

Effective 5/6/2026

53F-6-401 Definitions.

As used in this part:

- (1) "Contract administrator" means the state board's appointed Deputy Superintendent of Operations that ensures the program manager or financial administrator meets contractual obligations.
- (2) "Contract oversight and compliance" means the oversight and coordination functions performed by the Department of Operations contract administrator, including:
 - (a) establishing and maintaining program standards within a contract with a program manager or financial administrator;
 - (b) determining operational requirements and structures;
 - (c) procuring and managing contracts for program services and standards;
 - (d) ensuring program integrity through direct or contracted oversight;
 - (e) coordinating program functions and contracted services with a program manager or financial administrator; and
 - (f) maintaining appropriate separation between government oversight and independent program operations.
- (3) "Contracted entity" means:
 - (a) an organization that:
 - (i) contracts with the state board under Section 53F-6-404 to perform duties and functions necessary for program administration and operations;
 - (ii) is not affiliated with any international organization;
 - (iii) does not harvest data for the purpose of reproducing or distributing the data to other entities;
 - (iv) is not involved in guiding or directing any curriculum or curriculum standards; and
 - (v) performs the specific duties and functions assigned in the contract with the state board.
 - (b) "Contracted entity" includes:
 - (i) the program manager, unless the program manager is the Department of Operations for any duration of time;
 - (ii) the financial administrator; and
 - (iii) any other entity contracted to perform program functions under Section 53F-6-404.
 - (c) "Contracted entity" does not include:
 - (i) a qualifying provider;
 - (ii) an eligible school; or
 - (iii) an eligible service provider.
- (4)
 - (a) "Contracted entity employee" means an individual working for an entity contracted under Section 53F-6-404 in a position in which the individual's salary, wages, pay, or compensation, including as a contractor, is paid from scholarship funds.
 - (b) "Contracted entity employee" does not include:
 - (i) an individual who volunteers for a contracted entity or for a qualifying provider;
 - (ii) an individual who works for a qualifying provider; or
 - (iii) a qualifying provider.
- (5) "Contracted entity officer" means:
 - (a) a member of the board of a contracted entity; or
 - (b) the chief administrative officer of a contracted entity.

- (6) "Department of Operations" means the section of the state board that oversees financial operations, procurement operations, data and statistics operations, school land trust, and information technology operations for the state board.
- (7)
- (a) "Educational supplements" means:
- (i) materials, tools, and equipment that:
 - (A) are directly related to and necessary for subjects aligned with the core standards the state board establishes pursuant to Section 53E-4-202;
 - (B) are used for specific learning objectives or competencies;
 - (C) support structured learning activities or lessons; and
 - (D) are consumable or non-reusable in nature;
 - (ii) supplemental learning materials that:
 - (A) directly support or enhance the delivery of instruction in core academic subjects;
 - (B) are tied to specific educational goals or outcomes; and
 - (C) are not primarily for entertainment or general enrichment purposes;
 - (iii) arts and music education materials that:
 - (A) align with state core standards; and
 - (B) are used in structured arts or music instruction; and
 - (iv) other educational materials that the program manager determines are:
 - (A) necessary for meeting specific learning objectives;
 - (B) appropriate for the student's age or grade level; and
 - (C) primarily educational rather than recreational in nature.
- (b) "Educational supplements" does not include:
- (i) entertainment materials;
 - (ii) recreational equipment;
 - (iii) food or nutritional items;
 - (iv) furniture or household items;
 - (v) general office supplies not specific to an educational activity; or
 - (vi) other items that do not have a clear, direct educational purpose aligned with academic instruction.
- (8) "Eligible student" means a student:
- (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
 - (b) who has not reached 19 years old before September 1 of the school year;
 - (c) who is a primary resident of the state, including a child of a military service member, as that term is defined in Section 53H-11-202;
 - (d) 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) before receiving the scholarship is not enrolled in:
 - (A) an LEA; or
 - (B) the Statewide Online Education Program to participate in a course with funding provided under 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);
 - (e) whose eligibility is not suspended or disqualified under Section 53F-6-401;
 - (f) who completes, to maintain eligibility, the portfolio requirement described in Subsection 53F-6-402(3)(d);

- (g) who provides verification of primary residence in Utah, including a parent's utility bill, mortgage statement, lease agreement, or property tax records from the current calendar year in which the eligible student is renewing, reapplying, or applying for the scholarship for the first time; and
 - (h) for out-of-state military families, who attests that the student is not enrolled in a public school elsewhere while receiving the scholarship.
- (9) "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.
- (10)
- (a) "Financial administrator" means an organization that:
 - (i) is not affiliated with any international organization;
 - (ii) does not harvest data for the purpose of reproducing or distributing the data to other entities;
 - (iii) is not involved in guiding or directing any curriculum or curriculum standards; and
 - (iv) contracts with the state board to administer scholarship payments in accordance with this part.
 - (b) "Financial administrator" may include an organization that serves as both program manager and financial administrator if the organization maintains appropriate separation of duties and meets all qualifications for both roles.
- (11)
- (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) attests to being exited from enrollment in a public school to attend a home-based learning environment if the student was enrolled at any time in a public school; and
 - (iii) receives a benefit of scholarship funds.
 - (b) "Home-based scholarship student" does not mean a home-based student who does not receive a scholarship under the program.
- (12) "Household income" means:
- (a) the combined gross income of all parents residing in the same household as the eligible student;
 - (b) the gross income of a single parent who claims the student as a dependent; or
 - (c) the gross income of a parent who claims the student as a dependent under the terms of a joint custody agreement.
- (13) "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.
- (14) "Primary residence" means the one location where an individual resides for the majority of the year.
- (15)
- (a) "Private school" means a full-time, tuition-bearing educational institution where the student receives the majority of the student's academic instruction.
 - (b) "Private school" does not include:
 - (i) an entity that distributes, rebates, or passes through to families any portion of enrollment-based funding received by an LEA;
 - (ii) shares common ownership, management, officers, or directors with an entity described in Subsection (15)(b)(i); or
 - (iii) is structured to circumvent Subsections (15)(b)(i) or (ii).
- (16)

- (a) "Program manager" means a contracted entity or entities that:
 - (i) perform program operational functions outlined in the procurement agreement described in Section 53F-6-404, including:
 - (A) processing scholarship applications and eligibility determinations;
 - (B) maintaining scholarship account records;
 - (C) coordinating with qualifying providers and the financial administrator; and
 - (D) providing customer service to program participants;
 - (ii) in accordance with required program administration, implement established program standards and procedures; and
 - (iii) perform other operational duties as specified in the contract.
 - (b) "Program manager" may include an organization that serves as both program manager and financial administrator if the organization maintains appropriate separation of duties and meets all qualifications for both roles.
- (17)
- (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 solely in relation to the parent's child; or
 - (ii) any other individual that does not meet the requirements described in Subsection (17)(a).
- (18) "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.
- (19) "Scholarship account" means the account to which a program manager allocates funds for the payment of approved scholarship expenses in accordance with this part.
- (20)
- (a) "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:
 - (i) tuition and fees of a qualifying provider;
 - (ii) fees and instructional materials at a technical college;
 - (iii) tutoring services;
 - (iv) fees for after-school or summer education programs;
 - (v) textbooks, curricula, or other instructional materials, including any supplemental materials or associated online instruction that a curriculum or a qualifying provider recommends;
 - (vi) educational software and applications;
 - (vii) supplies or other equipment related to a scholarship student's educational needs;
 - (viii) computer hardware or other technological devices that are intended primarily for a scholarship student's educational needs, not to exceed once every three years for a scholarship student;
 - (ix) fees for the following examinations, or for a preparation course for the following examinations, that the program manager approves:
 - (A) a national norm-referenced or standardized assessment described in Section 53F-6-410, an advanced placement examination, or another similar assessment;
 - (B) a state-recognized industry certification examination; and
 - (C) an examination related to college or university admission;

- (x) educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies;
- (xi) contracted services that the program manager approves and that an LEA provider offers, including individual classes, after-school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;
- (xii) 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;
- (xiii) in accordance with Subsection (20)(c), expenses related to extracurricular activities, field trips, educational supplements, physical education experiences, and other educational experiences;
- (xiv) coursework or an educational supplement for arts and music that aligns with state core standards;
- (xv) a musical instrument rental, excluding purchase; or
- (xvi) any other expense for a good or service that:
 - (A) a parent or scholarship student incurs in the education of the scholarship student; and
 - (B) the program manager approves.
- (b) "Scholarship expense" does not include:
 - (i) chaperone expenses, except that a family with one or more scholarship students receiving the scholarship under Subsection 53F-6-402(2)(c) may use scholarship funds for one chaperone expense or pass per family, regardless of how many scholarship students are in the family or household;
 - (ii) season tickets or subscriptions to entertainment venues;
 - (iii) ski passes or lift tickets;
 - (iv) access to recreational facilities unless for physical education of the student;
 - (v) playground equipment;
 - (vi) the purchase of any type of:
 - (A) furniture; or
 - (B) a musical instrument;
 - (vii) apparel; and
 - (viii) other non-educational expenses as the program manager determines.
- (c)
 - (i) A scholarship expense for extracurricular activities may not exceed 20% of the total scholarship amount.
 - (ii) A scholarship expense for physical education requirements may not exceed an additional 20% of the total scholarship amount from the amount described in Subsection (20)(c)(i).
 - (iii) A scholarship expense for arts and music described in Subsection (20)(a)(xiv) is not an extracurricular activity.
- (21) "Scholarship funds" means:
 - (a) funds that the Legislature appropriates for the program; and
 - (b) interest that scholarship funds accrue.
- (22)
 - (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-based student who does not receive a scholarship award under the program.

(23) "Utah Fits All Scholarship Program" or "program" means the scholarship program established in Section 53F-6-402.

Amended by Chapter 203, 2026 General Session