

R277-622 received final approval by the Utah State Board of Education on May 4, 2023. R277-622 will be published in the June 1, 2023, Utah State Bulletin, subject to a 30-day comment period, with a planned effective date of July 10, 2023.

R277. Education, Administration.

R277-622. School-based Mental Health Qualifying Grant Program.

R277-622-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53F-2-415 which requires the Board to make rules that establish:

(i) procedures for submitting a plan for the School-based Mental Health Qualifying Grant Program;

(ii) a distribution formula the Board will use to distribute funds to an LEA; and

(iii) annual reporting requirements for an LEA that receives funds pursuant to the School-based Mental Health Qualifying Grant Program.

(2) The purpose of this rule is to establish the procedures for an LEA to receive a School-based Mental Health Qualifying Grant including:

(i) plan submission process, format, and requirements;

(ii) funding distribution methods; and

(iii) additional requirements including reporting and accountability.

R277-622-2. Definitions.

(1) "Behavioral health support personnel" means an individual, who works under the direct supervision of qualifying personnel consistent with Subsection 53F-2-415(1)(a), and is trained by an LEA on a three-year cycle in:

(a) trauma-informed practices;

(b) crisis de-escalation, consistent with the Least Restrictive Behavioral Interventional manual, incorporated by reference in Section R277-609-3;

(c) fundamentals of behavior;

(d) data collection;

(e) fundamentals of multi-tiered systems of support;

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_____ (f) conflict management;

_____ (g) multi-disciplinary collaboration;

_____ (h) mental health literacy;

_____ (i) confidentiality; and

_____ (j) limitations of the role of behavioral health support personnel.

([4]2) "Licensed" means an individual who may lawfully practice in an area described in Section 53F-2-415:

(a) under an interstate compact; or

(b) as authorized by:

(i) the Division of Occupational Professional Licensing;

(ii) the Department of Health and Human Services; or

(iii) the Board through an associate or professional license as described in Rule R277-306.

([2]3) "Plan" means a School-based Mental Health Qualifying Grant plan described in Section R277-622-3.

([3]4) "Qualifying personnel" means the same as the term is defined in Subsection 53F-2-415(1) including being licensed.

([4]5) "Regional Education Service Agency" or "RESA" means the same as the term is defined in Subsection 53G-4-410(1)(b).

([5]6) "Related services" means:

(a) mental[-]_health or school nursing services provided by:

(i) qualifying personnel within the scope of their practice;

(ii) the local mental health authority; or

(iii) or a private provider through a contract; or

(b) training funded only through carry forward funds that is provided by qualifying personnel for school personnel.

_____ (7) "Work under the direct supervision of qualifying personnel" means that:

_____ (a) all assignments and responsibilities of an employee are given by qualifying personnel who reviews the work for completeness and accuracy; and

_____ (b) the supervisor is responsible for actions taken and is available if needed.

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R277-622-3. School-based Mental Health Plan.

(1) To qualify for a School-based Mental Health Qualifying Grant, an LEA shall submit a plan to the Superintendent.

(2) The plan shall include:

(a) a three-year projection for the LEA's goals, metrics, and outcomes;

(b) requirements outlined in Subsection 53F-2-415(3);

(c) a plan for how qualifying personnel will increase access to mental health service for students in need, including students who are underserved or at risk;

(d) a process for utilization of qualifying personnel in participating with an LEA's multi-disciplinary team as outlined in Rule R277-400;

(e) a timeline and process for school personnel training in trauma-informed practices including documentation of compliance.

(3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no later than May 31 for a funding distribution to be made for the upcoming school year.

(4) An LEA's approved plan is valid for three years and may be required to be reapproved after three years of implementation.

(5) An LEA may submit a revised plan for approval by the board, in a manner described by the Superintendent, if the LEA identifies deficiencies with the LEA's ability to implement the LEA's plan including a change in available funding.

R277-622-4. Board Approval or Denial of LEA Plan.

(1) The Board shall approve or deny each LEA plan submitted by the Superintendent.

(2) If the Board denies an LEA's plan, the LEA may amend and resubmit the LEA's plan to the Superintendent until the Board approves the LEA plan.

R277-622-5. School-Based Mental Health Grant Distribution.

(1) An LEA with an approved plan pursuant to ~~subs~~Section R277-622-4 shall receive a School-based Mental Health Grant distribution.

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- (2) The funding amount distributed to an approved LEA shall be the sum of:
 - (a) \$25,000; and
 - (b) a per student allocation based on the number of students in an LEA divided by the total available grant appropriation less the aggregate amount of appropriation allocated as described in Subsection (2)(a);
- (3) A RESA shall receive \$50,000 per member school district.
- (4) The number of students used in Subsection (2)(b) shall be:
 - (i) based on the October 1 headcount in the prior year; or
 - (ii) for a new LEA, based on the new LEA's projected October 1 headcount.
- (5) An LEA or RESA shall receive its allocation on a reimbursement basis upon demonstration to the Superintendent of:
 - (a) contracting of services for qualifying personnel; or
 - (b) hiring qualifying personnel.
- (6) After the distribution described in [s]Subsections (2)(a) and (b), and by October 1 of each year, the Superintendent shall distribute any undistributed funds as an additional allocation to an LEA on a reimbursement basis.
- (7) An LEA may qualify for the additional allocation described in Subsection (6) if the LEA demonstrates an intent to collaborate with the Local Mental Health Authority of the county the LEA is located.
- (8) The additional allocation described in [s]Subsection (6) shall be:
 - (a) the aggregate total of undistributed funds;
 - (b) distributed to an eligible LEA in an amount equal to the LEA's portion of the student headcount of all eligible and participating LEAs; and
 - (c) used for collaboration with the Local Mental Health Authority of the County the LEA is located.

R277-622-6. Allowable Uses of Funds.

- (1) An LEA that receives a distribution pursuant to Section R277-622-6 may use the funds only for the following:
 - (a) salary and benefits for the hiring of qualifying personnel;[-œ]

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_____ (b) salary and benefits for the hiring of behavioral health support personnel; or

(~~b~~)c) procuring a contract for related services;

(2) An LEA may only use carryforward funds for contracts of related services associated with training as described in Subsection R277-622-2(5)(b).

(3) An LEA shall use the LEA's matching funds and allocation within the fiscal year the funds are distributed.

(4) An LEA that has remaining balances at year end shall report the remaining balances in the LEA's annual program report described in Rule R277-484.

R277-622-7. Annual Reporting and Accountability.

(1) An LEA with an approved plan and funding amount shall provide the Superintendent with an annual report no later than October 1 of each year.

(2) The annual report shall include:

(a) a total baseline count of qualifying personnel in an LEA before receiving the initial funding allocation;

(b) the number of qualifying personnel hired above the baseline count using the funding allocation;

(c) the progress made toward achieving goals and outcomes outlined in the LEA's plan; and

(d) other information requested by the Superintendent.

R277-622-8. Qualifying Personnel Scholarship Program.

(1) Subject to funding availability as described in Subsection 53F-2-415(9), an LEA employee may apply to receive a scholarship in a manner prescribed by the Superintendent.

(2) The Superintendent shall establish an application for the scholarship program which shall include:

(a) required intake information;

(b) required supplemental materials or documentation;

(c) application cycle and deadlines; and

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- (d) reporting requirements for a successful applicant.
- (3) The Superintendent may not award a scholarship to an LEA employee that exceeds \$14,000 per year;
 - (4) To be eligible for a scholarship award, an LEA employee shall:
 - (a) be accepted into a graduate program in a field to become a qualifying personnel;
 - (b) take courses outside of the LEA employee's LEA work hours;
 - (c) ensure a majority of the clinical experiences required by the LEA employee's graduate program be at a school site;
 - (d) demonstrate an effort to maximize financial aid opportunities and programs, including the Free Application for Federal Student Aid; and
 - (e) upon graduation:
 - (i) become a qualifying personnel in accordance with Subsection 53F-2-415(1);
 - and
 - (ii) maintain employment with the LEA of origin for an equal amount of years that a scholarship was provided.
- (5) An LEA with an LEA employee receiving a scholarship shall:
 - (a) serve as the fiscal agent to the scholarship funds;
 - (b) provide necessary flexibility to the LEA employee's job duties and responsibilities to allow the LEA employee to fulfill the graduate program requirements; and
 - (c) upon graduation, and barring any general employment issues or concerns by the LEA, guarantee employment in the field in which the LEA employee graduated for an equal amount of years that a scholarship provided.

KEY: mental health, programs, reporting

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-302(1)(a); 53F-2-415

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