

1 **R277. Education, Administration.**

2 **R277-415. School ~~[Nurses Matching Funds]~~ Health Reporting.**

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 [53E-3-401](#), which:

8 (i) allows the Board to make rules to execute the Board's duties and
9 responsibilities under the Utah Constitution and state law; and

10 (ii) allows the Board to audit LEA use of state funds; and

11 (c) Section [53F-2-204](#), which requires the Board to assess the progress and
12 degree of effectiveness of programs funded by the minimum school program.

13 ~~[(c) Section 53F-2-519, which requires the Board to distribute grant money to~~
14 ~~LEAs for school nurses.~~

15 ~~—— (2) The purpose of this rule is to provide rules for awarding [of] matching funds~~
16 ~~under Section 53F-2-519.]~~

17 (2) The purpose of the rule is to specify data collection requirements in
18 connection with funds received for school nursing by LEAs through the minimum school
19 program.

20

21 **~~[R277-415-2. Definitions.~~**

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

24 ~~—— (2) "Health aid or clerk" means an unlicensed assistive person who must work~~
25 ~~under the supervision of an RN.~~

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

28 ~~—— (4) "Physician" means a licensed doctor with a doctorate in medicine or~~
29 ~~osteopathic medicine from an accredited college or university.~~

30 ~~_____ (5) "School nurse" means the same as term is defined in Section 53E-1-102.]~~

31

32 **R277-415-3. [~~Appropriation for School Nurses~~] LEA Report Submission.**

33 ~~[(1) The Superintendent shall award an appropriation for school nurses to LEAs~~
34 ~~subject to the requirements of this Rule R277-415 and Section 53F-2-519.~~

35 ~~_____ (2) An LEA that seeks an appropriation for school nurses under this rule shall~~
36 ~~submit an application for school nurse funds every three years.~~

37 ~~_____ (3) The Superintendent shall determine the amount of an LEA's three year~~
38 ~~allocation taking into account:~~

39 ~~_____ (a) an LEA's student enrollment;~~

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

41 ~~_____ (c) the percentage of change to an LEA's school nursing staff since the previous~~
42 ~~fiscal three year period from the last application; and~~

43 ~~_____ (d) the annual allocation of funds toward the school nursing program by the~~
44 ~~Legislature.~~

45 ~~_____ (4) An LEA shall provide a dollar for dollar match for an appropriation for school~~
46 ~~nurses awarded in accordance with this rule.~~

47 ~~_____ (5) An LEA shall provide a physician or APRN consultant to provide oversight to~~
48 ~~the LEA's school nursing program.~~

49 ~~_____ (6) An LEA may use [matching] funds for paid personnel costs of:~~

50 ~~_____ (a) a school nurse; or~~

51 ~~_____ (b) a licensed medical physician.~~

52 ~~_____ (7) An LEA may not use [matching] 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~~
61 ~~partial 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~~
64 ~~costs, including the LEA's:~~
65 ~~—— (a) funding amounts and sources of funding for school nurses employed in the~~
66 ~~previous three years;~~
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 school nurse valued at an hourly market rate approved~~
80 ~~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 toward school nurse personnel~~
84 ~~costs; and~~
85 ~~—— (v) funds paid by any other outside source toward school nurse personnel costs.~~
86 ~~—— (12) The Superintendent shall require an LEA receiving an appropriation for~~
87 ~~school nurses to:]~~

88 An LEA shall:

89 ([a]1) submit the School Health Workload Report [reports] to the Superintendent
90 and Utah Department of Health and Human Services [regarding the LEA's school
91 nursing activities]; and

92 ([b]2) participate in standardized data collection as established by the Utah
93 Department of Health and Human Services in cooperation with the Superintendent,
94 including the [annual school health workload census] Annual School Health Workload
95 Report.

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

98 ~~—([14]12) Nothing in this rule gives any medical provider authorization to prescribe~~
99 ~~medications to a student without the written consent of the student's parent or guardian.]~~

100

101 **KEY: school [nurses, awarding, funds] health, data**

102 **Date of Last Change: August 22, 2022**

103 **Notice of Continuation:**

104 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53F-2-](#)
105 [\[519\]204](#)**