

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 amends provisions related to student support and health services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the name of the School Safety and Crisis Line to the SafeUT Crisis Line;
- ▶ amends provisions related to the SafeUT Crisis Line and the SafeUT Commission, including provisions related to the University Neuropsychiatric Institute charging a fee for the use of the SafeUT Crisis Line;
- ▶ repeals a grant program related to the SafeUT Crisis Line;
- ▶ authorizes the State Board of Education (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;
- ▶ requires the Division of Substance Abuse and Mental Health to coordinate and make recommendations with the board and the Department of Health related to



26 Medicaid reimbursement for school-based health services;

27 ▶ enacts other provisions related to student mental health support; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates in fiscal year 2020:

31 ▶ to the State Board of Education - Minimum School Program - Related to Basic

32 School Programs - Student Health and Counseling Support Program, as an ongoing

33 appropriation:

34 • from the Education Fund, \$30,000,000;

35 ▶ to the Department of Human Services - Division of Substance Abuse and Mental

36 Health - Community Mental Health Services, as an ongoing appropriation:

37 • from the General Fund, (\$500,000); and

38 ▶ to the University of Utah - SafeUT Crisis Text and Tip Line - SafeUT Operations,

39 as an ongoing appropriation:

40 • from the Education Fund, \$1,770,000.

41 **Other Special Clauses:**

42 This bill provides a coordination clause.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53F-2-519**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and

46 amended by Laws of Utah 2018, Chapter 107

47 **53G-8-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3

48 **53G-8-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3

49 **53G-9-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3

50 **62A-15-116**, as enacted by Laws of Utah 2018, Chapter 414

51 ENACTS:

52 **53F-2-415**, Utah Code Annotated 1953

53 **62A-15-117**, Utah Code Annotated 1953

54 RENUMBERS AND AMENDS:

55 **53B-17-1201**, (Renumbered from 53E-10-501, as renumbered and amended by Laws of

56 Utah 2018, Chapter 1)

57 **53B-17-1202**, (Renumbered from 53E-10-502, as renumbered and amended by Laws of
58 Utah 2018, Chapter 1)

59 **53B-17-1203**, (Renumbered from 53E-10-503, as renumbered and amended by Laws of
60 Utah 2018, Chapter 1)

61 **53B-17-1204**, (Renumbered from 53E-10-504, as renumbered and amended by Laws of
62 Utah 2018, Chapter 1)

63 REPEALS:

64 **53E-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1

65 **53E-10-506**, as enacted by Laws of Utah 2018, Chapter 414

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

67 **53E-1-201**, as enacted by Laws of Utah 2018, Chapter 1



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

70 Section 1. Section **53B-17-1201**, which is renumbered from Section 53E-10-501 is
71 renumbered and amended to read:

72 ~~[53E-10-501].~~ **53B-17-1201. Definitions.**

73 As used in this part:

74 (1) "Commission" means the [~~School Safety and Crisis Line~~] SafeUT Commission
75 established in Section [~~53E-10-503~~] 53B-17-1203.

76 (2) "University Neuropsychiatric Institute" means the mental health and substance
77 abuse treatment institute within the University of Utah Hospitals and Clinics.

78 Section 2. Section **53B-17-1202**, which is renumbered from Section 53E-10-502 is
79 renumbered and amended to read:

80 ~~[53E-10-502].~~ **53B-17-1202. SafeUT Crisis Line established.**

81 The University Neuropsychiatric Institute shall:

82 (1) establish a [~~School Safety and~~] SafeUT Crisis Line to provide:

83 (a) a means for an individual to anonymously report:

84 (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a
85 public school;

86 (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and

87 (iii) incidents of physical or sexual abuse committed by a school employee or school

88 volunteer; and

89 (b) crisis intervention, including suicide prevention, to individuals experiencing
90 emotional distress or psychiatric crisis;

91 (2) provide the services described in Subsection (1) 24 hours a day, seven days a week;
92 and

93 (3) when necessary, or as required by law, promptly forward a report received under
94 Subsection (1)(a) to appropriate:

95 (a) school officials; and

96 (b) law enforcement officials.

97 Section 3. Section **53B-17-1203**, which is renumbered from Section 53E-10-503 is
98 renumbered and amended to read:

99 ~~[53E-10-503].~~ **53B-17-1203. SafeUT Commission established -- Members.**

100 (1) There is created the [~~School Safety and Crisis Line~~] SafeUT Commission
101 composed of the following members:

102 (a) one member who represents the Office of the Attorney General, appointed by the
103 attorney general;

104 (b) one member who represents the Utah public education system, appointed by the
105 State Board of Education;

106 (c) one member who represents the Utah System of Higher Education, appointed by the
107 State Board of Regents;

108 (d) one member who represents the Utah Department of Health, appointed by the
109 executive director of the Department of Health;

110 (e) one member of the House of Representatives, appointed by the speaker of the
111 House of Representatives;

112 (f) one member of the Senate, appointed by the president of the Senate;

113 (g) one member who represents the University Neuropsychiatric Institute, appointed by
114 the chair of the commission;

115 (h) one member who represents law enforcement who has extensive experience in
116 emergency response, appointed by the chair of the commission;

117 (i) one member who represents the Utah Department of Human Services who has
118 experience in youth services or treatment services, appointed by the executive director of the

119 Department of Human Services; and

120 (j) two members of the public, appointed by the chair of the commission.

121 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
122 appointed to four-year terms.

123 (b) The length of the terms of the members shall be staggered so that approximately
124 half of the committee is appointed every two years.

125 (c) When a vacancy occurs in the membership of the commission, the replacement
126 shall be appointed for the unexpired term.

127 (3) (a) The attorney general's designee shall serve as chair of the commission.

128 (b) The chair shall set the agenda for commission meetings.

129 (4) Attendance of a simple majority of the members constitutes a quorum for the
130 transaction of official commission business.

131 (5) Formal action by the commission requires a majority vote of a quorum.

132 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
133 compensation, benefits, per diem, or travel expenses for the member's service.

134 (b) Compensation and expenses of a member who is a legislator are governed by
135 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

136 (7) The Office of the Attorney General shall provide staff support to the commission.
137 Section 4. Section 53B-17-1204, which is renumbered from Section 53E-10-504 is
138 renumbered and amended to read:

139 ~~[53E-10-504]~~. 53B-17-1204. **SafeUT Commission duties -- LEA governing**
140 **board duties -- Fees.**

141 (1) As used in this section:

142 (a) "LEA governing board" means:

143 (i) for a school district, the local school board;

144 (ii) for a charter school, the charter school governing board; or

145 (iii) for the Utah Schools for the Deaf and the Blind, the State Board of Education.

146 (b) "Local education agency" or "LEA" means:

147 (i) a school district;

148 (ii) a charter school; or

149 (iii) the Utah Schools for the Deaf and the Blind.

150 (2) The commission shall coordinate:

151 [(+) (a) statewide efforts related to the [School Safety and] SafeUT Crisis Line; and

152 [(2)] (b) with the State Board of Education and the State Board of Regents to promote
153 awareness of the services available through the [School Safety and] SafeUT Crisis Line.

154 (3) An LEA governing board shall inform students, parents, and school personnel
155 about the SafeUT Crisis Line.

156 (4) (a) Except as provided in Subsection (4)(b), the University Neuropsychiatric
157 Institute may charge a fee to an institution of higher education or other entity for the use of the
158 SafeUT Crisis Line in accordance with the method described in Subsection (4)(c).

159 (b) The University Neuropsychiatric Institute may not charge a fee to the State Board
160 of Education or a local education agency for the use of the SafeUT Crisis Line.

161 (c) The commission shall establish a standard method for charging a fee described in
162 Subsection (4)(a).

163 Section 5. Section 53F-2-415 is enacted to read:

164 **53F-2-415. Student health and counseling support -- Qualifying personnel --**
165 **Distribution formula -- Rulemaking.**

166 (1) As used in this section, "qualifying personnel" means a school counselor or other
167 counselor, school psychologist or other psychologist, school social worker or other social
168 worker, or school nurse who:

169 (a) is licensed; and

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

171 (i) early identification and intervention of the student's academic and mental health
172 needs; and

173 (ii) removing barriers to learning and developing skills and behaviors critical for the
174 student's academic achievement.

175 (2) (a) Subject to legislative appropriations, and in accordance with ~~§~~ → [Subsection (2)(b)]

175a **Subsections (2)(b) and (c)** ← ~~§~~ ,

176 the state board shall distribute money appropriated under this section to LEAs to provide in a
177 school targeted school-based mental health support, including clinical services and
178 trauma-informed care, through employing or entering into contracts for services provided by
179 qualifying personnel.

180 (b) ~~§~~ → [(i)] ← ~~§~~ The state board shall, after consulting with LEA governing boards,

180a develop a

181 formula to distribute ~~H→ [money appropriated under this section to LEAs]~~ to LEAs money not
 181a allocated under Subsection (2)(c) ←H .

182 ~~H→ [(ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)~~
 183 ~~incentivizes an LEA]~~ (c) The state board may allocate up to 5% of money appropriated under
 183a this section to incentivize an LEA that qualifies under Subsection (3) ←H to provide
 183b school-based mental health support in collaboration with the
 184 local mental health authority of the county in which the LEA is located.

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

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

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

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

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

195 (4) The state board shall distribute money ~~H→ [appropriated under this section]~~ described
 195a in Subsection (2)(b) ←H to an LEA
 196 that qualifies under Subsection (3):

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

198 (b) in an amount of money that the LEA equally matches using local or unrestricted
 199 state money.

200 (5) An LEA may not use money distributed by the state board under this section to
 201 supplant federal, state, or local money previously allocated to employ or enter into contracts for
 202 services provided by qualified personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

226 Section 6. Section **53F-2-519** is amended to read:

227 **53F-2-519. Appropriation for school nurses.**

228 (1) The State Board of Education shall distribute money appropriated for school nurses
229 to award grants to school districts and charter schools that:

230 (a) provide an equal amount of matching funds; and

231 (b) do not supplant other money used for school nurses.

232 (2) (a) A school district or charter school that is awarded a grant under this section
233 shall require each school nurse employed by the school district or charter school to complete
234 two hours of continuing nurse education on the emotional and mental health of students.

235 (b) The continuing nurse education described in Subsection (2)(a) shall include training
236 on:

237 (i) the awareness of, screening for, and triaging to appropriate treatment for mental
238 health problems;

239 (ii) trauma-informed care;

240 (iii) signs of mental illness;

241 (iv) alcohol and substance abuse;

242 (v) response to acute mental health crises; and

243 (vi) suicide prevention, including information about the 24-hour availability of the
244 [~~School Safety and~~] SafeUT Crisis Line established under Section [~~53E-10-502~~] 53B-17-1202.

245 Section 7. Section **53G-8-202** is amended to read:

246 **53G-8-202. Public school discipline policies -- Basis of the policies --**

247 **Enforcement.**

248 (1) The Legislature recognizes that every student in the public schools should have the
249 opportunity to learn in an environment which is safe, conducive to the learning process, and
250 free from unnecessary disruption.

251 (2) (a) To foster such an environment, each local school board or governing board of a
252 charter school, with input from school employees, parents and guardians of students, students,
253 and the community at large, shall adopt conduct and discipline policies for the public schools
254 in accordance with Section 53G-8-211.

255 (b) A district or charter school shall base its policies on the principle that every student
256 is expected:

257 (i) to follow accepted rules of conduct; and

258 (ii) to show respect for other people and to obey persons in authority at the school.

259 (c) (i) On or before September 1, 2015, the State Board of Education shall revise the
260 conduct and discipline policy models for elementary and secondary public schools to include
261 procedures for responding to reports received through the [~~School Safety and~~] SafeUT Crisis
262 Line under Subsection [~~53E-10-502~~] 53B-17-1202(3).

263 (ii) Each district or charter school shall use the models, where appropriate, in
264 developing its conduct and discipline policies under this chapter.

265 (d) The policies shall emphasize that certain behavior, most particularly behavior
266 which disrupts, is unacceptable and may result in disciplinary action.

267 (3) The local superintendent and designated employees of the district or charter school
268 shall enforce the policies so that students demonstrating unacceptable behavior and their
269 parents or guardians understand that such behavior will not be tolerated and will be dealt with
270 in accordance with the district's conduct and discipline policies.

271 Section 8. Section **53G-8-203** is amended to read:

272 **53G-8-203. Conduct and discipline policies and procedures.**

273 (1) The conduct and discipline policies required under Section 53G-8-202 shall

274 include:

275 (a) provisions governing student conduct, safety, and welfare;

276 (b) standards and procedures for dealing with students who cause disruption in the
277 classroom, on school grounds, on school vehicles, or in connection with school-related
278 activities or events;

279 (c) procedures for the development of remedial discipline plans for students who cause
280 a disruption at any of the places referred to in Subsection (1)(b);

281 (d) procedures for the use of reasonable and necessary physical restraint in dealing with
282 students posing a danger to themselves or others, consistent with Section [53G-8-302](#);

283 (e) standards and procedures for dealing with student conduct in locations other than
284 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

285 (i) the school;

286 (ii) school property;

287 (iii) a person associated with the school; or

288 (iv) property associated with a person described in Subsection (1)(e)(iii);

289 (f) procedures for the imposition of disciplinary sanctions, including suspension and
290 expulsion;

291 (g) specific provisions, consistent with Section [53E-3-509](#), for preventing and
292 responding to gang-related activities in the school, on school grounds, on school vehicles, or in
293 connection with school-related activities or events;

294 (h) standards and procedures for dealing with habitual disruptive or unsafe student
295 behavior in accordance with the provisions of this part; and

296 (i) procedures for responding to reports received through the [~~School Safety and~~
297 SafeUT Crisis Line under Subsection [~~53E-10-502~~] [53B-17-1202](#)(3).

298 (2) (a) Each local school board shall establish a policy on detaining students after
299 regular school hours as a part of the district-wide discipline plan required under Section
300 [53G-8-202](#).

301 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
302 students, grades kindergarten through six.

303 (ii) The board shall receive input from teachers, school administrators, and parents and
304 guardians of the affected students before adopting the policy.

305 (c) The policy described in Subsection (2)(a) shall provide for:

306 (i) notice to the parent or guardian of a student prior to holding the student after school
307 on a particular day; and

308 (ii) exceptions to the notice provision if detention is necessary for the student's health
309 or safety.

310 Section 9. Section **53G-9-703** is amended to read:

311 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**

312 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for
313 parents of students in the school district that:

314 (i) is offered at no cost to parents;

315 (ii) begins at or after 6 p.m.;

316 (iii) is held in at least one school located in the school district; and

317 (iv) covers the topics described in Subsection (2).

318 (b) (i) A school district shall annually offer one parent seminar for each 11,000
319 students enrolled in the school district.

320 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
321 more than three seminars.

322 (c) A school district may:

323 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or

324 (ii) use the curriculum developed by the State Board of Education under Subsection
325 (2).

326 (d) A school district shall notify each charter school located in the attendance
327 boundaries of the school district of the date and time of a parent seminar, so the charter school
328 may inform parents of the seminar.

329 (2) The State Board of Education shall:

330 (a) develop a curriculum for the parent seminar described in Subsection (1) that
331 includes information on:

332 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

333 (ii) bullying;

334 (iii) mental health, depression, suicide awareness, and suicide prevention, including
335 education on limiting access to fatal means;

336 (iv) Internet safety, including pornography addiction; and
337 (v) the [~~School Safety and~~] SafeUT Crisis Line established in Section [~~53E-10-502~~]
338 53B-17-1202; and

339 (b) provide the curriculum, including resources and training, to school districts upon
340 request.

341 (3) The State Board of Education shall report to the Legislature's Education Interim
342 Committee, by the October 2015 meeting, on:

- 343 (a) the progress of implementation of the parent seminar;
- 344 (b) the number of parent seminars conducted in each school district;
- 345 (c) the estimated attendance reported by each school district;
- 346 (d) a recommendation of whether to continue the parent seminar program; and
- 347 (e) if a local school board has opted out of providing the parent seminar, as described
348 in Subsection (4), the reasons why a local school board opted out.

349 (4) (a) A school district is not required to offer the parent seminar if the local school
350 board determines that the topics described in Subsection (2) are not of significant interest or
351 value to families in the school district.

352 (b) If a local school board chooses not to offer the parent seminar, the local school
353 board shall notify the State Board of Education and provide the reasons why the local school
354 board chose not to offer the parent seminar.

355 Section 10. Section ~~62A-15-116~~ is amended to read:

356 **~~62A-15-116. Mobile crisis outreach team expansion.~~**

357 (1) In consultation with the [~~Crisis Line~~] SafeUT Commission, established in Section
358 [~~53E-10-503~~] 53B-17-1203, the division shall award grants for the development of five mobile
359 crisis outreach teams:

- 360 (a) (i) in counties of the second, third, fourth, fifth, or sixth class; or
- 361 (ii) in counties of the first class, if no more than two mobile crisis outreach teams are
362 operating or have been awarded a grant to operate in the county; and

363 (b) to provide mental health crisis services 24 hours per day, 7 days per week, and
364 every day of the year.

365 (2) The division shall prioritize the award of a grant described in Subsection (1) to
366 entities, based on:

367 (a) the number of individuals the proposed mobile crisis outreach team will serve; and
368 (b) the percentage of matching funds the entity will provide to develop the proposed
369 mobile crisis outreach team.

370 (3) An entity does not need to have resources already in place to be awarded a grant
371 described in Subsection (1).

372 (4) In consultation with the [~~Crisis Line~~] SafeUT Commission, established in Section
373 [~~53E-10-503~~] [53B-17-1203](#), the division shall make rules, in accordance with Title 63G,
374 Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grants
375 described in Subsection (1).

376 Section 11. Section **62A-15-117** is enacted to read:

377 **62A-15-117. Medicaid reimbursement for school-based health services -- Report**
378 **to Legislature.**

379 (1) As used in this section, "individualized education program" or "IEP" means a
380 written statement for a student with a disability that is developed, reviewed, and revised in
381 accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

382 (2) The division shall coordinate with the State Board of Education, the Department of
383 Health, and stakeholders to address and develop recommendations related to:

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

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

389 (3) The division, the State Board of Education, and the Department of Health shall
390 jointly report the recommendations described in Subsection (2) to the Education Interim
391 Committee on or before August 15, 2019.

392 Section 12. **Repealer.**

393 This bill repeals:

394 Section **53E-10-505, State Board of Education and local boards of education to**
395 **update policies and promote awareness.**

396 Section **53E-10-506, Higher education implementation of School Safety and Crisis**
397 **Line.**

398 Section 13. **Appropriation.**

399 The following sums of money are appropriated for the fiscal year beginning July 1,
 400 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
 401 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 402 Act, the Legislature appropriates the following sums of money from the funds or accounts
 403 indicated for the use and support of the government of the state of Utah.

404 ITEM 1

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

406 Programs

407 From Education Fund \$30,000,000

408 Schedule of Programs:

409 Student Health and Counseling Support Program \$30,000,000

410 The Legislature intends that the State Board of Education use the appropriation
 411 provided under this item for the purposes described in Section [53F-2-415](#).

412 ITEM 2

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

414 From General Fund (\$500,000)

415 Schedule of Programs:

416 Community Mental Health Services (\$500,000)

417 ITEM 3

418 To University of Utah - SafeUT Crisis Text and Tip Line

419 From Education Fund \$1,770,000

420 Schedule of Programs:

421 SafeUT Operations \$1,770,000

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

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

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

427 "(j) the report described in Section [62A-15-117](#) by the Division of Substance Abuse
 428 and Mental Health, the State Board of Education, and the Department of Health regarding

429 recommendations related to Medicaid reimbursement for school-based health services;" and
430 (2) renumbering remaining subsections accordingly.