

Representative Steve Eliason proposes the following substitute bill:

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 extend the deadline to allow a local education agency (LEA) to determine whether to be a participating or non-participating LEA;

- ▶ requires reporting from the State Board of Education regarding the mental health screening program;

- ▶ 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:



26 [53F-2-415](#), as last amended by Laws of Utah 2023, Chapters 98, 328 and 342

27 [53F-2-522](#), as last amended by Laws of Utah 2023, Chapters 193, 328



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

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

31 **53F-2-415. Student health and counseling support -- Qualifying personnel --**

32 **Distribution formula -- Rulemaking.**

33 (1) As used in this section:

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

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

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

38 (B) support students by prompting, redirecting, encouraging, and reinforcing positive
39 behaviors;

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

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

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

45 (i) is licensed; and

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

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

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

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

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

56 (i) employing qualifying personnel;

57 (ii) employing behavioral health support personnel; or
58 (iii) entering into contracts for services provided by qualifying personnel, including
59 telehealth services.

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

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

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

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

71 (a) measurable goals approved by the LEA governing board on improving student
72 safety, student engagement, school climate, or academic achievement;

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

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

77 (d) whether the LEA intends to provide school-based mental health support in
78 collaboration with the local mental health authority of the county in which the LEA is located.

79 (4) The state board shall distribute money appropriated under this section to an LEA
80 that qualifies under Subsection (3), based on the formula described in Subsection (2)(b).

81 (5) An LEA may not use money distributed by the state board under this section to
82 supplant federal, state, or local money previously allocated to:

83 (a) employ qualifying personnel;

84 (b) employ behavioral health support personnel; or

85 (c) enter into contracts for services provided by qualified personnel, including
86 telehealth services.

87 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

88 state board shall make rules that establish:

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

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

92 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that
93 receives money under this section.

94 (7) An LEA that receives money under this section shall submit an annual report to the
95 state board, including:

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

97 (b) if the LEA discontinues a qualifying personnel position or a behavioral health
98 support personnel position, the LEA's reason for discontinuing the positions; and

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

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

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

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

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

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

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

115 (b) (i) youth suicide prevention programs described in Section [53G-9-702](#); or

116 (ii) a comprehensive prevention plan, as that term is defined in Section [53F-2-525](#)[~~;~~];

117 or

118 (c) providing grants to LEAs as provided in Subsection [53F-2-522](#)(5).

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

120 **53F-2-522. Public education mental health screening.**

121 (1) As used in this section:

122 (a) "Division" means the Division of Integrated Healthcare within the Department of
123 Health and Human Services.

124 (b) "Non-participating LEA" means an LEA that does not administer an approved
125 mental health screening program described in this section.

126 (c) "Participating LEA" means an LEA that has an approved screening program
127 described in this section.

128 (d) "Participating student" means a student in a participating LEA who participates in a
129 mental health screening program.

130 (e) "Qualifying parent" means a parent:

131 (i) of a participating student who, based on the results of a screening program, would
132 benefit from resources that cannot be provided to the participating student in the school setting;
133 and

134 (ii) who qualifies for financial assistance to pay for the resources under rules made by
135 the state board.

136 (f) "Screening program" means a student mental health screening program selected by
137 a participating LEA and approved by the state board in consultation with the division.

138 (2) (a) On or before July 1, 2023, an LEA governing board shall determine whether the
139 LEA will be a participating LEA or a non-participating LEA for the 2023-24 school 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 next school
142 year by reporting the status change to the state board [~~by the end of the current school year~~] on
143 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 described in
146 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 end of the~~
149 ~~school year~~] on or before August 1 of each year, which record shall state whether the

150 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 the end of the
155 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 the LEA
158 will be a participating LEA for the 2024-25 school year and notify the state board of the
159 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, and
166 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, establish who may access
167 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 in
171 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 division;

177 and

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

180 (c) on or before [~~November 30~~] August 30 of each year, submit a report on the

181 screening 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
184 the 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 or
188 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. 1232g, before
211 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 be
217 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);
219 and

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

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

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

226 (ii) assist a qualifying parent to pay for resources described in Subsection (4)(b)(iv)(B)
227 that cannot be provided by a school mental health professional in the 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 Subsection (5)(b)(i)
233 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 accordance with
238 this section in good faith, is not liable in a civil action for an act taken or not taken under this
239 section.

240 Section 3. **Effective date.**

241 This bill takes effect on May 1, 2024.