

**SCHOOL EMPLOYEE LICENSING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kathleen A. Riebe**

House Sponsor: Carol S. Moss

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**LONG TITLE**

**General Description:**

This bill addresses the use of money appropriated for targeted school-based mental health support.

**Highlighted Provisions:**

This bill:

▶ allows a local education agency to pay licensure costs for certain mental health personnel with money appropriated for targeted school-based mental health support.

**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

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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:



28 (a) "Qualifying personnel" means a school counselor or other counselor, school  
29 psychologist or other psychologist, school social worker or other social worker, or school nurse  
30 who:

31 (i) is licensed; and

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

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

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

37 (b) "Telehealth services" means the same as that term is defined in Section [26-60-102](#).

38 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),  
39 the state board shall distribute money appropriated under this section to LEAs to provide in a  
40 school targeted school-based mental health support, including clinical services and  
41 trauma-informed care, through:

42 (i) employing qualifying personnel; or

43 (ii) entering into contracts for services provided by qualifying personnel, including  
44 telehealth services.

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

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

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

52 (a) measurable goals approved by the LEA governing board on improving student  
53 safety, student engagement, school culture, or academic achievement;

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

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

58 (d) whether the LEA intends to provide school-based mental health support in

59 collaboration with the local mental health authority of the county in which the LEA is located.

60 (4) The state board shall distribute money appropriated under this section to an LEA  
61 that qualifies under Subsection (3):

62 (a) based on the formula described in Subsection (2)(b); and

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

66 (5) An LEA that receives money under this section may use a portion of the money to  
67 pay the costs of professional licensure for qualifying personnel, including license renewal and  
68 any required continuing education.

69 ~~[(5)]~~ (6) An LEA may not use money distributed by the state board under this section  
70 to supplant federal, state, or local money previously allocated to:

71 (a) employ qualifying personnel; or

72 (b) enter into contracts for services provided by qualified personnel, including  
73 telehealth services.

74 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
75 Act, the state board shall make rules that establish:

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

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

79 (c) in accordance with Subsection ~~[(7)]~~ (8), annual reporting requirements for an LEA  
80 that receives money under this section.

81 ~~[(7)]~~ (8) An LEA that receives money under this section shall submit an annual report  
82 to the state board, including:

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

84 (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for  
85 discontinuing the position; and

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

88 ~~[(8)]~~ (9) ~~[Beginning on or before July 1, 2019, the]~~ The state board shall provide  
89 training that instructs school personnel on the impact of childhood trauma on student learning,

90 including information advising educators against practicing medicine, giving a diagnosis, or  
91 providing treatment.

92 ~~[(9)]~~ (10) The state board may use up to:

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

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

99 ~~[(10)]~~ (11) Notwithstanding the provisions of this section, money appropriated under  
100 this section may be used, as determined by the state board, for:

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

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