

Representative Ryan D. Wilcox proposes the following substitute bill:

SCHOOL SAFETY REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill addresses school safety and security issues.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a state security chief position within the Department of Public Safety;
- ▶ requires each county sheriff to identify an individual within the sheriff's office to coordinate between the county sheriff's office, the state security chief, and certain police chiefs within the county;
- ▶ creates the School Security Task Force;
- ▶ requires the task force to develop the qualifications, duties, and scope of authority of the state security chief;
- ▶ requires the State Board of Education (board) to provide a report on certain law enforcement and disciplinary actions on school grounds to the State Commission on Criminal and Juvenile Justice (commission);
- ▶ requires the board to issue a request for proposals for firearm detection software and allows an LEA to enter into a contract to use the software;
- ▶ provides for the board to administer a grant program for certain school safety and



- 26 security services and materials;
- 27 ▶ requires every public primary and secondary school to conduct a threat assessment;
- 28 ▶ modifies certain contracts concerning school resource officers, including the
- 29 handling of certain student offenses;
- 30 ▶ creates requirements for policies concerning school resource officers;
- 31 ▶ adds components to the board's model critical response training program;
- 32 ▶ amends requirements for and renames the criminal justice database;
- 33 ▶ modifies the duties of the commission in regards to juvenile justice;
- 34 ▶ enacts data collection and reporting requirements for the commission and the
- 35 Administrative Office of the Courts in regards to offenses committed, or allegedly
- 36 committed, by minors; and
- 37 ▶ makes technical and conforming amendments.

38 Money Appropriated in this Bill:

- 39 This bill appropriates in fiscal year 2024:
- 40 ▶ to State Board of Education - Contracted Initiatives and Grants, as a one-time
 - 41 appropriation:
 - 42 • from the Income Tax Fund, One-time, \$25,000,000.

43 Other Special Clauses:

44 None

45 Utah Code Sections Affected:

46 AMENDS:

- 47 **53E-3-516**, as last amended by Laws of Utah 2022, Chapter 399
- 48 **53G-8-701**, as last amended by Laws of Utah 2019, Chapter 293
- 49 **53G-8-702**, as last amended by Laws of Utah 2021, Chapter 279
- 50 **53G-8-703**, as last amended by Laws of Utah 2019, Chapter 293
- 51 **53G-8-802**, as last amended by Laws of Utah 2022, Chapter 399
- 52 **63A-16-1001**, as enacted by Laws of Utah 2022, Chapter 390
- 53 **63A-16-1002**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
- 54 Coordination Clause, Laws of Utah 2022, Chapter 390
- 55 **63I-2-253**, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,
- 56 and 409

57 [63M-7-208](#), as last amended by Laws of Utah 2021, Chapter 262
58 [63M-7-218](#), as enacted by Laws of Utah 2022, Chapter 390 and last amended by
59 Coordination Clause, Laws of Utah 2022, Chapter 390

60 ENACTS:

- 61 [53-22-101](#), Utah Code Annotated 1953
- 62 [53-22-102](#), Utah Code Annotated 1953
- 63 [53-22-103](#), Utah Code Annotated 1953
- 64 [53-22-104](#), Utah Code Annotated 1953
- 65 [53F-4-208](#), Utah Code Annotated 1953
- 66 [53F-5-220](#), Utah Code Annotated 1953
- 67 [53G-8-701.5](#), Utah Code Annotated 1953
- 68 [53G-8-703.2](#), Utah Code Annotated 1953
- 69 [80-6-104](#), Utah Code Annotated 1953

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

72 Section 1. Section **53-22-101** is enacted to read:

73 **CHAPTER 22. SCHOOL SECURITY ACT**

74 **53-22-101. School Security Act -- Definitions.**

75 As used in this chapter:

76 (1) "Public school" means the same as that term is defined in Section [53G-9-205.1](#).

77 (2) "School resource officer" or "SRO" means a law enforcement officer hired by a
78 public school in accordance with Section [53G-8-703](#).

79 (3) "State security chief" means an individual appointed by the commissioner under
80 Section [53-22-102](#).

81 Section 2. Section **53-22-102** is enacted to read:

82 **53-22-102. State security chief -- Creation -- Appointment.**

83 (1) There is created within the department a state security chief.

84 (2) The state security chief:

85 (a) is appointed by the commissioner with the approval of the governor;

86 (b) is subject to the supervision and control of the commissioner;

87 (c) may be removed at the will of the commissioner;

88 (d) shall be qualified by experience and education to:
 89 (i) enforce the laws of this state relating to school safety;
 90 (ii) perform duties prescribed by the commissioner; and
 91 (iii) enforce rules made under this chapter.
 92 (3) The duties and responsibilities of the state security chief shall be determined by the
 93 Commissioner of Public Safety in conjunction with the School Security Task Force created in
 94 Section [53-22-104](#).

95 Section 3. Section **53-22-103** is enacted to read:

96 **53-22-103. County sheriff responsibilities -- Coordination.**

97 Each county sheriff shall identify an individual within the sheriff's office to coordinate
 98 security responsibilities between the state security chief, the county sheriff's office, and the
 99 corresponding police chiefs whose jurisdiction includes a public school within the county.

100 Section 4. Section **53-22-104** is enacted to read:

101 **53-22-104. School Security Task Force -- Membership -- Duties -- Per diem --**
 102 **Report -- Expiration.**

103 (1) There is created a School Security Task Force composed of the following ~~H~~→ [17] 18

103a ←H

104 members:

105 (a) the House chair of the Law Enforcement and Criminal Justice Interim Committee,
 106 who shall serve as chair;

107 (b) the House chair of the Criminal Code Evaluation Task Force;

108 (c) a member of the Senate, appointed by the president of the Senate;

109 (d) the state superintendent of the State Board of Education or the state
 110 superintendent's designee;

111 (e) the school safety specialist to the State Board of Education;

112 (f) the public safety liaison described in Section [53-1-106](#);

113 (g) the commissioner of the Department of Public Safety or the commissioner's
 114 designee;

115 (h) the director of the Utah Division of Juvenile Justice Youth Services or the director's
 116 designee;

117 (i) a member of the Utah School Superintendents Association, selected by the president
 118 of the association;

119 (j) two members of the Chiefs of Police Association, one from a city of the first or
 120 second class and one from a city of the third, fourth, fifth, or sixth class, selected by the
 121 president of the association;

122 (k) two members of the Sheriffs Association, one from a county of the first, second, or
 123 third class and one from a county of the fourth, fifth, or sixth class, selected by the president of
 124 the association;

125 (l) a representative from the Utah Association of Public Charter Schools selected by
 126 the president of the association;

127 (m) a representative from a school district, selected by the chair;

128 (n) an expert in school security, selected by the chair; H→ [and] ←H

129 (o) a member of a local law enforcement agency recommended by the commissioner of
 130 the Department of Public Safety H→ [;] ; and

130a **(p) a member of the SafeUT and School Safety Commission, selected by the chair. ←H**

131 (2) The task force shall:

132 (a) determine the specific qualifications, duties, and responsibilities of the state
 133 security chief created in Section 53-22-102;

134 (b) create statewide standardized training requirements and hiring policies for school
 135 resource officers;

136 (c) review and revise, if necessary, the model critical incident response training
 137 program developed under Section 53G-8-802;

138 (d) develop training standards for active threats and emergency response in schools;

139 (e) recommend standards for the use of school security specialists;

140 (f) recommend safety and security protocols for the design, construction, and
 141 reconstruction of new and existing schools;

142 (g) develop legislation to accomplish Subsections (a) through (e) for introduction in the
 143 2024 General Session; and

144 (h) prepare a report and present any legislation developed to the Law Enforcement and
 145 Criminal Justice Interim Committee by November 30, 2023.

146 (3) (a) A majority of the members of the task force constitutes a quorum.

147 (b) The action of a majority of a quorum constitutes an action of the task force.

148 (4) The Office of Legislative Research and General Counsel shall provide staff for the
 149 task force.

150 (5) (a) Salaries and expenses of the members of the task force who are legislators shall
151 be paid in accordance with:

152 (i) Section [36-2-2](#);

153 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation
154 Expenses; and

155 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

156 (b) A member of the task force who is not a legislator may not receive compensation

157 for the member's work associated with the task force but may receive per diem and
158 reimbursement for travel expenses incurred as a member of the task force at the rates
159 established by the Division of Finance under:

160 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

161 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
162 [63A-3-107](#).

163 (6) This task force expires December 31, 2023.

164 Section 5. Section **53E-3-516** is amended to read:

165 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
166 **authority.**

167 (1) As used in this section:

168 (a) "Disciplinary action" means an action by a public school meant to formally
169 discipline a student of that public school that includes a suspension or expulsion.

170 (b) "Law enforcement agency" means the same as that term is defined in Section
171 [77-7a-103](#).

172 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

173 (d) "Other law enforcement activity" means a significant law enforcement interaction
174 with a minor that does not result in an arrest, including:

175 (i) a search and seizure by an SRO;

176 (ii) issuance of a criminal citation;

177 (iii) issuance of a ticket or summons;

178 (iv) filing a delinquency petition; or

179 (v) referral to a probation officer.

180 (e) "School is in session" means the hours of a day during which a public school

181 conducts instruction for which student attendance is counted toward calculating average daily
182 membership.

183 (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
184 clinic, or other event or activity that is authorized by a specific public school, according to LEA
185 governing board policy, and satisfies at least one of the following conditions:

186 (A) the activity is managed or supervised by a school district, public school, or public
187 school employee;

188 (B) the activity uses the school district or public school facilities, equipment, or other
189 school resources; or

190 (C) the activity is supported or subsidized, more than inconsequentially, by public
191 funds, including the public school's activity funds or Minimum School Program dollars.

192 (ii) "School-sponsored activity" includes preparation for and involvement in a public
193 performance, contest, athletic competition, demonstration, display, or club activity.

194 (g) "Student resource officer" or "SRO" means the same as that term is defined in
195 Section [53G-8-701](#).

196 (2) Beginning on July 1, 2023, the state board shall develop an annual report regarding
197 the following incidents that occur on school grounds while school is in session or during a
198 school-sponsored activity:

199 (a) arrests of a minor;

200 (b) other law enforcement activities; and

201 (c) disciplinary actions.

202 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
203 the state board and LEAs to provide and validate data and information necessary to complete
204 the report described in Subsection (2), as requested by an LEA or the state board.

205 (4) The report described in Subsection (2) shall include the following information
206 listed separately for each LEA:

207 (a) the number of arrests of a minor, including the reason why the minor was arrested;

208 (b) the number of other law enforcement activities, including the following information
209 for each incident:

210 (i) the reason for the other law enforcement activity; and

211 (ii) the type of other law enforcement activity used;

212 (c) the number of disciplinary actions imposed, including:
213 (i) the reason for the disciplinary action; and
214 (ii) the type of disciplinary action;
215 (d) the number of SROs employed; and
216 (e) if applicable, the demographics of an individual who is subject to, as the following
217 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation.

218 (5) The report described in Subsection (2) shall include the following information, in
219 aggregate, for each element described in Subsections (4)(a) through (c):

- 220 (a) age;
- 221 (b) grade level;
- 222 (c) race;
- 223 (d) sex; and
- 224 (e) disability status.

225 (6) Information included in the annual report described in Subsection (2) shall comply
226 with:

- 227 (a) Chapter 9, Part 3, Student Data Protection;
- 228 (b) Chapter 9, Part 2, Student Privacy; and
- 229 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

230 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
231 state board shall make rules to compile the report described in Subsection (2).

232 (8) The state board shall provide the report described in Subsection (2):

233 (a) in accordance with Section 53E-1-203 for incidents that occurred during the
234 previous school year[-]; and

235 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each
236 year for incidents that occurred during the previous school year.

237 Section 6. Section 53F-4-208 is enacted to read:

238 **53F-4-208. State board procurement for school security software.**

239 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
240 shall issue a request for proposals, on or before June 15, 2023, and enter a contract with a
241 private vendor for firearm detection software to detect and alert district personnel and first
242 responders about the presence of visible, unholstered firearms on school property.

243 (2) The contract described in Subsection (1) shall require the firearm detection
244 software to be:

245 (a) developed in the United States without the use of any third-party or open-source
246 data;

247 (b) protected by an awarded patent that includes a training database populated with
248 frames of actual videos of firearms taken in relevant environments across diverse industries;

249 (c) designated as qualified anti-terrorism technology under the federal SAFETY Act, 6
250 U.S.C. Sec. 441 et seq.;

251 (d) designed to integrate with existing security camera infrastructure at school districts;

252 (e) managed directly by the contracted vendor through a constantly monitored
253 operations center that is staffed by highly trained analysts in order to rapidly communicate
254 possible threats to end users; and

255 (f) successfully deployed in other states, school districts, and commercial users.

256 (3) An LEA may enter into the contract described in Subsection (1) for firearm
257 detection software at the LEA's schools.

258 Section 7. Section **53F-5-220** is enacted to read:

259 **53F-5-220. School Safety and Support Grant Program -- Rulemaking.**

260 (1) The state board may award a grant to an LEA in response to an LEA request for
261 proposal to provide a school with:

262 (a) school resource officer services;

263 (b) school safety specialists and school safety specialist training;

264 (c) safety and security training by law enforcement agencies for school employees;

265 (d) first-aid kits for classrooms; or

266 (e) bleeding control kits.

267 (2) An LEA may not apply for a grant under this section to fund services already in
268 place, but an LEA may submit a request for proposal to fund an expansion of existing services.

269 (3) The state board shall prioritize grant funding for LEAs with low student counts that
270 have designated a school safety specialist in each school.

271 (4) The state board may adopt rules in accordance with Title 63G, Chapter 3, Utah
272 Administrative Rulemaking Act, to administer this section.

273 Section 8. Section **53G-8-701** is amended to read:

274 **53G-8-701. Definitions.**

275 As used in this part:

276 (1) "Law enforcement agency" means the same as that term is defined in Section
277 [53-1-102](#).

278 (2) "Public school" means the same as that term is defined in Section [53G-9-205.1](#).

279 ~~[(2)]~~ (3) "School resource officer" or "SRO" means a law enforcement officer, as
280 defined in Section [53-13-103](#), who contracts with or whose law enforcement agency contracts
281 with an LEA to provide law enforcement services for the LEA.

282 (4) "School safety specialist" means a school employee who is responsible for
283 supporting school safety initiatives including the threat assessment described in Subsection
284 [53G-8-802\(2\)\(g\)\(i\)](#).

285 Section 9. Section **53G-8-701.5** is enacted to read:

286 **53G-8-701.5. Threat assessment and school safety specialist.**

287 Every public primary and secondary school:

288 (1) shall conduct a threat assessment as described in Subsection [53G-8-802\(2\)\(g\)\(i\)](#);

289 and

290 (2) may designate a school safety specialist.

291 Section 10. Section **53G-8-702** is amended to read:

292 **53G-8-702. School resource officer training -- Curriculum.**

293 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
294 state board shall make rules that prepare and make available a training program for school
295 principals, school personnel, and school resource officers to attend.

296 (2) To create the curriculum and materials for the training program described in
297 Subsection (1), the state board shall:

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

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

302 (c) consult with a nationally recognized organization that provides resources and
303 training for school resource officers;

304 ~~[(c)]~~ (d) solicit input from local law enforcement and other interested community

305 stakeholders; and

306 ~~[(d)]~~ (e) consider the current United States Department of Education recommendations
307 on school discipline and the role of a school resource officer.

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

310 (a) childhood and adolescent development;

311 (b) responding age-appropriately to students;

312 (c) working with disabled students;

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

314 (e) cultural awareness;

315 (f) restorative justice practices;

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

318 (h) student privacy rights;

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

321 (j) strategies to reduce juvenile justice involvement;

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

324 (l) developing and supporting successful relationships with students; and

325 (m) legal parameters of searching and questioning students on school property.

326 (4) The state board shall work together with the Department of Public Safety, the State
327 Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish
328 policies, ~~[and]~~ procedures, ~~[that govern]~~ and training requirements for school resource officers.

329 Section 11. Section **53G-8-703** is amended to read:

330 **53G-8-703. Contracts between an LEA and law enforcement for school resource**
331 **officer services -- Requirements.**

332 (1) An LEA may contract with a local law enforcement agency ~~[or an individual]~~ to
333 provide school resource officer services at the LEA ~~[if the LEA governing board reviews and~~
334 ~~approves the contract]~~.

335 (2) ~~[If an LEA contracts]~~ An LEA contract with a law enforcement agency ~~[or an~~

336 individual] to provide SRO services at the LEA[~~the LEA governing board~~] shall require in the
337 contract:

338 (a) an acknowledgment by the law enforcement agency [~~or the individual~~] that an SRO
339 hired under the contract shall:

340 (i) provide for and maintain a safe, healthy, and productive learning environment in a
341 school;

342 (ii) act as a positive role model to students;

343 (iii) work to create a cooperative, proactive, and problem-solving partnership between
344 law enforcement and the LEA;

345 (iv) emphasize the use of restorative approaches to address negative behavior; and

346 (v) at the request of the LEA, teach a vocational law enforcement class;

347 (b) a description of the shared understanding of the LEA and the law enforcement
348 agency [~~or individual~~] regarding the roles and responsibilities of law enforcement and the LEA
349 to:

350 (i) maintain safe schools;

351 (ii) improve school climate; and

352 (iii) support educational opportunities for students;

353 (c) a designation of student offenses that, in accordance with Section 53G-8-211, the
354 SRO:

355 (i) may refer to the juvenile court;

356 (ii) [~~the SRO~~] shall confer with the LEA to resolve[~~, including an offense that:~~]; and
357 [~~(i) is a minor violation of the law; and~~]

358 [~~(ii) would not violate the law if the offense was committed by an adult;~~]

359 [~~(d)~~] (iii) [~~a designation of student offenses that are administrative issues that an SRO~~]
360 shall refer to a school administrator for resolution [~~in accordance with Section 53G-8-211~~] as
361 an administrative issue with the understanding that the SRO will be informed of the outcome of
362 the administrative issue;

363 [~~(e)~~] (d) a detailed description of the rights of a student under state and federal law
364 with regard to:

365 (i) searches;

366 (ii) questioning;

- 367 (iii) arrests; and
- 368 ~~[(iii)]~~ (iv) information privacy;
- 369 ~~[(f)]~~ (e) a detailed description of:
- 370 (i) job assignment and duties[;], including:
- 371 (A) the school to which the SRO will be assigned;
- 372 (B) the hours the SRO is expected to be present at the school;
- 373 (C) the point of contact at the school;
- 374 (D) specific responsibilities for providing and receiving information; and
- 375 (E) types of records to be kept, and by whom;
- 376 (ii) training requirements; and
- 377 (iii) other expectations of the SRO and school administration in relation to law
- 378 enforcement at the LEA;

379 ~~[(g)]~~ (f) that an SRO who is hired under the contract and the principal at the school
 380 where an SRO will be working, or the principal's designee, will jointly complete the SRO
 381 training described in Section 53G-8-702; ~~[and]~~

382 ~~[(h) if the contract is between an LEA and a law enforcement agency, that:]~~

- 383 ~~[(i)]~~ (g) that both parties agree to jointly discuss SRO applicants; and
- 384 ~~[(i)]~~ (h) that the law enforcement agency will, at least annually, seek out and accept
 385 feedback from an LEA about an SRO's performance.

386 Section 12. Section **53G-8-703.2** is enacted to read:

387 **53G-8-703.2. LEA establishment of SRO policy -- Public comment.**

- 388 (1) An LEA shall establish an SRO policy.
- 389 (2) The SRO policy described in Subsection (1) shall include:
- 390 (a) the contract described in Section 53G-8-703; and
- 391 (b) all other procedures and requirements governing the relationship between the LEA
 392 and an SRO.

393 (3) Before implementing the SRO policy described in Subsection (1), the LEA shall
 394 present the SRO policy at a public meeting and receive public comment on the SRO policy.

395 Section 13. Section **53G-8-802** is amended to read:

396 **53G-8-802. State Safety and Support Program -- State board duties -- LEA**
 397 **duties.**

- 398 (1) There is created the State Safety and Support Program.
- 399 (2) The state board shall:
- 400 (a) develop in conjunction with the Division of Substance Abuse and Mental Health
- 401 model student safety and support policies for an LEA, including:
- 402 (i) evidence-based procedures for the assessment of and intervention with an individual
- 403 whose behavior poses a threat to school safety;
- 404 (ii) procedures for referrals to law enforcement; and
- 405 (iii) procedures for referrals to a community services entity, a family support
- 406 organization, or a health care provider for evaluation or treatment;
- 407 (b) provide training:
- 408 (i) in school safety;
- 409 (ii) in evidence-based approaches to improve school climate and address and correct
- 410 bullying behavior;
- 411 (iii) in evidence-based approaches in identifying an individual who may pose a threat
- 412 to the school community;
- 413 (iv) in evidence-based approaches in identifying an individual who may be showing
- 414 signs or symptoms of mental illness;
- 415 (v) on permitted disclosures of student data to law enforcement and other support
- 416 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
- 417 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections
- 418 [53E-9-203](#) and [53E-9-305](#); and
- 419 (vii) for administrators on rights and prohibited acts under:
- 420 (A) Chapter 9, Part 6, Bullying and Hazing;
- 421 (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
- 422 (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- 423 (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- 424 (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- 425 (c) conduct and disseminate evidence-based research on school safety concerns;
- 426 (d) disseminate information on effective school safety initiatives;
- 427 (e) encourage partnerships between public and private sectors to promote school safety;
- 428 (f) provide technical assistance to an LEA in the development and implementation of

429 school safety initiatives;

430 (g) in conjunction with the Department of Public Safety, develop and make available to
431 an LEA a model critical incident response training program that includes;

432 (i) protocols for conducting a threat assessment, and ensuring building security during
433 an incident, as required in Section [53G-8-701.5](#);

434 (ii) standardized response protocol terminology for use throughout the state;

435 (iii) protocols for planning and safety drills; and

436 (iv) recommendations for safety equipment for schools including amounts and types of
437 first aid supplies;

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

440 (i) create a model school climate survey that may be used by an LEA to assess
441 stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3,
442 Utah Administrative Rulemaking Act, adopt rules:

443 (i) requiring an LEA to:

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

445 (B) disseminate the school climate survey;

446 (ii) recommending the distribution method, survey frequency, and sample size of the
447 survey; and

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

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

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

451 (4) The state board shall require an LEA to:

452 (a) (i) review data from the state board-facilitated surveys containing school climate
453 data for each school within the LEA; and

454 (ii) based on the review described in Subsection (4)(a)(i):

455 (A) revise practices, policies, and training to eliminate harassment and discrimination
456 in each school within the LEA;

457 (B) adopt a plan for harassment- and discrimination-free learning; and

458 (C) host outreach events or assemblies to inform students and parents of the plan
459 adopted under Subsection (4)(a)(ii)(B);

460 (b) no later than September 1 of each school year, send a notice to each student, parent,
461 and LEA staff member stating the LEA's commitment to maintaining a school climate that is
462 free of harassment and discrimination; and

463 (c) report to the state board:

464 (i) no later than August 1, 2023, on the LEA's plan adopted under Subsection
465 (4)(a)(ii)(B); and

466 (ii) after August 1, 2023, annually on the LEA's implementation of the plan and
467 progress.

468 Section 14. Section **63A-16-1001** is amended to read:

469 **63A-16-1001. Definitions.**

470 As used in this part:

471 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
472 created in Section [63M-7-201](#).

473 (2) "Criminal justice agency" means an agency or institution directly involved in the
474 apprehension, prosecution, and incarceration of an individual involved in criminal activity,
475 including law enforcement, correctional facilities, jails, courts, probation, and parole.

476 (3) "Database" means the [~~Criminal Justice Database~~] criminal and juvenile justice
477 database created in this part.

478 (4) "Division" means the Division of Technology Services created in Section
479 [63A-16-103](#).

480 Section 15. Section **63A-16-1002** is amended to read:

481 **63A-16-1002. Criminal and juvenile justice database.**

482 (1) The commission shall oversee the creation and management of a [~~Criminal Justice~~
483 ~~Database~~] criminal and juvenile justice database for information and data required to be
484 reported to the commission, organized by county, and accessible to all criminal justice agencies
485 in the state.

486 (2) The division shall assist with the development and management of the database.

487 (3) The division, in collaboration with the commission, shall create:

488 (a) master standards and formats for information submitted to the database;

489 (b) a portal, bridge, website, or other method for reporting entities to provide the
490 information;

491 (c) a master data management index or system to assist in the retrieval of information
492 in the database;

493 (d) a protocol for accessing information in the database that complies with state
494 privacy regulations; and

495 (e) a protocol for real-time audit capability of all data accessed through the portal by
496 participating data source, data use entities, and regulators.

497 (4) Each criminal justice agency charged with reporting information to the commission
498 shall provide the data or information to the database in a form prescribed by the commission.

499 (5) The database shall be the repository for the statutorily required data described in:

500 (a) Section 13-53-111, recidivism reporting requirements;

501 (b) Section 17-22-32, county jail reporting requirements;

502 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

503 (d) Section 24-4-118, forfeiture reporting requirements;

504 (e) Section 41-6a-511, courts to collect and maintain data;

505 (f) Section 63M-7-214, law enforcement agency grant reporting;

506 (g) Section 63M-7-216, prosecutorial data collection;

507 (h) Section 64-13-21, supervision of sentenced offenders placed in community;

508 (i) Section 64-13-25, standards for programs;

509 (j) Section 64-13-45, department reporting requirements;

510 (k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;

511 (l) Section 77-7-8.5, use of tactical groups;

512 (m) Section 77-20-103, release data requirements;

513 (n) Section 77-22-2.5, court orders for criminal investigations;

514 (o) Section 78A-2-109.5, court demographics reporting;

515 (p) Section 80-6-104, data collection on offenses committed by minors; and

516 [~~(p)~~] (q) any other statutes which require the collection of specific data and the
517 reporting of that data to the commission.

518 (6) The commission shall report:

519 (a) progress on the database, including creation, configuration, and data entered, to the
520 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

521 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal

522 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
523 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing
524 Committee not later than January 16, 2023.

525 Section 16. Section **63I-2-253** is amended to read:

526 **63I-2-253. Repeal dates: Titles 53 through 53G.**

527 (1) Section 53-22-104 is repealed December 31, 2023.

528 (2) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a
529 technical college board of trustees, is repealed July 1, 2022.

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

533 [~~2~~] (3) Section **53B-6-105.7** is repealed July 1, 2024.

534 [~~3~~] (4) Section **53B-7-707** regarding performance metrics for technical colleges is
535 repealed July 1, 2023.

536 [~~4~~] (5) Section **53B-8-114** is repealed July 1, 2024.

537 [~~5~~] (6) The following provisions, regarding the Regents' scholarship program, are
538 repealed on July 1, 2023:

539 (a) in Subsection **53B-8-105(12)**, the language that states, "or any scholarship
540 established under Sections **53B-8-202** through **53B-8-205**";

541 (b) Section **53B-8-202**;

542 (c) Section **53B-8-203**;

543 (d) Section **53B-8-204**; and

544 (e) Section **53B-8-205**.

545 [~~6~~] (7) Section **53B-10-101** is repealed on July 1, 2027.

546 [~~7~~] (8) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
547 repealed July 1, 2023.

548 [~~8~~] (9) Subsection **53E-1-201(1)(s)** regarding the report by the Educational
549 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

550 [~~9~~] (10) Section **53E-1-202.2**, regarding a Public Education Appropriations
551 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

552 [~~10~~] (11) Subsection **53E-10-309(7)**, related to the PRIME pilot program, is repealed

553 July 1, 2024.

554 ~~[(11)]~~ (12) In Subsections 53F-2-205(4) and (5), regarding the State Board of
555 Education's duties if contributions from the minimum basic tax rate are overestimated or
556 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
557 2023.

558 ~~[(12)]~~ (13) Section 53F-2-209, regarding local education agency budgetary flexibility,
559 is repealed July 1, 2024.

560 ~~[(13)]~~ (14) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
561 repealed July 1, 2023.

562 ~~[(14)]~~ (15) Section 53F-2-302.1, regarding the Enrollment Growth Contingency
563 Program, is repealed July 1, 2023.

564 ~~[(15)]~~ (16) Subsection 53F-2-314(4), relating to a one-time expenditure between the
565 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

566 ~~[(16)]~~ (17) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
567 is repealed July 1, 2024.

568 ~~[(17)]~~ (18) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
569 applicable" is repealed July 1, 2023.

570 ~~[(18)]~~ (19) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for
571 enrollment in kindergarten, is repealed July 1, 2022.

572 ~~[(19)]~~ (20) In Subsection 53F-4-404(4)(c), the language that states "Except as provided
573 in Subsection (4)(d)" is repealed July 1, 2022.

574 ~~[(20)]~~ (21) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

575 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
576 applicable" is repealed July 1, 2023.

577 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
578 applicable" is repealed July 1, 2023.

579 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
580 applicable" is repealed July 1, 2023.

581 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
582 as applicable" is repealed July 1, 2023.

583 ~~[(25)]~~ (26) On July 1, 2023, when making changes in this section, the Office of

584 Legislative Research and General Counsel shall, in addition to the office's authority under
585 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
586 identified in this section are complete sentences and accurately reflect the office's perception of
587 the Legislature's intent.

588 Section 17. Section 63M-7-208 is amended to read:

589 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

590 (1) The Commission on Criminal and Juvenile Justice shall:

591 (a) support implementation and expansion of evidence-based juvenile justice programs
592 and practices, including assistance regarding implementation fidelity, quality assurance, and
593 ongoing evaluation;

594 (b) examine and make recommendations on the use of third-party entities or an
595 intermediary organization to assist with implementation and to support the performance-based
596 contracting system authorized in Subsection (1)(m);

597 (c) oversee the development of performance measures to track juvenile justice reforms,
598 and ensure early and ongoing stakeholder engagement in identifying the relevant performance
599 measures;

600 (d) evaluate currently collected data elements throughout the juvenile justice system
601 and contract reporting requirements to streamline reporting, reduce redundancies, eliminate
602 inefficiencies, and ensure a focus on recidivism reduction;

603 (e) review averted costs from reductions in out-of-home placements for juvenile justice
604 youth placed with the Division of Juvenile Justice Services and the Division of Child and
605 Family Services, and make recommendations to prioritize the reinvestment and realignment of
606 resources into community-based programs for youth living at home, including the following:

607 (i) statewide expansion of:

608 (A) juvenile receiving centers, as defined in Section 80-1-102;

609 (B) mobile crisis outreach teams, as defined in Section 62A-15-102;

610 (C) youth courts; and

611 (D) victim-offender mediation;

612 (ii) statewide implementation of nonresidential diagnostic assessment;

613 (iii) statewide availability of evidence-based programs and practices including

614 cognitive behavioral and family therapy programs for minors assessed by a validated risk and

615 needs assessment as moderate or high risk;

616 (iv) implementation and infrastructure to support the sustainability and fidelity of
617 evidence-based juvenile justice programs, including resources for staffing, transportation, and
618 flexible funds; and

619 (v) early intervention programs such as family strengthening programs, family
620 wraparound services, and proven truancy interventions;

621 (f) assist the Administrative Office of the Courts in the development of a statewide
622 sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's
623 family to pay;

624 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
625 such as the operation of early intervention services, receiving centers, and diversion, and make
626 recommendations to reallocate functions as appropriate, in accordance with Section [80-5-401](#);

627 (h) comply with the data collection and reporting requirements under Section
628 [80-6-104](#);

629 [~~(h) ensure that data reporting is expanded and routinely review data in additional~~
630 ~~areas, including:~~]

631 [~~(i) referral and disposition data by judicial district;~~]

632 [~~(ii) data on the length of time minors spend in the juvenile justice system, including~~
633 ~~the total time spent under court jurisdiction, on community supervision, and in each~~
634 ~~out-of-home placement;~~]

635 [~~(iii) recidivism data for minors who are diverted to a nonjudicial adjustment under~~
636 ~~Section [80-6-304](#) and minors for whom dispositions are ordered under Section [80-6-701](#),~~
637 ~~including tracking minors into the adult corrections system;~~]

638 [~~(iv) change in aggregate risk levels from the time minors receive services, are under~~
639 ~~supervision, and are in out-of-home placement; and]~~

640 [~~(v) dosage of programming;~~]

641 (i) develop a reasonable timeline within which all programming delivered to minors in
642 the juvenile justice system must be evidence-based or consist of practices that are rated as
643 effective for reducing recidivism by a standardized program evaluation tool;

644 (j) provide guidelines to be considered by the Administrative Office of the Courts and
645 the Division of Juvenile Justice Services in developing tools considered by the Administrative

646 Office of the Courts and the Division of Juvenile Justice Services in developing or selecting
647 tools to be used for the evaluation of juvenile justice programs;

648 (k) develop a timeline to support improvements to juvenile justice programs to achieve
649 reductions in recidivism and review reports from relevant state agencies on progress toward
650 reaching that timeline;

651 (l) subject to Subsection (2), assist in the development of training for juvenile justice
652 stakeholders, including educators, law enforcement officers, probation staff, judges, Division
653 of Juvenile Justice Services staff, Division of Child and Family Services staff, and program
654 providers;

655 (m) subject to Subsection (3), assist in the development of a performance-based
656 contracting system, which shall be developed by the Administrative Office of the Courts and
657 the Division of Juvenile Justice Services for contracted services in the community and
658 contracted out-of-home placement providers;

659 (n) assist in the development of a validated detention risk assessment tool that ~~shall~~
660 ~~be~~ is developed or adopted and validated by the Administrative Office of the Courts and the
661 Division of Juvenile Justice Services as provided in Section 80-5-203 ~~[on and after July 1,~~
662 ~~2018]~~; and

663 (o) annually issue and make public a report to the governor, president of the Senate,
664 speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the
665 progress of the reforms and any additional areas in need of review.

666 (2) Training described in Subsection (1)(l) should include instruction on
667 evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity,
668 and fidelity, and shall be supplemented by the following topics:

- 669 (a) adolescent development;
- 670 (b) identifying and using local behavioral health resources;
- 671 (c) implicit bias;
- 672 (d) cultural competency;
- 673 (e) graduated responses;
- 674 (f) Utah juvenile justice system data and outcomes; and
- 675 (g) gangs.

676 (3) The system described in Subsection (1)(m) shall provide incentives for:

677 (a) the use of evidence-based juvenile justice programs and practices rated as effective
678 by the tools selected in accordance with Subsection (1)(j);

679 (b) the use of three-month timelines for program completion; and

680 (c) evidence-based programs and practices for minors living at home in rural areas.

681 (4) The State Commission on Criminal and Juvenile Justice may delegate the duties
682 imposed under this section to a subcommittee or board established by the Commission on
683 Criminal and Juvenile Justice in accordance with Subsection [63M-7-204\(2\)](#).

684 ~~[(5) Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this~~
685 ~~section takes effect July 1, 2018.]~~

686 Section 18. Section **63M-7-218** is amended to read:

687 **63M-7-218. State grant requirements.**

688 Beginning July 1, 2023, the commission may not award any grant of state funds to any
689 entity subject to, and not in compliance with, the reporting requirements in Subsections
690 [63A-16-1002\(5\)\(a\)](#) through ~~[(p)]~~ [\(p\)](#).

691 Section 19. Section **80-6-104** is enacted to read:

692 **80-6-104. Data collection on offenses committed by minors -- Reporting**
693 **requirement.**

694 (1) As used in this section:

695 (a) "Firearm" means the same as that term is defined in Section [76-10-501](#).

696 (b) "Firearm-related offense" means a criminal offense involving a firearm.

697 (c) "School is in session" means the same as that term is defined in Section [53E-3-516](#).

698 (d) "School-sponsored activity" means the same as that term is defined in Section
699 [53E-3-516](#).

700 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
701 following data to the State Commission on Criminal and Juvenile Justice, broken down by
702 judicial district, for the preceding calendar year:

703 (a) the number of referrals to the juvenile court;

704 (b) the number of minors diverted to a nonjudicial adjustment;

705 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

706 (d) the number of minors for whom a petition is filed in the juvenile court;

707 (e) the number of minors for whom an information is filed in the juvenile court;

- 708 (f) the number of minors bound over to the district court by the juvenile court;
- 709 (g) the number of petitions for offenses committed by minors that were dismissed by
- 710 the juvenile court;
- 711 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 712 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 713 (j) the number of dispositions resulting in secure care, community-based placement,
- 714 formal probation, and intake probation;
- 715 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 716 (i) the minor's age at the time the offense was committed or allegedly committed;
- 717 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 718 (iii) whether the minor is a restricted person under Subsection [76-10-503\(1\)\(a\)\(iv\)](#) or
- 719 (1)(b)(ii);
- 720 (iv) the type of offense for which the minor is charged;
- 721 (v) the outcome of the minor's case in juvenile court, including whether the minor was
- 722 bound over to the district court or adjudicated by the juvenile court; and
- 723 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted
- 724 in secure care, community-based placement, formal probation, or intake probation.
- 725 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition
- 726 of a case resulting from a firearm-related offense committed, or allegedly committed, by a
- 727 minor when the minor is found in possession of a firearm while school is in session or during a
- 728 school-sponsored activity.
- 729 (4) In collaboration with the Administrative Office of the Courts, the division, and
- 730 other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the
- 731 preceding calendar year on:
- 732 (a) the length of time that minors spend in the juvenile justice system, including the
- 733 total amount of time minors spend under juvenile court jurisdiction, on community
- 734 supervision, and in each out-of-home placement;
- 735 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
- 736 whom dispositions are ordered by the juvenile court, including tracking minors into the adult
- 737 corrections system;
- 738 (c) changes in aggregate risk levels from the time minors receive services, are under

739 supervision, and are in out-of-home placement; and

740 (d) dosages of programming.

741 (5) On and before October 1 of each year, the State Commission on Criminal and
742 Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee
743 and the Law Enforcement and Criminal Justice Interim Committee that includes:

744 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
745 section;

746 (b) data collected by the State Board of Education under Section [53E-3-516](#); and

747 (c) recommendations for legislative action with respect to the data described in this
748 Subsection (5).

749 **Section 20. Appropriation.**

750 The following sums of money are appropriated for the fiscal year beginning July 1,
751 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
752 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
753 Act, the Legislature appropriates the following sums of money from the funds or accounts
754 indicated for the use and support of the government of the state of Utah.

755 ITEM 1

756 To State Board of Education - Contracted Initiatives and Grants

757 From Income Tax Fund, One-time 25,000,000

758 Schedule of Programs:

759 Contracts and Grants 25,000,000

760 The Legislature intends that:

761 (1) \$22,000,000 of the appropriation under this item be used for the grant program
762 described in Section [53F-5-220](#) of this bill;

763 (2) \$3,000,000 of the appropriation under this item be used for the procurement
764 described in Section [53G-8-803](#) of this bill; and

765 (3) under Section [63J-1-603](#), the one-time appropriation provided under this item not
766 lapse at the close of fiscal year 2024 and the use of any nonlapsing funds is limited to the
767 purposes described in Subsections (1) and (2) of this item.