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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: May 9, 2014

ACTION: R277-602-3 *Special Needs Scholarships – Funding and Procedures – Parent/Guardian Responsibilities (Amendment)*

Background:

S.B. 240 *Carson Smith Scholarship Amendments* (2014 Legislative Session), changed the requirements relating to the application deadline for the Carson Smith Scholarship Program. R277-602-3 *Special Needs Scholarships – Funding and Procedures – Parent/Guardian Responsibilities* is amended to reflect the legislative change.

Key Points:

Language is added to Section 3 of R277-602 to reflect the change to the application deadline requirements for the Carson Smith Scholarship Program.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-602-3, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-602-3, as amended, on second reading.

Contact: Judy Park, 801-538-7550
Aaron Brough, 801-538-7922

1 **R277. Education, Administration.**

2 **R277-602. Special Needs Scholarships - Funding and Procedures.**

3 **R277-602-3. Parent/Guardian Responsibilities.**

4 A. If the student is enrolled in a public school or was
5 enrolled in a public school in the year previous to the year
6 in which the scholarship is sought, the parent/guardian shall
7 submit an application, available from the USOE or online, to
8 the school district or charter school within which the
9 parent/guardian resides.

10 (1) The parent shall complete all required information
11 on the application and submit the following documentation with
12 the application form, consistent with the timeline provided in
13 Section 53A-1a-704(4):

14 (a) documentation that the parent/guardian is a resident
15 of the state of Utah;

16 (b) documentation that the student is at least five years
17 of age before September 2 of the year of enrollment,
18 consistent with Section 53A-3-402(6);

19 (c) documentation that the student is not more than 21
20 years of age and has not graduated from high school consistent
21 with Section 53A-15-301(1)(a);

22 (d) documentation that the student has satisfied R277-
23 602-3A or B; and

24 (e) documentation that the student has official
25 acceptance at an eligible private school, as defined under
26 Section 53A-1a-705;

27 (2) The parent shall sign the acknowledgments and refusal
28 to consent to services on the application form consistent with
29 Section 53A-1a-704.

30 (3) Any intentional falsification, misinformation, or
31 incomplete information provided on the application may result
32 in the cancellation of the scholarship to the student and non-
33 payment to the private school.

34 B. If the student was not enrolled in a public school in

35 the year previous to the year in which the scholarship is
36 sought, the parent/guardian shall submit an application to the
37 school district in which the private school is geographically
38 located (school district responsible for child find under
39 IDEA, Sec. 612(a)(3)).

40 (1) The parent shall complete all required information on
41 the application and submit the following documentation with
42 application form:

43 (a) documentation that the parent/guardian is a resident
44 of the state of Utah;

45 (b) documentation that the student is at least five years
46 of age, before September 2 of the year of enrollment;

47 (c) documentation that the student is not more than 21
48 years of age and has not graduated from high school consistent
49 with Section 53A-15-301(1)(a);

50 (d) documentation that the student has satisfied R277-
51 602-3A or B; and

52 (e) documentation that the student has official
53 acceptance at an eligible private school, as defined under
54 Section 53A-1a-705.

55 (2) The parent shall sign the acknowledgments and refusal
56 to consent to services on the application form consistent with
57 Section 53A-1a-704.

58 (3) The parent shall participate in an assessment team
59 meeting to determine if a student would qualify for special
60 education services and the level of services for which the
61 student would be eligible if enrolled in a public school.

62 C. Payment provisions - Upon review and receipt of
63 documentation that verifies a student's admission to, or
64 continuing enrollment and attendance at, a private school, the
65 Board shall make scholarship payments quarterly in equal
66 amounts in each school year in which a scholarship is in
67 force.

68 D. A special needs scholarship shall be effective for

69 three years subject to renewal under Section 53A-1a-704(6).

70 E. The parent shall, consistent with Section 53A-1a-
71 706(8), endorse the warrant received by the private school
72 from the USOE no more than 15 school days after the private
73 school's receipt of the warrant.

74 F. The parent shall notify the Board in writing within
75 five days if the student does not continue in enrollment in an
76 eligible private school for any reason including
77 parent/student choice, suspension or expulsion of the student
78 or the student misses more than 10 consecutive days at which
79 point the Board may modify the payment to the private school
80 consistent with R277-419-1J.

81 G. The parent shall cooperate and respond within 10 days
82 to an enrollment cross-checking request from the Board.

83 H. The parent shall notify the Board in writing by March
84 1 annually to indicate the student's continued enrollment.

85 **KEY: special needs students, scholarships**

86 **Date of Enactment or Last Substantive Amendment: [~~August 7,~~**
87 **2013]2014**

88 **Notice of Continuation: June 10, 2013**

89 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
90 **53A-1a-706(5)(b); 53A-3-410(6)(i)(c); 53A-1a-707; 53A-1-401(3)**