

**CARSON SMITH SCHOLARSHIP AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2013.

**Utah Code Sections Affected:**

AMENDS:

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



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

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

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

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

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

(c) Beginning with the 2013-14 school year, the Legislature shall annually increase the amount of money appropriated under Subsection (1)(b).

(d) The amount of the increase shall equal:

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

(ii) the product of:

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

(B) 0.005.

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

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

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

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

(a) for a student who received an average of 180 minutes per day or more of special

59 education services in a public school before transferring to a private school, an amount not to  
60 exceed the lesser of:

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

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

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

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

67 (ii) the private school tuition and fees.

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

70 (4) (a) The scholarship amount for a student who receives a waiver under Subsection  
71 53A-1a-704(3) shall be based upon the assessment team's determination of the appropriate  
72 level of special education services to be provided to the student.

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

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

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

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

86 (b) In accordance with board rule, the board may make a scholarship payment before  
87 the first quarterly payment of the school year, if a private school requires partial payment of  
88 tuition before the start of the school year to reserve space for a student admitted to the school.

89 (6) A parent of a scholarship student shall notify the board if the student does not have

90 continuing enrollment and attendance at an eligible private school.

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

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

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

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

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

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

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

109 Section 2. **Effective date.**

110 This bill takes effect on July 1, 2013.

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**Legislative Review Note**  
as of 1-28-13 11:25 AM

**Office of Legislative Research and General Counsel**