

**R277. Education, Administration.**

**R277-407. School Fees.**

**R277-407-1. Authority and Purpose.**

(1) This rule is authorized under:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Utah Constitution Article X, Section 2, which provides that:

(i) public elementary schools shall be free; and

(ii) secondary schools shall be free, unless the Legislature authorizes the imposition of fees;

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(d) Subsection 53G-7-503(4), which requires the Board to adopt rules regarding student fees; and

(e) Section 53G-7-504 which authorizes waiver of fees for eligible students with appropriate documentation.

(2) The purpose of this rule is to:

(a) permit the orderly establishment of a system of reasonable fees;

(b) provide adequate notice to students and families of fees and fee waiver requirements; and

(c) prohibit practices that would:

(i) exclude those unable to pay from participation in school-sponsored activities;

or

(ii) create a burden on a student or family as to have a detrimental impact on participation.

(3) This R277-407 is categorized as Category 3 as described in Rule R277-111.

**R277-407-2. Definitions.**

(1) "Co-curricular activity" means the same as that term is defined in Section 53G-7-501.

(2) "Curricular activity" means the same as that term is defined in Section 53G-7-501.

(3) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.

(4) "Fee" means the same as that term is defined in Section 53G-7-501.

(5) "Fundraiser," "fundraising," or "fundraising activity" means the same as that term is defined in Rule R277-408.

(6) "Individual fundraiser" or "individual fundraising" means the same as that term is defined in Rule R277-408.

(7) "Instructional equipment or supplies" means the same as that term is defined in Section 53G-7-501.

(8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(9) "Noncurricular club" has the same meaning as that term is defined in Section 53G-7-701.

(10) "Non-waivable charge" means a cost, payment, or expenditure that:

(a) is a personal discretionary charge or purchase, including:

(i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;

(ii) a charge for college credit related to the successful completion of:

(A) a concurrent enrollment class; or

(B) an advanced placement examination; or

(iii) except when requested or required by an LEA, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;

(b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or

(c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:

(i) a school uniform as provided in Section 53G-7-801;

- (ii) a school lunch; or
- (iii) a charge for a replacement for damaged or lost school equipment or supplies.

(11)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, 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, 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, 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, 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.

(12)(a) "Provision in lieu of fee" means an alternative to fee payment.

(b) "Provision in lieu of fee" may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.

(13) "Regular school day" has the same meaning as the term "school day" described in Section R277-419-2.

(14) "Requested or required by an LEA as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

- (a) fully participate in school or in a school activity, class, or program;

- (b) successfully complete a school class for the highest grade; or

(c) avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:

(i) peer pressure, shaming, stigmatizing, bullying, or the like; or

(ii) withholding or curtailing any privilege that is otherwise provided to any other student.

(15) "School activity clothing" means the same as that term is defined in Section 53G-7-501.

(16)(a) "School equipment" means the same as that term is defined in Section 53G-7-501.

(b) "School equipment" includes a saw or 3D printer.

(17)(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.

(c) "Something of monetary value" does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

(18)(a) "Student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.

(b) "Student supplies" include:

- (i) pencils;
- (ii) paper;
- (iii) notebooks;
- (iv) crayons;
- (v) scissors;
- (vi) basic clothing for healthy lifestyle classes; and
- (vii) similar personal or consumable items over which a student retains ownership.

(c) "Student supplies" does not include items listed in Subsection (18)(b) if the requirement from the school for the student supply includes specific requirements such as brand, color, or a special imprint to create a uniform appearance not related to basic function.

(19) "Supplemental Nutrition Assistance Program" or "SNAP" means a program, formerly known as food stamps, which provides nutrition benefits to supplement the food budget of low income families through the Utah Department of Workforce Services.

(20) "Supplemental Security Income for children with disabilities" or "SSI" means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.

(21) "Temporary Assistance for Needy Families" or "TANF," means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low income families with children under age 18 through the Utah Department of Workforce Services.

(22) "Textbook" means the same as that term is defined in Section 53G-7-501.

(23) "Waiver" means the same as that term is defined in Section 53G-7-501.

### **R277-407-3. Classes and Activities During the Regular School Day.**

- (1) An LEA may not charge a fee in kindergarten through grade six for:
  - (a) materials;
  - (b) textbooks;
  - (c) supplies, except for student supplies described in Subsection (6); or
  - (d) any class or regular school day activity, including assemblies and field trips.

(2)(a) An LEA may charge a fee related to an activity, class, or program provided, sponsored, or supported by a school for a student in a secondary school that takes place during the regular school day if:

(i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees; and

(ii) the fee is noticed and approved as provided in this rule.

(b) All fees are subject to the fee waiver requirements of Section R277-407-8.

(3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection (3)(b), a school may charge a fee to a student in grade six if the student attends a school that includes any of grades seven through twelve.

(b) A school that provides instruction to students in grades other than grades six through twelve may not charge fees for grade six unless the school follows a secondary model of delivering instruction to the school's grade six students.

(c) If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waiver.

(4) If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements of Section R277-407-8.

(5)(a) In project related courses, projects required for course completion shall be included in the course fee.

(b) A school may require a student at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project.

(c) A school shall avoid allowing high cost additional projects, particularly if authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

(d) A school may not require a student to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course.

(6) An elementary school or elementary school teacher may provide to a student's parent or guardian, a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, on a voluntary basis, student supplies for student use, provided that, in accordance with Section 53G-7-503, the following notice is provided with the list:

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

(7) A school may require a secondary student to provide student supplies, subject to the requirements of Section 53G-7-503 and Section R277-407-8.

(8)(a) A school may require a secondary student to provide school activity clothing.

(b) School activity clothing is considered a fee and is subject to fee waiver.

(9) As provided in Subsection 53G-7-802(4), an LEA's school uniform policy, including a requirement for a student to wear a school uniform, is not considered a fee for either an elementary or a secondary school if the LEA's school uniform policy is consistent with the requirements of Title 53G, Chapter 7, Part 8, School Uniforms.

#### **R277-407-4. School Activities Outside of the Regular School Day.**

(1) A school may charge a fee, subject to the requirements of Section R277-407-8, related to any school-sponsored activity, that does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

(2) A fee related to a co-curricular or extracurricular activity may not exceed the maximum fee amounts for the co-curricular or extracurricular activity adopted by the LEA governing board as described in Subsection R277-407-6(2).

(3) A school may only collect a fee for an activity, class, or program provided, sponsored, or supported by a school consistent with LEA policies and state law.

(4) An LEA that provides, sponsors, or supports an activity, class, or program outside of the regular school day or school calendar is subject to the requirements of this rule regardless of the time or season of the activity, class, or program.

**R277-407-5. Fee Waivable Activities, Classes, or Programs Provided, Sponsored, or Supported by a School.**

Fees for the following are waivable:

(1) an activity, class, or program that is:

(a) primarily intended to serve school-age children, including a student participating in an activity, class, or program through dual enrollment as described in Rule R277-438 or as described in Rule R277-494; and

(b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;

(2) an activity, class, or program that is explicitly or implicitly required:

(a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or

(b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;

(3) an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;

(4) an activity or program where full participation in the activity or program includes:

(a) travel for state or national educational experiences or competitions;

(b) debate camps or competitions; or

(c) music camps or competitions;

(5) a concurrent enrollment, CTE, IB, or AP course; and

(6) the cost to access software, digital content, or other instructional materials required as part of an activity, course, or program.

**R277-407-6. LEA Requirements to Establish a Fee Schedule -- Maximum Fee Amounts -- Notice to Parents.**

(1) An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value related to 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.

(2)(a) If an LEA charges a fee, on or before April 1 and in consultation with stakeholders, the LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting.

(b) Before approving the LEA's fee schedule described in this section, an LEA shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two public LEA governing board meetings.

(c) An LEA shall:

(i) provide public notice of the meetings described in Subsections (2)(a) and (b) in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

(ii) encourage public participation in the development of fee schedules and waiver policies.

(d) In addition to the notice requirements of Subsection (2)(c), an LEA shall provide notice to parents and students of the meetings described in Subsections (2)(a) and (b) using the same form of communication regularly used by the LEA to communicate with parents, including notice by email, text, flyer, or phone call.

(e) An LEA shall keep minutes of meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, in accordance with Section 52-4-203.

(3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA may amend the LEA's fee schedule if the LEA follows the process described in Subsection (2) before approving the amended fee schedule.

(4)(a) As part of an LEA's fee setting process, an LEA shall establish:

- (i) a maximum fee amount per student for each activity; and
- (ii) a maximum total aggregate fee amount per student per school year.

(b) 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).

(5) As part of an LEA's fee setting process described in this section, the LEA may review and consider the following per school:

- (a) the school's cost to provide the activity, class, or program;
- (b) the school's student enrollment;
- (c) the median income of families:
  - (i) within the school's boundary; or
  - (ii) enrolled in the school;
- (d) the number and monetary amount of fee waivers, designated by individual fee, annually granted within the prior three years;
- (e) the historical participation and school interest in certain activities;
- (f) the prior year fee schedule;
- (g) the amount of revenue collected from each fee in the prior year;
- (h) fundraising capacity;
- (i) prior year community donors; and
- (j) other resources available, including through donations and fundraising.

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

(i) annually publish the following on each of the LEA's schools' publicly available websites:

- (A) the LEA's fee waiver policies and fee schedule, including the fee maximums described in Subsection (4);
- (B) the LEA's fee waiver application;
- (C) the LEA's fee waiver decision and appeals form; and

(D) the LEA's school fee notice for families;

(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.

(b) If an LEA's student or parent population in a single written language other than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee waiver policies in the language of those families.

(c) An LEA representative shall meet personally with each student's parent or family and make available an interpreter for the parent to understand the LEA's fee waiver schedules and policies if:

(i) the student or parent's first language is a language other than English; and

(ii) the LEA has not published the LEA's fee schedule and fee waiver policies in the parent's first language.

(7)(a) An LEA policy shall include easily understandable procedures for obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as possible before the fee becomes due.

(b) If an LEA denies a student or parent request for a fee waiver, the LEA shall provide the student or parent:

(i) the LEA's decision to deny a waiver; and

(ii) the procedure for the appeal in the form approved by the Board.

(8)(a) A school may not deny a present or former student receipt of transcripts or a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.

(b) A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records.

(c) A school may not charge for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.

(9) 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.

**R277-407-7. Donations in Lieu of Fees.**

(1)(a) A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the LEA and receipt of the donation will not affect participation by an individual student.

(b) A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.

(c) An LEA may solicit and accept a donation or contribution in accordance with the LEA's policies, but such requests must clearly state that donations and contributions by a student or parent are voluntary.

(2) If an LEA solicits donations, the LEA:

(a) shall solicit and handle donations in accordance with policies established by the LEA; and

(b) may not place any undue burden on a student or family in relation to a donation.

(3) An LEA may raise money to offset the cost to the LEA attributed to fee waivers granted to students through the LEA's foundation.

(4) An LEA shall direct donations provided to the LEA through the LEA's foundation in accordance with the LEA's policies governing the foundation.

(5) If an LEA accepts a donation, the LEA shall prevent potential inequities in schools within the LEA when distributing the donation.

**R277-407-8. Fee Waivers.**

(1)(a) All fees are subject to waiver.

(b) Fees charged for an activity, class, or program held outside of the regular school day, during the summer, or outside of an LEA's regular school year are subject to waiver.

(c) Non-waivable charges are not subject to waiver.

(2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers.

(b) An LEA may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

(3) An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of a fee 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.

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

(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.

(6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students.

(7) A school may not identify a student on fee waiver to students, staff members, or other persons who do not need to know.

(8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of a fee payment is available to any student whose parent cannot pay a fee.

(b) A school or LEA administrator shall verify fee waivers consistent with this rule.

(9) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver requests which:

(a) provides parents the opportunity to review proposed alternatives to fee waivers;

(b) establishes a timely appeal process, which shall include the opportunity to appeal to the LEA or its designee; and

(c) suspends any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

(10) An LEA may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:

(a) exclude a student from a school, an activity, class, or program that is provided, sponsored, or supported by a school during the regular school day;

(b) refuse to issue a course grade; or

(c) withhold official student records, including written or electronic grade reports, class schedules, diplomas or transcripts.

(11)(a) A school may withhold student records in accordance with Subsection 53G-8-212(2)(a).

(b) Notwithstanding Subsection (12)(a), a school may not withhold any records required for student enrollment or placement in a subsequent school.

(12) A school is not required to waive a non-waivable charge.

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

(1) Subject to the requirements 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 the LEA establishes a policy as described in Subsection R277-407-14(2).

(3)(a) A student who performs service may not be treated differently than other students who pay a fee.

(b) The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

(4) An LEA shall transfer a student's service credit to:

(a) another school within the LEA; or

(b) another LEA upon request of the student.

(5)(a) An LEA may make an installment payment plan available to a parent or student to pay for a fee.

(b) An installment payment plan described in Subsection (5)(a) may not be required in lieu of a fee waiver.

(6) An LEA may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees as provided in Rule R277-408.

**R277-407-10. 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 or SNAP funding;

(d) the student is in foster care through the Division of Child and Family Services;

(e) the student is in state care; or

(f) the student qualifies for McKinney-Vento Homeless Assistance Act assistance.

(2) The Superintendent shall annually establish income levels for fee waiver eligibility and publish the income levels on the Board's website.

(3) In lieu of income verification, an LEA may require alternative verification under the following circumstances:

(a) If a student's family receives TANF or SNAP, an LEA may require the student's family to provide to the LEA an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which a fee waiver is sought from the Utah Department of Workforce Services;

(b) If a student receives SSI, an LEA may require a benefit verification letter from the Social Security Administration;

(c) If a student is in state care or foster care, an LEA may rely on the youth in care required intake form and school enrollment letter or both provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department; or

(d) If a student qualifies for McKenny-Vento, verification is obtained through the LEAs McKinney-Vento liaison.

(4)(a) An LEA may not subject a family to unreasonable demands for re-qualification.

(b) 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.

(5) An LEA may charge a proportional share of a fee or reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

(6) An LEA may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

#### **R277-407-11. Fees for Textbooks.**

(1) An LEA may not charge a fee for a textbook as provided in Section 53G-7-506, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course as described in Subsection (2).

(2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

(b) A fee for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course is fee waivable as described in Section R277-407-8.

#### **R277-407-12. Budgeting and Spending Revenue Collected Through Fees -- Fee Revenue Sharing Requirements.**

(1) An LEA shall follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

(2) An LEA shall establish a spend plan for the revenue collected from each fee charged.

(3)(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fee's 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.

(4)(a) An LEA that has multiple schools shall establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers within each of the LEA's schools.

(b) For an LEA with multiple schools, the LEA shall distribute the impact of fee waivers across the LEA so that no school carries a disproportionate share of the LEA's total fee waiver burden.

#### **R277-407-13. Fee Waiver Reporting Requirements.**

(1) An LEA shall collect the following information, which may be requested by the Superintendent as part of the Superintendent's monitoring of the LEA's school fees practices:

(a) a summary of:

(i) the number of students in the LEA given fee waivers;

(ii) the number of students who worked in lieu of a waiver;

(iii) the number of students denied fee waivers; and

(iv) the total dollar value of student fees waived by the LEA; and

(b) the total dollar amount of all fees charged to students within all schools within the LEA.

(2) An LEA shall submit school fee revenue information in the Utah Public Education Financial System as provided in Rule R277-113.

#### **R277-407-14. LEA Required Policies -- Superintendent and LEA Policy and Training Requirements.**

(1) An LEA that charges fees shall adopt policies that include at least the following:

(a) a process for obtaining waivers or pursuing alternatives that is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and families;

(b) a process with no visible indicators that could lead to identification of fee waiver applicants;

(c) a process that complies with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);

(d) a student may not collect fees or assist in the fee waiver approval process;

(e) a standard written decision and appeal form is provided to every applicant;

and

(f) during an appeal the requirement that the fee be paid is suspended.

(2) An LEA may allow a student to perform service in lieu of a fee as described in Section R277-407-9 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-7-504; and

(ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;

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

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

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

(4) The Superintendent shall provide online training and resources for LEAs regarding:

(a) an LEA's fee approval process;

(b) LEA notification requirements;

(c) LEA requirements to establish maximum fees; and

(d) fee waiver eligibility requirements, including requirements to maintain student and family confidentiality.

(5) An LEA governing board shall annually review the LEA's policies on school fees and fee waivers.

(6) 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. Enforcement.**

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

(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.

(3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA shall:

(a) respond to the allegations of non-compliance described in Subsection (2);  
and

(b) work with the Superintendent on the Superintendent's proposed corrective action plan to remedy the LEA's non-compliance.

(4)(a) Within 15 days after receipt of a proposed corrective action plan described in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to respond to allegations of non-compliance or to address the appropriateness of the proposed corrective action plan.

(b) The form of an informal hearing described in Subsection (4)(a) shall be as directed by the Superintendent.

(5) The Superintendent shall send an LEA a second written notice of non-compliance and request for the LEA to appear before a Board standing committee if:

(a) the LEA fails to respond to the first notice of non-compliance within 60 days;  
or

(b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b) within the time period established in the LEA's corrective action plan.

(6) If an LEA receives a second written notice of non-compliance, the LEA may:  
(a)(i) respond to the notice of non-compliance described in Subsection (5); and  
(ii) work with the Superintendent on a corrective action plan within 30 days of receiving the second written notice of non-compliance; or

(b) within 15 days after receipt of the second notice seek an appeal before a Board standing committee.

(7) If an LEA that fails to respond to a first notice of non-compliance, and fails to respond to a second notice of non-compliance, nor seeks an appeal as described in Subsection (6)(b), the Superintendent shall impose one of the financial consequences described in Subsection (10).

(8)(a) Before imposing a financial consequence described in Subsection (10), the Superintendent shall provide an LEA 30 days' notice of any proposed action.

(b) The LEA may, within 15 days after receipt of a notice described in Subsection (8)(a), request an appeal before a Board standing committee.

(9) If the LEA does not request an appeal described in Subsection (8)(b), or if after the appeal the Board finds that the allegations of non-compliance are substantially true, the Superintendent may continue with the suggested corrective action, formulate a new form of corrective action or additional terms and conditions which must be met and may proceed with the appropriate remedy which may include an order to return funds improperly collected.

(10) A financial consequence may include:

(a) requiring an LEA to repay an improperly charged fee, commensurate with the level of non-compliance;

(b) withholding all or part of an LEA's monthly Minimum School Program funds until the LEA comes into full compliance with the corrective action plan; and

(c) suspending the LEA's authority to charge fees for an amount of time specified by the Superintendent or Board in the determination.

(11) The Board's decision described in Subsection (9) is final and no further appeals are provided.

## **R277-407-16. Distribution of Legislative Funds for School Fees.**

(1) When funds are appropriated by the Legislature for school fees, the Superintendent shall determine LEA allocations by the April 30 prior to distributing the funds as described in Subsection (2) and using prior year average daily membership.

(2) The Superintendent shall distribute available funds to LEAs with students enrolled in grades 7-12, proportionately based on an LEA's number of students in the applicable grades, weighting each student in grade 7 or 8 at .99 and each student in grade 9, 10, 11, or 12 at 1.2.

(3) For funds appropriated by the Legislature during the 2024 Legislative General Session, the Superintendent shall distribute the following to LEAs in operation with enrolled students before July 1, 2025:

- (a) 50% of the funds to LEAs for the fiscal year beginning on July 1, 2025;
- (b) 30% of the funds to LEAs for the fiscal year beginning on July 1, 2026; and
- (c) 20% of the funds to LEAs for the fiscal year beginning on July 1, 2027.

**KEY: education, school fees, policies, training**

**Date of Last Change: August 7, 2024**

**Notice of Continuation: August 19, 2021**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-3-401(4); 53G-7-503**