

Representative Melissa G. Ballard 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

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) "School psychologist" means an individual:

141 (i) whom the state board licenses to practice as a school psychologist; and

142 (ii) who is authorized to provide direct and indirect services to students within the
143 relevant school or LEA seeking program grant funding.

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

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

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

154 (b) The state board shall:

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

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

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

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

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

163 (b) (i) for a paraprofessional:

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

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

169 (ii) for a teacher, the candidate:

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

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

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

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

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

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

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

181 (A) the Council for Accreditation of Counseling and Related Educational Programs; or
182 (B) another regionally recognized accrediting body that meets the state board's
183 standards for school counselor education programs[:]; or

184 (v) for a school psychologist student, including a student, a practicum student, or an
185 intern, the candidate is enrolled in a school psychology education specialist or doctorate
186 program that the National Association of School Psychologists accredits.

187 (5) The percentage of an LEA's paraprofessional scholarship recipients who are eligible
188 for a scholarship using equivalent experience under Subsection (4)(b)(i)(B) may not exceed
189 20%.

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

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

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

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

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

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

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

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

204 (a) grant and scholarship application procedures;

205 (b) procedures for distributing scholarship money;

206 (c) assignment and eligibility of qualified mentors;

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

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

210 (f) eligibility requirements for potential candidates for scholarships regarding the
211 completion of the Free Application for Federal Student Aid and the acceptance of other grants,

212 tuition or fee waivers, and scholarships offered to the candidate.