

Representative Mike Schultz proposes the following substitute bill:

SCHOOL NURSING SERVICES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Suzanne Harrison

Senate Sponsor: Ann Millner

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;

and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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



26 **53G-9-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

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

30 **53E-1-102. Public education code definitions.**

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

33 (1) "Charter agreement" means an agreement made in accordance with Section
34 **53G-5-303** that authorizes the operation of a charter school.

35 (2) "Charter school governing board" means the board that governs a charter school.

36 (3) "District school" means a public school under the control of a local school board.

37 (4) "Individualized education program" or "IEP" means a written statement for a
38 student with a disability that is developed, reviewed, and revised in accordance with the
39 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

40 (5) "LEA governing board" means:

41 (a) for a school district, the local school board;

42 (b) for a charter school, the charter school governing board; or

43 (c) for the Utah Schools for the Deaf and the Blind, the state board.

44 (6) "Local education agency" or "LEA" means:

45 (a) a school district;

46 (b) a charter school; or

47 (c) the Utah Schools for the Deaf and the Blind.

48 (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
49 Election of Members of Local Boards of Education.

50 (8) "Minimum School Program" means the same as that term is defined in Section
51 **53F-2-102**.

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

53 (10) "Public education code" means:

54 (a) this title;

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

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

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

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

62 (a) who holds:

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

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

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

67 [~~12~~] (13) "State board" means the State Board of Education.

68 [~~13~~] (14) "State superintendent" means the state superintendent of public instruction
69 appointed under Section 53E-3-301.

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

71 **53G-7-219. Medical specialists in public schools.**

72 (1) As used in this section:

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

74 (i) is employed by an LEA; and

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

76 (b) "Qualified individual" includes:

77 (i) an audiologist;

78 (ii) a speech-language pathologist;

79 (iii) a mental health practitioner;

80 (iv) a school nurse;

81 (v) an occupational therapist; and

82 (vi) a physical therapist.

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

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

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

87 (b) takes into consideration the market rate for related services provided outside of a

88 school-based setting.

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

90 **53G-9-204. Nursing services in the public schools -- Collaborative efforts.**

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

94 (b) [~~Those~~] Educational and nursing services would be further enhanced if [~~they could~~
95 ~~be~~] offered with the active support and participation of local public health departments and
96 private medical providers, most particularly in those areas of the state without currently
97 functioning collaborative programs.

98 (c) (i) [~~School districts~~] LEAs, local health departments, private medical providers, and
99 parents of students [~~are therefore encouraged to~~] shall work together in determining needs and
100 risks to student health in the state's public schools and in developing and implementing plans to
101 meet those needs and minimize risks to students.

102 (ii) School community councils or school directors of affected schools shall review the
103 plans [~~prior to their~~] before the implementation of the plans.

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

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

106 (b) in [~~districts~~] LEAs with fewer than [~~5,000~~] 2,000 students, the level of services
107 recommended by the Department of Health.

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

109 **53G-9-403. Personnel to perform health examination.**

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