

1 **R277. Education, Administration.**

2 **R277-625. Mental Health Screener.**

3 **R277-625-1. 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) Section 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;

9 (c) Section 53F-2-522 which directs the board to make rules regarding the
10 selection of mental health screeners and financial aid for qualifying parents.

11 (2) The purpose of this rule is to:

12 (a) provide the approval process for mental health screeners chosen by an
13 LEA; and

14 (b) establish the approval and distribution of funds for a qualifying parent to
15 receive financial assistance for related mental health services.

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17 **R277-625-2. Definitions.**

18 (1) “Department of Substance Abuse and Mental Health” or “DSAMH” means
19 the same as the term is defined in Subsection 62A-15-103.

20 (2) “Qualifying Parent” means:

21 (a) the same as the term is defined in Subsection 53F-2-522(1)(d); and

22 (b) a parent that has a student receiving educational services through an LEA
23 who:

24 (i) receives free or reduced lunch; or

25 (ii) in consultation with the LEA’s local mental health authority, demonstrates
26 greatest need as determined by the student’s LEA including being:

27 (A) uninsured;

28 (B) underinsured;

29 (C) ineligible for Medicaid to cover part or all of any recommended mental health
30 treatments; or

31 (D) demonstrates a high need for interventions based upon results of the LEA's
32 mental health screener.

33 (3) (4) "Relevant services" means mental health services provided to a student
34 that are directly related to mental health needs identified by a student's mental health
35 screening.

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37 **R277-625-3. Approval of Mental Health Screeners.**

38 (1) The Superintendent, in consultation with DSAMH, shall publish annually a
39 list of pre-approved mental health screeners to the Board's website.

40 (2) The Board shall approve the pre-approved mental health screener list.

41 (3) All pre-approved mental health screeners shall comply with the requirements
42 as described in [Title 53E, Chapter 9, Student Privacy and Data Protection](#), and the Family
43 Educational Rights and Privacy Act, 20 U.S.C. 1232g.

44 (4) Except as provided for in Subsection (4)(c) and (d), an LEA shall notify the
45 Superintendent by May 1:

46 (a) if the LEA plans to:

47 (i) use a mental health screener from the pre-approved list; or

48 (ii) apply to the Superintendent for approval of a mental health screener that is
49 not on the pre-approved list;

50 (b) if the LEA would like to participate in providing a qualifying parent with
51 financial assistance;

52 (c) In accordance with Subsections (4)(a) and (b) and for the 2020-2021 school
53 year, an LEA shall notify the Superintendent by August 15; and

54 (d) An LEA is not required to comply with Subsection (4) if the LEA chooses not
55 to offer a mental health screener.

56 (5) If the LEA chooses to apply for use of a mental health screener that is not on
57 the pre-approved list, the LEA shall submit an application to the Superintendent
58 specifying:

59 (a) the mental health screener chosen by the LEA;

60 (b) the reason for choosing the mental health screener;

61 (c) if the mental health screener screens for the mental health conditions required
62 by the Superintendent in consultation with DSAMH;

63 (d) how the mental health screener complies with all state and federal data
64 privacy laws; and

65 (e) the evidence demonstrating the mental health screener utilizes best-practices
66 and meets industry standards.

67 (6) The Superintendent shall review the application in consultation with DSAMH
68 and approve or deny the application within 30 days of receipt.

69 (7) If the application is approved, the Superintendent shall submit the approved
70 application to the Board for final approval.

71 (8) Subject to legislative appropriation, the Superintendent shall provide annually
72 a maximum reimbursement amount an LEA may receive for use of a mental health
73 screener.

74 (9) An LEA may request in writing a reimbursement from the Superintendent in
75 an amount described in Subsection (8).

76 (10) An LEA shall require relevant staff to attend an annual mental health
77 screener training provided by the Superintendent in collaboration with DSAMH.

78 (11) An LEA may not administer a mental health screener if the LEA has not
79 attended the annual mental health screener training described in Subsection (10).

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81 **R277-625-4. Data Access.**

82 (1) An LEA shall ensure all data collected by a mental health screener complies
83 with all state and federal data privacy laws.

84 (2) An LEA shall provide a parent with a list of all data collected prior to the
85 parent opting the parent's student into a mental health screening.

86 (3) An LEA shall provide the parent of a screened student with all the data
87 collected and compiled by the mental health screener including any results generated.

88 (4) If an LEA has received parental consent, an LEA may share data collected
89 from the mental health screener with a school's multi-disciplinary team.

90 (5) An LEA shall ensure all data stored by a mental health screener is done in
91 accordance with all state and federal data privacy laws and requirements including
92 those described in Subsection R277-625-3(3).

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94 **R277-625-5. Financial Assistance for a Qualifying Parent.**

95 (1) An LEA that has opted into participating as described in Subsection
96 R277-625-3(4)(b), may receive reimbursement for relevant services provided to a
97 qualifying parent's student.

98 (2) An LEA may not receive reimbursement for a qualifying parent if

99 (a) the qualifying parent's student has begun to receive relevant services
100 outside of the school setting prior to seeking reimbursement;

101 (b) the LEA can provide the relevant services including relevant services
102 provided by a third party through a contract with the LEA; or

103 (c) except for as provided in Subsection (d), if the qualifying parent has received
104 reimbursement for the same relevant services in a prior school year;

105 (d) an LEA may provide reimbursement to a qualifying parent for the same
106 relevant services in a prior school year if:

107 (i) the LEA has no other qualifying parents seeking reimbursement by April 1
108 and;

109 (ii) has reimbursement funds remaining.

110 (3) An LEA may not receive reimbursements that exceed the LEA's award
111 amount as described in Subsection (4).

112 (4) An LEA that has opted into participating as described in Subsection
113 R277-625-3(4)(b), shall receive a total award amount based on need as determined by
114 the Superintendent.

115 (5) The Superintendent shall determine a participating LEA's need by considering
116 the LEA's ability to support and provide mental health services for a student including:

117 (a) the availability of mental health services within the LEA;

118 (b) the availability of mental health services within the LEA's surrounding
119 community;

120 (c) the overall accessibility of mental health services for students within the LEA;

121 (d) the current student demand for mental health services within an LEA; and

122 (e) capacity of the LEA to meet existing and future student demands for mental
123 health services.

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125 **KEY: mental health screener, mental health, prevention**

126 **Date of Enactment or Last Substantive Amendment: 2020**

127 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**

128 **53F-2-522**