

The background features several large, semi-transparent geometric shapes in shades of teal and light green. In the top-left corner, there is a solid teal square and a light green rounded rectangle. In the bottom-right corner, there is a teal quarter-circle, a light green rounded rectangle, a teal square, and a large light green rounded rectangle. The text is centered in the middle of the page.

SCHOOL CHOICE MATTERS

Utah Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Utah

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>YES</p> <p>Mandatory policy requiring districts to accept all students where capacity exists</p>	<p>Utah Code provides that each local school board is responsible for providing educational services for each student who resides in the district and, to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district. Utah Code explains that a school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.</p> <p>(Utah Code 53G-6-402 Open enrollment options – Procedures – Processing fee – Continuing enrollment)</p> <p>Per Utah Administrative Rules, local school boards must establish policies describing procedures for students to follow to apply for schools other than the student’s school of residence.</p> <p>(R277-437 Open Enrollment)</p>
<p>Transfers Within Districts</p>	<p>YES</p> <p>Mandatory policy allowing students to transfer schools</p>	<p>Local board policies relating to procedures for students to follow in applying for entry into schools, as required under Utah Code, must include a procedure relating to written notification to the resident school for intradistrict transfers.</p> <p>(Utah Code 53G-6-402 Open enrollment options – Procedures – Processing fee – Continuing enrollment)</p>

<p>Year-round Transfer Window</p>	<p>LIMITED</p> <p>Restricted transfer window</p>	<p>Utah Code provides for the following application windows:</p> <ul style="list-style-type: none"> • For those seeking early enrollment for the following year, applications must be accepted from November 15 through the first Friday in February; • For those seeking admission during the early enrollment period for the following year for a school that is doing a district wide grade reconfiguration of elementary, middle, junior, and senior high schools and this will be implemented in the next school year, applications will be accepted between August 1 and November 1. <p>Students who are enrolled may remain enrolled in a school, without renewed applications unless the student graduates, is no longer a Utah resident, is suspended or expelled from school, or the enrollment will exceed the school’s open enrollment threshold for children of military service members in certain circumstances.</p> <p>(Utah Code 53G-6-402 Open enrollment options – Procedures – Processing fee – Continuing enrollment)</p> <p>Administrative Rules provide that districts have discretion to establish longer or broader timelines for enrollment than required by law.</p> <p>(R277-437 Open Enrollment)</p>
<p>Tuition-Free Public Schools</p>	<p>YES</p> <p>Prohibition on parent tuition</p>	<p>Districts may charge a one-time \$5 processing fee for the application to transfer.</p> <p>(Utah Code 53G-6-402 Open enrollment options – Procedures – Processing fee – Continuing enrollment)</p> <p>Utah Code provides that students enrolled in a nonresident district would be considered a resident of that district for purposes of state funding.</p> <p>The State Board is required to adopt rules, according to Utah Code, relating to the payment of tuition, including the following:</p> <ul style="list-style-type: none"> • The resident district should pay the nonresident district, for each of the resident district’s students who enroll in the nonresident district, 1/2 of the amount by which the resident district’s per student expenditure exceeds the value of the state’s contribution; and • If a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount based on the percentage of school days the student is enrolled in the nonresident district. <p>(Utah Code 53G-6-405 Funding)</p>

		Administrative Rules confirm these requirements.
School Capacity Transparency	<p>LIMITED</p> <p>Only some information reported</p>	<p>Utah Code requires each local school board to post certain information on their website, including:</p> <ul style="list-style-type: none"> • the school’s maximum capacity; • the school’s adjusted capacity; • the school’s projected enrollment used in the calculation of the open enrollment threshold; • the actual enrollment on October 1, January 2, and April 1; • the number of nonresident student enrollment requests; • the number of nonresident student enrollment requests accepted; and • the number of resident students transferring to another school. <p>(Utah Code 53G-6-403 Policies for acceptance and rejection of applications)</p>
Transfer Data Transparency	<p>NO</p> <p>No transparency in data reporting</p>	Utah Code does not require public reporting of open enrollment data by the state agency.
Transparent Appeal Process	<p>YES</p>	<p>Utah Code provides that denial of initial or continuing enrollment in a nonresident school may be appealed to the local school board of the nonresident district.</p> <p>Code notes that the decision will be upheld, unless there is clear and convincing evidence the denial was in violation of applicable law or regulation or is arbitrary and capricious.</p> <p>(Utah Code 53G-6-404 Denial of enrollment – Appeal)</p>

SOURCE CITATIONS

Statutes

[Utah Code 53G-6-402 Open enrollment options – Procedures – Processing fee – Continuing enrollment](#)

[Utah Code 53G-6-403 Policies for acceptance and rejection of applications](#)

[Utah Code 53G-6-404 Denial of enrollment – Appeal](#)

Administrative Code

[R277-437 Open Enrollment](#)



Charter Schools in Utah

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>YES</p> <p>Multiple authorizers</p>	<p>Utah Code establishes specific entities that are eligible to authorize charter schools, including:</p> <p>the State Charter School Board;</p> <ul style="list-style-type: none"> • a local school board; • a board of trustees of an institution in the state system of higher education; or • a board of trustees of a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities. <p>(Utah Code 53G-5-205 Charter school authorizers – Powers and duties – Charter application minimum standard)</p>
<p>Charter Appeal Process</p>	<p>NO</p> <p>No appeals process</p>	<p>Utah Code and Rules do not appear to provide for an appeal of an authorizer denial.</p> <p>Utah Code for charter schools with the State Charter School Board as an authorizer provides that an application may not be denied on the basis that the establishment of the charter school will have any or all the following impacts on a public school:</p> <ul style="list-style-type: none"> • an enrollment decline; • a decrease in funding; or • a modification of programs or services. <p>(Utah Code 53G-5-304 Charter school authorized by the State Charter School Board - Application process – Prohibited basis of application denial)</p> <p>Utah Code providing for local school board authorizers specifies that if the local school board rejects an application, the applicant must be notified in writing of the reason for the rejection and then the applicant may</p>

		<p>submit a revised application for reconsideration by the local school board. If the local school board then refuses to authorize the applicant, the applicant may seek a charter from another authorizer.</p> <p>(Utah Code 53G-5-305 Charters authorized by local school boards – Application process – Local school board responsibilities)</p> <p>Utah Code for charter schools with a board of trustees of a higher education institution as an authorizer provides that an application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school:</p> <ul style="list-style-type: none"> • an enrollment decline; • a decrease in funding; or • a modification of programs or services. <p>The Utah Board of Higher Education may deny an application approved by a technical college board of trustees if the proposed charter school does not accomplish the purpose of charter schools, as provided in statute.</p> <p>(Utah Code 53G-5-306 Charter schools authorized by a board of trustees of a higher education institution – Application process – Board of trustees responsibilities)</p> <p>Utah Administrative Rules provides for an appeal an authorizer’s decision to terminate a charter but do not provide for an appeal of an authorizer denial, but Utah Code and Rules do not appear to provide for an appeal of an authorizer denial.</p> <p>(See R277-553-7 Appeals to the Board)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Utah Code provides for certain requirements that charter schools must meet. Charter schools must:</p> <ul style="list-style-type: none"> • meet all applicable federal, state, and local health, safety, and civil rights requirements. • make the same annual reports required of other public schools under the public education code; • meet all data and reporting standards; • must be organized and managed under the state’s Nonprofit Corporation Act; • may not employ an educator whose license is suspended or revoked by the state board. <p>(Utah Code 53G-5-404 Requirements for charter schools)</p>

		<p>Utah Code also provides that certain state board rules do not apply to charter schools, including the following rules:</p> <ul style="list-style-type: none"> • school libraries; • required school administrative and supervisory services; and • required expenditures for instructional supplies. <p>Charter schools under law are subject to statutes relating to the Open and Public Meetings Act and Government Records Access and Management Act.</p> <p>The State Charter School Board is also tasked with presenting recommendations for exemption to the state board of consideration.</p> <p>(Utah Code 53G-5-405 Application of statutes and rules to charter schools)</p>
<p>Equitable Charter Funding</p>	<p>YES</p> <p>Students are funded as in a traditional district school</p>	<p>Utah Code for Charter Schools provides that Title 53F, Public Education System – Funding governs charter school funding.</p> <p>(Utah Code 53G-50-103 Charter school funding)</p> <p>Title 53F provides that charter schools must receive state funds on the same basis as a school district receives funds. The State Board is required to distribute charter school levy per pupil revenues to charter schools. Further, the Legislature must provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues.</p> <p>(Utah Code 53F-2-702 Funding for charter schools)</p>
<p>Charter Facilities Funding</p>	<p>YES</p> <p>Charter schools have equal access to facility funding streams</p>	<p>Utah Code provides for a charter school levy state guarantee. Code specifies that the legislature must provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues. Out of this money, 10% must be expended for funding school facilities only.</p> <p>(Utah Code 53F-2-704 Charter school levy state guarantee)</p>

<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>High-performing charter schools do not receive incentives or favorable regulatory environments in Utah.</p>
<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>Utah provides that each school district, charter school, special district, special service district must conform to any applicable land use ordinance of any county when installing, constructing, operating, or otherwise using any area, land or building situated within a mountainous planning district or the unincorporated portion of the county.</p> <p>School districts and charter schools are subject to a county’s land use ordinances. Counties may subject charter school to certain standards relating to zoning, such as setback, height, and others.</p> <p>(Utah Code 17-27a-305 Other entities required to conform to county’s land use ordinances – Exceptions – School districts and charter schools – Submission of development plan and schedule)</p>

SOURCE CITATIONS

Statutes	Administrative Code	Citations Group Heading
<p>Utah Code 17-27a-305 Other entities required to conform to county’s land use ordinances – Exceptions – School districts and charter schools – Submission of development plan and schedule</p>	<p>R277-550 Charter Schools - Definitions</p>	<p>Utah State Board of Education, Charter Schools</p>
<p>Utah Code 53F-2-702 Funding for charter schools</p>	<p>R277-551 Charter Schools – General Provisions</p>	<p>Utah State Charter School Board</p>
<p>Utah Code 53G-5 Charter Schools</p>	<p>R277-552 Charter School Timelines and Approval Processes</p>	
<p>Utah Code 53G-50-103 Charter school funding</p>	<p>R277-553 Charter School Oversight, Monitoring, and Appeals</p>	
	<p>R277-554 State Charter School Board Grants and Mentoring Program</p>	
	<p>R277-555 Corrective Action Against Charter School Authorizers</p>	
	<p>R277-556 Charter School Closure Reserve Account</p>	
	<p>R277-553-7 Appeals to the Board</p>	



Private School Choice in Utah

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p>YES</p> <p><i>Scoring is calculated based off % of all students served</i></p>	<p>Utah Fits All Scholarship Program Choice funding under the Utah Fits All Scholarship Program is available to all K-12 students.</p> <p>(Utah Code 53F-6-4 Utah Fits All Scholarship Program)</p> <p>Utah Code defines “eligible student” to mean a student who is eligible to participate in public school in grades K-12, who is a resident of the state, who, during the school year for which the student is applying for a scholarship account:</p> <ul style="list-style-type: none"> • does not receive a scholarship under the Carson Smith Scholarship Program or the Special Needs Opportunity Scholarship Program; and • except for a student who is enrolled part-time, is not enrolled in an LEA upon receiving the scholarship. <p>The student must not be suspended or disqualified pursuant to Utah Code from receiving the scholarship and must complete, to maintain eligibility, the portfolio requirement.</p> <p>(Utah Code 53F-6-401 Definitions)</p> <p>Utah Code does establish certain enrollment preferences, as follows:</p> <ul style="list-style-type: none"> • An eligible student who used a scholarship account in the previous school year; • An eligible student, who did not receive a scholarship in the previous year, and with a family income at or below 200% of the federal poverty level; • An eligible student who is a sibling of an eligible student who uses a scholarship at the time of the sibling’s application or in the immediately preceding year; and • An eligible student, who did not have a scholarship the previous year, and with a family income between 200% and 555% of the federal poverty level.

			<p>(Utah Code 53F-6-402 Utah Fits All Scholarship Program – Scholarship account application – Scholarship expenses – Program information)</p> <ul style="list-style-type: none"> Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program. <p>Utah Administrative Rules relating to the Utah Fits All Scholarship do not address student eligibility.</p>
		<p>LIMITED</p>	<p>Carson Smith Opportunity Scholarship Program On March 20, 2024, the Governor signed legislation that merged the Special Needs Opportunity Scholarship Program with the Carson Smith Special Needs Scholarship, now called the Carson Smith Opportunity Scholarship Program.</p> <p>(See Senate Bill 44, Utah Legislature, (2024))</p> <p>Utah Code, as amended in Senate Bill 44 in 2024, defines “eligible student” to mean a student who:</p> <ul style="list-style-type: none"> is eligible to participate in public school in grades K-12; is enrolled in a qualifying school; is a home-based scholarship student; or is at least 3 years old before September 2 of the year the scholarship is awarded; is a resident of the state; has a qualified disability identified under federal law as determined by either having an IEP within the previous three years, or a multidisciplinary team evaluation; and during the school year for which the student is applying for the scholarship is not receiving a Carson Smith Scholarship or enrolled as a public school student. <p>Eligible students also include a student who is eligible to participate in public school in grades K-12; is enrolled in a qualifying school; is a home-based scholarship student; or is at least 3 years old before September 2 of the year the scholarship is awarded; and who are residents of the state, and meet the following:</p> <ul style="list-style-type: none"> is a sibling of and resides in the same household as an “eligible student” as defined above if the student is a scholarship student and has verified enrollment or intent to enroll at a qualifying school or participate in services provided by a qualifying provider;

			<p>and the sibling is applying for a scholarship to attend the same qualifying school or participate in the same services provided by a qualifying provider.</p> <p>(Utah Code 53E-7-401 Definitions, as amended by Senate Bill 44, Utah Legislature (2024))</p> <ul style="list-style-type: none"> Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>Comparable Student Funding</p>	<p>LIMITED</p> <p><i>Funding below 90%</i></p>	<p>LIMITED</p>	<p>Utah Fits All Scholarship Program</p> <p>Utah Code provides that scholarship students are eligible for no more than \$8,000 during the 2024-2025 school year, and each following year, \$8,000 plus a percentage increase that is equal to the five-year rolling average inflationary factor explained in law. House Bill 455 (2025) reduced funding specifically for homeschoolers: \$4,000 (ages 5-11) and \$6,000 (ages 12-18).</p> <p>(Utah Code 53F-6-402 Utah Fits All Scholarship Program – Scholarship account application – Scholarship expenses – Program information)</p> <ul style="list-style-type: none"> Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program. <p>Utah Administrative Rules relating to the Utah Fits All Scholarship do not address per-pupil spending.</p>
		<p>YES</p>	<p>Carson Smith Opportunity Scholarship Program</p> <p>Utah Code, as amended by Senate Bill 44, explains the scholarship granting organization determines the full-year scholarship award to pay for the cost of one or more scholarship expenses in an amount not more than:</p> <p>For an eligible student in K-12 and whose family income is:</p> <ul style="list-style-type: none"> at or below 185% of the federal poverty level, the value of the weighted pupil unit multiplied by 2.5; except as provided in the bullet below, above 185% of the federal poverty level, the value of the weighted pupil unit multiplied by 2; or

			<ul style="list-style-type: none"> • above 185% of the federal poverty level and the eligible student would have received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, the value of the weighted pupil unit multiplied by 2.5; or • in preschool, the value of the weighted pupil unit. <p>For an eligible student who is a sibling, the scholarship amount shall be half the value of the weighted pupil unit.</p> <p>(Utah Code 53E-7-402 Carson Smith Opportunity Scholarship Program, as amended by Senate Bill 44, Utah Legislature (2024))</p> <ul style="list-style-type: none"> • Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>Uncapped Student Access</p>	<p>LIMITED</p> <p>Funding or enrollment cap</p> <p><i>Scoring is calculated based off program with largest number of students (Utah Fits All)</i></p>	<p>LIMITED</p>	<p>Utah Fits All Scholarship Program</p> <p>Utah Code does not provide for an enrollment cap for this program.</p> <p>Utah Code does include a funding cap, as follows:</p> <ul style="list-style-type: none"> • For the 2024-2025 school year, a scholarship student is eligible for no more than \$8,000; • After the first year, students are eligible for the \$8,000 (maximum amount identified in statute) plus a percentage increase that is equal to the five-year rolling average inflationary factor. <p>(Utah Code 53F-6-402 Utah Fits All Scholarship Program – Scholarship account application – Scholarship expenses – Program information)</p> <ul style="list-style-type: none"> • Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program. <p>Utah Administrative Rules relating to the Utah Fits All Scholarship do not address funding or enrollment caps.</p>

		YES	<p>Carson Smith Opportunity Scholarship Program Utah Code, as amended in Senate Bill 44, does not provide for enrollment or funding caps for this scholarship program.</p>
<p>Extended Application Window</p>	<p>LIMITED</p> <p>Application period or periods</p> <p><i>Scoring is calculated based off program with largest number of students (Utah Fits All)</i></p>	LIMITED	<p>Utah Fits All Scholarship Program The program manager of the Utah Fits All Scholarship Program must establish a scholarship account on behalf of an eligible student who submits a “timely application.”</p> <p>Eligible students must submit applications for the initial scholarship and renewal for each school year. To maintain eligibility, students must annually complete a portfolio which describes the student’s educational opportunities and achievements under the program.</p> <p>(Utah Code 53F-6-402 Utah Fits All Scholarship Program – Scholarship account application – Scholarship expenses – Program information)</p> <p>The program manager is tasked with establishing an application process, including application dates opening before March 1, 2024.</p> <p>(Utah Code 53F-6-405 Program manager duties – Audit – Prohibitions)</p> <ul style="list-style-type: none"> Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program. <p>Utah Administrative Rules relating to the Utah Fits All Scholarship do not address applications.</p> <p>According to the Utah Fits All webpage, applications opened on February 28, 2024, and will close on April 15, 2024.</p>
		LIMITED	<p>Carson Smith Opportunity Scholarship Program Utah Code provides that scholarship granting organizations will give priority to eligible students by establishing an August 10 deadline for eligible students who are siblings and awarding scholarships to siblings only if funds exist after awarding scholarships to all eligible students who have applied and qualify.</p> <p>(Utah Code 53E-7-402 Carson Smith Opportunity Scholarship Program, as amended by Senate Bill 44, Utah Legislature (2024))</p>

			<ul style="list-style-type: none"> Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>Student Testing Options</p>	<p>LIMITED</p> <p>Rigid mandates, multiple tests, or no accountability</p> <p><i>Scoring is calculated based off program with largest number of students (Utah Fits All)</i></p>	<p>LIMITED</p>	<p>Utah Fits All Scholarship Program</p> <p>Utah Code permits parents to request the program manager facilitate one of the following assessments:</p> <ul style="list-style-type: none"> a standards assessment; a high school assessment; a college readiness assessment; an assessment of students in grade 3 to measure reading grade level; or a nationally norm-referenced assessment. <p>(Utah Code 53F-6-410 Parental rights – Optional assessment)</p> <ul style="list-style-type: none"> Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program. <p>Utah Administrative Rules relating to the Utah Fits All Scholarship do not address academic testing options.</p>
		<p>YES</p>	<p>Carson Smith Opportunity Scholarship Program</p> <p>Utah Code provides that private schools must administer an annual assessment of each scholarship student’s academic progress and report the results of the assessment to the scholarship student’s parent.</p> <p>(Utah Code 53E-7-408 Eligible private schools, as amended by Senate Bill 44, Utah Legislature (2024))</p> <p>Utah Code further provides that qualifying schools, when administering the required annual assessment, must ensure that the qualifying school uses a norm-referenced assessment.</p>

			<p>(Utah Code 53E-7-403 Qualifying school and qualifying provider requirements, as amended by Senate Bill 44, Utah Legislature (2024))</p> <ul style="list-style-type: none"> Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>School Autonomy</p>	<p>YES</p> <p><i>Scoring is calculated based off program with largest number of students (Utah Fits All)</i></p>	<p>YES</p>	<p>Utah Fits All Scholarship Program Utah Code does not address admissions, hiring, and other topics for the Utah Fits All Scholarship Program.</p> <p>Utah Code provides for the following requirements for private schools:</p> <p>Private schools with 150 or more enrolled students must:</p> <ul style="list-style-type: none"> Contract with an independent licensed certified public accountant to conduct an agreed upon procedures engagement as the state board adopts, or obtain an audit and report that (1) is completed by a licensed independent certified public accountant in accordance with generally accepted auditing standards; (2) presents the financial statements in accordance with generally accepted accounting principles; and (3) audits financial statements within 12 months immediately preceding the audit. <p>Private schools must also comply with antidiscrimination provisions in federal law.</p> <p>Private schools must provide written disclosures of certain information to the parent of each prospective scholarship student.</p> <p>Private schools must require certain employees to submit to nationwide, fingerprint-based criminal background checks, including employees who do not hold current Utah educator licenses, employees who hold a current educator license in a state outside of Utah, and contract employees.</p> <p>Private schools with fewer than 150 enrolled students must:</p>

- Provide to the program manager information such as federal employer identification number, address and contact information, description of each program or service the provider proposes to offer to scholarship students, and other information.
- These private schools must also comply with antidiscrimination provisions in federal law.

[\(Utah Code 53F-6-408 Eligible schools\)](#)

- Utah Code requires the State Board to promulgate rules for certain provisions of the law relating to the Utah Fits All Scholarship Program.

Utah Administrative Rules relating to the Utah Fits All Scholarship do not address private school autonomy.

[Utah Code Section 53F-6-406](#)

53F-6-406. Qualifying provider regulatory autonomy -- Home school autonomy -- Student records -- Scholarship student status.

- (1) Nothing in this part:
 - (a) except as expressly described in this part, grants additional authority to any state agency or LEA to regulate or control:
 - i. a private school, qualifying provider, or home school;
 - ii. students receiving education from a private school, qualifying provider, or home school;
 - (b) applies to or otherwise affects the freedom of choice of a home school student, including the curriculum, resources, developmental planning, or any other aspect of the home school student's education; or
 - (c) expands the regulatory authority of the state, a state office holder, or an LEA to impose any additional regulation of a qualifying provider beyond any regulation necessary to administer this part.
- (2) A qualifying provider:
 - (a) has a right to maximum freedom from unlawful governmental control in providing for the educational needs of a scholarship student who attends or engages with the qualifying provider; and

			<p>(b) is not an agent of the state by virtue of the provider's acceptance of payment from a scholarship account in accordance with this part.</p> <p>(3) Except as provided in Section 53F-6-403 regarding qualifying providers, Section 53F-6-408 regarding eligible schools, or Section 53F-6-409 regarding eligible service providers, a program manager may not require a qualifying provider to alter the qualifying provider's creed, practices, admissions policies, hiring practices, or curricula in order to accept scholarship funds.</p> <p>(4) An LEA or a school in an LEA in which a scholarship student was previously enrolled shall provide to the scholarship student's parent a copy of all school records relating to the student that the LEA possesses within 30 days after the day on which the LEA or school receives the parent's request for the student's records, subject to:</p> <p>(a) Title 53E, Chapter 9, Student Privacy and Data Protection; and</p> <p>(b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.</p> <p>(5) By virtue of a scholarship student's involvement in the program and unless otherwise expressly provided in statute, a scholarship student is not:</p> <p>(a) enrolled in the public education system; or</p> <p>(b) otherwise subject to statute, administrative rules, or other state regulations as if the student was enrolled in the public education system.</p>
		<p>LIMITED</p>	<p>Carson Smith Opportunity Scholarship Program Qualifying schools and qualifying providers must comply with 42 U.S.C. Sec. 1981 and meet state and local health and safety laws and codes.</p> <p>(Utah Code 53E-7-403 Qualifying school and qualifying provider requirements, as amended by Senate Bill 44, Utah Legislature (2024))</p> <p>Utah Code, as amended by Senate Bill 44, specifies that nothing in this, unless it is expressly described, grants additional authority to any state agency or LEA to regulate or control a qualifying school, qualifying provider, or home school.</p> <p>Utah Code further provides that a qualifying school or program has the right to “maximum freedom from unlawful governmental control in providing for the educational needs of a scholarship student.”</p>

			<p>Statute further specifically provides that qualifying schools or providers may not be required to alter the qualifying provider’s creed, practices, admissions policies, hiring practices, or curricula in order to accept scholarship funds.</p> <p>(Utah Code 53E-7-406 Qualifying school or qualifying provider regulatory autonomy – Home school autonomy – Student records – Scholarship student status, as amended by Senate Bill 44, Utah Legislature (2024))</p> <p>Utah Code further provides certain requirements for eligible private schools. Statute requires private schools that enroll scholarship students to employ or contract teachers who:</p> <ul style="list-style-type: none"> • hold baccalaureate or higher degrees; • have at least 3 years of teaching experience in public or private schools; or • have the necessary skills, knowledge, or expertise that qualifies the teacher to provide instruction in the subject or subjects taught; and to the special needs student taught. <p>(Utah Code 53E-7-408 Eligible private schools, as amended by Senate Bill 44, Utah Legislature (2024))</p> <ul style="list-style-type: none"> • Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>Accessible School Participation</p>	<p>YES</p> <p>No accreditation requirement</p> <p><i>Scoring is calculated based off program with largest number of students (Utah Fits All)</i></p>	<p>YES</p>	<p>Utah Fits All Scholarship Program Utah Code does not require participating private schools to have accreditation.</p> <p>Carson Smith Opportunity Scholarship Program Utah Code does not require participating private schools to have accreditation.</p> <p>“Qualifying provider” in Utah Code is defined to include entities that are not public schools, are autonomous and are not agents of the state, and qualifying providers must meet certain requirements described in the law. Qualifying providers may include eligible service providers.</p> <p>(Utah Code 53E-7-401 Definitions, as amended by Senate Bill 44, Utah Legislature (2024))</p>

			<ul style="list-style-type: none"> Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
--	--	--	--

ESAs and Parent-Directed Spending

<p>Freedom to Customize</p>	<p>YES</p> <p><i>Score is based off the largest ESA program. (Utah Fits All)</i></p>	<p>YES</p>	<p>Utah Fits All Scholarship Program</p> <p>Utah Code for the Utah Fits All Scholarship Program identifies the following permissible scholarship expenses:</p> <ul style="list-style-type: none"> tuition and fees of a qualifying provider; fees and instructional materials at a technical college; tutoring services; fees for after-school or summer education programs; textbooks, curricula, or other instructional materials; educational software and applications; supplies or other equipment related to a scholarship student’s educational needs; computer hardware or other technological devices that are intended primarily for a scholarship student’s educational needs; fees for examinations, or for a preparation course for certain examinations, including national norm-referenced or standardized assessments, advanced placement examinations, or other similar assessments; a state-recognized industry certification examination; and an examination related to college or university admission; educational services for students with disabilities from a licensed or accredited practitioner or provider; Contracted services that the program manager approves and that the LEA provides, including after-school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities; ride fees or fares for a fee-for-service transportation provider to transport the eligible student to and from a qualifying school or qualifying provider, not to exceed \$750 in a given school year;
------------------------------------	---	-------------------	--

			<ul style="list-style-type: none"> • expenses related to extracurricular activities, field trips, educational supplements, and other educational experiences; • or any other expense for a good or service that a parent or scholarship student incurs in the education of the scholarship student and the program manager approves. <p>A 2025 law specifically prohibits all the following as scholarship expenses: (1) more than one chaperone expense or pass per family, regardless of family size; (2) season tickets or subscriptions to entertainment venues; (3) ski passes or lift tickets; (4) access to recreational facilities unless for physical education of the student; (5) playground equipment; (6) the purchase of any type of furniture, musical instrument, apparel, or any other non-educational expenses as the program manager determines.</p> <p>(Utah Code 53F-6-401 Definitions)</p>
		<p>YES</p>	<p>Carson Smith Opportunity Scholarship Program Scholarship expenses authorized in Utah Code include the following:</p> <ul style="list-style-type: none"> • published tuition and fees of a qualifying school or qualifying provider; • fees and instructional materials at a technical college; • tutoring services; • fees for after-school or summer education programs; • textbooks, curricula, or other instructional materials, including any supplemental or associated online instruction that a curriculum, qualifying provider, or a qualifying school recommends; • educational software and applications; • supplies or other equipment related to an eligible student’s educational needs; • computer hardware or other technological devices that are intended primarily for an eligible student’s educational needs; • fees for examinations, or for a preparation course for certain examinations, including national norm-referenced or standardized assessments, advanced placement examinations, or other similar assessments; a state-recognized industry certification examination; and an examination related to college or university admission; • educational services for students with disabilities from a licensed or accredited practitioner or provider;

			<ul style="list-style-type: none"> contracted services that the scholarship granting organization approves and that an LEA provides, including transportation; ride fees or fares for a fee-for-service transportation provider to transport the eligible student to and from a qualifying school or qualifying provider, not to exceed \$750 in a given school year; expenses related to extracurricular activities, field trips, educational supplements, and other educational experiences; other expenses the scholarship granting organization approves. <p>(Utah Code 53E-7-401 Definitions, as amended by Senate Bill 44, Utah Legislature (2024))</p> <ul style="list-style-type: none"> Utah Code 53E-7-404 provides that the state board must promulgate rules to administer the program. <p>Because this law has just been enacted, Administrative Rules have not yet been promulgated by the State Board.</p>
<p>Freedom to Access</p>	<p>YES</p> <p><i>Score is based off the largest ESA program. (Utah Fits All)</i></p>	<p>YES</p>	<p>Utah Fits All Scholarship Program</p> <p>Utah makes parent-directed funding broadly available to families through private school choice – the Utah Fits All Scholarship Program allows parents to apply to a program manager on behalf of a student to establish and maintain a scholarship account to cover the cost of a scholarship expense. Students may use the scholarship funds for expenses through a qualifying school or qualifying provider.</p> <p>(Utah Code 53F-6-402 Utah Fits All Scholarship Program – Scholarship account application – Scholarship expenses – Program information)</p>
		<p>YES</p>	<p>Carson Smith Opportunity Scholarship Program</p> <p>Utah makes parent-directed funding broadly available to families through private school choice – the Carson Smith Opportunity Scholarship Program allows parents to apply to a scholarship granting organization on behalf of the student to help cover the cost of scholarship expenses. Students may use the scholarship funds for expenses through a qualifying school or qualifying provider.</p> <p>(Utah Code 53E-7-4 Carson Smith Opportunity Scholarship Program, as amended by Senate Bill 44, Utah Legislature (2024))</p>

Carry-Over Funding	<p>LIMITED</p> <p>Most or all unused funds revert to the state</p> <p><i>Score is based off the largest ESA program. (Utah Fits All)</i></p>	<p>LIMITED</p>	<p>Utah Fits All Scholarship Program House Bill 455 (2025) allows two-thirds of funds remaining in an account, up to \$2,000 total, to carry over to the following year.</p> <p>(Utah Code 53F-6-411 Program funding)</p>
		<p>LIMITED</p>	<p>Carson Smith Opportunity Scholarship Program Utah Code is silent on carrying over account funds.</p> <p>Utah Code provides that upon acceptance of a scholarship, the parent assumes full financial responsibility for the education of the scholarship recipient. Parents are required to notify scholarship granting organizations if the parent’s scholarship recipient does not have continuing enrollment and attendance at a qualifying school or transitions to be a home-based student.</p> <p>(Utah Code 53E-7-405 Program donations – Scholarship granting organization requirements – Legislative appropriations, as amended by Senate Bill 44, Utah Legislature (2024))</p>
Tax Credits			
Full Tax Credit	<p>YES</p> <p><i>State’s largest private school choice program does not qualify as a Tax Credit. Score is based off the largest Tax Credit program</i></p>	<p>Carson Smith Opportunity Scholarship Program On March 20, 2024, the Governor signed legislation that merged the Special Needs Opportunity Scholarship Program with the Carson Smith Special Needs Scholarship, now called the Carson Smith Opportunity Scholarship Program.</p> <p>(See Senate Bill 44, Utah Legislature, (2024))</p>	

		<p>Utah Code for the Carson Smith Opportunity Scholarship Program explains that donations made to a scholarship granting organization to help fund scholarships through this program may be eligible to receive a nonrefundable tax credit.</p> <p>(Utah Code 53E-7-405 Program donations – Scholarship granting organization requirements – Legislative appropriations, as amended by Senate Bill 44, Utah Legislature (2024))</p> <p>Taxpayers that make donations to the Carson Smith Opportunity Scholarship Program may claim a nonrefundable tax credit equal to 100% of the amount stated on the tax credit certificate.</p> <p>(Utah Code 59-7-625 Nonrefundable tax credit for donation to the Carson Smith Opportunity Scholarship Program, as amended by Senate Bill 44, Utah Legislature (2024))</p> <p>Utah Code does provide for a program's donations cap – this cap was set at \$5,940,000 in 2021 and then can increase each year, depending on total program donations.</p> <p>(Utah Code 53E-7-407 Tax credit certificates issued by a scholarship granting organization, as amended by Senate Bill 44, Utah Legislature (2024))</p>
--	--	---

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>Senate Bill 44, Utah Legislature, (2024)</p> <p>Utah Code 53E-7-4 Special Needs Opportunity Scholarship Program</p> <p>Utah Code 53F-4-3 Carson Smith Scholarship Program</p> <p>Utah Code 53F-6-4 Utah Fits All Scholarship Program</p> <p>Utah Code 59-7-625 Nonrefundable tax credit for donation to Special Needs Opportunity Scholarship Program</p>	<p>R277-126 Utah Fits All Scholarship</p> <p>R277-602 Carson Smith Scholarships – Funding and Procedures</p> <p>R277-626 Special Needs Opportunity Scholarship Program</p>	<p>Utah State Board of Education, Utah Fits All Scholarship Program</p> <p>Utah State Board of Education, Special Needs Scholarship Grants</p> <p>Utah State Board of Education, Special Needs Opportunity Scholarship Program General Overview</p>	<p>Utah Fits All</p> <p>Children First Education Fund</p> <p>EdChoice, The ABCs of School Choice: Utah (2024 Edition)</p>



Homeschooling in Utah

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>YES No permission required</p>	<p>Utah Code does not require families to receive permission from a local school board or administering body to practice homeschooling.</p> <p>Utah Code provides that local school boards must excuse children from attendance at a school, if the child’s parent or legal guardian files a signed and notarized affidavit with the school district of residence that the child will attend a home school. Parents or legal guardians then assume the sole responsibility for the education of the child.</p> <p>(Utah Code 53G-6-204 School-age children exempt from school attendance)</p> <ul style="list-style-type: none"> Utah Code 53G-6-204 does not require the State Board to promulgate rules relating to home school students.
<p>No Extra Homeschool Notifications</p>	<p>YES One-time or no notification</p>	<p>Utah Code requires families to notify local officials one time regarding plans to homeschool.</p> <p>Utah Code provides that local school boards must excuse children from attendance at a school, if the child’s parent or legal guardian files a signed and notarized affidavit with the school district of residence that the child will attend a home school. Parents or legal guardians then assume the sole responsibility for the education of the child.</p> <p>The signed and notarized affidavit remains in effect if the school-age child attends a home school. Further, the school district where the affidavit was filed must remain the child’s district of residence and the parent or guardian that signed and notarized the affidavit must not be convicted of child abuse or the subject of a substantiated finding of child abuse by a court of competent jurisdiction.</p> <p>(Utah Code 53G-6-204 School-age children exempt from school attendance)</p> <ul style="list-style-type: none"> Utah Code 53G-6-204 does not require the State Board to promulgate rules relating to home school students.

<p>No Certification to Homeschool</p>	<p>YES No certification requirement</p>	<p>Utah Code expressly prohibits local school boards from requiring credentials for individuals providing home school instruction.</p> <p>(Utah Code 53G-6-204 School-age children exempt from school attendance)</p> <ul style="list-style-type: none"> Utah Code 53G-6-204 does not require the State Board to promulgate rules relating to home school students.
<p>Flexible Assessment Options</p>	<p>YES Flexible academic accountability</p>	<p>Utah Code provides that parents of children who attend a home school are solely responsible for the following:</p> <ul style="list-style-type: none"> the selection of instructional materials and textbooks; the time, place, and method of instruction; and the evaluation of the home school instruction. <p>Local school boards may not require standardized or other testing of home school students.</p> <p>(Utah Code 53G-6-204 School-age children exempt from school attendance)</p> <ul style="list-style-type: none"> Utah Code 53G-6-204 does not require the State Board to promulgate rules relating to home school students. <p>Utah Administrative Rules do provide Utah home school students who are Utah residents the ability to participate in statewide assessments. Utah Rules allow homeschool students to participate in these assessments, so long as the students have met the requirements of Utah Code 53G-6-204 (School-age children exempt from school attendance).</p> <p>(R277-604 Private School, Home School, Scholarship, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests)</p>

SOURCE CITATIONS

Statutes

[Utah Code 53G-6-204 School-age children exempt from school attendance](#)

Administrative Code

[R277-604 Private School, Home School, Scholarship, and Bureau of Indian Education \(BIE\) Student Participation in Public School Achievement Tests](#)

State Department of Education

[Utah State Board of Education, Home School](#)

[Utah State Board of Education, Frequently Asked Questions About School District Responsibilities and Home Schools](#)

POLICY ENHANCERS



Part-time Enrollment in Utah

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>YES</p>	<p>Utah Code provides that students enrolled in private school or home schools may also enroll in a public school for dual enrollment purposes. This authorizes students to participate in any academic activity in a public school available to students in their grade or age group.</p> <p>(Utah Code 53G-6-702 Dual enrollment)</p> <p>Utah Administrative Rules provide that private school students and home school students who are Utah residents may participate in statewide assessments.</p> <p>(R277-604 Private School, Home School, Scholarship, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests)</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Utah Administrative Rules relating to dual enrollment provide that students in private or home schools may enroll in a public school that is not the student’s resident school, including in a single course or program, at the discretion of the public school.</p> <p>(R277-438 Dual Enrollment)</p>

<p>Virtual Course Access</p>	<p>YES</p> <p>The state has one or more fully accessible virtual providers</p>	<p>Utah Code creates the Statewide Online Education Program for eligible students to earn high school graduation credit or middle school credit. This program provides public and home school students with access to online learning options.</p> <p>Note that eligible students may enroll in online courses for no more than 6 credits per school year.</p> <p>(Utah Code 53F-4-502 Statewide Online Education Program created – Designated as program of the public education system – Purposes)</p> <p>Administrative Rules confirms the requirements in state Code.</p> <p>(R277-726 Statewide Online Education Program)</p> <p>Schools in Utah also offer online options for students – for example Utah Online K-12 is a free public school, open to all students in grades K-12, who live anywhere in the state.</p> <p>(Utah Online School)</p> <p>Through the Statewide Online Education Program, students may have course-level access to district and charter course providers, as well as programs of institutions of higher education and other certified online course providers so long as the provider complies with application procedures, meets certain standards, and has prior experience offering online courses to secondary students.</p> <p>(Utah Code 53F-4-504 Authorized online course providers – Certified online course providers)</p> <p>The Utah Private Course Choice Empowerment program was created in 2025 specifically for private school students to access online or in-person course offerings.</p> <p>(Utah Code 53F-6-501 Utah Private Course Choice Empowerment Program; Utah State Board of Education, Private School Students)”</p>
<p>Extracurricular Access</p>	<p>YES</p> <p>Public schools must make extra/co-curricular activities available to all students</p>	<p>Utah Code explains that students enrolled in private schools and home schools are eligible to participate in an extracurricular activity at a public school, so long as the Code's requirements are met. Additional requirements include the following:</p> <ul style="list-style-type: none"> • Private school students may only participate if the activity is not offered by the student’s private school.

that reside in their district

- Participation by both private and home school students are limited to the school with attendance boundaries within which the student’s custodial parent resides, or the school from which the student withdrew for the purpose of attending a private or home school.
- Students must meet certain academic eligibility requirements.

[\(Utah Code 53G-6-703 Private school and home school students’ participation in extracurricular activities in a public school\)](#)

- Utah Code 53G-6-703 does not require the State Board to promulgate rules.

Charter school students are eligible to participate in extracurricular activities that are not offered by the student’s charter school at:

- the school with attendance boundaries within which the student’s custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student’s eligibility at another public school in grade 9 or 10;
- the public school from which the student withdrew for the purpose of attending a charter school; or
- a public school that is not a charter school if the student’s charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.

[\(Utah Code 53G-6-704 Charter school students’ participation in extracurricular activities at other public schools\)](#)

- Utah Code 53G-6-704 requires the State Board to promulgate rules establishing fees for charter school students’ participation in an extracurricular activity at school district schools.

Utah has promulgated Administrative Rules relating to charter, online, home, and private school student participation in extracurricular and co-curricular school activities.

[\(R277-494 Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities\)](#)

--	--	--

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>Utah Code 53F-4-502 Statewide Online Education Program created – Designated as program of the public education system – Purposes</p> <p>Utah Code 53G-6-702 Dual enrollment</p> <p>Utah Code 53G-6-703 Private school and home school students’ participation in extracurricular activities in a public school</p> <p>Utah Code 53G-6-704 Charter school students’ participation in extracurricular activities at other public schools</p>	<p>R277-494 Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities</p> <p>R277-726 Statewide Online Education Program</p>	<p>Utah State Board of Education, Statewide Online Education Program (SOEP)</p>	<p>Utah Online School</p>



Learn Everywhere in Utah

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	Utah has not established a Learn Everywhere program.
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Utah

POLICY	RATING	POLICY OVERVIEW
<p>Open Enrollment Transit</p>	<p>NO</p>	<p>Utah Code relating to open enrollment provides that parents of nonresident students are required to arrange for the student’s own transportation to and from school.</p> <p>Utah Code provides that the State Board may adopt rules relating to nonresident student transportation to the school of attendance in certain circumstances.</p> <p>(Utah Code 53G-6-405 Funding)</p> <p>Administrative Rules confirm that school resident districts may transport the district’s students to schools in other districts, but districts are not required to do this.</p> <p>(R277-437 Open Enrollment)</p>
<p>Fair Transportation Access</p>	<p>NO</p>	<p>Utah Code provides that a charter school is not eligible to receive state transportation funding. The State Board is required, pursuant to statute, to adopt rules relating to the transportation of students to and from charter schools. Further, a charter school governing board may provide transportation through an agreement or contract with the local school board, a private provider, or parents.</p> <p>(Utah Code 53F-2-702 Funding for charter schools)</p> <p>Utah Administrative Rules confirm that charter schools may not receive transportation funds and school districts may, but are not required to, provide transportation for charter school students on a space-available basis on approved routes.</p> <p>(R277-551 Charter Schools – General Provisions)</p>

<p>Vehicle Flexibility</p>	<p>NO</p> <p>Strict vehicle requirements</p>	<p>Utah Code requires the Department of Public Safety to adopt and enforce rules relating to the design and operation of all school buses in the state.</p> <p>(Utah Code 41-6a-1304 School buses – Rules regarding design and operation)</p> <p>Utah Code further specifies that education entities may not use vehicles with seating capacity of 11 or more for the transportation of students unless the vehicle meets federal school bus safety standards.</p> <p>(Utah Code 53-8-211.5 School bus safety standards – Exceptions)</p>
-----------------------------------	---	---

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education
<p>Utah Code 41-6a-1304 School buses – Rules regarding design and operation</p> <p>Utah Code 53-8-211.5 School bus safety standards – Exceptions</p> <p>Utah Code 53F-2-702 Funding for charter schools</p> <p>Utah Code 53G-6-405 Funding</p>	<p>R277-437 Open Enrollment</p> <p>R277-600 Student Transportation Standards and Procedures</p> <p>R277-601 Standards for Utah School Buses and Operations</p>	<p>Utah State Board of Education, Pupil Transportation</p>

