

1 **R277. Education, Administration.**

2 **R277-622. School-based Mental Health Qualifying~~ied~~ 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 supervision
6 over public education in the Board;

7 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the
8 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~~ied~~ 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~~ied~~ Grant Program.

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

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

18 (ii) funding distribution methods; and

19 (iii) additional requirements including reporting and accountability.

20

21 **R277-622-2. Definitions.**

22 (1) "Licensed" means an individual who may lawfully practice in an area described
23 in Section 53F-2-415:

24 (a) under an interstate compact; or

25 (b) as authorized by:

26 (i) the Division of Occupational Professional Licensing;

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

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

29 R277-306.

30 ([1]2) "Plan" means a School-based Mental Health Qualifying~~[ied]~~ Grant plan
31 described in Section R277-622-3.

32 ([2]3) " Qualifying~~[ied]~~ ~~[P]p~~ersonnel" means the same as the term is defined in
33 Subsection 53F-2-415(1) including being licensed.

34 ([3]4) "Regional Education Service Agency" or "RESA" means the same as the term
35 is defined in Subsection 53G-4-410(1)(b).

36 ([4]5) "Related ~~[S]s~~ervices" means:

37 _____ (a) mental-health or school nursing services provided by;

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

39 _____ (ii) the local mental health authority; or

40 _____ (iii) or a private provider through a contract~~[-];~~ or

41 _____ (b) training provided by qualifying personnel for qualifying personnel.

42

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

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

46 (2) The plan shall include:

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

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

49 (c) plan for how qualifying personnel will increase access to mental health service
50 including for students who are underserved or at risk;~~[plan for improving access to students~~
51 ~~who are underserved or at risk;~~

52 ~~_____ (d) how qualified personnel will increase access to mental health services;]~~

53 (~~[e]d~~) a process for utilization of qualifying~~[ied]~~ personnel in participating with an
54 LEA's ~~[care]~~multi-disciplinary team as outlined in R277-400;

55 (~~[f]e~~) the source of the LEA's matching funds; and

56 ([g]f) a timeline and process for ~~[stakeholder]~~school personnel training in trauma-
57 informed practices including documentation of compliance.

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

60 [~~—(4) An LEA shall submit a plan no later than June 7 for a funding distribution to be~~
61 ~~made in Fiscal Year 20.~~]

62 ([5]4) An LEA's approved plan is valid for three years and may be required to be
63 reaproved after three years of implementation.

64 ([6]5) An LEA may submit a revised plan for approval by the board, in a manner
65 described by the Superintendent, if the LEA identifies deficiencies with the LEA's ability to
66 implement the LEA's plan including a change in available funding.

67

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

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

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

73

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

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

77 (2) The funding amount distributed to an approved LEA shall be the sum of:

78 (a) \$25,000; and

79 (b) a per student allocation based on the number of students in an LEA divided by
80 the total available grant appropriation less the aggregate amount of appropriation allocated
81 as described in Subsection (2)(a);

82 (3) A RESA shall receive \$50,000 per member school district.

83 (4) The number of students used in Subsection (2)(b) shall be:

84 (i) based on the October 1 headcount in the prior year; or

85 (ii) for a new LEA, based on the new LEA's projected October 1 headcount.

86 [~~—(5) An LEA or RESA may only receive an initial distribution totaling 25% of the~~
87 ~~allocation upon plan approval.~~]

88 ([~~6~~5) An LEA or RESA [~~may receive a second distribution totaling 75% of the~~]shall
89 receive its allocation on a reimbursement basis upon demonstration to the Superintendent
90 of:

91 (a) contracting of services for qualifying[~~ied~~] personnel; or

92 (b) hiring qualifying[~~ied~~] personnel.

93 ([~~7~~6) After the distribution described in subsections (2)(a) and (b), and by October
94 1 of each year, the Superintendent shall distribute any undistributed funds as an additional
95 allocation to an LEA on a reimbursement basis.

96 ([~~8~~7) An LEA may qualify for the additional allocation described in Subsection (6) if
97 the LEA demonstrates an intent to collaborate with the Local Mental Health Authority of the
98 county the LEA is located.

99 ([~~9~~8) The additional allocation described in subsection (6) shall be:

100 (a) the aggregate total of undistributed funds;

101 (b) subject to all matching fund requirements described in section R277-622-3;

102 (c) distributed to an eligible LEA in an amount equal to the LEA's portion of the
103 student headcount of all eligible and participating LEAs; and

104 (d) used for collaboration with the Local Mental Health Authority of the County the
105 LEA is located.

106

107 **R277-622-6. Matching Funds.**

108 (1) To qualify for a School-based Mental Health Qualifying[~~ied~~] Grant, an LEA, that
109 submits a plan prior to April 1, 2020, shall provide matching funds as required by Subsection
110 53F-2-415(4)(b).

111 (2) To qualify as matching funds the LEA's funds may come from any of the following
112 sources or procedures:

113 (a) prioritizing of existing unrestricted state or local funds including:

114 (i) an unrestricted donation; or

115 (ii) new funds available in the next fiscal year;

116 (b) funds generated from property tax;

117 (c) charter school local replacement funds;

118 (d) unrestricted MSP Basic program funds;

119 (e) money distributed to the LEA under Section [53G-7-1303](#); or

120 (f) another source of unrestricted state funds or local funds as approved by the
121 Superintendent.

122 (3) Funds may not qualify as a match if:

123 (a) the funds are from restricted state funds including:

124 (i) funds granted to an LEA for a specific program created in statute or rule;

125 (ii) funds that have already been used as a match in a different state grant program;

126 or

127 (iii) funds from a federal source; or

128 (b) the funds are described in Subsection [53F-2-415](#)(5).

129 (4) An LEA shall demonstrate that all matching funds fit within the scope of work for
130 school-based mental health and general health services as outlined in an LEA's plan.

131 (5) An LEA shall report revenues and expenditures of program funds by location
132 code according to the Board approved chart of accounts.

133

134 **R277-622-7. Allowable Uses of Funds.**

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

137 (a) salary and benefits for the hiring of qualifying~~ied~~ personnel; or

138 (b) procuring a contract for related services;

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

141 [~~——(2) If an LEA fails to hire qualified personnel by January 31 the allocated funds shall~~
142 ~~be returned to the Board.~~

143 ~~——(3) All unexpended funds distributed to an LEA shall be returned to the Board at the~~
144 ~~end of the LEA's school year and redistributed in the following year's distribution.]~~

145 ([4]3) An LEA shall use the LEA's matching funds and allocation within the fiscal year
146 the funds are distributed.

147 ([5]4) An LEA that has remaining balances at year end shall report the remaining
148 balances in the LEA's annual program report described in [R277-484](#).

149 [~~——(6) An LEA with remaining balances shall receive a reduction totaling the remaining~~
150 ~~balances in the LEA's award for the following fiscal year.]~~

151

152 **R277-622-8. Annual Reporting and Accountability.**

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

155 (2) The annual report shall include:

156 (a) a total baseline count of qualifying~~[ied]~~ personnel in an LEA before receiving the
157 initial funding allocation;

158 (b) the number of qualifying~~[ied]~~ personnel hired above the baseline count using the
159 funding allocation;

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

162 (d) other information requested by the Superintendent.

163

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

165 **Date of Enactment or Last Substantive Amendment: ~~[April 1], 2021~~**

166 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-**

167 **302(1)(a)**