

Fines

Guidance Document on School Fees



Fee vs Fine:

A fee means something of monetary value, requested or required by an LEA, which includes fines such as:

- truancy;
- tardies;
- class changes;
- fines or penalties designed to influence a student's behavior.

(R277-407-2(4)(a); R277-407-2(20); 53G-7-501(6)(b)(vi))

and therefore, are subject to the requirements of UAC R277-407 and UCA 53G-7;

- Included on the board approved fee schedule.
- Have a corresponding spend plan.
- Are subject to fee waivers.
- Must be equal to or less than the expense incurred by the LEA.
- May not supplant or subsidize another fee.

(R277-407-8(1)(a); R277-407-6(1)(a)&(b); 53G-7-503(3)(a) & (b))

A fine is NOT a fee, if it is one of the exceptions

- Failing to return school property;
- Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in 53G-8-212 (no penalty for damages attributed to normal wear and tear);
- Improper use of school property, including a parking violation.

(R277-407-2(20)(b)(iv); 53G-7-501(6)(c)(i)(A)-(C))

Reminder:

Throughout the school fees regulations in Utah Code Annotated (UCA) 53G-7 Part 5 and R277-407, school fees are designated as singular (i.e., "a student" and "an activity"). School fees funds are restricted for a single student's participation in a single activity, course, or program. Therefore, fines that are considered a fee, i.e., truancy fine, the specific spend plan should delineate how those funds will used.

Definitions:

UAC R277-407-2 (4)

(a) "Fee" means something of monetary value requested or required by an LEA as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school.

(b) "Fee" includes money or something of monetary value raised by a student or the student's family through fundraising.

Definitions continued on page 2



Definitions cont'd:

UAC R277-407-2(20)

- (a) *"Something of monetary value" means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.*
- (b) *"Something of monetary value" includes:*
- (i) *charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;*
 - (ii) *payments made to a third party that provide a part of a school activity, class, or program;*
 - (iii) *classroom supplies or materials; and*
 - (iv) *a fine, except for 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*
 - (C) *improper use of school property, including a parking violation.*

UAC R277-407-8(1)

- (a) *All fees are subject to waiver.*

UAC R277-407-6(1)

An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value in connection with an activity, class, or program provided, sponsored, or supported by, and including for a co-curricular or extracurricular activity, unless the fee:

- (a) *has been set and approved by the LEA's governing board;*
- (b) *is equal to or less than the maximum fee amount established by the LEA governing board as described in Subsection (4); and*
- (c) *is included in an approved fee schedule or notice in accordance with this rule.*

UCA 53G-7-501(6)

- (b) *"Fee" includes:*
- (vi) *a fine other than a fine described in Subsection (6)(c)(i)*

UCA 53G-7-501(6)

- (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;*

UCA 53G-7-503(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.*