

1 **R277. Education, Administration.**

2 **R277-415. School Nurses Matching Funds.**

3 **R277-415-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and  
6 supervision over public education in the Board;

7 (b) Section ~~[53A-1-401]~~53E-3-401, which allows the Board to make rules to  
8 execute the Board's duties and responsibilities under the Utah Constitution and state law;  
9 and

10 (c) Section ~~[53A-17a-154]~~53F-2-406, which requires the Board to distribute grant  
11 money to LEAs for school nurses.

12 (2) The purpose of this rule is to provide rules for awarding of matching funds  
13 under Section ~~[53A-17a-154]~~53F-2-406.

14

15 **R277-415-2. Definitions.**

16 (1) "Advanced Practice Registered Nurse" or "APRN" is a nurse practitioner who  
17 may practice as a school nurse, or in a supervisory role.

18 (2) "Health aid or clerk" means an unlicensed assistive person who must work  
19 under the supervision of an RN.

20 (3) "Licensed Practical Nurse" or "LPN" means a nurse who may only assist or  
21 work under the supervision of a registered nurse or a medical doctor.

22 (4) "Physician" means a licensed doctor with a doctorate in medicine or  
23 osteopathic medicine from an accredited college or university.

24 (5) "Registered nurse" or "RN" is a licensed practicing nurse with a degree in  
25 nursing from an accredited college or university.

26 (6) "Typical school nurse" means a licensed RN specializing in school nursing that  
27 serves as a health care expert in a school.

28

29 **R277-415-3. Appropriation for School Nurses.**

30 (1) The Superintendent shall award an appropriation for school nurses to LEAs  
31 subject to the requirements of this Rule R277-415 and Section ~~[53A-17a-154]~~53F-2-406.

32 (2) An LEA that seeks an appropriation for school nurses under this Rule shall  
33 submit an application for school nurse funds ~~[annually]~~every three years.

34 (3) The Superintendent shall determine the amount of an LEA's three year  
35 allocation taking into account:

36 (a) an LEA's student enrollment;

37 (b) an LEA's ability to match funds as provided in this Section R277-415-3;

38 (c) the percentage of change to an LEA's school nursing staff since the previous  
39 ~~[state-]~~fiscal year ~~[2007]~~; and

40 (d) the annual allocation of funds towards the school nursing program by the  
41 Legislature.

42 (4) An LEA shall provide a dollar for dollar match for an appropriation for school  
43 nurses awarded in accordance with this rule.

44 (5) An LEA shall provide a physician or APRN consultant to provide oversight to  
45 the LEA's school nursing program.

46 (6) ~~[Beginning with the 2018-19 school year, a]~~An LEA may use matching funds  
47 for paid personnel costs of:

48 (a) a typical school nurse;

49 (b) a registered professional nurse; or

50 (c) a licensed medical physician.

51 (7) ~~[Beginning with the 2018-19 school year, a]~~An LEA may not use matching  
52 funds for:

53 (a) an LPN;

54 (b) a special education school nurse;

55 (c) a pre-school school nurse;

56 (d) a health aid or clerk;

57 (e) a certified nurse assistant;

58 (f) office space; or

59 (g) medical supplies.

60 (8) An LEA may not count a school nurse as a full FTE at one school and a partial  
61 FTE at another school.

62 (9) An LEA shall provide documentation to the Superintendent to ensure that an  
63 appropriation for school nurses received does not supplant previous school nursing costs,  
64 including the LEA's:

65 (a) funding amounts and sources of funding for school nurses employed prior to  
66 state fiscal year 2008;

67 (b) funding amounts and sources of funding for current school nurses;

68 (c) current personnel cost information; and

69 (d) names and license numbers of employed school nurses.

70 (10) An LEA shall provide names and license numbers of the LEA's school  
71 nurses, including new hires, and overseeing consultants to the Superintendent by  
72 November 30 annually.

73 (11)(a) An LEA may provide an in-kind service match to qualify for state funds  
74 under this rule.

75 (b) An in-kind match under Subsection (11)(a) may include:

76 (i) a collaborative agreement with a local health department supported by an  
77 executed memorandum of understanding or contract, which shall include an hourly rate  
78 attributable to the services provided;

79 (ii) volunteer hours by a registered professional nurse valued at an[y] hourly  
80 market rate approved by the Superintendent;

81 (iii) volunteer hours by a licensed medical physician valued at an hourly market  
82 rate approved by the Superintendent;

83 (iv) funds paid by a local health department towards school nurse personnel costs;  
84 and

85 (v) funds paid by any other outside source towards school nurse personnel costs.

86 (12) The Superintendent may require an LEA receiving an appropriation for school  
87 nurses to:

88 (a) submit reports to the Superintendent and Utah Department of Health regarding  
89 the LEA's school nursing activities; and

90 (b) participate in standardized data collection as established by the Utah  
91 Department of Health, including the annual school health workload census.

92 (13) An LEA that fails to meet its matching obligations shall reimburse any state  
93 funds awarded in accordance with this rule.

94 (14) Nothing in this rule gives any medical provider authorization to prescribe  
95 medications to a student without the written consent of the student's parent or guardian.

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97 **KEY: school nurses, awarding, funds**

98 **Date of Enactment or Last Substantive Amendment: ~~[March 14, 2018]~~2020**

99 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

100 **~~[53A-1-401]~~53E-3-401; 53F-2-406**