

57 **53B-16-111. In-person instruction.**58 (1) As used in this section:59 (a) "Course" means each section of a course that an institution of higher education  
60 offers as:61 (i) part of a program of instruction; or62 (ii) a general education requirement.63 (b) "Institution of higher education" means an institution described in Section  
64 53B-1-102.65 (c) "Program of instruction" means the same as that term is defined in Section  
66 53B-16-102.67 (2) Except as provided in Subsection (3), ~~H~~→ **for a semester** ←~~H~~ beginning ~~H~~→ **on or**  
67a **after** ←~~H~~ August 1, 2021, an institution of  
68 higher education shall offer a number of in-person courses that is at least 85% of the number of  
69 in-person courses that the institution of higher education offered on September 15, 2019.70 (3) An institution of higher education that has a decline in enrollment between  
71 September 15, 2019, and August 1, 2021, may offer fewer in-person courses than the number  
72 of courses described in Subsection (2) in proportion to the institution of higher education's  
73 decline in enrollment.74 Section 3. Section **53G-9-210** is enacted to read:75 **53G-9-210. Requirement for in-person instruction -- Test to stay programs.**76 (1) As used in this section:77 (a) "Case threshold" means as applicable, the number of students in a school, or  
78 percentage of students in a school who meet the conditions described in Subsection (3).79 (b) "COVID-19" means:80 (i) severe acute respiratory syndrome coronavirus 2; or81 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.82 (c) "In-person instruction" means instruction offered by a school that allows a student  
83 to choose to attend school in-person at least four days per week if the student:84 (i) is enrolled in a school that is not implementing a test to stay program; or85 (ii) (A) is enrolled in a school that is implementing a test to stay program; and86 (B) meets the test to stay program's criteria for attending school in person.87 (d) "Local Education Agency" or LEA means: