

HB0114S01 compared with HB0114

~~deleted text~~ shows text that was in HB0114 but was deleted in HB0114S01.

inserted text shows text that was not in HB0114 but was inserted into HB0114S01.

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Representative Suzanne Harrison proposes the following substitute bill:

SCHOOL NURSING SERVICES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Suzanne Harrison

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to school nursing services.

Highlighted Provisions:

This bill:

- ▶ provides a definition of a school nurse;
- ▶ amends provisions of the public education code to unify meaning;
- ▶ requires local education agencies to provide a minimum level of nursing services after a certain date; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

53E-1-102, as last amended by Laws of Utah 2020, Chapter 408

53G-7-219, as enacted by Laws of Utah 2020, Chapter 307

53G-9-204, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-9-403, as renumbered and amended by Laws of Utah 2018, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53E-1-102** is amended to read:

53E-1-102. Public education code definitions.

Unless otherwise indicated, as used in this title, Title 53F, Public Education System -- Funding, and Title 53G, Public Education System -- Local Administration:

- (1) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.
- (2) "Charter school governing board" means the board that governs a charter school.
- (3) "District school" means a public school under the control of a local school board.
- (4) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (5) "LEA governing board" means:
 - (a) for a school district, the local school board;
 - (b) for a charter school, the charter school governing board; or
 - (c) for the Utah Schools for the Deaf and the Blind, the state board.
- (6) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (8) "Minimum School Program" means the same as that term is defined in Section

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53F-2-102.

(9) "Parent" means a parent or legal guardian.

(10) "Public education code" means:

(a) this title;

(b) Title 53F, Public Education System -- Funding; and

(c) Title 53G, Public Education System -- Local Administration.

(11) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the student's educational needs and ensure equitable access to a free appropriate public education.

(12) "School nurse" means a registered nurse:

(a) who holds:

(i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

(ii) a multistate license as that term is defined in Section 58-31e-102; and

(b) whose primary role is the care of a defined group of students enrolled in the public school system.

~~[(12)]~~ (13) "State board" means the State Board of Education.

~~[(13)]~~ (14) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

Section 2. Section **53G-7-219** is amended to read:

53G-7-219. Medical specialists in public schools.

(1) As used in this section:

(a) "Qualified individual" means an individual who:

(i) is employed by an LEA; and

(ii) provides related services in a school-based setting.

(b) "Qualified individual" includes:

(i) an audiologist;

(ii) a speech-language pathologist;

(iii) a mental health practitioner;

(iv) a school nurse;

(v) an occupational therapist; and

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(vi) a physical therapist.

(c) "Related services" means the same as that term is defined in 34 C.F.R. 300.34.

(2) An LEA may adopt a salary schedule, or salary schedules, for qualified individuals, that:

(a) is separate from salary schedules adopted for other LEA employees; and

(b) takes into consideration the market rate for related services provided outside of a school-based setting.

Section 3. Section **53G-9-204** is amended to read:

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

(1) (a) Students in the state's public schools [~~may be~~] are better protected against risks to health and safety [~~if~~] when schools [~~were to~~] have [~~registered~~] school nurses readily available to assist in providing educational and nursing services in the public schools.

(b) [~~Those~~] Educational and nursing services would be further enhanced if [~~they could be~~] 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) [~~School districts~~] LEAs, local health departments, private medical providers, and parents of students [~~are therefore encouraged to~~] 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 [~~prior to their~~] before the implementation of the plans.

~~[(2) (f) School districts are encouraged to (f) LEAs shall] provide nursing services equivalent to (f)~~

~~— (a)]~~

(2) Using existing funding sources, including funding available under Section 53F-2-415:

(a) for a school year beginning before July 1, 2025, school districts are encouraged to provide nursing services equivalent to:

(i) the services of one [registered] school nurse for every (f)5,000 (f)2,000 students;
or[;]

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~~(b)ii~~ in ~~ff~~ districts ~~ff LEAs~~ with fewer than ~~ff~~ 5,000 ~~ff 2,000~~ students, the level of services recommended by the Department of Health~~[-]; and~~

(b) for a school year beginning after July 1, 2025, LEAs shall provide nursing services equivalent to:

(i) the services of one school nurse for every 2,000 students; or

(ii) in LEAs with fewer than 2,000 students, the level of services recommended by the Department of Health.

Section 4. Section **53G-9-403** is amended to read:

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

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