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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: June 18-19, 2015

ACTION: R277-602 *Special Needs Scholarships – Funding and Procedures*
(Amendment and Continuation)

Background:

1. R277-602 is amended in response to S.B. 270 *Carson Smith Scholarship Amendments, 2015* Legislative Session. The amended rule also provides technical and conforming changes.
2. In addition to the amendments to R277-602, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act. The rule was last continued effective June 10, 2013.

Key Points:

1. The amendments to R277-602 change the minimum age that a student can receive a special needs scholarship from five to three; and provide numerous technical and conforming changes throughout the rule.
2. R277-602 continues to be necessary because it outlines responsibilities for parents, students, LEAs, and eligible private schools that accept scholarships from special needs students.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-602, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-602, as amended, on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-602 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-602 for continuation on second reading.

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1 **R277. Education, Administration.**

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

4 **R277-602-[2]1. Authority and Purpose.**

5 ~~[A.]~~(1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests
7 general control and supervision of the public school system
8 under the Board~~[-]~~;

9 (b) Subsection 53A-1a-706(5)(b), which provides for Board
10 rules to establish timelines for payments to private
11 schools~~[-]~~;

12 (c) ~~[Section 53A-3-410(6)(b)(i)(c)]~~Title 53A, Chapter 15,
13 Part 15, Background Checks, which provides for criminal
14 background checks and ongoing monitoring for employees and
15 volunteers~~[-]~~;

16 (d) Section 53A-1a-707, which provides for Board rules
17 about eligibility of students for scholarships and the
18 application process for students to participate in the
19 scholarship program~~[-]~~; and~~[-by]~~

20 (e) Subsection 53A-1-401(3), which allows the Board to
21 adopt rules in accordance with its responsibilities.

22 ~~[B.]~~(2) The purpose of this rule is to:

23 (a) outline responsibilities ~~[for parents/students,~~
24 ~~public schools, school districts or charter schools]~~of a
25 parent, an LEA, and an eligible private school~~[s]~~ that accepts
26 a scholarship~~[s]~~ from a special needs student~~[s]~~ and the
27 ~~[State] Board[-of-Education]~~ in providing choice for a
28 parent~~[s]~~ of a special needs student~~[s]~~ who chooses to have
29 ~~[their children]~~a student served in a private school~~[s]~~; and

30 (b) ~~[-in-]~~provid~~ing~~e accountability for the citizenry
31 in the administration and distribution of the scholarship
32 funds.

33 **R277-602-[1]2. Definitions.**

34 ~~[A. "Agreed upon procedure" for purposes of this rule~~
35 ~~means the agreed upon procedure as provided for under Section~~
36 ~~53A-1a-705(1)(b)(i)(B).]~~

37 ~~[C.](1) "Appeal" [for purposes of the rule] means an~~
38 ~~opportunity to discuss[+] or contest a final administrative~~
39 ~~decision consistent with and expressly limited to the~~
40 ~~procedures of this rule.~~

41 ~~[N.](2) "[Special Needs Scholarship] Appeals Committee~~
42 ~~[+Appeals Committee]" means a committee comprised of:~~

43 ~~([+]a) the special needs scholarship coordinator;~~

44 ~~([+]b) the USOE Special Education Director;~~

45 ~~([+]c) one individual appointed by the Superintendent or~~
46 ~~designee; and~~

47 ~~([+]d) two Board-designated special education advocates.~~

48 ~~[B.](3) "[Annual a] Assessment" [for purposes of this~~
49 ~~rule] means a formal testing procedure carried out under~~
50 ~~prescribed and uniform conditions that measures a student's[+]~~
51 ~~academic progress, consistent with Subsection 53A-1a-~~
52 ~~705(1)(f).~~

53 ~~[D.](4) "Assessment team" means the individuals~~
54 ~~designated under Subsection 53A-1a-703(1).~~

55 ~~[E. "Audit of a private school" for purposes of this~~
56 ~~rule means a financial audit provided by an independent~~
57 ~~certified public accountant, as provided under Section 53A-1a-~~
58 ~~705(1)(b).]~~

59 ~~[F. "Board" means the Utah State Board of Education.]~~

60 ~~[G.](5) "Days" means school days unless specifically~~
61 ~~designated otherwise in this rule.~~

62 ~~[H. "Disclosure to parents" for purposes of this rule~~
63 ~~means the express acknowledgments and acceptance required~~
64 ~~under Section 53A-1a-704(5) as part of parent application~~
65 ~~available through schools districts.]~~

66 ~~[I.](6) "Eligible student" [for purposes of this rule]~~
67 ~~means[+] a student who meets the qualifications described in~~

68 Section 53A-1a-704.

69 ~~[(1) the student's parent resides in Utah;~~

70 ~~— (2) the student has a disability as designated in 53A-1a-~~
71 ~~704(2)(b); and~~

72 ~~— (3) the student is school age.~~

73 ~~— (4) Eligible student also means that the student was~~
74 ~~enrolled in a public school in the school year prior to the~~
75 ~~school year in which the student will be enrolled in a private~~
76 ~~school, has an IEP and has obtained acceptance for admission~~
77 ~~to an eligible private school; and~~

78 ~~— (5) The requirement to be enrolled in a public school in~~
79 ~~the year prior and have an IEP does not apply if:~~

80 ~~— (a) the student is enrolled or has obtained acceptance~~
81 ~~for admission to an eligible private school that has~~
82 ~~previously served students with disabilities; and~~

83 ~~— (b) an assessment team is able to readily determine with~~
84 ~~reasonable certainty that the student has a disability and~~
85 ~~would qualify for special education services if enrolled in a~~
86 ~~public school and the appropriate level of special education~~
87 ~~services which would be provided were the student enrolled in~~
88 ~~a public school.]~~

89 ~~[J.](7) "Enrollment" [for purposes of this rule] means~~
90 ~~that:~~

91 ~~(a) the student has completed the school enrollment~~
92 ~~process[;]~~

93 ~~(b) the school maintains required student enrollment~~
94 ~~information and documentation of age eligibility[;]~~

95 ~~(c) the student is scheduled to receive services at the~~
96 ~~school[;]~~

97 ~~(d) the student attends regularly[;] and~~

98 ~~(e) the school has [been] accepted the student~~
99 ~~consistent with Rule R277-419 and the student's IEP.~~

100 ~~[K.](8) "Final administrative action" [for purposes of~~
101 ~~this rule] means the concluding action under [Section 53A-1a-~~

102 ~~701 through 53A-1a-710]~~ Title 53A, Chapter 1a, Part 7, Carson
103 Smith Scholarships for Students with Special Needs Act and
104 this rule.

105 [~~L. "Individual education program (IEP)" means a written~~
106 ~~statement for a student with a disability that is developed,~~
107 ~~reviewed, and revised in accordance with Board Special~~
108 ~~Education Rules and Part B of the Individuals with~~
109 ~~Disabilities Education Act (IDEA).]~~

110 [~~M.](9) "Private school that has previously served a~~
111 ~~student[s] with a disabilit[ies]y" means a school that:~~

112 (~~[1]a) has enrolled a student[s] within the last three~~
113 ~~years under the special needs scholarship program;~~

114 (~~[2]b) has enrolled a student[s] within the last three~~
115 ~~years who ha[ve]s received special education services under~~
116 ~~an Individual Services Plan[s] (ISP) from [the school~~
117 ~~district]an LEA where the school is geographically located; or~~

118 (~~[3]c) can provide other evidence to the Board that is~~
119 ~~determinative of having enrolled a student[s] with a~~
120 ~~disabilit[ies]y within the last three years.~~

121 [~~O. "USOE" means the Utah State Office of Education.]~~

122 [~~P.](10) "Warrant" means payment by check to a private~~
123 ~~school.~~

124 **R277-602-3. Parent[/~~Guardian~~] Responsibilities and Payment**
125 **Provisions.**

126 [~~A.](1) If the student is enrolled in a public school or~~
127 ~~was enrolled in a public school in the year previous to the~~
128 ~~year in which the scholarship is sought, the parent[/~~guardian~~]~~
129 ~~shall submit an application, available from the~~
130 [~~USOE]Superintendent or online, to the [school district or~~
131 ~~charter school]LEA within which the parent[/~~guardian~~] resides.~~

132 (~~[1]a) Consistent with the timeline provided in~~
133 ~~Subsection 53A-1a-704(4), [F]the parent shall complete all~~
134 ~~required information on the application and submit, [the~~

135 ~~following documentation]~~with the application~~[form],~~
136 ~~[consistent with the timeline provided in Section 53A-1a-~~
137 ~~704(4)]documentation that:~~

138 ([a]i) ~~[documentation that]~~the parent~~[guardian]~~ is a
139 resident of the state~~[of Utah];~~

140 ([b]ii) ~~[documentation that]~~the student is at least
141 ~~[five]~~three years of age before September 2 of the year of
142 enrollment~~[, consistent with Section 53A-3-402(6)];~~

143 ([c]iii) ~~[documentation that]~~the student is not more
144 than 21 years of age and has not graduated from high school
145 ~~[consistent with Section 53A-15-301(1)(a)];~~

146 ([d]iv) ~~[documentation that]~~the student has satisfied
147 ~~[R277-602-3A or B]~~ Subsection (1) or (2); and

148 ([e]v) ~~[documentation that]~~the student has official
149 acceptance at an eligible private school, as ~~[defined~~
150 ~~under]~~established by Section 53A-1a-705[+].

151 ([2]b) The parent shall sign the acknowledgments and
152 refusal to consent to services on the application form
153 consistent with Section 53A-1a-704.

154 ([3]c) Any intentional falsification, misinformation, or
155 incomplete information provided on the application may result
156 in the cancellation of the scholarship to the student and non-
157 payment to the private school.

158 ~~[B.]~~(2) If the student was not enrolled in a public
159 school in the year previous to the year in which the
160 scholarship is sought, the parent~~[guardian]~~ shall submit an
161 application to the school district~~[in which the private~~
162 ~~school is geographically located (school district)]~~ responsible
163 for child find under ~~[IDEA]~~the Individuals with Disabilities
164 Education Act, [Sec. 612(a)(3)]20 U.S.C Sec. 1414.

165 ([1]a) The parent shall complete all required information
166 on the application and submit, ~~[the following]~~with the
167 application, documentation [with application form]that:

168 ([a]i) ~~[documentation that]~~the parent~~[guardian]~~ is a

169 resident of the state~~[of Utah]~~;

170 (~~[b]~~ii) ~~[documentation that]~~the student is at least
171 ~~[five]~~three years of age~~[,]~~ before September 2 of the year of
172 enrollment;

173 (~~[c]~~iii) ~~[documentation that]~~the student is not more than
174 21 years of age and has not graduated from high school
175 ~~[consistent with Section 53A-15-301(1)(a)]~~;

176 (~~[d]~~iv) ~~[documentation that]~~the student has satisfied
177 ~~[R277-602-3A or B]~~Subsection (1) or (2); and

178 (~~[e]~~y) ~~[documentation that]~~the student has official
179 acceptance at an eligible private school, as ~~[defined~~
180 ~~under]~~established by Section 53A-1a-705.

181 (~~[2]~~b) The parent shall sign the acknowledgments and
182 refusal to consent to services on the application form
183 consistent with Section 53A-1a-704.

184 (~~[3]~~c) The parent shall participate in an assessment team
185 meeting to determine:

186 (i) if a student would qualify for special education
187 services; and

188 (ii) the level of services for which the student would be
189 eligible if enrolled in a public school.

190 ~~[C.](3)(a) [Payment provisions - Upon review and receipt~~
191 ~~of documentation that verifies a student's admission to, or~~
192 ~~continuing enrollment and attendance at, a private school, the~~
193 ~~Board shall make scholarship payments quarterly in equal~~
194 ~~amounts in each school year in which a scholarship is in~~
195 ~~force]~~The Board shall make a scholarship payment in accordance
196 with Section 53A-1a-706.

197 ~~[D. A special needs scholarship shall be effective for~~
198 ~~three years subject to renewal under Section 53A-1a-704(6).]~~

199 ~~[E.](b)~~ The parent shall, consistent with Subsection
200 53A-1a-706(8), endorse the warrant received by the private
201 school from the ~~[SSE]~~Superintendent no more than 15
202 ~~[school]~~calendar days after the private school's receipt of

203 the warrant.

204 ~~[F.]~~(4)(a) The parent shall notify the Board in writing
205 within five days if the student does not continue in
206 enrollment in an eligible private school for any reason,
207 including:

208 (i) parent~~[=]~~ or student choice~~[=]~~;

209 (ii) suspension or expulsion of the student; or

210 (iii) the student misses more than 10 consecutive days
211 ~~at which point].~~

212 (b) If the student does not continue in enrollment, the
213 Board may modify the payment to the private school~~[-consistent~~
214 ~~with R277-419-15].~~

215 ~~[G.]~~(5) The parent shall cooperate and respond within 10
216 days to an enrollment cross-checking request from the Board.

217 ~~[H.]~~(6) The parent shall notify the Board in writing by
218 March 1 annually to indicate the student's continued
219 enrollment.

220 **R277-602-4. ~~[School District or Charter School]~~LEA**
221 **Responsibilities.**

222 ~~[A.]~~(1) ~~[The school district or charter school]~~An LEA
223 that receives ~~[the]~~a student's scholarship application
224 consistent with Subsection 53A-1a-704(4) shall forward an
225 application~~[s]~~ to the Board no more than 10 days following
226 receipt of the application.

227 ~~[B.]~~(2) The ~~[school district or charter school]~~LEA that
228 receive~~[d]~~s ~~[the]~~a student's scholarship application shall:

229 ~~[[1]a) [receive applications from students/parents]~~

230 ~~—(2)—~~verify enrollment of the student seeking a
231 scholarship in a previous school year within a reasonable time
232 following contact by the Board;

233 ~~[[3]b)~~ verify the existence of the student's IEP and
234 level of service to the ~~[USOE]~~Superintendent within a
235 reasonable time;

236 ([4]c) provide personnel to participate on an assessment
237 team to determine:

238 ([a]i)(A) if a student who was previously enrolled in a
239 private school that has previously served a student[s] with a
240 disabilit[ies]y would qualify for special education services
241 if enrolled in a public school; and

242 (B) the appropriate level of special education services
243 [which]that would be provided were the child enrolled in a
244 public school for purposes of determining the scholarship
245 amount consistent with Subsection 53A-1a-706(2); or

246 ([b]ii) if a student previously receiving a special needs
247 scholarship is entitled to receive the scholarship during the
248 subsequent eligibility period.

249 [~~C.~~](3) A [S]special needs scholarship student[s ~~shall~~]
250 may not [~~be~~]enroll[ed] in [~~public or charter schools~~]an LEA
251 for dual enrollment or an extracurricular activit[ies]y,
252 consistent with the parent's~~/guardians~~ assumption of full
253 responsibility for a student's~~[-]~~ services under Subsection
254 53A-1a-704(5).

255 [~~D.~~](4) [~~School districts and charter schools~~]An LEA
256 shall cooperate with the Board in cross-checking special needs
257 scholarship student enrollment information, as requested by
258 the Board.

259 [~~E. School district and charter school notification to~~
260 ~~students with IEPs~~]

261 ([1]5)(a) [~~School districts and charter schools~~]An LEA
262 shall provide written notice to a parent[s ~~or guardians~~] of a
263 student[s] who ha[ve]s an IEP of the availability of a
264 scholarship to attend a private school [~~through the Special~~
265 ~~Needs Scholarship Program through state special education~~
266 ~~monitoring procedures~~]in accordance with Subsection 53A-1a-
267 704(10).

268 ([2]b) The written notice shall consist of the following
269 statement: [~~School districts and charter schools are~~]A local

270 education agency is required by Utah law, Subsection 53A-1a-
271 704(10), to inform parents of students with IEPs enrolled in
272 public schools, of the availability of a scholarship to attend
273 a private school through the Carson Smith Scholarship Program.

274 ~~[(3) The written notice shall be provided no later than~~
275 ~~30 days after the student initially qualifies for an IEP.~~

276 ~~— (4) The written notice shall be provided annually no~~
277 ~~later than February 1 to all students who have IEPs.~~

278 ~~— (5) The written notice shall include the address of the~~
279 ~~Internet website maintained by the Board that provides~~
280 ~~prospective applicants and their parents with program~~
281 ~~information and application forms for the Carson Smith~~
282 ~~Scholarship Program.~~

283 ~~— (6) A school district, school within a school district,~~
284 ~~or charter school that has an enrolled student who has an IEP~~
285 ~~shall post the address of the Carson Smith Internet website~~
286 ~~maintained by the Board on the school district's or school's~~
287 ~~website, if the school district or school has one.]~~

288 **R277-602-5. State Board of Education Responsibilities.**

289 ~~[A.]~~(1) No later than April 1, ~~[F]~~the Board shall provide
290 an application~~[s,]~~ containing acknowledgments required under
291 Subsection 53A-1a-704(5), for a parent~~[s]~~ seeking a special
292 needs scholarship:

293 (a) online~~[,]~~;

294 (b) at the Board~~[s]~~ office~~[s,]~~; and

295 (c) at ~~[school district or charter school]~~LEA offices~~[,~~
296 ~~and at charter schools no later than April 1 prior to the~~
297 ~~school year in which admission is sought].~~

298 ~~[B.]~~(2) The Board shall provide a determination that a
299 private school meets the eligibility requirements of Section
300 53A-1a-705 as soon as possible but no more than 30 calendar
301 days after the private school submits an application and
302 complete~~[d]~~s documentation of eligibility.

303 (3) The Board may:

304 (~~1~~a) provide reasonable timelines within the
305 application for satisfaction of private school requirements;

306 (~~2~~b) issue letters of warning~~[-]~~;

307 (c) require the school to take corrective action within
308 a time frame set by the Board~~[-]~~;

309 (d) suspend the school from the program consistent with
310 Section 53A-1a-708~~[-]~~;~~[-or]~~

311 (e) impose ~~[such other]~~ a penalt~~[ies]~~y as the Board
312 determines appropriate under the circumstances~~[-]~~;

313 (~~3~~f) establish an appropriate~~[-consequences-]~~ ~~or]~~
314 penalt~~[ies]~~y for a private school~~[s]~~ that fails to:

315 (~~a~~i) ~~[fail to]~~ provide an affidavit~~[s]~~ under Section
316 53A-1a-708;

317 (~~b~~ii) ~~[fail to]~~ administer an assessments~~[-, fail to]~~ or
318 report an assessment~~[s]~~ to a parent~~[s]~~ or ~~[fail to report~~
319 ~~assessments to]~~ assessment team under Subsection 53a-1a-
320 705(1)(f);

321 (~~c~~iii) ~~[fail to]~~ employ teachers with credentials
322 required under Subsection 53A-1a-705(g);

323 (~~d~~iv) ~~[fail to]~~ provide to a parent~~[s]~~ relevant
324 credentials of teachers under Subsection 53A-1a-705(~~[h]~~i); or

325 (~~e~~v) ~~[fail to]~~ require a completed criminal background
326 checks] and ongoing monitoring under ~~[Section 53A-3-410(2) and~~
327 ~~3]~~ Title 53A, Chapter 15, Part 15, Background Checks and take
328 appropriate action consistent with information received~~[-]~~;
329 and

330 (~~4~~g) initiate a complaint~~[s]~~ and hold an administrative
331 hearing~~[s]~~, as appropriate, and consistent with ~~[R277-602]~~ this
332 rule.

333 ~~[E-]~~ (4) The Board shall make a list of eligible private
334 schools updated annually and available no later than June 1 of
335 each year.

336 ~~[D-]~~ (5) The Board shall provide ~~[F]~~ information about an

337 approved scholarship[~~s~~] and availability and level of funding
338 [~~shall be provided~~] to a scholarship applicant
339 parent[~~s/guardians~~] no later than March 1 of each year.

340 [~~F.~~](6) The Board shall mail a scholarship payment[~~s~~]
341 directly to a private school[~~s~~] as soon as reasonably possible
342 consistent with Subsection 53A-1a-706(8).

343 [~~F.~~](7) If an annual legislative appropriation is
344 inadequate to cover all scholarship applicants and documented
345 levels of service, the Board shall establish by rule a lottery
346 system for determining the scholarship recipients, with
347 preference provided for under Subsection 53A-1a-
348 706(1)[~~(c)(i)~~](e).

349 [~~G.~~](8) The Board shall verify and cross-check, using
350 USOE technology services, special needs scholarship student
351 enrollment information consistent with Subsection 53A-1a-
352 706(7).

353 **R277-602-6. Responsibilities of Private Schools that Receive**
354 **Special Needs Scholarships.**

355 [~~A.~~](1) A [P]private school[~~s~~] that intends to enroll a
356 scholarship student shall submit [applications by March 1
357 prior to the school year in which it intends to enroll
358 scholarship students]an application by the deadline
359 established in Section 53A-1a-705.

360 [~~B.~~](2) A private school shall submit an
361 [A]application[~~s~~] and appropriate documentation[~~from private~~
362 schools] for eligibility to receive a special needs
363 scholarship student[~~s shall be provided~~] to the
364 [USOE]Superintendent on forms designated by the [USOE
365 consistent with Section 53A-1a-705(3)]Superintendent.

366 [~~C.~~](3) A [P]private school[~~s~~] shall satisfy criminal
367 background check and ongoing monitoring requirements for an
368 employee[~~s~~] and a volunteer[~~s~~] consistent with [Section 53A-3-
369 410]Title 53A, Chapter 15, Part 15, Background Checks.

370 ~~[D.]~~(4) A ~~[P]~~private school[s] that seeks to enroll a
371 special needs scholarship student[s] shall, in concert with
372 the parent seeking a special needs scholarship for a student,
373 initiate the assessment team meetings required under
374 Section[s] 53A-1a-704~~(3) and 53A-1a-704(6)~~].

375 ~~([±])~~a) A private school shall schedule a [M]meeting[s]
376 ~~shall be scheduled~~ at a time[s] and location[s] mutually
377 acceptable to the private schools, the applicant parent[s],
378 and participating public school personnel.

379 ~~([±])~~b) Designated private school and public school
380 personnel shall maintain documentation of the meeting[s] and
381 the decision[s] made for ~~[the]~~a student[s].

382 ~~([3])~~c)(i) Except as provided by Subsection (4)(c)(ii), a
383 private school and public school shall confidentially maintain
384 ~~[D]~~documentation regarding a required assessment team
385 meeting[s], including documentation of:

386 (A) a meeting[s] for a student[s] denied a scholarship[s]
387 or service[s]; and

388 (B) a student[s] admitted into a private school[s] and
389 ~~the[ir] student's level[s] of service[, shall be maintained~~
390 ~~confidentially by the private and public schools, except the~~
391 ~~information shall be provided]~~.

392 (ii) Upon request by the Superintendent, a private school
393 and public school shall provide the documentation described in
394 Subsection (4)(c)(i) to the [USOE]Superintendent for purposes
395 of determining student scholarship eligibility~~[7]~~ or for
396 verification of compliance~~[—upon request by the USOE]~~.

397 ~~[E.]~~(5) A ~~[P]~~private school[s] that receiv[ing]es a
398 scholarship payment[s] under this rule shall provide complete
399 student records in a timely manner to another private
400 school[s] or a public school[s] that request[ing]s student
401 records if a parent~~[s have]~~ transfer~~[red]s~~ a student[s] under
402 Subsection 53A-1a-704(7).

403 ~~[F.]~~(6) A ~~[P]~~private school[s] shall notify the Board

404 within five days if the student does not continue in
405 enrollment in an eligible private school for any reason,
406 including:

407 (a) parent~~[7]~~ or student choice~~[7]~~;

408 (b) suspension or expulsion of the student; or

409 (c) the student misses more than ~~[10]~~ten consecutive days
410 of school.

411 ~~[G.]~~(7) A ~~[P]~~private school~~[S]~~ shall satisfy health and
412 safety laws and codes ~~[under]~~required by Subsection 53A-1a-
413 705(1)(d), including:

414 (~~[1]~~a) the adoption of emergency preparedness response
415 plans that include training for school personnel and parent
416 notification for fire drills, natural disasters, and school
417 safety emergencies; and

418 (~~[2]~~b) compliance with Rule R392-200, Design,
419 Construction, Operation, Sanitation, and Safety of Schools.

420 ~~[H.]~~(8)(a) An approved eligible private school that
421 changes ownership shall submit a new application for
422 eligibility to receive a Carson Smith scholarship payment~~[S]~~
423 from the Board~~[; the application shall demonstrate]:~~

424 (i) that demonstrates that the school continues to meet
425 the eligibility requirements of ~~[R277-602.]~~this rule; and

426 (~~[1]~~ii) ~~[The application for renewed eligibility shall be~~
427 ~~received from the school]~~within 60 calendar days of the
428 ~~[change of ownership.~~

429 ~~——(2) Ownership changes on the]~~date that an agreement is
430 signed between previous owner and new owner.

431 (~~[3]~~b) If the Superintendent does not receive the
432 application~~[is not received by the USOE]~~ within the ~~[60~~
433 ~~days,]~~time described in Subsection (8)(a)(ii):

434 (i) the new owner~~[7]~~ of the school is presumed ineligible
435 to receive continued Carson Smith scholarship payments from
436 the ~~[USOE and,]~~Superintendent;

437 (ii) at the discretion of the Board, the

438 ~~[USOE]~~Superintendent may reclaim any payments made to a school
439 within the previous 60 calendar days~~[-]~~;

440 (~~[4]~~iii) ~~[If the application is not received by the USOE~~
441 ~~within 60 days after the change of ownership,]~~the private
442 school is not an eligible school; and

443 (iv) the private school shall submit a new application
444 for Carson Smith eligibility consistent with the requirements
445 and timelines of ~~[R277-602]~~this rule.

446 **R277-602-7. Special Needs Scholarship Appeals.**

447 ~~[A.]~~(1)(a) A parent~~[-or-legal guardian]~~ of an eligible
448 student or a parent~~[-or-legal guardian]~~ of a prospective
449 eligible student may appeal only the following actions under
450 this rule:

451 (~~[1]~~i) an alleged ~~[USOE]~~violation~~[s]~~ by the
452 Superintendent of Sections 53A-1a-701 through 710 or ~~[R277-~~
453 ~~602]~~this rule; or

454 (~~[2]~~ii) an alleged ~~[USOE]~~violation~~[s]~~ by the
455 Superintendent of a required timeline~~[s]~~.

456 (b) An appellant has no right to additional elements of
457 due process beyond the specific provisions of this rule.

458 ~~[B.]~~(2) The Appeals Committee may not grant an appeal
459 contrary to ~~[the statutory provisions of]~~Sections 53A-1a-701
460 through 53A-1a-710.

461 ~~[C.]~~(3) A parent shall submit ~~[A]~~an appeal~~[-shall be~~
462 ~~submitted]~~:

463 (a) in writing to the USOE Special Needs Scholarship
464 Coordinator at: Utah State Office of Education, 250 East 500
465 South, P.O. Box 144200, Salt Lake City, UT 84114-4200; and

466 (b) within 15 calendar days of written notification of
467 the final administrative decision.

468 (~~[1]~~4)(a) ~~[The appeal opportunity is expressly limited to~~
469 ~~an appeal submitted in writing for USOE consideration.]~~The
470 appeal opportunity does not include an investigation required

471 under or similar to an IDEA state complaint investigation.

472 [~~(2) Appellants have no right to additional elements of~~
473 ~~due process beyond the specific provisions of this rule.~~]

474 [(3)b) Nothing in the appeals process established under
475 [~~R277-602~~]this rule shall be construed to limit, replace, or
476 adversely affect parental appeal rights available under IDEA.

477 [~~D. Appeals shall be made within 15 days of written~~
478 ~~notification of the final administrative decision.~~]

479 [~~E.~~](5) [~~Appeals shall be considered by t~~]The Appeals
480 Committee shall:

481 (a) consider an appeal within 15 calendar days of receipt
482 of the written appeal[-];

483 [~~F.~~](b) [~~The decision of the Appeals Committee shall be~~
484 ~~transmitted~~]transmit the decision to a parent[~~s~~] no more than
485 ten calendar days following consideration by the Appeals
486 Committee[-]; and

487 [~~G.~~](c) [~~Appeals shall be~~]finalize[~~d~~] an appeal as
488 expeditiously as possible in the joint interest of schools and
489 students involved.

490 [~~H.~~](6) The Appeals Committee's decision is the final
491 administrative action.

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

493 **Date of Enactment or Last Substantive Amendment: [~~August 7,~~**
494 **2014]2015**

495 **Notice of Continuation: [~~June 10, 2013~~]2015**

496 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
497 **53A-1a-706(5) (b) ; [~~53A-3-410(6)(i)(c)~~]Title 53A, Chapter 15,**
498 **Part 15; 53A-1a-707; 53A-1-401(3)**