

STUDENT MENTAL HEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to the student mental health screening program.

Highlighted Provisions:

This bill:

▶ amends the student mental health screening program to clarify that a local education agency (LEA) that fails to make a determination to be a participating LEA by the

deadline will default to becoming a participating LEA for the following school year;

▶ provides instructions to the State Board of Education on how to distribute funds to participating LEAs; and

▶ makes technical 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 2023, Chapters 98, 328 and 342

53F-2-522, as last amended by Laws of Utah 2023, Chapters 193, 328

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



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

29 **53F-2-415. Student health and counseling support -- Qualifying personnel --**

30 **Distribution formula -- Rulemaking.**

31 (1) As used in this section:

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

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

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

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

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

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

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

43 (i) is licensed; and

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

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

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

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

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

54 (i) employing qualifying personnel;

55 (ii) employing behavioral health support personnel; or

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

58 (b) (i) The state board shall, after consulting with LEA governing boards, develop a

59 formula to distribute money appropriated under this section to LEAs.

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

63 (iii) The state board shall provide guidance for LEAs regarding the training,
64 qualifications, roles, and scopes of practice for qualifying personnel and behavioral health
65 support personnel that incorporates parent consent and partnership as key components in
66 addressing the mental health and behavioral health needs of students.

67 (3) To qualify for money under this section, an LEA shall submit to the state board a
68 plan 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 located.

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

79 , 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
81 supplant 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
85 telehealth 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
94 state 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
101 instructs school personnel on the impact of childhood trauma on student learning, including
102 information advising educators against practicing medicine, giving a diagnosis, or providing
103 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, as defined
109 by the state board, for education and training to become a school social worker, a school
110 psychologist, or other school-based mental health worker.

111 (10) Notwithstanding the provisions of this section, money appropriated under this
112 section 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 school setting;
132 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
136 a 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 year.

139 (b) (i) During the 2023-24 school year, and each year after, a participating LEA may
140 change the LEA's participation status and become a non-participating LEA for the next school
141 year by reporting the status change to the state board [~~by the end of the current school year~~] on
142 or before July 1, 2024.

143 (ii) An LEA that changed the LEA's status from participating to non-participating in
144 Subsection (2)(b)(i) is subject to the requirements of a non-participating LEA described in
145 Subsection (2)(c).

146 (c) (i) During the 2023-24 school year, and each year after, a non-participating LEA's
147 governing board shall submit a record of determination to the state board [~~by the end of the~~
148 ~~school year~~] on or before July 1, 2024, which record shall state whether the non-participating
149 LEA will:

150 (A) maintain the LEA's non-participating status; or

151 (B) change the LEA's status to be a participating LEA.

152 (ii) If the non-participating LEA determines the LEA will change participation status
153 and become a participating LEA, the LEA's status of participation will change at the end of the
154 current school year.

155 (d) (i) If an LEA governing board failed to make the determination required in
156 Subsection (2)(a) on or before July 1, 2023, the LEA governing board shall determine whether
157 the LEA will be a participating LEA for the 2024-25 school year and notify the state board of
158 the determination on or before July 1, 2024.

159 (ii) If the LEA fails to make the determination and notify the state board on or before
160 July 1, 2024, as required in Subsection (2)(d)(i), the LEA is designated as a participating LEA
161 for the 2024-25 school year.

162 (e) If an LEA governing board fails to make the a determination described in
163 Subsection (2)(b) or (c) for a given year, the LEA is designated as a participating LEA for the
164 following school year.

165 (3) The state board shall:

166 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
167 Rulemaking Act, to:

168 (i) establish a process for a participating LEA to submit a selected screening program
169 to the state board for approval;

170 (ii) in accordance with Title 53E, Chapter 9, Student Privacy and Data Protection, and
171 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access
172 and use a participating student's screening data;

173 (iii) establish a requirement and a process for appropriate LEA or school personnel to
174 attend annual training related to administering the screening program;

175 (iv) determine whether a parent is eligible to receive the financial support described in
176 Subsection (5)(a) as a qualifying parent; and

177 (v) apply for and distribute the financial support described in Subsection (5)(a);

178 (b) in consultation with the division, approve an evidence-based student mental health
179 screening program selected by a participating LEA that:

180 (i) is age appropriate for each grade in which the screening program is administered;

181 (ii) screens for the mental health conditions determined by the state board and division;

182 and

183 (iii) is an effective tool for identifying whether a student has a mental health condition
184 that requires intervention; and

185 (c) on or before November 30 of each year, submit a report on the screening programs
186 to

187 the State Suicide Prevention Coalition created under Subsection 26B-5-611(2) and
188 the Education Interim Committee in accordance with Section 53E-1-201 that contains
189 the following:

190 (i) the approximate number of participating students that were screened in each
191 participating LEA the previous school year;

192 (ii) the names and number of:

193 (A) participating LEAs; and

194 (B) non-participating LEAs;

195 (iii) an overview of how participating LEAs utilized distributed funds; and

196 (iv) whether the amount of distributed funds to each participating LEA was sufficient
197 for the participating LEA's needs.

198 (4) A participating LEA shall:

199 (a) in accordance with rules made by the state board under Subsection (3)(a), submit a
200 selected evidence-based screening program to the state board for approval;

201 (b) implement and administer a state board-approved mental health screening program
202 to participating students in the participating LEA by:

203 (i) annually notifying each parent with a student in the participating LEA that the
204 parent may have the student screened for mental health conditions;

205 (ii) obtaining prior written consent from a student's parent, that complies with Section
206 53E-9-203, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before
207 the participating LEA screens a participating student;

208 (iii) screening the student for mental health conditions; and

209 (iv) if results of a participating student's screening indicate a potential mental health
210 condition, notifying the parent of the participating student of:

211 (A) the participating student's results; and

212 (B) resources available to the participating student, including any services that can be
213 provided by the school mental health provider or by a partnering entity;

214 (c) use state board-distributed funds for the purposes described in Subsection (5)(a);
215 and

216 (d) provide the state board with necessary information and data for the state board to
217 complete the report described in Subsection (3)(c).

218 (5) (a) Within appropriations made by the Legislature for this purpose, the state board
219 may distribute funds to a participating LEA to use to:

220 (i) implement and administer a mental health screening for participating students as
221 described in Subsection (4)(b); and

222 (ii) assist a qualifying parent to pay for resources described in Subsection (4)(b)(iv)(B)
223 that cannot be provided by a school mental health professional in the school setting.

224 (b) To distribute funds as described in Subsection (5)(a), the state board shall:

225 (i) distribute 90% of the available funds to participating LEAs based on the previous
226 year's average daily membership count; and

227 (ii) distribute the remaining 10% of the available funds on an as-needed basis to
228 participating LEAs if the LEA has exhausted the funds distributed under Subsection (5)(b)(i)
229 and has additional need.

230 ~~(b)~~ (c) The state board may not distribute funds described in Subsection (5)(a) to a
231 non-participating LEA.

232 (6) A school employee trained in accordance with rules made by the state board under
233 Subsection (3)(a)(iii), who administers an approved mental health screening in accordance with
234 this section in good faith, is not liable in a civil action for an act taken or not taken under this
235 section.

236 Section 3. **Effective date.**

237 This bill takes effect on May 1, 2024.