

**SCHOOL MENTAL HEALTH AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill requires a mental health screening tool to be administered to public school students annually.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education and the Division of Substance Abuse and Mental Health to develop or select a mental health screening tool to be administered annually to students in public schools;
- ▶ requires the Division of Substance Abuse and Mental Health to collect, store, and analyze data from the screening tool;
- ▶ requires the Division of Substance Abuse and Mental Health to make recommendations for interventions for students based on the results of the screening tool;
- ▶ requires an LEA to work with the school mental health professional to provide recommended interventions in the school setting; and
- ▶ allows the State Board of Education to use surplus funds appropriated for the screening to assist parents to pay for recommended mental health interventions that cannot be provided by a school mental health professional in the school setting.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53G-9-405**, Utah Code Annotated 1953

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

Section 1. Section **53G-9-405** is enacted to read:

**53G-9-405. Public education mental health screening.**

(1) As used in this section:

(a) "Division" means the Division of Substance Abuse and Mental Health.

(b) "Qualifying parent" means a parent of a student for whom mental health intervention is recommended by the division and who qualifies for financial assistance to pay for the intervention under rules adopted by the state board under this section.

(c) "Screening tool" means the online student mental health screening tool selected or developed by the state board and the division.

(2) Within appropriations specified by the Legislature for this purpose, the state board shall distribute money to the division to carry out the provisions of this section.

(3) The state board shall, in conjunction with the division, develop or select a student mental health screening tool that:

(a) is age appropriate for each grade in which the screening tool is administered;

(b) is administered and completed online unless other accommodations are requested by a parent or student;

(c) screens for the mental health conditions determined by the state board and division; and

(d) is an effective tool for identifying whether a student has a mental health condition that requires intervention.

(4) (a) Except as provided in Subsection (4)(c), an LEA shall cooperate with the division to administer the screening tool to the LEA's students on or before September 30 of each school year.

59           **(b) An LEA shall obtain prior written consent from a student's parent that complies**  
60 **with Section 53E-9-203 before the LEA administers the screening tool to a student.**

61           **(c) An LEA may decline to participate in the screening if:**

62           **(i) the LEA sends a letter to the state board and the division explaining why the LEA**  
63 **declines to participate that school year; and**

64           **(ii) the state board and the division receive the letter no later than August 1 of any year**  
65 **in which an LEA declines to participate in the screening.**

66           **(5) (a) The division shall collect and store data from the screening tool in a database**  
67 **that:**

68           **(i) complies with Title 53E, Chapter 9, Student Privacy and Data Protection;**

69           **(ii) excludes a student's name; and**

70           **(iii) organizes the data by the school district, school, gender, age, grade, and student**  
71 **identification number of each participating student.**

72           **(b) The database described in Subsection (5)(a) and its contents are private records**  
73 **under Title 63G, Chapter 2, Government Records Access and Management Act.**

74           **(c) The division shall:**

75           **(i) analyze the data described in Subsection (5)(a);**

76           **(ii) provide to an LEA the following information identified only by student**  
77 **identification number:**

78           **(A) results of the screening; and**

79           **(B) a list of students whose screening results indicate a need for intervention based on**  
80 **the division's analysis; and**

81           **(iii) submit a report of the division's analysis to the state board and the State Suicide**  
82 **Prevention Coalition created under Subsection 62A-15-1101(2) on or before November 30 of**  
83 **each year in which the screening is administered.**

84           **(6) (a) An LEA shall notify the parent of each participating student of the results the**  
85 **student's screening.**

86           **(b) If the division recommends intervention based on a student's screening results, an**  
87 **LEA shall:**

88           **(i) notify the student's parent; and**

89           **(ii) if a parent provides written consent that complies with Section 53E-9-203, work**

90 with the school mental health professional to provide any recommended interventions that can  
91 be provided by the school mental health professional in the school setting.

92 (7) (a) The state board shall distribute any surplus funds appropriated under this section  
93 to assist a qualifying parent to pay for an intervention recommended by the division that cannot  
94 be provided by a school mental health professional in the school setting.

95 (b) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
96 Administrative Rulemaking Act, for:

97 (i) determining whether a parent is eligible to receive the financial support described in  
98 Subsection (7)(a); and

99 (ii) applying for and distributing the financial support described in Subsection (7)(a).