Health Requirements and Services Mental Health Care

Definitions—

1. “Authorized personnel” means an individual:

a. Who holds a license:

i. As a school psychologist, as defined in Utah Code § 53F-5-218;

ii. As a school social worker, as defined in Utah Code § 53F-5-218;

iii. Under Utah Code Title 58, Chapter 61, Psychologist Licensing Act;

iv. Under Utah Code Title 58, Chapter 60, Part 2, Social Worker Licensing Act;

v. Under Utah Code Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or

vi. Under Utah Code Title 58, Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act; or

vii. Who is supervised by someone with one of the above licenses, to the extent the person’s actions fall within the scope of that supervision; and

b. Whom the District, or a District school, employs or engages by contract or agreement to support student mental health through a restricted service consistent with the scope of the individual’s license or certification.

2. “Mental health service” has the same meaning as “practicing mental health therapy” as defined by Utah Code § 58-60-102(17).

3. “Restricted service” means a mental health service that takes place in a school setting. It does not include:

a. Describing basic stress-management strategies;

b. Informing students and parents of the availability of a restricted service; or

c. Engaging in generalized crisis response, which does not include one-on-one therapy, in accordance with District or Utah State Board of Education

crisis response protocols.

Utah Code § 53G-9-901 (2025)

Utah Admin. Rules R277-313-2(3), (4) (August 7, 2025)

Utah Code § 58-60-102(17) (2026)

Providing Restricted Services—

Except as provided in a student's IEP or Section 504 accommodation plan, only authorized personnel may provide restricted services to students. Authorized personnel may only provide restricted services within the scope of the provider's license and without other students present. Informed written parental consent must also be obtained as provided below.

Utah Code § 53G-9-902(1) (2025)

Utah Admin. Rules R277-313-3(5) (August 7, 2025)

Utah Admin. Rules R277-313-4(2) (August 7, 2025)

Written parental informed consent for restricted services must be obtained before the first session of a restricted service in a given school year. A student's IEP or Section 504 accommodation plan that includes a restricted service satisfies the requirement for written parental informed consent. Otherwise, the consent shall be obtained using a standard form that includes:

1. Fields for at least the following information:

a. Student name;

b. Name of individual giving consent;

c. Name of each authorized personnel who has authority under the consent to provide a restricted service;

2. A statement that, unless the parent opts out of receiving notices (which the parent may do at any time), the authorized personnel will provide within one business day after each session notice to the parent that the restricted service took place and a description of the topic of the service; and

3. A statement that authorized personnel will adhere to the topics or issues that the parent identifies, in collaboration with authorized personnel, for discussion with or exclusion from the student, except that the topics may be addressed if:

a. The omission would compromise the student's immediate safety;

b. The omission would violate mandatory reporting requirements; or

c. Based on behaviors or statements that the authorized personnel observes, the authorized personnel determines a need to assess the student's safety.

Utah Code § 53G-9-902(2), (3)(c) (2025)

When obtaining the consent, the District, school, or authorized personnel shall, through consultation with the parent, provide the parent with an opportunity to identify topics or issues the parent intends the authorized personnel to address or to not address with the student. The authorized personnel may not address a topic or issue that the parent has expressly stated should not be addressed unless (a) not doing so within the restricted service would compromise the student's immediate safety or (b) the student discloses information that creates a duty for the authorized personnel to make a mandatory report (including for suspected cases of child abuse or neglect under Utah Code § 80-2-602, abuse of a student under Utah Code § 53E-6-701, or any other legally mandated duty to report). If one of these exceptions applies, the authorized personnel may only discuss the information with the student to the extent necessary to make the report.

The requirement to obtain consent also does not apply in a case in which delaying to contact a parent to obtain consent would create an immediate serious

risk of suicide or serious bodily injury (as defined in Utah Code § 76-1-101.5) to the

student or to another individual. If this circumstance occurs, the District, school, or

authorized personnel shall notify the parent in accordance with the requirements of

Policy DLA and Policy FGAD for suicide threats.

Utah Code § 53G-9-902(3) (2025)

Utah Code § 53G-9-604 (2024)

Utah Admin. Rules R277-313-4(3) (August 7, 2025)