

1 **R277. Education, Administration.**

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

3 **R277-622-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

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

9 (c) Section [53F-2-415](#) which requires the Board to makes rules that establish:

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

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

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

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

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

18 (ii) funding distribution methods; and

19 (iii) additional requirements including reporting and accountability.  
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21 **R277-622-2. Definitions.**

22 (1) "Behavioral health support personnel" means an individual, who works under  
23 the direct supervision of qualifying personnel consistent with Subsection [53F-2-](#)  
24 [415\(1\)\(a\)](#), and is trained by an LEA on a three-year cycle in:

25 (a) trauma-informed practices;

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

28 (c) fundamentals of behavior;

29 (d) data collection;

30 \_\_\_\_\_ (e) fundamentals of multi-tiered systems of support;

31 \_\_\_\_\_ (f) conflict management;

32 \_\_\_\_\_ (g) multi-disciplinary collaboration;

33 \_\_\_\_\_ (h) mental health literacy;

34 \_\_\_\_\_ (i) confidentiality; and

35 \_\_\_\_\_ (j) limitations of the role of behavioral health support personnel.

36 ([1]2) "Licensed" means an individual who may lawfully practice in an area  
37 described in Section [53F-2-415](#):

38 (a) under an interstate compact; or

39 (b) as authorized by:

40 (i) the Division of Occupational Professional Licensing;

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

42 (iii) the Board through an associate or professional license as described in

43 R277-306.

44 ([2]3) "Plan" means a School-based Mental Health Qualifying Grant plan  
45 described in Section R277-622-3.

46 ([3]4) "Qualifying personnel" means the same as the term is defined in  
47 Subsection [53F-2-415](#)(1) including being licensed.

48 ([4]5) "Regional Education Service Agency" or "RESA" means the same as the  
49 term is defined in Subsection [53G-4-410](#)(1)(b).

50 ([5]6) "Related services" means:

51 (a) mental-health or school nursing services provided by:

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

53 (ii) the local mental health authority; or

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

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

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

- 58           (a) all assignments and responsibilities of an employee are given by qualifying  
59 personnel who reviews the work for completeness and accuracy; and  
60           (b) the supervisor is responsible for actions taken and is available if needed.  
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62 **R277-622-3. School-based Mental Health Plan.**

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

65           (2) The plan shall include:

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

67           (b) requirements outlined in Subsection [53F-2-415\(3\)](#);

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

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

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

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

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

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

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

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

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

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

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

(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 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 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.

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117 **R277-622-6. Allowable Uses of Funds.**

118 (1) An LEA that receives a distribution pursuant to Section R277-622-6 may use  
119 the funds only for the following:

120 (a) salary and benefits for the hiring of qualifying personnel; [e¶]

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

122 ([b]c) procuring a contract for related services;

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

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

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

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130 **R277-622-7. Annual Reporting and Accountability.**

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

133 (2) The annual report shall include:

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

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

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

140 (d) other information requested by the Superintendent.

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142 **R277-622-8. Qualifying Personnel Scholarship Program.**

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

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

- 148           (a) required intake information;
- 149           (b) required supplemental materials or documentation;
- 150           (c) application cycle and deadlines; and
- 151           (d) reporting requirements for a successful applicant.

152           (3) The Superintendent may not award a scholarship to an LEA employee that  
153 exceeds \$14,000 per year;

154           (4) To be eligible for a scholarship award, an LEA employee shall:

- 155           (a) be accepted into a graduate program in a field to become a qualifying  
156 personnel;
- 157           (b) take courses outside of the LEA employee's LEA work hours;
- 158           (c) ensure a majority of the clinical experiences required by the LEA employee's  
159 graduate program be at a school site;
- 160           (d) demonstrate an effort to maximize financial aid opportunities and programs,  
161 including the Free Application for Federal Student Aid; and
- 162           (e) upon graduation:
  - 163           (i) become a qualifying personnel in accordance with Section [53F-2-415](#)(1); and
  - 164           (ii) maintain employment with the LEA of origin for an equal amount of years that  
165 a scholarship was provided.

166           (5) An LEA with an LEA employee receiving a scholarship shall:

- 167           (a) serve as the fiscal agent to the scholarship funds;
- 168           (b) provide necessary flexibility to the LEA employee's job duties and  
169 responsibilities to allow the LEA employee to fulfill the graduate program requirements;  
170 and

171 (c) upon graduation, and barring any general employment issues or concerns by  
172 the LEA, guarantee employment in the field in which the LEA employee graduated for  
173 an equal amount of years that a scholarship provided.

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175 **KEY: mental health, programs, reporting**

176 **Date of Last Change: July 22, 2022**

177 **Notice of Continuation: January 13, 2022**

178 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53E-4-](#)  
179 [302\(1\)\(a\)](#); [53F-2-415](#)**