072 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
1073 through other documents or evidence, and the records relating to the allegation are not relied
1074 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
1075 report or final audit report;

1076 (b) records and audit workpapers to the extent they would disclose the identity of a
1077 person who, during the course of an investigation or audit, communicated the existence of any
1078 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
1079 regulation adopted under the laws of this state, a political subdivision of the state, or any

1080 recognized entity of the United States, if the information was disclosed on the condition that
1081 the identity of the person be protected;

1082 (c) before the time that an investigation or audit is completed and the final
1083 investigation or final audit report is released, records or drafts circulated to a person who is not
1084 an employee or head of a governmental entity for the person's response or information;

1085 (d) records that would disclose an outline or part of any investigation, audit survey
1086 plan, or audit program; or

1087 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
1088 investigation or audit;

1089 (60) records that reveal methods used by the Office of Inspector General of Medicaid
1090 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
1091 abuse;

1092 (61) information provided to the Department of Health or the Division of Occupational
1093 and Professional Licensing under Subsection 58-68-304(3) or (4);

1094 (62) a record described in Section 63G-12-210;

1095 (63) captured plate data that is obtained through an automatic license plate reader
1096 system used by a governmental entity as authorized in Section 41-6a-2003;

1097 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
1098 victim, including:

1099 (a) a victim's application or request for benefits;

1100 (b) a victim's receipt or denial of benefits; and

1101 (c) any administrative notes or records made or created for the purpose of, or used to,
1102 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
1103 Reparations Fund;

1104 (65) an audio or video recording created by a body-worn camera, as that term is
1105 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
1106 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
1107 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
1108 that term is defined in Section 62A-2-101, except for recordings that:

1109 (a) depict the commission of an alleged crime;

1110 (b) record any encounter between a law enforcement officer and a person that results in

1111 death or bodily injury, or includes an instance when an officer fires a weapon;
1112 (c) record any encounter that is the subject of a complaint or a legal proceeding against
1113 a law enforcement officer or law enforcement agency;
1114 (d) contain an officer involved critical incident as defined in Subsection
1115 [76-2-408\(1\)\(d\)](#); or
1116 (e) have been requested for reclassification as a public record by a subject or
1117 authorized agent of a subject featured in the recording;
1118 (66) a record pertaining to the search process for a president of an institution of higher
1119 education described in Section [53B-2-102](#), except for application materials for a publicly
1120 announced finalist; and
1121 (67) an audio recording that is:
1122 (a) produced by an audio recording device that is used in conjunction with a device or
1123 piece of equipment designed or intended for resuscitating an individual or for treating an
1124 individual with a life-threatening condition;
1125 (b) produced during an emergency event when an individual employed to provide law
1126 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
1127 (i) is responding to an individual needing resuscitation or with a life-threatening
1128 condition; and
1129 (ii) uses a device or piece of equipment designed or intended for resuscitating an
1130 individual or for treating an individual with a life-threatening condition; and
1131 (c) intended and used for purposes of training emergency responders how to improve
1132 their response to an emergency situation;
1133 (68) records submitted by or prepared in relation to an applicant seeking a
1134 recommendation by the Research and General Counsel Subcommittee, the Budget
1135 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an
1136 employment position with the Legislature;
1137 (69) work papers as defined in Section [31A-2-204](#); [~~and~~]
1138 (70) a record made available to Adult Protective Services or a law enforcement agency
1139 under Section [61-1-206](#)[~~;~~]; and
1140 (71) a record created by a safety and support team, as defined in Section [53G-8-801](#),
1141 relating to the assessment of or intervention with a specific individual.

1142 Section 15. **Appropriation.**
 1143 The following sums of money are appropriated for the fiscal year beginning July 1,
 1144 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
 1145 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 1146 Act, the Legislature appropriates the following sums of money from the funds or accounts
 1147 indicated for the use and support of the government of the state of Utah.

1148 ITEM 1

1149 To State Board of Education - MSP Categorical Program Administration

1150 From Education Fund \$415,000

1151 Schedule of Programs:

1152 State Safety and Support

1153 Team Program \$415,000

1154 The Legislature intends that the State Board of Education use the appropriation
 1155 provided under this item to fund a data collection analyst and for maintenance for the school
 1156 safety information reporting tool described in the legislative intent language for Item 3.

1157 ITEM 2

1158 To State Board of Education - State Administrative Office

1159 From Education Fund \$150,000

1160 From Education Fund, One-time \$1,055,000

1161 Schedule of Programs:

1162 Student Advocacy Services \$1,205,000

1163 (1) The Legislature intends that the State Board of Education use the ongoing
 1164 appropriation provided under this item to fund the development of curricula and materials to
 1165 provide training to school staff related to student mental health.

1166 (2) The Legislature further intends that the State Board of Education use the one-time
 1167 appropriation provided under this item to fund a school safety information reporting tool.

1168 ITEM 3

1169 To Department of Public Safety - Program and Operations

1170 From General Fund \$150,000

1171 Schedule of Programs:

1172 Department Commissioner's Office \$150,000

1173 (1) The Legislature intends that the Department of Public Safety use the appropriation
1174 provided under this item to fund the public safety liaison described in Section [53-1-106](#).

1175 (2) The Legislature further intends that under Section [63J-1-603](#), appropriations
1176 provided under this item not lapse at the close of fiscal year 2020.

1177 ITEM 4

1178 To Department of Human Services - Division of Substance Abuse and Mental Health

1179 From General Fund \$150,000

1180 Schedule of Programs:

1181 Community Health Services \$150,000

1182 (1) The Legislature intends that the Department of Human Services use the
1183 appropriation provided under this item to fund the school-based mental health specialist
1184 described in Section [62A-15-103](#).

1185 (2) The Legislature further intends that under Section [63J-1-603](#), appropriations
1186 provided under this item not lapse at the close of fiscal year 2020.