

1 **R277. Education, Administration.**

2 **R277-626. [~~Special Needs Opportunity~~] Carson Smith Opportunities Scholarship**  
3 **Program.**

4 **R277-626-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Utah Constitution [Article X, Section 3](#), which vests general control and  
7 supervision over public education in the Board;

8 (b) Section [53E-3-401](#)(4), which allows the Board to make rules to execute the  
9 Board's duties and responsibilities under the Utah Constitution and state law; and

10 (c) Section [53E-7-404](#), which requires the Board to make rules to implement the  
11 [~~Special Needs Opportunity~~] Carson Smith Opportunities Scholarship Program.

12 (2) The purpose of this rule is to provide guidelines for contracted scholarship  
13 granting organizations and the Superintendent to implement the [~~Special Needs~~  
14 ~~Opportunity~~] Carson Smith Opportunities Scholarship Program.

15 (3) This Rule R277-626 is categorized as Category 4 as described in Rule [R277-](#)  
16 [111.](#)

17  
18 **R277-626-2. Definitions.**

19 (1) "Eligible student" has the same meaning as defined in [~~Subsection 53E-7-~~  
20 ~~401(1)~~] Section [53E-7-401](#).

21 (2) "Home-based scholarship student" has the same meaning as defined in  
22 Section [53E-7-401](#).

23 ([~~2~~]3) "Program donation" means a donation to a scholarship granting  
24 organization in accordance with Section [53E-7-405](#).

25 (4) "Qualifying provider has the same meaning as defined in Section [53E-7-401](#)."

26 ([~~3~~]5) "Qualifying school" has the same meaning as defined in [~~Subsection 53E-~~  
27 ~~7-401(7)~~] Section [53E-7-401](#).

28 ([4]6) "Request for proposals" or "RFP" has the same meaning as defined  
29 Subsection [63G-6a-103](#)(70).

30           ~~([5]7)~~ "Scholarship expense" has the same meaning as defined in ~~[Subsection~~  
31 ~~53E-7-401(11)]~~ [Section 53E-7-401](#).

32           ~~([6]8)~~(a) "Scholarship granting organization" or "SGO" has the same meaning as  
33 defined in ~~[Subsection 53E-7-401(11)]~~ [Section 53E-7-401](#).

34           (b) An SGO may not be a qualifying school [or qualifying provider](#).

35           ~~([7]9)~~ "Scholarship student" has the same meaning as defined in ~~[Subsection~~  
36 ~~53E-7-401(12)]~~ [Section 53E-7-401](#).

37           ~~[(8) "Special Needs Opportunity Scholarship Program" or "the program" means~~  
38 ~~the scholarship grant program established in Section 53E-7-402.]~~

39

### 40 **R277-626-3. Superintendent Responsibilities.**

41           (1) The Superintendent shall conduct an RFP for an SGO in accordance with  
42 Subsection [53E-7-404](#)(2).

43           (2) The Superintendent shall provide all information required to the Utah State  
44 Tax Commission in accordance with Subsection [53E-7-404](#)~~[(4]3)~~(c).

45           (3) The Superintendent shall provide a tax credit certificate form, in accordance  
46 with Subsection [53E-7-404](#)(2)(a) for use by an approved SGO.

47           (4) The Superintendent shall annually recommend to the Board a program  
48 donations cap for approval in accordance with Subsection [53E-7-407](#)(4).

49           (5)(a) The Superintendent shall monitor an SGO chosen under Subsection (1) to  
50 ensure compliance with state law, including [Title 53E, Chapter 7, Part 4](#), ~~[Special Needs~~  
51 ~~Opportunity]~~ [Carson Smith Opportunities](#) Scholarship Program and this Rule R277-626.

52           (b) The Superintendent may recommend remedial action against an SGO in  
53 accordance with Rule [R277-114](#) and Subsection [53E-7-404](#)(5).

54           (6)(a) The Superintendent shall:

55           (i) recommend qualifying schools to the Board for approval in accordance with  
56 Subsection [53E-7-408](#)(6); and

57           (ii) require, as a condition for approval, that a qualifying school reimburse  
58 scholarship money to an SGO if an eligible student discontinues enrollment early.

59 (b) The Superintendent shall post a list of approved qualifying schools on the  
60 Board website.

61 (c) The Superintendent may monitor eligible schools for on-going compliance  
62 with the requirements of Section [53E-7-408](#).

63 (7)(a) The Superintendent shall monitor SGO employees and officers in  
64 accordance with Subsection [53E-7-410\(2\)](#).

65 (b) The Superintendent shall initiate corrective action against an SGO if an  
66 employee or officer of the SGO is facing charges for, or has been convicted or pled  
67 guilty or no contest to a violation of the following state laws or laws of another  
68 jurisdiction:

69 (i) any felony; or

70 (ii) an offense involving fraud, theft, embezzlement, breach of fiduciary  
71 responsibility, or other financial misconduct.

72

73 **R277-626-4. SGO Responsibilities.**

74 (1) An SGO approved in accordance with Subsection R277-626-3(1) shall  
75 administer the program in accordance with Section [53E-7-405](#).

76 (2)(a) An SGO shall maintain separate accounts for all scholarship donations,  
77 including any interest or other income from the scholarship funds.

78 (b) An SGO may not commingle the scholarship funds with any other funds and  
79 may only use funds from the account to cover scholarship expenses.

80 (3)(a)(i) Prior to an SGO paying expenses for tuition and fees, a parent of an  
81 eligible student shall personally approve a funds transfer to the qualifying school [or](#)  
82 [qualifying provider](#).

83 (ii) A student may not approve a funds transfer under a power of attorney from  
84 the student's parent.

85 (iii) After approval as required under Subsection (3)(a)(i), an SGO shall pay  
86 costs for tuition and school fees for an eligible student directly to a qualifying school [or](#)  
87 [qualifying provider](#).

88 (b) An SGO may disburse reimbursements to an eligible student's parent upon  
89 proof of payment of other approved scholarship expenses.

90 (3) If an eligible student discontinues enrollment in a qualifying school [or](#)  
91 [qualifying provider](#), the SGO shall:

92 (a) notify the Superintendent; and

93 (b) obtain reimbursement of scholarship money from the qualifying school [or](#)  
94 [qualifying provider](#).

95 (4) An SGO shall provide the following information to the Superintendent  
96 biannually by January 31 and July 31:

97 (a) the amount of tuition and fees each qualifying school [or qualifying provider](#)  
98 charges [~~for the 2020-21 through the 2023-24 school years~~] annually;

99 (b) financial records of the SGO annually, including administrative costs incurred  
100 by the SGO to administer the program;

101 (c) the number of scholarship students from each school district of residence  
102 annually;

103 (d) the number of first time scholarship students annually;

104 (e) the amount disbursed for scholarship expenses annually, provided with any  
105 detail requested by the Superintendent;

106 (f) the standards used by the SGO to determine whether a student is an eligible  
107 student;

108 (g) data reflecting savings to the state and LEAs, if any, as a result of  
109 scholarship students exiting the public school system;

110 (h) demographic information on scholarship students, including:

111 (i) name

112 (ii) date of birth;

113 (iii) gender;

114 (iv) race; and

115 (v) last public school attended, if applicable;

116 (i) whether the SGO has received complaints of discrimination, and any steps  
117 taken by the SGO to remedy the complaints; and

118 (j) any other information requested by the Superintendent to facilitate monitoring  
119 of the program and preparation of the annual report required by Section [53E-1-202](#).1.

120 (5) An SGO may not have a personal or professional relationship with a  
121 qualifying school [or qualifying provider](#) or an employee of a qualifying school [or](#)  
122 [qualifying provider](#) that would create a conflict of interest, favoritism, or bias in making  
123 awards from program donations.

124 (6) An SGO is subject to monitoring and corrective action in the same manner as  
125 a recipient under Rule [R277-114](#).

126

127 **KEY: special needs opportunity scholarship**

128 **Date of Last Change: December 5, 2023**

129 **Authorizing, and Implemented, or Interpreted Law: [Art X, Sec 3](#); [53E-3-401](#)(4);**

130 **[Title 53E, Chapter 7, Part 4](#)**