

STUDENT MENTAL HEALTH AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions of public education student mental health screening.

Highlighted Provisions:

This bill:

▶ defines "non-participating LEA" (non-participating local education agency);

▶ requires an LEA to determine whether the LEA will be a participating or non-participating LEA;

▶ requires a non-participating LEA to report each year whether the LEA will change or maintain the LEA's participation status;

▶ amends participating LEA mental health screening and parental notification requirements;

▶ amends the annual mental health screening report requirements for the State Board of Education; and

▶ amends the uses for which an LEA may use State Board of Education funds and when the board may distribute those funds.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53F-2-522**, as enacted by Laws of Utah 2020, Chapter 202



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

32 Section 1. Section **53F-2-522** is amended to read:

33 **53F-2-522. Public education mental health screening.**

34 (1) As used in this section:

35 (a) "Division" means the Division of Substance Abuse and Mental Health.

36 (b) "Non-participating LEA" means an LEA that does not administer an approved
37 mental health screening program described in this section.

38 ~~[(b)]~~ (c) "Participating LEA" means an LEA that has an approved screening program
39 described in this section.

40 ~~[(c)]~~ (d) "Participating student" means a student in a participating LEA who
41 participates in a mental health screening program.

42 ~~[(d)]~~ (e) "Qualifying parent" means a parent:

43 (i) of a participating student who, based on the results of a screening program, would
44 benefit from resources that cannot be provided to the participating student in the school setting;
45 and

46 (ii) who qualifies for financial assistance to pay for the resources under rules made by
47 the state board.

48 ~~[(e)]~~ (f) "Screening program" means a student mental health screening program
49 selected by a participating LEA and approved by the state board in consultation with the
50 division.

51 ~~[(2) A participating LEA may implement a mental health screening for participating~~
52 ~~students using an evidence-based screening program.]~~

53 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
54 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school year.

55 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may
56 change the LEA's participation status and become a non-participating LEA for the next school
57 year by reporting the status change to the state board by the end of the current school year.

58 (ii) An LEA that changed the LEA's status from participating to non-participating in

59 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA described in
60 Subsection (2)(c).

61 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
62 governing board shall submit a record of determination to the state board by the end of the
63 school year, which record shall state whether the non-participating LEA will:

- 64 (A) maintain the LEA's non-participating status; or
- 65 (B) change the LEA's status to be a participating LEA.

66 (ii) If the non-participating LEA determines the LEA will change participation status
67 and become a participating LEA, the LEA's status of participation will change at the end of the
68 current school year.

69 (3) The state board shall:

70 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
71 Rulemaking Act, to [~~establish~~]:

72 (i) establish a process for a participating LEA to submit a selected screening program
73 to the state board for approval;

74 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and
75 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access
76 and use a participating student's screening data; [~~and~~]

77 (iii) establish a requirement and a process for appropriate LEA or school personnel to
78 attend annual training related to administering the screening program;

79 (iv) determine whether a parent is eligible to receive the financial support described in
80 Subsection (5)(a) as a qualifying parent; and

81 (v) apply for and distribute the financial support described in Subsection (5)(a);

82 (b) in consultation with the division, approve an evidence-based student mental health
83 screening program selected by a participating LEA that:

84 (i) is age appropriate for each grade in which the screening program is administered;

85 (ii) screens for the mental health conditions determined by the state board and division;

86 and

87 (iii) is an effective tool for identifying whether a student has a mental health condition
88 that requires intervention; and

89 (c) on or before November 30 of each year, submit a report on the screening programs

90 to[;]

91 [(†)] the State Suicide Prevention Coalition created under Subsection

92 62A-15-1101(2)[;] and

93 [(††)] the Education Interim Committee in accordance with Section 53E-1-201[;] that

94 contains the following:

95 (i) the approximate number of participating students that were screened in each

96 participating LEA the previous school year;

97 (ii) the names and number of:

98 (A) participating LEAs; and

99 (B) non-participating LEAs;

100 (iii) an overview of how participating LEAs utilized distributed funds; and

101 (iv) whether the amount of distributed funds to each participating LEA was sufficient

102 for the participating LEA's needs.

103 (4) A participating LEA shall:

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

106 (b) implement and administer a state board-approved mental health screening program
107 to participating students in the participating LEA[;] by:

108 (i) annually notifying each parent with a student in the participating LEA by mail, and
109 at the school's student registration, that the parent may have the student screened for mental

110 health conditions;

111 [(☞)] (ii) [~~obtain~~] obtaining prior written consent from a student's parent, that complies
112 with Section 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.

113 1232g, before the participating LEA [~~administers the screening program to~~] screens a
114 participating student; [~~and~~]

115 (iii) screening the student for mental health conditions; and

116 [(†)] (iv) if results of a participating student's screening indicate a potential mental
117 health condition, [~~notify~~] notifying the parent of the participating student of:

118 [(†)] (A) the participating student's results; and

119 [(††)] (B) resources available to the participating student, including any services that
120 can be provided by the school mental health provider or by a partnering entity[;];

121 (c) use state board-distributed funds for the purposes described in Subsection (5)(a);
122 and

123 (d) provide the state board with necessary information and data for the state board to
124 complete the report described in Subsection (3)(c).

125 (5) (a) Within appropriations made by the Legislature for this purpose, the state board
126 may distribute funds to a participating LEA to use to:

127 (i) implement and administer a mental health screening for participating students as
128 described in Subsection (4)(b); and

129 (ii) assist a qualifying parent to pay for resources described in Subsection [(4)(d)(ii)]
130 (4)(b)(iv)(B) that cannot be provided by a school mental health professional in the school
131 setting.

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

134 ~~[(i) determining whether a parent is eligible to receive the financial support described~~
135 ~~in Subsection (5)(a); and]~~

136 ~~[(ii) applying for and distributing the financial support described in Subsection (5)(a).]~~

137 (b) The state board may not distribute funds described in Subsection (5)(a) to a
138 non-participating LEA.

139 (6) A school employee trained in accordance with rules made by the state board under
140 Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with
141 this section in good faith, is not liable in a civil action for an act taken or not taken under this
142 section.