

Candice B. Pierucci proposes the following substitute bill:

Utah Fits All Scholarship Program Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill modifies the Utah Fits All Scholarship Program.

Highlighted Provisions:

This bill:

- ▶ amends the definition of private school;
- ▶ clarifies that eligible students must be under 19 years old as of September 1 of the scholarship year;
- ▶ establishes consumer protection standards for scholarship expenses and reimbursements;
- ▶ clarifies the role of online and virtual schools in the program;
- ▶ enhances program oversight and compliance mechanisms;
- ▶ improves customer service and marketplace operation standards; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53F-6-401, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53F-6-402, as last amended by Laws of Utah 2025, Chapter 25

53F-6-405, as last amended by Laws of Utah 2025, Chapter 25

53F-6-406, as last amended by Laws of Utah 2025, Chapter 25

53F-6-408, as last amended by Laws of Utah 2025, Chapter 25

53F-6-409, as last amended by Laws of Utah 2025, Chapter 25

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

30 Section 1. Section **53F-6-401** is amended to read:

31 **53F-6-401 . Definitions.**

32 As used in this part:

- 33 (1) "Contract administrator" means the state board's appointed Deputy Superintendent of
34 Operations that ensures the program manager or financial administrator meets
35 contractual obligations.
- 36 (2) "Contract oversight and compliance" means the oversight and coordination functions
37 performed by the Department of Operations contract administrator, including:
38 (a) establishing and maintaining program standards within a contract with a program
39 manager or financial administrator;
40 (b) determining operational requirements and structures;
41 (c) procuring and managing contracts for program services and standards;
42 (d) ensuring program integrity through direct or contracted oversight;
43 (e) coordinating program functions and contracted services with a program manager or
44 financial administrator; and
45 (f) maintaining appropriate separation between government oversight and independent
46 program operations.
- 47 (3) "Contracted entity" means:
48 (a) an organization that:
49 (i) contracts with the state board under Section 53F-6-404 to perform duties and
50 functions necessary for program administration and operations;
51 (ii) is not affiliated with any international organization;
52 (iii) does not harvest data for the purpose of reproducing or distributing the data to
53 other entities;
54 (iv) is not involved in guiding or directing any curriculum or curriculum standards;
55 and
56 (v) performs the specific duties and functions assigned in the contract with the state
57 board.
- 58 (b) "Contracted entity" includes:
59 (i) the program manager, unless the program manager is the Department of
60 Operations for any duration of time;
61 (ii) the financial administrator; and
62 (iii) any other entity contracted to perform program functions under Section

- 63 53F-6-404.
- 64 (c) "Contracted entity" does not include:
- 65 (i) a qualifying provider;
- 66 (ii) an eligible school; or
- 67 (iii) an eligible service provider.
- 68 (4)(a) "Contracted entity employee" means an individual working for an entity
- 69 contracted under Section 53F-6-404 in a position in which the individual's salary,
- 70 wages, pay, or compensation, including as a contractor, is paid from scholarship
- 71 funds.
- 72 (b) "Contracted entity employee" does not include:
- 73 (i) an individual who volunteers for a contracted entity or for a qualifying provider;
- 74 (ii) an individual who works for a qualifying provider; or
- 75 (iii) a qualifying provider.
- 76 (5) "Contracted entity officer" means:
- 77 (a) a member of the board of a contracted entity; or
- 78 (b) the chief administrative officer of a contracted entity.
- 79 (6) "Department of Operations" means the section of the state board that oversees financial
- 80 operations, procurement operations, data and statistics operations, school land trust, and
- 81 information technology operations for the state board.
- 82 (7)(a) "Educational supplements" means:
- 83 (i) materials, tools, and equipment that:
- 84 (A) are directly related to and necessary for subjects aligned with the core
- 85 standards the state board establishes pursuant to Section 53E-4-202;
- 86 (B) are used for specific learning objectives or competencies;
- 87 (C) support structured learning activities or lessons; and
- 88 (D) are consumable or non-reusable in nature;
- 89 (ii) supplemental learning materials that:
- 90 (A) directly support or enhance the delivery of instruction in core academic
- 91 subjects;
- 92 (B) are tied to specific educational goals or outcomes; and
- 93 (C) are not primarily for entertainment or general enrichment purposes;
- 94 (iii) arts and music education materials that:
- 95 (A) align with state core standards; and
- 96 (B) are used in structured arts or music instruction; and

- 97 (iv) other educational materials that the program manager determines are:
98 (A) necessary for meeting specific learning objectives;
99 (B) appropriate for the student's age or grade level; and
100 (C) primarily educational rather than recreational in nature.
- 101 (b) "Educational supplements" does not include:
102 (i) entertainment materials;
103 (ii) recreational equipment;
104 (iii) food or nutritional items;
105 (iv) furniture or household items;
106 (v) general office supplies not specific to an educational activity; or
107 (vi) other items that do not have a clear, direct educational purpose aligned with
108 academic instruction.
- 109 (8) "Eligible student" means a student:
110 (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
111 (b) who has not reached 19 years old before September 1 of the school year;
112 ~~(b)~~ (c) who is a primary resident of the state, including a child of a military service
113 member, as that term is defined in Section 53H-11-202;
114 ~~(c)~~ (d) who, during the school year for which the student is applying for a scholarship
115 account:
116 (i) does not receive a scholarship under:
117 (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or
118 (B) the Carson Smith Opportunity Scholarship Program established in Section
119 53E-7-402; and
120 (ii) before receiving the scholarship is not enrolled in:
121 (A) an LEA; or
122 (B) the Statewide Online Education Program to participate in a course with
123 funding provided under Chapter 4, Part 5, Statewide Online Education
124 Program, which does not include participation in a course by an entity as
125 described in Subsection 53F-6-409(7);
126 ~~(d)~~ (e) whose eligibility is not suspended or disqualified under Section 53F-6-401;
127 ~~(e)~~ (f) who completes, to maintain eligibility, the portfolio requirement described in
128 Subsection 53F-6-402(3)(d);
129 ~~(f)~~ (g) who provides verification of primary residence in Utah, including a parent's
130 utility bill, mortgage statement, lease agreement, or property tax records from the

- 131 current calendar year in which the eligible student is renewing, reapplying, or
132 applying for the scholarship for the first time; and
133 [~~(g)~~] (h) for out-of-state military families, who attests that the student is not enrolled in a
134 public school elsewhere while receiving the scholarship.
- 135 (9) "Federal poverty level" means the United States poverty level as defined by the most
136 recently revised poverty income guidelines published by the United States Department
137 of Health and Human Services in the Federal Register.
- 138 (10)(a) "Financial administrator" means an organization that:
139 (i) is not affiliated with any international organization;
140 (ii) does not harvest data for the purpose of reproducing or distributing the data to
141 other entities;
142 (iii) is not involved in guiding or directing any curriculum or curriculum standards;
143 and
144 (iv) contracts with the state board to administer scholarship payments in accordance
145 with this part.
- 146 (b) "Financial administrator" may include an organization that serves as both program
147 manager and financial administrator if the organization maintains appropriate
148 separation of duties and meets all qualifications for both roles.
- 149 (11)(a) "Home-based scholarship student" means a student who:
150 (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
151 (ii) attests to being exited from enrollment in a public school to attend a home-based
152 learning environment if the student was enrolled at any time in a public school;
153 and
154 (iii) receives a benefit of scholarship funds.
- 155 (b) "Home-based scholarship student" does not mean a home-based student who does
156 not receive a scholarship under the program.
- 157 (12) "Household income" means:
158 (a) the combined gross income of all parents residing in the same household as the
159 eligible student;
160 (b) the gross income of a single parent who claims the student as a dependent; or
161 (c) the gross income of a parent who claims the student as a dependent under the terms
162 of a joint custody agreement.
- 163 (13) "Parent" means:
164 (a) the same as that term is defined in Section 53E-1-102; and

- 165 (b) a foster parent who has initiated a process to adopt the foster child.
- 166 (14) "Primary residence" means the one location where an individual resides for the
167 majority of the year.
- 168 (15) "Private school" means:
- 169 (a) before the 2026-2027 school year, a full-time, tuition-bearing educational institution
170 where the student receives the majority of the student's academic instruction[-] ; and
- 171 (b) beginning the 2026-2027 school year, a non-public educational institution that:
- 172 (i) provides full-time, tuition-funded academic instruction as a student's primary
173 educational setting;
- 174 (ii) serves students in kindergarten through grade 12;
- 175 (iii) delivers a comprehensive curriculum across core academic subjects;
- 176 (iv) maintains daily instructional schedules and provides consistent oversight of
177 student learning;
- 178 (v) is responsible for monitoring academic progress, maintaining official student
179 records, and supporting structured advancement through defined grade levels;
- 180 (vi) guides students toward completion of an established course of study, culminating
181 in graduation or formal program completion;
- 182 (vii) requires regular in-person attendance at a physical location;
- 183 (viii) functions as the primary source of education for enrolled students rather than as
184 supplementary or part-time services; and
- 185 (ix) is not primarily an online or virtual school.
- 186 (16)(a) "Program manager" means a contracted entity or entities that:
- 187 (i) perform program operational functions outlined in the procurement agreement
188 described in Section 53F-6-404, including:
- 189 (A) processing scholarship applications and eligibility determinations;
- 190 (B) maintaining scholarship account records;
- 191 (C) coordinating with qualifying providers and the financial administrator; and
- 192 (D) providing customer service to program participants;
- 193 (ii) in accordance with required program administration, implement established
194 program standards and procedures; and
- 195 (iii) perform other operational duties as specified in the contract.
- 196 (b) "Program manager" may include an organization that serves as both program
197 manager and financial administrator if the organization maintains appropriate
198 separation of duties and meets all qualifications for both roles.

- 199 (17)(a) "Qualifying provider" means one of the following entities:
- 200 (i) an eligible school that the program manager approves in accordance with Section
- 201 53F-6-408; or
- 202 (ii) an eligible service provider that the program manager approves in accordance
- 203 with Section 53F-6-409.
- 204 (b) "Qualifying provider" does not include:
- 205 (i) a parent of a home-based scholarship student solely in relation to the parent's
- 206 child; or
- 207 (ii) any other individual that does not meet the requirements described in Subsection
- 208 (17)(a).
- 209 (18) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle,
- 210 aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
- 211 sister-in-law, son-in-law, or daughter-in-law.
- 212 (19) "Scholarship account" means the account to which a program manager allocates funds
- 213 for the payment of approved scholarship expenses in accordance with this part.
- 214 (20)(a) "Scholarship expense" means an expense described in Section 53F-6-402 that a
- 215 parent or scholarship student incurs in the education of the scholarship student for a
- 216 service or goods that a qualifying provider provides, including:
- 217 (i)(A) tuition and fees of a qualifying provider;
- 218 (B) for a private school student, tuition expenses only at an eligible school or
- 219 through the reimbursement process described in Subsections 53F-6-402(8) and
- 220 53F-6-402(15);
- 221 (ii) fees and instructional materials at a technical college;
- 222 (iii) tutoring services;
- 223 (iv) fees for after-school or summer education programs;
- 224 (v) textbooks, curricula, or other instructional materials, including any supplemental
- 225 materials or associated online instruction that a curriculum or a qualifying
- 226 provider recommends;
- 227 (vi) educational software and applications;
- 228 (vii) supplies or other equipment related to a scholarship student's educational needs;
- 229 (viii) computer hardware or other technological devices that are intended primarily
- 230 for a scholarship student's educational needs, not to exceed once every three years
- 231 for a scholarship student;
- 232 (ix) fees for the following examinations, or for a preparation course for the following

- 233 examinations, that the program manager approves:
- 234 (A) a national norm-referenced or standardized assessment described in Section
235 53F-6-410, an advanced placement examination, or another similar assessment;
- 236 (B) a state-recognized industry certification examination; and
- 237 (C) an examination related to college or university admission;
- 238 (x) educational services for students with disabilities from a licensed or accredited
239 practitioner or provider, including occupational, behavioral, physical, audiology,
240 or speech-language therapies;
- 241 (xi) contracted services that the program manager approves and that an LEA provider
242 offers, including individual classes, after-school tutoring services, transportation,
243 or fees or costs associated with participation in extracurricular activities;
- 244 (xii) ride fees or fares for a fee-for-service transportation provider to transport the
245 scholarship student to and from a qualifying provider, not to exceed \$750 in a
246 given school year;
- 247 (xiii) in accordance with Subsection (20)(c), expenses related to extracurricular
248 activities, field trips, educational supplements, physical education experiences,
249 and other educational experiences;
- 250 (xiv) coursework or an educational supplement for arts and music that aligns with
251 state core standards;
- 252 (xv) a musical instrument rental, excluding purchase; or
- 253 (xvi) any other expense for a good or service that:
- 254 (A) a parent or scholarship student incurs in the education of the scholarship
255 student; and
- 256 (B) the program manager approves.
- 257 (b) "Scholarship expense" does not include:
- 258 (i) chaperone expenses, except that a family with one or more scholarship students
259 receiving the scholarship under Subsection 53F-6-402(2)(c) may use scholarship
260 funds for one chaperone expense or pass per family, regardless of how many
261 scholarship students are in the family or household;
- 262 (ii) season tickets or subscriptions to entertainment venues;
- 263 (iii) ski passes or lift tickets;
- 264 (iv) access to recreational facilities unless for physical education of the student;
- 265 (v) playground equipment;
- 266 (vi) the purchase of any type of:

- 267 (A) furniture; or
 268 (B) a musical instrument;
 269 (vii) apparel; and
 270 (viii) other non-educational expenses as the program manager determines.
- 271 (c)(i) A scholarship expense for extracurricular activities may not exceed 20% of the
 272 total scholarship amount.
- 273 (ii) A scholarship expense for physical education requirements may not exceed an
 274 additional 20% of the total scholarship amount from the amount described in
 275 Subsection (20)(c)(i).
- 276 (iii) A scholarship expense for arts and music described in Subsection (20)(a)(xiv) is
 277 not an extracurricular activity.
- 278 (21) "Scholarship funds" means:
- 279 (a) funds that the Legislature appropriates for the program; and
 280 (b) interest that scholarship funds accrue.
- 281 (22)(a) "Scholarship student" means an eligible student, including a home-based
 282 scholarship student, for whom the program manager establishes and maintains a
 283 scholarship account in accordance with this part.
- 284 (b) "Scholarship student" does not include a home-based student who does not receive a
 285 scholarship award under the program.
- 286 (23) "Utah Fits All Scholarship Program" or "program" means the scholarship program
 287 established in Section 53F-6-402.
- 288 Section 2. Section **53F-6-402** is amended to read:
- 289 **53F-6-402 . Utah Fits All Scholarship Program -- Scholarship account**
 290 **application -- Scholarship expenses -- Program information.**
- 291 (1) Subject to Section 53F-6-415.5, there is established the Utah Fits All Scholarship
 292 Program under which a parent may apply to establish and maintain a scholarship
 293 account to cover the cost of a scholarship expense.
- 294 (2)(a) In accordance with this part and required program administration, the program
 295 manager shall establish and maintain scholarship accounts for eligible students.
- 296 (b) The program manager shall:
- 297 (i) determine that a student meets the requirements to be an eligible student; and
 298 (ii) subject to Subsection (2)(c), each year the student is an eligible student,
 299 coordinate with the financial administrator to maintain a scholarship account for
 300 the scholarship student to pay for the cost of one or more scholarship expenses

- 301 that the student or student's parent incurs in the student's education.
- 302 (c)(i) Each year, subject to this part and legislative appropriations, a scholarship
303 student is eligible for no more than:
- 304 [(i)] (A) for a private school student, \$8,000;
- 305 [(ii)] (B) for a home-based scholarship student age 5-11 as of September 1 of the
306 scholarship year, \$4,000; and
- 307 [(iii)] (C) for a home-based scholarship student age 12-18 as of September 1 of the
308 scholarship year, \$6,000.
- 309 (ii) Beginning the 2026-2027 school year, scholarship funds awarded for private
310 school students under Subsection (2)(c)(i) shall first be applied to tuition expenses
311 at an eligible school approved under Section 53F-6-408 or for monthly tuition
312 reimbursement as provided in Subsection (8) and Subsection (15), with any
313 remaining scholarship balance available for other allowable scholarship expenses.
- 314 (d) Unless otherwise authorized under Section 53F-6-411, scholarship funds to eligible
315 scholarship students shall be distributed to the program manager and through the
316 financial administrator in two equal payments:
- 317 (i) the first payment no later than July 31 of the scholarship year; and
- 318 (ii) the second payment no later than December 31 of the scholarship year.
- 319 (e) When a scholarship student exits the program during the school year:
- 320 (i) the program manager or the financial administrator shall:
- 321 (A) remove any remaining funds from the exited student's scholarship account; and
- 322 (B) make those funds available for new scholarship awards within the same year;
- 323 and
- 324 (ii) any new scholarship award made during the same year and using funds from an
325 exited student's account shall be prorated as follows:
- 326 (A) if awarded during the second quarter of the school year, no more than 75% of
327 the annual scholarship amount is allocated;
- 328 (B) if awarded during the third quarter of the school year, no more than 50% of
329 the annual scholarship amount is allocated; and
- 330 (C) no new scholarship awards shall be made during the fourth quarter of the
331 school year.
- 332 (3)(a) In accordance with required program administration, a program manager shall
333 direct the financial administrator to establish a scholarship account on behalf of an
334 eligible student who submits a timely application, unless the number of applications

- 335 exceeds available scholarship funds for the school year.
- 336 (b) If the number of applications exceeds the available scholarship funds for a school
337 year, the program manager shall select students on a random basis, except as
338 provided in Subsection (6), and as long as the student meets the eligibility criteria.
- 339 (c) An eligible student or a public education student shall submit an application for an
340 initial scholarship or renewal for each school year that the student intends to receive
341 scholarship funds.
- 342 (d)(i) To maintain eligibility for the following school year, a scholarship student or
343 the scholarship student's parent shall:
- 344 (A) complete and deliver to the program manager a portfolio describing the
345 scholarship student's educational opportunities and achievements under the
346 program for the given year; or
- 347 (B) submit results from an assessment as described in Section 53F-6-410.
- 348 (ii) The portfolio or assessment described in Subsection (3)(d)(i) must be submitted:
349 (A) no later than May 31; or
350 (B) in accordance with the assessment schedule submitted to and approved by the
351 program manager.
- 352 (iii) The receipt of the portfolio or assessment results by the program manager is a
353 condition of scholarship award for the following school year.
- 354 (iv) The program manager may not disclose the content of a given scholarship
355 student's portfolio except to the scholarship student's parent, unless the parent
356 provides written consent for the portfolio to be used as a sample or example, in
357 which case all personally identifiable information must be removed prior to such
358 use.
- 359 (4)(a) An application for a scholarship account shall contain an acknowledgment by the
360 student's parent that the qualifying provider selected by the parent for the student's
361 enrollment or engagement can provide education services for the student.
- 362 (b) A scholarship account application form shall contain the following statement:
- 363 "I acknowledge that:
- 364 1: A qualifying provider may not provide the same level of disability services that are
365 provided in a public school;
- 366 2: I will assume full financial responsibility for the education of my scholarship
367 recipient if I agree to this scholarship account;
- 368 3: Agreeing to establish this scholarship account has the same effect as a parental refusal

369 to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals
370 with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and

371 4: My child may return to a public school at any time, and I will notify the program
372 manager within five business days if my child returns to a public school that is not a qualifying
373 provider or if we have elected to take courses from the public portion of a qualifying
374 provider.".

375 (c) Upon agreeing to establish a scholarship account, the parent assumes full financial
376 responsibility for the education of the scholarship student, including the balance of
377 any expense incurred at a qualifying provider or for goods that are not paid for by the
378 scholarship student's scholarship account.

379 (d) Agreeing to establish a scholarship account has the same effect as a parental refusal
380 to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the
381 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

382 (e) The creation of the program or establishment of a scholarship account on behalf of a
383 student does not:

384 (i) imply that a public school did not provide a free and appropriate public education
385 for a student; or

386 (ii) constitute a waiver or admission by the state.

387 (5) A program manager or financial administrator may not charge a scholarship account
388 application fee.

389 (6)(a) A program manager shall give an enrollment preference based on the following
390 order of preference:

391 (i) to an eligible student who used a scholarship account in the previous school year
392 and has submitted the required accountability measure;

393 (ii) to an eligible student who is a sibling of an eligible student who:

394 (A) uses a scholarship account at the time the sibling applies for a scholarship
395 account; or

396 (B) used a scholarship account in the school year immediately preceding the
397 school year for which the sibling is applying for a scholarship account;

398 ~~(ii)~~ (iii) to an eligible student:

399 (A) who did not use a scholarship account in the previous school year; ~~and~~

400 (B) with a family income at or below 300% of the federal poverty level; and

401 (C) was part of a household that received a partial scholarship award under

402 Subsection 53F-6-402(14)(c) and the sibling was not among the children who

- 403 received a scholarship in that partial award; and
- 404 [~~(iii) to an eligible student who is a sibling of an eligible student who:~~]
- 405 [~~(A) uses a scholarship account at the time the sibling applies for a scholarship~~
- 406 ~~account; or]~~
- 407 [~~(B) used a scholarship account in the school year immediately preceding the~~
- 408 ~~school year for which the sibling is applying for a scholarship account; and]~~
- 409 (iv) for any remaining scholarships, to an eligible student on a lottery basis.
- 410 (b) If the number of eligible students within any preference tier described in Subsection
- 411 (6)(a) exceeds available scholarship funds the program manager shall grant awards
- 412 on a lottery basis.
- 413 (c)(i) For income verification purposes, a parent of a scholarship student shall:
- 414 (A) provide written consent authorizing the State Tax Commission to disclose the
- 415 parent's state individual income tax return information to the program manager;
- 416 and
- 417 (B) submit the consent in a form prescribed by the State Tax Commission.
- 418 (ii) Upon receiving the consent described in Subsection (6)(c)(i), the State Tax
- 419 Commission shall provide state individual income tax information to the program
- 420 manager for income verification purposes regarding the parent within 10 business
- 421 days.
- 422 (d) For income verification purposes:
- 423 (i) the program manager shall require documentation of household income, not
- 424 individual income;
- 425 (ii) if the individual income tax is a business income filing, require:
- 426 (A) the most recently filed business tax returns;
- 427 (B) year-to-date profit and loss statements; and
- 428 (C) documentation of the owner's draw or distributions; and
- 429 (iii) for households awaiting completion of tax filings for the year immediately
- 430 preceding the current year, the program manager shall accept the following
- 431 documentation for conditional approval and only until such a time as the current
- 432 tax year returns, year-to-date profit and loss statements, or documentation of
- 433 owner's draw or distributions are provided for the current tax year:
- 434 (A) the most recent W-2s;
- 435 (B) a current pay stub showing year-to-date earnings; and
- 436 (C) an employer verification letter.

- 437 (7)(a) Subject to Subsections (7)(b) through (e), a parent may use a scholarship account
438 to pay for a scholarship expense from a qualifying provider that a parent or
439 scholarship student incurs in the education of the scholarship student.
- 440 (b) A scholarship student or the scholarship student's parent may not use a scholarship
441 account for an expense that the student or parent does not incur in the education of
442 the scholarship student, including:
- 443 (i) a rehabilitation program that is not primarily designed for an educational purpose;
444 or
- 445 (ii) a travel expense other than a transportation expense described in Section
446 53F-6-401.
- 447 (c) The program manager or financial administrator may not:
- 448 (i) approve a scholarship expense for a service that a qualifying provider provides
449 unless the program manager determines that the scholarship student or the
450 scholarship student's parent incurred the scholarship expense in the education of
451 the scholarship student; or
- 452 (ii) reimburse an expense for a service or good that a provider that is not a qualifying
453 provider provides unless:
- 454 (A) the parent or scholarship student submits a receipt that shows the cost and
455 type of service or good and the name of provider;
- 456 (B) the expense would have qualified as a scholarship expense if a qualifying
457 provider provided the good or service;
- 458 (C) the provider of the good or service is not the parent of the student who is a
459 home-based scholarship student solely in relation to the parent's child;
- 460 (D) the program manager determines that the parent or scholarship student
461 incurred the expense in the education of the scholarship student; and
- 462 (E) the program manager or financial administrator determines that the parent or
463 scholarship student incurred the expense when the student was not enrolled in a
464 public school[-] ; and
- 465 (iii) beginning the 2026-2027 school year, approve or process payments to a private
466 school that requires a parent to pay the full annual scholarship amount upfront
467 with a promise or agreement to refund any portion of the scholarship funds to the
468 parent to circumvent the requirement that tuition expenses be paid first.
- 469 (d) The parent of a scholarship student may not receive scholarship funds as payment for
470 the parent's time spent educating the parent's child.

471 (e) Except for cases in which a scholarship student or the scholarship student's parent is
472 convicted of fraud in relation to scholarship funds, if a qualifying provider,
473 scholarship student, or scholarship student's parent repays an expenditure from a
474 scholarship account for an expense that is not approved under this Subsection (7), the
475 program manager shall credit the repaid amount back to the scholarship account
476 balance within 30 days after the day on which the program manager receives the
477 repayment.

478 (8) Beginning the 2026-2027 school year, for private schools that meet the definition in
479 Section 53F-6-401 but choose not to become approved eligible schools under Section
480 53F-6-408, parents may seek monthly tuition reimbursement through the scholarship
481 account reimbursement process for tuition expenses only.

482 ~~[(8)]~~ (9) Notwithstanding any other provision of law, funds that the program manager or
483 financial administrator disburses from the Utah Fits All Scholarship Program Restricted
484 Account created in Section 53F-6-411 under this part to a scholarship account on behalf
485 of a scholarship student do not constitute state taxable income to the parent of the
486 scholarship student.

487 ~~[(9)]~~ (10) The program manager shall prepare and disseminate information on the program
488 to a parent applying for a scholarship account on behalf of a student, including the
489 information that the program manager provides in accordance with Section 53F-6-405.

490 ~~[(10)]~~ (11) As frequently as necessary to maintain the information, the state board shall
491 provide information on the state board's website, including:

492 (a) scholarship account information;

493 (b) information on the program manager or financial administrator, including the
494 program manager's or financial administrator's contact information; and

495 (c) an overview of the program.

496 ~~[(11)]~~ (12) In accordance with required program administration, the program manager shall:

497 (a) in alignment with deadlines specified in Subsection 53F-6-405(1)(c), establish and
498 communicate to an eligible student a deadline by which the eligible student must
499 accept or deny the scholarship offer; and

500 (b) communicate to an eligible student that failure to respond by the deadline described
501 in Subsection ~~[(11)]~~(a) ~~(12)~~(a) shall result in forfeiture of the scholarship offer.

502 ~~[(12)]~~ (13) In accordance with Subsection 53F-6-403(7), the program manager shall:

503 (a) verify student eligibility status before removing any student from scholarship
504 eligibility;

- 505 (b) establish protocols for reviewing disputed eligibility determinations;
- 506 (c) implement a process for immediate reinstatement of eligibility when errors are
- 507 identified;
- 508 (d) maintain detailed records of all eligibility removals and reinstatements; and
- 509 (e) provide regular reports to the state board regarding eligibility status changes of a
- 510 scholarship student.
- 511 (14) When multiple children from the same household apply for scholarships, the program
- 512 manager shall:
- 513 (a) process applications from the same household together;
- 514 (b) approve or deny all children in the household as a unit based on the household's
- 515 priority tier; and
- 516 (c) if insufficient scholarship funds remain to award scholarships to all children in a
- 517 household applying as a unit:
- 518 (i) notify the household of the number of scholarships available;
- 519 (ii) allow the household to choose to:
- 520 (A) accept scholarships for the number of children for which funds are available,
- 521 with the household determining which children receive scholarships; or
- 522 (B) decline the partial award and remain on the waitlist for a future opportunity
- 523 when sufficient funds become available to serve all children in the household;
- 524 (iii) provide the household at least five business days to make the decision described
- 525 in Subsection (14)(c)(ii);
- 526 (iv) process the household's decision in accordance with the deadlines established in
- 527 Subsection 53F-6-402(12); and
- 528 (v) if the household accepts a partial award, place any remaining children from the
- 529 household on the waitlist in accordance with the children's original priority tier.
- 530 (15) Beginning the 2026-2027 school year:
- 531 (a) A parent may pay tuition directly to a private school that meets the definition in
- 532 Section 53F-6-401 but has not been approved as an eligible school under Section
- 533 53F-6-408.
- 534 (b) The parent may seek monthly reimbursement from the scholarship account for
- 535 tuition paid to such a school by submitting:
- 536 (i) a receipt or invoice from the private school showing the amount paid, student
- 537 name, and services provided;
- 538 (ii) evidence that the school meets the definition of a private school in Section

- 539 53F-6-401;
- 540 (iii) proof of the student's enrollment in the private school, which may include the
- 541 following:
- 542 (A) an enrollment agreement or contract;
- 543 (B) an acceptance letter from the school;
- 544 (C) written verification from the school on school letterhead or via school email;
- 545 (D) a receipt or invoice showing the student's name and tuition charges;
- 546 (E) a copy of the student's class schedule or report card; or
- 547 (F) other reasonable documentation the program manager determines sufficient to
- 548 verify enrollment;
- 549 (iv) for monthly reimbursement requests after the initial reimbursement, proof of the
- 550 student's continued enrollment in the private school, which may include:
- 551 (A) a current class schedule;
- 552 (B) a progress report or report card;
- 553 (C) written verification from the school that the student remains enrolled;
- 554 (D) documentation of tuition payments for the current period; or
- 555 (E) other reasonable documentation the program manager determines sufficient to
- 556 verify continued enrollment; and
- 557 (v) any other documentation the program manager reasonably requires.
- 558 (c) The program manager shall process reimbursement requests under this subsection
- 559 within 10 business days of receiving complete documentation.
- 560 (d) Reimbursements under this subsection are subject to the annual scholarship limits in
- 561 Subsection (2)(c).
- 562 (e) A private school receiving tuition payments under this subsection is not required to:
- 563 (i) submit an application to become an eligible school;
- 564 (ii) meet the requirements of Section 53F-6-408; or
- 565 (iii) enter into any agreement with the program manager or financial administrator.
- 566 (f) The reimbursement is limited to tuition expenses only and may not include fees,
- 567 materials, or other costs charged by the private school.

568 Section 3. Section **53F-6-405** is amended to read:

569 **53F-6-405 . Program manager duties -- Audit -- Prohibitions.**

- 570 (1) The program manager shall:
- 571 (a) administer the program, including:
- 572 (i) maintaining an application website that includes information on enrollment,

- 573 relevant application dates, and dates for notification of acceptance;
- 574 (ii) reviewing applications from and determining if a person is:
- 575 (A) an eligible school under Section 53F-6-408; or
- 576 (B) an eligible service provider under Section 53F-6-409;
- 577 (iii) establishing an application process that:
- 578 (A) opens March 1 of each year for existing scholarship students;
- 579 (B) opens April 1 of each year for new scholarship students;
- 580 (C) closes May 1 of each year;
- 581 (D) aligns with the acceptance deadline established under Subsection
- 582 53F-6-402(11) that shall be prior to July 1 of each year; and
- 583 (E) provides an eligible student with a decision regarding the eligible student's
- 584 application within 30 days of the application deadline specified in this
- 585 Subsection (1)(a);
- 586 (iv) reviewing and granting or denying applications for a scholarship account;
- 587 (v) determining the eligibility of scholarship expenses, including establishing
- 588 necessary policies and procedures;
- 589 (vi) approving qualifying providers in accordance with Section 53F-6-403; [and]
- 590 (vii) maintaining a list of approved qualifying providers; and
- 591 (viii) coordinating with the Department of Operations on policy interpretations,
- 592 compliance issues, and customer service standards;
- 593 (b) direct the financial administrator to:
- 594 (i) provide an online portal for the parent of a scholarship student to access the
- 595 scholarship student's account;
- 596 (ii) facilitate payments to a qualifying provider from the online portal;
- 597 (iii) ensure that scholarship funds in a scholarship account are readily available to a
- 598 scholarship student within five business days after receipt of funds from the state
- 599 board;
- 600 (iv) process scholarship payments in accordance with the payment schedule
- 601 established in Section 53F-6-411, unless otherwise authorized;
- 602 (v) in accordance with program administration when needed, develop and implement
- 603 a commercially viable, cost-effective, and parent-friendly system that:
- 604 (A) processes scholarship payments;
- 605 (B) maximizes payment flexibility;
- 606 (C) allows scholarship students and scholarship student's parents to publicly rate,

- 607 review, and share information about qualifying providers; and
- 608 (D) provides the program manager with continuous, real-time, view-only access to
- 609 all scholarship account transactions and balances, payment processing status,
- 610 provider payment history, reimbursement tracking, and account reconciliation
- 611 data;
- 612 (vi) upon receiving notification under Subsection (1)(c):
- 613 (A) obtain reimbursement of scholarship funds from a qualifying provider that
- 614 provides the services in which a scholarship student is no longer enrolled or
- 615 with which the scholarship student is no longer engaged; and
- 616 (B) expend all revenue from interest on scholarship funds or investments on
- 617 scholarship expenses; and
- 618 (vii) implement accounting procedures to track partial payments and remaining
- 619 balances;
- 620 (c) require a parent to notify the program manager if the parent's scholarship student is
- 621 no longer enrolled in or engaging a service:
- 622 (i) for which the scholarship student receives scholarship funds; and
- 623 (ii) that is provided to the scholarship student for an entire school year;
- 624 (d) each time the program manager makes an administrative decision that is adverse to a
- 625 scholarship student or the scholarship student's parent, inform the scholarship student
- 626 and the scholarship student's parent of the opportunity and process to appeal an
- 627 administrative decision of the program manager in accordance with the process
- 628 described in Section 53F-6-417;
- 629 (e) maintain a protected internal waitlist of all eligible students who have applied to the
- 630 program and are not yet scholarship students, including any student who removed the
- 631 student's application from the waitlist;
- 632 (f) provide aggregate data regarding the number of scholarship students and the number
- 633 of eligible students on the waitlist described in Subsection (1)(e);
- 634 (g) contract for annual and random audits on scholarship accounts conducted:
- 635 (i) by a certified public accountant who is independent from:
- 636 (A) the program manager; and
- 637 (B) the financial administrator's accounts and records pertaining to scholarship
- 638 funds; and
- 639 (ii) in accordance with generally accepted auditing standards;
- 640 (h) require the financial administrator to demonstrate financial accountability through

- 641 annual reporting requirements described in Section 53F-6-405.5;
- 642 (i) develop and implement an annual orientation for qualifying providers;
- 643 (j) administer the appeals process described in Section 53F-6-417;
- 644 (k) in accordance with Subsection 53F-6-411(4), manage scholarship rollovers;
- 645 (l) track and ensure compliance of allowed scholarship expenses; ~~and~~
- 646 (m) comply with enhanced accountability measures, including independent audits and
- 647 public disclosure of third-party contracts and fees related to the administration of the
- 648 program[-] ; and
- 649 (n) process parent reimbursement requests within 10 business days after the program
- 650 manager approves the expense and direct the financial administrator to process
- 651 approved reimbursements within this time frame.
- 652 (2) The program manager shall:
- 653 (a) require the financial administrator to submit monthly financial reports including:
- 654 (i) a statement of financial position;
- 655 (ii) a statement of activities;
- 656 (iii) account reconciliation statements;
- 657 (iv) detailed transaction reports; and
- 658 (v) exception reports highlighting any unusual activity; and
- 659 (b) oversee the financial administrator's compliance with requirements regarding:
- 660 (i) except for a reimbursement authorized under this part, the use of scholarship funds
- 661 from the online portal directly to a qualifying provider to pay for scholarship
- 662 expenses without the availability of withdrawal or other direct access to
- 663 scholarship funds by an individual; and
- 664 (ii) system compliance with industry standards for data privacy and cybersecurity,
- 665 including ensuring compliance with the Family Educational Rights and Privacy
- 666 Act, 34 C.F.R. Part 99.
- 667 (3) In advance of the program manager accepting applications in accordance with Section
- 668 53F-6-402 and as regularly as information develops, the program manager shall provide
- 669 information regarding the program by publishing a program handbook online for
- 670 scholarship applicants, scholarship students, parents, service providers seeking to
- 671 become qualifying providers, and qualifying providers, that includes information
- 672 regarding:
- 673 (a) the policies and processes of the program;
- 674 (b) approved scholarship expenses and qualifying providers, including that private

- 675 school scholarships shall first be applied to tuition expenses with any remaining
676 balance available for other allowable scholarship expenses;
- 677 (c) the responsibilities of parents regarding the program and scholarship funds;
678 (d) the duties of each contracted entity; and
679 (e) the opportunity and process to appeal an administrative decision of the program
680 manager in accordance with the process described in Section 53F-6-417.
- 681 (4) To ensure the fiscal security and compliance of the program, the program manager shall:
682 (a) prohibit any person from handling, managing, or processing scholarship funds, if, the
683 person poses a risk to the appropriate use of scholarship funds, as determined by
684 background checks the program manager conducted in accordance with Section
685 53F-6-407;
- 686 (b) establish procedures to ensure a fair process to:
687 (i) suspend scholarship student's eligibility for the program in the event of the
688 scholarship student's or scholarship student's parent's:
689 (A) intentional or substantial misuse of scholarship funds; or
690 (B) violation of this part or the terms of the program; and
691 (ii) if the program manager or financial administrator obtains evidence of fraudulent
692 use of scholarship funds, refer the case to the attorney general for collection or
693 criminal investigation; and
694 (iii) ensure that a scholarship student whose eligibility is suspended or disqualified
695 under this Subsection (4)(b) or Subsection (4)(c) based on the actions of the
696 student's parent regains eligibility if the student is placed with a different parent or
697 otherwise no longer resides with the parent related to the suspension or
698 disqualification; and
- 699 (c) notify the financial administrator, scholarship student, and scholarship student's
700 parent in writing:
701 (i) of the suspension described in Subsection (4)(b)(i);
702 (ii) that no further transactions, disbursements, or reimbursements are allowed;
703 (iii) that the scholarship student or scholarship student's parent may take corrective
704 action within 10 business days of the day on which the program manager provides
705 the notification; and
706 (iv) that without taking the corrective action within the time period described in
707 Subsection (4)(c)(iii), the program manager may disqualify the student's eligibility.
- 708 (5)(a) A program manager may not direct the financial administrator to:

- 709 (i) disburse scholarship funds to a qualifying provider or allow a qualifying provider
710 to use scholarship funds if:
- 711 (A) the program manager determines that the qualifying provider intentionally or
712 substantially misrepresented information on overpayment;
- 713 (B) the qualifying provider fails to refund an overpayment in a timely manner; or
714 (C) the qualifying provider routinely fails to provide scholarship students with
715 promised educational services; or
- 716 (ii) reimburse with scholarship funds an individual for the purchase of a good or
717 service if the program manager determines that:
- 718 (A) the scholarship student or the scholarship student's parent requesting
719 reimbursement intentionally or substantially misrepresented the cost or
720 educational purpose of the good or service; or
- 721 (B) the relevant scholarship student was not the exclusive user of the good or
722 service.
- 723 (b) A program manager shall notify a scholarship student if the program manager:
- 724 (i) stops disbursement of the scholarship student's scholarship funds to a qualifying
725 provider under Subsection (5)(a)(i); or
- 726 (ii) refuses reimbursement under Subsection (5)(a)(ii).
- 727 (6)(a) At any time, a scholarship student may change the qualifying provider to which
728 the scholarship student's scholarship account makes distributions.
- 729 (b) If, during the school year, a scholarship student changes the student's enrollment in
730 or engagement with a qualifying provider to another qualifying provider, the program
731 manager may direct the financial administrator to prorate scholarship funds between
732 the qualifying providers based on the time the scholarship student received the goods
733 or services or was enrolled.
- 734 (7) A program manager may not subvert the enrollment preferences required under Section
735 53F-6-402 or other provisions of this part to establish a scholarship account on behalf of
736 a relative of a contracted entity employee or contracted employee officer.
- 737 (8) In regards to customer service needs related to the program, the program manager shall:
- 738 (a) provide customer service regarding:
- 739 (i) program eligibility determinations;
- 740 (ii) application status;
- 741 (iii) qualifying provider approvals;
- 742 (iv) scholarship expense eligibility;

- 743 (v) program policies and requirements;
- 744 (vi) appeals and grievances;
- 745 (vii) accessibility for disabled individuals; and
- 746 (viii) general program information;
- 747 (b) ensure the financial administrator provides customer service regarding:
- 748 (i) scholarship account access;
- 749 (ii) payment processing status;
- 750 (iii) technical support for the payment portal;
- 751 (iv) account balance inquiries;
- 752 (v) transaction history; and
- 753 (vi) reimbursement status;
- 754 (c) establish customer service standards that the program manager and the financial
- 755 administrator must meet;
- 756 (d) require the financial administrator to:
- 757 (i) maintain adequate customer service staffing;
- 758 (ii) meet specified response time requirements; and
- 759 (iii) track and report on customer service metrics; [~~and~~]
- 760 (e) coordinate with the financial administrator to ensure seamless referral of inquiries
- 761 between contracted entities[-] ;
- 762 (f) maintain call center capacity adequate to serve current program participation levels,
- 763 including:
- 764 (i) sufficient staffing to handle call volume during standard and peak enrollment
- 765 periods;
- 766 (ii) scalability plans to increase customer service capacity as program enrollment
- 767 grows; and
- 768 (iii) regular capacity assessments to ensure staffing and infrastructure meet program
- 769 demands; and
- 770 (g) continue improvement of customer service based on parent feedback.
- 771 (9) Contracted entities may not charge processing fees to an eligible student or pass on
- 772 third-party fees related to the use or management of scholarship funds.
- 773 (10) The program manager shall establish and maintain a pre-approval process for
- 774 scholarship expenses that:
- 775 (a) allows parents to submit expense requests for review before incurring the expense;
- 776 (b) provides a response within seven business days indicating whether:

- 777 (i) the expense is approved as an allowable scholarship expense;
 778 (ii) the expense requires additional information or documentation; or
 779 (iii) the expense is not an allowable scholarship expense, with a clear explanation of
 780 the reason for denial;
- 781 (c) is accessible through the online portal, email, and telephone; and
 782 (d) maintains documentation of all pre-approval requests and decisions.
- 783 (11) If the program manager operates a marketplace for educational products or services:
 784 (a) prices shall reflect fair market value;
 785 (b) parents may purchase substantially similar items elsewhere and seek reimbursement;
 786 (c) the program manager may not require exclusive marketplace purchases;
 787 (d) the program manager may not resell used or returned goods through the marketplace;
 788 and
 789 (e) nothing in this subsection prohibits parents from purchasing used or resale
 790 educational materials, supplies, or equipment from third parties and seeking
 791 reimbursement through the scholarship account reimbursement process in accordance
 792 with this part.

793 Section 4. Section **53F-6-406** is amended to read:

794 **53F-6-406 . Qualifying provider regulatory autonomy -- Home school autonomy**
 795 **-- Student records -- Scholarship student status.**

- 796 (1) Nothing in this part:
 797 (a) except as expressly described in this part, grants additional authority to any state
 798 agency or LEA to regulate or control:
 799 (i) a private school, qualifying provider, or home school;
 800 (ii) students receiving education from a private school, qualifying provider, or home
 801 school;
- 802 (b) applies to or otherwise affects the freedom of choice of a home school student,
 803 including the curriculum, resources, developmental planning, or any other aspect of
 804 the home school student's education; or
- 805 (c) except as expressly provided in Section 53F-6-408 regarding LEA providers,
 806 expands the regulatory authority of the state, a state office holder, or an LEA to
 807 impose any additional regulation of a qualifying provider beyond any regulation
 808 necessary to administer this part.
- 809 (2) A qualifying provider:
 810 (a) has a right to maximum freedom from unlawful governmental control in providing

- 811 for the educational needs of a scholarship student who attends or engages with the
 812 qualifying provider; and
- 813 (b) is not an agent of the state by virtue of the provider's acceptance of payment from a
 814 scholarship account in accordance with this part.
- 815 (3) Except as provided in Section 53F-6-403 regarding qualifying providers, Section
 816 53F-6-408 regarding eligible schools, or Section 53F-6-409 regarding eligible service
 817 providers, a program manager may not require a qualifying provider to alter the
 818 qualifying provider's creed, practices, admissions policies, hiring practices, or curricula
 819 in order to accept scholarship funds.
- 820 (4) An LEA or a school in an LEA in which a scholarship student was previously enrolled
 821 shall provide to the scholarship student's parent a copy of all school records relating to
 822 the student that the LEA possesses within 30 days after the day on which the LEA or
 823 school receives the parent's request for the student's records, subject to:
- 824 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and
 825 (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- 827 (5) By virtue of a scholarship student's involvement in the program and unless otherwise
 828 expressly provided in statute, a scholarship student is not:
- 829 (a) enrolled in the public education system; or
 830 (b) otherwise subject to statute, administrative rules, or other state regulations as if the
 831 student was enrolled in the public education system.
- 832 (6)(a) A scholarship student may participate in public school athletics and
 833 extracurricular activities in the same manner as a home school student or private
 834 school student under Section 53G-6-702.
- 835 (b) An LEA may not:
- 836 (i) deny a scholarship student the opportunity to participate in athletics or
 837 extracurricular activities based solely on the student's scholarship status; or
 838 (ii) impose requirements on scholarship students for athletic or extracurricular
 839 participation that are more restrictive than those imposed on home school students
 840 or private school students.

841 Section 5. Section **53F-6-408** is amended to read:

842 **53F-6-408 . Eligible schools.**

- 843 (1) To be eligible to receive scholarship funds on behalf of a scholarship student as an
 844 eligible school, a private school with 150 or more enrolled students shall:
- 845 ~~[(a)(i) contract with an independent licensed certified public accountant to conduct~~

- 846 an agreed upon procedures engagement as the state board adopts, or obtain an
 847 audit and report that:]
- 848 [~~(A) a licensed independent certified public accountant conducts in accordance~~
 849 ~~with generally accepted auditing standards;]~~
- 850 [~~(B) presents the financial statements in accordance with generally accepted~~
 851 ~~accounting principles; and]~~
- 852 [~~(C) audits financial statements from within the 12 months immediately preceding~~
 853 ~~the audit; and]~~
- 854 [~~(ii) submit the audit report or report of the agreed upon procedure to the program~~
 855 ~~manager when the private school applies to receive scholarship funds;]~~
- 856 (a) submit to the program manager verification that the private school has obtained:
- 857 (i) an agreed upon procedures engagement conducted by an independent licensed
 858 certified public accountant that addresses financial solvency and working capital
 859 adequacy; or
- 860 (ii) an audit conducted by an independent licensed certified public accountant in
 861 accordance with generally accepted auditing standards that presents financial
 862 statements in accordance with generally accepted accounting principles;
- 863 (b) provide to the program manager and financial administrator:
- 864 (i) a federal employer identification number;
- 865 (ii) the provider's address and contact information;
- 866 (iii) a description of each program or service the provider proposes to offer a
 867 scholarship student; and
- 868 (iv) any other information as required by the program manager or financial
 869 administrator;
- 870 [~~(b)~~] (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
- 871 [~~(c)~~] (d) provide a written disclosure to the parent of each prospective scholarship
 872 student, before the student is enrolled, of:
- 873 (i) the education services that the school will provide to the scholarship student,
 874 including the cost of the provided services;
- 875 (ii) tuition costs;
- 876 (iii) additional fees the school will require a parent to pay during the school year; [and]
- 877 (iv) the skill or grade level of the curriculum in which the prospective scholarship
 878 student will participate; [and]
- 879 (v) beginning the 2026-2027 school year, whether the school charges tuition and fees

- 880 that equal or exceed the full scholarship amount and, if so, a clear statement that:
- 881 (A) no portion of the scholarship funds will be returned to the parent for other
- 882 educational expenses;
- 883 (B) the parent is responsible for any costs beyond the scholarship amount; and
- 884 (C) if a scholarship student withdraws and the school's refund policy provides for
- 885 a tuition refund, the school shall remit any refund directly to the program
- 886 manager for deposit back into the student's scholarship account in accordance
- 887 with the school's standard refund policies; and
- 888 (vi) beginning the 2026-2027 school year, a statement that the school's published
- 889 tuition costs, fees, and refund policies are identical for scholarship students and
- 890 regularly enrolled students, and that scholarship students will not be charged
- 891 different amounts or subject to different refund terms than other students enrolled
- 892 in the same programs;
- 893 ~~(d)~~ (e) require the following individuals to submit to a nationwide, fingerprint-based
- 894 criminal background check and ongoing monitoring, in accordance with Section
- 895 53G-11-402, as a condition for employment or appointment, as authorized by the
- 896 Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:
- 897 (i) an employee who does not hold:
- 898 (A) a current Utah educator license issued by the state board under Title 53E,
- 899 Chapter 6, Education Professional Licensure; or
- 900 (B) if the private school is not physically located in Utah, a current educator
- 901 license in the state where the private school is physically located; and
- 902 (ii) a contract employee[-] ;
- 903 (f) beginning the 2026-2027 school year, maintain and operate a functioning website
- 904 that includes:
- 905 (i) clearly posted tuition costs;
- 906 (ii) all additional fees required during the school year;
- 907 (iii) the school's refund and reimbursement policies in an easily accessible location;
- 908 (iv) contact information for the school's administration; and
- 909 (v) the school's physical address;
- 910 (g) beginning the 2026-2027 school year, report to the program manager within five
- 911 business days when a scholarship student withdraws from the school during the
- 912 school year; and
- 913 (h) beginning the 2026-2027 school year, ensure that all tuition charges, fees, and refund

914 policies applied to scholarship students are identical to those applied to regularly
 915 enrolled students in the same programs or grade levels.

916 (2)(a) The program manager shall ensure that:

917 (i) the verification required under Subsection (1)(a)(i):

918 (A) be from an audit or agreed upon procedures engagement completed within the
 919 12 months immediately preceding the private school's application to receive
 920 scholarship funds;

921 (B) confirm that the audit or agreed upon procedures engagement found the
 922 private school to be financially solvent with adequate working capital to
 923 maintain operations; and

924 (C) not include the underlying audit report or detailed financial information.

925 (b) The program manager:

926 (i) may only verify that the required audit or agreed upon procedures engagement
 927 was completed and found general financial solvency;

928 (ii) may not conduct, commission, or be involved in the audit or agreed upon
 929 procedures engagement; and

930 (iii) may not review detailed financial records of the private school beyond the
 931 verification described in Subsection (2)(a)(i).

932 [~~(2)~~] (3) A private school described in Subsection (1) is not eligible to receive scholarship
 933 funds if:

934 (a) the private school requires a scholarship student to sign a contract waiving the
 935 scholarship student's right to transfer to another qualifying provider during the school
 936 year;

937 (b) the verification required under Subsection (1)(a) indicates that the audit report
 938 contains a going concern explanatory paragraph; or

939 (c) the verification required under Subsection (1)(a) indicates that the report of the
 940 agreed upon procedures shows that the private school does not have adequate
 941 working capital to maintain operations for the first full year.

942 [~~(b)~~] the audit report described in Subsection (1)(a) contains a going concern explanatory
 943 paragraph; or]

944 [~~(c)~~] the report of the agreed upon procedures described in Subsection (1)(a) shows that
 945 the private school does not have adequate working capital to maintain operations for
 946 the first full year.]

947 [~~(3)~~] (4) To be eligible to receive scholarship funds on behalf of a scholarship student as an

- 948 eligible school, a private school with fewer than 150 enrolled students shall:
- 949 (a) provide to the program manager and financial administrator:
- 950 (i) a federal employer identification number;
- 951 (ii) the provider's address and contact information;
- 952 (iii) a description of each program or service the provider proposes to offer a
- 953 scholarship student; and
- 954 (iv) any other information as required by the program manager or financial
- 955 administrator; ~~and~~
- 956 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d[-] ;
- 957 (c) beginning the 2026-2027 school year, maintain and operate a functioning website
- 958 that includes:
- 959 (i) clearly posted tuition costs;
- 960 (ii) all additional fees required during the school year;
- 961 (iii) the school's refund and reimbursement policies in an easily accessible location;
- 962 (iv) contact information for the school's administration; and
- 963 (v) the school's physical address;
- 964 (d) provide a written disclosure to the parent of each prospective scholarship student,
- 965 before the student is enrolled, that includes:
- 966 (i) tuition costs;
- 967 (ii) additional fees required during the school year; and
- 968 (iii) beginning the 2026-2027 school year, if the school charges tuition and fees that
- 969 equal or exceed the full scholarship amount, a clear statement that no portion of
- 970 the scholarship funds will be returned to the parent for other educational expenses;
- 971 (e) beginning the 2026-2027 school year, a statement that the school's published tuition
- 972 costs, fees, and refund policies are identical for scholarship students and regularly
- 973 enrolled students; and
- 974 (f) beginning the 2026-2027 school year, report to the program manager within five
- 975 business days when a scholarship student withdraws from the school during the
- 976 school year.

977 [(4)] (5) A private school described in Subsection [(3)] (4) is not eligible to receive

978 scholarship funds if the private school requires a scholarship student to sign a contract

979 waiving the student's rights to transfer to another qualifying provider during the school

980 year.

981 [(5)] (6) To be eligible to receive scholarship funds on behalf of a scholarship student as an

982 eligible school, an LEA shall:

983 (a) provide to the program manager and financial administrator:

984 (i) a federal employer identification number;

985 (ii) the LEA's address and contact information; and

986 (iii) the amount to be charged under the program, in correlation with the LEA's
987 course and activity fee schedules, and a description of a class, program, or service
988 the LEA provides to a scholarship student;

989 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d; and

990 (c) ensure the provision of services to a scholarship student through which:

991 (i) the scholarship student does not enroll in the LEA; and

992 (ii) in accordance with Subsection 53F-2-302(2), the LEA does not receive WPU
993 funding related to the student's participation with the LEA;

994 (d) treat a scholarship student the same as the LEA would treat an enrolled student,
995 including in:

996 (i) participation allowances;

997 (ii) audition rules;

998 (iii) athletic team participation;

999 (iv) extracurricular activities; and

1000 (v) co-curricular activities;

1001 (e) not deny a scholarship student participation in any activity, team, or program simply
1002 because:

1003 (i) the student is a scholarship student; or

1004 (ii) of liability concerns specific to the student's scholarship status;

1005 (f) establish a transparent and fair fee structure for scholarship expenses offered by the
1006 LEA, including a fee schedule that:

1007 (i) is based on actual costs of providing services;

1008 (ii) is consistent with fees charged to enrolled students;

1009 (iii) itemizes all charges and fees;

1010 (iv) explains the basis for each fee; and

1011 (v) is updated annually;

1012 (g) provide the same liability coverage to scholarship students as provided to enrolled
1013 students; and

1014 (h) in accordance with Subsection 53F-6-402(7), create and maintain a distinct identifier
1015 in the LEA's student information system that:

- 1016 (i) clearly identifies a scholarship student; and
- 1017 (ii) distinguishes the scholarship student from a student enrolled in the LEA.
- 1018 ~~[(6)]~~ (7) An LEA described in Subsection ~~[(5)]~~ (6) is not eligible to receive scholarship funds
- 1019 if:
- 1020 (a) the LEA requires a public education system scholarship student to sign a contract
- 1021 waiving the student's rights to engage with another qualifying provider for a
- 1022 scholarship expense during the school year; or
- 1023 (b) the LEA refuses to offer services that do not require LEA enrollment to scholarship
- 1024 students under the program.
- 1025 ~~[(7)]~~ (8) Residential treatment facilities licensed by the state are not eligible to receive
- 1026 scholarship funds.
- 1027 ~~[(8)]~~ (9) A private school or LEA intending to receive scholarship funds shall:
- 1028 (a)(i) for a private school, submit an application to the program manager; or
- 1029 (ii) for an LEA, submit a notice to the program manager containing the information
- 1030 described in Subsection ~~[(5)(a)]~~ (6)(a); and
- 1031 (b) agree to not refund, rebate, or share scholarship funds with scholarship students or
- 1032 scholarship student's parents in any manner except remittances or refunds processed
- 1033 through the financial administrator to a scholarship account in accordance with this
- 1034 part and procedures that the program manager establishes, and the payment schedule
- 1035 described in Section 53F-6-411.
- 1036 ~~[(9)]~~ (10) The program manager shall:
- 1037 (a) if the private school or LEA meets the eligibility requirements of this section,
- 1038 recognize the private school or LEA as an eligible school and, for a private school,
- 1039 approve the application; and
- 1040 (b) make available to the public a list of eligible schools approved under this section.
- 1041 ~~[(10)]~~ (11) A private school approved under this section that changes ownership shall:
- 1042 (a) cease operation as an eligible school until:
- 1043 (i) the school submits a new application to the program manager; and
- 1044 (ii) the program manager approves the new application; and
- 1045 (b) demonstrate that the private school continues to meet the eligibility requirements of
- 1046 this section.
- 1047 ~~[(11)]~~ (12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1048 the state board shall establish rules for an LEA to create and publish fee structures for
- 1049 scholarship students.

- 1050 Section 6. Section **53F-6-409** is amended to read:
- 1051 **53F-6-409 . Eligible service providers.**
- 1052 (1) To be an eligible service provider, a private program or service:
- 1053 (a) shall provide to the program manager and financial administrator:
- 1054 (i) a federal employer identification number;
- 1055 (ii) the provider's address and contact information;
- 1056 (iii) a description of each program or service the provider proposes to offer directly to
- 1057 a scholarship student; and
- 1058 (iv) subject to Subsection (2), any other information as required by the program
- 1059 manager;
- 1060 (b) shall comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d; and
- 1061 (c) may not act as a consultant, clearing house, or intermediary that connects a
- 1062 scholarship student with or otherwise facilitates the student's engagement with a
- 1063 program or service that another entity provides.
- 1064 (2) The program manager shall adopt policies that maximize the number of eligible service
- 1065 providers, including accepting new providers throughout the school year, while ensuring
- 1066 education programs or services provided through the program meet student needs and
- 1067 otherwise comply with this part.
- 1068 (3) A private program or service intending to receive scholarship funds shall:
- 1069 (a) submit an application to the program manager;
- 1070 (b) complete all required orientation programs established by the program manager
- 1071 before receiving any scholarship funds and maintain a current orientation status
- 1072 throughout participation in the program; and
- 1073 (c) agree to not refund, rebate, or share scholarship funds with scholarship students or
- 1074 scholarship students' parents in any manner except remittances or refunds processed
- 1075 through the financial administrator to a scholarship account in accordance with this
- 1076 part and procedures that the program manager establishes.
- 1077 (4) The program manager shall:
- 1078 (a) if the private program or service meets the eligibility requirements of this section,
- 1079 recognize the private program or service as an eligible service provider and approve a
- 1080 private program or service's application to receive scholarship funds on behalf of a
- 1081 scholarship student; and
- 1082 (b) make available to the public a list of eligible service providers approved under this
- 1083 section.

- 1084 (5) A private program or service approved under this section that changes ownership shall:
1085 (a) cease operation as an eligible service provider until:
1086 (i) the program or service submits a new application to the program manager; and
1087 (ii) the program manager approves the new application; and
1088 (b) demonstrate that the private program or service continues to meet the eligibility
1089 requirements of this section.
- 1090 (6) The following are not eligible service providers:
1091 (a) a parent of a home-based scholarship student or a home school student solely in
1092 relation to the parent's child; or
1093 (b) any other individual that does not meet the requirements described in this section.
- 1094 (7) Nothing prohibits an entity that provides education services under the Statewide Online
1095 Education Program described in Chapter 4, Part 5, Statewide Online Education Program,
1096 from operating as an eligible service provider under this part to provide education
1097 services to scholarship students.
- 1098 (8) Beginning the 2026-2027 school year:
1099 (a) a fully online or virtual private school may participate in the program as an eligible
1100 service provider rather than an eligible school under Section 53F-6-408;
1101 (b) to be eligible as a service provider under this Subsection (8), an online or virtual
1102 school shall:
1103 (i) be registered to do business in the state;
1104 (ii) meet all requirements for eligible service providers under Subsections (1) through
1105 (3); and
1106 (iii) clearly disclose to parents that the school operates primarily online and does not
1107 require regular in-person attendance at a physical location; and
1108 (c) an online or virtual school approved under this Subsection (8):
1109 (i) is subject to the same requirements, oversight, and surety bond provisions as other
1110 eligible service providers; and
1111 (ii) may not represent itself as a private school eligible under Section 53F-6-408.

1112 **Section 7. Effective Date.**

1113 This bill takes effect:

- 1114 (1) except as provided in Subsection (2), May 6, 2026; or
1115 (2) if approved by two-thirds of all members elected to each house:
1116 (a) upon approval by the governor;
1117 (b) without the governor's signature, the day following the constitutional time limit of

1118 Utah Constitution, Article VII, Section 8; or
1119 (c) in the case of a veto, the date of veto override.