

Effective 5/12/2015

53A-1a-706 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.
 - (c) Beginning with the 2013-14 school year, the Legislature shall annually increase the amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:
 - (i) the average scholarship amount awarded as of December 1 in the previous year; and
 - (ii) the product of:
 - (A) the number of students in preschool through grade 12 in public schools statewide who have an IEP on December 1 of the previous year; and
 - (B) 0.0007.
 - (d) If the number of scholarship students as of December 1 in any school year equals or exceeds 7% of the number of students in preschool through grade 12 in public schools statewide who have an IEP as of December 1 in the same school year, the Public Education Appropriations Subcommittee shall study the requirement to increase appropriations for scholarship payments as provided in this section.
 - (e)
 - (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 school year.
 - (ii) If money is insufficient in a school year to pay for all the continuing scholarships, new scholarships may not be awarded during that school year and the money available for scholarships shall be prorated among the eligible students who received scholarships in the previous year.
- (2) Full-year scholarships shall be awarded in the following amounts:
 - (a) for a student who received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 2.5; or
 - (ii) the private school tuition and fees; and
 - (b) for a student who received an average of less than 180 minutes per day of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.5; or
 - (ii) the private school tuition and fees.
- (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- (4)
 - (a) The scholarship amount for a student who receives a waiver under Subsection 53A-1a-704(3) shall be based upon the assessment team's determination of the appropriate level of special education services to be provided to the student.
 - (b)
 - (i) If the student requires an average of 180 minutes per day or more of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(a).

- (ii) If the student requires less than an average of 180 minutes per day of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(b).
 - (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program, a full-year scholarship is equal to the amount specified in Subsection (3).
- (5)
- (a) Except as provided in Subsection (5)(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 quarterly in four equal amounts in each school year in which a scholarship is in force.
 - (b) In accordance with board rule, the board may 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.
- (6) A parent of a scholarship student shall notify the board if the student does not have continuing enrollment and attendance at an eligible private school.
- (7) Before scholarship payments are made, the board shall cross-check enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are not erroneously made.
- (8)
- (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 (8)(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 374, 2015 General Session