

Effective 1/1/2021

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53E-7-401 Definitions.

As used in this part:

- (1) "Eligible student" means a student who:
 - (a) is eligible to participate in public school, in kindergarten or grades 1 through 12;
 - (b) is a resident of the state;
 - (c)
 - (i) has an IEP; or
 - (ii) is determined by a multidisciplinary evaluation team to be eligible for services under the Individuals with Disabilities Education Act, Subchapter II, 20 U.S.C. Secs. 1400 to 1419; and
 - (d) during the school year for which the student is applying for the scholarship, is not:
 - (i) a student who receives a scholarship under the Carson Smith Scholarship Program created in Section 53F-4-302; or
 - (ii) a public school student.
- (2)
 - (a) "Employee" means an individual working in a position in which the individual's salary, wages, pay, or compensation, including as a contractor, is paid from:
 - (i) program donations to a scholarship granting organization; or
 - (ii) scholarship money allocated to a qualifying school by a scholarship granting organization under Section 53E-7-405.
 - (b) "Employee" does not include an individual who volunteers at the scholarship granting organization or qualifying school.
- (3) "Family income" means the annual income of the parent, parents, legal guardian, or legal guardians with whom a scholarship student lives.
- (4) "Federal poverty level" means the poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
- (5) "Officer" means:
 - (a) a member of the board of a scholarship granting organization or qualifying school; or
 - (b) the chief administrative officer of a scholarship granting organization or qualifying school.
- (6) "Program donations" means donations to the program under Section 53E-7-405.
- (7) "Qualifying school" means a private school that:
 - (a) provides kindergarten, elementary, or secondary education;
 - (b) is approved by the state board under Section 53E-7-408; and
 - (c) meets the requirements described in Section 53E-7-403.
- (8) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (9) "Scholarship" means a grant awarded to an eligible student:
 - (a) by a scholarship granting organization out of program donations; and
 - (b) for the purpose of paying for a scholarship expense.
- (10) "Scholarship expense" means:
 - (a) tuition, fees, or textbooks for a qualifying school;
 - (b) educational therapy, if the educational therapy is provided by a licensed physician or licensed practitioner, including occupational, behavioral, physical, or speech-language therapies;
 - (c) textbooks, curriculum, or other instructional materials, including supplemental materials or associated online instruction required by a curriculum;

- (d) tuition and fees for an online learning course or program; or
 - (e) fees associated with a state-recognized industry certification examination or any examination related to college or university admission.
- (11) "Scholarship granting organization" means an organization that is:
- (a) qualified as tax exempt under Section 501(c)(3), Internal Revenue Code; and
 - (b) recognized through an agreement with the state board as a scholarship granting organization, as described in Section 53E-7-404.
- (12) "Scholarship student" means an eligible student who receives a scholarship under this part.
- (13) "Special Needs Opportunity Scholarship Program" or "program" means the program established in Section 53E-7-402.
- (14) "Value of the weighted pupil unit" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic state-supported school program.