

**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: Ann Millner

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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 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 Program;
- ▶ requires the Board to develop model policies and procedures for student safety and support;
- ▶ directs the Division of Substance Abuse and Mental Health to employ a school-based mental health specialist; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**



- 26 This bill appropriates in fiscal year 2020:
- 27     ▶ to the State Board of Education - MSP Categorical Program Administration - State
- 28 Safety and Support Program, as an ongoing appropriation:
- 29         • from the Education Fund, \$415,000;
- 30     ▶ to the State Board of Education - State Administrative Office - Student Advocacy
- 31 Services, as an ongoing appropriation:
- 32         • from the Education Fund, \$150,000;
- 33     ▶ to the State Board of Education - State Administrative Office - Student Advocacy
- 34 Services, as a one-time appropriation:
- 35         • from the Education Fund, One-time, \$1,055,000;
- 36     ▶ to the Department of Public Safety - Programs and Operations - Department
- 37 Commissioner's Office, as an ongoing appropriation:
- 38         • from the General Fund, \$150,000; and
- 39     ▶ to the Department of Human Services - Division of Substance Abuse and Mental
- 40 Health, as an ongoing appropriation:
- 41         • from the General Fund, \$150,000.

42 **Other Special Clauses:**

43 None

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **15A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 189
- 47 **53-1-106**, as last amended by Laws of Utah 2018, Chapters 200 and 417
- 48 **53E-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 49 **53E-9-305**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 50 amended by Laws of Utah 2018, Chapter 1
- 51 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 52 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

53 ENACTS:

- 54 **53G-8-801**, Utah Code Annotated 1953
- 55 **53G-8-802**, Utah Code Annotated 1953
- 56 **53G-8-803**, 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 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

88 the areas described in paragraph 1.1 that are within the township.

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

92 2.1. designate the closed area along readily identifiable features like major roadways,  
93 waterways, or geographic features;

94 2.2. ensure that the boundary of the designated closed area is as close as is practical to  
95 the defined hazardous area, provided that the closed area may include areas outside of the  
96 hazardous area to facilitate a readily identifiable line; and

97 2.3. identify the closed area through a written description or map that is readily  
98 available to the public.

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

102 3.1. makes a finding that the historical hazardous environmental condition has existed  
103 in the defined area before July 1 of at least two of the preceding five years;

104 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the  
105 defined area described; and

106 3.3. before May 1 of each year the defined area is closed, provides the map described  
107 in paragraph 3.2 to the county in which the defined area is located.

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

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

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

116 (e) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the  
117 following: "Exception: Where storage is not directly below the sprinkler heads, storage is  
118 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler

119 heads in occupancies meeting classification as light or ordinary hazard."

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

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

123 "403.10.2.1 College and university buildings and fraternity and sorority houses.

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

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

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

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

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

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

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

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

- 150 (C) The building is not classified a high-rise building.
- 151 (D) The building does not contain hazardous materials over the allowable quantities by
- 152 code."

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

154 **53-1-106. Department duties -- Powers.**

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

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

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

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

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

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

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

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

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

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

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

177 (i) ensure that any training or certification required of a public official or public  
178 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
179 22, State Training and Certification Requirements, if the training or certification is required:

180 (i) under this title;

181 (ii) by the department; or  
182 (iii) by an agency or division within the department[-]; and  
183 (j) employ a law enforcement officer as a public safety liaison to be housed at the State  
184 Board of Education who shall work with the State Board of Education to:

185 (i) support training with relevant state agencies for school resource officers as  
186 described in Section 53G-8-702;

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

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

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

194 (b) All fees not established in statute shall be established in accordance with Section  
195 63J-1-504.

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

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

199 **53E-3-502. State Board of Education assistance to districts and schools.**

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

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

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

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

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

210 (5) disseminate successful site-based decision-making models to districts and schools  
211 and provide teacher professional development opportunities and evaluation programs for

212 site-based plans consistent with Subsections [53E-2-302](#)(7) and [53E-6-103](#)(2)(a) and (b);

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

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

220 (8) help school districts develop and implement guidelines, strategies, and professional  
221 development programs for administrators and teachers consistent with Subsections  
222 [53E-2-302](#)(7) and [53E-6-103](#)(2)(a) and (b) focused on improving interaction with parents and  
223 promoting greater parental involvement in the public schools; ~~and~~

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

227 (10) develop and maintain a secure digital tool in accordance with Section [53G-8-803](#).

228 Section 4. Section [53E-9-305](#) is amended to read:

229 **53E-9-305. Collecting student data -- Prohibition -- Student data collection notice**  
230 **-- Written consent.**

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

232 (a) social security number; or

233 (b) except as required in ~~[Section]~~ Sections [53G-8-803](#) and [78A-6-112](#), criminal  
234 record.

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

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

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

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

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

242 Subsection (1);



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

245 (f) includes the following statement:

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

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

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

251 (i) for an education entity that teaches students in grade 9, 10, 11, or 12, requests  
252 written consent to share student data with the State Board of Regents as described in Section  
253 53E-9-308.

254 (3) The board may publicly post the board's collection notice described in Subsection  
255 (2).

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

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

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

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

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

263 (i) the optional student data to be collected; and

264 (ii) how the education entity will use the optional student data; and

265 (b) obtains written consent to collect the optional student data from an individual  
266 described in Subsection (4).

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

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

271 (i) the biometric identifier or biometric information to be collected;

272 (ii) the purpose of collecting the biometric identifier or biometric information; and

273 (iii) how the education entity will use and store the biometric identifier or biometric

274 information; and

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

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

280 Section 5. Section 53G-8-702 is amended to read:

281 **53G-8-702. School resource officer training -- Curriculum.**

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

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

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

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

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

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

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

297 (a) childhood and adolescent development;

298 (b) responding age-appropriately to students;

299 (c) working with disabled students;

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

301 (e) cultural awareness;

302 (f) restorative justice practices;

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

- 305 (h) student privacy rights;
- 306 (i) negative consequences associated with youth involvement in the juvenile and
- 307 criminal justice systems;
- 308 (j) strategies to reduce juvenile justice involvement; and
- 309 (k) roles of and distinctions between a school resource officer and other school staff
- 310 who help keep a school secure.

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

314 Section 6. Section **53G-8-801** is enacted to read:

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

316 **53G-8-801. Definitions.**

317 As used in this section:

- 318 (1) "Bullying" means the same as that term is defined in Section [53G-9-601](#).
- 319 (2) "Law enforcement officer" means the same as that term is defined in Section  
320 [53-13-103](#).

321 (3) "Program" means the State Safety and Support Program established in Section  
322 [53G-8-802](#).

323 (4) "Tool" means the secure digital tool described in Section [53G-8-803](#).

324 Section 7. Section **53G-8-802** is enacted to read:

325 **53G-8-802. State Safety and Support Program -- State board duties.**

- 326 (1) There is created the State Safety and Support Program.
- 327 (2) The state board shall:
  - 328 (a) develop in conjunction with the Division of Substance Abuse and Mental Health  
329 model student safety and support policies for an LEA, including:
    - 330 (i) evidence-based procedures for the assessment of and intervention with an individual  
331 whose behavior poses a threat to school safety;
    - 332 (ii) procedures for referrals to law enforcement; and
    - 333 (iii) procedures for referrals to a community services entity, a family support  
334 organization, or a health care provider for evaluation or treatment;
  - 335 (b) provide training;

- 336 (i) in school safety;  
337 (ii) in evidence-based approaches to improve school climate and address and correct  
338 bullying behavior;  
339 (iii) in evidence-based approaches in identifying an individual who may pose a threat  
340 to the school community;  
341 (iv) in evidence-based approaches in identifying an individual who may be showing  
342 signs or symptoms of mental illness;  
343 (v) on permitted disclosures of student data to law enforcement and other support  
344 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and  
345 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections  
346 [53E-9-203](#) and [53E-9-305](#);  
347 (c) conduct and disseminate evidence-based research on school safety concerns;  
348 (d) disseminate information on effective school safety initiatives;  
349 (e) encourage partnerships between public and private sectors to promote school safety;  
350 (f) provide technical assistance to an LEA in the development and implementation of  
351 school safety initiatives;  
352 (g) in conjunction with the Department of Public Safety, develop and make available to  
353 an LEA a model critical incident response training program that includes protocols for  
354 conducting a threat assessment, and ensuring building security during an incident;  
355 (h) provide space for the public safety liaison described in Section [53-1-106](#) and the  
356 school-based mental health specialist described in Section [62A-15-103](#);  
357 (i) create a model school climate survey that may be used by an LEA to assess  
358 stakeholder perception of a school environment and adopt rules:  
359 (i) requiring an LEA to:  
360 (A) create or adopt and disseminate a school climate survey; and  
361 (B) disseminate the school climate survey;  
362 (ii) recommending the distribution method, survey frequency, and sample size of the  
363 survey; and  
364 (iii) specifying the areas of content for the school climate survey; and  
365 (j) collect aggregate data and school climate survey results from each LEA.  
366 (3) Nothing in this section requires an individual to respond to a school climate survey.

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

368 **53G-8-803. Intervention and incidents technology tool.**

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

372 (a) Section [53E-3-301](#);

373 (b) Section [53E-3-516](#);

374 (c) Section [53G-8-205](#);

375 (d) Section [53G-8-210](#);

376 (e) Section [53G-8-211](#);

377 (f) Section [53G-9-605](#);

378 (g) all other applicable state law; and

379 (h) all applicable federal law.

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

382 Section 9. Section **62A-15-103** is amended to read:

383 **62A-15-103. Division -- Creation -- Responsibilities.**

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

387 (2) The division shall:

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

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

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

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

397 (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

398 Rulemaking Act, to develop, in collaboration with public and private programs, minimum  
399 standards for public and private providers of substance abuse and mental health programs  
400 licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;

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

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

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

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

408 (A) emergency department utilization;

409 (B) jail and prison populations;

410 (C) the homeless population; and

411 (D) the child welfare system; and

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

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

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

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

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

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

- 429 (ii) provide consultation and other assistance to public and private agencies and groups  
430 working on substance abuse and mental health issues;
- 431 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
432 medical and social agencies, public health authorities, law enforcement agencies, education and  
433 research organizations, and other related groups;
- 434 (iv) promote or conduct research on substance abuse and mental health issues, and  
435 submit to the governor and the Legislature recommendations for changes in policy and  
436 legislation;
- 437 (v) receive, distribute, and provide direction over public funds for substance abuse and  
438 mental health services;
- 439 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
440 local mental health authorities;
- 441 (vii) examine expenditures of local, state, and federal funds;
- 442 (viii) monitor the expenditure of public funds by:
- 443 (A) local substance abuse authorities;
- 444 (B) local mental health authorities; and
- 445 (C) in counties where they exist, a private contract provider that has an annual or  
446 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
447 programs or services for the local substance abuse authority or local mental health authority;
- 448 (ix) contract with local substance abuse authorities and local mental health authorities  
449 to provide a comprehensive continuum of services that include community-based services for  
450 individuals involved in the criminal justice system, in accordance with division policy, contract  
451 provisions, and the local plan;
- 452 (x) contract with private and public entities for special statewide or nonclinical  
453 services, or services for individuals involved in the criminal justice system, according to  
454 division rules;
- 455 (xi) review and approve each local substance abuse authority's plan and each local  
456 mental health authority's plan in order to ensure:
- 457 (A) a statewide comprehensive continuum of substance abuse services;
- 458 (B) a statewide comprehensive continuum of mental health services;
- 459 (C) services result in improved overall health and functioning;

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

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

465 (F) appropriate expenditure of public funds;

466 (xii) review and make recommendations regarding each local substance abuse  
467 authority's contract with the local substance abuse authority's provider of substance abuse  
468 programs and services and each local mental health authority's contract with the local mental  
469 health authority's provider of mental health programs and services to ensure compliance with  
470 state and federal law and policy;

471 (xiii) monitor and ensure compliance with division rules and contract requirements;  
472 and

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

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

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

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

485 (i) a review and determination regarding whether:

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

489 (B) each local substance abuse authority and each local mental health authority is  
490 exercising sufficient oversight and control over public funds allocated for substance use



491 disorder and mental health programs and services; and  
492 (ii) items determined by the division to be necessary and appropriate; and  
493 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,  
494 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;  
495 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer  
496 supports services to an individual with:  
497 (A) a substance use disorder;  
498 (B) a mental health disorder; or  
499 (C) a substance use disorder and a mental health disorder;  
500 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
501 adult as a peer support specialist;  
502 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
503 Rulemaking Act, that:  
504 (A) establish training and certification requirements for a peer support specialist;  
505 (B) specify the types of services a peer support specialist is qualified to provide;  
506 (C) specify the type of supervision under which a peer support specialist is required to  
507 operate; and  
508 (D) specify continuing education and other requirements for maintaining or renewing  
509 certification as a peer support specialist; and  
510 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
511 Rulemaking Act, that:  
512 (A) establish the requirements for a person to be certified to carry out, as needed, the  
513 division's duty to train and certify an adult as a peer support specialist; and  
514 (B) specify how the division shall provide oversight of a person certified to train and  
515 certify a peer support specialist;  
516 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative  
517 Rulemaking Act, minimum standards and requirements for the provision of substance use  
518 disorder and mental health treatment to an individual who is required to participate in treatment  
519 by the court or the Board of Pardons and Parole, or who is incarcerated, including:  
520 (i) collaboration with the Department of Corrections and the Utah Substance Use and  
521 Mental Health Advisory Council to develop and coordinate the standards, including standards

522 for county and state programs serving individuals convicted of class A and class B  
523 misdemeanors;

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

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

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

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

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

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

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

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

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

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

552 (l) (i) establish performance goals and outcome measurements for all treatment

553 programs for which minimum standards are established under Subsection (2)(i), including  
554 recidivism data and data regarding cost savings associated with recidivism reduction and the  
555 reduction in the number of inmates, that are obtained in collaboration with the Administrative  
556 Office of the Courts and the Department of Corrections; and

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

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

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

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

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

575 (4) Before reissuing or renewing a contract with any local substance abuse authority or  
576 local mental health authority, the division shall review and determine whether the local  
577 substance abuse authority or local mental health authority is complying with the oversight and  
578 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and  
579 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and  
580 liability described in Section 17-43-303 and to the responsibility and liability described in  
581 Section 17-43-203.

582 (5) In carrying out the division's duties and responsibilities, the division may not  
583 duplicate treatment or educational facilities that exist in other divisions or departments of the

584 state, but shall work in conjunction with those divisions and departments in rendering the  
585 treatment or educational services that those divisions and departments are competent and able  
586 to provide.

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

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

593 (a) use of public funds;

594 (b) oversight of public funds; and

595 (c) governance of substance use disorder and mental health programs and services.

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

598 (9) If a local substance abuse authority contacts the division under Subsection  
599 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant  
600 minor, the division shall:

601 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
602 capacity to provide the treatment services; or

603 (b) otherwise ensure that treatment services are made available to the pregnant woman  
604 or pregnant minor.

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

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

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

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

613 **Section 10. Appropriation.**

614 The following sums of money are appropriated for the fiscal year beginning July 1,

615 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
616 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
617 Act, the Legislature appropriates the following sums of money from the funds or accounts  
618 indicated for the use and support of the government of the state of Utah.

619 ITEM 1

620 To State Board of Education - MSP Categorical Program Administration  
621 From Education Fund \$415,000

622 Schedule of Programs:

623 State Safety and Support Program \$415,000

624 The Legislature intends that the State Board of Education use the appropriation  
625 provided under this item to fund a data collection analyst and for maintenance for the school  
626 safety information reporting tool described in the legislative intent language for Item 2.

627 ITEM 2

628 To State Board of Education - State Administrative Office  
629 From Education Fund \$150,000

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

631 Schedule of Programs:

632 Student Advocacy Services \$1,205,000

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

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

638 ITEM 3

639 To Department of Public Safety - Program and Operations  
640 From General Fund \$150,000

641 Schedule of Programs:

642 Department Commissioner's Office \$150,000

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

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

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

647 ITEM 4

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

649 From General Fund \$150,000

650 Schedule of Programs:

651 Community Health Services \$150,000

652 (1) The Legislature intends that the Department of Human Services use the  
653 appropriation provided under this item to fund the school-based mental health specialist

654 described in Section [62A-15-103](#).

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