

1 **R277. Education, Administration.**

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

3 **R277-625-1. Authority, Purpose, and Oversight Category.**

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;

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

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

12 (a) provide the approval process for a mental health screener 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.

16 (3) This Rule R277-625 is categorized as Category 2 as described in Rule R277-
17 111.

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19 **R277-625-2. Definitions.**

20 (1) "Division" means the same as the term is defined in Section 53F-2-522.

21 (2) "Mental health" means a person's emotional, psychological, and social well-
22 being, which can affect how a person thinks, feels, and acts, including how a person
23 handles stress, relates to others, and makes healthy choices.

24 (3) "Mental health screener" or "screener" means a systematic tool that:

25 (a) identifies if a student is experiencing, or is at risk of experiencing, issues
26 related to the student's mental health;

27 (b) is used for early identification of the onset of mental health conditions,
28 enabling the mental health conditions to be potentially addressed; and

29 (c) is not:

- 30 (i) a diagnostic tool; or
31 (ii) a system or process used by a student's teacher to observe behavior for
32 targeted learning interventions.
- 33 (4) "Mental health services" means the same as the term is defined in
34 Subsection R523-1-3(3).
- 35 (5) "Qualifies for financial assistance" means a qualifying parent that has a
36 student receiving educational services through an LEA who:
37 (a) receives free or reduced lunch; or
38 (b) as recommended by the local mental health authority, demonstrates need
39 including being:
40 (i) uninsured;
41 (ii) underinsured;
42 (iii) ineligible for Medicaid to cover part or all of any recommended mental health
43 treatments; or
44 (iv) demonstrates a high need for interventions based upon results of the LEA's
45 mental health screener.
- 46 (6) "Qualifying parent" means the same as the term is defined in Subsection
47 53F-2-522(1)(d).
- 48 (7) "Relevant services" means mental health services provided to a student that
49 are directly related to mental health needs identified by a student's mental health
50 screening.

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

- 53 (1)(a) The Superintendent, in consultation with the Division, shall publish
54 annually a list of pre-approved mental health screeners to the Board's website.
- 55 (b) the published pre-approved list shall include:
56 (i) the name or brand of the mental health screener including a link to the
57 screener's website;
58 (ii) the recommended ages for the mental health screener;

59 (iii) any limitations of the mental health screener including the typical level of
60 false positives;

61 (iv) the mental health conditions the mental health screener can detect; and

62 (v) the scientific data or research used to verify a screener is evidence based.

63 (2) The Board shall approve:

64 (a) the pre-approved mental health screener list; and

65 (b) the mental health conditions for which a screener can be used.

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

69 (4) An LEA governing board shall notify the Superintendent by August 1 of each
70 year, whether the LEA will be a participating LEA or non-participating LEA, on a form
71 provided by the Superintendent, in compliance with the requirements in Section 53F-2-
72 522.

73 (5) If the LEA chooses to apply for use of a mental health screener that is not on
74 the pre-approved list, the LEA shall submit an application in a form prescribed by the
75 Superintendent specifying:

76 (a) the mental health screener proposed for use by the LEA;

77 (b) the reason for choosing the mental health screener over a screener from the
78 pre-approved list;

79 (c) the approved mental health conditions the mental health screener measures;

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

82 (e) the scientific data or research demonstrating the mental health screener is
83 evidence based and meets industry standards;

84 (f) why the mental health screener is age appropriate for each grade the
85 screener is administered; and

86 (g) why the mental health screener is an effective tool for identifying whether a
87 student has a mental health condition that requires intervention.

88 (6) The Superintendent shall review the application in consultation with the
89 Division and approve or deny the application within 30 days of receipt.

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

92 (8) Subject to legislative appropriation, the Superintendent shall annually
93 determine a maximum reimbursement amount an LEA may receive for use of a mental
94 health screener.

95 (9) An LEA may request a reimbursement from the Superintendent in writing in
96 an amount not to exceed the amount described in Subsection (8).

97 (10)(a) An LEA shall require one or more relevant staff, who will be
98 administering a mental health screener, to attend an annual mental health screener
99 training provided by the Superintendent in collaboration with the Division;

100 (b) the training described in Subsection (10)(a) shall provide an LEA with
101 information needed for appropriate parental consent including:

102 (i) consent shall be obtained:

103 (A) not more than eight weeks before administration of the mental health
104 screener; and

105 (B) in accordance with Subsection 53E-9-203(4);

106 (ii) the consent form shall be provided separately from other consent forms given
107 to a parent pursuant to other state or federal laws;

108 (iii) additional variables that might influence a screener's results; and

109 (iv) a statement that:

110 (A) the mental health screener is optional;

111 (B) a screener is not a diagnostic tool;

112 (C) a parent has the right to seek outside resources or opinions; and

113 (D) specifies which board approved mental health conditions the mental health
114 screener measures.

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

117 (12) An LEA shall report annually to the Superintendent aggregate data
118 regarding the types of LEA provided mental health interventions, referrals, or other
119 actions taken based on screener results.

120

121 **R277-625-4. Data Privacy.**

122 (1)(a) An LEA shall ensure all data collected or stored by a mental health
123 screener complies with all state and federal data privacy laws and requirements,
124 including those described in Subsection R277-625-3(3).

125 (b) notwithstanding Subsection (1)(a), an LEA shall provide a parent with a list of
126 all parties that may receive any data related to a student's mental health screener
127 before the parent providing consent.

128 (2) An LEA shall provide a parent with a list of all data potentially collected by
129 the mental health screener before consenting to a student's mental health screening.

130 (3) An LEA shall provide the parent of a screened student with:

131 (a) results as described in Subsection 53F-2-522(4)(d);

132 (b) applicable available resources; and

133 (c) who has access to the screener data.

134 (4) If an LEA has received parental consent, an LEA may share data collected
135 from the mental health screener with a school's multidisciplinary team.

136 (5) An LEA shall retain and dispose of all data related to a student's mental
137 health screener in accordance with an approved retention schedule not to exceed three
138 years.

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140 **R277-625-5. Procedures and Criteria for Awarding Grants.**

141 (1) The Superintendent shall [:]distribute the funds on an as-needed basis to a
142 participating LEA.

143 (2) The Superintendent shall determine a participating LEA's need by considering
144 the LEA's ability to support and provide mental health services for a student
145 including:

- 146 (a) the availability of mental health services within the LEA;
147 (b) the availability of mental health services within the LEA's surrounding
148 community;
149 (c) the overall accessibility of mental health services for students within the LEA;
150 (d) the current student demand for mental health services within an LEA; and
151 (e) capacity of the LEA to meet existing and future student demands for mental
152 health services.

153 ~~[(a) distribute 90% of the available annual funds to all participating LEAs based~~
154 ~~on the most recent average daily membership count available; and~~
155 ~~— (b) distribute the remaining 10% of available annual funds on an as-needed~~
156 ~~basis to participating LEAs to meet the LEA needs as described in Subsection 53F-2-~~
157 ~~522(5)(a).]~~

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159 **R277-625-6. Financial Assistance for a Qualifying Parent.**

160 (1) An LEA that has elected to participate as described in Subsection R277-625-
161 3(4)(b), may receive reimbursement for relevant services obtained by a qualifying
162 parent who receives financial assistance.

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

164 (a) the qualifying parent's student has begun to receive relevant services outside
165 of the school setting before seeking reimbursement;

166 (b) the LEA can provide the relevant services, including relevant services
167 provided by a third party through a contract with the LEA;

168 (c) except for as provided in Subsection (d), the qualifying parent has received
169 reimbursement for the same relevant services within one year from the date the relevant
170 services began for the student; or

171 (d) an LEA may provide reimbursement to a qualifying parent for the same
172 relevant services within one year from the date relevant services began for the student
173 if:

174 (i) the LEA has no other qualifying parents seeking reimbursement by April 1

175 and;

176 (ii) has reimbursement funds remaining.

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

179 (4) An LEA that has elected to participate as described in Subsection R277-625-
180 3(4)(b), shall receive a total award amount based on need as determined by the
181 Superintendent.

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

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

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

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

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

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

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

194 **Date of Last Change: October 8, 2024**

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196 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-**
197 **2-522**

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