

Effective 1/24/2018

**Chapter 9
Health and Welfare**

**Part 1
General Provisions**

53G-9-101 Title.

This chapter is known as "Health and Welfare."

Enacted by Chapter 3, 2018 General Session

53G-9-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

**Part 2
Miscellaneous Requirements**

53G-9-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-202 Notification to the parent of an injured or sick child.

- (1) A public school shall notify the custodial parent and, if requested in writing by a noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who is injured or becomes ill at the school during the regular school day if:
- (a) the injury or illness requires treatment at a hospital, doctor's office, or other medical facility not located on the school premises; and
 - (b) the school has received a current telephone number for the party it is required to notify or make reasonable efforts to notify.
- (2)
- (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact with the student under a court order or similar procedure.
 - (b) The custodial parent is responsible for providing the school with the noncustodial parent's status under Subsection (2)(a) through a procedure adopted by the local school board.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-203 Definitions -- School personnel -- Medical recommendations -- Exceptions -- Penalties.

- (1) As used in this section:
- (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.

- (b) "School personnel" means a school district or charter school employee, including a licensed, part-time, contract, or nonlicensed employee.
- (2) School personnel may:
- (a) provide information and observations to a student's parent about that student, including observations and concerns in the following areas:
 - (i) progress;
 - (ii) health and wellness;
 - (iii) social interactions;
 - (iv) behavior; or
 - (v) topics consistent with Subsection 53E-9-203(6);
 - (b) communicate information and observations between school personnel regarding a child;
 - (c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;
 - (d) consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;
 - (e) exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205; and
 - (f) complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.
- (3) School personnel shall:
- (a) report suspected child abuse consistent with Section 80-2-602;
 - (b) comply with applicable state and local health department laws, rules, and policies; and
 - (c) conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.
- (4) Except as provided in Subsection (2), Subsection (6), and Section 53G-9-604, school personnel may not:
- (a) recommend to a parent that a child take or continue to take a psychotropic medication;
 - (b) require that a student take or continue to take a psychotropic medication as a condition for attending school;
 - (c) recommend that a parent seek or use a type of psychiatric or psychological treatment for a child;
 - (d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or
 - (e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent refuses to consent to:
 - (i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
 - (ii) a psychiatric or behavioral health evaluation of a child.
- (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.
- (6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the state board, working within the school system may:

- (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
 - (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
 - (c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and
 - (d) provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.
- (7) Local school boards or charter schools shall adopt a policy:
- (a) providing for training of appropriate school personnel on the provisions of this section; and
 - (b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.
- (8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent.

Amended by Chapter 335, 2022 General Session

53G-9-204 Nursing services in the public schools -- Collaborative efforts.

- (1)
- (a) Students in the state's public schools are better protected against risks to health and safety when schools have school nurses readily available to assist in providing educational and nursing services in the public schools.
 - (b) Educational and nursing services would be further enhanced if offered with the active support and participation of local public health departments and private medical providers, most particularly in those areas of the state without currently functioning collaborative programs.
 - (c)
 - (i) LEAs, local health departments, private medical providers, and parents of students shall work together in determining needs and risks to student health in the state's public schools and in developing and implementing plans to meet those needs and minimize risks to students.
 - (ii) School community councils or school directors of affected schools shall review the plans before the implementation of the plans.
- (2) LEAs are encouraged to provide nursing services equivalent to:
- (a) the services of one school nurse for every 2,000 students; or
 - (b) in LEAs with fewer than 2,000 students, the level of services recommended by the Department of Health.

Amended by Chapter 214, 2022 General Session

53G-9-205 School Breakfast Program -- Review of nonparticipants -- Reporting.

- (1)
- (a) Beginning with the 2020-21 academic year, each LEA governing board shall annually review each school in the LEA governing board's authority that does not participate in the School Breakfast Program as to the school's reasons for nonparticipation.
 - (b) Reasons for nonparticipation may include a recommendation from the respective school community council authorized under Section 53G-7-1202 or charter trust land council established under Section 53G-7-1205.
- (2) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Amended by Chapter 21, 2020 General Session

53G-9-205.1 Start Smart Utah Program.

- (1) As used in this section:
 - (a) "Alternative breakfast service model" means a method of serving breakfast to a student after the instructional day begins.
 - (b) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.
 - (c) "Public school" means:
 - (i) a school under the control of a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R. Sec. 220.2.
 - (e) "Start Smart Utah Program" or "program" means the Start Smart Utah Program created in Subsection (2).
 - (f) "Traditional breakfast service model" means a method of serving breakfast to a student before the instructional day begins.
- (2)
 - (a) There is created the Start Smart Utah Program.
 - (b) Except as provided in Subsection (3), a public school that participates in the National School Lunch Program shall participate in the School Breakfast Program.
 - (c)
 - (i) Beginning with the 2021-22 school year, a public school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (ii) Beginning with the 2022-23 school year, a public school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (iii) Beginning with the 2023-24 school year, a public school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (d) Notwithstanding Subsection (2)(c):
 - (i) a public school that is subject to the requirements described in Subsection (2)(c) may use a traditional breakfast service model in addition to an alternative breakfast service model; and
 - (ii) a public school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program is exempt from the requirements described in Subsection (2)(c).
- (3)
 - (a) A public school may apply to the state board for a waiver of the requirements described in Subsection (2), if the requirements cause undue hardship.
 - (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create a waiver application, submission, review, and approval process.
- (4) The state board shall:
 - (a) administer the program in accordance with this section and in conjunction with the state board's duties as the administering agency of federal child nutrition programs;
 - (b) track implementation of alternative breakfast service models in public schools; and
 - (c) provide guidance and technical assistance to public schools related to implementing the Start Smart Utah Program in accordance with the requirements of this section, including assistance with soliciting parent feedback on the program.

- (5) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Amended by Chapter 292, 2021 General Session

53G-9-206 Eye protective devices for industrial education, physics laboratory, and chemistry laboratory activities.

- (1) Any individual who participates in any of the following activities in public or private schools that may endanger his vision shall wear quality eye protective devices:
- (a) industrial education activities that involve:
 - (i) hot molten metals;
 - (ii) the operation of equipment that could throw particles of foreign matter into the eyes;
 - (iii) heat treating, tempering, or kiln firing of any industrial materials;
 - (iv) gas or electric arc welding; or
 - (v) caustic or explosive material;
 - (b) chemistry or physics laboratories when using caustic or explosive chemicals, and hot liquids and solids.
- (2) "Quality eye protective devices" means devices that meet the standards of the American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.
- (3)
- (a) The local school board shall furnish these protective devices to individuals involved in these activities.
 - (b) The local school board may sell these protective devices at cost or rent or loan them to individuals involved in these activities.

Amended by Chapter 293, 2019 General Session

53G-9-207 Child sexual abuse prevention.

- (1) As used in this section, "school personnel" means the same as that term is defined in Section 53G-9-203.
- (2) The state board shall approve, in partnership with the Department of Human Services, age-appropriate instructional materials for the training and instruction described in Subsections (3) (a) and (4).
- (3)
- (a) A school district or charter school shall provide, every other year, training and instruction on child sexual abuse and human trafficking prevention and awareness to:
 - (i) school personnel in elementary and secondary schools on:
 - (A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner;
 - (B) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
 - (C) the mandatory reporting requirements described in Sections 53E-6-701 and 80-2-602; and
 - (ii) parents of elementary school students on:
 - (A) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation; and

- (B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child.
- (b) A school district or charter school shall use the instructional materials approved by the state board under Subsection (2) to provide the training and instruction to school personnel and parents under Subsection (3)(a).
- (4)
 - (a) In accordance with Subsections (4)(b) and (5), a school district or charter school may provide instruction on child sexual abuse and human trafficking prevention and awareness to elementary school students using age-appropriate curriculum.
 - (b) A school district or charter school that provides the instruction described in Subsection (4)(a) shall use the instructional materials approved by the state board under Subsection (2) to provide the instruction.
- (5)
 - (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent of the student is:
 - (i) notified in advance of the:
 - (A) instruction and the content of the instruction; and
 - (B) parent's right to have the student excused from the instruction;
 - (ii) given an opportunity to review the instructional materials before the instruction occurs; and
 - (iii) allowed to be present when the instruction is delivered.
 - (b) Upon the written request of the parent of an elementary school student, the student shall be excused from the instruction described in Subsection (4).
 - (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.
- (6) A school district or charter school may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).
- (7) Upon request of the state board, a school district or charter school shall provide evidence of compliance with this section.

Amended by Chapter 335, 2022 General Session

53G-9-208 Sunscreen -- Possession -- Administration -- Immunity.

- (1) As used in this section, "sunscreen" means a compound topically applied to prevent sunburn.
- (2) A public school shall permit a student, without a parent's, physician's, or physician assistant's authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug Administration.
- (3) If a student is unable to self-apply sunscreen, a volunteer school employee may apply the sunscreen on the student if the student's parent provides written consent for the assistance.
- (4) A volunteer school employee who applies sunscreen on a student in compliance with Subsection (3) and the volunteer school employee's employer are not liable for:
 - (a) an adverse reaction suffered by the student as a result of having the sunscreen applied; or
 - (b) discontinuing the application of the sunscreen at any time.

Amended by Chapter 354, 2020 General Session

53G-9-209 Child abuse or neglect reporting requirement.

- (1) As used in this section:
 - (a) "Educational neglect" means the same as that term is defined in Section 80-1-102.
 - (b) "School personnel" means the same as that term is defined in Section 53G-9-203.

- (2) School personnel shall comply with the child abuse and neglect reporting requirements described in Section 80-2-602.
- (3) When school personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Subsection 53G-6-202(8) to the Division of Child and Family Services.
- (4) When school personnel have reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, school personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.
- (5) School personnel shall cooperate with the Division of Child and Family Services and share all information with the division that is relevant to the division's investigation of an allegation of abuse or neglect.

Amended by Chapter 335, 2022 General Session

53G-9-210 Requirement for in-person instruction -- Test to stay programs -- Face coverings.

- (1) As used in this section:
 - (a) "Case threshold" means as applicable, the number of students in a school, or percentage of students in a school who meet the conditions described in Subsection (3).
 - (b) "COVID-19" means:
 - (i) severe acute respiratory syndrome coronavirus 2; or
 - (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.
 - (c) "Estimated incubation period" means a period of time that the Department of Health and Human Services identifies as the number of days between exposure and symptom onset for a given variant of COVID-19.
 - (d) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (e) "Face covering" means a mask, shield, or other device that is intended to be worn in a manner to cover the mouth, nose, or face to prevent the spread of COVID-19.
 - (f) "In-person instruction" means instruction offered by a school that allows a student to choose to attend school in-person at least four days per week if the student:
 - (i) is enrolled in a school that is not implementing a test to stay program; or
 - (ii)
 - (A) is enrolled in a school that is implementing a test to stay program; and
 - (B) meets the test to stay program's criteria for attending school in person.
 - (g) "Local Education Agency" or LEA means:
 - (i) a school district;
 - (ii) a charter school, other than an online-only charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (h) "School" means a school other than an online-only charter school or an online-only public school.
 - (i) "Remote learning" means learning that occurs through technology that provides synchronous and asynchronous learning experiences that maximize student learning and instructional time.
 - (j) "Test to stay program" means a program through which an LEA provides testing for COVID-19 for students during an outbreak of COVID-19 at a school in order to:
 - (i) identify cases of COVID-19; and
 - (ii) allow individuals to attend school in person who:
 - (A) test negative for COVID-19 during the test to stay program; or
 - (B) are cleared to return to school after the estimated incubation period.
- (2)

- (a) An LEA shall:
- (i) except as provided in Subsection (2)(b), beginning on March 22, 2021, ensure that a school offers in-person instruction; and
 - (ii) if the determination described in Subsection (2)(c) has been made, require a school that reaches the case threshold to:
 - (A) fulfill the requirement described in Subsection (2)(a)(i) by initiating a test to stay program for the school; and
 - (B) provide a remote learning option for students who do not wish to attend in person.
- (b) Beginning January 31, 2022, the requirement to provide in-person instruction described in Subsection (2)(a) does not apply for a temporary period of remote learning within an LEA or a given school within an LEA if:
- (i) the COVID-19 case rates within one or more schools within the LEA have surpassed the case threshold;
 - (ii) the local governing board requests application of the exception by delivering to the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction a letter that details:
 - (A) information regarding the case threshold requirement described in Subsection (2)(b)(i);
 - (B) the local governing board's assessment that due to public health emergency circumstances within the LEA or given school, the risks related to in-person instruction temporarily outweigh the value of in-person instruction;
 - (C) a public meeting of the local governing board in which the board voted to request the exception described in this Subsection (2)(b);
 - (D) a specific and temporary period of time for which the local governing board seeks a pivot to remote learning within the LEA or given school; and
 - (E) the measures the local governing board will implement for the LEA or given school to return to in-person learning following the identified temporary remote learning period; and
 - (iii) the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction jointly confer and approve, or approve with modifications, the request described in Subsection (2)(b)(i).
- (c) The requirement to initiate a test to stay program described in Subsection (2)(a)(ii) only applies if, in consultation with the Department of Health and Human Services, the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction jointly determine that a variant of COVID-19 currently affecting the public education system is of a type that testing and isolation under a test to stay program would be effective in mitigating the harmful public health effects of the variant.
- (3)
- (a) For purposes of determining whether a school has reached the school's case threshold, a student is included in positive cases for the school if the student:
 - (i) within the preceding number of days equal to the estimated incubation period:
 - (A) attended at least some in-person instruction at the school; and
 - (B) tested positive for COVID-19; and
 - (ii) did not receive the student's positive COVID-19 test results through regular periodic testing required to participate in LEA-sponsored athletics or another LEA-sponsored extracurricular activity.
 - (b)
 - (i) A school with 1,500 or more students meets the case threshold if at least 2% of the school's students meet the conditions described in Subsection (3)(a).

- (ii) A school with fewer than 1,500 students meets the case threshold if 30 or more of the school's students meet the conditions described in Subsection (3)(a).
- (4)
 - (a) An LEA may not test a student for COVID-19 who is younger than 18 years old without the consent of the student's parent.
 - (b) An LEA may seek advance consent from a student's parent for future testing for COVID-19.
- (5) An LEA, an LEA governing board, the state board, the state superintendent, or a school may not require an individual to wear a face covering to attend or participate in in-person instruction, LEA-sponsored athletics, or another LEA-sponsored extracurricular activity, or in any other place on the campus of a school or school facility after the end of the 2020-2021 school year.

Amended by Chapter 5, 2022 General Session

53G-9-211 Therapy animal handling -- Policy.

- (1) As used in this section:
 - (a) "Animal-assisted intervention" means an intervention designed to promote improvement in an individual's physical, social, emotional, or cognitive functioning through interactions with a specially trained animal.
 - (b) "Local education agency" means a school district or charter school.
 - (c)
 - (i) "Therapy animal" means an animal that:
 - (A) provides affection and comfort to an individual for emotional support;
 - (B) is accompanied by a therapy animal handler; and
 - (C) is trained to provide animal-assisted intervention.
 - (ii) "Therapy animal" does not include a service animal or support animal as those terms are defined in Section 26B-6-801.
 - (d) "Therapy animal handler" means an individual who is trained to handle a therapy animal for animal-assisted interventions.
- (2)
 - (a) If a school within a local education agency provides animal-assisted interventions through therapy animals, the local education agency shall adopt a policy for proper handling of a therapy animal on school grounds.
 - (b) The policy described in Subsection (2)(a) shall include:
 - (i) local or national certification or registration requirements for a therapy animal and therapy animal handler;
 - (ii) guidelines for when a therapy animal and therapy animal handler are allowed on school grounds;
 - (iii) notice requirements for parents, students, and school faculty and staff regarding the use of a therapy animal on school grounds; and
 - (iv) guidelines to prevent students and staff who have an animal allergy or are uncomfortable around animals from interacting with a therapy animal on school grounds.
- (3) This section does not require a school to allow the use of a therapy animal.

Amended by Chapter 328, 2023 General Session

53G-9-212 Drinking water quality in schools.

A school, as defined in Section 19-4-115, shall comply with Section 19-4-115.

Enacted by Chapter 194, 2022 General Session

53G-9-213 Seizure awareness.

- (1)
 - (a) Beginning with the 2022-23 school year, an LEA shall provide, as described in Subsection (1)(b) and subject to Subsection (3), training to:
 - (i) a teacher who teaches a student who has informed the student's school or teacher that the student has epilepsy or a similar seizure disorder; and
 - (ii) an administrator at the school where the student described in Subsection (1)(a)(i) attends.
 - (b) The training shall:
 - (i) be offered every two years; and
 - (ii) include:
 - (A) recognizing signs and symptoms of seizures; and
 - (B) appropriate steps for seizure first aid.
- (2) Beginning with the 2023-24 school year, an LEA shall provide, as described in Subsection (1)(b) and subject to Subsection (3), training to administrators, teachers, classroom aides, and other individuals who interact with or supervise students.
- (3)
 - (a) The state board shall adopt guidelines for the training described in Subsections (1)(a) and (2).
 - (b) The guidelines shall be consistent with programs and guidelines developed by the Epilepsy Foundation of America or another national nonprofit organization that supports individuals with epilepsy and seizure disorders.
- (4) A training offered under this section may not require a person to provide first aid to a student experiencing or showing symptoms of a seizure.

Enacted by Chapter 227, 2022 General Session

**Part 3
Immunization Requirements**

53G-9-301 Definitions.

As used in this part:

- (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection 53G-9-304(2)(a).
- (3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection 53G-9-304(2)(b), to consult with parents, licensed health care professionals, and school officials.
- (4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.
- (5) "Immunization record" means a record relating to a student that includes:
 - (a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:
 - (i) a licensed health care provider;

- (ii) an authorized representative of a local health department;
 - (iii) an authorized representative of the department;
 - (iv) a registered nurse; or
 - (v) a pharmacist;
 - (b) information regarding each disease against which the student has been immunized by previously contracting the disease; and
 - (c) an exemption form identifying each required vaccination from which the student is exempt, including all required supporting documentation described in Section 53G-9-303.
- (6) "Legally responsible individual" means:
- (a) a student's parent;
 - (b) the student's legal guardian;
 - (c) an adult brother or sister of a student who has no legal guardian; or
 - (d) the student, if the student:
 - (i) is an adult; or
 - (ii) is a minor who may consent to treatment under Section 26B-4-321.
- (7) "Licensed health care provider" means a health care provider who is licensed under Title 58, Occupations and Professions, as:
- (a) a medical doctor;
 - (b) an osteopathic doctor;
 - (c) a physician assistant; or
 - (d) an advanced practice registered nurse.
- (8) "Local health department" means the same as that term is defined in Section 26A-1-102.
- (9) "Required vaccines" means vaccines required by department rule described in Section 53G-9-305.
- (10) "School" means any public or private:
- (a) elementary or secondary school through grade 12;
 - (b) preschool;
 - (c) child care program, as that term is defined in Section 26B-2-401;
 - (d) nursery school; or
 - (e) kindergarten.
- (11) "Student" means an individual who attends a school.
- (12) "Vaccinating" or "vaccination" means the administration of a vaccine.
- (13) "Vaccination exemption form" means a form, described in Section 53G-9-304, that documents and verifies that a student is exempt from the requirement to receive one or more required vaccines.
- (14) "Vaccine" means the substance licensed for use by the United States Food and Drug Administration that is injected into or otherwise administered to an individual to immunize the individual against a communicable disease.

Amended by Chapter 328, 2023 General Session

53G-9-302 Immunization required -- Exception -- Weighted pupil unit funding.

- (1) A student may not attend a school unless:
- (a) the school receives an immunization record from the legally responsible individual of the student, the student's former school, or a statewide registry that shows:
 - (i) that the student has received each vaccination required by the department under Section 53G-9-305; or
 - (ii) for any required vaccination that the student has not received, that the student:

- (A) has immunity against the disease for which the vaccination is required, because the student previously contracted the disease as documented by a health care provider, as that term is defined in Section 78B-3-103; or
- (B) is exempt from receiving the vaccination under Section 53G-9-303;
- (b) the student qualifies for conditional enrollment under Section 53G-9-308; or
- (c) the student:
 - (i) is a student, as defined in Section 53E-3-903; and
 - (ii) complies with the immunization requirements for military children under Section 53E-3-905.
- (2) An LEA may not receive weighted pupil unit money for a student who is not permitted to attend school under Subsection (1).

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-303 Grounds for exemption from required vaccines -- Renewal.

- (1) A student is exempt from the requirement to receive a vaccine required under Section 53G-9-305 if the student qualifies for a medical or personal exemption from the vaccination under Subsection (2) or (3).
- (2) A student qualifies for a medical exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school:
 - (a) a completed vaccination exemption form; and
 - (b) a written notice signed by a licensed health care provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.
- (3) A student qualifies for a personal exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school a completed vaccination exemption form, stating that the student is exempt from the vaccination because of a personal or religious belief.
- (4)
 - (a) A vaccination exemption form submitted under this section is valid for as long as the student remains at the school to which the form first is presented.
 - (b) If the student changes schools before the student is old enough to enroll in kindergarten, the vaccination exemption form accepted as valid at the student's previous school is valid until the earlier of the day on which:
 - (i) the student enrolls in kindergarten; or
 - (ii) the student turns six years old.
 - (c) If the student changes schools after the student is old enough to enroll in kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption form accepted as valid at the student's previous school is valid until the earlier of the day on which:
 - (i) the student enrolls in grade 7; or
 - (ii) the student turns 12 years old.
 - (d) If the student changes schools after the student is old enough to enroll in grade 7, the vaccination exemption form accepted as valid at the student's previous school is valid until the student completes grade 12.
 - (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained through completion of the online education module created in Section 26B-7-118 is valid for at least two years.

- (5) An LEA that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (1) to participate in an in-person learning option based upon the student's vaccination status.
- (6) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease.

Amended by Chapter 328, 2023 General Session

53G-9-304 Vaccination exemption form.

- (1) The department shall:
 - (a) develop a vaccination exemption form that includes only the following information:
 - (i) identifying information regarding:
 - (A) the student to whom an exemption applies; and
 - (B) the legally responsible individual who claims the exemption for the student and signs the vaccination exemption form;
 - (ii) an indication regarding the vaccines to which the exemption relates;
 - (iii) a statement that the claimed exemption is for:
 - (A) a medical reason; or
 - (B) a personal or religious belief; and
 - (iv) an explanation of the requirements, in the event of an outbreak of a disease for which a required vaccine exists, for a student who:
 - (A) has not received the required vaccine; and
 - (B) is not otherwise immune from the disease; and
 - (b) provide the vaccination exemption form created in this Subsection (1) to local health departments.
- (2)
 - (a) Each local health department shall designate one or more individuals from within the local health department as a health official to consult, regarding the requirements of this part, with:
 - (i) parents, upon the request of parents;
 - (ii) school principals and administrators; and
 - (iii) licensed health care providers.
 - (b) A local health department may designate a licensed health care provider as a health official designee to provide the services described in Subsection (2)(a).
- (3)
 - (a) To receive a vaccination exemption form described in Subsection (1), a legally responsible individual shall complete the online education module described in Section 26B-7-118, permitting an individual to:
 - (i) complete any requirements online; and
 - (ii) download and print the vaccine exemption form immediately upon completion of the requirements.
 - (b) A legally responsible individual may decline to take the online education module and obtain a vaccination exemption form from a local health department if the individual:
 - (i) requests and receives an in-person consultation at a local health department from a health official or a health official designee regarding the requirements of this part; and
 - (ii) pays any fees established under Subsection (4)(b).
- (4)
 - (a) Neither the department nor any other person may charge a fee for the exemption form offered through the online education module in Subsection (3)(a).

- (b) A local health department may establish a fee of up to \$25 to cover the costs of providing an in-person consultation.

Amended by Chapter 328, 2023 General Session

53G-9-305 Regulations of department.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules regarding:
 - (a) which vaccines are required as a condition of attending school;
 - (b) the manner and frequency of the vaccinations; and
 - (c) the vaccination exemption form described in Section 53G-9-304.
- (2) The department shall ensure that the rules described in Subsection (1):
 - (a) conform to recognized standard medical practices; and
 - (b) require schools to report to the department statistical information and names of students who are not in compliance with Section 53G-9-302.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-306 Immunization record part of student's record -- School review process at enrollment -- Transfer.

- (1) Each school:
 - (a) shall request an immunization record for each student at the time the student enrolls in the school;
 - (b) may not charge a fee related to receiving or reviewing an immunization record or a vaccination exemption form; and
 - (c) shall retain an immunization record for each enrolled student as part of the student's permanent school record.
- (2)
 - (a) Within five business days after the day on which a student enrolls in a school, an individual designated by the school principal or administrator shall:
 - (i) determine whether the school has received an immunization record for the student;
 - (ii) review the student's immunization record to determine whether the record complies with Subsection 53G-9-302(1); and
 - (iii) identify any deficiencies in the student's immunization record.
 - (b) If the school has not received a student's immunization record or there are deficiencies in the immunization record, the school shall:
 - (i) place the student on conditional enrollment, in accordance with Section 53G-9-308; and
 - (ii) within five days after the day on which the school places the student on conditional enrollment, provide the notice described in Subsection 53G-9-308(3).
- (3) A school from which a student transfers shall provide the student's immunization record to the student's new school upon request of the student's legally responsible individual.

Amended by Chapter 329, 2022 General Session

53G-9-308 Conditional enrollment -- Suspension for noncompliance -- Procedure.

- (1) As used in this section:
 - (a) "Enroller" means the same as that term is defined in Section 53G-6-603.
 - (b) "Newcomer student" means the same as that term is defined in Section 53E-3-524.

- (c) "Social service provider" means the same as that term is defined in Section 53E-3-524.
- (2) A student for whom a school has not received a complete immunization record may attend the school on a conditional enrollment:
 - (a) during the period in which the student's immunization record is under review by the school; or
 - (b) for 30 calendar days after the day on which the school provides the notice described in Subsection (3).
- (3)
 - (a) Within five days after the day on which a school places a student on conditional enrollment, the school shall provide notice to the enroller that:
 - (i) the school has placed the student on conditional enrollment for failure to comply with the requirements of Subsection 53G-9-302(1);
 - (ii) describes the identified deficiencies in the student's immunization record or states that the school has not received an immunization record for the student;
 - (iii) gives notice that the student will not be allowed to attend school unless the legally responsible individual cures the deficiencies, or provides an immunization record that complies with Subsection 53G-9-302(1), within the conditional enrollment period described in Subsection (2)(b); and
 - (iv) describes the process for obtaining a required vaccination.
 - (b) The school shall deliver the notice described in Subsection (3)(a):
 - (i) when possible, in the enroller's preferred language; and
 - (ii) using one of the following methods of delivery, as determined by mutual agreement between the school and the enroller:
 - (A) written notice delivered in person;
 - (B) written notice by mail;
 - (C) written notice by email or other electronic means; or
 - (D) by telephone, including voicemail.
- (4) A school shall remove the conditional enrollment status from a student after the school receives an immunization record for the student that complies with Subsection 53G-9-302(1).
- (5) Except as provided in Subsection (6), at the end of the conditional enrollment period, a school shall prohibit a student who does not comply with Subsection 53G-9-302(1) from attending the school until the student complies with Subsection 53G-9-302(1).
- (6) A school principal or administrator:
 - (a) shall grant an additional extension of the conditional enrollment period, if the extension is necessary to complete all required vaccination dosages, for a time period medically recommended to complete all required vaccination dosages; and
 - (b) may grant an additional extension of the conditional enrollment period in cases of extenuating circumstances, if the school principal or administrator and one of the following agree that an additional extension will likely lead to compliance with Subsection 53G-9-302(1):
 - (i) a school nurse;
 - (ii) a health official; or
 - (iii) a health official designee, including:
 - (A) a social service provider; or
 - (B) a culturally competent and trauma-informed community representative.
- (7) For purposes of Subsection (6), a newcomer student enrolling in a school for the first time is an extenuating circumstance.

Amended by Chapter 329, 2022 General Session

53G-9-309 School record of students' immunization status -- Confidentiality.

- (1) Each school shall maintain a current list of all enrolled students, noting each student:
 - (a) for whom the school has received a valid and complete immunization record;
 - (b) who is exempt from receiving a required vaccine; and
 - (c) who is allowed to attend school under Section 53G-9-308.
- (2) Each school shall ensure that the list described in Subsection (1) specifically identifies each disease against which a student is not immunized.
- (3) Upon the request of an official from a local health department in the case of a disease outbreak, a school principal or administrator shall:
 - (a) notify the legally responsible individual of any student who is not immune to the outbreak disease, providing information regarding steps the legally responsible individual may take to protect students;
 - (b) identify each student who is not immune to the outbreak disease; and
 - (c) for a period determined by the local health department not to exceed the duration of the disease outbreak, do one of the following at the discretion of the school principal or administrator after obtaining approval from the local health department:
 - (i) provide a separate educational environment for the students described in Subsection (3)
 - (b) that ensures the protection of the students described in Subsection (3)(b) as well as the protection of the remainder of the student body; or
 - (ii) prevent each student described in Subsection (3)(b) from attending school.
- (4) A name appearing on the list described in Subsection (1) is subject to confidentiality requirements described in Section 26B-1-212 and Section 53E-9-202.

Amended by Chapter 255, 2022 General Session

**Part 4
Health Examinations**

53G-9-401 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-402 Rules for examinations prescribed by the Department of Health and Human Services -- Notification of impairment.

- (1)
 - (a) Each local school board shall implement policies as prescribed by the Department of Health and Human Services for vision, dental, abnormal spinal curvature, and hearing examinations of students attending the district's schools.
 - (b) Under guidelines of the Department of Health and Human Services, qualified health professionals shall provide instructions, equipment, and materials for conducting the examinations.
 - (c) The policies shall include exemption provisions for students whose parents contend the examinations violate their personal beliefs.
- (2) The school shall notify, in writing, a student's parent of any impairment disclosed by the examinations.

Amended by Chapter 328, 2023 General Session

53G-9-403 Personnel to perform health examination.

A local school board may use teachers or school nurses to conduct examinations required under this part and licensed physicians as needed for medical consultation related to those examinations.

Amended by Chapter 214, 2022 General Session

53G-9-404 Public education vision screening.

(1) As used in this section:

(a) "Health care professional" means an individual licensed under:

- (i) Title 58, Chapter 16a, Utah Optometry Practice Act;
- (ii) Title 58, Chapter 31b, Nurse Practice Act, if the individual is licensed for the practice of advance practice registered nursing, as defined in Section 58-31b-102;
- (iii) Title 58, Chapter 42a, Occupational Therapy Practice Act;
- (iv) Title 58, Chapter 67, Utah Medical Practice Act;
- (v) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
- (vi) Title 58, Chapter 70a, Utah Physician Assistant Act.

(b) "Qualifying child" means a child who:

- (i) attends an LEA;
- (ii) is at least three years old; and
- (iii) is not yet 16 years old.

(c) "Tier one vision screening" means a lower-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.

(d) "Tier two vision screening" means an individual, higher-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.

(2) The Department of Health and Human Services shall oversee public education vision screening, as described in this section.

(3) A child who is less than nine years old and has not yet attended public school in the state shall, before attending a public school in the state, provide:

- (a) a completed vision screening form, described in Subsection (5)(a)(i), that is signed by a health care professional; or
- (b) a written statement signed by a parent that the child will not be screened before attending public school in the state.

(4) The Department of Health and Human Services shall prepare and provide:

- (a) training for a school nurse who supervises an LEA tier one vision screening clinic; and
- (b) an online training module for a potential volunteer for an LEA tier one vision screening clinic.

(5)

(a) The Department of Health and Human Services shall provide a template for:

- (i) a form for use by a health care professional under Subsection (3)(a) to certify that a child has received an adequate vision screening; and
- (ii) a referral form used for the referral and follow up of a qualifying child after a tier one or tier two vision screening.

(b) A template described in Subsection (5)(a) shall include the following statement: "A screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."

(6) The Department of Health and Human Services shall make rules to:

- (a) generally provide for and require the administration of tier one vision screening in accordance with this section, including an opt-out process;
 - (b) describe standards and procedures for tier one vision screening, including referral and follow up protocols and reporting a student's significant vision impairment results to the Utah Schools for the Deaf and the Blind;
 - (c) outline the qualifications of and parameters for the use of an outside entity to supervise an LEA tier one vision screening clinic when an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic;
 - (d) determine when a potential volunteer at an LEA tier one vision screening clinic has a conflict of interest, including if the potential volunteer could profit financially from volunteering;
 - (e) determine the regularity of tier one vision screening in order to ensure that a qualifying child receives tier one vision screening at particular intervals; and
 - (f) provide for tier two vision screening for a qualifying child, including:
 - (i) in coordination with the state board, determining mandatory and optional tier two vision screening for a qualifying child;
 - (ii) identification of and training for an individual who provides tier two vision screening;
 - (iii)
 - (A) the creation of a symptoms questionnaire that includes questions for a nonprofessionally trained individual to identify an eye focusing or tracking problem as well as convergence insufficiency of a qualifying child; and
 - (B) protocol on how to administer the symptoms questionnaire in coordination with tier two vision screening;
 - (iv) general standards, procedures, referral, and follow up protocol; and
 - (v) aggregate reporting requirements.
- (7)
- (a) In accordance with Department of Health and Human Services oversight and rule and Subsection (7)(b), an LEA shall conduct free tier one vision screening clinics for all qualifying children who attend the LEA or a school within the LEA.
 - (b) If the parent of a qualifying child requests that the qualifying child not participate in a tier one or tier two vision screening, an LEA may not require the qualifying child to receive the tier one or tier two vision screening.
- (8)
- (a) Except as provided in Subsection (8)(b), a school nurse shall supervise an LEA tier one vision screening clinic as well as provide referral and followup services.
 - (b) If an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic, an LEA may, in accordance with Department of Health and Human Services rule, use an outside entity to supervise an LEA tier one vision screening clinic.
- (9)
- (a) An LEA shall ensure that a volunteer who assists with an LEA tier one vision screening clinic:
 - (i)
 - (A) is trained by a school nurse; or
 - (B) demonstrates successful completion of the training module described in Subsection (4)(b);
 - (ii) complies with the requirements of Subsection (9)(c); and
 - (iii) is supervised by a school nurse or, in accordance with Subsection (8)(b), an outside entity.
 - (b) In accordance with Department of Health and Human Services rule, an LEA may exclude a person from volunteering at an LEA tier one vision screening clinic if the person has a conflict of interest, including if the person could profit financially from volunteering.

- (c) A volunteer who assists with an LEA tier one vision screening clinic may not market, advertise, or promote a business in connection with assisting at the LEA tier one vision screening clinic.
- (d) A volunteer who assists with an LEA tier one vision screening clinic is not liable for damages that result from an act or omission related to the LEA tier one vision screening clinic, if the act or omission is not willful or grossly negligent.

Amended by Chapter 328, 2023 General Session

Part 5 Administration of Medication

53G-9-501 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-502 Administration of medication to students -- Prerequisites -- Immunity from liability -- Applicability.

- (1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication to any student during periods when the student is under the control of the school, subject to the following conditions:
 - (a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and Human Services and school nurses shall adopt policies that provide for:
 - (i) the designation of volunteer employees who may administer medication;
 - (ii) proper identification and safekeeping of medication;
 - (iii) the training of designated volunteer employees by the school nurse;
 - (iv) maintenance of records of administration; and
 - (v) notification to the school nurse of medication that will be administered to students; and
 - (b) medication may only be administered to a student if:
 - (i) the student's parent has provided a current written and signed request that medication be administered during regular school hours to the student; and
 - (ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
- (2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent.
- (3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:
 - (a) any adverse reaction suffered by the student as a result of taking the medication; and
 - (b) discontinuing the administration of the medication under Subsection (2).
- (4) Subsections (1) through (3) do not apply to:
 - (a) the administration of glucagon in accordance with Section 53G-9-504;

- (b) the administration of a seizure rescue medication in accordance with Section 53G-9-505; or
- (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access.

Amended by Chapter 328, 2023 General Session

53G-9-504 Administration of glucagon -- Training of volunteer school personnel -- Authority to use glucagon -- Immunity from liability.

- (1) As used in this section, "glucagon authorization" means a signed statement from a parent of a student with diabetes:
 - (a) certifying that glucagon has been prescribed for the student;
 - (b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon in accordance with this section; and
 - (c) authorizing the administration of glucagon in an emergency to the student in accordance with this section.
- (2)
 - (a) A public school shall, within a reasonable time after receiving a glucagon authorization, train two or more school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional.
 - (b) A public school shall allow all willing school personnel to receive training in the administration of glucagon, and the school shall assist and may not obstruct the identification or training of volunteers under this Subsection (2).
 - (c) The Utah Department of Health, in cooperation with the state superintendent, shall design a glucagon authorization form to be used by public schools in accordance with this section.
- (3)
 - (a) Training in the administration of glucagon shall include:
 - (i) techniques for recognizing the symptoms that warrant the administration of glucagon;
 - (ii) standards and procedures for the storage and use of glucagon;
 - (iii) other emergency procedures, including calling the emergency 911 number and contacting, if possible, the student's parent; and
 - (iv) written materials covering the information required under this Subsection (3).
 - (b) A school shall retain for reference the written materials prepared in accordance with Subsection (3)(a)(iv).
- (4) A public school shall permit a student or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency in accordance with this section.
- (5)
 - (a) A person who has received training in accordance with this section may administer glucagon at a school or school activity to a student with a glucagon authorization if:
 - (i) the student is exhibiting the symptoms that warrant the administration of glucagon; and
 - (ii) a licensed health care professional is not immediately available.
 - (b) A person who administers glucagon in accordance with Subsection (5)(a) shall direct a responsible person to call 911 and take other appropriate actions in accordance with the training materials retained under Subsection (3)(b).
- (6) School personnel who provide or receive training under this section and act in good faith are not liable in any civil or criminal action for any act taken or not taken under the authority of this section with respect to the administration of glucagon.

- (7) Section 53G-9-502 does not apply to the administration of glucagon in accordance with this section.
- (8) Section 53G-8-205 does not apply to the possession and administration of glucagon in accordance with this section.
- (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist who, in good faith, trains nonlicensed volunteers to administer glucagon in accordance with this section.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 349, 2019 General Session

53G-9-505 Trained school employee volunteers -- Administration of seizure rescue medication -- Exemptions from liability.

- (1) As used in this section:
 - (a) "Prescribing health care professional" means:
 - (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;
 - (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or
 - (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
 - (b) "Seizure rescue authorization" means a student's Section 504 accommodation plan that:
 - (i) certifies that:
 - (A) a prescribing health care professional has prescribed a seizure rescue medication for the student;
 - (B) the student's parent has previously administered the student's seizure rescue medication in a nonmedically-supervised setting without a complication; and
 - (C) the student has previously ceased having full body prolonged or convulsive seizure activity as a result of receiving the seizure rescue medication;
 - (ii) describes the specific seizure rescue medication authorized for the student, including the indicated dose, and instructions for administration;
 - (iii) requests that the student's public school identify and train school employees who are willing to volunteer to receive training to administer a seizure rescue medication in accordance with this section; and
 - (iv) authorizes a trained school employee volunteer to administer a seizure rescue medication in accordance with this section.
 - (c)
 - (i) "Seizure rescue medication" means a medication, prescribed by a prescribing health care professional, to be administered as described in a student's seizure rescue authorization, while the student experiences seizure activity.
 - (ii) A seizure rescue medication does not include a medication administered intravenously or intramuscularly.
 - (d) "Trained school employee volunteer" means an individual who:
 - (i) is an employee of a public school where at least one student has a seizure rescue authorization;
 - (ii) is at least 18 years old; and
 - (iii) as described in this section:

- (A) volunteers to receive training in the administration of a seizure rescue medication;
- (B) completes a training program described in this section;
- (C) demonstrates competency on an assessment; and
- (D) completes annual refresher training each year that the individual intends to remain a trained school employee volunteer.

- (2)
 - (a) The Department of Health shall, with input from the state board and a children's hospital, develop a training program for trained school employee volunteers in the administration of seizure rescue medications that includes:
 - (i) techniques to recognize symptoms that warrant the administration of a seizure rescue medication;
 - (ii) standards and procedures for the storage of a seizure rescue medication;
 - (iii) procedures, in addition to administering a seizure rescue medication, in the event that a student requires administration of the seizure rescue medication, including:
 - (A) calling 911; and
 - (B) contacting the student's parent;
 - (iv) an assessment to determine if an individual is competent to administer a seizure rescue medication;
 - (v) an annual refresher training component; and
 - (vi) written materials describing the information required under this Subsection (2)(a).
 - (b) A public school shall retain for reference the written materials described in Subsection (2)(a)(vi).
 - (c) The following individuals may provide the training described in Subsection (2)(a):
 - (i) a school nurse; or
 - (ii) a licensed health care professional.
- (3)
 - (a) A public school shall, after receiving a seizure rescue authorization:
 - (i) inform school employees of the opportunity to be a school employee volunteer; and
 - (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who volunteers, using the training program described in Subsection (2)(a).
 - (b) A public school may not:
 - (i) obstruct the identification or training of a trained school employee volunteer; or
 - (ii) compel a school employee to become a trained school employee volunteer.
- (4) A trained school employee volunteer may possess or store a prescribed rescue seizure medication, in accordance with this section.
- (5) A trained school employee volunteer may administer a seizure rescue medication to a student with a seizure rescue authorization if:
 - (a) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and
 - (b) a licensed health care professional is not immediately available to administer the seizure rescue medication.
- (6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the training described in Subsection (2).
- (7) A trained school employee volunteer who administers a seizure rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.
- (8) Section 53G-9-502 does not apply to the administration of a seizure rescue medication.

(9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication in accordance with this section.

(10)

- (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health care professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist for, in good faith, training a nonlicensed school employee who volunteers to administer a seizure rescue medication in accordance with this section.
- (b) Allowing a trained school employee volunteer to administer a seizure rescue medication in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 349, 2019 General Session

53G-9-506 Diabetes medication -- Possession -- Self-administration.

- (1) As used in this section, "diabetes medication" means prescription or nonprescription medication used to treat diabetes, including related medical devices, supplies, and equipment used to treat diabetes.
- (2) A public school shall permit a student to possess or possess and self-administer diabetes medication if:
 - (a) the student's parent signs a statement:
 - (i) authorizing the student to possess or possess and self-administer diabetes medication; and
 - (ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering the diabetes medication; and
 - (b) the student's health care provider provides a written statement that states:
 - (i) it is medically appropriate for the student to possess or possess and self-administer diabetes medication and the student should be in possession of diabetes medication at all times; and
 - (ii) the name of the diabetes medication prescribed or authorized for the student's use.
- (3) The Utah Department of Health, in cooperation with the state superintendent, shall design forms to be used by public schools for the parental and health care provider statements described in Subsection (2).
- (4) Section 53G-8-205 does not apply to the possession and self-administration of diabetes medication in accordance with this section.

Amended by Chapter 293, 2019 General Session

Part 6 Bullying and Hazing

53G-9-601 Definitions.

As used in this part:

(1)

- (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency

of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) causing physical or emotional harm to the school employee or student;

(b) causing damage to the school employee's or student's property;

(c) placing the school employee or student in reasonable fear of:

(i) harm to the school employee's or student's physical or emotional well-being; or

(ii) damage to the school employee's or student's property;

(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(i) the pervasiveness, persistence, or severity of the actions; or

(ii) a power differential between the bully and the target; or

(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

(5) (a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

(i)

(A) endangers the mental or physical health or safety of a school employee or student;

(B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or

(D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

(ii)

(A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or

(B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

- (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (6) "LEA governing board" means a local school board or charter school governing board.
- (7) "Policy" means an LEA governing board policy described in Section 53G-9-605.
- (8) "Public education suicide prevention coordinator" means the public education suicide prevention coordinator described in Section 53G-9-702.
- (9) "Retaliate" means an act or communication intended:
 - (a) as retribution against a person for reporting bullying or hazing; or
 - (b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- (10) "School" means a public elementary or secondary school, including a charter school.
- (11) "School employee" means an individual working in the individual's official capacity as:
 - (a) a school teacher;
 - (b) a school staff member;
 - (c) a school administrator; or
 - (d) an individual:
 - (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and
 - (ii) who works on a school campus.
- (12) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 26B-5-611.
- (13) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

Amended by Chapter 423, 2023 General Session

53G-9-602 Bullying, hazing, and cyber-bullying prohibited.

- (1) A school employee or student may not engage in bullying a school employee or student:
 - (a) on school property;
 - (b) at a school related or sponsored event;
 - (c) on a school bus;
 - (d) at a school bus stop; or
 - (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).
- (2) A school employee or student may not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-603 Retaliation and making a false allegation prohibited.

- (1) A school employee or student may not engage in retaliation against:
 - (a) a school employee;
 - (b) a student; or
 - (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- (2) A school employee or student may not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-604 Parental notification of certain incidents and threats required.

- (1) A school shall:
 - (a) notify a parent if the parent's student threatens suicide; or
 - (b) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's student.
- (2)
 - (a) If a school notifies a parent of an incident or threat required to be reported under Subsection (1), the school shall:
 - (i) produce and maintain a record that verifies that the parent was notified of the incident or threat;
 - (ii) maintain a record described in Subsection (2)(a)(i) in accordance with the requirements of:
 - (A) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (B) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (C) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (D) 34 C.F.R. Part 99; and
 - (iii) provide the parent with:
 - (A) suicide prevention materials and information; and
 - (B) information on ways to limit the student's access to fatal means, including a firearm or medication.
 - (b) The state superintendent shall select the materials and information described in Subsection (2)(a)(iii) in collaboration with the state suicide prevention coordinator and public education suicide prevention coordinator.
- (3) A local school board or charter school governing board shall adopt a policy regarding the process for:
 - (a) notifying a parent as required in Subsection (1); and
 - (b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection (2).
- (4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).
- (5) A school shall:
 - (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and
 - (b) expunge a record maintained in accordance with this section that relates to a student if the student:
 - (i) has graduated from high school; and
 - (ii) requests the record be expunged.

Amended by Chapter 423, 2023 General Session

53G-9-605 Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

- (1) On or before September 1, 2018, an LEA governing board shall update the LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.
- (2) A policy shall:
 - (a) be developed only with input from:
 - (i) students;
 - (ii) parents;

- (iii) teachers;
 - (iv) school administrators;
 - (v) school staff; or
 - (vi) local law enforcement agencies; and
 - (b) provide protection to a student, regardless of the student's legal status.
- (3) A policy shall include the following components:
- (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are consistent with this part;
 - (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
 - (c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this part;
 - (d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
 - (e) as required in Section 53G-9-604, parental notification of:
 - (i) a student's threat to commit suicide; and
 - (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;
 - (f) a grievance process for a school employee who has experienced abusive conduct;
 - (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
 - (h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
 - (i) school employee;
 - (ii) student who is at least eight years old; and
 - (iii) parent of a student enrolled in the charter school or school district.
- (4) A copy of a policy shall be:
- (a) included in student conduct handbooks;
 - (b) included in employee handbooks; and
 - (c) provided to a parent of a student enrolled in the charter school or school district.
- (5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- (6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

Amended by Chapter 293, 2019 General Session

53G-9-606 Model policy and state board duties.

- (1) On or before September 1, 2018, the state board shall:
 - (a) update the state board's model policy on bullying, cyber-bullying, hazing, and retaliation to include abusive conduct; and
 - (b) post the model policy described in Subsection (1)(a) on the state board's website.
- (2) The state board shall require an LEA governing board to report annually to the state board on:
 - (a) the LEA governing board's policy, including implementation of the signed statement requirement described in Subsection 53G-9-605(3);
 - (b) the LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
 - (c) the demographics of an individual who is subject to bullying, hazing, cyber-bullying, or retaliation subject to:

- (i) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (iv) 34 C.F.R. Part 99; and
- (d) other information related to this part, as determined by the state board.

Amended by Chapter 399, 2022 General Session

53G-9-607 Training, education, and prevention -- Standards.

- (1)
- (a) An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).
 - (b) An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.
- (2) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.
- (3) The programs or initiatives described in Subsection (2) may involve:
- (a) the establishment of a bullying task force; or
 - (b) the involvement of school employees, students, or law enforcement.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

Amended by Chapter 408, 2020 General Session

53G-9-608 Other forms of legal redress.

- (1) Nothing in this part prohibits a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or criminal law.
- (2) This section does not create or alter tort liability.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 7
Suicide Prevention

53G-9-701 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-702 Youth suicide prevention programs -- State board to develop model programs.

- (1) As used in the section:
 - (a) "Elementary grades" means:

- (i) kindergarten through grade 5; and
 - (ii) if the associated middle or junior high school does not include grade 6, grade 6.
 - (b) "Intervention" means an effort to prevent a student from attempting suicide.
 - (c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.
 - (d) "Program" means a youth suicide prevention program described in Subsection (2).
 - (e) "Public education suicide prevention coordinator" means an individual designated by the state board as described in Subsection (4).
 - (f) "Secondary grades" means:
 - (i) grades 7 through 12; and
 - (ii) if a middle or junior high school includes grade 6, grade 6.
 - (g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 26B-5-611.
- (2) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:
- (a) for elementary grades and secondary grades:
 - (i) life-affirming education, including on the concepts of resiliency, healthy habits, self-care, problem solving, and conflict resolution;
 - (ii) methods of strengthening the family; and
 - (iii) methods of strengthening a youth's relationships in the school and community; and
 - (b) for secondary grades:
 - (i) prevention of youth suicide;
 - (ii) decreasing the risk of suicide among youth who are:
 - (A) not accepted by family for any reason, including lesbian, gay, bisexual, transgender, or questioning youth; or
 - (B) suffer from bullying;
 - (iii) youth suicide intervention; and
 - (iv) postvention for family, students, and faculty.
- (3) Each school district and charter school shall ensure that the youth suicide prevention program described in Subsection (2):
- (a) considers appropriate coordination with the following prevention programs:
 - (i) the prevention of bullying and cyber-bullying, as those terms are defined in Section 53G-9-601; and
 - (ii) the prevention of underage drinking of alcohol and substance abuse under Section 53G-10-406; and
 - (b) includes provisions to ensure that the school district or charter school promptly communicates with the parent or guardian of a student in accordance with Section 53G-9-604.
- (4) The state board shall:
- (a) designate a public education suicide prevention coordinator; and
 - (b) in collaboration with the Department of Health and Human Services and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:
 - (i) program training; and
 - (ii) resources regarding the required components described in Subsections (2)(a) and (b).
- (5) The public education suicide prevention coordinator shall:
- (a) oversee the youth suicide prevention programs of school districts and charter schools; and

- (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.
- (6) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.
- (7)
 - (a) Subject to legislative appropriation and except as provided in Section 53F-2-525, the state board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
 - (b) The state board shall ensure that an LEA's allocation of funds from the board's distribution of money under Subsection (7)(a) provides an amount equal to at least \$1,000 per school.
 - (c)
 - (i) A school shall use money allocated to the school under Subsection (7)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
 - (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.
- (8) An LEA may not charge indirect costs to the program.

Amended by Chapter 98, 2023 General Session
Amended by Chapter 328, 2023 General Session

53G-9-703 Parent education -- Mental health -- Bullying -- Safety.

- (1)
 - (a) Except as provided in Subsection (3), a school district shall offer a seminar for parents of students in the school district that:
 - (i) is offered at no cost to parents;
 - (ii) begins at or after 6 p.m.;
 - (iii) is held in at least one school located in the school district; and
 - (iv) covers the topics described in Subsection (2).
 - (b)
 - (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
 - (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.
 - (c) A school district may:
 - (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
 - (ii) use the curriculum developed by the state board under Subsection (2).
 - (d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.
- (2) The state board shall:
 - (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:
 - (i) substance abuse, including illegal drugs and prescription drugs and prevention;
 - (ii) bullying;
 - (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;

- (iv) Internet safety, including pornography addiction; and
 - (v) the SafeUT and Crisis Line established in Section 53B-17-1202; and
 - (b) provide the curriculum, including resources and training, to school districts upon request.
- (3)
- (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.
 - (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the state board and provide the reasons why the local school board chose not to offer the parent seminar.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

Amended by Chapter 446, 2019 General Session

53G-9-704 Youth suicide prevention training for employees.

- (1) A school district or charter school shall require a licensed employee to complete a minimum of two hours of professional development training on youth suicide prevention every three years.
- (2) The state board shall:
 - (a) develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention; and
 - (b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, incorporate the training described in Subsection (1) into professional development training described in Section 53E-6-201.

Amended by Chapter 408, 2020 General Session

Part 8

Dropout Prevention and Recovery and Remediation Programs

53G-9-801 Definitions.

As used in Section 53G-9-802:

- (1) "Attainment goal" means earning:
 - (a) a high school diploma;
 - (b) a Utah High School Completion Diploma, as defined in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) an Adult Education Secondary Diploma, as defined in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (d) an employer-recognized, industry-based certificate that is:
 - (i) likely to result in job placement; and
 - (ii) included in the state board's approved career and technical education industry certification list.
- (2) "Cohort" means a group of students, defined by the year in which the group enters grade 9.
- (3) "Designated student" means a student:
 - (a)
 - (i) who has withdrawn from an LEA before earning a diploma;

- (ii) who has been dropped from average daily membership; and
 - (iii) whose cohort has not yet graduated; or
 - (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined by the student's LEA, using risk factors defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Graduation rate" means:
- (a) for a school district or a charter school that includes grade 12, the graduation rate calculated by the state board for federal accountability and reporting purposes; or
 - (b) for a charter school that does not include grade 12, a proxy graduation rate defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.
- (6) "Nontraditional program" means a program, as defined in rules made by the state board under Subsection 53E-3-501(1)(c), in which a student receives instruction through:
- (a) distance learning;
 - (b) online learning;
 - (c) blended learning; or
 - (d) competency-based learning.
- (7) "Statewide graduation rate" means:
- (a) for a school district or a charter school that includes grade 12, the statewide graduation rate, as annually calculated by the state board; or
 - (b) for a charter school that does not include grade 12, the average graduation rate for all charter schools that do not include grade 12.
- (8) "Third party" means:
- (a) a private provider; or
 - (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

Amended by Chapter 527, 2023 General Session

53G-9-802 Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

- (1)
- (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:
 - (i) engaging with or attempting to recover a designated student;
 - (ii) developing a learning plan, in consultation with a designated student, to identify:
 - (A) barriers to regular school attendance and achievement;
 - (B) an attainment goal; and
 - (C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);
 - (iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and
 - (iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.
 - (b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):
 - (i) throughout the calendar year; and

- (ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.
- (c)
 - (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:
 - (A) was enrolled in a charter school that does not include grade 12; and
 - (B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section 53G-5-303.
 - (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53G-6-302, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).
 - (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.
- (2)
 - (a) An LEA shall provide flexible enrollment options for a designated student that:
 - (i) are tailored to the designated student's learning plan developed under Subsection (1)(a)(ii); and
 - (ii) include two or more of the following:
 - (A) enrollment in the LEA in a traditional program;
 - (B) enrollment in the LEA in a nontraditional program;
 - (C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or
 - (D) enrollment in a program offered by another LEA.
 - (b) A designated student may enroll in:
 - (i) a program offered by the LEA under Subsection (2)(a), in accordance with this public education code, rules established by the state board, and policies established by the LEA; or
 - (ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4, Part 5, Statewide Online Education Program.
 - (c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).
- (3) Beginning with the 2017-18 school year and except as provided in Subsection (5), an LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a), for any school year in which the LEA meets the following criteria:
 - (a) the LEA's graduation rate is lower than the statewide graduation rate; and
 - (b)
 - (i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or
 - (ii) during the previous calendar year, at least 10% of the LEA's designated students have not:
 - (A) reached the students' attainment goals; or
 - (B) made a year's worth of progress toward the students' attainment goals.
- (4) To provide the dropout and recovery services described in Subsection (1)(a), an LEA shall do at least one of the following:
 - (a) contract with a third party;
 - (b) use another program that is evidence-based as defined in Section 53G-11-303; or

- (c) create a dropout prevention and recovery services plan that is evidence-informed as defined in Section 53G-11-303.
- (5) An LEA is not subject to the requirement described in Subsection (3) if:
 - (a) the LEA is in the LEA's first three years of operation;
 - (b) the LEA's average graduation rate for the previous three years is higher than the average statewide graduation rate for the previous three years;
 - (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or
 - (d) the quotient of the total number of an LEA's graduating students plus 10, divided by the total number of students in an LEA's graduating class, is equal to or greater than the statewide graduation rate.
- (6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall ensure that:
 - (a) a third party with whom the LEA enters into a contract under Subsection (4) has a demonstrated record of effectiveness engaging with and recovering designated students; and
 - (b) a contract with a third party requires the third party to:
 - (i) provide the services described in Subsection (1)(a); and
 - (ii) regularly report progress to the LEA.
- (7) An LEA shall annually submit a report to the state board on dropout prevention and recovery services provided under this section, including:
 - (a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);
 - (b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (7)(a);
 - (c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and
 - (d) funding allocated to provide dropout prevention and recovery services.
- (8) The state board shall:
 - (a) ensure that an LEA described in Subsection (3) contracts with a third party or creates a dropout prevention and recovery services plan to provide dropout prevention and recovery services in accordance with Subsections (3), (4), and (6); and
 - (b) report on the provisions of this section in accordance with Section 53E-1-203, including a summary of the reports submitted under Subsection (7).

Amended by Chapter 93, 2023 General Session

53G-9-803 Remediation programs for secondary students.

- (1) For purposes of this section:
 - (a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.
 - (b) "Secondary school student":
 - (i) means a student enrolled in a secondary school; and
 - (ii) includes a student in grade 6 if the student attends a secondary school.
- (2) A school district or charter school shall implement programs for secondary school students to attain the competency levels and graduation requirements established by the state board.
- (3)
 - (a) A school district or charter school shall establish remediation programs for secondary school students who do not meet competency levels in English, mathematics, science, or social studies.

- (b) Participation in the programs is mandatory for secondary school students who fail to meet the competency levels based on classroom performance.
- (4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school students requiring remediation who would otherwise be scheduled to enter their first year of high school to complete their remediation program during that first year.
- (5)
 - (a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.
 - (b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.
- (6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs.

Amended by Chapter 293, 2019 General Session

53G-9-804 Duties of the State Board of Education.

- (1) The state board shall:
 - (a) adopt rules that require a local school board or charter school governing board to enact chronic absenteeism prevention and intervention policies that shall:
 - (i) include provisions that reflect the individual school district's or charter school's unique needs or circumstances; and
 - (ii) adopt evidence- or research-informed absenteeism and dropout prevention interventions;
 - (b) support, train, and inform LEAs regarding evidence-informed or research-based models to reduce dropout and chronic absenteeism;
 - (c) provide guidance to LEAs on interventions and supports available from the Division of Juvenile Justice and Youth Services; and
 - (d) provide other technical assistance to LEAs around analysis of attendance data.
- (2) The rules described in Subsection (1) may require a local school board or charter school governing board to publicize the policies enacted by the local school board or charter school governing board in accordance with the rules described in Subsection (1) through school websites, handbooks, letters to parents, or other reasonable means of communication.
- (3) The state board may consult with appropriate stakeholders, including:
 - (a) parents;
 - (b) youth;
 - (c) LEAs;
 - (d) human services agencies; or
 - (e) others as the state board develops, enacts, and administers the rules described in Subsection (1).

Enacted by Chapter 93, 2023 General Session