

1 **R277. Education, Administration.**

2 **R277-622. School-based Mental Health Qualifying~~ing~~ 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~~ing~~ 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~~ing~~ 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~~ing~~ 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
23 described 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]ersonnel" means the same as the term is defined in
33 Subsection 53F-2-415(1).

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

36 ([4]5) "Related [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 school personnel]~~ training
42 funded only through carryforward funds that is provided by qualifying personnel for
43 school personnel.

44

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

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

48 (2) The plan shall include:

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

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

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

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

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

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

58 (g)e) a timeline and process for ~~[stakeholder]~~school personnel training in
59 trauma-informed practices, including documentation of compliance.

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

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

64 (5)4) An LEA's approved plan is valid for three years and may be required to be
65 reapproved after three years of implementation.

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

69

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

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

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

75

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

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

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

80 (a) \$25,000; and

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

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

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

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

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

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

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

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

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

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

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

101 ([~~9~~8) The additional allocation described in [~~s~~]Subsection (6) shall be:

102 (a) the aggregate total of undistributed funds;

103 [~~(b) subject to all matching fund requirements described in section R277-622-3;~~]

104 ([~~e~~]b) distributed to an eligible LEA in an amount equal to the LEA's portion of
105 the student headcount of all eligible and participating LEAs; and

106 ([~~d~~]c) used for collaboration with the Local Mental Health Authority of the County
107 the LEA is located.

108

109 ~~[R277-622-6. Matching Funds.~~

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

113 ~~—— (2) To qualify as matching funds the LEA's funds may come from any of the~~
114 ~~following sources or procedures:~~

115 ~~—— (a) prioritizing of existing unrestricted state or local funds including:~~

116 ~~—— (i) an unrestricted donation; or~~

117 ~~—— (ii) new funds available in the next fiscal year;~~

118 ~~—— (b) funds generated from property tax;~~

119 ~~—— (c) charter school local replacement funds;~~

120 ~~—— (d) unrestricted MSP Basic program funds;~~

121 ~~—— (e) money distributed to the LEA under Section 53G-7-1303; or~~

122 ~~—— (f) another source of unrestricted state funds or local funds as approved by the~~
123 ~~Superintendent.~~

124 ~~—— (3) Funds may not qualify as a match if:~~

125 ~~—— (a) the funds are from restricted state funds including:~~

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

127 ~~—— (ii) funds that have already been used as a match in a different state grant~~
128 ~~program; or~~

129 ~~—— (iii) funds from a federal source; or~~

130 ~~—— (b) the funds are described in Subsection 53F-2-415(5).~~

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

134 ~~—— (5) An LEA shall report revenues and expenditures of program funds by location~~
135 ~~code according to the Board approved chart of accounts.]~~

136

137 **R277-622-[7]6. Allowable Uses of Funds.**

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

- 140 (a) salary and benefits for the hiring of qualifying~~[ied]~~ personnel; or
141 (b) procuring a contract for related services;

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

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

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

148 ~~_____ (4) An LEA shall use the LEA's matching funds and allocation within the fiscal~~
149 ~~year the funds are distributed.]~~

150 ([5]3) An LEA that has remaining balances at year end shall report the remaining
151 balances in the LEA's annual program report described in R277-484.

152 ([6]4) An LEA with remaining balances shall receive a reduction totaling the
153 remaining balances in the LEA's award for the following fiscal year.

154

155 **R277-622-[8]7. Annual Reporting and Accountability.**

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

158 (2) The annual report shall include:

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

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

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

165 (d) other information requested by the Superintendent.

166

167 **R277-622-8 Qualifying Personnel Scholarship Program**

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

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

173 (a) required intake information;

174 (b) required supplemental materials or documentation;

175 (c) application cycle and deadlines; and

176 (d) reporting requirements for a successful applicant.

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

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

180 (a) be accepted into a graduate program in a field to become a qualifying
181 personnel;

182 (b) take courses outside of the LEA employee's LEA work hours;

183 (c) ensure a majority of the clinical experiences required by the LEA employee's
184 graduate program be at a school site;

185 (d) demonstrate an effort to maximize financial aid opportunities and programs,
186 including the Free Application for Federal Student Aid; and

187 (e) upon graduation:

188 (i) become a qualifying personnel in accordance with Section 53F-2-415(1); and

189 (ii) maintain employment with the LEA of origin for an equal amount of years that
190 a scholarship was provided.

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

192 (a) serve as the fiscal agent to the scholarship funds;

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Green Text – Draft 3 Additions
~~Purple Text~~ – Draft 3 Deletions

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193 _____ (b) provide necessary flexibility to the LEA employee’s job duties and
194 responsibilities to allow the LEA employee to fulfill the graduate program requirements;
195 and

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

199

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

201 **Date of Last Change: 2022[~~April 1, 2021~~]**

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

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

204 **302(1)(a); 53F-2-415**