

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 [53E-3-401](#), which allows the Board to make rules to execute the Board's  
8 duties and responsibilities under the Utah Constitution and state law; and

9 (c) Section [53F-2-519](#), which requires the Board to distribute grant money to LEAs  
10 for school nurses.

11 (2) The purpose of this rule is to provide rules for awarding of matching funds under  
12 Section [53F-2-519](#).

13

14 **R277-415-2. Definitions.**

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

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

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

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

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

25 ~~[(6)5] "[Typical s]School nurse" means the same as term is defined in Section [53E-](#)  
26 [1-102](#). ~~[a licensed RN specializing in school nursing that serves as a health care expert in a  
27 school].~~~~

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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 [53F-2-519](#).

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

34 (3) The Superintendent shall determine the amount of an LEA's three year allocation  
35 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 fiscal three year period from the last application; 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 the  
45 LEA's school nursing program.

46 (6) An LEA may use matching funds for paid personnel costs of:

47 (a) a ~~typical~~ school nurse;

48 ~~[(b) a registered professional nurse];~~ or

49 [(e)b] a licensed medical physician.

50 (7) An LEA may not use matching funds for:

51 (a) an LPN;

52 (b) a special education school nurse;

53 (c) a pre-school school nurse;

54 (d) a health aid or clerk;

55 (e) a certified nurse assistant;

56 (f) office space; or

57 (g) medical supplies.

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

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

63 (a) funding amounts and sources of funding for school nurses employed in the  
64 previous three years;

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

66 (c) current personnel cost information; and

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

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

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

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

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

77 (ii) volunteer hours by a ~~registered professional~~ school nurse valued at an hourly  
78 market rate approved by the Superintendent;

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

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

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

84 (12) The Superintendent shall require an LEA receiving an appropriation for school  
85 nurses to:

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

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

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

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

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

96 **Date of Enactment or Last Substantive Amendment: [~~June 22, 2020~~]2022**

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