

1 **STUDENT BEHAVIORAL HEALTH SERVICES AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen M. Peterson**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions for supporting student mental health in schools.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ allows behavioral health support personnel to support school mental health
14 professionals;

15 ▶ requires the State Board of Education to provide guidance to local education
16 agencies for staffing structure and support; and

17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53F-2-415**, as last amended by Laws of Utah 2022, Chapter 409

25 **53F-5-218**, as last amended by Laws of Utah 2022, Chapter 476

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



28 Section 1. Section 53F-2-415 is amended to read:

29 **53F-2-415. Student health and counseling support -- Qualifying personnel --**

30 **Distribution formula -- Rulemaking.**

31 (1) As used in this section:

32 (a) "Behavioral health support personnel" means an individual who:

33 (i) works under the direct supervision of qualifying personnel to:

34 (A) support and track a student's progress and access to and completion of school
35 curriculum; and

36 (B) support students by prompting, redirecting, encouraging, and reinforcing positive
37 behaviors;

38 (ii) is not certified or licensed in mental health; and

39 (iii) meets the professional qualifications as defined by state board rule;

40 ~~[(a)]~~ (b) "Qualifying personnel" means a school counselor or other counselor, a school
41 psychologist or other psychologist, a school social worker or other social worker, or a school
42 nurse who:

43 (i) is licensed; and

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

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

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

49 ~~[(b)]~~ (c) "Telehealth services" means the same as that term is defined in Section
50 26-60-102.

51 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),
52 the state board shall distribute money appropriated under this section to LEAs to provide [~~in a~~
53 ~~school~~] targeted school-based mental health support, including clinical services and
54 trauma-informed care, through:

55 (i) employing qualifying personnel; [~~or~~]

56 (ii) employing behavioral health support personnel; or

57 ~~[(ii)]~~ (iii) entering into contracts for services provided by qualifying personnel,
58 including telehealth services.

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

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

64 (iii) The state board shall provide guidance for LEAs regarding the training,
65 qualifications, roles, and scopes of practice for qualifying personnel and behavioral health
66 support personnel that includes:

67 (A) uses for each professional within the professional's licensing capacity and the
68 professional's expertise;

69 (B) through multi-disciplinary teaming and a tiered system of support, how qualifying
70 personnel and behavioral health support personnel work together to understand and address the
71 mental health needs of students; and

72 (C) incorporating parent consent and partnership as key components in addressing the
73 mental health needs of students.

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

76 (a) measurable goals approved by the LEA governing board on improving student
77 safety, student engagement, school ~~[culture]~~ climate, or academic achievement;

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

80 (c) how the LEA is meeting the requirements related to parent education described in
81 Section [53G-9-703](#); and

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

84 (4) The state board shall distribute money appropriated under this section to an LEA
85 that qualifies under Subsection (3)~~[(a)]~~, based on the formula described in Subsection (2)(b)~~[(~~
86 ~~and)]~~.

87 ~~[(b) if the state board approves the LEA's plan before April 1, 2020, in an amount of~~
88 ~~money that the LEA equally matches using local money, unrestricted state money, or money~~
89 ~~distributed to the LEA under Section [53G-7-1303](#).]~~

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

92 (a) employ qualifying personnel;

93 (b) employ behavioral health support personnel; or

94 ~~[(b)]~~ (c) enter into contracts for services provided by qualified personnel, including
95 telehealth services.

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

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

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

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

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

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

106 (b) if the LEA discontinues a qualifying personnel position or a behavioral health
107 support personnel position, the LEA's reason for discontinuing the ~~[position]~~ positions; and

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

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

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

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

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

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

- 123 (a) the SafeUT Crisis Line described in Section 53B-17-1202; or
- 124 (b) youth suicide prevention programs described in Section 53G-9-702.

125 Section 2. Section 53F-5-218 is amended to read:

126 **53F-5-218. Grow Your Own Teacher and School Counselor Pipeline Program.**

127 (1) As used in this section:

128 (a) "Paraprofessional" means an individual who:

129 (i) works with students in an LEA as a paraprofessional or in a similar teaching
130 assistant position; and

131 (ii) is not licensed to teach.

132 (b) "Program" means the Grow Your Own Teacher and School Counselor Pipeline
133 Program that this section creates.

134 (c) "School counselor" means an educator who is:

135 (i) licensed as a school counselor in accordance with state board rule; and

136 (ii) assigned to provide direct and indirect services to students in accordance with a
137 school counseling program model that the state board provides.

138 (d) "School counselor assistant" means a student who is:

139 (i) enrolled in an accredited bachelor's degree program in a related field; and

140 (ii) completing the student's practicum experience in a school counseling department
141 under the supervision of a licensed school counselor.

142 (e) "School counselor intern" means a student who is:

143 (i) enrolled in an accredited school counselor master's degree program; and

144 (ii) completing the student's hours of a supervised counseling internship by applying
145 appropriate school counseling techniques under the supervision of a licensed school counselor.

146 (f) "Teacher" means an educator who has an assignment to teach in a classroom.

147 (2) The Grow Your Own Teacher and School Counselor Pipeline Program is a
148 competitive grant program created to provide funding to LEAs to award scholarships to
149 paraprofessionals, teachers, school counselor assistants, and school counselor interns within the
150 LEA for education and training to become licensed teachers or licensed school counselors.

151 (3) (a) The state board shall use money appropriated for the program to provide

152 funding to LEAs that are awarded grants under the program to award scholarships to eligible
153 candidates [~~whom principals within the LEA nominate, in an amount that the state board~~
154 ~~determines.~~].

155 (b) The state board shall:

156 (i) determine the amount of an award an LEA receives under the program; and

157 (ii) prioritize the amount of an award an LEA receives based upon an LEA's identified
158 need.

159 (c) The principal within the participating LEA shall nominate a candidate for the
160 scholarship awarded under this section.

161 (4) An LEA that participates in the program may select a candidate for a scholarship
162 award if:

163 (a) the candidate is a resident of the state; and

164 (b) (i) for a paraprofessional:

165 (A) a school district or a charter school has employed the candidate as a
166 paraprofessional for at least one year before entering the program; or

167 (B) subject to Subsection (5), the candidate has experience outside of the school
168 district, the charter school, or the state that is equivalent to the experience described in
169 Subsection (4)(b)(i)(A);

170 (ii) for a teacher, the candidate:

171 (A) was a paraprofessional who was awarded a scholarship;

172 (B) was offered employment as a teacher before the teacher completed the training to
173 become a professionally licensed teacher; and

174 (C) is working as a teacher for the same LEA where the teacher previously worked as a
175 paraprofessional and was awarded the scholarship.

176 (iii) for a school counselor assistant, the candidate:

177 (A) is enrolled in a bachelor's degree program in a related field; and

178 (B) demonstrates a commitment to continue the school counselor assistant's education
179 after graduation in school counseling; or

180 (iv) for a school counselor intern, the candidate is enrolled in [~~an accredited~~] a school
181 counselor master's degree program accredited by:

182 (A) the Council for Accreditation of Counseling and Related Educational Programs; or

183 (B) another regionally recognized accrediting body that meets the state board's
184 standards for school counselor education programs.

185 (5) The percentage of an LEA's paraprofessional scholarship recipients who are eligible
186 for a scholarship using equivalent experience under Subsection (4)(b)(i)(B) may not exceed
187 20%.

188 (6) A scholarship award under the program may only be used for:

189 (a) tuition, books, fees, and certification tests for required coursework and licensure;

190 (b) stipends for mentors or school counselor assistants; and

191 (c) if the LEA pays 0.15 of a full-time equivalent and all employee benefits, payment
192 of a 0.35 full-time equivalent for:

193 (i) a paraprofessional, up to one semester of student teaching; or

194 (ii) a school counselor assistant or school counselor intern, up to two semesters of
195 practicum or internship hours.

196 (7) A paraprofessional scholarship recipient must be continuously employed as a
197 paraprofessional by the paraprofessional's LEA while pursuing a degree using scholarship
198 money under the program.

199 (8) The state board shall make rules in accordance with this section and Title 63G,
200 Chapter 3, Utah Administrative Rulemaking Act, to administer the program, including rules
201 regarding:

202 (a) grant and scholarship application procedures;

203 (b) procedures for distributing scholarship money;

204 (c) assignment and eligibility of qualified mentors;

205 (d) stipends for mentors or school counselor assistants;

206 (e) administrative costs for regional education service agencies, as that term is defined
207 in Section [53G-4-410](#); and

208 (f) eligibility requirements for potential candidates for scholarships regarding the
209 completion of the Free Application for Federal Student Aid and the acceptance of other grants,
210 tuition or fee waivers, and scholarships offered to the candidate.