

**Effective 5/3/2023**

**Effective until 1/1/2024**

**53E-7-401 Definitions.**

As used in this part:

- (1) "Eligible student" means:
  - (a) a student who:
    - (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
    - (ii) is a resident of the state;
    - (iii)
      - (A) has an IEP; or
      - (B) is determined by a multidisciplinary evaluation team to be eligible for services under 20 U.S.C. Sec. 1401(3); and
    - (iv) during the school year for which the student is applying for the scholarship, is not:
      - (A) a student who receives a scholarship under the Carson Smith Scholarship Program created in Section 53F-4-302; or
      - (B) enrolled as a public school student; or
  - (b) a student who:
    - (i) meets the requirement of Subsections (1)(a)(i) and (ii); and
    - (ii) is a sibling of and resides in the same household as a student described in Subsection (1)(a) if:
      - (A) the student described in Subsection (1)(a) is a scholarship student and has verified enrollment or intent to enroll at a qualifying school; and
      - (B) the sibling is applying for a scholarship to attend the same qualifying school.
- (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) "Multidisciplinary evaluation team" means two or more individuals:
  - (a) who are qualified in two or more separate disciplines or professions; and
  - (b) who evaluate a child.
- (6) "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.
- (7) "Program donation" means a donation to the program under Section 53E-7-405.
- (8) "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.

- (9) "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.
- (10) "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.
- (11) "Scholarship expense" means an expense that a parent or eligible student incurs in the education of the eligible student for goods or a service that a qualifying school provides or facilitates, including:
- (a) tuition and fees of a qualifying school;
  - (b) fees and instructional materials at a technical college;
  - (c) tutoring services;
  - (d) fees for after-school or summer education programs;
  - (e) textbooks, curricula, or other instructional materials, including any supplemental materials or associated online instruction that a curriculum or a qualifying school recommends;
  - (f) educational software and applications;
  - (g) supplies or other equipment related to an eligible student's educational needs;
  - (h) computer hardware or other technological devices that are intended primarily for an eligible student's educational needs;
  - (i) fees for the following examinations, or for a preparation course for the following examinations, that the scholarship granting organization approves:
    - (i) a national norm-referenced or standardized assessment described in Section 53F-6-410, an advanced placement examination, or another similar assessment;
    - (ii) a state-recognized industry certification examination; and
    - (iii) an examination related to college or university admission;
  - (j) educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies;
  - (k) contracted services that the scholarship granting organization approves and that an LEA provides, including individual classes, after-school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;
  - (l) ride fees or fares for a fee-for-service transportation provider to transport the eligible student to and from a qualifying school, not to exceed \$750 in a given school year;
  - (m) expenses related to extracurricular activities, field trips, educational supplements, and other educational experiences; or
  - (n) the scholarship granting organization approves in accordance with Subsection 53E-7-405(3).
- (12) "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.
- (13) "Scholarship student" means an eligible student who receives a scholarship under this part.
- (14) "Special Needs Opportunity Scholarship Program" or "program" means the program established in Section 53E-7-402.
- (15) "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.