

# USBE School Fees Training

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# Agenda

- Certificate of Compliance Results
- Desk Monitoring/Risk Rating
- Fee Waivers
- Corrective Action Processes
- Upcoming Requirements
- Q & A Session



# Certificate of Compliance Results

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## 2019-2020 Count for ALL LEAS

### UTREx:

Total Student Count - 667,578 Total  
Secondary Population - 307,865

### Certificate of Compliance: 122

LEAs charge fees 32 LEAs don't  
charge fees 2 Undeclared

82,232 Eligible for Fee Waivers  
(27% of Total Secondary Population)

50,923 Granted Fee Waivers:

**62%** of those eligible

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The statistical numbers submitted on the Certificate of Compliance were for the 2019-2020 school year. The population counts from UTREx are for the same time frame.

Secondary Population – includes 7-12 grades. We understand that there are elementary schools that charge fees for after school programs, but the number of students affected are considered immaterial and therefore not included as part of the statistical analysis.

### Certificate of Compliance: Self-reported

Of the 32 that declared they don't charge fees, we have reviewed websites, Facebook accounts, and student handbooks, and found that some of them do charge fees. We will be working with these LEAs to bring them into compliance.

When determining the students who were eligible for fee waivers, we reviewed the UTREx data for Economically Disadvantaged Secondary students and found the estimated amount to be 81,507 (27% of Total Secondary Population). We then reviewed the amounts that were reported from the Certificate of Compliance as to how many fee waivers were granted. 62% of those eligible received fee waivers.

# Monitoring and Evaluation

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**Why does the Court Injunction, Code and Rule require monitoring and evaluation?**

You cannot improve what you cannot measure.

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Why is monitoring of school fees required? The statistical amounts provide us a figure that we can track and monitor from year to year to ensure that all students are able to participate in school activities, classes, and programs regardless of their economic situation.

The Certificate of Compliance requirements are measurements or evidence of the LEAs/ schools efforts to remove barriers from a student's full participation in an activity, course, or program. This includes students that may not be eligible for fee waivers, but fees may affect their participation.

## Monitoring & Evaluation - USBE

	<b>SY2017</b>	<b>SY2020</b>	<b>SY2021</b>
	(Based on 18-02 Audit)	(% Based on LEAs that Submitted Certificate of Compliance)	
<b>Number of LEAs</b>	147	153	156
<b>Certificate of Compliance (CofC) Response</b>	68	125	154
<b>% Certificate of Compliance Submitted</b>	46%	82%	99%
<b>LEAs Charge Fees (Self-Reported)</b>	78%	71%	79%
<b>USBE Fee Schedule Submitted</b>	34%	73%	100%
<b>School Fees Approved in Public Meeting</b>	68%	na	100%
<b>Notices to Parents Sent</b>	10%	na	100%
<b>Schools that Provided Certificate of Compliance</b>	67%	91%	99%
<b>Statistical Data Submitted for Prior Years:</b>			
	<b>SY2016</b>	<b>SY2019</b>	<b>SY2020</b>
<b># of Students Granted Fee Waivers – reported to USBE</b>	0%	9%	8%

*na = not requested on certificate of compliance report that year.*

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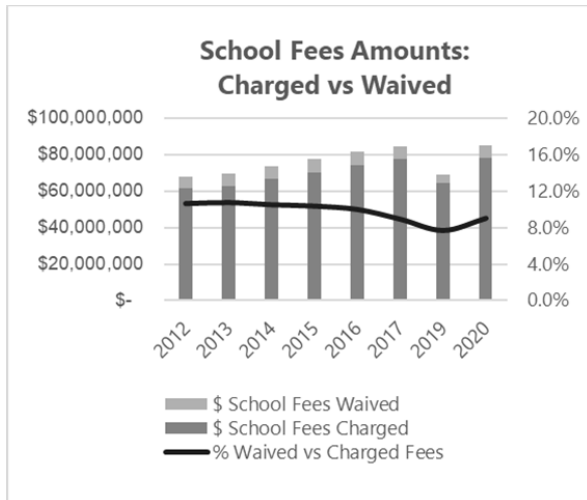
These metrics were provided to the Legislative Public Education Appropriations Committee in November.

Since USBE has engaged with technical assistance and training LEA's have increased compliance. Each LEA is doing a tremendous job in improving their processes and making a difference in the lives of students.

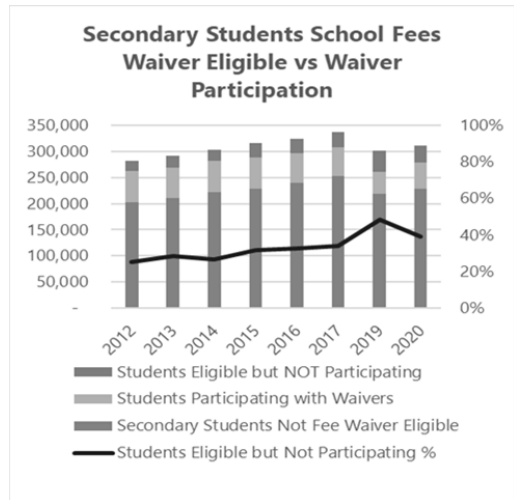
There has been a significant increase in the number of LEAs that completed their Certificate of Compliance. Only two LEAs did not submit the information this last October. In addition, all LEAs that submitted a Certificate reported that they provided notices to parents regarding fees and fee waivers. That is a significant increase compared to the Audit in 2017.

Another item we want to draw your attention to is the number of students granted fee waivers. This number has decreased, one reason for this is that we have more LEAs that provided information on the Certificate versus the 82% last year. In order to look at a year to year analysis, it is vital that we have accurate data. Accuracy of data is critical as we continue with annual monitoring of school fees.

# Monitoring & Evaluation – LEA Metrics



Schools are waiving between 8% - 12% of the total amount of fees charged. As fees have increased, the percent of granted fee waivers is on a downward trend.



The number of students eligible for fee waivers but not participating has increased from 25% in 2012 to 38% in 2020.

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Total number of fees vs total number waived: The percent of granted fee waivers is on a downward trend while the total amount of fees is increasing.

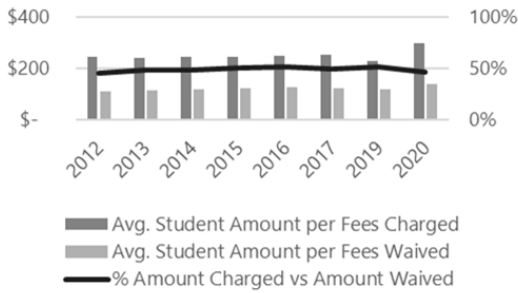
In addition, we also looked at the number of students eligible for fee waivers versus the number of students receiving fee waivers. We are finding that the number of students eligible but not participating has increased since 2012.

Now that we are tracking numbers and know what we are looking at, the next step is to look in and find the why. Is the socio-economic challenge being addressed?

All students that are fee waiver eligible should be participating. Why are they not? As we move to on-site monitoring, we will be reviewing this information with each LEA.

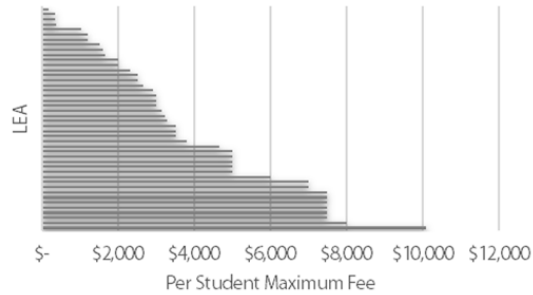
# Monitoring & Evaluation – LEA Metrics

**Average School Fees per Student Waived vs Non-Waived**



The average amount charged per student has increased since 2012 but the average amount waived per student has stayed constant at approximately 50%.

**School Fees Student Maximum Amounts by LEA SY 2021**



Maximum	Minimum	Average	Median	
\$ 10,100	\$ 165	\$ 3,908	\$ 3,255	
\$ 8,000	\$ 330	\$ 3,850	\$ 3,255	<i>Eliminate Outliers</i>

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The first graph compares the average School Fees per student versus the average per student school fee waived. Though the average amount per student fee increases over the years, the amount waived has stayed constant around 50%. This number should be an indicator to the LEA to perform a self-analysis to improve participation of ALL students.

There may be some minor differences between these graphs and the Annual reports each LEA received. When we contacted LEAs that had questionable data, information was updated and is reflected in the Annual Reports.

All of these numbers are self-reported numbers. We expect these to improve as LEAs come to a better understanding of the numbers being reviewed.

The Student Maximum amount is a requirement from the Injunction that is also required in Board Rule. We will continue to monitor this metric as we receive more data in the upcoming years.



# Desk Monitoring/ Risk Rating

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On Tue, March 9th, each LEA was sent their annual school fees report. These were sent to the Superintendent or Charter School Director, Business Administrator, and the School Fee Contact.

There were a couple of mistakes we found in the email after most had been sent. The email stated that the state average cost per student was \$392 it should read \$258. The reports have the correct amount.

The email stated that the survey questions were attached. If you need a copy of the questions please let us know and we can send them out. There is also a copy of the survey questions on the webpage. The reason for providing the questions was for the certificate of compliance survey results. You will see on the next slide that the headers are shortened to just a word or two. We thought it would be easier if you had the questions readily available.

These reports should be used as a self-assessment tool.

# Certificate of Compliance Survey Results

## School Fee Certificate of Compliance Assurance Survey Results - SY2021

5X Wilson School District

Response From	Charges school fees	Code	Rule	Permanent Injunct	Elem Supplies List Lang	Review Policies Yearly	Public Comment/Notice w/Reg	Fee	Adopts FS Yearly	Max by Student By Activity	Max Aggreg. Per Student	Delineation of Fees	Spend Plan	IS Website	Fee Sched Complete	Waiver Policy	Policy Provision in lieu	Waivers/ Waiver granted	Waiver Administrator	Waiver Protocol	Waiver Protocol	Provision in Lieu - Fair Labor	Fundraising Policy	Donation	Training Plan	No Fees Elem Reg Day	Elem After School	Date Reg Materials	
LEA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	01-Aug-20	
Board Chair	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes		
<b>Compliance -Principal</b>																													
<u>Sunshine Elementary</u>																													
	No	Yes	Yes	Yes	Yes																								
<u>Greystone Junior</u>																													
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	03-Aug-20
<u>Riverwalk High</u>																													
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	05-Aug-20

Yellow highlight = Non-compliant  
 Red fill = Risk Assessment - Impact and Likelihood

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This report provides a quick view of each response submitted by the Superintendent (LEA), the Board Chair and the individual school principals. This will enable the LEA to tailor the school fees training to their specific needs.

The School Fees Team conducted a risk assessment of the Certificate of Compliance questions. Each question was rated for impact and likelihood of non-compliance (i.e., if an LEA was not compliant to a specific requirement, how significant would the impact be to the individual students' participation and how likely is the LEA to be non-compliant?).

We then determined that the five questions with the most significant risk to students would be used as part of the overall risk assessment (see Risk Assessment Report for details); these questions are identified in red text in the Survey Results Document. The "No" responses are highlighted in yellow or red fill; the red fill indicates a "No" answer to one of the five questions determined to have the most significant risks to students.

We have created a fictitious LEA, Wilson District. As you can see this district has a lot of highlights. You can also see that there are some differences in the answers. The superintendent answered Yes but the board chair answered No. Same on the principals. What does this mean? Perhaps lack of training, communication.

# School Fees Statistical Data Analysis

5X Wilson School District			
Statewide		LEA Specific	
<b>State Waived vs Charged:</b>		<b>Waived vs Charged:</b>	
\$ School Fees Charged	\$78,533,091	\$ School Fees Charged	\$88,674
\$ School Fees Waived	\$7,078,827	\$ School Fees Waived	\$7,139
% Waived vs Charged Fees	9%	% Waived vs Charged Fees	8%
<b>State Avg Fee Amount Waived vs Charged Per Student:</b>		<b>Avg Fee Amount Waived vs Charged Per Student:</b>	
Avg. Fees Charged Per Student	\$258	Avg. Fees Charged Per Student	\$184
Avg. Fees Waived Per Student	\$139	Avg. Fees Waived Per Student	\$162
% Amount Waived vs Charged	54%	% Amount Waived vs Charged	88%

Average Fees Charged Per Student = Fees Charged divided by Secondary Student Enrollment Average Fees

Waived Per Student = Fees Waived divided by Secondary Student Enrollment



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The SF Statistical Data Analysis report. These are the same performance metrics that Charity talked about in the previous slides.

This report is the result from the statistical data that was provided last October for school year 2019-20.

**Waived vs Charged:** The numbers on the left side of the report are the statewide numbers. \$78 million fees were charged; 9% or \$7 million of those fees were waived. (Dollar amounts not students)

On the right is the LEAs specific information. In our scenario Wilson School District charged \$88,674 in school fees and waived 8% or just over \$7,000.

**Avg Fee Amount Waived vs Charged:** State avg per student charged is \$258. In this scenario Wilson Districts is \$184. State average waived per student is \$139 or 54% of the amount charged. Wilson District is \$162 or 88% of their amount charged. The average amount waived versus charged per student for Wilson District is higher than the state average (>54%), which means that they are capturing the majority of students who are eligible for fee waivers and are considered low risk.

What does the difference between average fees charged per student and average fees waived per student mean? A larger than expected difference (<54%) between the amount charged per student and the amount waived per student could be an indication that waiver students are not participating at the same levels as paid students. Perhaps they don't know they can participate in extra-curricular activities or that the fees for those would also be waived. An LEA with <54% would be considered high risk.

# School Fees Statistical Data Analysis

## State - Estimated Students Eligible for Fee Waivers:

(a) K-12 Count	667,578
<i>2020 Year-end UTREx data</i>	
(b) Economically Disadvantaged Students all grades	178,313
<i>2020 Year-end UTREx data</i>	
(c) % of Economically Disadvantaged all grades	27%
<i>(b) divided by (a)</i>	
(d) Secondary Student Enrollment	307,865
<i>Fall Enrollment Demographics by Grade SY 2020</i>	
(e) Secondary Students Not Eligible for Waivers	225,633
<i>(d) minus (f)</i>	
(f) # of Secondary Students Eligible for Fee Waivers	82,232
<i>(d) multiplied by (c)</i>	
(g) # of Students Granted Waivers and In_lieu	50,923
<i>Certificate of Compliance Statistical Data</i>	
(h) Students Eligible NOT Participating in Waivers	31,309
<i>(f) minus (g)</i>	
(i) % of Secondary Students on Fee Waivers	17%
<i>(g) divided by (d)</i>	
(j) % of Eligible Students NOT on Fee Waivers	38%
<i>(h) divided by (f)</i>	

## LEA - Estimated Students Eligible for Fee Waivers:

(a) K-12 Count	2,412
<i>2020 Year-end UTREx data</i>	
(b) Economically Disadvantaged Students all grades	307
<i>2020 Year-end UTREx data</i>	
(c) % of Economically Disadvantaged all grades	13%
<i>(b) divided by (a)</i>	
(d) Secondary Student Enrollment	481
<i>Fall Enrollment Demographics by Grade SY 2020</i>	
(e) Secondary Students Not Eligible for Waivers	420
<i>(d) minus (f)</i>	
(f) # of Secondary Students Eligible for Fee Waivers	61
<i>(d) multiplied by (c)</i>	
(g) # of Students Granted Waivers and In_lieu	44
<i>Certificate of Compliance Statistical Data</i>	
(h) Students Eligible NOT Participating in Waivers	17
<i>(f) minus (g)</i>	
(i) % of Secondary Students on Fee Waivers	9%
<i>(g) divided by (d)</i>	
(j) % of Eligible Students NOT on Fee Waivers	28%
<i>(h) divided by (f)</i>	

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Background on the data: The economically disadvantaged data is reported to UTREx as:

- "F" Eligible for Free Lunch,
- "R" Eligible for Reduced Price Lunch,
- "Y" Economically Disadvantaged, or
- "Blank" NOT Economically Disadvantaged.

Income guidelines for fee waivers are the same as the guidelines for a student to qualify for free lunch. The students that were designated as "R", eligible for reduced lunch, were not included in the count. The LEA '% of Economically Disadvantaged all grades' is applied to the secondary student enrollment counts. This process was determined as the best measure to obtain an estimate of the number of fee waiver eligible students in each LEA.

In our scenario with Wilson District. They have secondary enrollment of 481 students. Based on the districts economically disadvantage of 13% (307 students) we estimate that 61 secondary students are eligible for fee waivers. However, they only granted 44, this leaves 17 students or 28% of the 61 students not participating in fee waivers.

The state average is 38%, so what does this mean for our fictitious district? The district is doing better than the state average at granting fee waivers for eligible students. To further improve, they may want to outreach to parents of students that have outstanding fees or work with Child Nutrition Program to help get the word out if a student qualifies for free lunch, they could also qualify for fee waivers. I actually saw a notice on a districts CNP web page that gave notice to parents about fee waivers.

So now we've looked at Wilson Districts compliance results and their statistical data. We bring these two reports together to determine an overall risk score.

## Risk Assessment Score

School Fees Overall Risk Assessment Score		6.8
Range	> 5 =	High Risk
	2.5 to 5 =	Moderate Risk
	0 to 2.49 =	Low Risk

Estimated 61 secondary students eligible to receive fee waivers, 44 were granted waivers, 17 (28%) were not granted waivers

Certificate of Compliance Survey

		Points Assessed for Specific Risk
State Average Cost per Student : \$258	LEA's Average Cost Per Student: \$184	0
1 point assessed if LEA's average cost per student is greater than the state average		
Percentage of Estimated Eligible Students NOT participating in Fee Waivers Statewide:	38%	0
LEAs percentage of Estimated Eligible Students NOT on Fee Waivers:	28%	
3 point assessed if the LEA's estimated eligible students NOT participating in school fee waivers is 45% or higher.		
School Fee - Calls		0
Calls received by the School Fees Team from Parents/Guardians		
> 5 complaints = 5 points		
3-5 complaints = 3 points		
1-2 complaints = 1 points		
0 complaints = 0 points		
Certificate of Compliance Responses: Superintendent and Board Chair		6
1 point assessed for each "No" response for higher risk compliance questions from Superintendent and Board Chair		
Certificate of Compliance Responses: Principals		0.8
Count of Principals that answered "Yes" their school charges school fees:	2	
~ See Compliance report for specific school responses.		
.2 points assessed for each "No" response for higher risk compliance questions from school principals		

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Wilson School District did well on the statistical data.

Average Cost per Student: The LEAs average was below the State average, no risk points were assessed.

The % of students Not participating: The LEAs percentage was 28%, therefore they did not receive any risk points. Even though the state average was 38% we set the threshold at 45%. As this is the purpose of school fee waivers, it was weighted heavier than the average cost per student. The goal is to ensure that eligible students are being granted waivers. The 3 risk points would automatically put the LEA in the Moderate risk category.

School Fee Calls: The school fees team maintains a phone line that anyone can call asking for assistance or to file a complaint concerning school fees. Calls received from parents are also an indication that there is a potential problem. Most calls received are from schools and administration. These are not included in the risk matrix.

Then we come to the Certificate of Compliance results: This is where Wilson School District received the highest risk rating. The statistical numbers indicate they are doing a good job administering school fees. Their problem lies in the assurance of compliance. For the 5 questions that were determined to pose the most significant risk to students, risk points were assessed 1 point for each question for the superintendent/director and 1 point each for the board chair. This is part of their internal control system. The leadership sets the tone at the top, or the standard for the rest of the LEA. If leadership doesn't know what to do, how can they expect their schools to know the requirements?

The principals were assessed .2 for each of the 5 questions. The more schools an LEA has the greater the risk of non-compliance.

Wilson School District's overall risk score was 6.8 which is considered High.

LEA's that receive a "High" risk score could potentially receive an on-site review in SY2022. On-site reviews will entail a closer look at the LEAs policies, registration process, the accounting of fees and fee waivers. From the on-site review it will then be determined if corrective action is warranted.

# Fee Waivers



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# UAC R277-407-2

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“(25) ‘Waiver’ means a full release from the requirement of payment of a fee and from any provision in lieu of fee payment.”

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We have had several questions regarding fee waivers and how they apply to specific situations at LEA's. First off, Board Rule defines what waiver means.

# LEA Fee Waiver Policy & Procedures

## Local fee waiver policies

- Align with Utah Code and Board Rule
  - Notification of waivers
  - Eligibility and documentation requirements
  - Designated School Fee Administrator
  - Confidentiality disclosure
  - No unreasonable demands
- Define local procedures
  - Case by case approval of fee waivers
  - Eligibility changes
  - Back dating of waivers
  - Denial and Appeal processes
  - Direct Certification disclosure processes

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Each LEA must have a fee waiver policy in place that aligns with Utah Code and Board Rule. This includes but is not limited to:

- Notifying parents of waivers,
- Eligibility and documentation requirements,
- Who has been designated as the School Fee Administrator at each school,
- Maintaining of confidentiality for all those applying for fee waivers, and
- Not placing unreasonable demands on families for re-qualification of waivers.

LEAs are given flexibility in determining their own policy and procedures in some situations, including:

- A process for reviewing applications for fee waiver where eligibility may not meet the State minimum requirements,
- A process for addressing concerns when eligibility may change part way through the year (now eligible or no longer eligible),
- A process for receiving applications part way through the year and what fees would be waived, LEAs are required to waive fees from the time the application is submitted and approved but it is up to the LEA to decide whether to waive past due amounts or not, (consider: will the amounts not waived be sent to collections? Will schools be reimbursed for waiver amounts but not uncollectable amounts?)
- A process for handling denials and appeals, and
- if chosen, a procedure for handling direct certification disclosure processes.



# Increase Notification of Fee Waiver Eligibility

## Free Lunch Income Eligibility = Fee Waiver Income Eligibility

### Free Lunch Direct Certification:

- School receives notification from the state that a family qualifies for free lunch (verification of income)
- Requires 'Parental Disclosure Request' signature\* to share eligibility info:
  1. Not required to consent to disclosure,
  2. Information used to facilitate enrollment of eligible students for fee waivers, and
  3. Will not affect their student's eligibility for free or reduced lunch
- No additional documentation needed to verify eligibility

### Free Lunch Website Application:

- Family submits free lunch application online (not a verification of income)
- Requires 'Parental Disclosure Request' signature\* to share eligibility info:
  1. Not required to consent to disclosure,
  2. Information used to facilitate enrollment of eligible students for fee waivers, and
  3. Will not affect their student's eligibility for free or reduced lunch
- School may request documentation to verify income eligibility

\*See 7 CFR 245.6(h)(2)(i)

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One part of monitoring and risk rating are reviewing the number of students eligible versus the number of student participating in fee waivers. One option to increase the amount of individuals being notified of fee waiver eligibility is through Free Lunch Direct Certification.

When discussing Free Lunch Direct Certification, we are referring to the certification that each school receives from the state for those that qualify for Free Lunch. These families have been approved for TANF, Food Stamps, SNAP, or another type of state assistance. They have gone through a rigorous process to do so. The Fee Waiver Income amounts listed on the application match those published by the USDA for the Child Nutrition Program for free lunch.

So, if a school receives Direct Certification for Free Lunch for a student, that student automatically qualifies for fee waivers. The Child and Nutrition Program has specific requirements that must be met in sharing the information between the CNP Free Lunch Program and School Fees Fee Waiver Program.

1. Parent is not required to consent to disclosure;
2. The information will be used to facilitate the enrollment of eligible children for fee waivers; and
3. The decision to disclose or not will not affect their children's eligibility for free and reduced price meals or free milk.

No additional application is needed if a parent consents to disclose the information. Also see **School Fees Model Policy** (pg. 15)

The Direct Certification process is different than the Free Lunch Application they fill out on the website. The information that a parent submits online does not include verification of income. LEAs must still receive a Parental Disclosure Request. Once received the LEA can request additional documentation from a family to ensure their income meets the minimum requirements. The LEA has the discretion to approve fee waivers for incomes that may fall above the state minimum requirements.

## Maintain records of: Fee Waiver Approvals and Denials



- Number of students given fee waivers
- Number of students who worked in lieu of a waiver
- Dollar amount of fees waived, including worked in lieu of waiver
- Number of students denied fee waivers

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Do not keep verification of income but all other counts of students and amounts waived must be maintained by the LEA. These are required to be reported on the Statistical Report. R277-407-14

# Corrective Action



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# Technical Guidance vs. Corrective Action



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Technical Guidance is when we have a concern filed with the School Fees Team and the risk is not high enough to warrant Corrective Action.

The SF team will reach out to the LEA via email to outline the concern and the requirements to correct the issue. In most cases, the LEA must respond within 15 days to the SF team that the concern has been received and will be addressed. If further clarification of the concern is needed, a phone call or meeting will be scheduled. There is no formal letter or meeting.

Corrective Action is issued if the risk level to students is high, concern has not been corrected through technical guidance, or multiple infractions have occurred.

# Concern Received

## Via School Fees Email

- **Parent reported unauthorized Fees:** Art teacher has 3 cabinets of art supplies the students can use. The 1<sup>st</sup> cabinet is for those who have not paid fees, the 2<sup>nd</sup> cabinet is for those who paid class fees at the time of registration, and the 3<sup>rd</sup> cabinet is for those that want to purchase supplies from the teacher to get the best quality of work done.

## Compliance Review conducted

- **Documentation:**
  - Letter/email from teacher sent to parent. Letter requests funds and violates student confidentiality.
  - Current Fee Schedule – additional cost of supplies not listed.
- **Risk Evaluation – High**
- **Corrective Action issued**



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A Parent complains that the art teacher has 3 cabinets of art supplies. 1<sup>st</sup> cabinet is for students that have NOT paid fees, 2<sup>nd</sup> cabinet is for students that paid fees at registration, and the 3<sup>rd</sup> is for students that want to purchase supplies from the teacher to get the best quality of work done.

SF team conducts a review, we look at the documentation. In this case the Parent provides an email from the teacher.

- Letter request funds for unpaid fees: this violates student confidentiality – teachers are not on the “need to know”
- Letter gives the items available for purchase – violates fees not on approved fee schedule.

In this particular case the complaint is considered high risk and corrective action would be issued. If it were just the case of the teacher selling supplies it would be considered technical guidance. We would contact the LEA, have the teacher discontinue charging a fee for supplies until the fee can be reviewed and considered for approval on the LEA fee schedule at 2 public meetings.

Because this also violates student confidentiality it would rise to the level of a corrective action.

## Communication with LEA

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A letter outlining the compliance issue and recommended corrective action steps is sent to:

- LEA superintendent or charter director
- LEA board chair
- LEA school fees contact
- Charter Authorizer
- USBE Superintendency



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If deemed as Corrective Action a formal letter will be sent to the following individuals:

- Superintendent/Charter Director
- Board Chair
- School Fees Contact
- Charter Authorizer
- USBE Superintendency



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Mark Huntsman, Chair Britney Cummins, Vice Chair
Laura Belnap Michelle Boulter Janet A. Cannon Cindy Davis Jennie Earl
Jennifer Graylet Scott L. Hansen Mike Haynes Carol Barlow Lear Lauricann Thorpe
Sydney Dickson, State Superintendent of Public Instruction
Lorraine Austin, Secretary to the Board

[Date]
[Superintendent/Charter Director Name]
[LEA Name]
[Address]
[City, State]

RE: School Fees 1st Notice of Non-Compliance

Per Utah Code 53G-7-503(4)(a), Utah Administrative R277-407-16, and the Permanent Injunction Civil No. 920903376, the Utah State Board of Education shall monitor an LEAs compliance to the school fees laws and impose corrective action against an LEA that has violated said laws.

Based on a hotline allegation to the Utah State Board of Education's Internal Audit Department and a review of [LEA Name] School Fees Policies, it has been determined that [LEA Name] has violated the requirements set forth in school fee laws regarding [compliance concern]. The attached corrective action plan (CAP) has the following purposes: (1) Eliminate the root cause of the non-compliance and to prevent the recurrence. (2) Protect students and family's rights to an open public education system through ensuring LEA accountability that noncompliance is fully resolved. (3) Provide written guidelines detailing a plan of action to correct the deficiencies for the school year [current SY].

[LEA Name] may with 15 days receipt of this first written notice, request an informal hearing with School Fees Manager, Tamra Dayley to clarify allegations of non-compliance and to address the appropriateness and/or details of the proposed CAP.

With 45 days receipt of this first written notice [LEA Name] is required to formally respond in writing to the allegations of non-compliance and finalize the proposed corrective action plan. Failure to respond may result in imposed financial consequences.

Corrective Action Plan Cover Letter



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The LEA will have 15 days from the receipt of the 1st letter to request an informal meeting with the school fees team. The informal meeting can be via phone, in person or even email correspondence. Also, the informal meeting is optional it is not required. This meeting is to clarify the allegation and to address the details of the recommendation if needed.

The LEA must formally acknowledge the CAP within 45 days receipt of the letter. This is per R277-407-16(2-3)

# Corrective Action Plan Example

## School Fees Corrective Action Plan

LEA # **5X** LEA Name **Wilson School District**

Date Issued **3/12/2021**  
Response Due Date **4/26/2021**

Areas of Non-Compliance				Corrective Action Steps			
#	Category	Compliance Criteria	Detail of Non-Compliance	Root Cause of Non-Compliance (to be determined in collaboration with the LEA)	Proposed Actions to Remedy Non-Compliance	Corrective action to be completed by this date	LEA Concur (initial below)
1	LEA Requirements to Establish a Fee Schedule – Maximum Fee Amounts – Notice to Parents	R277-407-6 (1)	Art class supply fee assessed to students - not listed on the approved Fee Schedule.	TBD	Discontinue charging of fee until amount can be reviewed and considered for approval on the LEA Fee Schedule. Two public meetings must be held to meet Fee Schedule approval requirements.	4/26/2021	
2	Fee Waivers	R277-407-8 (6) & (7)	Confidentiality of students was not maintained by teacher.	TBD	Practice of separate cabinets must be discontinued. LEA must provide Ethics and Confidentiality training to teachers within 60 days of acceptance of CAP.	TBD	



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In our scenario with the art teacher a corrective action letter was sent, and the CAP form.

The CAP shows the details of non-compliance (the what is the issue), compliance criteria (the why it is an issue), Proposed Action (how to fix the issue to bring the LEA back into compliance).

If the LEA agrees and an informal meeting is not needed the LEA can simply initial, they concur with the recommendation and sign the corrective action plan and return to the school fees team with the 45 days. (which is listed in the response due date). The remedy doesn't have to be completed within 45 days, just the formal acknowledgement.



# CAP Follow-Up



## UTAH STATE BOARD OF EDUCATION

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Matt Hymas  
Carol Barlow Lear

James Moss Jr.  
Kristan Norton  
Brent J. Strate

[Date]

[Superintendent/Charter Director Name]

[LEA Name]

[Address]

[City, State]

RE: Acceptance of [LEA Name] School Fees CAP (Corrective Action Plan)

Thank you for the prompt response to the Corrective Action Plan that was received by our office via email on March 17, 2021. We appreciate all efforts that have been made by [LEA Name] to correct the areas of noncompliance. Outlined below are the additional documents still required as discussed in the phone conversation with [LEA Representatives] on March 19, 2021. Once these items are received, the CAP will be completed, and the matter closed.

1. A PDF copy or hyperlink to the Local Board Minutes approving the art class supply fee. Per our discussion this is expected to be approved during the May 8, 2021 Local Board meeting.
2. The LEA's upcoming training roster or attendance log along with electronic copies of the training materials regarding Ethics and Confidentiality. Per our discussion this is expected April 2021.

All items should be completed and received by our office no later than May 31, 2021. Please let us know if additional time is needed.

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The acceptance letter is the school fees team closing the loop. Everything is in writing and agreed upon.

If an LEA does not respond to the 1<sup>st</sup> letter, a second letter is issued. The LEA has 30 days from the receipt of the 2<sup>nd</sup> letter to send formal acknowledgement or request an appeal to appear before the Board within 15 days from the 2<sup>nd</sup> letter.

If the LEA doesn't respond to the 1<sup>st</sup> letter or the 2<sup>nd</sup> letter or request an appeal. Financial consequences are mandated by R277-407-16-7.

The school fees team will monitor the plan depending on what the recommendation is, we may check back in 45 days, 90 days or in some case it may be from an issue that is done annually.



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	Cindy Davis, Second Vice Chair	
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Janet A. Cannon	Molly Hart	Kristan Norton
Natalie Cline	Matt Hymas	Brent J. Strate
Jennie Earl	Carol Barlow Lear	

# CAP Closure

[Date]  
 [Superintendent/Charter Director Name]  
 [LEA Name]  
 [Address]  
 [City, State]

RE: Corrective Action Closure

Per Utah Code 53G-7-503(4)(a), Utah Administrative R277-407-16, and the Permanent Injunction Civil No. 920903376, the Utah State Board of Education shall monitor an LEAs compliance to the school fees laws and impose corrective action against an LEA that has failed to comply.

[LEA Name] has successfully completed the requirements outlined in the corrective action plan for school fee violations dated [Month Day, Year]. The correction action plan is considered closed.

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Once the LEA has completed the recommendations and provided evidence of the corrections. The CAP is closed and a closure letter will be sent to the LEA.

# Upcoming Requirements

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# Reports & Deadlines

- April 1<sup>st</sup> – Fee Schedule Approval Deadline
- July 1<sup>st</sup> – 2020-2021 Statistical Report  
(Qualtrics data collection: May 15<sup>th</sup> – June 15<sup>th</sup>)
- October 31<sup>st</sup> – Certificate of Compliance



UTAH STATE BOARD OF EDUCATION

The July 1st Statistical Report requirement is due to Legislative Session 2020 HB 80. This is a one time requirement and will not be requested in July again.

We will be distributing a Qualtrics survey to collect the data beginning May 15th through June 15th. For those LEAs that do not submit the information during this time, we will work them to get the amounts submitted to us by July 1st.

No.	Name	Description:	Code or Rule
D	Count of Fees on FS	Count of the # of individual fees on the fee schedule	R277-407-14(6)
E	Fee Max per Student	A per student annual maximum fee amount that the LEA's schools may charge a student for the student's participation in all courses, programs, and activities provided, sponsored, or supported by a school for the year.	R277-407-6(4)(a)
F	# Students	# of Students "charged" a school fee. A student is counted only once. Includes students on fee waivers.	
G	Charged Grand Total	Total \$ amount of ALL fees charged/assessed to All students. For ALL categories; general, curricular, co-curricular, and extra-curricular fees.(G= H+ I + J + K) The charged amount includes paid, waived, credit for work in lieu, and fees charged but not paid.	R277-407-14(7)
H	Charged General	Total \$ amount charged/assessed to all students for General Fees	
I	Charged Curricular	Total \$ amount charged/assessed to all students for Curricular Fees	
J	Charged Co-Curricular	Total \$ amount charged/assessed to all students for Co-Curricular Fees	
K	Charged Extra-Curricular	Total \$ amount charged/assessed to all students for Extra-Curricular Fees	
L	Money Received Grand Total	Total \$ amount of money received for school fees for all categories (L=M+N+O+P)	
M	Money Received General	Total \$ amount of money received for school fees for General Fees	
N	Money Received Curricular	Total \$ amount of money received for school fees for Curricular Fees	53G-7-503(5)(a)(ii)(B)
O	Money Received Co-Curricular	Total \$ amount of money received for school fees for Co-Curricular Fees	53G-7-503(5)(a)(ii)(B)
P	Money Received Extra-Curricular	Total \$ amount of money received for school fees for Extra-Curricular Fees	53G-7-503(5)(a)(ii)(B)
Q	# Students Fee Waivers	# of Students granted a fee waiver and students who work in-lieu	R277-407-14(1)(a)
R	Waived Grand Total	Total \$ amount of money waived for school fees for all categories. Include amounts credited for work in-lieu (R= S+T+U+V)	R277-407-14(1)(d)
S	Waived General	Total \$ amount of money waived for school fees for General Fees. Include amounts credited for work in-lieu	
T	Waived Curricular	Total \$ amount of money waived for school fees for Curricular Fees. Include amounts credited for work in-lieu	53G-7-503(5)(a)(iii)(B)
U	Waived Co-Curricular	Total \$ amount of money waived for school fees for Co-Curricular Fees. Include amounts credited for work in-lieu	53G-7-503(5)(a)(iii)(B)
V	Waived Extra-Curricular	Total \$ amount of money waived for school fees for Extra-Curricular Fees. Include amounts credited for work in-lieu	53G-7-503(5)(a)(iii)(B)
W	# Students Worked In-Lieu	# of students worked in lieu of fee waiver. This amount is a sub-set of the # of Students granted Fee Waivers not in addition to.	R277-407-14(1)(b)
X	Amount Credited in Lieu	Total \$ amount credited for work in lieu provision, all categories. This amount is a sub-set of the Waiver Grand Total amount not in addition to.	
Y	# Students Denied Waivers	# of students who were denied a fee waiver	R277-407-14(1)(c)

## Statistical Report Definitions



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In order to receive accurate data, we have provided definitions for each of the items that will be collected on the Statistical Report July 1st.

See [www.schools.utah.gov/schoolfees](http://www.schools.utah.gov/schoolfees) Certificate of Compliance tab for a list of definitions.

## Current Requirements

- LEAs **cannot use** revenue collected through **fees to offset the cost of fee waivers** (R277-407(8)(2)(a))
- An LEA shall establish a **spend plan** for each fee charged; and **share revenue** lost due to fee waivers across the LEA (R277-407-13(2))
- An LEA that has multiple schools shall establish a **procedure to identify and address potential inequities** due to the impact of fee waivers (R277-407-13(4)(b))
- LEA **may not** impose an additional fee or increase a fee to **supplant or subsidize** another fee (53G-7-503(3)(b))



# Upcoming Requirements by School Year

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## School Year 2021-2022

- Fees must be equal or less than the **cost of the activity** (53G-7-503(3)(a)) – *Due to SB178 delayed to 2022-2023*
- LEAs must accrue **record** school fees and fee waivers in the LEA's accounting system and use **contra-revenue accounts** to record fee waivers in the LEA's accounting system; (R277-113-8(f))

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The requirement in 53G-7-503 has been postponed due to the passing of Senate Bill 178 until 2022-2023.

The requirement in R277-113-8 is currently being discussed in Finance Committee. A recommendation to change the wording of the requirement has been presented. Additional information will be forthcoming.

# Upcoming Requirements by School Year

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## School Year 2022-2023

- LEAs **may not** sell textbooks or otherwise charge a **textbook fee** (53G-7-601(3)(a))



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# Questions?

## *USBE School Fees Team*



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[www.schools.utah.gov/schoolfees](http://www.schools.utah.gov/schoolfees)

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