

Representative Susan Pulsipher proposes the following substitute bill:

BLOCK GRANT FUNDING FOR PREVENTION PROGRAMS

IN PUBLIC EDUCATION

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill establishes block grant funding for the implementation of comprehensive prevention programs in local education agencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes block grant funding for the implementation of comprehensive prevention programs in local education agencies (LEAs);
- ▶ requires the State Board of Education (State Board) to:
 - make rules to establish and administer the grant application process; and
 - provide LEAs with certain resources and support;
- ▶ provides for the allowable uses of the block grant funding;
- ▶ allows LEAs to:
 - choose to implement a comprehensive prevention plan with block grant funding or implement individual prevention plans with existing funding restrictions; and
 - submit one comprehensive report instead of individually required reports if the LEA implements a comprehensive prevention plan;



- 26 ▶ amends existing prevention programs to accommodate the opportunity for block
- 27 grant funding;
- 28 ▶ authorizes the use of certain excess funds in the Underage Drinking and Substance
- 29 Abuse Prevention Program Restricted Account for distribution through block grant
- 30 funding; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 This bill provides a coordination clause.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **53E-3-522**, as enacted by Laws of Utah 2020, Chapter 230
- 40 **53F-2-410**, as repealed and reenacted by Laws of Utah 2021, Chapter 319
- 41 **53F-2-415**, as last amended by Laws of Utah 2022, Chapter 409
- 42 **53F-9-304**, as last amended by Laws of Utah 2022, Chapters 447, 456
- 43 **53G-9-702**, as last amended by Laws of Utah 2021, Chapter 105
- 44 **53G-10-407**, as enacted by Laws of Utah 2020, Chapter 161
- 45 **59-14-807**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

46 ENACTS:

47 **53F-2-525**, Utah Code Annotated 1953

48 **Utah Code Sections Affected by Coordination Clause:**

- 49 **53F-2-410**, as repealed and reenacted by Laws of Utah 2021, Chapter 319
- 50 **53F-2-525**, Utah Code Annotated 1953



52 *Be it enacted by the Legislature of the state of Utah:*

53 Section 1. Section **53E-3-522** is amended to read:

54 **53E-3-522. Substance abuse prevention in public school programs.**

55 ~~[The]~~ Except as provided in Section **53F-2-525**, the state board shall provide for:

- 56 (1) substance abuse prevention and education;

- 57 (2) substance abuse prevention training for teachers and administrators; and
- 58 (3) district and school programs to supplement, not supplant, existing local prevention
- 59 efforts in cooperation with local substance abuse authorities.

60 Section 2. Section **53F-2-410** is amended to read:

61 **53F-2-410. Gang prevention and intervention program.**

62 Subject to legislative appropriations and except as provided in Section [53F-2-525](#), the

63 state board shall distribute money for a gang prevention and intervention program:

- 64 (1) that is designed to help students at risk for gang involvement stay in school; and
- 65 (2) to school districts and charter schools through a request for proposals process.

66 Section 3. Section **53F-2-415** is amended to read:

67 **53F-2-415. Student health and counseling support -- Qualifying personnel --**
68 **Distribution formula -- Rulemaking.**

69 (1) As used in this section:

70 (a) "Qualifying personnel" means a school counselor or other counselor, school

71 psychologist or other psychologist, school social worker or other social worker, or school nurse

72 who:

- 73 (i) is licensed; and
- 74 (ii) collaborates with educators and a student's parent on:
 - 75 (A) early identification and intervention of the student's academic and mental health
 - 76 needs; and
 - 77 (B) removing barriers to learning and developing skills and behaviors critical for the
 - 78 student's academic achievement.

79 (b) "Telehealth services" means the same as that term is defined in Section [26-60-102](#).

80 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),

81 the state board shall distribute money appropriated under this section to LEAs to provide in a

82 school targeted school-based mental health support, including clinical services and

83 trauma-informed care, through:

- 84 (i) employing qualifying personnel; or
- 85 (ii) entering into contracts for services provided by qualifying personnel, including
- 86 telehealth services.

87 (b) (i) The state board shall, after consulting with LEA governing boards, develop a

88 formula to distribute money appropriated under this section to LEAs.

89 (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)
90 incentivizes an LEA to provide school-based mental health support in collaboration with the
91 local mental health authority of the county in which the LEA is located.

92 (3) To qualify for money under this section, an LEA shall submit to the state board a
93 plan that includes:

94 (a) measurable goals approved by the LEA governing board on improving student
95 safety, student engagement, school culture, or academic achievement;

96 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the
97 use of the money;

98 (c) how the LEA is meeting the requirements related to parent education described in
99 Section [53G-9-703](#); and

100 (d) whether the LEA intends to provide school-based mental health support in
101 collaboration with the local mental health authority of the county in which the LEA is located.

102 (4) The state board shall distribute money appropriated under this section to an LEA
103 that qualifies under Subsection (3):

104 (a) based on the formula described in Subsection (2)(b); and

105 (b) if the state board approves the LEA's plan before April 1, 2020, in an amount of
106 money that the LEA equally matches using local money, unrestricted state money, or money
107 distributed to the LEA under Section [53G-7-1303](#).

108 (5) An LEA may not use money distributed by the state board under this section to
109 supplant federal, state, or local money previously allocated to:

110 (a) employ qualifying personnel; or

111 (b) enter into contracts for services provided by qualified personnel, including
112 telehealth services.

113 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
114 state board shall make rules that establish:

115 (a) procedures for submitting a plan for and distributing money under this section;

116 (b) the formula the state board will use to distribute money to LEAs described in
117 Subsection (2)(b); and

118 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that

119 receives money under this section.

120 (7) An LEA that receives money under this section shall submit an annual report to the
121 state board, including:

122 (a) progress toward achieving the goals submitted under Subsection (3)(a);

123 (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for
124 discontinuing the position; and

125 (c) how the LEA, in providing school-based mental health support, complies with the
126 provisions of Section [53E-9-203](#).

127 (8) Beginning on or before July 1, 2019, the state board shall provide training that
128 instructs school personnel on the impact of childhood trauma on student learning, including
129 information advising educators against practicing medicine, giving a diagnosis, or providing
130 treatment.

131 (9) The state board may use up to:

132 (a) 2% of an appropriation under this section for costs related to the administration of
133 the provisions of this section; and

134 (b) \$1,500,000 in nonlapsing balances from fiscal year 2022 for the purposes described
135 in this section to provide scholarships for up to four years to certain LEA employees, as defined
136 by the state board, for education and training to become a school social worker, a school
137 psychologist, or other school-based mental health worker.

138 (10) Notwithstanding the provisions of this section, money appropriated under this
139 section may be used, as determined by the state board, for:

140 (a) the SafeUT Crisis Line described in Section [53B-17-1202](#); or

141 (b) (i) youth suicide prevention programs described in Section [53G-9-702](#)[:]; or

142 (ii) a comprehensive prevention plan, as that term is defined in Section [53F-2-525](#).

143 Section 4. Section [53F-2-525](#) is enacted to read:

144 **[53F-2-525](#). Block grant funding for prevention programs in public education.**

145 (1) As used in this section, "comprehensive prevention plan" means an LEA's plan:

146 (a) to implement evidence-based early-intervention and prevention practices tailored to
147 achieve outcomes and mitigate risk factors in a manner consistent with the following programs:

148 (i) substance abuse prevention programs described in Section [53E-3-522](#);

149 (ii) gang prevention and intervention programs described in Section [53F-2-410](#);

150 (iii) youth suicide prevention programs described in Section 53G-9-702; and
151 (iv) positive behavior plans described in Section 53G-10-407;
152 (b) that includes:
153 (i) information on the impact of childhood trauma on student learning, including
154 information advising educators against practicing medicine, giving a diagnosis, or providing
155 treatment; and
156 (ii) resiliency building skills; and
157 (c) that an LEA designs in collaboration with the state board, as described in
158 Subsection (4)(a)(i), and with input from parents, students, educators, and student support staff
159 within the LEA.
160 (2) Subject to legislative appropriations, the state board shall distribute block grant
161 funding to LEAs for use in accordance with Subsection (5)(b)(iii) to implement a
162 comprehensive prevention plan that the state board approves in accordance with Subsection
163 (3).
164 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
165 state board shall make rules to:
166 (a) establish an application process that allows an LEA to:
167 (i) articulate the approach and rationale underlying the LEA's comprehensive
168 prevention plan;
169 (ii) demonstrate the LEA's specific prevention needs;
170 (iii) provide data that supports the substance and cost of the LEA's comprehensive
171 prevention plan;
172 (iv) outline the ways in which the LEA will use the block grant funding in a united
173 prevention effort to achieve the outcomes that the individual programs described in Subsection
174 (1) target; and
175 (v) identify the specific outcomes described in Subsection (3)(a)(iv) by which the LEA
176 will measure the success of the comprehensive prevention plan; and
177 (b) establish additional grant application conditions.
178 (4) The state board shall:
179 (a) (i) provide guidance to each LEA that is preparing a prevention block grant funding
180 application on the design and implementation of the LEA's comprehensive prevention program;

181 (ii) review each prevention block grant funding application for compliance and
182 eligibility; and

183 (iii) provide to each LEA that receives block grant funding:
184 (A) technical assistance that is tailored to the LEA's specified prevention needs; and
185 (B) targeted professional learning opportunities in evidence-based prevention practices;
186 (b) evaluate and prioritize block grant funding applications under this section and
187 individual funding needs for LEAs that choose to seek out funding for individual prevention
188 programs, as described in Subsection (5)(a), as the state board deems necessary to ensure the
189 effectiveness of statewide prevention efforts.

190 (5) (a) An LEA may seek block grant funding under this section or segregated funding
191 for the individual programs described in Subsection (1), based on the LEA governing board's
192 determination of specific prevention needs within the LEA.

193 (b) Notwithstanding any other provision of law or state board rule, an LEA that
194 receives block grant funding under this section:

195 (i) shall submit to the state board a report that:
196 (A) accounts for the LEA's use of the block grant funding; and
197 (B) provides data points, including the measurement of the specified outcomes
198 described in Subsection (3)(a)(v), that demonstrate the effectiveness of the LEA's
199 comprehensive prevention plan;

200 (ii) is not required to submit to the state board an individual report for each program
201 described in Subsection (1); and

202 (iii) may use block grant funding to:
203 (A) implement the state board-approved comprehensive prevention plan;
204 (B) carry out the prevention-focused parent seminars described in Subsection
205 [53G-9-703\(2\)](#); and

206 (C) other evidence-based prevention practices that the state board authorizes.

207 Section 5. Section **53F-9-304** is amended to read:

208 **53F-9-304. Underage Drinking and Substance Abuse Prevention Program**
209 **Restricted Account.**

210 (1) As used in this section, "account" means the Underage Drinking and Substance
211 Abuse Prevention Program Restricted Account created in this section.

212 (2) There is created within the Income Tax Fund a restricted account known as the
213 "Underage Drinking and Substance Abuse Prevention Program Restricted Account."

214 (3) (a) Before the Department of Alcoholic Beverage Services deposits any portion of
215 the markup collected under Section 32B-2-304 into the Liquor Control Fund in accordance
216 with Section 32B-2-301, the Department of Alcoholic Beverage Services shall deposit into the
217 account:

218 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

219 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
220 amount that the Department of Alcoholic Beverage Services deposited into the account during
221 the preceding fiscal year increased or decreased by a percentage equal to the percentage
222 difference between the Consumer Price Index for the second preceding calendar year and the
223 Consumer Price Index for the preceding calendar year.

224 (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage
225 Services shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4)
226 and 1(f)(5).

227 (4) The account shall be funded:

228 (a) in accordance with Subsection (3);

229 (b) by appropriations made to the account by the Legislature; and

230 (c) by interest earned on money in the account.

231 (5) (a) ~~The~~ Except as provided in Subsection (5)(b), the state board shall use money
232 in the account for the Underage Drinking and Substance Abuse Prevention Program described
233 in Section 53G-10-406.

234 (b) If excess funds remain in the restricted account at the end of a given fiscal year
235 after the use described in Subsection (5)(a), the state board may distribute the excess funds in
236 the subsequent fiscal year through the block grant funding for public education prevention
237 programs described in Section 53F-2-525.

238 Section 6. Section 53G-9-702 is amended to read:

239 **53G-9-702. Youth suicide prevention programs -- State board to develop model**
240 **programs.**

241 (1) As used in the section:

242 (a) "Elementary grades" means:

- 243 (i) kindergarten through grade 5; and
- 244 (ii) if the associated middle or junior high school does not include grade 6, grade 6.
- 245 (b) "Intervention" means an effort to prevent a student from attempting suicide.
- 246 (c) "Postvention" means mental health intervention after a suicide attempt or death to
- 247 prevent or contain contagion.
- 248 (d) "Program" means a youth suicide prevention program described in Subsection (2).
- 249 (e) "Public education suicide prevention coordinator" means an individual designated
- 250 by the state board as described in Subsection (4).

- 251 (f) "Secondary grades" means:
- 252 (i) grades 7 through 12; and
- 253 (ii) if a middle or junior high school includes grade 6, grade 6.
- 254 (g) "State suicide prevention coordinator" means the state suicide prevention
- 255 coordinator described in Section [62A-15-1101](#).

256 (2) In collaboration with the public education suicide prevention coordinator, a school
257 district or charter school shall implement a youth suicide prevention program, which, in
258 collaboration with the training, programs, and initiatives described in Section [53G-9-607](#), shall
259 include programs and training to address:

- 260 (a) for elementary grades and secondary grades:
- 261 (i) life-affirming education, including on the concepts of resiliency, healthy habits,
- 262 self-care, problem solving, and conflict resolution;
- 263 (ii) methods of strengthening the family; and
- 264 (iii) methods of strengthening a youth's relationships in the school and community; and
- 265 (b) for secondary grades:
- 266 (i) prevention of youth suicide;
- 267 (ii) decreasing the risk of suicide among youth who are:
- 268 (A) not accepted by family for any reason, including lesbian, gay, bisexual,
- 269 transgender, or questioning youth; or
- 270 (B) suffer from bullying;
- 271 (iii) youth suicide intervention; and
- 272 (iv) postvention for family, students, and faculty.
- 273 (3) Each school district and charter school shall ensure that the youth suicide

274 prevention program described in Subsection (2):

275 (a) considers appropriate coordination with the following prevention programs:

276 (i) the prevention of bullying and cyber-bullying, as those terms are defined in Section
277 [53G-9-601](#); and

278 (ii) the prevention of underage drinking of alcohol and substance abuse under Section
279 [53G-10-406](#); and

280 (b) includes provisions to ensure that the school district or charter school promptly
281 communicates with the parent or guardian of a student in accordance with Section [53G-9-604](#).

282 (4) The state board shall:

283 (a) designate a public education suicide prevention coordinator; and

284 (b) in collaboration with the Department of Health and the state suicide prevention
285 coordinator, develop model programs to provide to school districts and charter schools:

286 (i) program training; and

287 (ii) resources regarding the required components described in Subsections (2)(a) and

288 (b).

289 (5) The public education suicide prevention coordinator shall:

290 (a) oversee the youth suicide prevention programs of school districts and charter
291 schools; and

292 (b) coordinate prevention and postvention programs, services, and efforts with the state
293 suicide prevention coordinator.

294 (6) A public school suicide prevention program may allow school personnel to ask a
295 student questions related to youth suicide prevention, intervention, or postvention.

296 (7) (a) Subject to legislative appropriation and except as provided in Section
297 [53F-2-525](#), the state board may distribute money to a school district or charter school to be
298 used to implement evidence-based practices and programs, or emerging best practices and
299 programs, for preventing suicide in the school district or charter school.

300 (b) The state board shall ensure that an LEA's allocation of funds from the board's
301 distribution of money under Subsection (7)(a) provides an amount equal to at least \$1,000 per
302 school.

303 (c) (i) A school shall use money allocated to the school under Subsection (7)(b) to
304 implement evidence-based practices and programs, or emerging best practices and programs,

305 for preventing suicide.

306 (ii) Each school may select the evidence-based practices and programs, or emerging
307 best practices and programs, for preventing suicide that the school implements.

308 (8) An LEA may not charge indirect costs to the program.

309 Section 7. Section **53G-10-407** is amended to read:

310 **53G-10-407. Positive behaviors plan -- Positive behaviors specialist stipend --**
311 **Reports.**

312 (1) As used in this section:

313 (a) "Positive behaviors plan" means a plan to address the causes of student use of
314 tobacco, alcohol, electronic cigarette products, and other controlled substances through
315 promoting positive behaviors.

316 (b) "Positive behaviors specialist" means an individual designated to administer a
317 positive behaviors plan.

318 (2) (a) A school principal shall:

319 (i) create a positive behaviors plan based on the input of students, parents, and staff;
320 and

321 (ii) submit the positive behaviors plan to the LEA governing board for approval.

322 (b) A positive behaviors plan shall address issues including peer pressure, mental
323 health, and creating meaningful relationships.

324 (c) A positive behaviors plan may include programs, clubs, service opportunities, and
325 pro-social activities.

326 (3) Each LEA shall designate one or more employees as a positive behaviors specialist
327 for each school to administer the positive behaviors plan.

328 (4) (a) ~~[The]~~ Except as provided in Section [53F-2-525](#), the state board shall distribute
329 annually to each school:

330 (i) \$3,000 as a stipend for the positive behaviors specialists; and

331 (ii) \$1,000 to administer the positive behaviors plan.

332 (b) Notwithstanding Subsection (4)(a), if funding is insufficient to cover the costs
333 associated with stipends, the state board may reduce the amount of the stipend.

334 (5) (a) A positive behaviors specialist shall annually submit a written report to the LEA
335 governing board detailing how the positive behaviors plan was implemented in the prior year.

336 (b) [Am] Except as provided in Subsection 53F-2-525(5), an LEA governing board
337 shall submit an annual report to the state board confirming that each school under the
338 governing board's jurisdiction has an approved positive behaviors plan.

339 Section 8. Section **59-14-807** is amended to read:

340 **59-14-807. Electronic Cigarette Substance and Nicotine Product Tax Restricted**
341 **Account.**

342 (1) There is created within the General Fund a restricted account known as the
343 "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."

344 (2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account
345 consists of:

- 346 (a) revenues collected from the tax imposed by Section [59-14-804](#); and
- 347 (b) amounts appropriated by the Legislature.

348 (3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation
349 by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette
350 Substance and Nicotine Product Tax Restricted Account:

- 351 (a) \$2,000,000 which shall be allocated to the local health departments by the
352 Department of Health using the formula created in accordance with Section [26A-1-116](#);
 - 353 (b) \$2,000,000 to the Department of Health for statewide cessation programs and
354 prevention education;
 - 355 (c) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed
356 at disrupting organizations and networks that provide tobacco products, electronic cigarette
357 products, nicotine products, and other illegal controlled substances to minors;
 - 358 (d) \$3,000,000 which shall be allocated to the local health departments by the
359 Department of Health using the formula created in accordance with Section [26A-1-116](#);
 - 360 (e) \$5,084,200 to the State Board of Education for school-based prevention programs;
361 and
 - 362 (f) \$2,000,000 to the Department of Health for alcohol, tobacco, and other drug
363 prevention, reduction, cessation, and control programs that promote unified messages and
364 make use of media outlets, including radio, newspaper, billboards, and television.
- 365 (4) (a) The local health departments shall use the money received in accordance with
366 Subsection (3)(a) for enforcing:

367 (i) the regulation provisions described in Section [26-57-103](#);

368 (ii) the labeling requirement described in Section [26-57-104](#); and

369 (iii) the penalty provisions described in Section [26-62-305](#).

370 (b) The Department of Health shall use the money received in accordance with
371 Subsection (3)(b) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
372 Program created in Section [26-7-10](#).

373 (c) The local health departments shall use the money received in accordance with
374 Subsection (3)(d) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug
375 Prevention Grant Program created in Section [26A-1-129](#).

376 (d) The State Board of Education shall use the money received in accordance with
377 Subsection (3)(e) to distribute to local education agencies to pay for:

378 (i) (A) stipends for positive behaviors specialists as described in Subsection
379 [53G-10-407\(4\)\(a\)\(i\)](#);

380 ~~[(ii)]~~ (B) the cost of administering the positive behaviors plan as described in
381 Subsection [53G-10-407\(4\)\(a\)\(ii\)](#); and

382 ~~[(iii)]~~ (C) the cost of implementing an Underage Drinking and Substance Abuse
383 Prevention Program in grade 4 or 5, as described in Subsection [53G-10-406\(3\)\(b\)](#)~~[-];~~ or

384 (ii) a comprehensive prevention plan, as that term is defined in Section [53F-2-525](#).

385 (5) (a) The fund shall earn interest.

386 (b) All interest earned on fund money shall be deposited into the fund.

387 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette
388 Substance and Nicotine Product Tax Restricted Account after the distribution described in
389 Subsection (3) may only be used for programs and activities related to the prevention and
390 cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

391 Section 9. **Effective date.**

392 This bill takes effect on July 1, 2023.

393 Section 10. **Coordinating H.B. 16 with H.B. 304 -- Superseding technical and**
394 **substantive amendments.**

395 If this H.B. 16 and H.B. 304, Juvenile Justice Revisions, both pass and become law,
396 when the Office of Legislative Research and General Counsel prepares the Utah Code database
397 for publication:

398 (1) the amendments to Section 53F-2-410 in H.B. 304 supersede the amendments to
399 Section 53F-2-410 in this bill; and

400 (2) Subsection 53F-2-525(1)(a) shall read:

401 "(a) to implement evidence-based early-intervention and prevention practices tailored to
402 achieve outcomes and mitigate risk factors in a manner consistent with the following programs:

403 (i) substance abuse prevention programs described in Section 53E-3-522;

404 (ii) youth suicide prevention programs described in Section 53G-9-702; and

405 (iii) positive behavior plans described in Section 53G-10-407;".