

HB0373S03 compared with HB0373S02

~~{deleted text}~~ shows text that was in HB0373S02 but was deleted in HB0373S03.

Inserted text shows text that was not in HB0373S02 but was inserted into HB0373S03.

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~~{Representative Steve Eliason}~~Senator Ann Millner proposes the following substitute bill:

STUDENT SUPPORT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

Cosponsors:

Mike Winder

Karen Kwan

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 and School Safety Commission, including provisions related to the University Neuropsychiatric Institute charging a fee for the use of the SafeUT Crisis Line;

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- ▶ repeals a grant program related to the SafeUT Crisis Line;
- ▶ amends provisions related to mobile crisis outreach teams:
- ▶ 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 Medicaid reimbursement for school-based health services;
- ▶ enacts other provisions related to student mental health support; and
- ▶ makes technical and conforming changes.

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 appropriation:
 - from the Education Fund, ~~(\$30)~~\$6,000,000;
- ▶ to the State Board of Education - Minimum School Program - Related to Basic School Programs - Student Health and Counseling Support Program, as a one-time appropriation:
 - from the Education Fund, One-time, \$10,000,000;
- ▶ to the Department of Human Services - Division of Substance Abuse and Mental Health - Community Mental Health Services, as an ongoing appropriation:
 - from the General Fund, (\$500,000); and
- ▶ to the University of Utah - SafeUT Crisis Text and Tip Line - SafeUT Operations, as an ongoing appropriation:
 - from the Education Fund, \$1,770,000.

Other Special Clauses:

This bill provides ~~{a}~~coordination ~~{clause}~~clauses.

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Utah Code Sections Affected:

AMENDS:

53F-2-519, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and amended by Laws of Utah 2018, Chapter 107

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

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

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

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

ENACTS:

53F-2-415, Utah Code Annotated 1953

62A-15-117, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

53B-17-1201, (Renumbered from 53E-10-501, as renumbered and amended by Laws of Utah 2018, Chapter 1)

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

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

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

REPEALS:

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

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

Utah Code Sections Affected by Coordination Clause:

53B-17-1203, Utah Code Annotated 1953

53B-17-1204, Utah Code Annotated 1953

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

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

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

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

As used in this part:

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

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

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

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

The University Neuropsychiatric Institute shall:

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

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

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

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

(iii) incidents of physical or sexual abuse committed by a school employee or school volunteer; and

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

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

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

(a) school officials; and

(b) law enforcement officials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) (a) Except as provided in Subsection (6)(b), a member may not receive

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compensation, benefits, per diem, or travel expenses for the member's service.

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

(7) The Office of the Attorney General shall provide staff support to the commission.

Section 4. Section **53B-17-1204**, which is renumbered from Section 53E-10-504 is renumbered and amended to read:

~~[53E-10-504]~~. **53B-17-1204. SafeUT and School Safety Commission duties**

-- LEA governing board duties -- Fees.

(1) As used in this section:

(a) "LEA governing board" means:

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

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

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

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

(i) a school district;

(ii) a charter school; or

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

(2) The commission shall coordinate:

~~[(1)]~~ (a) statewide efforts related to the ~~[School Safety and]~~ SafeUT Crisis Line; and

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

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

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

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

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

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

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

(1) As used in this section, "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) is licensed; and

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

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

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

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

(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.

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

(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 employ or enter into contracts for services provided by qualified personnel.

(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 ~~3%~~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.

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

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

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

- (a) provide an equal amount of matching funds; and
- (b) do not supplant other money used for school nurses.

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

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

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

(ii) trauma-informed care;

(iii) signs of mental illness;

(iv) alcohol and substance abuse;

(v) response to acute mental health crises; and

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

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

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

Enforcement.

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

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

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

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(i) to follow accepted rules of conduct; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the school;

(ii) school property;

(iii) a person associated with the school; or

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- (iv) property associated with a person described in Subsection (1)(e)(iii);
- (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
- (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
- (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
- (i) procedures for responding to reports received through the [~~School Safety and~~ SafeUT Crisis Line under Subsection [~~53E-10-502~~] 53B-17-1202(3).

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

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

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

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

- (i) notice to the parent or guardian of a student prior to holding the student after school on a particular day; and
- (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

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

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

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

- (i) is offered at no cost to parents;
- (ii) begins at or after 6 p.m.;
- (iii) is held in at least one school located in the school district; and
- (iv) covers the topics described in Subsection (2).

(b) (i) A school district shall annually offer one parent seminar for each 11,000

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students enrolled in the school district.

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

(c) A school district may:

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

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

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

(2) The State Board of Education shall:

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

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

(ii) bullying;

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

(iv) Internet safety, including pornography addiction; and

(v) the ~~[School Safety and]~~ SafeUT Crisis Line established in Section ~~[53E-10-502]~~ 53B-17-1202; and

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

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

(a) the progress of implementation of the parent seminar;

(b) the number of parent seminars conducted in each school district;

(c) the estimated attendance reported by each school district;

(d) a recommendation of whether to continue the parent seminar program; and

(e) if a local school board has opted out of providing the parent seminar, as described in Subsection (4), the reasons why a local school board opted out.

(4) (a) A school district is not required to offer the parent seminar if the local school

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board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

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

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

62A-15-116. Mobile crisis outreach team expansion.

(1) In consultation with the [~~Crisis Line~~] ~~SafeUT~~ Mental Health Crisis Line Commission, established in Section [~~53E-10-503~~] ~~53B-17-1203~~ 63C-18-202, the division shall award grants for the development of five mobile crisis outreach teams:

- (a) (i) in counties of the second, third, fourth, fifth, or sixth class; or
- (ii) in counties of the first class, if no more than two mobile crisis outreach teams are operating or have been awarded a grant to operate in the county; and
- (b) to provide mental health crisis services 24 hours per day, 7 days per week, and every day of the year.

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

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

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

(4) In consultation with the [~~Crisis Line~~] ~~SafeUT~~ Mental Health Crisis Line Commission, established in Section [~~53E-10-503~~] ~~53B-17-1203~~ 63C-18-202, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grants described in Subsection (1).

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

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

(1) As used in this section, "individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in

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accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

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

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

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

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

Section 12. **Repealer.**

This bill repeals:

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

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

Section 13. **Appropriation.**

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

ITEM 1

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

<u>From Education Fund</u>	+\$30 <u>\$6,000,000</u>
<u>From Education Fund, One-time</u>	<u>\$10,000,000</u>

Schedule of Programs:

Student Health and Counseling

<u>Support Program</u>	+\$30	<u>\$16,000,000</u>
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The Legislature intends that the State Board of Education use the appropriation provided under this item for the purposes described in Section 53F-2-415.

ITEM 2

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

From General Fund (\$500,000)

Schedule of Programs:

Community Mental Health Services (\$500,000)

ITEM 3

To University of Utah - SafeUT Crisis Text and Tip Line

From Education Fund \$1,770,000

Schedule of Programs:

SafeUT Operations \$1,770,000

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

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

(1) inserting the following language as a new Subsection 53E-1-201(2)(j):

"(j) the report described in Section 62A-15-117 by the Division of Substance Abuse and Mental Health, the State Board of Education, and the Department of Health regarding recommendations related to Medicaid reimbursement for school-based health services;" and

(2) renumbering remaining subsections accordingly.

Section 15. Coordinating H.B. 373 with H.B. 27 -- Superseding technical and substantive amendments.

If this H.B. 373 and H.B. 27, Public Education Definitions Amendments, both pass and become law, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

(1) Section 53B-17-1203 in this bill supersedes Section 53E-10-503 in H.B. 27; and

(2) Section 53B-17-1204 in this bill supersedes Section 53E-10-504 in H.B. 27.