

57 percentage of students in a school who meet the conditions described in Subsection (3).

58 (b) "COVID-19" means:

59 (i) severe acute respiratory syndrome coronavirus 2; or

60 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

61 (c) "In-person instruction" means instruction offered by a school that allows a student  
62 to choose to attend school in-person at least four days per week if the student:

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

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

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

66 (d) "Local Education Agency" or LEA means:

67 (i) a school district;

68 (ii) a charter school, other than an online-only charter school; or

69 (iii) the Utah Schools for the Deaf and the Blind.

70 (e) "Test to stay program" means a program through which an LEA provides testing for  
71 COVID-19 for students during an outbreak of COVID-19 at a school in order to:

72 (i) identify cases of COVID-19; and

73 (ii) allow individuals who test negative for COVID-19 to attend school in person.

74 (2) (a) An LEA shall:

75 (i) except as provided in Subsection (2)(b), ensure that a school offers in-person  
76 instruction; and

77 (ii) require a school that reaches the case threshold to ~~§~~ :

77a (A) ~~§~~ fulfill the requirement described

78 in Subsection (2)(a)(i) by initiating a test to stay program for the school ~~§~~ [;] ; and

78a **(B) provide a remote learning option for students who do not wish to attend in person.** ~~§~~

79 (b) The requirement to provide in-person instruction described in Subsection (2)(a)  
80 does not apply for a temporary period if the governor, the president of the Senate, the speaker  
81 of the House of Representatives, and the state superintendent of public instruction jointly  
82 concur with an LEA's assessment that due to public health emergency circumstances, the risks  
83 related to in-person instruction temporarily outweigh the value of in-person instruction.

84 (3) (a) For purposes of determining whether a school has reached the school's case  
85 threshold, a student is included in positive cases for the school if the student:

86 (i) tested positive for COVID-19 within the past 14 days;

87 (ii) contracted COVID-19 at school; and