

Effective 1/24/2018

**Part 5
Student Fees**

53G-7-501 Definitions.

As used in this part:

- (1) "Co-curricular activity" means an activity, a course, or a program that:
 - (a) is an extension of a curricular activity;
 - (b) is included in an instructional plan and supervised or conducted by a teacher or education professional;
 - (c) is conducted outside of regular school hours;
 - (d) is provided, sponsored, or supported by an LEA; and
 - (e) includes a required regular school day activity, course, or program.
- (2) "Curricular activity" means an activity, a course, or a program that is:
 - (a) intended to deliver instruction;
 - (b) provided, sponsored, or supported by an LEA; and
 - (c) conducted only during school hours.
- (3) "Elementary school" means a school that provides instruction to students in grades kindergarten, 1, 2, 3, 4, 5, or 6.
- (4)
 - (a) "Elementary school student" means a student enrolled in an elementary school.
 - (b) "Elementary school student" does not include a secondary school student.
- (5)
 - (a) "Extracurricular activity" means an activity, a course, or a program that is:
 - (i) not directly related to delivering instruction;
 - (ii) not a curricular activity or co-curricular activity; and
 - (iii) provided, sponsored, or supported by an LEA.
 - (b) "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.
- (6)
 - (a) "Fee" means a charge, expense, deposit, rental, or payment:
 - (i) regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly;
 - (ii) in the form of money, goods, or services; and
 - (iii) that is a condition to a student's full participation in an activity, course, or program that is provided, sponsored, or supported by an LEA.
 - (b) "Fee" includes:
 - (i) money or something of monetary value raised by a student or the student's family through fundraising;
 - (ii) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
 - (iii) payments made to a third party that provides a part of a school activity, class, or program;
 - (iv) charges or expenditures for classroom:
 - (A) textbooks;
 - (B) supplies; or
 - (C) materials;
 - (v) charges or expenditures for school activity clothing; and

- (vi) a fine other than a fine described in Subsection (6)(c)(i).
- (c) "Fee" does not include:
 - (i) a student fine specifically approved by an LEA for:
 - (A) failing to return school property;
 - (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in Section 53G-8-212; or
 - (C) improper use of school property, including a parking violation;
 - (ii) a payment for school breakfast or lunch;
 - (iii) a deposit that is:
 - (A) a pledge securing the return of school property; and
 - (B) refunded upon the return of the school property; or
 - (iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program.
- (7)
 - (a) "Fundraising" means an activity or event provided, sponsored, or supported by an LEA that uses students to generate funds or raise money to:
 - (i) provide financial support to a school or a school's class, group, team, or program; or
 - (ii) benefit a particular charity or for other charitable purposes.
 - (b) "Fundraising" does not include an alternative method of raising revenue without students.
- (8)
 - (a) "School activity clothing" means special shoes or items of clothing:
 - (i)
 - (A) that meet specific requirements, including requesting a specific brand, fabric, or imprint; and
 - (B) that a school requires a student to provide; and
 - (ii) that is worn by a student for a co-curricular or extracurricular activity.
 - (b) "School activity clothing" does not include:
 - (i) a school uniform; or
 - (ii) clothing that is commonly found in students' homes.
- (9)
 - (a) "School uniform" means special shoes or an item of clothing:
 - (i)
 - (A) that meet specific requirements, including a requested specific color, style, fabric, or imprint; and
 - (B) that a school requires a student to provide; and
 - (ii) that is worn by a student for a curricular activity.
 - (b) "School uniform" does not include school activity clothing.
- (10) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.
- (11) "Secondary school student":
 - (a) means a student enrolled in a secondary school; and
 - (b) includes a student in grade 6 if the student attends a secondary school.
- (12) "Textbook" means the same as that term is defined in Section 53G-7-601.
- (13) "Waiver" means a full or partial release from a requirement to pay a fee and from any provision in lieu of fee payment.

Amended by Chapter 51, 2020 General Session

53G-7-502 Schools to be free.

Except as otherwise provided in this public education code, the public education system shall be free to an individual:

- (1) between five and 18 years of age who is a resident; and
- (2) over 18 who is domiciled in the state of Utah and has not completed requirements for a high school diploma.

Amended by Chapter 223, 2019 General Session

53G-7-503 Fees -- Prohibitions -- Voluntary supplies -- Enforcement -- Reporting.

(1) An LEA may only charge a fee if the fee is authorized and noticed by the LEA governing board in accordance with Section 53G-7-505.

- (2)
- (a) An LEA may not require a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day.
 - (b) An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish on a voluntary basis those supplies for student use.
 - (c) A list provided to an elementary student's parent in accordance with Subsection (2)(b) shall include and be preceded by the following language:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

- (3)
- (a) Beginning with or after the 2022-2023 school year, if an LEA imposes a fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a student the activity, course, or program for which the LEA imposes the fee.
 - (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize another fee.

- (4)
- (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part or Part 6, Textbook Fees, the state board shall impose corrective action against the LEA, which may include:
 - (i) requiring an LEA to repay improperly charged fees;
 - (ii) withholding state funds; and
 - (iii) suspending the LEA's authority to charge fees for an amount of time specified by the state board.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (i) that require notice and an opportunity to be heard for an LEA affected by a state board action described in Subsection (4)(a); and
 - (ii) to administer this Subsection (4).

- (5)
- (a) For each fee on an LEA's fee schedule described in Section 53G-7-505, the LEA shall:
 - (i) by July 1, 2020, determine whether the fee is curricular, co-curricular, or extracurricular;
 - (ii) for the 2020-2021 school year, measure the total number of:
 - (A) students who pay each fee; and
 - (B) money received for each fee;

- (iii) for the 2020-2021 school year, measure the total:
 - (A) number of students who receive a fee waiver; and
 - (B) value of each waiver for each waived fee; and
- (iv) by July 1, 2021, report the separate categories of data gathered under Subsections (5)(a)(ii) and (iii) to the state board.
- (b) The state board shall report on the data the board receives under Subsection (5)(a) to the Education Interim Committee on or before the date of the November interim meeting in 2021.

Amended by Chapter 341, 2021 General Session

53G-7-504 Waiver of fees -- Appeal of decision.

- (1)
 - (a) If an LEA or a school within an LEA charges one or more fees, the LEA shall grant a waiver to a student if charging the fee would deny the student the opportunity to fully participate or complete a requirement because of an inability to pay the fee.
 - (b) An LEA governing board shall:
 - (i) adopt policies for granting a waiver; and
 - (ii) in accordance with Section 53G-7-505, give notice of waiver eligibility and policies.
- (2)
 - (a) An LEA that charges a fee under this part and Part 6, Textbook Fees, may provide a variety of alternatives for a student or family to satisfy a fee requirement, including allowing a student to provide:
 - (i) tutorial assistance to other students;
 - (ii) assistance before or after school to teachers and other school personnel on school related matters; and
 - (iii) general community or home service.
 - (b) Each LEA governing board may add to the list of alternatives provided by the state board, subject to approval by the state board.
- (3) With regard to a student who is in the custody of the Division of Child and Family Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA governing board shall require fee waivers or alternatives in accordance with this section.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (a) requiring a parent of a student applying for a fee waiver to provide documentation and certification to the school verifying:
 - (i) the student's eligibility to receive the waiver; and
 - (ii) if applicable, that the student has complied with alternatives for satisfying the fee requirements under Subsection (2) to the fullest extent reasonably possible according to the individual circumstances of the student and the LEA; and
 - (b) specifying the acceptable forms of documentation for the requirement under Subsection (4) (a), which shall include verification based on income tax returns or current pay stubs.
- (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to keep documentation on file after the verification is completed.
- (6) If a school denies a student or parent request for a fee waiver, the school shall provide the student or parent:
 - (a) the school's written decision to deny a waiver; and
 - (b) the procedure to appeal in accordance with LEA policy.

Amended by Chapter 408, 2020 General Session

53G-7-505 Approval and notice of student fees and waivers.

- (1) An LEA governing board shall annually:
 - (a) adopt fee policies and a fee schedule; and
 - (b) provide the fee schedule to each student and parent.
- (2) For the fee schedule, the LEA governing board shall:
 - (a) before approving the fee schedule, provide at least two opportunities for the public to comment on the proposed fee schedule;
 - (b) encourage public participation in the development of the fee schedule; and
 - (c) approve the fee schedule in a regularly scheduled public meeting.
- (3)
 - (a) The fee schedule shall include the following:
 - (i) a specific amount for each fee on the fee schedule;
 - (ii) if a student is responsible for multiple fees related to one activity, class, or program, a clear and easy to understand delineation of each fee and the fee total for each activity, class, or program;
 - (iii) the LEA's fee waiver policy, including an easily understandable statement informing a parent that a student:
 - (A) may be eligible to have one or more fees waived; and
 - (B) may appeal the LEA's decision if the LEA denies a request for a fee waiver; and
 - (iv) a corresponding spending plan for each fee.
 - (b) The LEA shall:
 - (i) publish the fee schedule on each of the LEA's school's websites; and
 - (ii) include a copy of the LEA's fee schedule with the LEA's registration materials.

Amended by Chapter 223, 2019 General Session

Amended by Chapter 293, 2019 General Session