

Representative Steve Eliason proposes the following substitute bill:

STUDENT SUPPORT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill repeals and enacts provisions related to school-based health support.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education (board) to coordinate with the Department of Health and make recommendations related to Medicaid reimbursement for school-based health services;
- ▶ authorizes the board to distribute money to local education agencies (LEAs) for personnel who provide school-based mental health support;
- ▶ requires the board to establish a formula for distribution of money to LEAs;
- ▶ enacts requirements on LEAs to receive money;
- ▶ requires the board to make rules related to money for the personnel; and
- ▶ enacts other provisions related to student mental health support.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the State Board of Education - Minimum School Program - Related to Basic School Programs - Student Health and Counseling Support Program, as an ongoing



26 appropriation:

- 27 • from the Education Fund, \$32,100,000.

28 **Other Special Clauses:**

29 This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **53E-3-518**, Utah Code Annotated 1953

33 **53F-2-415**, Utah Code Annotated 1953

34 REPEALS:

35 **53F-5-209**, as enacted by Laws of Utah 2018, Chapter 412

36 **Utah Code Sections Affected by Coordination Clause:**

37 **53E-1-201**, as enacted by Laws of Utah 2018, Chapter 1



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

40 Section 1. Section **53E-3-518** is enacted to read:

41 **53E-3-518. Medicaid reimbursement for school-based health services -- Report to**
42 **Legislature.**

43 (1) The state board shall coordinate with the Department of Health and stakeholders to
44 address and develop recommendations related to:

45 (a) the expansion of Medicaid reimbursement for school-based health services,
46 including how to expand Medicaid-eligible school-based services beyond the services for
47 students with IEPs; and

48 (b) other areas concerning Medicaid reimbursement for school-based health services,
49 including the time threshold for medically necessary IEP services.

50 (2) The state board shall report the recommendations described in Subsection (1) to the
51 Education Interim Committee on or before August 15, 2019.

52 Section 2. Section **53F-2-415** is enacted to read:

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

55 (1) As used in this section, "qualifying personnel" means a school counselor or other
56 counselor, school psychologist or other psychologist, school social worker or other social

57 worker, or school nurse who:

58 (a) is licensed; and

59 (b) collaborates with educators and a student's parent on:

60 (i) early identification and intervention of the student's academic and mental health

61 needs; and

62 (ii) removing barriers to learning and developing skills and behaviors critical for the

63 student's academic achievement.

64 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),

65 the state board shall distribute money appropriated under this section to LEAs to provide in a

66 school targeted school-based mental health support, including trauma-informed care, through

67 employing or entering into contracts for services provided by qualifying personnel.

68 (b) The state board shall, after consulting with LEA governing boards, develop a

69 formula to distribute money appropriated under this section to LEAs.

70 (3) To qualify for money under this section, an LEA shall submit to the state board an

71 application that includes:

72 (a) measurable goals on improving student safety, student engagement, school culture,

73 or academic achievement;

74 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the

75 use of the money; and

76 (c) how the LEA is meeting the requirements related to parent education described in

77 Section [53G-9-703](#).

78 (4) The state board shall distribute money appropriated under this section to an LEA

79 that qualifies under Subsection (3):

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

81 (b) in an amount of money that the LEA equally matches using local or unrestricted

82 state money.

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

84 supplant federal, state, or local money previously allocated to employ or enter into contracts for

85 services provided by qualified personnel.

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

87 (a) procedures for applying for and distributing money under this section;

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

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

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

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

95 (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for
96 discontinuing the position.

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

101 (9) The state board may use up to 3% of an appropriation under this section for costs
102 related to the administration of the provisions of this section.

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

105 (a) the School Safety and Crisis Line described in Section [53E-10-502](#); or

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

107 **Section 3. Repealer.**

108 This bill repeals:

109 **Section [53F-5-209](#), Grants for school-based mental health supports.**

110 **Section 4. Appropriation.**

111 The following sums of money are appropriated for the fiscal year beginning July 1,
112 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
113 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
114 Act, the Legislature appropriates the following sums of money from the funds or accounts
115 indicated for the use and support of the government of the state of Utah.

116 **ITEM 1**

117 To State Board of Education - Minimum School Program - Related to Basic School Programs

118 From Education Fund

\$32,100,000

119 Schedule of Programs:

120 Student Health and Counseling Support Program \$32,100,000

121 The Legislature intends that in each of fiscal years 2020 and 2021, the State Board of
122 Education use \$2,100,000 of the appropriation provided under this item to support the
123 elementary school counseling program created in Laws of Utah 2018, Chapter 412, Section 1.

124 **Section 5. Coordinating H.B. 373 with S.B. 14 -- Substantive language.**

125 If this H.B. 373 and S.B. 14, Education Reporting Requirements, both pass and become
126 law, it is the intent of the Legislature that the Office of Legislative Research and General
127 Counsel prepare the Utah Code database for publication by:

128 (1) inserting the following language as a new Subsection [53E-1-201\(2\)\(a\)](#):

129 "(a) the report described in Section [53E-3-518](#) by the state board regarding
130 recommendations related to Medicaid reimbursement for school-based health services;"; and

131 (2) renumbering remaining subsections accordingly.