

## **SPECIAL EDUCATION**

**PLEASE NOTE: While you can apply to both the Carson Smith Opportunity Scholarship and the Utah Fits All Scholarship, you cannot accept and start in one and then move to the other, you need to make a choice and stay with one for the year.**

There are a few public options available for special education:

1. Public school
2. The Carson Smith Opportunity Scholarship, previously known as the Special Needs Opportunity Scholarship and the legacy Carson Smith Scholarship (which is now closed for applications but will remain in place for current recipients until students graduate or leave the program).

The UFA Scholarship Program does not exclusively serve students who qualify for special education. It is an education scholarship program that provides tax free scholarship funds to all eligible k-12 students for the purchase of approved goods and services that fit within the categories outlined in the law and within the program policies. According to code, “educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies” are considered approved expenses.

Here’s additional information to help inform your decision:

1. A private school may not provide the same level of special education services that are provided in a public school. Schedule a meeting with a representative from the school that you are considering about what services are available for your student.
2. You can only accept and use one of the following scholarships: Utah Fits All Scholarship Program, Carson Smith (legacy), or Carson Smith Opportunity Scholarship (previously known as Special Needs Opportunity Scholarship).
3. Acceptance of any of these scholarships has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act. (20 U.S.C. Sec. 1400 et seq.)

### **CARSON SMITH (legacy) vs CARSON SMITH OPPORTUNITY (new)**

1. Carson Smith Scholarship recipients can only receive scholarships for eligible private schools (a list is available on USBE website)
2. Carson Smith Opportunity Scholarship recipients can use scholarship funds if they attend an eligible private schools, for eligible providers for additional services, or for eligible costs of homeschooling of students with disabilities.

3. Students may return to a public school at any time. However, scholarship funds may need to be refunded depending on the timing of returning to public school for both the Carson Smith (legacy) and the Carson Smith Opportunity Scholarships. .

### **CARSON SMITH (legacy)**

The scholarship amount is based on the level of services each student qualifies for:

1. Level 1 funding is \$6,741.00 for students requiring 179 minutes or less of special education and related services if attending a public school.
2. Level 2 Funding is \$11,235.00 for students requiring 180 minutes or more of special education and related services if attending a public school.
3. Preschool or ½ day kindergarten is funded at \$3707.55 for Level 1 and \$6179.25 for Level 2.

### **CARSON SMITH OPPORTUNITY (new)**

1. The Carson Smith Scholarship was combined with the Special Needs Opportunity Scholarship and has been renamed the Carson Smith Opportunity Scholarship. (CSOS) and will be administered by Children First Education Fund (CFEF).
2. Students who received a scholarship from the legacy Carson Smith program in the 2023-24 school year will be automatically approved for a scholarship under this new program.
  - a. To switch to the CSOS, visit the CFEF website at <https://cfe-fund.org>, select the “Parent” tab, and click on the “Scholarship Application” button and complete the application. The application will require uploading documents to verify the following information:
    - i. Utah State residency
    - ii. Student age (must be age 3-18)
    - iii. Student disability (IEP, ATMR or Multidisciplinary Team Evaluation)
    - iv. Family size and income (Most recent federal tax return)
3. Scholarship amounts are determined based on family size and income and where the family falls on the federal poverty level:
  - a. Children whose family falls below 185% of the federal poverty for their family size will receive a scholarship for \$11,235.
  - b. Children whose family falls above 185% of the federal poverty level (no matter how far above) will receive a scholarship for \$8,988.
  - c. Students who are Level 2 (requiring 180 minutes or more of special education per day in a public school) will receive \$11,235 regardless of family size or income level.

## UFA SCHOLARSHIP

1. UFA offers \$8,000 scholarships to all awarded students. Though the UFA program does not exclusively service students who qualify for special education, the law does name the following approved expenses: “educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies.”
2. **Educational** therapies and services can be approved with documentation (IEP, Service Plan or a written note from the child’s treating physician). Scholarship funds may not be used to pay for diagnostic testing or assessment.
3. The following are important points to keep in mind:
  - a. The student’s disability must be education related, and affect the acquisition of knowledge or skills.
  - b. Parents of scholarship students wishing to process an expense for any of the services listed above will be asked to produce their student’s Individualized Education Program (IEP), Service Plan or a written note from the child’s treating physician.
  - c. Allowable expenses will extend to education related technological devices, supplies or equipment purchased for the scholarship student’s use during these services.

When applying for the UFA scholarship, parents agreed to the following statements:

“A qualifying provider may not provide the same level of disability services that are provided in a public school”

**What does this mean?** Public schools must adhere to the Individuals with Disabilities Act (IDEA), which guarantees free and appropriate public education and specific rights to children with disabilities and their families. Other types of qualifying providers, like private schools, aren’t legally obligated to follow IDEA but will use an Individualized Service Plan (ISP) instead of an Individualized Education Program (IEP). ISPs may offer fewer services and accommodations, so it’s advisable for families to assess a prospective provider’s offerings for students needing special education or accommodations.

“Agreeing to establish this scholarship account has the same effect as a parental refusal to consent to services as described under the Individuals with Disabilities Education Act.”

**What does this mean?** When a parent enrolls their child in the Utah Fits All Scholarship program, they are simultaneously declining special education services from the public school. This means the school won’t provide any services, hold IEP meetings, or create further IEPs. If the parent requests it, the public school district will reassess the student’s eligibility for special education services.

“The qualifying provider I select for my student’s enrollment or engagement is capable of providing education services for my student.”

***What does this mean?*** A parent is the best person suited to choose the educational services, materials and environment for their student. This acknowledgement identifies the parent as the person responsible for assuring whichever provider selected by them will meet the educational needs of their student by reviewing both the services offered and those who are providing the services without interference or intervention from any other party.