

Emily Buss proposes the following substitute bill:

School Social Worker Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Emily Buss

House Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to a social service worker in a public school.

Highlighted Provisions:

This bill:

- amends a definition related to personnel providing health and counseling support to a student;
- requires the State Board of Education to provide certain guidance based on requirements the Division of Professional Licensing sets; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53F-2-415, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

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

Section 1. Section **53F-2-415** is amended to read:

53F-2-415 . Student health and counseling support -- Qualifying personnel --

Distribution formula -- Rulemaking.

(1) As used in this section:

(a) "Behavioral health support personnel" means an individual who:

(i) works under the direct supervision of qualifying personnel to:

- (A) support and track a student's progress and access to and completion of school curriculum; and

- 30 (B) support students by prompting, redirecting, encouraging, and reinforcing
 31 positive behaviors;
- 32 (ii) is not certified or licensed in mental health; and
 33 (iii) meets the professional qualifications as defined by state board rule.
- 34 ~~[(b) "Qualifying personnel" means a school counselor or other counselor, a school
 35 psychologist or other psychologist, a school social worker or other social worker, or a
 36 school nurse who:]~~
- 37 ~~[(i) is licensed; and]~~
- 38 ~~[(ii) collaborates with educators and a student's parent on:]~~
- 39 ~~[(A) early identification and intervention of the student's academic and mental
 40 health needs; and]~~
- 41 ~~[(B) removing barriers to learning and developing skills and behaviors critical for
 42 the student's academic achievement.]~~
- 43 (b)(i) "Qualifying personnel" means an individual listed in Subsection (1)(b)(ii) who:
- 44 (A) is licensed or working under qualified personnel as an intern; and
- 45 (B) collaborates with educators and a student's parents on:
- 46 (I) early identification and intervention of the student's academic and mental
 47 health needs; and
- 48 (II) removing barriers to learning and developing skills and behaviors critical
 49 for the student's academic achievement.
- 50 (ii) "Qualifying personnel" includes the following individuals if the individual meets
 51 the requirements of Subsection (1)(b)(i), a:
- 52 (A) school counselor;
- 53 (B) school psychologist;
- 54 (C) school social worker;
- 55 (D) registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
- 56 (E) social service worker licensed under Title 58, Chapter 60, Part 2, Social
 57 Worker Licensing Act;
- 58 (F) certified social worker under Title 58, Chapter 60, Part 2, Social Worker
 59 Licensing Act;
- 60 (G) licensed clinical social worker under Title 58, Chapter 60, Part 2, Social
 61 Worker Licensing Act;
- 62 (H) clinical mental health counselor licensed under Title 58, Chapter 60, Part 4,
 63 Clinical Mental Health Counselor Licensing Act;

- 64 (I) marriage and family therapist licensed under Title 58, Chapter 60, Part 3,
65 Marriage and Family Therapist Licensing Act; or
66 (J) psychologist licensed under Title 58, Chapter 61, Psychologist Licensing Act.
- 67 (c) "Telehealth services" means the same as that term is defined in Section 26B-4-704.
- 68 (2)(a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),
69 the state board shall distribute money appropriated under this section to LEAs to
70 provide targeted school-based mental health support, including clinical services and
71 trauma-informed care, through:
- 72 (i) employing qualifying personnel;
73 (ii) employing behavioral health support personnel; or
74 (iii) entering into contracts for services provided by qualifying personnel, including
75 telehealth services.
- 76 (b)(i) The state board shall, after consulting with LEA governing boards, develop a
77 formula to distribute money appropriated under this section to LEAs.
- 78 (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)
79 incentivizes an LEA to provide school-based mental health support in
80 collaboration with the local mental health authority of the county in which the
81 LEA is located.
- 82 (iii) The state board shall provide guidance for LEAs regarding the training,
83 qualifications, roles, and scopes of practice for qualifying personnel and
84 behavioral health support personnel that incorporates parent consent and
85 partnership as key components in addressing the mental health and behavioral
86 health needs of students.
- 87 (3) To qualify for money under this section, an LEA shall submit to the state board a plan
88 that includes:
- 89 (a) measurable goals approved by the LEA governing board on improving student
90 safety, student engagement, school climate, or academic achievement;
91 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the
92 use of the money;
93 (c) how the LEA is meeting the requirements related to parent education described in
94 Section 53G-9-703; and
95 (d) whether the LEA intends to provide school-based mental health support in
96 collaboration with the local mental health authority of the county in which the LEA is
97 located.

- 98 (4) The state board shall[-] :
- 99 (a) provide guidance for services in schools that:
- 100 (i) align with scope of practice, supervision, and clinical oversight requirements the
- 101 Division of Professional Licensing establishes; and
- 102 (ii) comply with the definition of practice of mental health therapy, as that term is
- 103 defined in Section 58-60-102; and
- 104 (b) distribute money appropriated under this section to an LEA that qualifies under
- 105 Subsection (3), based on the formula described in Subsection (2)(b).
- 106 (5) An LEA may not use money distributed by the state board under this section to supplant
- 107 federal, state, or local money previously allocated to:
- 108 (a) employ qualifying personnel;
- 109 (b) employ behavioral health support personnel; or
- 110 (c) enter into contracts for services provided by qualified personnel, including telehealth
- 111 services.
- 112 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 113 state board shall make rules that establish:
- 114 (a) procedures for submitting a plan for and distributing money under this section;
- 115 (b) the formula the state board will use to distribute money to LEAs described in
- 116 Subsection (2)(b); and
- 117 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that
- 118 receives money under this section.
- 119 (7) An LEA that receives money under this section shall submit an annual report to the state
- 120 board, including:
- 121 (a) progress toward achieving the goals submitted under Subsection (3)(a);
- 122 (b) if the LEA discontinues a qualifying personnel position or a behavioral health
- 123 support personnel position, the LEA's reason for discontinuing the positions; and
- 124 (c) how the LEA, in providing school-based mental health support, complies with the
- 125 provisions of Section 53E-9-203.
- 126 (8) Beginning on or before July 1, 2019, the state board shall provide training that instructs
- 127 school personnel on the impact of childhood trauma on student learning, including
- 128 information advising educators against practicing medicine, giving a diagnosis, or
- 129 providing treatment.
- 130 (9) The state board may use up to:
- 131 (a) 2% of an appropriation under this section for costs related to the administration of

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

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

- 139 (a) the SafeUT Crisis Line described in Section 53H-4-210;
- 140 (b)(i) youth suicide prevention programs described in Section 53G-9-702 ; or
- 141 (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525; or
- 142 (c) providing grants to LEAs as provided in Subsection 53F-2-522(5).

143 **Section 2. Effective Date.**

144 This bill takes effect on May 6, 2026.