

**Effective 5/1/2024**

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

As used in this part:

- (1) "Eligible student" means a student:
  - (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
  - (b) who is a resident of the state, including a child of a military service member, as that term is defined in Section 53B-8-102;
  - (c) who, during the school year for which the student is applying for a scholarship account:
    - (i) does not receive a scholarship under:
      - (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or
      - (B) the Carson Smith Opportunity Scholarship Program established in Section 53E-7-402;and
    - (ii) is not enrolled in, upon receiving the scholarship:
      - (A) an LEA; or
      - (B) the Statewide Online Education Program to participate in a course with funding provided under Title 53F, Chapter 4, Part 5, Statewide Online Education Program, which does not include participation in a course by an entity as described in Subsection 53F-6-409(7);
  - (d) whose eligibility is not suspended or disqualified under Section 53F-6-401; and
  - (e) who completes, to maintain eligibility, the portfolio requirement described in Subsection 53F-6-402(3)(d).
- (2) "Federal poverty level" means the United States 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.
- (3)
  - (a) "Home-based scholarship student" means a student who:
    - (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
    - (ii) is excused from enrollment in an LEA in accordance with Section 53G-6-204 to attend a home school; and
    - (iii) receives a benefit of scholarship funds.
  - (b) "Home-based scholarship student" does not mean a home school student who does not receive a scholarship under the program.
- (4) "Parent" means:
  - (a) the same as that term is defined in Section 53E-1-102; and
  - (b) a foster parent who has initiated a process to adopt the foster child.
- (5) "Program manager" means an organization that:
  - (a) is qualified as tax exempt under Section 501(c)(3), Internal Revenue Code;
  - (b) is not affiliated with any international organization;
  - (c) does not harvest data for the purpose of reproducing or distributing the data to other entities;
  - (d) has no involvement in guiding or directing any curriculum or curriculum standards;
  - (e) does not manage or otherwise administer a scholarship under:
    - (i) the Carson Smith Scholarship Program established in Section 53F-4-302; or
    - (ii) the Carson Smith Opportunity Scholarship Program established in Section 53E-7-402; and
  - (f) an agreement with the state board recognizes as a program manager, in accordance with this part.
- (6)
  - (a) "Program manager employee" means an individual working for the program manager in a position in which the individual's salary, wages, pay, or compensation, including as a contractor, is paid from scholarship funds.

- (b) "Program manager employee" does not include:
  - (i) an individual who volunteers for the program manager or for a qualifying provider;
  - (ii) an individual who works for a qualifying provider; or
  - (iii) a qualifying provider.
- (7) "Program manager officer" means:
  - (a) a member of the board of a program manager; or
  - (b) the chief administrative officer of a program manager.
- (8)
  - (a) "Qualifying provider" means one of the following entities:
    - (i) an eligible school that the program manager approves in accordance with Section 53F-6-408; or
    - (ii) an eligible service provider that the program manager approves in accordance with Section 53F-6-409.
  - (b) "Qualifying provider" does not include:
    - (i) a parent of a home-based scholarship student or a home school student solely in relation to the parent's child; or
    - (ii) any other individual that does not meet the requirements described in Subsection (8)(a).
- (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 account" means the account to which a program manager allocates funds for the payment of approved scholarship expenses in accordance with this part.
- (11) "Scholarship expense" means an expense described in Section 53F-6-402 that a parent or scholarship student incurs in the education of the scholarship student for a service or goods that a qualifying provider provides, including:
  - (a) tuition and fees of a qualifying provider;
  - (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 provider recommends;
  - (f) educational software and applications;
  - (g) supplies or other equipment related to a scholarship student's educational needs;
  - (h) computer hardware or other technological devices that are intended primarily for a scholarship student's educational needs;
  - (i) fees for the following examinations, or for a preparation course for the following examinations, that the program manager 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 program manager 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 scholarship student to and from a qualifying provider, 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) any other expense for a good or service that:
    - (i) a parent or scholarship student incurs in the education of the scholarship student; and
    - (ii) the program manager approves, in accordance with Subsection (5)(d).
- (12) "Scholarship funds" means:
- (a) funds that the Legislature appropriates for the program; and
  - (b) interest that scholarship funds accrue.
- (13)
- (a) "Scholarship student" means an eligible student, including a home-based scholarship student, for whom the program manager establishes and maintains a scholarship account in accordance with this part.
  - (b) "Scholarship student" does not include a home school student who does not receive a scholarship award under the program.
- (14) "Utah Fits All Scholarship Program" or "program" means the scholarship program established in Section 53F-6-402.

Amended by Chapter 26, 2024 General Session