

# H.B. 183

## IN-PERSON LEARNING AMENDMENTS

Senator **Kathleen A. Riebe** proposes the following amendments:

1. *Page 1, Lines 8 through 18:*

8 General Description:

9 This bill amends provisions regarding in-person learning requirements and test negative to stay  
10 programs within public schools.

11 Highlighted Provisions:

12 This bill:

13 ▶ suspends a test negative to stay program requirement;

14 ▶ amends provisions regarding the computation of the case threshold that triggers the

15 test negative to stay program requirement;

16 ▶ clarifies when a student may return to school during a test negative to stay event;

17 ▶ provides additional procedural requirements for the application of an exception to

18 an in-person learning requirement; ~~{and}~~

▶ clarifies that a student who is not tested follows remote learning requirements;

2. *Page 2, Line 34:*

34 26-6-42. Department support for local education agency test negative to stay programs --

3. *Page 2, Line 41 through Page 3, Line 59:*

41 (d) "Test negative to stay program" means the same as that term is defined in Section  
42 53G-9-210.

43 (2) At the request of an LEA, the department shall provide support for the LEA's test negative to  
44 stay program if a school in the LEA reaches the case threshold, including by providing:

45 (a) COVID-19 testing supplies;

46 (b) a mobile testing unit; and

47 (c) other support requested by the LEA related to the LEA's test negative to stay program.

48 (3) The department shall ensure that guidance the department provides to LEAs related  
49 to test negative to stay programs complies with Section 53G-9-210, including the determination of  
50 whether a school meets a case threshold described in Subsection 53G-9-210(3).

51 ~~{(4) Subsection (2) regarding the requirement to support an LEA's test negative to stay  
program~~

52 ~~does not apply after the effective date of this bill unless the test negative to stay requirement is  
triggered~~

53 ~~under Subsection 53G-9-210(2)(c).~~

54 Section 2. Section 53G-9-210 is amended to read:

55 53G-9-210. Requirement for in-person instruction -- Test negative to stay programs --  
56 Face coverings.

57 (1) As used in this section:

58 (a) "Case threshold" means as applicable {,} ;

(i) the number of students in a school, or

59 percentage of students in a school who meet the conditions described in Subsection (3) {-} ; or

(ii) 1% of educators in a school.

4. Page 3, Lines 72 through 74:

72 (i) is enrolled in a school that is not implementing a test negative to stay program; or

73 (ii) (A) is enrolled in a school that is implementing a test negative to stay program; and

74 (B) meets the test negative to stay program's criteria for attending school in person.

5. Page 3, Line 84 through Page 4, Line 90:

84 [~~(h)~~] (j) "Test negative to stay program" means a program through which an LEA provides  
85 testing for COVID-19 for students during an outbreak of COVID-19 at a school in order to:

86 (i) identify cases of COVID-19; {and}

87 (ii) allow individuals to attend school in person who:

88 (A) test negative for COVID-19 [~~to attend school in person.~~] during the test negative to stay  
89 program; or

90 (B) are cleared to return to school after the estimated incubation period {-} ; and

(iii) require students who test positive or who are not tested to attend school remotely during the estimated incubation period.

6. Page 4, Lines 96 through 101:

96 (A) fulfill the requirement described in Subsection (2)(a)(i) by initiating a test negative to stay  
97 program for the school; and

98 (B) provide a remote learning option for students who do not wish to attend in person.

99 (b) [~~The~~] Beginning January 31, 2022, the requirement to provide in-person instruction  
100 described in Subsection (2)(a) does not apply for a temporary period of remote learning within

101 an LEA or a given school within an LEA if less than 10% of all staff, including bus drivers, food handlers, and custodians are available to safely work and less than 40% of open needs for substitutes are being filled by substitutes, or if ;

7. Page 5, Lines 121 through 135:

121 (c) The requirement to initiate a test negative to stay program described in Subsection (2)(a)(ii)

122 only applies if, in consultation with the Department of Health, the governor, the president of  
123 the Senate, the speaker of the House of Representatives, and the state superintendent of public  
124 instruction jointly determine that a variant of COVID-19 currently affecting the public  
125 education system is of a type that testing and isolation under a test **negative** to stay program would be  
126 effective in mitigating the harmful public health effects of the variant.

127 (3) (a) For purposes of determining whether a school has reached the school's case  
128 threshold **for students**, a student is included in positive cases for the school if the student {  
129 ~~(i)~~}    within the preceding [~~14 days~~] number of days equal to the estimated incubation  
130 period:

131 {~~(A)~~} (i) attended at least some in-person instruction at the school; and

132 {~~(B)~~} (ii) tested positive for COVID-19 {    ~~and~~      

133 {~~(ii) did not receive the student's positive COVID-19 test results through regular~~  
134 ~~periodic testing required to participate in LEA-sponsored athletics or another LEA-sponsored~~  
135 ~~extracurricular activity.~~}