

## HB0016S02 compared with HB0016

~~{deleted text}~~ shows text that was in HB0016 but was deleted in HB0016S02.

inserted text shows text that was not in HB0016 but was inserted into HB0016S02.

**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 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

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#### 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

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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;

~~{ → amends a list of programs for which the Legislature annually determines the cost of automatic increases for inflation and enrollment growth to include the block grant funding;~~

- ‡ ▶ amends existing prevention programs to accommodate the opportunity for block grant funding;
- ▶ authorizes the use of certain excess funds in the Underage Drinking and Substance Abuse Prevention Program Restricted Account for distribution through block grant funding; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

~~This bill provides a coordination clause.~~

### Utah Code Sections Affected:

AMENDS:

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

~~{ → 53F-2-208, as last amended by Laws of Utah 2022, Chapter 1~~

‡ 53F-2-410, as repealed and reenacted by Laws of Utah 2021, Chapter 319

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

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

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

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

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

ENACTS:

53F-2-525, Utah Code Annotated 1953

### Utah Code Sections Affected by Coordination Clause:

53F-2-410, as repealed and reenacted by Laws of Utah 2021, Chapter 319

53F-2-525, Utah Code Annotated 1953

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

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

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

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

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

Section 2. Section ~~{53F-2-208}~~53F-2-410 is amended to read:

~~{~~ **53F-2-208. Cost of adjustments for growth and inflation:**

- ~~—————~~ (1) ~~In accordance with Subsection (2), the Legislature shall annually determine:~~
- ~~—————~~ (a) ~~the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:~~
- ~~—————~~ (i) ~~education for youth in custody, described in Section 53E-3-503;~~
- ~~—————~~ (ii) ~~the Basic Program, described in [Title 53F, Chapter 2,] Part 3, Basic Program (Weighted Pupil Units);~~
- ~~—————~~ (iii) ~~the Adult Education Program, described in Section 53F-2-401;~~
- ~~—————~~ (iv) ~~state support of pupil transportation, described in Section 53F-2-402;~~
- ~~—————~~ (v) ~~the Enhancement for Accelerated Students Program, described in Section 53F-2-408;~~
- ~~—————~~ (vi) ~~the Concurrent Enrollment Program, described in Section 53F-2-409; and~~

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~~—— (vii) the [gang] block grant funding for prevention [and intervention program] programs in public education, described in Section [53F-2-410] 53F-2-525; and~~  
~~—— (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:~~  
~~—— (i) a program described in Subsection (1)(a);~~  
~~—— (ii) educator salary adjustments, described in Section 53F-2-405;~~  
~~—— (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;~~  
~~—— (iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and~~  
~~—— (v) charter school local replacement funding, described in Section 53F-2-702.~~  
~~—— (2) (a) In or before December each year, the Executive Appropriations Committee shall determine:~~  
~~—— (i) the cost of the inflation adjustment described in Subsection (1)(a); and~~  
~~—— (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).~~  
~~—— (b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and Budget.~~

~~—— Section 3. Section 53F-2-410 is amended to read:~~

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

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

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

Section ~~{4}~~3. 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 personnel" means a school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or school nurse who:

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(i) is licensed; and

(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 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):

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(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 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) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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:

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

(b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described

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in this section to provide scholarships for up to four years to certain LEA employees, as defined by the state board, for education and training to become a school social worker, a school psychologist, or other school-based mental health worker.

(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) (i) youth suicide prevention programs described in Section 53G-9-702[-]; or  
(ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

Section ~~5~~4. Section **53F-2-525** is enacted to read:

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

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

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

- (i) substance abuse prevention programs described in Section 53E-3-522;
- (ii) gang prevention and intervention programs described in Section 53F-2-410;
- (iii) youth suicide prevention programs described in Section 53G-9-702; and
- (iv) positive behavior plans described in Section 53G-10-407;

(b) that includes ~~{ trauma-informed practices, training, and resources; and~~

~~}~~

(i) information on the impact of childhood trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment; and

(ii) resiliency building skills; and

(c) that an LEA designs in collaboration with the state board, as described in Subsection (4)(a)(i), and with input from parents, students, educators, and student support staff within the LEA.

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

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

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state board shall make rules to:

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

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

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

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

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

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

(b) establish additional grant application conditions.

(4) The state board shall:

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

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

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

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

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

(b) evaluate and prioritize block grant funding applications under this section and individual funding needs for LEAs that choose to seek out funding for individual prevention programs, as described in Subsection (5)(a), as the state board deems necessary to ensure the effectiveness of statewide prevention efforts.

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

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

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



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

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

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

(iii) may use block grant funding to:

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

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

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

Section ~~675~~5. Section **53F-9-304** is amended to read:

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

#### **Restricted Account.**

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

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

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

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

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

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

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(4) The account shall be funded:

- (a) in accordance with Subsection (3);
- (b) by appropriations made to the account by the Legislature; and
- (c) by interest earned on money in the account.

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

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

Section ~~77~~6. Section **53G-9-702** is amended to read:

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

(1) As used in the section:

(a) "Elementary grades" means:

- (i) kindergarten through grade 5; and
- (ii) if the associated middle or junior high school does not include grade 6, grade 6.

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

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

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

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

(f) "Secondary grades" means:

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

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

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program, which, in

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collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:

(a) for elementary grades and secondary grades:

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

(ii) methods of strengthening the family; and

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

(b) for secondary grades:

(i) prevention of youth suicide;

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

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

(B) suffer from bullying;

(iii) youth suicide intervention; and

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

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

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

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

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

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

(4) The state board shall:

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

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

(i) program training; and

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

(b).

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(5) The public education suicide prevention coordinator shall:

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

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

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

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

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

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

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

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

Section ~~8}7~~. Section **53G-10-407** is amended to read:

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

### **Reports.**

(1) As used in this section:

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

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

(2) (a) A school principal shall:

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

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and

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

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

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

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

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

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

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

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

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

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

Section ~~{9}~~8. Section **59-14-807** is amended to read:

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

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

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

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

(b) amounts appropriated by the Legislature.

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

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

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

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

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

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

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

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

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

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

(iii) the penalty provisions described in Section 26-62-305.

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

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

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

(i) (A) stipends for positive behaviors specialists as described in Subsection 53G-10-407(4)(a)(i);

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

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~~[(iii)]~~ (C) the cost of implementing an Underage Drinking and Substance Abuse Prevention Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b)~~[-];~~ or  
(ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.

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

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

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

Section ~~{10}~~9. **Effective date.**

This bill takes effect on July 1, 2023.

### Section 10. Coordinating H.B. 16 with H.B. 304 -- Superseding technical and substantive amendments.

If this H.B. 16 and H.B. 304, Juvenile Justice Revisions, both pass and become law, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

(1) the amendments to Section 53F-2-410 in H.B. 304 supersede the amendments to Section 53F-2-410 in this bill; and

(2) Subsection 53F-2-525(1)(a) shall read:

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

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

(ii) youth suicide prevention programs described in Section 53G-9-702; and

(iii) positive behavior plans described in Section 53G-10-407;".