

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1468

(SENATE AUTHORS: MORRISON, Kunesh and Abeler)

DATE	D-PG	OFFICIAL STATUS
02/09/2023	754	Introduction and first reading Referred to Education Policy
02/22/2024	11721	Author added Kunesh
03/11/2024	12105a	Comm report: To pass as amended and re-refer to Education Finance
	12142	Author added Abeler

1.1 A bill for an act

1.2 relating to education; requiring mental health screening for students; modifying

1.3 the eligible uses of student support personnel aid; amending Minnesota Statutes

1.4 2023 Supplement, section 124D.901, subdivision 4; proposing coding for new law

1.5 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 developmentally appropriate evidence-based mental health and substance

1.10 use disorder screenings on students in kindergarten through grade 12. This requirement

1.11 applies to districts and charter schools that have received funding under section 124D.901

1.12 to hire student support services personnel.

1.13 Subd. 2. Parent notice. (a) A district or charter school must notify a student's parent of

1.14 the plan to conduct the screening, including the purpose of the screening and when the

1.15 screening will be conducted. A district or charter school must not conduct a mental health

1.16 or substance use disorder screening on a student whose parent has not consented to the

1.17 screening. "Parent" as used in this section has the meaning provided in section 120A.22,

1.18 subdivision 3.

1.19 (b) If the results of a student's screening are positive, the district or charter school must

1.20 notify the student's parent of the results and provide the parent a copy of the results and a

1.21 list of resources available to the student in the school or community.

1.22 Subd. 3. Commissioner assistance. The commissioner of education must provide

1.23 districts and charter schools with evidence-based developmentally appropriate mental health

2.1 screenings and other resources to assist them with implementing mental health and substance
 2.2 use disorder screenings under this section. The commissioner must consult with the
 2.3 commissioner of human services in selecting evidence-based screening tools.

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

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

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

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

2.15 (2) 60 days from the date of collection.

2.16 Subd. 5. **Intermediate school districts and other cooperative units.** For purposes of
 2.17 this section, "school district" includes programs serving school age children operated by an
 2.18 intermediate school district or other cooperative unit defined in section 123A.24, subdivision
 2.19 2.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2024.

2.21 Sec. 2. Minnesota Statutes 2023 Supplement, section 124D.901, subdivision 4, is amended
 2.22 to read:

2.23 Subd. 4. **Allowed uses.** (a) Aid under this section must be used to hire new positions
 2.24 for student support services personnel or increase a current position that is less than 1.0
 2.25 full-time equivalent to a greater number of service hours or make permanent a position hired
 2.26 using onetime resources awarded through the federal Coronavirus Aid Relief and Economic
 2.27 Security Act, the federal Consolidated Appropriations Act, the federal Division
 2.28 M-Coronavirus Response and Relief Supplemental Appropriations Act, or the federal
 2.29 American Rescue Plan Act, or to maintain a position that would otherwise be eliminated.

2.30 (b) Cooperative student support personnel aid must be transferred to the intermediate
 2.31 district or other cooperative unit of which the district is a member and used to hire new
 2.32 positions for student support services personnel or increase a current position that is less

3.1 than 1.0 full-time equivalent to a greater number of service hours or make permanent a
3.2 position hired using onetime resources awarded through the American Rescue Plan Act at
3.3 the intermediate district or cooperative unit.

3.4 (c) If a school district, charter school, or cooperative unit does not receive at least two
3.5 applications and is not able to hire a new full-time equivalent position with student support
3.6 personnel aid, the aid may be used for contracted services from individuals licensed to serve
3.7 as a school counselor, school psychologist, school social worker, school nurse, or chemical
3.8 dependency counselor in Minnesota.

3.9 (d) Notwithstanding paragraphs (a) to (c), aid under this section may be used to pay the
3.10 costs of mental health and substance use disorder screening required under section 121A.245,
3.11 including the screening costs attributable to new or existing student support services personnel
3.12 positions.