

**Representative Karen M. Peterson** proposes the following substitute bill:

**STUDENT BEHAVIORAL HEALTH SERVICES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen M. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ allows behavioral health support personnel to support school mental health professionals;
- ▶ requires the State Board of Education to provide guidance to local education agencies for staffing structure and support; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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



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

Section 1. 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) "Behavioral health support personnel" means an individual who:

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

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

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

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

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

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

(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)]~~ (c) "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) employing behavioral health support personnel; or

57           ~~[(it)]~~ (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 incorporates parent consent and partnership as key components in  
67 addressing the mental health and behavioral health needs of students.

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

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

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

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

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

78           (4) The state board shall distribute money appropriated under this section to an LEA  
79 that qualifies under Subsection (3)[:]

80           ~~[(a)]~~, based on the formula described in Subsection (2)(b)~~[: and]~~.

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

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

86           (a) employ qualifying personnel;

87           **(b) employ behavioral health support personnel; or**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118           (b) youth suicide prevention programs described in Section [53G-9-702](#).

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

120 **53F-5-218. Grow Your Own Teacher and School Counselor Pipeline Program.**

121 (1) As used in this section:

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

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

125 (ii) is not licensed to teach.

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

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

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

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

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

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

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

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

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

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

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

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

145 (3) (a) The state board shall use money appropriated for the program to provide  
146 funding to LEAs that are awarded grants under the program to award scholarships to eligible  
147 candidates [~~whom principals within the LEA nominate, in an amount that the state board~~  
148 ~~determines.~~].

149 (b) The state board shall:

150 (i) determine the amount of an award an LEA receives under the program; and  
151 (ii) prioritize the amount of an award an LEA receives based upon an LEA's identified  
152 need.

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

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

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

158 (b) (i) for a paraprofessional:

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

161 (B) subject to Subsection (5), the candidate has experience outside of the school  
162 district, the charter school, or the state that is equivalent to the experience described in  
163 Subsection [~~(4)(b)(i)(A);~~] (4)(b)(i)(A);

164 (ii) for a teacher, the candidate:

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

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

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

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

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

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

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

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

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

179 (5) The percentage of an LEA's paraprofessional scholarship recipients who are eligible  
180 for a scholarship using equivalent experience under Subsection (4)(b)(i)(B) may not exceed

181 20%.

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

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

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

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

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

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

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

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

196 (a) grant and scholarship application procedures;

197 (b) procedures for distributing scholarship money;

198 (c) assignment and eligibility of qualified mentors;

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

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

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