

BLOCK GRANT FUNDING FOR PREVENTION PROGRAMS

IN PUBLIC EDUCATION

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Ann Millner

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 2 absent

General Description:

This bill establishes block grant funding for the implementation of comprehensive prevention programs in local education agencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes block grant funding for the implementation of comprehensive prevention programs in local education agencies (LEAs);
- ▶ requires the State Board of Education (State Board) to:
 - make rules to establish and administer the grant application process; and
 - provide LEAs with certain resources and support;
- ▶ provides for the allowable uses of the block grant funding;
- ▶ allows LEAs to:
 - choose to implement a comprehensive prevention plan with block grant funding or implement individual prevention plans with existing funding restrictions; and
 - submit one comprehensive report instead of individually required reports if the



28 LEA implements a comprehensive prevention plan;

29 ▶ amends a list of programs for which the Legislature annually determines the cost of

30 automatic increases for inflation and enrollment growth to include the block grant

31 funding;

32 ▶ amends existing prevention programs to accommodate the opportunity for block

33 grant funding;

34 ▶ authorizes the use of certain excess funds in the Underage Drinking and Substance

35 Abuse Prevention Program Restricted Account for distribution through block grant

36 funding; and

37 ▶ makes technical and conforming changes.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 This bill provides a special effective date.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 **53E-3-522**, as enacted by Laws of Utah 2020, Chapter 230
- 45 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1
- 46 **53F-2-410**, as repealed and reenacted by Laws of Utah 2021, Chapter 319
- 47 **53F-2-415**, as last amended by Laws of Utah 2022, Chapter 409
- 48 **53F-9-304**, as last amended by Laws of Utah 2022, Chapters 447, 456
- 49 **53G-9-702**, as last amended by Laws of Utah 2021, Chapter 105
- 50 **53G-10-407**, as enacted by Laws of Utah 2020, Chapter 161
- 51 **59-14-807**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

52 ENACTS:

53 **53F-2-525**, Utah Code Annotated 1953



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

56 Section 1. Section **53E-3-522** is amended to read:

57 **53E-3-522. Substance abuse prevention in public school programs.**

58 ~~[The]~~ Except as provided in Section **53F-2-525**, the state board shall provide for:

- 59 (1) substance abuse prevention and education;
60 (2) substance abuse prevention training for teachers and administrators; and
61 (3) district and school programs to supplement, not supplant, existing local prevention
62 efforts in cooperation with local substance abuse authorities.

63 Section 2. Section **53F-2-208** is amended to read:

64 **53F-2-208. Cost of adjustments for growth and inflation.**

65 (1) In accordance with Subsection (2), the Legislature shall annually determine:

66 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
67 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
68 to the following programs:

- 69 (i) education for youth in custody, described in Section [53E-3-503](#);
70 (ii) the Basic Program, described in [~~Title 53F, Chapter 2,~~] Part 3, Basic Program
71 (Weighted Pupil Units);
72 (iii) the Adult Education Program, described in Section [53F-2-401](#);
73 (iv) state support of pupil transportation, described in Section [53F-2-402](#);
74 (v) the Enhancement for Accelerated Students Program, described in Section
75 [53F-2-408](#);
76 (vi) the Concurrent Enrollment Program, described in Section [53F-2-409](#); and
77 (vii) the [~~gang~~] block grant funding for prevention [~~and intervention program~~]
78 programs in public education, described in Section [~~53F-2-410~~] [53F-2-525](#); and

79 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
80 the current fiscal year's ongoing state tax fund appropriations to the following programs:

- 81 (i) a program described in Subsection (1)(a);
82 (ii) educator salary adjustments, described in Section [53F-2-405](#);
83 (iii) the Teacher Salary Supplement Program, described in Section [53F-2-504](#);
84 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
85 [53F-2-601](#); and
86 (v) charter school local replacement funding, described in Section [53F-2-702](#).

87 (2) (a) In or before December each year, the Executive Appropriations Committee shall
88 determine:

- 89 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

90 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
91 (b) The Executive Appropriations Committee shall make the determinations described
92 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
93 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
94 Budget.

95 Section 3. Section **53F-2-410** is amended to read:

96 **53F-2-410. Gang prevention and intervention program.**

97 Subject to legislative appropriations and except as provided in Section [53F-2-525](#), the
98 state board shall distribute money for a gang prevention and intervention program:

- 99 (1) that is designed to help students at risk for gang involvement stay in school; and
- 100 (2) to school districts and charter schools through a request for proposals process.

101 Section 4. Section **53F-2-415** is amended to read:

102 **53F-2-415. Student health and counseling support -- Qualifying personnel --**
103 **Distribution formula -- Rulemaking.**

104 (1) As used in this section:

105 (a) "Qualifying personnel" means a school counselor or other counselor, school
106 psychologist or other psychologist, school social worker or other social worker, or school nurse
107 who:

- 108 (i) is licensed; and
- 109 (ii) collaborates with educators and a student's parent on:
 - 110 (A) early identification and intervention of the student's academic and mental health
 - 111 needs; and
 - 112 (B) removing barriers to learning and developing skills and behaviors critical for the
 - 113 student's academic achievement.

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

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

- 119 (i) employing qualifying personnel; or
- 120 (ii) entering into contracts for services provided by qualifying personnel, including

121 telehealth services.

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

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

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

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

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

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

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

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

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

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

143 (5) An LEA may not use money distributed by the state board under this section to
144 supplant federal, state, or local money previously allocated to:

145 (a) employ qualifying personnel; or

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

148 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
149 state board shall make rules that establish:

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

151 (b) the formula the state board will use to distribute money to LEAs described in

152 Subsection (2)(b); and

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

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

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

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

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

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

166 (9) The state board may use up to:

167 (a) 2% of an appropriation under this section for costs related to the administration of
168 the provisions of this section; and

169 (b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described
170 in this section to provide scholarships for up to four years to certain LEA employees, as defined
171 by the state board, for education and training to become a school social worker, a school
172 psychologist, or other school-based mental health worker.

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

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

176 (b) (i) youth suicide prevention programs described in Section 53G-9-702[-]; or

177 (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

178 Section 5. Section 53F-2-525 is enacted to read:

179 **53F-2-525. Block grant funding for prevention programs in public education.**

180 (1) As used in this section, "comprehensive prevention plan" means an LEA's plan:

181 (a) to implement evidence-based early-intervention and prevention practices tailored to
182 achieve outcomes and mitigate risk factors in a manner consistent with the following programs:

183 (i) substance abuse prevention programs described in Section 53E-3-522;
184 (ii) gang prevention and intervention programs described in Section 53F-2-410;
185 (iii) youth suicide prevention programs described in Section 53G-9-702; and
186 (iv) positive behavior plans described in Section 53G-10-407;
187 (b) that includes trauma-informed practices, training, and resources; and
188 (c) that an LEA designs in collaboration with the state board, as described in
189 Subsection (4)(a)(i), and with input from parents, students, educators, and student support staff
190 within the LEA.

191 (2) Subject to legislative appropriations, the state board shall distribute block grant
192 funding to LEAs for use in accordance with Subsection (5)(b)(iii) to implement a
193 comprehensive prevention plan that the state board approves in accordance with Subsection
194 (3).

195 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
196 state board shall make rules to:

197 (a) establish an application process that allows an LEA to:

198 (i) articulate the approach and rationale underlying the LEA's comprehensive
199 prevention plan;

200 (ii) demonstrate the LEA's specific prevention needs;

201 (iii) provide data that supports the substance and cost of the LEA's comprehensive
202 prevention plan;

203 (iv) outline the ways in which the LEA will use the block grant funding in a united
204 prevention effort to achieve the outcomes that the individual programs described in Subsection
205 (1) target; and

206 (v) identify the specific outcomes described in Subsection (3)(a)(iv) by which the LEA
207 will measure the success of the comprehensive prevention plan; and

208 (b) establish additional grant application conditions.

209 (4) The state board shall:

210 (a) (i) provide guidance to each LEA that is preparing a prevention block grant funding
211 application on the design and implementation of the LEA's comprehensive prevention program;

212 (ii) review each prevention block grant funding application for compliance and
213 eligibility; and

214 (iii) provide to each LEA that receives block grant funding:
 215 (A) technical assistance that is tailored to the LEA's specified prevention needs; and
 216 (B) targeted professional learning opportunities in evidence-based prevention practices;
 217 (b) evaluate and prioritize block grant funding applications under this section and
 218 individual funding needs for LEAs that choose to seek out funding for individual prevention
 219 programs, as described in Subsection (5)(a), as the state board deems necessary to ensure the
 220 effectiveness of statewide prevention efforts.

221 (5) (a) An LEA may seek block grant funding under this section or segregated funding
 222 for the individual programs described in Subsection (1), based on the LEA governing board's
 223 determination of specific prevention needs within the LEA.

224 (b) Notwithstanding any other provision of law or state board rule, an LEA that
 225 receives block grant funding under this section:

226 (i) shall submit to the state board a report that:

227 (A) accounts for the LEA's use of the block grant funding; and

228 (B) provides data points, including the measurement of the specified outcomes
 229 described in Subsection (3)(a)(v), that demonstrate the effectiveness of the LEA's
 230 comprehensive prevention plan;

231 (ii) is not required to submit to the state board an individual report for each program
 232 described in Subsection (1); and

233 (iii) may use block grant funding to:

234 (A) implement the state board-approved comprehensive prevention plan;

235 (B) carry out the prevention-focused parent seminars described in Subsection
 236 53G-9-703(2); and

237 (C) other evidence-based prevention practices that the state board authorizes.

238 Section 6. Section **53F-9-304** is amended to read:

239 **53F-9-304. Underage Drinking and Substance Abuse Prevention Program**

240 **Restricted Account.**

241 (1) As used in this section, "account" means the Underage Drinking and Substance
 242 Abuse Prevention Program Restricted Account created in this section.

243 (2) There is created within the Income Tax Fund a restricted account known as the
 244 "Underage Drinking and Substance Abuse Prevention Program Restricted Account."

245 (3) (a) Before the Department of Alcoholic Beverage Services deposits any portion of
246 the markup collected under Section 32B-2-304 into the Liquor Control Fund in accordance
247 with Section 32B-2-301, the Department of Alcoholic Beverage Services shall deposit into the
248 account:

249 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

250 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
251 amount that the Department of Alcoholic Beverage Services deposited into the account during
252 the preceding fiscal year increased or decreased by a percentage equal to the percentage
253 difference between the Consumer Price Index for the second preceding calendar year and the
254 Consumer Price Index for the preceding calendar year.

255 (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage
256 Services shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4)
257 and 1(f)(5).

258 (4) The account shall be funded:

259 (a) in accordance with Subsection (3);

260 (b) by appropriations made to the account by the Legislature; and

261 (c) by interest earned on money in the account.

262 (5) (a) [The] Except as provided in Subsection (5)(b), the state board shall use money
263 in the account for the Underage Drinking and Substance Abuse Prevention Program described
264 in Section 53G-10-406.

265 (b) If excess funds remain in the restricted account at the end of a given fiscal year
266 after the use described in Subsection (5)(a), the state board may distribute the excess funds in
267 the subsequent fiscal year through the block grant funding for public education prevention
268 programs described in Section 53F-2-525.

269 Section 7. Section 53G-9-702 is amended to read:

270 **53G-9-702. Youth suicide prevention programs -- State board to develop model**
271 **programs.**

272 (1) As used in the section:

273 (a) "Elementary grades" means:

274 (i) kindergarten through grade 5; and

275 (ii) if the associated middle or junior high school does not include grade 6, grade 6.

276 (b) "Intervention" means an effort to prevent a student from attempting suicide.

277 (c) "Postvention" means mental health intervention after a suicide attempt or death to
278 prevent or contain contagion.

279 (d) "Program" means a youth suicide prevention program described in Subsection (2).

280 (e) "Public education suicide prevention coordinator" means an individual designated
281 by the state board as described in Subsection (4).

282 (f) "Secondary grades" means:

283 (i) grades 7 through 12; and

284 (ii) if a middle or junior high school includes grade 6, grade 6.

285 (g) "State suicide prevention coordinator" means the state suicide prevention
286 coordinator described in Section [62A-15-1101](#).

287 (2) In collaboration with the public education suicide prevention coordinator, a school
288 district or charter school shall implement a youth suicide prevention program, which, in
289 collaboration with the training, programs, and initiatives described in Section [53G-9-607](#), shall
290 include programs and training to address:

291 (a) for elementary grades and secondary grades:

292 (i) life-affirming education, including on the concepts of resiliency, healthy habits,
293 self-care, problem solving, and conflict resolution;

294 (ii) methods of strengthening the family; and

295 (iii) methods of strengthening a youth's relationships in the school and community; and

296 (b) for secondary grades:

297 (i) prevention of youth suicide;

298 (ii) decreasing the risk of suicide among youth who are:

299 (A) not accepted by family for any reason, including lesbian, gay, bisexual,
300 transgender, or questioning youth; or

301 (B) suffer from bullying;

302 (iii) youth suicide intervention; and

303 (iv) postvention for family, students, and faculty.

304 (3) Each school district and charter school shall ensure that the youth suicide
305 prevention program described in Subsection (2):

306 (a) considers appropriate coordination with the following prevention programs:

307 (i) the prevention of bullying and cyber-bullying, as those terms are defined in Section
308 [53G-9-601](#); and

309 (ii) the prevention of underage drinking of alcohol and substance abuse under Section
310 [53G-10-406](#); and

311 (b) includes provisions to ensure that the school district or charter school promptly
312 communicates with the parent or guardian of a student in accordance with Section [53G-9-604](#).

313 (4) The state board shall:

314 (a) designate a public education suicide prevention coordinator; and

315 (b) in collaboration with the Department of Health and the state suicide prevention
316 coordinator, develop model programs to provide to school districts and charter schools:

317 (i) program training; and

318 (ii) resources regarding the required components described in Subsections (2)(a) and

319 (b).

320 (5) The public education suicide prevention coordinator shall:

321 (a) oversee the youth suicide prevention programs of school districts and charter
322 schools; and

323 (b) coordinate prevention and postvention programs, services, and efforts with the state
324 suicide prevention coordinator.

325 (6) A public school suicide prevention program may allow school personnel to ask a
326 student questions related to youth suicide prevention, intervention, or postvention.

327 (7) (a) Subject to legislative appropriation and except as provided in Section
328 [53F-2-525](#), the state board may distribute money to a school district or charter school to be
329 used to implement evidence-based practices and programs, or emerging best practices and
330 programs, for preventing suicide in the school district or charter school.

331 (b) The state board shall ensure that an LEA's allocation of funds from the board's
332 distribution of money under Subsection (7)(a) provides an amount equal to at least \$1,000 per
333 school.

334 (c) (i) A school shall use money allocated to the school under Subsection (7)(b) to
335 implement evidence-based practices and programs, or emerging best practices and programs,
336 for preventing suicide.

337 (ii) Each school may select the evidence-based practices and programs, or emerging

338 best practices and programs, for preventing suicide that the school implements.

339 (8) An LEA may not charge indirect costs to the program.

340 Section 8. Section **53G-10-407** is amended to read:

341 **53G-10-407. Positive behaviors plan -- Positive behaviors specialist stipend --**
342 **Reports.**

343 (1) As used in this section:

344 (a) "Positive behaviors plan" means a plan to address the causes of student use of
345 tobacco, alcohol, electronic cigarette products, and other controlled substances through
346 promoting positive behaviors.

347 (b) "Positive behaviors specialist" means an individual designated to administer a
348 positive behaviors plan.

349 (2) (a) A school principal shall:

350 (i) create a positive behaviors plan based on the input of students, parents, and staff;
351 and

352 (ii) submit the positive behaviors plan to the LEA governing board for approval.

353 (b) A positive behaviors plan shall address issues including peer pressure, mental
354 health, and creating meaningful relationships.

355 (c) A positive behaviors plan may include programs, clubs, service opportunities, and
356 pro-social activities.

357 (3) Each LEA shall designate one or more employees as a positive behaviors specialist
358 for each school to administer the positive behaviors plan.

359 (4) (a) ~~[The]~~ Except as provided in Section 53F-2-525, the state board shall distribute
360 annually to each school:

361 (i) \$3,000 as a stipend for the positive behaviors specialists; and

362 (ii) \$1,000 to administer the positive behaviors plan.

363 (b) Notwithstanding Subsection (4)(a), if funding is insufficient to cover the costs
364 associated with stipends, the state board may reduce the amount of the stipend.

365 (5) (a) A positive behaviors specialist shall annually submit a written report to the LEA
366 governing board detailing how the positive behaviors plan was implemented in the prior year.

367 (b) ~~[An]~~ Except as provided in Subsection 53F-2-525(5), an LEA governing board
368 shall submit an annual report to the state board confirming that each school under the

369 governing board's jurisdiction has an approved positive behaviors plan.

370 Section 9. Section **59-14-807** is amended to read:

371 **59-14-807. Electronic Cigarette Substance and Nicotine Product Tax Restricted**
372 **Account.**

373 (1) There is created within the General Fund a restricted account known as the
374 "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."

375 (2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account
376 consists of:

377 (a) revenues collected from the tax imposed by Section **59-14-804**; and

378 (b) amounts appropriated by the Legislature.

379 (3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation
380 by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette
381 Substance and Nicotine Product Tax Restricted Account:

382 (a) \$2,000,000 which shall be allocated to the local health departments by the
383 Department of Health using the formula created in accordance with Section **26A-1-116**;

384 (b) \$2,000,000 to the Department of Health for statewide cessation programs and
385 prevention education;

386 (c) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed
387 at disrupting organizations and networks that provide tobacco products, electronic cigarette
388 products, nicotine products, and other illegal controlled substances to minors;

389 (d) \$3,000,000 which shall be allocated to the local health departments by the
390 Department of Health using the formula created in accordance with Section **26A-1-116**;

391 (e) \$5,084,200 to the State Board of Education for school-based prevention programs;
392 and

393 (f) \$2,000,000 to the Department of Health for alcohol, tobacco, and other drug
394 prevention, reduction, cessation, and control programs that promote unified messages and
395 make use of media outlets, including radio, newspaper, billboards, and television.

396 (4) (a) The local health departments shall use the money received in accordance with
397 Subsection (3)(a) for enforcing:

398 (i) the regulation provisions described in Section **26-57-103**;

399 (ii) the labeling requirement described in Section **26-57-104**; and

400 (iii) the penalty provisions described in Section [26-62-305](#).

401 (b) The Department of Health shall use the money received in accordance with
402 Subsection (3)(b) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
403 Program created in Section [26-7-10](#).

404 (c) The local health departments shall use the money received in accordance with
405 Subsection (3)(d) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug
406 Prevention Grant Program created in Section [26A-1-129](#).

407 (d) The State Board of Education shall use the money received in accordance with
408 Subsection (3)(e) to distribute to local education agencies to pay for:

409 (i) (A) stipends for positive behaviors specialists as described in Subsection
410 [53G-10-407\(4\)\(a\)\(i\)](#);

411 [~~(ii)~~] (B) the cost of administering the positive behaviors plan as described in
412 Subsection [53G-10-407\(4\)\(a\)\(ii\)](#); and

413 [~~(iii)~~] (C) the cost of implementing an Underage Drinking and Substance Abuse
414 Prevention Program in grade 4 or 5, as described in Subsection [53G-10-406\(3\)\(b\)](#)[~~;~~]; or

415 (ii) a comprehensive prevention plan, as that term is defined in Section [53F-2-525](#).

416 (5) (a) The fund shall earn interest.

417 (b) All interest earned on fund money shall be deposited into the fund.

418 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette
419 Substance and Nicotine Product Tax Restricted Account after the distribution described in
420 Subsection (3) may only be used for programs and activities related to the prevention and
421 cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

422 Section 10. **Effective date.**

423 This bill takes effect on July 1, 2023.