

1                   **CARSON SMITH SCHOLARSHIP AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: J. Stuart Adams**

5                                   House Sponsor: Gregory H. Hughes

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the Carson Smith Scholarships for Students with Special Needs Act  
10 by establishing a formula for an annual increase in appropriations for scholarship  
11 payments.

12 **Highlighted Provisions:**

13           This bill:

- 14           ▶ requires the Legislature to annually increase the amount of money appropriated for  
15 scholarship payments by a certain amount;
- 16           ▶ requires the Public Education Appropriations Subcommittee to study the  
17 requirement to annually increase appropriations for scholarship payments if the  
18 percentage of scholarship students equals or exceeds 7% of the public school  
19 students statewide in grades kindergarten through 12 who have an IEP; and
- 20           ▶ makes technical amendments.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           This bill takes effect on July 1, 2013.

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53A-1a-706**, as last amended by Laws of Utah 2011, Chapter 342

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29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **53A-1a-706** is amended to read:

31 **53A-1a-706. Scholarship payments.**

32 (1) (a) Scholarships shall be awarded by the board subject to the availability of money  
33 appropriated by the Legislature for that purpose.

34 (b) The Legislature shall annually appropriate money to the board from the General  
35 Fund to make scholarship payments.

36 (c) Beginning with the 2013-14 school year, the Legislature shall annually increase the  
37 amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:

38 (i) the average scholarship amount awarded as of December 1 in the previous year; and

39 (ii) the product of:

40 (A) the number of students in grades kindergarten through 12 in public schools  
41 statewide who have an IEP on December 1 of the previous year; and

42 (B) 0.0007.

43 (d) If the number of scholarship students as of December 1 in any school year equals or  
44 exceeds 7% of the number of students in grades kindergarten through 12 in public schools  
45 statewide who have an IEP as of December 1 in the same school year, the Public Education  
46 Appropriations Subcommittee shall study the requirement to increase appropriations for  
47 scholarship payments as provided in this section.

48 [~~(e)~~] (e) (i) If money is not available to pay for all scholarships requested, the  
49 scholarships shall be allocated on a random basis except that preference shall be given to  
50 students who received scholarships in the previous school year.

51 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,  
52 new scholarships may not be awarded during that school year and the money available for  
53 scholarships shall be prorated among the eligible students who received scholarships in the  
54 previous year.

55 (2) Full-year scholarships shall be awarded in the following amounts:

56 (a) for a student who received an average of 180 minutes per day or more of special  
57 education services in a public school before transferring to a private school, an amount not to

58 exceed the lesser of:

59 (i) the value of the weighted pupil unit multiplied by 2.5; or

60 (ii) the private school tuition and fees; and

61 (b) for a student who received an average of less than 180 minutes per day of special  
62 education services in a public school before transferring to a private school, an amount not to  
63 exceed the lesser of:

64 (i) the value of the weighted pupil unit multiplied by 1.5; or

65 (ii) the private school tuition and fees.

66 (3) The scholarship amount for a student enrolled in a half-day kindergarten program  
67 shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

68 (4) (a) The scholarship amount for a student who receives a waiver under Subsection  
69 53A-1a-704(3) shall be based upon the assessment team's determination of the appropriate  
70 level of special education services to be provided to the student.

71 (b) (i) If the student requires an average of 180 minutes per day or more of special  
72 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
73 (2)(a).

74 (ii) If the student requires less than an average of 180 minutes per day of special  
75 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
76 (2)(b).

77 (iii) If the student is enrolled in a half-day kindergarten program, a full-year  
78 scholarship is equal to the amount specified in Subsection (3).

79 (5) (a) Except as provided in Subsection (5)(b), upon review and receipt of  
80 documentation that verifies a student's admission to, or continuing enrollment and attendance  
81 at, a private school, the board shall make scholarship payments quarterly in four equal amounts  
82 [~~no later than September 1, November 1, February 1, and April 15 of~~] in each school year in  
83 which a scholarship is in force.

84 (b) In accordance with board rule, the board may make a scholarship payment before  
85 the first quarterly payment of the school year, if a private school requires partial payment of

86 tuition before the start of the school year to reserve space for a student admitted to the school.

87 (6) A parent of a scholarship student shall notify the board if the student does not have  
88 continuing enrollment and attendance at an eligible private school.

89 (7) Before scholarship payments are made, the board shall cross-check enrollment lists  
90 of scholarship students, school districts, and youth in custody to ensure that scholarship  
91 payments are not erroneously made.

92 (8) (a) Scholarship payments shall be made by the board by individual warrant made  
93 payable to the student's parent and mailed by the board to the private school. The parent shall  
94 restrictively endorse the warrant to the private school for deposit into the account of the private  
95 school.

96 (b) A person, on behalf of a private school, may not accept a power of attorney from a  
97 parent to sign a warrant referred to in Subsection (8)(a), and a parent of a scholarship student  
98 may not give a power of attorney designating a person, on behalf of a private school, as the  
99 parent's attorney-in-fact.

100 ~~[(9) (a) Scholarships shall be retroactively awarded to students with disabilities for~~  
101 ~~attendance at a private school in the 2004-05 school year, if:]~~

102 ~~[(i) the student meets the qualifications for a scholarship under Section 53A-1a-704~~  
103 ~~and is awarded a scholarship under this section; and]~~

104 ~~[(ii) the private school meets the eligibility requirements of Section 53A-1a-705,~~  
105 ~~including submitting an application to enroll scholarship students in the 2005-06 school year.]~~

106 ~~[(b) Subsection (5) does not apply to retroactive scholarship payments.]~~

107 **Section 2. Effective date.**

108 This bill takes effect on July 1, 2013.