

SCHOOL EMPLOYEE LICENSING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: _____

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

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](#).