

Effective 5/6/2026

53F-6-402 Utah Fits All Scholarship Program -- Scholarship account application -- Scholarship expenses -- Program information.

- (1) Subject to Section 53F-6-415.5, there is established the Utah Fits All Scholarship Program under which a parent may apply to establish and maintain a scholarship account to cover the cost of a scholarship expense.
- (2)
 - (a) In accordance with this part and required program administration, the program manager shall establish and maintain scholarship accounts for eligible students.
 - (b) The program manager shall:
 - (i) determine that a student meets the requirements to be an eligible student; and
 - (ii) subject to Subsection (2)(c), each year the student is an eligible student, coordinate with the financial administrator to maintain a scholarship account for the scholarship student to pay for the cost of one or more scholarship expenses that the student or student's parent incurs in the student's education.
 - (c) Each year, subject to this part and legislative appropriations, a scholarship student is eligible for no more than:
 - (i) for a private school student, \$8,000;
 - (ii) for a home-based scholarship student age 5-11 as of September 1 of the scholarship year, \$4,000; and
 - (iii) for a home-based scholarship student age 12-18 as of September 1 of the scholarship year, \$6,000.
 - (d) Unless otherwise authorized under Section 53F-6-411, scholarship funds to eligible scholarship students shall be distributed to the program manager and through the financial administrator in two equal payments:
 - (i) the first payment no later than July 31 of the scholarship year; and
 - (ii) the second payment no later than December 31 of the scholarship year.
 - (e) When a scholarship student exits the program during the school year:
 - (i) the program manager or the financial administrator shall:
 - (A) remove any remaining funds from the exited student's scholarship account; and
 - (B) make those funds available for new scholarship awards within the same year; and
 - (ii) any new scholarship award made during the same year and using funds from an exited student's account shall be prorated as follows:
 - (A) if awarded during the second quarter of the school year, no more than 75% of the annual scholarship amount is allocated;
 - (B) if awarded during the third quarter of the school year, no more than 50% of the annual scholarship amount is allocated; and
 - (C) no new scholarship awards shall be made during the fourth quarter of the school year.
- (3)
 - (a) In accordance with required program administration, a program manager shall direct the financial administrator to establish a scholarship account on behalf of an eligible student who submits a timely application, unless the number of applications exceeds available scholarship funds for the school year.
 - (b) If the number of applications exceeds the available scholarship funds for a school year, the program manager shall select students on a random basis, except as provided in Subsection (6), and as long as the student meets the eligibility criteria.

- (c) An eligible student or a public education student shall submit an application for an initial scholarship or renewal for each school year that the student intends to receive scholarship funds.
- (d)
 - (i) To maintain eligibility for the following school year, a scholarship student or the scholarship student's parent shall:
 - (A) complete and deliver to the program manager a portfolio describing the scholarship student's educational opportunities and achievements under the program for the given year; or
 - (B) submit results from an assessment as described in Section 53F-6-410.
 - (ii) The portfolio or assessment described in Subsection (3)(d)(i) must be submitted:
 - (A) no later than May 31; or
 - (B) in accordance with the assessment schedule submitted to and approved by the program manager.
 - (iii) The receipt of the portfolio or assessment results by the program manager is a condition of scholarship award for the following school year.
 - (iv) The program manager may not disclose the content of a given scholarship student's portfolio except to the scholarship student's parent, unless the parent provides written consent for the portfolio to be used as a sample or example, in which case all personally identifiable information must be removed prior to such use.
- (4)
 - (a) An application for a scholarship account shall contain an acknowledgment by the student's parent that the qualifying provider selected by the parent for the student's enrollment or engagement can provide education services for the student.
 - (b) A scholarship account application form shall contain the following statement:
 - "I acknowledge that:
 - 1: A qualifying provider may not provide the same level of disability services that are provided in a public school;
 - 2: I will assume full financial responsibility for the education of my scholarship recipient if I agree to this scholarship account;
 - 3: Agreeing to establish this scholarship account has the same effect as a parental refusal to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and
 - 4: My child may return to a public school at any time, and I will notify the program manager within five business days if my child returns to a public school that is not a qualifying provider or if we have elected to take courses from the public portion of a qualifying provider."
 - (c) Upon agreeing to establish a scholarship account, the parent assumes full financial responsibility for the education of the scholarship student, including the balance of any expense incurred at a qualifying provider or for goods that are not paid for by the scholarship student's scholarship account.
 - (d) Agreeing to establish a scholarship account has the same effect as a parental refusal to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
 - (e) The creation of the program or establishment of a scholarship account on behalf of a student does not:
 - (i) imply that a public school did not provide a free and appropriate public education for a student; or
 - (ii) constitute a waiver or admission by the state.

- (5) A program manager or financial administrator may not charge a scholarship account application fee.
- (6)
- (a) A program manager shall give an enrollment preference based on the following order of preference:
 - (i) to an eligible student who used a scholarship account in the previous school year and has submitted the required accountability measure;
 - (ii) to an eligible student who is a sibling of an eligible student who:
 - (A) uses a scholarship account at the time the sibling applies for a scholarship account; or
 - (B) used a scholarship account in the school year immediately preceding the school year for which the sibling is applying for a scholarship account;
 - (iii) to an eligible student:
 - (A) who did not use a scholarship account in the previous school year;
 - (B) with a family income at or below 300% of the federal poverty level; and
 - (C) was part of a household that received a partial scholarship award under Subsection 53F-6-402(13)(c) and the sibling was not among the children who received a scholarship in that partial award; and
 - (iv) for any remaining scholarships, to an eligible student on a lottery basis.
 - (b) If the number of eligible students within any preference tier described in Subsection (6)(a) exceeds available scholarship funds the program manager shall grant awards on a lottery basis.
 - (c)
 - (i) For income verification purposes, a parent of a scholarship student shall:
 - (A) provide written consent authorizing the State Tax Commission to disclose the parent's state individual income tax return information to the program manager; and
 - (B) submit the consent in a form prescribed by the State Tax Commission.
 - (ii) Upon receiving the consent described in Subsection (6)(c)(i), the State Tax Commission shall provide state individual income tax information to the program manager for income verification purposes regarding the parent within 10 business days.
 - (d) For income verification purposes:
 - (i) the program manager shall require documentation of household income, not individual income;
 - (ii) if the individual income tax is a business income filing, require:
 - (A) the most recently filed business tax returns;
 - (B) year-to-date profit and loss statements; and
 - (C) documentation of the owner's draw or distributions; and
 - (iii) for households awaiting completion of tax filings for the year immediately preceding the current year, the program manager shall accept the following documentation for conditional approval and only until such a time as the current tax year returns, year-to-date profit and loss statements, or documentation of owner's draw or distributions are provided for the current tax year:
 - (A) the most recent W-2s;
 - (B) a current pay stub showing year-to-date earnings; and
 - (C) an employer verification letter.
- (7)
- (a) Subject to Subsections (7)(b) through (e), a parent may use a scholarship account to pay for a scholarship expense from a qualifying provider that a parent or scholarship student incurs in the education of the scholarship student.

- (b) A scholarship student or the scholarship student's parent may not use a scholarship account for an expense that the student or parent does not incur in the education of the scholarship student, including:
 - (i) a rehabilitation program that is not primarily designed for an educational purpose; or
 - (ii) a travel expense other than a transportation expense described in Section 53F-6-401.
- (c) The program manager or financial administrator may not:
 - (i) approve a scholarship expense for a service that a qualifying provider provides unless the program manager determines that the scholarship student or the scholarship student's parent incurred the scholarship expense in the education of the scholarship student; or
 - (ii) reimburse an expense for a service or good that a provider that is not a qualifying provider provides unless:
 - (A) the parent or scholarship student submits a receipt that shows the cost and type of service or good and the name of provider;
 - (B) the expense would have qualified as a scholarship expense if a qualifying provider provided the good or service;
 - (C) the provider of the good or service is not the parent of the student who is a home-based scholarship student solely in relation to the parent's child;
 - (D) the program manager determines that the parent or scholarship student incurred the expense in the education of the scholarship student; and
 - (E) the program manager or financial administrator determines that the parent or scholarship student incurred the expense when the student was not enrolled in a public school.
- (d) The parent of a scholarship student may not receive scholarship funds as payment for the parent's time spent educating the parent's child.
- (e) Except for cases in which a scholarship student or the scholarship student's parent is convicted of fraud in relation to scholarship funds, if a qualifying provider, scholarship student, or scholarship student's parent repays an expenditure from a scholarship account for an expense that is not approved under this Subsection (7), the program manager shall credit the repaid amount back to the scholarship account balance within 30 days after the day on which the program manager receives the repayment.
- (8) Notwithstanding any other provision of law, funds that the program manager or financial administrator disburses from the Utah Fits All Scholarship Program Restricted Account created in Section 53F-6-411 under this part to a scholarship account on behalf of a scholarship student do not constitute state taxable income to the parent of the scholarship student.
- (9) The program manager shall prepare and disseminate information on the program to a parent applying for a scholarship account on behalf of a student, including the information that the program manager provides in accordance with Section 53F-6-405.
- (10) As frequently as necessary to maintain the information, the state board shall provide information on the state board's website, including:
 - (a) scholarship account information;
 - (b) information on the program manager or financial administrator, including the program manager's or financial administrator's contact information; and
 - (c) an overview of the program.
- (11) In accordance with required program administration, the program manager shall:
 - (a) in alignment with deadlines specified in Subsection 53F-6-405(1)(c), establish and communicate to an eligible student a deadline by which the eligible student must accept or deny the scholarship offer; and
 - (b) communicate to an eligible student that failure to respond by the deadline described in Subsection (11)(a) shall result in forfeiture of the scholarship offer.

- (12) In accordance with Subsection 53F-6-403(7), the program manager shall:
- (a) verify student eligibility status before removing any student from scholarship eligibility;
 - (b) establish protocols for reviewing disputed eligibility determinations;
 - (c) implement a process for immediate reinstatement of eligibility when errors are identified;
 - (d) maintain detailed records of all eligibility removals and reinstatements; and
 - (e) provide regular reports to the state board regarding eligibility status changes of a scholarship student.
- (13) When multiple children from the same household apply for scholarships, the program manager shall:
- (a) process applications from the same household together;
 - (b) approve or deny all children in the household as a unit based on the household's priority tier; and
 - (c) if insufficient scholarship funds remain to award scholarships to all children in a household applying as a unit:
 - (i) notify the household of the number of scholarships available;
 - (ii) allow the household to choose to:
 - (A) accept scholarships for the number of children for which funds are available, with the household determining which children receive scholarships; or
 - (B) decline the partial award and remain on the waitlist for a future opportunity when sufficient funds become available to serve all children in the household;
 - (iii) provide the household at least five business days to make the decision described in Subsection (13)(c)(ii);
 - (iv) process the household's decision in accordance with the deadlines established in Subsection 53F-6-402(11); and
 - (v) if the household accepts a partial award, place any remaining children from the household on the waitlist in accordance with the children's original priority tier.

Amended by Chapter 203, 2026 General Session