

53A-1a-806 Scholarship payments.

- (1)
 - (a) Scholarships shall be awarded by the board subject to the availability of money appropriated by the Legislature for that purpose.
 - (b) The Legislature shall annually appropriate money to the board from the General Fund to make scholarship payments for all students projected to apply for scholarships.
 - (c)
 - (i) If money is not available to pay for all scholarships requested, the scholarships shall be allocated on a random basis except that preference shall be given to students who received scholarships in the previous year.
 - (ii) If money is insufficient in a school year to pay for all the continuing scholarships:
 - (A) new scholarships may not be awarded during that school year;
 - (B) the money available for scholarships shall be prorated among the eligible students who received scholarships in the previous year; and
 - (C) the board shall request a supplemental appropriation from the Legislature to make full scholarship payments as provided in Subsection (4) or (5).
- (2)
 - (a) Scholarships shall be awarded based upon the income of a scholarship student's parents in the calendar year immediately preceding the school year for which a scholarship is sought.
 - (b)
 - (i) The board shall make rules specifying how the income of a prospective scholarship student's parents shall be determined and verified.
 - (ii) The rules shall provide that the scholarship shall be based upon parental income as follows:
 - (A) if the parents are married, the income of both parents;
 - (B) if a parent is widowed, the income of the widowed parent;
 - (C) if a parent is widowed and has remarried, the income of the parent and stepparent;
 - (D) if the parents are divorced, the income of the parent with whom the scholarship student resided for the greatest amount of time during the past 12 months;
 - (E) if the parents are divorced and the scholarship student resided with each parent an equal amount of time, the income of the parent who provided more financial support during the past 12 months;
 - (F) if the divorced parent with whom the scholarship student resided for the greatest amount of time or who provided the greatest financial support has remarried, the income of the parent and stepparent; and
 - (G) if the scholarship student resides with a guardian, the income of the guardian, unless the guardian's income is exempt by board rule.
 - (iii) The rules shall provide that:
 - (A) if a parent filed federal or state income tax forms, income shall be based upon adjusted gross income as listed on the income tax forms;
 - (B) if a parent was exempt from filing federal and state income tax forms, income shall be based on income earned from work; and
 - (C) a parent shall submit documentation verifying income.
- (3)
 - (a) The board shall compare the income of a scholarship student's parents to the maximum annual incomes listed in the income eligibility guideline as defined in Section 53A-1a-803 to set the scholarship amount.
 - (b) In determining scholarship amounts, the board shall use:

- (i) the income eligibility guideline in effect for the school year immediately preceding the school year for which a scholarship is sought; and
 - (ii) the scholarship student's household size as the applicable household size for the purpose of determining maximum annual income under the income eligibility guideline.
- (4) Full-year scholarships shall be awarded in the amounts shown in the following table, or for the amount of tuition for a full year, whichever is less.

If the annual income of a scholarship student's parents is:	The full-year scholarship amount is:	
Less than or equal to 100% of the income eligibility guideline		\$3,000
Greater than 100% but less than or equal to 125% of the income eligibility guideline		\$2,750
Greater than 125% but less than or equal to 150% of the income eligibility guideline		\$2,500
Greater than 150% but less than or equal to 175% of the income eligibility guideline		\$2,250
Greater than 175% but less than or equal to 200% of the income eligibility guideline		\$2,000
Greater than 200% but less than or equal to 225% of the income eligibility guideline		\$1,750
Greater than 225% but less than or equal to 250% of the income eligibility guideline		\$1,000
Greater than 250% of the income eligibility guideline		\$500

- (5) The full-year scholarship amounts shown in the table in Subsection (4) apply to scholarships for all grades except kindergarten. The full-year scholarship amount for kindergarten shall be .55 times the amounts shown in the table in Subsection (4).

- (6) The board shall annually increase the full-year scholarship amounts shown in the table in Subsection (4) by the same percentage annual increase in the value of the weighted pupil unit established in Section 53A-17a-103.
- (7)
- (a) Except as provided in Subsection (7)(b), upon review and receipt of documentation that verifies a student's admission to, or continuing enrollment and attendance at, a private school, the board shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 15 of each school year in which a scholarship is in force.
 - (b) In accordance with board rule, the board shall make a scholarship payment before the first quarterly payment of the school year, if a private school requires partial payment of tuition before the start of the school year to reserve space for a student admitted to the school.
- (8) A parent of a scholarship student and the student's private school shall notify the board if the student does not have continuing enrollment and attendance at the private school.
- (9) Before scholarship payments are made, the board shall cross-check enrollment lists of scholarship students, school districts, and youth in custody to ensure that scholarship payments are not erroneously made.
- (10)
- (a) Scholarship payments shall be made by the board by individual warrant made payable to the student's parent and mailed by the board to the private school. The parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.
 - (b) A person, on behalf of a private school, may not accept a power of attorney from a parent to sign a warrant referred to in Subsection (10)(a), and a parent of a scholarship student may not give a power of attorney designating a person, on behalf of a private school, as the parent's attorney in fact.

Amended by Chapter 342, 2011 General Session