

R277-415 received final approval by the Utah State Board of Education on June 2, 2022. R277-415 was published in the July 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 22, 2022.

R277. Education, Administration.

R277-415. School Nurses Matching Funds.

R277-415-1. Authority and Purpose.

(1) This rule is authorized by:

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

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

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

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

R277-415-2. Definitions.

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

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

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

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

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

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

R277-415-3. Appropriation for School Nurses.

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

(2) An LEA that seeks an appropriation for school nurses under this [R]rule shall submit an application for school nurse funds every three years.

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

- (a) an LEA's student enrollment;
- (b) an LEA's ability to match funds as provided in this Section R277-415-3;
- (c) the percentage of change to an LEA's school nursing staff since the previous fiscal three year period from the last application; and
- (d) the annual allocation of funds toward[s] the school nursing program by the Legislature.

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

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

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

- (a) a [typical] school nurse;
- ~~[(b) a registered professional nurse;]~~ or
- ~~[(e)]~~ (b) a licensed medical physician.

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

- (a) an LPN;
- (b) a special education school nurse;
- (c) a pre-school school nurse;
- (d) a health aid or clerk;
- (e) a certified nurse assistant;
- (f) office space; or
- (g) medical supplies.

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

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

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

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

(c) current personnel cost information; and

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

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

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

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

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

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

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

(iv) funds paid by a local health department toward[s] school nurse personnel costs; and

(v) funds paid by any other outside source toward[s] school nurse personnel costs.

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

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

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

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

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

KEY: school nurses, awarding, funds

Date of Last Change: [~~June 22, 2020~~]2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-519