

1 **R277. Education, Administration.**

2 **R277-625. Mental Health Screening program.**

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 screening programs and financial aid for qualifying parents.

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

12 (a) provide the approval process for mental health screening programs chosen
13 by an 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

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

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

20 (2) “Mental health screening program” or “screening program” means the same
21 as the term is defined in Subsection 53F-2-522(1)(e).

22 (3) “Qualifies for financial assistance” means a qualifying parent that has a
23 student receiving educational services through an LEA who:

24 (a) receives free or reduced lunch; or

25 (b) as recommended by the local mental health authority, demonstrates need
26 including being:

27 (i) uninsured;

28 (ii) underinsured;

29 (iii) ineligible for Medicaid to cover part or all of any recommended mental health

30 treatments; or

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

33 (4) "Qualifying parent" means:

34 (a) the same as the term is defined in Subsection 53F-2-522(1)(d).

35 (b) a parent that has a student receiving educational services through an LEA

36 who:

37 (i) receives free or reduced lunch; or

38 (ii) in consultation with the LEA's as recommended by the local mental health
39 authority, demonstrates greatest need as determined by the student's LEA, including

40 being:

41 (A) uninsured;

42 (B) underinsured;

43 (C) ineligible for Medicaid to cover part or all of any recommended mental health

44 treatments; or

45 (D) demonstrates a high need for interventions based upon results of the LEA's
46 mental health screening program.

47 (5) "Relevant services" means mental health services provided to a student that
48 are directly related to mental health needs identified by a student's mental health
49 screening.

50 _____ (4) "Screener" or "screening program" means the same as the term is defined in
51 Subsection 53F-2-522(1)(e).

52

53 **R277-625-3. Approval of Mental Health Screening programs.**

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

56 _____ (b) the published pre-approved list shall include:

57 _____ (i) the name or brand of the mental health screening program including a link to
58 the screening program's website;

59 (ii) the recommended ages for the mental health screening program;
60 (ii) any limitations of the mental health screening program including the typical
61 level of false positives;
62 (iii) the mental health conditions the mental health screening program can detect;
63 and
64 (iv) the scientific data or research used to verify a screening program is
65 evidence-based.

66 (2) The Board shall approve:

67 (a) the pre-approved mental health screening program list; and

68 (b) the mental health conditions for which a screening program can be used.

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

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

74 (a) if the LEA plans to:

75 (i) use a mental health screening program from the pre-approved list; or

76 (ii) apply to the Superintendent for approval of a mental health screening
77 program that is not on the pre-approved list;

78 (b) ~~if the LEA would like~~ whether an LEA elects to participate in providing a
79 qualifying parent with financial assistance;

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

82 (d) An LEA is not required to comply with Subsection (4) if the LEA chooses not
83 to offer a mental health screening program.

84 (5) If the LEA chooses to apply for use of a mental health screening program that
85 is not on the pre-approved list, the LEA shall submit an application ~~to~~ in a form
86 prescribed by the Superintendent specifying:

87 (a) the mental health screening program ~~chosen~~ proposed for use by the LEA;

88 (b) the reason for choosing the mental health screening program;

89 (c) ~~if the mental health screener screens for~~ the approved mental health
90 conditions the mental health screening program measures required by the
91 Superintendent in consultation with DSAMH;

92 (d) how the mental health screening program complies with all state and federal
93 data privacy laws; and

94 (e) the evidence the scientific data or research demonstrating the mental health
95 screening program is evidence based utilizes best practices and meets industry
96 standards;

97 (f) why the mental health screening program is age appropriate for each grade
98 the screening program is administered; and

99 (g) why the mental health screening program is an effective tool for identifying
100 whether a student has a mental health condition that requires intervention.

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

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

105 (8) Subject to legislative appropriation, the Superintendent shall provide annually
106 a maximum reimbursement amount an LEA may receive for use of a mental health
107 screening program.

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

110 (10)(a) An LEA shall require relevant staff, who will be administering a mental
111 health screening program, to attend an annual mental health screening program training
112 provided by the Superintendent in collaboration with DSAMH;

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

115 (i) consent shall be obtained;

116 (A) within 6-8 weeks of prior to administration of the mental health screening
117 program; and

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

119 (ii) consent may not be obtained earlier than 4 weeks prior to the administration
120 of a mental health screener to the parent's student;

121 (iii) the consent form shall be provided separately to the parent from any other
122 consent forms given to a parent pursuant to other state or federal laws;

123 (iii) additional variables that might influence a screening program's results; and

124 (iv) a statement that:

125 (A) the mental health screener is optional;

126 (B) a screening program is not a diagnostic tool;

127 (C) a parent has a the right to seek outside resources or opinions a second
128 opinion of a screener's results; and

129 (D) specifies which board approved mental health conditions the mental health
130 screening program measures what the screener is measuring or testing.

131 (11) An LEA may not administer a mental health screening program if the LEA
132 has not attended the annual mental health screening program training described in
133 Subsection (10).

134 (12) An LEA shall report annually to the Superintendent aggregate data
135 regarding the types of LEA provided mental health interventions, ~~or~~ referrals, or
136 other actions taken based on screening program results. ~~associated with the mental~~
137 health screener results utilized because of a student's screener results.

138

139 **R277-625-4. Data Access Privacy.**

140 (1) An LEA shall ensure all data collected or stored by a mental health screening
141 program complies with all state and federal data privacy laws and requirements,
142 including those described in Subsection R277-625-3(3).

143 ~~(2)(a)~~ An LEA shall provide a parent with a list of all ~~potential~~ data ~~potentially~~
144 collected by the mental health screening program prior to ~~the parent opting the parent's~~
145 ~~consenting to a~~ student's ~~into a~~ mental health screening.

146 ~~(b) data provided to a parent as described in Subsection (2)(a) may be~~
147 ~~accomplished by giving a parent the opportunity to take the screener prior to the parent~~
148 ~~providing consent.~~

149 (3) An LEA shall provide the parent of a screened student with: ~~any~~

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

151 ~~(b) applicable available resources; and~~

152 ~~(c) who has access to the screening program data.~~~~[all the data collected and~~
153 ~~compiled by the mental health screener, including any results generated.]~~

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

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

159

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

161 (1) An LEA that has ~~opted into participating~~ ~~elected to participate~~ as described
162 in Subsection R277-625-3(4)(b), may receive reimbursement for relevant services
163 ~~provided to~~ ~~obtained by~~ a qualifying parent's ~~student~~ ~~that qualifies for financial~~
164 ~~assistance.~~

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

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

168 (b) the LEA can provide the relevant services, including relevant services
169 provided by a third party through a contract with the LEA; ~~or~~

170 (c) except for as provided in Subsection (d), the qualifying parent has received
171 reimbursement for the same relevant services [within one year from the date the relevant](#)
172 [services began for the student](#) in a prior ~~school calendar~~ year; or

173 (d) an LEA may provide reimbursement to a qualifying parent for the same
174 relevant services [within one year from the date relevant services began for the student](#)
175 in a prior ~~school calendar~~ year if:

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

178 (ii) has reimbursement funds remaining.

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

181 (4) An LEA that has ~~opted into participating~~ [elected to participate](#) as described in
182 Subsection R277-625-3(4)(b), shall receive a total award amount based on need as
183 determined by the Superintendent.

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

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

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

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

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

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

193

194 **KEY: mental health screening program, mental health, prevention**

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

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