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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3742

1.1 A bill for an act
1.2 relating to education; requiring mental health screening for students; creating
1.3 student mental health supports revenue; appropriating money; amending Minnesota
1.4 Statutes 2022, sections 124E.20, subdivision 1; 126C.10, subdivision 1, by adding
1.5 a subdivision; proposing coding for new law in Minnesota Statutes, chapter 121A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 121A.245] MENTAL HEALTH SCREENING.

1.8 Subdivision 1. Screening required. A school district or charter school must develop a
1.9 plan to conduct evidence-based mental health screenings on students in kindergarten through
1.10 grade 12. This requirement applies to districts and charter schools that have received funding
1.11 under section 126C.10, subdivision 38, to hire student mental health support staff. "Student
1.12 mental health support staff" as used in this section means school psychologists, school social
1.13 workers, school nurses, school counselors, and chemical dependency counselors.

1.14 Subd. 2. Parent notice. (a) A district or charter school must notify a student's parent of
1.15 the plan to conduct the screening, including the purpose of the screening and when the
1.16 screening will be conducted. A district or charter school must not conduct a mental health
1.17 screening on a student whose parent has not consented to the screening. "Parent" as used
1.18 in this section has the meaning provided in section 120A.22, subdivision 3.

1.19 (b) If the results of a student's screening indicate a potential mental health condition, the
1.20 district or charter school must notify the student's parent of the results and provide the parent
1.21 a copy of the results and a list of resources available to the student in the school or
1.22 community.

2.1 Subd. 3. **Commissioner assistance.** The commissioner of education may provide districts
 2.2 and charter schools with sample mental health screenings and other resources to assist them
 2.3 with implementing mental health screenings under this section.

2.4 Subd. 4. **Screening data.** (a) A school district or charter school must not use the results
 2.5 of mental health screenings to make any decision relating to the student's instruction or
 2.6 academic opportunities, or student discipline.

2.7 (b) Records relating to mental health screenings must be maintained in accordance with
 2.8 the Data Practices Act under chapter 13 and the Family Educational Rights and Privacy Act
 2.9 of 1974, United States Code, title 20, section 1232(g).

2.10 (c) Notwithstanding section 138.17, mental health screening data collected by a school
 2.11 district or charter school under this section must be destroyed the earlier of:

2.12 (1) the district or charter school notifying the student's parent of the results and resources
 2.13 available to the student in the school or community in accordance with subdivision 2; or

2.14 (2) 60 days from the date of collection.

2.15 Subd. 5. **Intermediate school districts and other cooperative units.** For purposes of
 2.16 this section, "school district" includes programs serving school age children operated by an
 2.17 intermediate school district or other cooperative unit defined in section 123A.24, subdivision
 2.18 2.

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2023.

2.20 Sec. 2. Minnesota Statutes 2022, section 124E.20, subdivision 1, is amended to read:

2.21 Subdivision 1. **Revenue calculation.** (a) General education revenue must be paid to a
 2.22 charter school as though it were a district. The general education revenue for each adjusted
 2.23 pupil unit is the state average general education revenue per pupil unit, plus the referendum
 2.24 equalization aid allowance and first tier local optional aid allowance in the pupil's district
 2.25 of residence, minus an amount equal to the product of the formula allowance according to
 2.26 section 126C.10, subdivision 2, times .0466, calculated without declining enrollment revenue,
 2.27 local optional revenue, basic skills revenue, extended time revenue, pension adjustment
 2.28 revenue, transition revenue, and transportation sparsity revenue, plus declining enrollment
 2.29 revenue, basic skills revenue, pension adjustment revenue, student mental health supports
 2.30 revenue, and transition revenue as though the school were a school district.

3.1 (b) For a charter school operating an extended day, extended week, or summer program,
3.2 the general education revenue in paragraph (a) is increased by an amount equal to 25 percent
3.3 of the statewide average extended time revenue per adjusted pupil unit.

3.4 (c) Notwithstanding paragraph (a), the general education revenue for an eligible special
3.5 education charter school as defined in section 124E.21, subdivision 2, equals the sum of
3.6 the amount determined under paragraph (a) and the school's unreimbursed cost as defined
3.7 in section 124E.21, subdivision 2, for educating students not eligible for special education
3.8 services.

3.9 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.10 Sec. 3. Minnesota Statutes 2022, section 126C.10, subdivision 1, is amended to read:

3.11 Subdivision 1. **General education revenue.** The general education revenue for each
3.12 district equals the sum of the district's basic revenue, extended time revenue, gifted and
3.13 talented revenue, declining enrollment revenue, local optional revenue, small schools
3.14 revenue, basic skills revenue, secondary sparsity revenue, elementary sparsity revenue,
3.15 transportation sparsity revenue, total operating capital revenue, equity revenue, pension
3.16 adjustment revenue, student mental health supports revenue, and transition revenue.

3.17 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.18 Sec. 4. Minnesota Statutes 2022, section 126C.10, is amended by adding a subdivision to
3.19 read:

3.20 **Subd. 38. Student mental health supports.** (a) A school district or charter school is
3.21 eligible for student mental health supports revenue to hire student mental health support
3.22 staff, as defined in section 121A.245. In order to receive revenue under this subdivision, a
3.23 district or charter school must report to the commissioner of education the number of student
3.24 mental health support staff employed by the district or charter school in the 2022-2023
3.25 school year, the number of new positions eligible for funding with student mental health
3.26 supports revenue, and the salary and benefits of the personnel in the new positions.

3.27 (b) A district or charter school is eligible to receive an amount of money sufficient to
3.28 fund two full-time student mental health support staff positions for each 2,000 or fewer
3.29 students.

3.30 (c) For purposes of this section, the amount sufficient to fund a student mental health
3.31 support staff position is equal to the statewide average salary and benefit amount for student
3.32 mental health support staff for the previous year.

4.1 (d) A school district or charter school may use student mental health supports revenue
4.2 to contract for mental health support services for students. The district must report to the
4.3 commissioner the costs for contracted services in the 2022-2023 school year and increased
4.4 costs thereafter.

4.5 (e) For purposes of this subdivision, "school district" includes programs serving school
4.6 age children operated by an intermediate school district or other cooperative unit defined
4.7 in section 123A.24, subdivision 2.

4.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

4.9 **Sec. 5. APPROPRIATIONS; ADDITIONAL GENERAL EDUCATION AID FOR**
4.10 **STUDENT MENTAL HEALTH SUPPORTS.**

4.11 (a) \$..... in fiscal year 2024 is appropriated from the general fund to the Department of
4.12 Education for additional general education aid for the amounts required under section 4.

4.13 (b) The commissioner may pay the general education student mental health support aid
4.14 directly to intermediate school districts and other cooperative units defined in Minnesota
4.15 Statutes, section 123A.24, subdivision 2.

4.16 **EFFECTIVE DATE.** This section is effective July 1, 2023.