

School Fees

2020 Spring Training

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“To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national. “ R277-407-6(10)

Objectives of the Presentation

Increased Understanding
the Utah Code and
Administrative Rules for
School Fees

What the School Fees
Team is doing to support
your LEA and Schools to be
successful in
administrating School Fees

USBE School Fees Monitoring and Support

5 Basic Tasks

Training and
Technical
Assistance

USBE Policy and
Procedures

Guidance
Materials and
LEA Model
Policies and
Procedures

LEA Reporting
of School Fees

USBE
Monitoring and
Corrective
Actions

Topics for Today's Discussion

1. Review School Fee Definitions
2. Fee Schedules
3. 2019 Changes to R277-407
4. Fundraising
5. Fee Waivers
6. Certificate of Compliance
7. Monitoring – by USBE
8. Best Practices/Resources
9. Questions & Answers

What is a Fee?

The past few years,
This is the cultural
shift that is occurring.

R277-407-2(3)

(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.

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What is a Fee?

53G-7-501(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.

We have chatted with a few schools whom thought they did not have fees but would have need of meals during athletic events, pay to dress down or other student fundraising events. These events are considered fees.

For the first time this year they are publishing a fee schedule.

Sponsored
&
Supported



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“Sponsored
or
Supported?”

- Authorized *or*
- Managed *or*
- Use school facilities or resources *or*
- Use public funds

Indicators that an activity or program is school supported or sponsored (not an exhaustive list):

Free use of school property

Free advertising

Use of the school name

LEA employees assisting (as part of their job)

The LEA is handling the funds

Use of school records to contact students or parents

Teachers or coaches using their position to promote the activity or program to students

Does NOT include official non-curricular clubs

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R277-407-2

(12)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, fundraiser, club, camp, clinic, or other event that:

(i) is authorized by an LEA or school, according to local education board policy; or

(ii) satisfies at least one of the following conditions:

(A) the activity, class, program, fundraiser, club, camp, clinic, or other event is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity;

(B) the activity, class, program, fundraiser, club, camp, clinic, or other event uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources; or

(C) the activity, class, program, fundraising event, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

(b) "Provided, sponsored, or supported by a school" does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.

Sponsored or Supported?

- What do the rules, MOU, agreements, or policy state for use of the LEA resources, funds, or facilities?

- How is the event or activity perceived by the students?



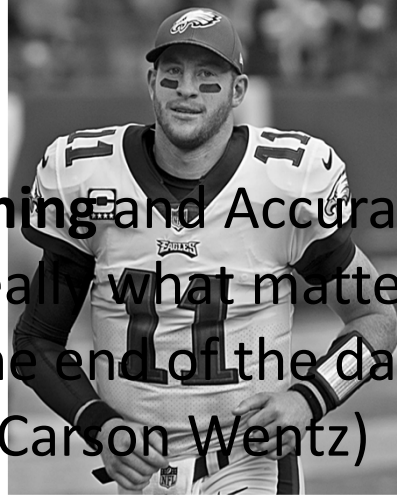
Determining if something is Sponsored or Supported depends on the facts.

Example: Best practice is to have a written agreement for use of the facility to all who use it, even if it is just for civic use and the fee rate is \$0. The agreement for use should have all rules clearly stated, the fee amount for each group clearly stated, responsibilities for damages clearly defined and a signature on the document showing the information was received.

Ensure that the actions are not “**arbitrary and capricious**” (A clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary. Capricious is ***an abuse of discretion*** or otherwise not in accordance with law or if it was taken without observance of procedure required by law.)

***Additional Handout “Sponsored or Supported and Decision Tree” available on the school fees website under the Resources tab.

School Fee Schedules
&
Registration Materials



“Timing and Accuracy
is really what matters
at the end of the day.”
(Carson Wentz)

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Fee Schedules

Fee schedules have six required elements:

1. specific amount for each fee on the schedule
2. delineation of fees for activities/classes with multiple fees
3. spend plan for each fee
4. maximum aggregate amount per student per year
5. maximum amount per activity per student per year
6. fee waiver policy

The fees on the fee schedule must be specific amounts set by the board. Likewise, it is inappropriate for LEAs to set all fees on the fee schedules as “worst case scenarios” with the expectation that they will be charging less than the set amount. The local board is required to set specific amounts for each fee with the expectation that the set amount will be charged. R277-407-6(1) While there may be times that less is charged, such as travel costs that are incurred at the time the travel is booked, these circumstances should be disclosed on the fee schedule and notice should be given to parents at the time of booking and collection of fees. Even under these circumstances, an LEA may not charge more than what is approved on the fee schedule. These amounts should be reviewed annually by the board. R277-407-6(2)(a)

53G-7-505-3

(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.

R277-407-6(4)

- (a) As part of an LEA’s fee setting process, the LEA shall establish 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.
...(e) An LEA may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount described in Subsection (4)(a).

School Fee Schedules & Registration Materials

R277-407-6(7)

(a) If an LEA charges a fee, the LEA shall:

(i) annually publish the LEA's fee waiver policies and fee schedule, including the fee maximums described in Subsection(4), on each of the LEA's schools' websites;

(ii) annually include a copy of the LEA's fee schedule and fee waiver policies *with the LEA's registration materials*; and

(iii) provide a copy of the LEA's fee schedule and fee waiver policies to a student's parent who enrolls a student after the initial enrollment period.

This was not a change from the 2019 HB250 nor the rule amendments of 2019 – This has existed in the rule for a while.

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

(3)(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.

Permanent Injunction – From the Assurances completed and signed each year Appendix C “school District Certification of Compliance” section B. Item 4 “Copies of the school district's Fee Policy, Fee Waiver Policy, Fee Schedule, and Community Service Policy (if any) are maintained in each school and were made available to parents and guardians during registration, and at all other times upon request.”

Fee Schedules: Notice

For a school serving elementary students:

- School Fees Notice for Families of Children in Elementary School;
- Fee Waiver applications (Elementary School);
- Fee Waiver Decision and Appeals Form; and
- the Board's elementary school poster;

For a school serving secondary students:

- School Fees Notice For Families of Students in a Secondary School;
- Fee Waiver Application (Secondary School);
- Service Document:
 - Application for Fee Waivers and Service (Secondary School);
 - Service Assignments and Notice of Appeal Rights;
 - Appeal of Service Assignment; and
- the Board's secondary school poster.

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R277-407-6(8) specifies the documents that students are required to receive as part of the school fees notice. These documents are available to be downloaded from the USBE School Fees website at: www.schools.utah.gov/schoolfees. These documents are required to be included with each schools' registration materials.

R277-407 Implementation Phases



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School Year 2020-2021	School Year 2021-2022	School Year 2022-2023	<h1 style="margin: 0;">Phases of R277-407</h1> <hr style="width: 200px; margin: 10px auto;"/>
 <ul style="list-style-type: none"> • Fee Schedule approval – April 1 deadline, public notice, public meeting, 2 public comment opportunities • New fee schedule rules include spend plans 	 <ul style="list-style-type: none"> • Fees must be equal or less than the cost of the activity (per 53G-7-503(3)) • Leas cannot use one fee to subsidize another fee or waiver • State Board shall take corrective action 	 <ul style="list-style-type: none"> • LEAs may not sell textbooks or charge a textbook fee 	



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Refer to one-page handout “School Fees Information 2019 Updates” that can be found at www.schools.utah.gov/schoolfees.

Additional training will be coming through the year and another ½ day statewide training will be coming in Nov/Dec of 2020.

School Fees: SY21-22 Changes to Implement

- School Board Approval by April 1, **2021**
 - LEAs cannot use one fee to subsidize another fee or waiver
 - Fees must be equal or less than the cost of the activity
- USBE Changes
 - State Board shall take corrective action

53G-7-503(3)

- (a) Beginning with or after the 2021-2022 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.

53G-7-503(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.

2019 Changes to R277-407

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R277-407 changes since Spring, 2019

R277-407-2(23) Textbook Definition excludes **instructional equipment** (becomes property of student) and **instructional supplies** (consumable or non-reusable such as footwear, art brushes, wood).

HB391

R277-407-4(5) Clarification that fees for **supplemental kindergarten** held outside of the regular kindergarten school day can be charged a fee and are subject to fee waivers.

R277-407-6(3) Allows for **changes to the fee schedule** after April 1st if the same approval process is followed.

R277-407 changes since Spring, 2019

R277-407-5 Can charge a fee, subject to waivers, for the cost to *access* (wifi) software or **digital content**. Starting SY 2022-2023 **digital content** that is instructional materials (included in textbook definition) are not subject to fees.

R277-407-6(4) LEAs will include the total per student amount expected to be received through required group fundraising as part of the **maximum fee amount** for an activity.

R277-407-13(3) The **Spend plan** purpose and description provides students, parents, and employees transparency by identifying a fee's funding uses.

2020 Current Legislation

- HB391 by Representative Lisonbee – School Textbook Fee Amendments. Provides technical changes to clarify textbook definition so it will not include “instructional equipment” and “instructional supplies”.
- HB80 1st Sub. By Robertson – School Fees Modification. Passed unanimously out house committee on Wednesday.

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Fundraising

R277-407-2(4)

(a) “Fundraiser,” “fundraising,” or “fundraising activity” means an activity or event provided, sponsored, or supported by a school that uses students to generate funds to raise money to:

- (i) provide financial support to a school or any of the school’s classes, groups, teams, or programs; or
- (ii) benefit a particular charity or for other charitable purposes.

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Fundraising: Policy

R277-407-10 Individual and Group Fundraising Requirements

Individual Fundraising

- **Cannot** be required
- LEA may provide opportunities

Fundraising: Policy

R277-407-10 Individual and Group Fundraising Requirements

Group Fundraising

- LEA **may allow** required group fundraisers
- May not deny a student membership based on non-participation in a group fundraiser
- A fundraising activity where the **money raised is used for the benefit** of the group, team, or organization
- No individual quota or sales goals within group fundraising
- Total per student amount **expected to be received** through required group fundraising as part of the maximum fee amount for an activity on the fee schedule
- Requirement that a school **notify parents** of required group fundraising, letting parents and students know how and when specific details

Fundraising: Policy

- R277-113-6(2)(c) LEA Fiscal Policy
 - Who Authorizes fundraisers and grant fee waivers . . .
 - Internal Controls and Cash handling policies
 - Tax exempt status and charitable donations receipts
 - LEA employee interactions with parents, donors and non-school organizations
 - Disclosure requirements including bank account access
 - Title IX compliance
 - Procedures governing allowable types of fundraising, student participation, and non-school organizations

Changes in the Rule are coming soon.

Fee Waivers

“An LEA shall administer the process for obtaining a fee waiver or pursuing an alternative fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.”

- R277-407-8(5)

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Fee Waivers: Process

Each LEA must have a process in place for handling fee waivers.

This process must include:

- designating at least one administrator to handle waivers at each school
- ensuring a fair, confidential, and embarrassment-free application process
- letting students know about the application process
- documenting waivers

Each LEA must have policy and procedures in place for handling fee waivers. These should include:

- No visible identifiers for those applying for fee waivers.
- No identifying those on fee waivers to those who do not need to know.
- No unreasonable burdens in the application process.
- No abridgment of students' appeals rights.
- Consistent application of policy.

R277-407-8(4)

An LEA shall designate at least one person at an appropriate administrative level in each school to review and grant fee waiver requests.

R277-407-8(5)

An LEA shall administer the process for obtaining a fee waiver or pursuing an alternative fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

53G-7-505(3)(a)(iii)

The fee schedule shall include the following: ... the LEA's fee waiver policy, including an easily understandable statement informing a parent that a student: Utah Code Page 5 (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;

R277-407-6(6)(a)

An LEA shall annually provide written notice to a parent or guardian of each student who attends a school within the LEA of all current and applicable fee schedules and fee waiver policies.

Fee Waivers: Notice

- Informing students and parents about waivers:
- Waiver policy must always accompany the fee schedule
- Providing students a COPY of the fee schedule & waiver policy
- Posters, notices, waiver applications, appeals forms

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The law considers the waiver policy as part of the fee schedule.

R277-407-6(6)(a) states:

An LEA shall annually provide written notice to a parent or guardian of each student who attends a school within the LEA of all current and applicable fee schedules and fee waiver policies.

R277-407-6(8) states:

A notice described in Subsection (6)(a) shall:

(a) be in a form approved by the Board; and

(b) include the following:

(i) for a school serving elementary students:

- (A) School Fees Notice for Families of Children in Elementary School;
- (B) Fee Waiver applications (Elementary School);
- (C) Fee Waiver Decision and Appeals Form; and
- (D) the Board’s elementary school poster; and

(ii) for a school serving secondary students:

- (A) School Fees Notice For Families of Students in a Secondary School;
- (B) Fee Waiver Application (Secondary School);
- (C) Application for Fee Waivers and Community Service (Secondary School);
- (D) Community Service Assignments and Notice of Appeal Rights;
- (E) Appeal of Community Service Assignment; and
- (F) the Board’s secondary school poster.

R277-407-6(7)(a) states:

If an LEA charges a fee, the LEA shall:

(i) annually publish the LEA’s fee waiver policies and fee schedule, including the fee maximums described in Subsection (4), on each of the LEA’s schools’ websites;

(ii) annually include a copy of the LEA’s fee schedule and fee waiver policies with the LEA’s registration materials; and

(iii) provide a copy of the LEA’s fee schedule and fee waiver policies to a student’s parent who enrolls a student after the initial enrollment period.

53G-7-505(3)(b) states:

The LEA shall:

(i) publish the fee schedule on each of the LEA’s schools’ websites; and

(ii) include a copy of the LEA’s fee schedule with the LEA’s registration materials.

Fee Waivers: Eligibility

Eligibility:	Documentation:
Family receiving TANF/FEP	»»» Screenshots, letter from DWS
Student receiving SSI	»»» Letter confirming SSI
Student in state custody	»»» Intake form
Student in foster care	»»» Intake form
Meeting income standards	»»» Pay stubs or tax returns (IP guidance)
Other students in need of help	»»» see local policy

IP (Informational Paper) guidance are brief documents available on the School Fees Website under the Resources and FAQ tab.

R277-407-11(1), (4) Fee Waiver Eligibility

- (1) A student is eligible for fee waiver if an LEA receives verification that:
- (a) in accordance with Subsection 53G-7-504(4), based on the family income levels established by the Superintendent as described in Subsection (2);
 - (b) the student to whom the fee applies receives SSI;
 - (c) the family receives TANF funding;
 - (d) the student is in foster care through the Division of Child and Family Services; or
 - (e) the student is in state custody.

(4) A school may grant a fee waiver to a student, on a case by case basis, who does not qualify for a fee waiver under Subsection (1), but who, because of extenuating circumstances is not reasonably capable of paying the fee.

Fee Waivers

“An LEA shall ensure that a fee waiver or other provision in lieu of fee waiver is available to any student whose parent is unable to pay a fee.”

– R277-407-8(8)(a)

“An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of waivers to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.”

– R277-407-8(3)

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The goal is inclusion. While LEAs have leeway in deciding how to help students who do not meet the criteria for eligibility, the criteria is that NO student is denied the opportunity to participate because of social economic status.

This standard empowers LEAs to help their students in a way that respects local control, while still upholding the constitutional requirement of a system of education open to all students.

“In comparison, the Board's rules do not limit fee waivers to recipients of public assistance but provide waivers to "others whose parents or guardians are financially unable to pay."” *Lorenc v. Call*, 789 P.2d 46, 48 (Utah Ct. App. 1990)

“The Court's finding that the Utah State Board of Education's existing standards are reasonable is therefore based upon assurances by Defendants that local boards of education are continuing their efforts to eliminate nonessential expenditures that have unreasonably driven up costs for many programs which have great value for students, such as choir, debate, vocational courses, and team activities, and that additional efforts will be made to ensure that those *above* the current waiver eligibility standard are not "denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.”” Permanent Injunction, page 32.

Fee Waivers

Current approved list of provisions in lieu of fee waivers:

- Tutorial assistance to other students
- Assistance before or after school to teachers and other school personnel on school related matters
- General community or home service



Local policy should guide which options an LEA provides and provide more structure for the provisions.

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R277-407-9. Service In Lieu of Fees -Voluntary Requests for Installment Plans.

(1) Subject to the provision of Subsection (2), an LEA may allow a student to perform service in lieu of a fee, but service in lieu of a fee may not be required.

(2) An LEA may allow a student to perform service in lieu of a fee if:

(a) the LEA establishes a service policy that ensures that a service assignment is appropriate to the:

- (i) age of the student;
- (ii) physical condition of the student; and
- (iii) maturity of the student;

(b) The LEA's service policy is consistent with state and federal laws, including:

- (i) Section 53G-4-504; and
- (ii) the Federal Fair Labor Standards Act, 29 U.S.C. §201;

(c) the service can be performed within a reasonable period of time; and

(d) the service is at least equal to the minimum wage for each hour of service.

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

(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.

Fee Waivers: Service in Lieu of Waivers

Federal labor laws:

For a student that is under 18 years old: no hazardous job

For a student that is 14 to 15 years old, all work must be performed outside school hours and the student may not work:

- more than 3 hours on a school day, including Friday;
- more than 18 hours per week when school is in session;
- more than 8 hours per day when school is not in session;
- more than 40 hours per week when school is not in session; and
- before 7 a.m. or after 7 p.m. on any day, except from June 1st through Labor Day, when nighttime work hours are extended to 9 p.m.

For a student that is younger than 14 years old, there are virtually no options that meet both state and federal rules

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The determination of "unreasonable burden" must be made on a case-by-case basis and could include considerations such as a determination that the student rides the school bus to and from home and has no other readily available transportation; provides child care for siblings at home after school while parents work; or must work after school to contribute income to the family household. (Permanent injunction, IV. Order, D. Community Service Requirements, 2., f., pg 45)

The requirements outline here can be found at:

<https://www.youthrules.gov/know-the-limits/faq/index.htm>

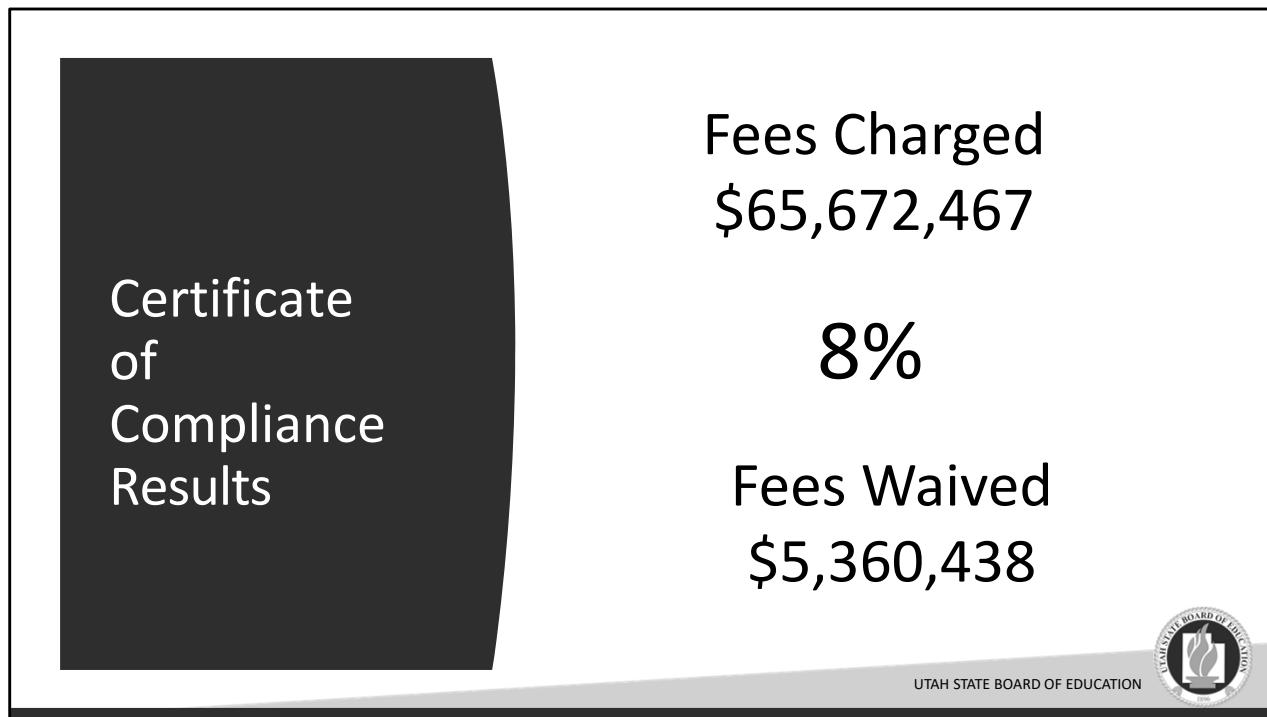
2020-21
Certificate of
Compliance

“An LEA shall submit school fee compliance forms to the Superintendent for each school that affirm compliance with the permanent injunction, consistent with Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994).”

- R277-407-8(9)




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R277-407-14

The total amount of school fees charged for the 2018-19 school year as reported on the certificates of compliance was \$65,672,467. This number should include all fees charged to students including fee waiver amounts. During that same time frame, the amount of fees waived was only \$5,360,438. That’s only 8% of all fees charged that were waived. These numbers are in line with what was found with the School Fees audits. The audits also found that this percentage should be closer to 12 – 15%.

Our goal, as a state, is to ensure that those students who are unable to afford the fees required for participation, are receiving the information needed to apply for fee waivers. Working with DWS, we understand that the number of individuals in the state that qualify under the eligibility criteria is much higher than 8%. Understanding our goal, we appreciate your efforts in understanding what constitutes a fee and who really is eligible for fee waivers. We know that this has taken a lot of time and effort and it has not gone unnoticed. We are here to support you and help in every way that we can. One of the things that we will be doing is addressing some of the concerns that arose with the Certificate of Compliance submission process.




New submission time frame
1 month: October 1st – October 31st

Allow for all principal changes to be set

Verification of individual emails

Fall training prior to start of submission

Links will automatically inactivate after 1 month

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R277-407-8(9)

One of the factors that contributed to a lot of issues was the lengthy submission time frame. The three months that we originally thought would be helpful, actually caused more problems. Therefore, the new submission time frame will now be for 1 month from October 1st to October 31st. This will help with a number of concerns we encountered.

First, the new time frame will allow for all school principal changes to be set and their emails updated in the system.

Second, to ensure this, an email will be sent out the end of August to Superintendents and Charter Directors to verify any principal changes that have occurred and any corresponding emails that will need to be updated.

Third, there will also be another training in September prior to the submission process to make sure that all individuals understand what they must respond with and what they are submitting Compliance for.

Fourth, one of the reasons a one-month time frame was chosen was because Qualtrics automatically inactivates links after 1 month. This means that all Certificates must be submitted by the October 31st deadline or the distributed links will no longer be usable.

Certificate of Compliance Submission



Board Chairs/Principals

- Affirm compliance for the current school year.

Superintendents/Charter Directors



- Affirm compliance for the current school year and attach accompanying documents.
- Submit Statistical Data for previous school year.

We are also changing how the surveys are distributed. There will be two different distributions of the Certificate. First, each Board Chair and Principal is required to confirm compliance for the current school year only. This includes understanding the Code, Rule and Injunction and how these regulations apply to your LEA or school. All schools within each LEA must understand how the new school fee laws apply to them and how they can better assist their students and parents.

Second, Superintendents and Charter Directors are also to confirm compliance for the current school year. In addition, they must attach the accompanying documentation such as Fee Schedules, Fee Policies, and Notices. They must also submit statistical data for the previous school year. These numbers help the State Board to understand if any further changes need to be made regarding school fees.

R277-407-14

Certificate of Compliance Updates:



New and updated questions



Ability to go back unless warned



Automatic completion email with a copy of responses



Status updates will be sent to Superintendent's, Charter Director's, School Fees Contacts, and Charter Authorizers

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The online form is being updated to be more user friendly. The first page will have the USBE logo, similar to the title page of the example packet that you have. Each section will address a portion of the law that each individual must attest compliance for. The samples of the Certificate of Compliance will be placed on the website for review as you prepare for this year's submission.

There are some new and updated questions due to portions of R277-407 coming into effect the beginning of January. The system will allow you to use the back button as you navigate through questions. There will be a final submit button with a message verifying the submission. Following that, there will be an automatic email sent to the email address with a copy of the respondent's answers. As the month progresses, progress reports will be sent to Superintendent's, Charter School Directors, School Fees Contacts and Charter Authorizers. This will allow for additional follow up to make sure that each school has complied with the submission requirement. We expect to have a 100% submission rate.

Monitoring

“The Superintendent shall monitor compliance with this rule through the compliance reports ... and by such other means as the Superintendent may reasonably request ...”

- R277-407-16(1)



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Monitoring: What can you expect from USBE?

Regular monitoring, both through the annual certificates and through other monitoring actions

Open communication through the LEA administration

Consistent guidelines set in harmony with Code and rule

Training, training, and more training

Corrective action as required in law

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Monitoring

What does monitoring look like for LEAs?

- **Self-reporting**

Example. Certificates of Compliance

- **Self-reporting with independent validation**

Example. USBE reviews submitted fee schedules, and confirm local board approval through public meeting minutes

- **Independent validation**

Example. USBE conducts an onsite review to verify confidentiality in the waiver application process

USBE will use a variety of methods to monitor compliance with Code and Rule. LEAs should expect regular monitoring and communication regarding monitoring actions.

R277-407-16. Enforcement.

(1) The Superintendent shall monitor LEA compliance with this rule:

(a) through the compliance reports provided in Section R277-407-14; and

(b) by such other means as the Superintendent may reasonably request at any time.

(2) If an LEA fails to comply with the terms of this rule or request of the Superintendent, the Superintendent shall send the LEA a first written notice of non-compliance, which shall include a proposed corrective action plan.

LEAs should expect regular monitoring and communication regarding monitoring actions.

53G-7-503(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

Monitoring : Two Big Questions

When will
monitoring lead to
corrective action?

What does
corrective action
look like?

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Corrective action is mandated by Code for all instances of noncompliance, whether it is perceived as a minor violation or a more serious violation.

Corrective action will begin with a letter and some conversation. USBE will present an initial plan for the LEA to come into compliance, but it will be discussed and worked out with the LEA. USBE and the LEA will work together to figure out how to solve the problem. There will be a plan to correct the issue and to follow up after to confirm compliance. It is expected that most noncompliance can be worked out well before financial consequences are brought to the table.

Monitoring: Corrective Action Plan

A corrective action plan (CAP) includes:

1. A description of all areas of noncompliance
2. Steps to be taken for the LEA to come back into compliance
3. The time frame for the corrective action plan

R277-114-4

(2) The Superintendent shall clearly outline in a corrective action plan:

- (a) all areas of noncompliance;
- (b) steps required to satisfy the corrective action plan; and
- (c) a reasonable time frame for the recipient to correct identified issues.

(3) A corrective action plan may also include provision and a timeline for:

- (a) referral for monitoring by a Board section;
- (b) referral for monitoring to the Board's internal audit department, with approval of the Board's Audit Committee;
- (c) periodic meetings between a recipient administrator or governing board member and the Superintendent or a member of the Superintendency;
- (d) planned appearances before the Board to provide status updates; and
- (e) training for the LEA's staff.

(4) The Superintendent may employ escalating restrictive conditions in a corrective action plan based on:

- (a) the severity of the violation; or
- (b) repeated violations by an LEA.

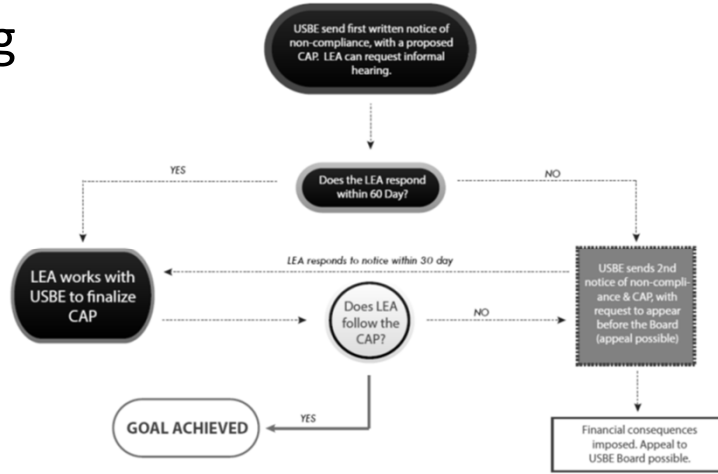
(5) The Superintendent may include penalties for non-compliance with a corrective action plan in accordance with Subsection 53E-3-401(8).

(6) The Superintendent shall give notice and a copy of the corrective action plan in writing to:

- (a) the recipient LEA's administrators;
- (b) the respective LEA's governing board; and
- (c) the charter school authorizer, if applicable.

Monitoring

School Fees Corrective Action



Utah State Board of Education - R277-407-16

April 2019

R277-407-16 gives a process to be used for enforcement of school fees law. It dictates corrective action is mandatory for noncompliance, outlines the timeline for communications, and states the corrective action plan is to be proposed by the school fees team rather than the LEA.

Best Practices & Resources

“The Superintendent shall provide ongoing training, informational materials, and model policies, as available, for use by LEAs....

An LEA shall develop a plan for, at a minimum, annual training of LEA and school employees on fee related policies enacted by the LEA specific to each employee’s job function.”

- R277-407-15(1) & (4)

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USBE is required to provide training to you and it is your responsibility to develop a plan and pass that training on to all of your employees so that we are all on the same page.

Collaboration

"Effectively, change is almost impossible without industry-wide collaboration, cooperation, and consensus." – Simon Mainwaring

The new laws are a big change for everyone, and we want to applaud everyone's efforts in making these changes. Understanding the new laws and the requirements that follow such changes requires all of us working together and providing feedback and discussing concerns in a professional manner. Change cannot occur without each one of us. Thank you!

Best Practices

Fee Schedule Example

ATHLETICS

PARTICIPATION FEE: \$ 40.00

***The \$40 participation fee will be charged to ALL athletic teams ***

COST BREAKDOWN:

Baseball	\$ 400.00
Boys Basketball	\$ 750.00
Girls Basketball	\$ 575.00
Cheerleading	\$ 2,235.00
Cross Country	\$ 200.00
Drill Team	\$ 2,000.00
Football	\$ 410.00
Boys Golf	\$ 275.00
Girls Golf	\$ 235.00
Boys Soccer	\$ 460.00
Girls Soccer	\$ 460.00
Softball	\$ 580.00
Swim Team	\$ 340.00
Track & Field	\$ 275.00
Volleyball	\$ 580.00
Wrestling	\$ 730.00

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A few LEAs agreed to allow us to use their Fee Schedule's and Spend Plans as examples of what we are looking for. This is a portion of a fee schedule. We like that there is a set amount for each activity. There is a note that all of these amounts will include a \$40 participation fee. The goal is to have something that is easy for parents to read and understand. Further down in the document they provide the spend plan for each one of these. The total amount from the Spend Plan should coincide with the total amount listed here on the fee schedule.



Track and Field 2021 Cost Breakdown *(All prices are estimates)*

Participation Fee <i>(Meet Entrance Fees, Stop watches, Supplies, Etc.)</i>	\$ 40.00
Meet Day Apparel <i>(T-shirt, Jacket)</i>	\$ 100.00
Hotel Travel Fee <i>(State/1 night)</i>	\$ 35.00
Meals <i>(Away meets \$10.00 x10)</i>	\$ 100.00
TOTAL	\$ 275.00

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This is the Spend Plan for the Track and Field amount that was listed on the previous fee schedule. First, there is a clear delineation of what the total fee is broken down into. Accompanying each delineation is a spend plan of what that particular portion of the fee will be spent on. As a parent, I can look at this and see how much the school has allotted for my child for each meal they receive while traveling. LEAs should help parents be aware that the two public meetings that are held before approval of the fee schedule allows them to discuss concerns over these fees that are being charged.

CO-CURRICULAR FEES

- [A Cappella](#) - \$1,045
- [Bel Canto](#) - \$985
- [Bell Choir](#) - \$135
- [Cheer](#) - \$2,970
- [Dance Company](#) - \$887
- [Debate Team](#) - \$2,080
- [Drill Team](#) - \$3,304
- [Educators Rising](#) - \$40
- [FBLA](#) - \$1,601
- [FCCLA](#) - \$3,676
- [French German Alliance](#) - \$56
- [HOOSA](#) - \$15
- [Jazz Band](#) - \$165
- [Latinos in Action](#) - \$185
- [Madrigals](#) - \$1,135
- [Marching Band: Fall](#) - \$565
- [Marching Band: Summer](#) - \$35
- [Men's Choir](#) - \$15
- [Peer Leadership Team](#) - \$80
- [Skills USA](#) - \$115
- [State Math Competition](#) - \$30
- [Student Government](#) - \$693

BEST PRACTICES

| Fee Schedule Example



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Here is a portion from another fee schedule. This provides a total cost for each fee as well. This fee schedule was provided electronically. Each fee can be clicked on and sent to the breakdown of what the cost of that fee is going to be and the accompanying fee schedule. These amounts are set amounts that have been approved by the LEA board.

Best Practices

Spend Plan Example

Fee and Spend Plan

Item	Approved Fee	Fundraising Offered	Anticipated Fundraising Amount	Spend Plan Items this fee covers
Participation/Program Support	\$15			Transportation/Bussing
Uniform/Other Clothing/Boys	\$180			Men's Tux, Slacks, Shirt, Bow Tie, Cummerbund
Uniform/Other Clothing/Girls	\$120			Women's Dress
Choir Tour	\$850	Individual	\$175	Bus transportation, Meals, Housing, Clinicians fees, travel arrangements, admission to activities
TOTAL FEE FOR PARTICIPATION	\$1045.00 Boys \$985.00 Girls	<i>Individual Fundraising: all funds raised by the student are used to offset the expense of the student's own fees. Individual fundraising is not required.</i>		

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This is the breakdown of the fees for the A Capella group listed on the previous fee schedule. We like that it shows the delineation of each fee, as well as providing a spend plan as to what that fee will cover. The other portion that we liked about this is that they list the amount that they are anticipating will be brought in through fundraising efforts. As a parent, I can look at this and clearly understand that I may have to pay \$850 for my child to attend the Choir Tour, however if my child participates in the individual fundraising, I may not have to pay that full amount.

Spend Plan:

“(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fees funding uses.

(b) An LEA or school’s spend plan shall identify the needs of the activity, course, or program for the fee being charged and shall include a list or description of anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.”

- R277-407-13(3)

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The goal of a Spend Plan is clearly stated in Rule.....we are trying to achieve transparency. For students, parents, and employees. Every fee schedule and Spend Plan should be easy to read and understand and allow students and parents to make informed decisions regarding how much they are being asked to pay for fees.

Resources

- Website: schools.utah.gov/schoolfees
 - Links to the Injunction, Code and Rule
 - Information on the Certificate of Compliance
 - Frequently Asked Questions documents
 - Informational papers
 - LEA Examples
 - Forms – Posters, Notices, Fee Waiver Applications, etc.
 - Model Policy
 - Trainings
 - Local School Fees Contacts – Coming Soon!
- School Fees Team

All these items are available on the website for the general public and LEA use. The School Fees team is always available to answer questions or provide training as needed.

Questions?