

## HB0120S06 compared with HB0120S05

~~{deleted text}~~ shows text that was in HB0120S05 but was deleted in HB0120S06.

Inserted text shows text that was not in HB0120S05 but was inserted into HB0120S06.

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

~~{Representative Raymond P. Ward}~~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;~~establish policies and procedures for student

## HB0120S06 compared with HB0120S05

### resource officers;

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

### **Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2020:

- ▶ to the State Board of Education - MSP Categorical Program Administration - State Safety and Support Program, as an ongoing appropriation:
  - from the Education Fund, ~~(\$415)~~ \$480,000;
- ~~▶ to the State Board of Education - State Administrative Office - Student Advocacy Services, as an ongoing appropriation:
  - from the Education Fund, \$150,000;~~
- ~~▶ to the State Board of Education - State Administrative Office - Student Advocacy Services, as a one-time appropriation:
  - from the Education Fund, One-time, \$1,055,000;~~
- ‡ ▶ to the Department of Public Safety - Programs and Operations - Department Commissioner's Office, as an ongoing appropriation:
  - from the General Fund, \$150,000; and
- ▶ to the Department of Human Services - Division of Substance Abuse and Mental Health, as an ongoing appropriation:
  - from the General Fund, \$150,000.

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

AMENDS:

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

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

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

## HB0120S06 compared with HB0120S05

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

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

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

ENACTS:

53G-8-801, Utah Code Annotated 1953

53G-8-802, Utah Code Annotated 1953

{ ~~53G-8-803, Utah Code Annotated 1953~~

---

*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.

## **HB0120S06 compared with HB0120S05**

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

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

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

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

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

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

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

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

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

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

## HB0120S06 compared with HB0120S05

paragraph 3."

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

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

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

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

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

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

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

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

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

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

(ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the monthly required emergency evacuation drill can be substituted by a security or safety drill to

## HB0120S06 compared with HB0120S05

include shelter in place, earthquake drill, or lock down for violence. The routine emergency evacuation drill [~~for fire~~] must be conducted at least every other evacuation drill."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) engage in emergency planning activities, including preparation of policy and

## HB0120S06 compared with HB0120S05

procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 53-2a-702;

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

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

(i) under this title;

(ii) by the department; or

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

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

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

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

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

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

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

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

Section 3. Section ~~{53E-3-502}~~ 53G-8-702 is amended to read:

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

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

~~— (1) provide the framework for an education system, including core competency standards and their assessment, in which school districts and public schools permit students to~~

## HB0120S06 compared with HB0120S05

advance by demonstrating competency in subject matter and mastery of skills;

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

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

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

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

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

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

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

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

~~—— (10) develop and maintain a secure digital tool in accordance with Section 53G-8-803.~~

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

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

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

~~—— (a) social security number; or~~

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

## HB0120S06 compared with HB0120S05

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

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

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

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

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

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

~~—— (f) includes the following statement:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (b) obtains written consent to collect the optional student data from an individual~~

## HB0120S06 compared with HB0120S05

~~described in Subsection (4):~~

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

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

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

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

~~—— (iii) how the education entity will use and store the biometric identifier or biometric information; and~~

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

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

~~—— Section 5. Section **53G-8-702** is amended to read:~~

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

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

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

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

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

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

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

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

## HB0120S06 compared with HB0120S05

- (a) childhood and adolescent development;
- (b) responding age-appropriately to students;
- (c) working with disabled students;
- (d) techniques to de-escalate and resolve conflict;
- (e) cultural awareness;
- (f) restorative justice practices;
- (g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;
- (h) student privacy rights;
- (i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;
- (j) strategies to reduce juvenile justice involvement; and
- (k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure.

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

Section ~~{6}~~4. Section **53G-8-801** is enacted to read:

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

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

As used in this section:

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

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

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

~~{~~ (4) "Tool" means the secure digital tool described in Section 53G-8-803.

~~}~~ Section ~~{7}~~5. Section **53G-8-802** is enacted to read:

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

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

(2) The state board shall:

## **HB0120S06 compared with HB0120S05**

(a) develop in conjunction with the Division of Substance Abuse and Mental Health model student safety and support policies for an LEA, including:

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

(ii) procedures for referrals to law enforcement; and

(iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;

(b) provide training:

(i) in school safety;

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

(iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;

(iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;

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

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

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

(d) disseminate information on effective school safety initiatives;

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

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

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

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

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

## HB0120S06 compared with HB0120S05

- (i) requiring an LEA to:
  - (A) create or adopt and disseminate a school climate survey; and
  - (B) disseminate the school climate survey;
- (ii) recommending the distribution method, survey frequency, and sample size of the survey; and
- (iii) specifying the areas of content for the school climate survey; and
- (j) collect aggregate data and school climate survey results from each LEA.
- (3) Nothing in this section requires an individual to respond to a school climate survey.

Section ~~{8}~~6. Section ~~{53G-8-8}~~62A-15-103 is ~~{enacted}~~amended to read:

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

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

- ~~\_\_\_\_\_~~ (a) Section 53E-3-301;
- ~~\_\_\_\_\_~~ (b) Section 53E-3-516;
- ~~\_\_\_\_\_~~ (c) Section 53G-8-205;
- ~~\_\_\_\_\_~~ (d) Section 53G-8-210;
- ~~\_\_\_\_\_~~ (e) Section 53G-8-211;
- ~~\_\_\_\_\_~~ (f) Section 53G-9-605;
- ~~\_\_\_\_\_~~ (g) all other applicable state law; and
- ~~\_\_\_\_\_~~ (h) all applicable federal law.

~~\_\_\_\_\_~~ (2) The tool shall provide appropriate resources and protocols for responding to student safety incidents.

~~\_\_\_\_\_~~ Section 9. Section 62A-15-103 is amended to read:

~~†~~ **62A-15-103. Division -- Creation -- Responsibilities.**

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

(2) The division shall:

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

## **HB0120S06 compared with HB0120S05**

- (ii) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance abuse;
- (iii) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;
- (iv) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance abuse disorder, by identifying and disseminating information about effective practices and programs;
- (v) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public and private programs, minimum standards for public and private providers of substance abuse and mental health programs licensed by the department under Title 62A, Chapter 2, Licensure of Programs and Facilities;
- (vi) promote integrated programs that address an individual's substance abuse, mental health, physical health, and criminal risk factors;
- (vii) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with substance use disorder and mental illness that addresses criminal risk factors;
- (viii) evaluate the effectiveness of programs described in this Subsection (2);
- (ix) consider the impact of the programs described in this Subsection (2) on:
  - (A) emergency department utilization;
  - (B) jail and prison populations;
  - (C) the homeless population; and
  - (D) the child welfare system; and
- (x) promote or establish programs for education and certification of instructors to educate persons convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;
  - (b) (i) collect and disseminate information pertaining to mental health;
  - (ii) provide direction over the state hospital including approval of its budget, administrative policy, and coordination of services with local service plans;
  - (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family

## HB0120S06 compared with HB0120S05

member; and

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

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

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

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

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

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

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

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

(viii) monitor the expenditure of public funds by:

(A) local substance abuse authorities;

(B) local mental health authorities; and

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

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

## HB0120S06 compared with HB0120S05

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

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

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

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

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

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

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

(F) appropriate expenditure of public funds;

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

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

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

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

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

(f) conduct an annual program audit and review of each local substance abuse authority

## HB0120S06 compared with HB0120S05

and each local substance abuse authority's contract provider, and each local mental health authority and each local mental health authority's contract provider, including:

(i) a review and determination regarding whether:

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

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

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

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

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

(A) a substance use disorder;

(B) a mental health disorder; or

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

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

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

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

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

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

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

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

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

## **HB0120S06 compared with HB0120S05**

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

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

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

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

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

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

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

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

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

## HB0120S06 compared with HB0120S05

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

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

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

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

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

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

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

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

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

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

(4) Before reissuing or renewing a contract with any local substance abuse authority or

## HB0120S06 compared with HB0120S05

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

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

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

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

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

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

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

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

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

## HB0120S06 compared with HB0120S05

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

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

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

### Section ~~{10}~~7. **Appropriation.**

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

#### ITEM 1

To State Board of Education - MSP Categorical Program Administration

From Education Fund ~~{\$415}~~ \$480,000

Schedule of Programs:

State Safety and Support Program ~~{\$415}~~ \$480,000

(1) The Legislature intends that the State Board of Education use ~~{ the appropriation provided}~~:

(a) \$150,000 of the ongoing appropriation under this item to fund school safety technical assistance for local education agencies, including training, materials, and curriculum;

(b) \$150,000 of the ongoing appropriation under this item to fund the development of a student support team pilot program for participating local education agencies, including support team structures, climate surveys as described in Section 53G-8-802, and policies; and

(c) \$180,000 of the ongoing appropriation under this item to fund a data collection analyst ~~{and for maintenance for the school safety information reporting tool described in the legislative intent language for Item 2}~~ for school safety data.

(2) No later than November 1, 2019, the State Board of Education shall submit a report to the Education Interim Committee on the development of the student support team pilot program described in Subsection (1)(b).

#### ITEM 2

## HB0120S06 compared with HB0120S05

To ~~{State Board}~~ Department of ~~{Education - State Administrative Office}~~ Public Safety - Program and Operations

From <del>{Education}</del> <u>General</u> Fund	<u>\$150,000</u>
<del>{</del> From Education Fund, One-time	<del>\$1,055,000</del>
<del>}</del> Schedule of Programs:	
<del>{Student Advocacy Services}</del> <u>Department Commissioner's Office</u>	
<del>{\$1,205}</del> <u>\$150,000</u>	

(1) The Legislature intends that the ~~{State Board}~~ Department of ~~{Education}~~ Public Safety use the ~~{ongoing}~~ appropriation provided under this item to fund the ~~{development of curricula and materials to provide training to school staff related to student mental health}~~ public safety liaison described in Section 53-1-106.

(2) The Legislature further intends that ~~{the State Board of Education use the one-time appropriation}~~ under Section 63J-1-603, appropriations provided under this item ~~{to fund a school safety information reporting tool.~~

### ITEM 3

~~\_\_\_\_\_~~ To Department of Public Safety - Program and Operations

From General Fund	<u>\$150,000</u>
<del>_____</del> Schedule of Programs:	
<del>_____</del> Department Commissioner's Office	<del>_____</del> <u>\$150,000</u>

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

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

### ITEM 4

~~{not lapse at the close of fiscal year 2020.~~

### ITEM 3

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

From General Fund	<u>\$150,000</u>
Schedule of Programs:	
Community Health Services	<u>\$150,000</u>

(1) The Legislature intends that the Department of Human Services use the

## **HB0120S06 compared with HB0120S05**

appropriation provided under this item to fund the school-based mental health specialist described in Section 62A-15-103.

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