

**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

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to school safety.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions of the International Fire Code related to routine emergency evacuation drills;
- ▶ directs the Department of Public Safety to employ a public safety liaison;
- ▶ directs the State Board of Education (Board) to establish policies and procedures for student 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



26 Safety and Support Program, as an ongoing appropriation:

- 27 • from the Education Fund, \$480,000;
- 28 ▶ to the Department of Public Safety - Programs and Operations - Department

29 Commissioner's Office, as an ongoing appropriation:

- 30 • from the General Fund, \$150,000; and
- 31 ▶ to the Department of Human Services - Division of Substance Abuse and Mental

32 Health, as an ongoing appropriation:

- 33 • from the General Fund, \$150,000.

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **15A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 189
- 39 **53-1-106**, as last amended by Laws of Utah 2018, Chapters 200 and 417
- 40 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 41 **62A-15-103**, as last amended by Laws of Utah 2018, Chapter 322

42 ENACTS:

- 43 **53G-8-801**, Utah Code Annotated 1953
- 44 **53G-8-802**, Utah Code Annotated 1953

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

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

48 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

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

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

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

57 occur:

58 1.1. If the existing or historical hazardous environmental conditions exist in a  
59 municipality, the legislative body of the municipality may prohibit the ignition or use of an  
60 ignition source in:

61 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;

62 1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;

63 1.1.3. the wildland urban interface area, which means the line, area, or zone where  
64 structures or other human development meet or intermingle with undeveloped wildland or land  
65 being used for an agricultural purpose; or

66 1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to  
67 facilitate a readily identifiable closed area, in accordance with paragraph 2.

68 1.2. If the existing or historical hazardous environmental conditions exist in an  
69 unincorporated area, the state forester may prohibit the ignition or use of an ignition source in  
70 all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after  
71 consulting with the county fire code official who has jurisdiction over that area.

72 1.3. If the existing or historical hazardous environmental conditions exist in a metro  
73 township created under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and  
74 Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro  
75 township legislative body may prohibit the ignition or use of an ignition source in all or part of  
76 the areas described in paragraph 1.1 that are within the township.

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

80 2.1. designate the closed area along readily identifiable features like major roadways,  
81 waterways, or geographic features;

82 2.2. ensure that the boundary of the designated closed area is as close as is practical to  
83 the defined hazardous area, provided that the closed area may include areas outside of the  
84 hazardous area to facilitate a readily identifiable line; and

85 2.3. identify the closed area through a written description or map that is readily  
86 available to the public.

87 3. A municipal legislative body, the state forester, or a metro township legislative body

88 may close a defined area to the discharge of fireworks due to a historical hazardous  
89 environmental condition under paragraph 1 if the legislative body or state forester:

90 3.1. makes a finding that the historical hazardous environmental condition has existed  
91 in the defined area before July 1 of at least two of the preceding five years;

92 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the  
93 defined area described; and

94 3.3. before May 1 of each year the defined area is closed, provides the map described  
95 in paragraph 3.2 to the county in which the defined area is located.

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

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

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

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

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

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

111 "403.10.2.1 College and university buildings and fraternity and sorority houses.

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

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

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

118 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation

119 drill for fire conducted at least every two months, to a total of four emergency evacuation drills  
120 during the nine-month school year. The first emergency evacuation drill for fire shall be  
121 conducted within 10 school days after the beginning of classes. The third emergency  
122 evacuation drill for fire, weather permitting, shall be conducted 10 school days after the  
123 beginning of the next calendar year. The second and fourth emergency evacuation drills may  
124 be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock  
125 down for violence. If inclement weather causes a secondary school to miss the 10-day deadline  
126 for the third emergency evacuation drill for fire, the secondary school shall perform the third  
127 emergency evacuation drill for fire as soon as practicable after the missed deadline."

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

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

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

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

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

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

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

142 **53-1-106. Department duties -- Powers.**

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

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

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

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

- 150 (b) make rules to establish and clarify standards pertaining to the curriculum and  
151 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);
- 152 (c) aid in enforcement efforts to combat drug trafficking;
- 153 (d) meet with the Department of Technology Services to formulate contracts, establish  
154 priorities, and develop funding mechanisms for dispatch and telecommunications operations;
- 155 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for  
156 Victims of Crime in conducting research or monitoring victims' programs, as required by  
157 Section [63M-7-505](#);
- 158 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
159 Hospital Association;
- 160 (g) engage in emergency planning activities, including preparation of policy and  
161 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
162 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#);
- 163 (h) implement the provisions of Section [53-2a-402](#), the Emergency Management  
164 Assistance Compact; [~~and~~]
- 165 (i) ensure that any training or certification required of a public official or public  
166 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
167 22, State Training and Certification Requirements, if the training or certification is required:
- 168 (i) under this title;
- 169 (ii) by the department; or
- 170 (iii) by an agency or division within the department[.]; and
- 171 (j) employ a law enforcement officer as a public safety liaison to be housed at the State  
172 Board of Education who shall work with the State Board of Education to:
- 173 (i) support training with relevant state agencies for school resource officers as  
174 described in Section [53G-8-702](#);
- 175 (ii) coordinate the creation of model policies and memorandums of understanding for a  
176 local education agency and a local law enforcement agency; and
- 177 (iii) ensure cooperation between relevant state agencies, a local education agency, and  
178 a local law enforcement agency to foster compliance with disciplinary related statutory  
179 provisions, including Sections [53E-3-516](#) and [53G-8-211](#).
- 180 (2) (a) The department shall establish a schedule of fees as required or allowed in this

181 title for services provided by the department.

182 (b) All fees not established in statute shall be established in accordance with Section  
183 [63J-1-504](#).

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

186 Section 3. Section **53G-8-702** is amended to read:

187 **53G-8-702. School resource officer training -- Curriculum.**

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

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

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

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

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

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

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

203 (a) childhood and adolescent development;

204 (b) responding age-appropriately to students;

205 (c) working with disabled students;

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

207 (e) cultural awareness;

208 (f) restorative justice practices;

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

211 (h) student privacy rights;

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

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

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

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

220 Section 4. Section 53G-8-801 is enacted to read:

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

222 **53G-8-801. Definitions.**

223 As used in this section:

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

225 (2) "Law enforcement officer" means the same as that term is defined in Section  
226 53-13-103.

227 (3) "Program" means the State Safety and Support Program established in Section  
228 53G-8-802.

229 Section 5. Section 53G-8-802 is enacted to read:

230 **53G-8-802. State Safety and Support Program -- State board duties.**

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

232 (2) The state board shall:

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

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

237 (ii) procedures for referrals to law enforcement; and

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

240 (b) provide training:

241 (i) in school safety;

242 (ii) in evidence-based approaches to improve school climate and address and correct



243 bullying behavior;  
244 (iii) in evidence-based approaches in identifying an individual who may pose a threat  
245 to the school community;  
246 (iv) in evidence-based approaches in identifying an individual who may be showing  
247 signs or symptoms of mental illness;  
248 (v) on permitted disclosures of student data to law enforcement and other support  
249 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and  
250 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections  
251 53E-9-203 and 53E-9-305;  
252 (c) conduct and disseminate evidence-based research on school safety concerns;  
253 (d) disseminate information on effective school safety initiatives;  
254 (e) encourage partnerships between public and private sectors to promote school safety;  
255 (f) provide technical assistance to an LEA in the development and implementation of  
256 school safety initiatives;  
257 (g) in conjunction with the Department of Public Safety, develop and make available to  
258 an LEA a model critical incident response training program that includes protocols for  
259 conducting a threat assessment, and ensuring building security during an incident;  
260 (h) provide space for the public safety liaison described in Section 53-1-106 and the  
261 school-based mental health specialist described in Section 62A-15-103;  
262 (i) create a model school climate survey that may be used by an LEA to assess  
263 stakeholder perception of a school environment and adopt rules:  
264 (i) requiring an LEA to:  
265 (A) create or adopt and disseminate a school climate survey; and  
266 (B) disseminate the school climate survey;  
267 (ii) recommending the distribution method, survey frequency, and sample size of the  
268 survey; and  
269 (iii) specifying the areas of content for the school climate survey; and  
270 (j) collect aggregate data and school climate survey results from each LEA.  
271 (3) Nothing in this section requires an individual to respond to a school climate survey.  
272 Section 6. Section **62A-15-103** is amended to read:  
273 **62A-15-103. Division -- Creation -- Responsibilities.**

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

277 (2) The division shall:

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

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

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

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

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

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

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

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

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

298 (A) emergency department utilization;

299 (B) jail and prison populations;

300 (C) the homeless population; and

301 (D) the child welfare system; and

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

- 305 (b) (i) collect and disseminate information pertaining to mental health;
- 306 (ii) provide direction over the state hospital including approval of its budget,
- 307 administrative policy, and coordination of services with local service plans;
- 308 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 309 Rulemaking Act, to educate families concerning mental illness and promote family
- 310 involvement, when appropriate, and with patient consent, in the treatment program of a family
- 311 member; and
- 312 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 313 Rulemaking Act, to direct that an individual receiving services through a local mental health
- 314 authority or the Utah State Hospital be informed about and, if desired by the individual,
- 315 provided assistance in the completion of a declaration for mental health treatment in
- 316 accordance with Section [62A-15-1002](#);
- 317 (c) (i) consult and coordinate with local substance abuse authorities and local mental
- 318 health authorities regarding programs and services;
- 319 (ii) provide consultation and other assistance to public and private agencies and groups
- 320 working on substance abuse and mental health issues;
- 321 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 322 medical and social agencies, public health authorities, law enforcement agencies, education and
- 323 research organizations, and other related groups;
- 324 (iv) promote or conduct research on substance abuse and mental health issues, and
- 325 submit to the governor and the Legislature recommendations for changes in policy and
- 326 legislation;
- 327 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 328 mental health services;
- 329 (vi) monitor and evaluate programs provided by local substance abuse authorities and
- 330 local mental health authorities;
- 331 (vii) examine expenditures of local, state, and federal funds;
- 332 (viii) monitor the expenditure of public funds by:
- 333 (A) local substance abuse authorities;
- 334 (B) local mental health authorities; and
- 335 (C) in counties where they exist, a private contract provider that has an annual or

336 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
337 programs or services for the local substance abuse authority or local mental health authority;  
338 (ix) contract with local substance abuse authorities and local mental health authorities  
339 to provide a comprehensive continuum of services that include community-based services for  
340 individuals involved in the criminal justice system, in accordance with division policy, contract  
341 provisions, and the local plan;  
342 (x) contract with private and public entities for special statewide or nonclinical  
343 services, or services for individuals involved in the criminal justice system, according to  
344 division rules;  
345 (xi) review and approve each local substance abuse authority's plan and each local  
346 mental health authority's plan in order to ensure:  
347 (A) a statewide comprehensive continuum of substance abuse services;  
348 (B) a statewide comprehensive continuum of mental health services;  
349 (C) services result in improved overall health and functioning;  
350 (D) a statewide comprehensive continuum of community-based services designed to  
351 reduce criminal risk factors for individuals who are determined to have substance abuse or  
352 mental illness conditions or both, and who are involved in the criminal justice system;  
353 (E) compliance, where appropriate, with the certification requirements in Subsection  
354 (2)(j); and  
355 (F) appropriate expenditure of public funds;  
356 (xii) review and make recommendations regarding each local substance abuse  
357 authority's contract with the local substance abuse authority's provider of substance abuse  
358 programs and services and each local mental health authority's contract with the local mental  
359 health authority's provider of mental health programs and services to ensure compliance with  
360 state and federal law and policy;  
361 (xiii) monitor and ensure compliance with division rules and contract requirements;  
362 and  
363 (xiv) withhold funds from local substance abuse authorities, local mental health  
364 authorities, and public and private providers for contract noncompliance, failure to comply  
365 with division directives regarding the use of public funds, or for misuse of public funds or  
366 money;

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

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

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

375 (i) a review and determination regarding whether:

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

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

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

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

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

387 (A) a substance use disorder;

388 (B) a mental health disorder; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

428 (ii) basing the certification process on the standards developed under Subsection (2)(i)

429 for the treatment of an individual involved in the criminal justice system; and

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

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

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

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

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

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

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

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

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

458 (3) (a) The division may refuse to contract with and may pursue legal remedies against  
459 any local substance abuse authority or local mental health authority that fails, or has failed, to

460 expend public funds in accordance with state law, division policy, contract provisions, or  
461 directives issued in accordance with state law.

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

465 (4) Before reissuing or renewing a contract with any local substance abuse authority or  
466 local mental health authority, the division shall review and determine whether the local  
467 substance abuse authority or local mental health authority is complying with the oversight and  
468 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and  
469 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and  
470 liability described in Section 17-43-303 and to the responsibility and liability described in  
471 Section 17-43-203.

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

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

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

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

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

488 (9) If a local substance abuse authority contacts the division under Subsection  
489 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant  
490 minor, the division shall:



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

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

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

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

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

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

503 **Section 7. Appropriation.**

504 The following sums of money are appropriated for the fiscal year beginning July 1,  
505 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
506 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
507 Act, the Legislature appropriates the following sums of money from the funds or accounts  
508 indicated for the use and support of the government of the state of Utah.

509 ITEM 1

510 To State Board of Education - MSP Categorical Program Administration

511 From Education Fund \$480,000

512 Schedule of Programs:

513 State Safety and Support Program \$480,000

514 (1) The Legislature intends that the State Board of Education use:

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

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

520 (c) \$180,000 of the ongoing appropriation under this item to fund a data collection  
521 analyst for school safety data.

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

525 ITEM 2

526 To Department of Public Safety - Program and Operations

527 From General Fund \$150,000

528 Schedule of Programs:

529 Department Commissioner's Office \$150,000

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

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

534 ITEM 3

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

536 From General Fund \$150,000

537 Schedule of Programs:

538 Community Health Services \$150,000

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

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