



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

27 **53F-2-415 . Student health and counseling support -- Qualifying personnel --**

28 **Distribution formula -- Rulemaking.**

29 (1) As used in this section:

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

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

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

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

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

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

38 (b) "Qualifying personnel" means a school counselor or other counselor, a school  
39 psychologist or other psychologist, a school social worker or other social worker, or a  
40 school nurse who:

41 (i) is licensed; and

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

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

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

47 (c) "Telehealth services" means the same as that term is defined in Section 26B-4-704.

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

52 (i) employing qualifying personnel;

53 (ii) employing behavioral health support personnel; or

54 (iii) entering into contracts for services provided by qualifying personnel, including  
55 telehealth services.

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

58 (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)  
59 incentivizes an LEA to provide school-based mental health support in

- 60 collaboration with the local mental health authority of the county in which the  
61 LEA is located.
- 62 (iii) The state board shall provide guidance for LEAs regarding the training,  
63 qualifications, roles, and scopes of practice for qualifying personnel and  
64 behavioral health support personnel that incorporates parent consent and  
65 partnership as key components in addressing the mental health and behavioral  
66 health needs of students.
- 67 (3) To qualify for money under this section, an LEA shall submit to the state board a plan  
68 that includes:
- 69 (a) measurable goals approved by the LEA governing board on improving student  
70 safety, student engagement, school climate, or academic achievement;
- 71 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the  
72 use of the money;
- 73 (c) how the LEA is meeting the requirements related to parent education described in  
74 Section 53G-9-703; and
- 75 (d) whether the LEA intends to provide school-based mental health support in  
76 collaboration with the local mental health authority of the county in which the LEA is  
77 located.
- 78 (4) The state board shall distribute money appropriated under this section to an LEA that  
79 qualifies under Subsection (3), based on the formula described in Subsection (2)(b).
- 80 (5) An LEA may not use money distributed by the state board under this section to supplant  
81 federal, state, or local money previously allocated to:
- 82 (a) employ qualifying personnel;
- 83 (b) employ behavioral health support personnel; or
- 84 (c) enter into contracts for services provided by qualified personnel, including telehealth  
85 services.
- 86 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
87 state board shall make rules that establish:
- 88 (a) procedures for submitting a plan for and distributing money under this section;
- 89 (b) the formula the state board will use to distribute money to LEAs described in  
90 Subsection (2)(b); and
- 91 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that  
92 receives money under this section.
- 93 (7) An LEA that receives money under this section shall submit an annual report to the state

94 board, including:

- 95 (a) progress toward achieving the goals submitted under Subsection (3)(a);
- 96 (b) if the LEA discontinues a qualifying personnel position or a behavioral health
- 97 support personnel position, the LEA's reason for discontinuing the positions; and
- 98 (c) how the LEA, in providing school-based mental health support, complies with the
- 99 provisions of Section 53E-9-203.

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

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

- 105 (a) 2% of an appropriation under this section for costs related to the administration of
- 106 the provisions of this section; and
- 107 (b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described
- 108 in this section to provide scholarships for up to four years to certain LEA employees,
- 109 as defined by the state board, for education and training to become a school social
- 110 worker, a school psychologist, or other school-based mental health worker.

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

- 113 (a) the SafeUT Crisis Line described in Section 53B-17-1202; [~~or~~]
- 114 (b) (i) youth suicide prevention programs described in Section 53G-9-702 ; or
- 115 (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525[-] ;
- 116 or
- 117 (c) providing grants to LEAs as provided in Subsection 53F-2-522(5).

118 Section 2. Section **53F-2-522** is amended to read:

119 **53F-2-522 . Public education mental health screening.**

120 (1) As used in this section:

- 121 (a) "Division" means the Division of Integrated Healthcare within the Department of
- 122 Health and Human Services.
- 123 (b) "Non-participating LEA" means an LEA that does not administer an approved
- 124 mental health screening program described in this section.
- 125 (c) "Participating LEA" means an LEA that has an approved screening program
- 126 described in this section.
- 127 (d) "Participating student" means a student in a participating LEA who participates in a

- 128 mental health screening program.
- 129 (e) "Qualifying parent" means a parent:
- 130 (i) of a participating student who, based on the results of a screening program, would
- 131 benefit from resources that cannot be provided to the participating student in the
- 132 school setting; and
- 133 (ii) who qualifies for financial assistance to pay for the resources under rules made by
- 134 the state board.
- 135 (f) "Screening program" means a student mental health screening program selected by a
- 136 participating LEA and approved by the state board in consultation with the division.
- 137 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
- 138 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school
- 139 year.
- 140 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may
- 141 change the LEA's participation status and become a non-participating LEA for the
- 142 next school year by reporting the status change to the state board [~~by the end of~~
- 143 ~~the current school year~~] on or before August 1, 2024.
- 144 (ii) An LEA that changed the LEA's status from participating to non-participating in
- 145 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA
- 146 described in Subsection (2)(c).
- 147 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
- 148 governing board shall submit a record of determination to the state board [~~by the~~
- 149 ~~end of the school year~~] on or before August 1 of each year, which record shall state
- 150 whether the non-participating LEA will:
- 151 (A) maintain the LEA's non-participating status; or
- 152 (B) change the LEA's status to be a participating LEA.
- 153 (ii) If the non-participating LEA determines the LEA will change participation status
- 154 and become a participating LEA, the LEA's status of participation will change at
- 155 the end of the current school year.
- 156 (d) If an LEA governing board failed to make the determination required in Subsection
- 157 (2)(a) on or before July 1, 2023, the LEA governing board shall determine whether
- 158 the LEA will be a participating LEA for the 2024-25 school year and notify the state
- 159 board of the determination on or before August 1, 2024.
- 160 (3) The state board shall:
- 161 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

- 162 Rulemaking Act, to:
- 163 (i) establish a process for a participating LEA to submit a selected screening program  
164 to the state board for approval;
- 165 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection,  
166 and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish  
167 who may access and use a participating student's screening data;
- 168 (iii) establish a requirement and a process for appropriate LEA or school personnel to  
169 attend annual training related to administering the screening program;
- 170 (iv) determine whether a parent is eligible to receive the financial support described  
171 in Subsection (5)(a) as a qualifying parent; and
- 172 (v) apply for and distribute the financial support described in Subsection (5)(a);
- 173 (b) in consultation with the division, approve an evidence-based student mental health  
174 screening program selected by a participating LEA that:
- 175 (i) is age appropriate for each grade in which the screening program is administered;
- 176 (ii) screens for the mental health conditions determined by the state board and  
177 division; and
- 178 (iii) is an effective tool for identifying whether a student has a mental health  
179 condition that requires intervention; and
- 180 (c) on or before [~~November 30~~] August 30 of each year, submit a report on the screening  
181 programs to
- 182 the State Suicide Prevention Coalition created under Subsection 26B-5-611(2) and  
183 the Education Interim Committee in accordance with Section 53E-1-201 that contains the  
184 following:
- 185 (i) the approximate number of participating students that were screened in each  
186 participating LEA the previous school year;
- 187 (ii) the approximate number of participating students referred to additional services  
188 or for whom intervention was required;
- 189 [~~(ii)~~] (iii) the names and number of:
- 190 (A) participating LEAs; [~~and~~]
- 191 (B) non-participating LEAs; and
- 192 (C) LEAs that failed to make and report to the state board the determination to be  
193 participating or non-participating LEAs;
- 194 (iv) information regarding:
- 195 (A) reasons why an LEA failed to make a determination to be a participating or

- 196                    non-participating LEA; and
- 197                    (B) any LEA that determined to be a participating LEA but failed to implement a
- 198                    mental health screening program;
- 199                    [(iii)] (v) an overview of how participating LEAs utilized distributed funds; and
- 200                    [(iv)] (vi) whether the amount of distributed funds to each participating LEA was
- 201                    sufficient for the participating LEA's needs.
- 202 (4) A participating LEA shall:
- 203                    (a) in accordance with rules made by the state board under Subsection (3)(a), submit a
- 204                    selected evidence-based screening program to the state board for approval;
- 205                    (b) implement and administer a state board-approved mental health screening program
- 206                    to participating students in the participating LEA by:
- 207                    (i) annually notifying each parent with a student in the participating LEA that the
- 208                    parent may have the student screened for mental health conditions;
- 209                    (ii) obtaining prior written consent from a student's parent, that complies with Section
- 210                    53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.
- 211                    1232g, before the participating LEA screens a participating student;
- 212                    (iii) screening the student for mental health conditions; and
- 213                    (iv) if results of a participating student's screening indicate a potential mental health
- 214                    condition, notifying the parent of the participating student of:
- 215                    (A) the participating student's results; and
- 216                    (B) resources available to the participating student, including any services that can
- 217                    be provided by the school mental health provider or by a partnering entity;
- 218                    (c) use state board-distributed funds for the purposes described in Subsection (5)(a); and
- 219                    (d) provide the state board with necessary information and data for the state board to
- 220                    complete the report described in Subsection (3)(c).
- 221 (5) (a) Within appropriations made by the Legislature for this purpose, the state board
- 222                    may distribute funds to a participating LEA to use to:
- 223                    (i) implement and administer a mental health screening for participating students as
- 224                    described in Subsection (4)(b); and
- 225                    (ii) assist a qualifying parent to pay for resources described in Subsection
- 226                    (4)(b)(iv)(B) that cannot be provided by a school mental health professional in the
- 227                    school setting.
- 228                    (b) To distribute funds as described in Subsection (5)(a), the state board shall:
- 229                    (i) distribute 90% of the available funds to participating LEAs based on the previous

230                    year's average daily membership count; and  
231                    (ii) distribute the remaining 10% of the available funds on an as-needed basis to  
232                    participating LEAs if the LEA has exhausted the funds distributed under  
233                    Subsection (5)(b)(i) and has additional need.  
234                    [~~b~~] (c) The state board may not distribute funds described in Subsection (5)(a) to a  
235                    non-participating LEA.  
236                    (6) A school employee trained in accordance with rules made by the state board under  
237                    Subsection (3)(a)(iii), who administers an approved mental health screening in  
238                    accordance with this section in good faith, is not liable in a civil action for an act taken  
239                    or not taken under this section.  
240                    Section 3. **Effective date.**  
241                    This bill takes effect on May 1, 2024.