

Representative Steve Eliason proposes the following substitute bill:

## SCHOOL MENTAL HEALTH FUNDING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

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

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### LONG TITLE

#### General Description:

This bill creates a grant program to award grants to participating schools to administer mental health screening programs for students and amends provisions related to the distribution and use of funds for school-based mental health support.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Public Education Mental Health Screening Grant Program (grant program) to provide grants to participating local education agencies (LEAs) to implement mental health screening programs for participating students;
- ▶ requires the State Board of Education (state board) to:
  - in consultation with the Division of Substance Abuse and Mental Health, approve a mental health screening program to be administered annually to students in a participating LEA;
  - make rules for an application process for LEAs to apply for a grant under the grant program;
  - select, and award grants to, participating LEAs; and
  - annually report on the grant program to the State Suicide Prevention Coalition



and the Education Interim Committee;

- ▶ permits an LEA to use Teacher and Student Support Program money to match money distributed to an LEA for school-based mental health support;
- ▶ removes the fund matching requirement for an LEA that has a school-based mental health support plan that is approved by the state board after a certain date; and
- ▶ permits the state board to use funds appropriated for school-based mental health support to pay an employee to administer the program and oversee mental health personnel in LEAs.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53F-2-415**, as enacted by Laws of Utah 2019, Chapter 446

ENACTS:

**53F-2-522**, Utah Code Annotated 1953

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

Section 1. Section **53F-2-415** is amended to read:

**53F-2-415. Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking.**

(1) As used in this section[;]:

(a) "[~~qualifying~~] Qualifying personnel" means a school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or school nurse who:

[~~(a)~~] (i) is licensed; and

[~~(b)~~] (ii) collaborates with educators and a student's parent on:

[~~(i)~~] (A) early identification and intervention of the student's academic and mental health needs; and

[~~(ii)~~] (B) removing barriers to learning and developing skills and behaviors critical for

the student's academic achievement.

(b) "Telehealth services" means the same as that term is defined in Section [26-60-102](#).

(2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b), the state board shall distribute money appropriated under this section to LEAs to provide in a school targeted school-based mental health support, including clinical services and trauma-informed care, through:

(i) employing qualifying personnel; or

(ii) entering into contracts for services provided by qualifying personnel, including telehealth services.

(b) (i) The state board shall, after consulting with LEA governing boards, develop a formula to distribute money appropriated under this section to LEAs.

(ii) The state board shall ensure that the formula described in Subsection (2)(b)(i) incentivizes an LEA to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.

(3) To qualify for money under this section, an LEA shall submit to the state board a plan that includes:

(a) measurable goals approved by the LEA governing board on improving student safety, student engagement, school culture, or academic achievement;

(b) how the LEA intends to meet the goals described in Subsection (3)(a) through the use of the money;

(c) how the LEA is meeting the requirements related to parent education described in Section [53G-9-703](#); and

(d) whether the LEA intends to provide school-based mental health support in collaboration with the local mental health authority of the county in which the LEA is located.

(4) The state board shall distribute money appropriated under this section to an LEA that qualifies under Subsection (3):

(a) based on the formula described in Subsection (2)(b); and

(b) if the state board approves the LEA's plan before April 1, 2020, in an amount of money that the LEA equally matches using local [or] money, unrestricted state money, or money distributed to the LEA under Section [53G-7-1303](#).

(5) An LEA may not use money distributed by the state board under this section to

supplant federal, state, or local money previously allocated to:

(a) employ qualifying personnel; or

(b) enter into contracts for services provided by qualified personnel, including telehealth services.

(6) The state board shall make rules that establish:

(a) procedures for submitting a plan for and distributing money under this section;

(b) the formula the state board will use to distribute money to LEAs described in Subsection (2)(b); and

(c) in accordance with Subsection (7), annual reporting requirements for an LEA that receives money under this section.

(7) An LEA that receives money under this section shall submit an annual report to the state board, including:

(a) progress toward achieving the goals submitted under Subsection (3)(a);

(b) if the LEA discontinues a qualifying personnel position, the LEA's reason for discontinuing the position; and

(c) how the LEA, in providing school-based mental health support, complies with the provisions of Section [53E-9-203](#).

(8) Beginning on or before July 1, 2019, the state board shall provide training that instructs school personnel on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

(9) The state board may use up to 2% of an appropriation under this section for costs related to the administration of the provisions of this section.

(10) Notwithstanding the provisions of this section, money appropriated under this section may be used, as determined by the state board, for:

(a) the SafeUT Crisis Line described in Section [53B-17-1202](#); or

(b) youth suicide prevention programs described in Section [53G-9-702](#).

Section 2. Section **53F-2-522** is enacted to read:

**53F-2-522. Public Education Mental Health Screening Grant Program.**

(1) As used in this section:

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

(b) "Grant program" means the Public Education Mental Health Screening Grant Program created in this section.

(c) "Participating LEA" means an LEA selected by the state board to receive a grant described in this section.

(d) "Participating student" means a student in a participating LEA who participates in a mental health screening program.

(e) "Qualifying parent" means a parent:

(i) of a participating student who, based on the results of a screening program, would benefit from an intervention that cannot be provided to the participating student in the school setting; and

(ii) who qualifies for financial assistance to pay for the intervention under rules made by the state board.

(f) "Screening program" means a student mental health screening program selected by a participating LEA and approved by the state board in consultation with the division.

(2) There is created the Public Education Mental Health Screening Grant Program to, within appropriations made by the Legislature for this purpose, provide grants to participating LEAs to implement an annual mental health screening for participating students using a screening program selected by the participating LEA and approved by the state board in consultation with the division.

(3) The state board shall:

(a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(i) criteria for an LEA to qualify to receive a grant under the grant program;

(ii) an application process for an LEA to apply for a grant under the grant program;

(iii) a process for a participating LEA to submit a selected screening program to the state board for approval;

(iv) who may access and use a participating student's screening data; and

(v) a requirement and a process for appropriate LEA or school personnel to attend annual training related to administering the screening program;

(b) select participating LEAs to receive grants under the grant program in accordance with the rules made under Subsection (3)(a);

150 (c) in accordance with this section, award grants to participating LEAs;

151 (d) in consultation with the division, approve a student mental health screening  
152 program selected by a participating LEA that:

153 (i) is age appropriate for each grade in which the screening program is administered;

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

155 and

156 (iii) is an effective tool for identifying whether a student has a mental health condition  
157 that requires intervention; and

158 (e) on or before November 30 of each year, submit a report on the grant program to:

159 (i) the State Suicide Prevention Coalition created under Subsection [62A-15-1101\(2\)](#);

160 and

161 (ii) the Education Interim Committee in accordance with Section [53E-1-201](#).

162 (4) A participating LEA shall:

163 (a) in accordance with rules made by the state board under Subsection (3)(a), submit a  
164 selected screening program to the state board for approval;

165 (b) use grant money to annually administer a screening program to participating  
166 students in the participating LEA;

167 (c) obtain prior written consent from a student's parent, that complies with Section  
168 [53E-9-203](#), and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before  
169 the participating LEA administers the screening program to a participating student;

170 (d) notify the parent of each participating student of the results of the participating  
171 student's screening; and

172 (e) work with the participating LEA's school mental health professional to provide to a  
173 participating student an intervention that can be provided in the school setting if:

174 (i) based on the results of the screening program a participating student would benefit  
175 from intervention; and

176 (ii) a parent of the participating student provides written consent that complies with  
177 Section [53E-9-203](#), and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

178 (5) A participating student's screening data may not be included in the participating  
179 student's record.

180 (6) (a) The state board may distribute any surplus funds appropriated under this section

181 to a participating LEA to use to assist a qualifying parent to pay for an intervention described in  
182 Subsection (4)(e) that cannot be provided by a school mental health professional in the school  
183 setting.

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

186 (i) determining whether a parent is eligible to receive the financial support described in  
187 Subsection (6)(a); and

188 (ii) applying for and distributing the financial support described in Subsection (6)(a).