

R277-622 received final approval by the Utah State Board of Education on January 13, 2022. R277-622 was published in the April 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of May 9, 2022.

## **R277. Education, Administration.**

### **R277-622. School-based Mental Health Qualifying~~[ied]~~ 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~~[ied]~~ 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~~[ied]~~ Grant Program.

(2) The purpose of this rule is to establish the procedures for an LEA to receive a School-based Mental Health Qualifying~~[ied]~~ 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) "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

R277-306.

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

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

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

([4]5) "Related [S]ervices" 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 provided by qualifying personnel for school personnel.

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

(1) To qualify for a School-based Mental Health Qualifying~~[ied]~~ 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) plan for how qualifying personnel will increase access to mental health service including for students who are underserved or at risk;~~[plan for improving access to students who are underserved or at risk;~~

\_\_\_\_\_ ~~(d) how qualified personnel will increase access to mental health services;~~

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

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

([g]f) a timeline and process for ~~[stakeholder]~~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.

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

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

([6]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 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 may only receive an initial distribution totaling 25% of the allocation upon plan approval.]~~

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

- (a) contracting of services for qualifying~~[ied]~~ personnel; or
- (b) hiring qualifying~~[ied]~~ personnel.

([7]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.

([8]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.

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

- (a) the aggregate total of undistributed funds;
- (b) subject to all matching fund requirements described in section R277-622-3;
- (c) 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
- (d) used for collaboration with the Local Mental Health Authority of the County the LEA is located.

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

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

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

- (a) prioritizing of existing unrestricted state or local funds including:
  - (i) an unrestricted donation; or
  - (ii) new funds available in the next fiscal year;
- (b) funds generated from property tax;
- (c) charter school local replacement funds;

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(d) unrestricted MSP Basic program funds;  
(e) money distributed to the LEA under Section 53G-7-1303; or  
(f) another source of unrestricted state funds or local funds as approved by the Superintendent.

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

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

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

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

(iii) funds from a federal source; or

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

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

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

#### **R277-622-7. 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~~ied~~ personnel; or

(b) 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).

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

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

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

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

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

### **R277-622-8. 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~~[ied]~~ personnel in an LEA before receiving the initial funding allocation;

(b) the number of qualifying~~[ied]~~ 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.

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

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

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

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