

HB0323S01 compared with HB0323

~~{deleted text}~~ shows text that was in HB0323 but was deleted in HB0323S01.

inserted text shows text that was not in HB0323 but was inserted into HB0323S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

LONG TITLE

General Description:

This bill ~~{requires a}~~ creates a grant program to award grants to participating schools to administer mental health screening ~~{tool to be administered to public school students annually}~~ 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 ~~{and}~~ (state board) to:

HB0323S01 compared with HB0323

- in consultation with the Division of Substance Abuse and Mental Health ~~{to develop or select}~~; approve a mental health screening ~~{tool}~~ program 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}~~ 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 ~~{the screening to assist parents to pay for recommended}~~ school-based mental health ~~{interventions that cannot be provided by a school}~~ support to pay an employee to administer the program and oversee mental health ~~{professional}~~ personnel in ~~{the school setting}~~ 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

HB0323S01 compared with HB0323

ENACTS:

~~{53G-9-405}~~53F-2-522, Utah Code Annotated 1953

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:

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

~~[(+)]~~ (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

HB0323S01 compared with HB0323

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

HB0323S01 compared with HB0323

(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 ~~{53G-9-405}~~ 53F-2-522 is enacted to read:

~~{53G-9-405}~~ 53F-2-522. **Public ~~{education mental health screening}~~ 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 ~~student for whom mental health intervention is recommended by the division and~~ 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 ~~adopted~~ made by the state board ~~under this section~~.

(~~f~~) "Screening ~~tool~~ program" means ~~the online~~ a student mental health screening

HB0323S01 compared with HB0323

~~{tool}~~ program selected ~~{or developed}~~ by a participating LEA and approved by the state board ~~{and}~~ in consultation with the division.

(2) ~~{Within}~~ There is created the Public Education Mental Health Screening Grant Program to, within appropriations ~~{specified}~~ 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 ~~{shall distribute money to the division to carry out the provisions of this section}~~ in consultation with the division.

(3) The state board shall ~~{, in conjunction}~~:

(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);

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

(d) in consultation with the division, ~~{develop or select}~~ approve a student mental health screening ~~{tool}~~ program selected by a participating LEA that:

(~~{a}~~i) is age appropriate for each grade in which the screening ~~{tool}~~ program is administered;

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

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

(~~{d}~~iii) is an effective tool for identifying whether a student has a mental health condition that requires intervention~~{~~

HB0323S01 compared with HB0323

~~(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;~~ and

(e) on or before November 30 of each school year.

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

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

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

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

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

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

~~(ii) excludes a student's name; and~~

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

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

~~(c) The division shall:~~

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

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

~~(A) results of the screening; and~~

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

~~(iii) year, submit a report of on the division's analysis grant program to the state board and;~~

(i) the State Suicide Prevention Coalition created under Subsection 62A-15-1101(2) on or before November 30 of each year in which the screening is administered.

~~(6) (a) An LEA shall;~~ and

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

HB0323S01 compared with HB0323

(4) A participating LEA shall:

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

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

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

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

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

~~— (i) notify the student's parent; and~~

~~— (ii) if a parent} work with the participating LEA's school mental health professional to provide to a participating student an intervention that can be provided in the school setting if:~~

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

(ii) a parent of the participating student provides written consent that complies with Section 53E-9-203, }work with the school mental health professional to provide any recommended interventions that can be provided by the school mental health professional in the school setting;

~~— (7} and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.~~

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

(6) (a) The state board }shall}may distribute any surplus funds appropriated under this section to a participating LEA to use to assist a qualifying parent to pay for an intervention }recommended by the division}described in Subsection (4)(e) that cannot be provided by a school mental health professional in the school setting.

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

(i) determining whether a parent is eligible to receive the financial support described in

HB0323S01 compared with HB0323

Subsection ~~(77)6~~(a); and

(ii) applying for and distributing the financial support described in Subsection ~~(77)6~~(a).