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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: August 11-12, 2016

ACTION: R277-603 *Autism Awareness Restricted Account Distribution* (Continuation and Amendment)

Background:

R277-603 is amended to provide technical and conforming changes. R277-603 is also coming due for its five-year review and continuation filing date of November 8, 2016. Staff has reviewed the rule and determined that the rule continues to be necessary.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-603, as continued and amended, on first reading and, if approved by the Committee, the Board consider approving R277-603, as continued and amended, on second reading.

Contact: Glenna Gallo, 801-538-7757

1 **R277. Education, Administration.**

2 **R277-603. Autism Awareness Restricted Account Distribution.**

3 **R277-603-~~2~~1. Authority and Purpose.**

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

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

7 ~~(b)~~ Section 53A-1-304, which authorizes the Superintendent to distribute
8 autism awareness funds appropriated by the Legislature~~[,]~~; and

9 ~~(c)~~ ~~[by]~~Section 53A-1-401~~[(3)]~~; which allows the Board to ~~[adopt]~~make rules
10 ~~[in accordance with its responsibilities]~~to execute the Board's duties and
11 responsibilities under the Utah Constitution and state law..

12 ~~[B.](2)~~ The purpose of this rule is to provide procedures, timelines and
13 accountability for distribution of funds received in the Autism Awareness Restricted
14 Account and subsequently appropriated by the Legislature to eligible organizations.

15 **R277-603-~~1~~2. Definitions.**

16 ~~[A.](1)~~ "Autism Awareness Restricted Account" means the account
17 established under Section 53A-1-304~~[and funded under Section 41-1a-~~
18 ~~418(1)(c)(xvii)]~~.

19 ~~[B. "Board" means the Utah State Board of Education.~~

20 ~~——C. "Distribute funds," for purposes of this rule, means a process, including~~
21 ~~timelines and a standard application, to eligible organizations.~~

22 ~~——D. "Superintendent" means the State Superintendent of Public Instruction or~~
23 ~~the Superintendent's designee;~~

24 ~~——E. "USOE" means the Utah State Office of Education.]~~

25 **R277-603-3. Procedures.**

26 ~~[A.](1)~~ The Superintendent shall provide an application for an organization~~[s]~~
27 that meets the qualifications of Subsection 53A-1-304~~[(4)3]~~, to apply for available
28 Autism Awareness Restricted Account funds to the extent of the legislative
29 appropriation.

30 ~~[B.](2)~~ The Superintendent shall~~[provide for]~~ review~~[of]~~ applications and

31 select[ion of] qualified recipients.

32 [C.](3) An [A]application[s] shall include a budget section, a plan for use of the
33 funds by eligible charitable organizations consistent with Subsection 53A-1-
34 304~~[(5)3] [(b)]~~, and other information as requested.

35 [D.](4) The Superintendent shall ~~provide for~~ distribut[ion]e [of] funds to
36 eligible charitable organizations, to the extent of funds appropriated ~~by the~~
37 Legislature, beginning, July 1, 2011, annually.

38 **R277-603-4. Timelines.**

39 [A.](1) The Superintendent shall announce the availability of funds [at least]
40 annually[;] by March 15 ~~of each year~~.

41 [B.](2) Applicants may apply for funds on forms available from the
42 [USOE]Superintendent.

43 [C.](3) Applications shall be due June 5 annually.

44 [D.](4) Applicants identified for funding shall be notified no later than July 1
45 annually.

46 [E.](5) The [USOE]Superintendent shall distribute funds annually in July.

47 [F. For FY 2012, following the Board's approval of R277-603, applications
48 shall be available, reviewed, and funds distributed as soon as possible.]

49 **R277-603-5. Accountability.**

50 [A.](1) The Superintendent shall require ~~funded~~ organizations that receive
51 funding to complete a year-end report [~~explaining~~]describing and documenting the
52 use of funds consistent with the law and this rule.

53 [B.](2) The year-end report may require an independent audit or review of a
54 funded program.

55 **KEY: autism awareness, restricted account**

56 **Date of Enactment or Last Substantive Amendment: ~~[November 8, 2011]~~2016**

57 **Notice of Continuation: 2016**

58 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-1-304; 53A-1-**
59 **401~~[(3)]~~**