

1                   **PILOT PROGRAM FOR SUMMER SCHOOL AND**  
2                   **AFTER SCHOOL PROGRAMS FOR CHILDREN**  
3                   **WITH A DISABILITY**

4                   2008 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Gregory S. Bell**

7                   House Sponsor: Ronda Rudd Menlove

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9                   **LONG TITLE**

10                  **General Description:**

11                  This bill establishes a pilot program within the Services for People with Disabilities  
12 chapter of the Utah Human Services Code, to increase the provision of summer school  
13 and after school programs for children with a disability.

14                  **Highlighted Provisions:**

15                  This bill:

- 16                  ▶ establishes a pilot program, beginning on July 1, 2008, and ending on July 1, 2009,  
17 to increase the provision of summer school and after school programs for eligible  
18 children with a disability, outside of the prioritization criteria established by the  
19 division for the provision of other services;
- 20                  ▶ describes the pilot program established by this bill, including the purpose and scope  
21 of the pilot program;
- 22                  ▶ grants rulemaking authority to the division;
- 23                  ▶ describes a person or entity who is eligible to receive services or assistance under  
24 this section;
- 25                  ▶ provides that the division shall establish criteria to determine the order of priority  
26 for receiving services under this bill;
- 27                  ▶ provides that the services provided under the pilot program described in this bill do



28 not constitute an entitlement and shall be provided and funded separately from the Medicaid  
29 program; and

30 ▶ provides that the pilot program described in this bill is repealed on July 1, 2009.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **63-55b-159**, as last amended by Laws of Utah 2007, Chapter 306

38 ENACTS:

39 **62A-5-103.3**, Utah Code Annotated 1953



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

42 Section 1. Section **62A-5-103.3** is enacted to read:

43 **62A-5-103.3. Pilot program for summer school and after school programs.**

44 (1) There is established a pilot program for the provision of summer and after school  
45 programs for children with a disability, beginning on July 1, 2008, and ending on July 1, 2009.

46 (2) The purpose of the pilot program described in this section is to facilitate an increase  
47 in the provision of summer school and after school services to children with a disability who  
48 have applied for, but are not yet receiving, ongoing services from the division.

49 (3) (a) The division shall make rules, in accordance with Title 63, Chapter 46a, Utah  
50 Administrative Rulemaking Act, as necessary for the implementation and administration of this  
51 section.

52 (b) The division may specify the basic requirements for a summer school or after  
53 school program that receives assistance under this pilot program.

54 (c) The division shall provide assistance under this pilot program to nonprofit entities,  
55 selected by the division, that commit to continue the summer school and after school programs  
56 to children described in Subsection (2):

57 (i) after the pilot program ends;

58 (ii) at no cost to the division; and

59 (iii) on a sliding fee schedule, based on the income of the parents or guardians of a  
60 child.

61 (4) In accordance with Subsection (5), within funds appropriated by the Legislature for  
62 the pilot program described in this section, the division:

63 (a) may operate the pilot program in the Wasatch Front and up to two rural areas  
64 designated by the division;

65 (b) shall, in accordance with Subsection (7), provide, or contract for, onsite training of  
66 employees at a facility owned by a nonprofit entity, selected by the division, that desires to  
67 develop summer school or after school programs for children with disabilities; and

68 (c) shall provide funds to partially or fully subsidize the expenses of children that the  
69 division selects to participate in the pilot program, based on a sliding fee schedule, based on the  
70 income of the parents or guardians of a child.

71 (5) Within funds appropriated by the Legislature for the pilot program described in this  
72 section, the division shall select children to participate in the pilot program from among  
73 children who:

74 (a) are school-age minors, as defined in Section 53A-11-101;

75 (b) are eligible to receive services from the division;

76 (c) have applied for, and whose parents or guardians are willing to have their child  
77 receive, services from the division;

78 (d) are not receiving other ongoing services from the division;

79 (e) are not able to receive sufficient summer school or after school program services  
80 from other sources;

81 (f) are determined by the division to be children who would substantially benefit from  
82 the provision of summer school or after school program services; and

83 (g) do not require the provision of other ongoing services from the division in order to  
84 substantially benefit from the provision of summer school or after school program services.

85 (6) (a) The division shall provide summer school or after school program services  
86 under this section outside of the prioritization criteria established by the division for the receipt  
87 of other services from the division.

88 (b) The division shall establish criteria to determine the priority, between persons  
89 eligible for services under this section, for receiving services under this section.

90 (7) The training described in Subsection (4)(b) shall focus on disability specific  
91 medical and behavioral training.

92 ~~§→ [(8) During the term of the pilot program, the division shall provide oversight of~~  
93 ~~summer school or after school programs that receive assistance under the pilot program.]~~ **(8) A**  
93a **summer school or after school program that receives assistance under the pilot program shall:**  
93b **(a) provide the division with the information necessary for the division to:**  
93c **(i) account for the use of division funds; and**  
93d **(ii) monitor the fiscal and operational functioning of the pilot program; and**  
93e **(b) cooperate with the division to gather outcome data relating to participants in the pilot**  
93f **program.** ←§

94 (9) It is the intent of the Legislature that the services provided under the pilot program  
95 described in this section:

96 (a) shall be provided separately from the Medicaid program described in Title XIX of  
97 the Social Security Act;

98 (b) may not be supported with Medicaid funds;

99 (c) may not be provided as part of a Medicaid waiver;

100 (d) do not constitute an entitlement of any kind; and

101 (e) may be withdrawn from a person at any time.

102 Section 2. Section **63-55b-159** is amended to read:

103 **63-55b-159. Repeal dates -- Title 59 through Title 62A.**

104 Section 62A-5-103.3 is repealed on July 1, 2009.

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**Legislative Review Note**  
**as of 1-30-08 12:18 PM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note****S.B. 188 - Pilot Program for Summer School and after School Programs for  
Children with a Disability**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation of \$150,000 from the General Fund.

	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2010 Approp.</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>	<u>FY 2010 Revenue</u>
General Fund, One-Time	\$0	\$150,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.