

## HB0411S03 compared with HB0411

~~text~~ shows text that was in HB0411 but was deleted in HB0411S03.

text shows text that was not in HB0411 but was inserted into HB0411S03.

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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

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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

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### 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.

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(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

[(~~ii~~)] (iii) 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.

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

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

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

~~—— (C) incorporating}~~ incorporates parent consent and partnership as key components in addressing the mental ~~health and behavioral~~ health needs of students.

(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~~] climate, 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

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(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)[~~;~~]

~~[(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;

(b) employ behavioral health support personnel; or

~~[(b)]~~ (c) 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 or a behavioral health support personnel position, the LEA's reason for discontinuing the [position] positions; 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

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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 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) youth suicide prevention programs described in Section 53G-9-702.

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

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

(1) As used in this section:

(a) "Paraprofessional" means an individual who:

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

(ii) is not licensed to teach.

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

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

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

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

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

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

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

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

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

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

(f) "School psychologist" means an individual:

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

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

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

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

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

(b) The state board shall:

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

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

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

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

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

(b) (i) for a paraprofessional:

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

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

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(ii) for a teacher, the candidate:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) A paraprofessional scholarship recipient must be continuously employed as a paraprofessional by the paraprofessional's LEA while pursuing a degree using scholarship

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money under the program.

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

(a) grant and scholarship application procedures;

(b) procedures for distributing scholarship money;

(c) assignment and eligibility of qualified mentors;

(d) stipends for mentors or school counselor assistants;

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

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