

Representative Susan Pulsipher proposes the following substitute bill:

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

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 LEA implements a comprehensive prevention plan;



26 ▶ amends a list of programs for which the Legislature annually determines the cost of
27 automatic increases for inflation and enrollment growth to include the block grant
28 funding;

29 ▶ amends existing prevention programs to accommodate the opportunity for block
30 grant funding;

31 ▶ authorizes the use of certain excess funds in the Underage Drinking and Substance
32 Abuse Prevention Program Restricted Account for distribution through block grant
33 funding; and

34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **53E-3-522**, as enacted by Laws of Utah 2020, Chapter 230

42 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1

43 **53F-2-410**, as repealed and reenacted by Laws of Utah 2021, Chapter 319

44 **53F-2-415**, as last amended by Laws of Utah 2022, Chapter 409

45 **53F-9-304**, as last amended by Laws of Utah 2022, Chapters 447, 456

46 **53G-9-702**, as last amended by Laws of Utah 2021, Chapter 105

47 **53G-10-407**, as enacted by Laws of Utah 2020, Chapter 161

48 **59-14-807**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

49 ENACTS:

50 **53F-2-525**, Utah Code Annotated 1953



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

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

54 **53E-3-522. Substance abuse prevention in public school programs.**

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

56 (1) substance abuse prevention and education;

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

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

61 **53F-2-208. Cost of adjustments for growth and inflation.**

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

63 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a

64 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations

65 to the following programs:

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

76 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,

77 the current fiscal year's ongoing state tax fund appropriations to the following programs:

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

84 (2) (a) In or before December each year, the Executive Appropriations Committee shall

85 determine:

- 86 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
- 87 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

88 (b) The Executive Appropriations Committee shall make the determinations described
89 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
90 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
91 Budget.

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

93 **53F-2-410. Gang prevention and intervention program.**

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

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

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

99 **53F-2-415. Student health and counseling support -- Qualifying personnel --**

100 **Distribution formula -- Rulemaking.**

101 (1) As used in this section:

102 (a) "Qualifying personnel" means a school counselor or other counselor, school
103 psychologist or other psychologist, school social worker or other social worker, or school nurse
104 who:

105 (i) is licensed; and

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

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

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

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

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

116 (i) employing qualifying personnel; or

117 (ii) entering into contracts for services provided by qualifying personnel, including
118 telehealth services.

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

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

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

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

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

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

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

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

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

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

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

142 (a) employ qualifying personnel; or

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

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

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

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

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

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

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

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

157 (c) how the LEA, in providing school-based mental health support, complies with the
158 provisions of Section [53E-9-203](#).

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

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

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

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

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

172 (a) the SafeUT Crisis Line described in Section [53B-17-1202](#); or

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

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

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

176 **53F-2-525. Block grant funding for prevention programs in public education.**

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

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

180 (i) substance abuse prevention programs described in Section [53E-3-522](#);

- 181 (ii) gang prevention and intervention programs described in Section 53F-2-410;
182 (iii) youth suicide prevention programs described in Section 53G-9-702; and
183 (iv) positive behavior plans described in Section 53G-10-407;
184 (b) that includes:
185 (i) information on the impact of childhood trauma on student learning, including
186 information advising educators against practicing medicine, giving a diagnosis, or providing
187 treatment; and
188 (ii) resiliency building skills; and
189 (c) that an LEA designs in collaboration with the state board, as described in
190 Subsection (4)(a)(i), and with input from parents, students, educators, and student support staff
191 within the LEA.
192 (2) Subject to legislative appropriations, the state board shall distribute block grant
193 funding to LEAs for use in accordance with Subsection (5)(b)(iii) to implement a
194 comprehensive prevention plan that the state board approves in accordance with Subsection
195 (3).
196 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
197 state board shall make rules to:
198 (a) establish an application process that allows an LEA to:
199 (i) articulate the approach and rationale underlying the LEA's comprehensive
200 prevention plan;
201 (ii) demonstrate the LEA's specific prevention needs;
202 (iii) provide data that supports the substance and cost of the LEA's comprehensive
203 prevention plan;
204 (iv) outline the ways in which the LEA will use the block grant funding in a united
205 prevention effort to achieve the outcomes that the individual programs described in Subsection
206 (1) target; and
207 (v) identify the specific outcomes described in Subsection (3)(a)(iv) by which the LEA
208 will measure the success of the comprehensive prevention plan; and
209 (b) establish additional grant application conditions.
210 (4) The state board shall:
211 (a) (i) provide guidance to each LEA that is preparing a prevention block grant funding

212 application on the design and implementation of the LEA's comprehensive prevention program;

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

214 eligibility; and

215 (iii) provide to each LEA that receives block grant funding:

216 (A) technical assistance that is tailored to the LEA's specified prevention needs; and

217 (B) targeted professional learning opportunities in evidence-based prevention practices;

218 (b) evaluate and prioritize block grant funding applications under this section and

219 individual funding needs for LEAs that choose to seek out funding for individual prevention

220 programs, as described in Subsection (5)(a), as the state board deems necessary to ensure the

221 effectiveness of statewide prevention efforts.

222 (5) (a) An LEA may seek block grant funding under this section or segregated funding

223 for the individual programs described in Subsection (1), based on the LEA governing board's

224 determination of specific prevention needs within the LEA.

225 (b) Notwithstanding any other provision of law or state board rule, an LEA that

226 receives block grant funding under this section:

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

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

229 (B) provides data points, including the measurement of the specified outcomes

230 described in Subsection (3)(a)(v), that demonstrate the effectiveness of the LEA's

231 comprehensive prevention plan;

232 (ii) is not required to submit to the state board an individual report for each program

233 described in Subsection (1); and

234 (iii) may use block grant funding to:

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

236 (B) carry out the prevention-focused parent seminars described in Subsection

237 [53G-9-703\(2\)](#); and

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

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

240 **53F-9-304. Underage Drinking and Substance Abuse Prevention Program**

241 **Restricted Account.**

242 (1) As used in this section, "account" means the Underage Drinking and Substance

243 Abuse Prevention Program Restricted Account created in this section.

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

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

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

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

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

259 (4) The account shall be funded:

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

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

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

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

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

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

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

273 (1) As used in the section:

274 (a) "Elementary grades" means:
275 (i) kindergarten through grade 5; and
276 (ii) if the associated middle or junior high school does not include grade 6, grade 6.
277 (b) "Intervention" means an effort to prevent a student from attempting suicide.
278 (c) "Postvention" means mental health intervention after a suicide attempt or death to
279 prevent or contain contagion.

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

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

283 (f) "Secondary grades" means:

284 (i) grades 7 through 12; and
285 (ii) if a middle or junior high school includes grade 6, grade 6.

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

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

292 (a) for elementary grades and secondary grades:

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

295 (ii) methods of strengthening the family; and

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

297 (b) for secondary grades:

298 (i) prevention of youth suicide;

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

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

302 (B) suffer from bullying;

303 (iii) youth suicide intervention; and

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

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

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

308 (i) the prevention of bullying and cyber-bullying, as those terms are defined in Section
309 [53G-9-601](#); and

310 (ii) the prevention of underage drinking of alcohol and substance abuse under Section
311 [53G-10-406](#); and

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

314 (4) The state board shall:

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

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

318 (i) program training; and

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

320 (b).

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

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

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

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

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

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

335 (c) (i) A school shall use money allocated to the school under Subsection (7)(b) to

336 implement evidence-based practices and programs, or emerging best practices and programs,
337 for preventing suicide.

338 (ii) Each school may select the evidence-based practices and programs, or emerging
339 best practices and programs, for preventing suicide that the school implements.

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

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

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

344 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

366 (5) (a) A positive behaviors specialist shall annually submit a written report to the LEA

367 governing board detailing how the positive behaviors plan was implemented in the prior year.

368 (b) ~~[Am]~~ Except as provided in Subsection [53F-2-525\(5\)](#), an LEA governing board
369 shall submit an annual report to the state board confirming that each school under the
370 governing board's jurisdiction has an approved positive behaviors plan.

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

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

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

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

378 (a) revenues collected from the tax imposed by Section [59-14-804](#); and

379 (b) amounts appropriated by the Legislature.

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

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

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

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

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

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

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

397 (4) (a) The local health departments shall use the money received in accordance with

398 Subsection (3)(a) for enforcing:

399 (i) the regulation provisions described in Section [26-57-103](#);

400 (ii) the labeling requirement described in Section [26-57-104](#); and

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

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

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

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

410 (i) (A) stipends for positive behaviors specialists as described in Subsection
411 [53G-10-407\(4\)\(a\)\(i\)](#);

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

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

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

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

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

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

423 Section 10. **Effective date.**

424 This bill takes effect on July 1, 2023.