

School Fees

June 3, 2019

Information Packet

Utah State Board of Education



School Fees

INFORMATION PACKET

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School Fees

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BACKGROUND

The Utah State Constitution was amended in 1986 to allow for the imposition of school fees in certain circumstances. Specifically, Article X, Section 2, as amended, states: “Public elementary and secondary schools shall be free, except the Legislature may authorize the imposition of fees in the secondary schools.” From its enactment, LEAs and schools have utilized this authorization of school fees to assist in funding classes, programs, and activities in secondary schools. However, the imposition of school fees pursuant to this amendment has not been without conflict.

In 1992, a group of parents whose children attended public schools in Utah filed a lawsuit against the Utah State Board of Education (“USBE”). The suit alleged school fees were being administered in an illegal and discriminatory manner. The court agreed with the parents’ claims and issued a permanent injunction extensively detailing the processes and requirements for the imposition of fees in Utah’s public schools.

More than 25 years later, in 2018, two government audits were conducted to analyze the practice of charging fees in Utah’s public schools. The audits reviewed the implementation and impact of school fees on the LEA and school level as well as USBE’s oversight of the local programs. The results revealed substantial inconsistency in the administration of school fees statewide as well as insufficient USBE monitoring.

In response to the audit findings, USBE formed a task force to further study the issues. Recommendations from the audits and task force were considered by the Board formulating and adopting amendments to Utah Administrative Rule R277-407 School Fees. Additionally, HB250 was passed in the 2019 General Legislative Session codifying many of the amendments made in the rule. The amended rule and law reinforce standards for LEAs in administering school fees, reiterate USBE’s responsibility to monitor LEAs in the process, and mandate the imposition of penalties for violations.

This guide is written to help LEAs, students, and parents navigate the rules and law surrounding school fees. It incorporates requirements of HB250 and R277-407 but *should not be used as a replacement for reading and understanding the rule and law.*

SCHOOL FEES

Key Definitions

“Fee” means any charge or payment required by an LEA as a condition to a student’s full participation in any school provided, sponsored, or supported activity, class, or event.

Examples: participation fees, team fees, travel costs for a school trip, dance tickets, truancy fines, and after-school programs funded under the federal Elementary and Secondary Education Act (ESEA) and funded by the State.

Exceptions, charges which are not considered to be fees, are spelled out specifically in Code and rule. Unless a charge is spelled out as a specific exception, it is probably a fee.

Examples of exceptions: school lunch, non-curricular club fee, fine for damaging school property

Even an exception may become a fee if required or requested as a condition to participate in a class or activity.

Example: The high school band has a sweater. Students can decide whether to buy the sweater, it is entirely up to them. It is not considered a fee. However, if the band teacher requested or requires everyone to wear their sweater on Friday to show school spirit, it becomes a fee and is waivable.

“Fee schedule” means a list of all fees charged by an LEA for a given school year.

“LEA” means a Local Education Agency (school districts, charter school).

“Rule” means the administrative rules adopted by the Utah State Board of Education (e.g. R277-407) (<https://rules.utah.gov/publications/utah-adm-code/#Education>).

“Spend Plan” means a budget for each fee showing the expenditures to be paid from the fee revenues.

“Textbooks” means the instructional material necessary for participation, regardless of the format of the material.

“USBE” means the Utah State Board of Education.

“UCA” means the Utah Code Annotated.

“Waiver” means a full or partial release from a requirement to pay a fee.

General Provisions

The charging of school fees is authorized under the Utah Constitution, state law, and administrative rule. However, LEAS and schools must comply with specified procedures to protect the rights of students and parents.

- A school may only charge fees approved in advance by the LEA governing board.
- Procedures must be strictly followed in the collection of fees per rule R277-113 and LEA policy.
- Fee waivers must be provided to a student that would otherwise be denied the opportunity to fully participate or complete a requirement because of an inability to pay a fee.
- School officials must ensure fees do not create a barrier to student participation in any school funded or sponsored class or activity.
- A fee may not be used to supplant or subsidize another fee.

Example: a school cannot have a \$50 equipment fee for a CTE ag class, and then use \$20 of the fee to pay for tools for the diesel mechanics class.

- Beginning with the SY2021-22 school year, the amount of a fee may not exceed the actual expense of the activity or class for which it is charged.

Example: A school may not charge each student \$1500 in fees for an activity costing only \$1000 per student to administer.

Fees in Elementary Schools

UCA §53G-7-503(2), R277-407-3

An LEA may not require a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day. This “no fees” requirement includes field trips, snacks, holiday craft projects, and everything else during the school day in elementary schools. For an activity outside of regular school hours, all rules applicable to secondary schools must be applied.

An exception is made for some 6th grade classes. If the grade 6 is in a school that follows a secondary model of delivering instruction to the grade 6 students, and includes any grade 7 to 12, fees may be charged to those grade 6 students under the same laws and rules as all other secondary school fees.

School Supplies

An elementary school may provide a list of suggested student supplies which a parent may voluntarily provide. If a list is provided, it must contain this exact language at the top of 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.

Fee Schedule

UCA §53G-7-505, R277-407-6

Fees must be on an LEA's approved fee schedule in order to be charged. The fee schedule must include specific components and go through a process of notice, public input, and local board approval. After it has been approved, a copy of the fee schedule must be provided to LEA parents.

This process allows a student or the student's parents to be involved in the process and influence what fees will be charged. It also helps them know in advance the fees they can expect during the school year and plan accordingly. The process also adds an extra element of accountability for LEAs, as it requires more transparency in how fees are used.

Components

LEA fee schedules must include the following components:

1. every fee the LEA or one of its schools will charge a student during the year;

The list must be inclusive. A fee must be on the schedule in order to be charged.

2. a specific amount for each fee;

The fee must have a specific dollar amount. If there is some uncertainty in the fee amount, the delineation of the fee must show why and where there's variability.

Example: The football activity fee is \$50, but if the team makes it to region or state, an additional \$25 fee will be charged to cover the additional expenses.

3. a spend plan for each fee;

This is a budget stating where the money is going. See the section below for more details.

4. for any activity or class with multiple fees, a clear and easy to understand delineation of each fee and the fee total;

This is a breakdown of what to expect for each activity.

Example: If the football team has a \$100 uniform fee, a \$50 general activity fee, a \$50 meal fee, and a \$200 football specific “spirit pack” fee, all four fees would be listed under a “Football” heading.

5. a maximum fee amount per student for each activity*; and

Example: The LEA sets the volleyball maximum at \$300. This means, even with optional fees and trips, no student in the LEA may be charged more than \$300 for volleyball participation.

6. a maximum total aggregate fee amount per student per school year*.

Example: The LEA student maximum is \$1500. This means, even with optional fees, trips, and multiple teams, no student in the LEA may be charged more than \$1500 total for participation in all activities.

*Note: the amount of revenue raised by a student through an individual fundraiser must be included as part of both of these maximums.

Spend Plan

UCA §53G-7-505(3)(a)(iv), R277-407-13(2)(a) and the [Financial Operations Chart of Accounts](#)

Beginning with the SY2020-2021, fee schedules shall include an accompanying spend plan for each fee. All fees should be reported using one of the Revenue Codes below. The breakdown between curricular, co-curricular, and extra-curricular fees may be determined by use of the program codes. The delineation of the fee should include the object code reference.

Revenue Codes 1700 District Activities, 1710 Admissions, 1720 Bookstore Sales, and 1730 Student Organization Membership, 1740 Fees, 1770 Fundraisers, 1410 Transportation fees from Individuals, and 1940 Textbooks are appropriate to record revenues. Revenue Code 1760 Fines should be used to record fines that are not subject to fee waivers.

Feedback will be collected, including a representative study group, over the next few months to determine the best way to implement the “spend plan” requirements with the future requirements of activity-based costing and following these specific criteria:

- R277-407-13(2)(a) – establish a spend plan for the revenue collected from each fee,
- R277-407-13(2)(b) – share revenue lost due to fee waivers across the LEA,
- UCA §53G-7-503(3)(a) – 2021-2022 school year, the fee shall be equal to or less than the expense incurred by the LEA,

- UCA §53G-7-503(3)(b) may not impose an additional fee or increase a fee to supplant or subsidize another fee,
- UCA §53G-7-602(3)(a) and (i) Beginning with the 2022-23 school year, an LEA may not sell textbooks or otherwise charge a textbook fee.

Program Classification Codes are used to report revenues or fees collected and expenditures. Use of Code 0050 Classroom-General with Revenue Code #1740 is not allowed. Instead, use a program description that fits the activity/course fee being charged.

Currently Curricular, Co-Curricular, Extra-curricular and Non-Curricular Club Fees are reported with the following program codes:

- 0001 thru 0999 Regular Curricular Activities
- 1200 Special Ed
- 1500 Summer School and Extended Year Programs
- 2000 thru 3699 LEA Level Programs

A challenge currently faced is breaking these program codes down to enable reporting each class of fees independently for treatment with fee waivers.

- Curricular and Co-curricular
- Extra-curricular
- Non-Curricular Club Fees

Object Codes: The following table shows the minimum breakout needed to clearly delineate the fees.

| Line | Category | Object Codes (The Header codes only, unless detail code is given) |
|------|--|--|
| 1 | Personnel & Benefits | 100, 200, 300 |
| 2 | School Operational Costs | 400 |
| 3 | Travel: Lodging, Transportation, & Meals | 510 - 518, 580 |
| 4 | Supplies & Materials | 610 |
| 5 | Uniforms or Clothing | 615 <i>(new)</i> |
| 6 | Textbooks & Instructional Materials | 640 |
| 7 | Instructional Equipment | To be announced |
| 8 | Building and Infrastructure | 700 |
| 9 | Equipment | 750 |
| 10 | Membership fees | 810 |

The **Spend Plan** must include the follow for each fee:

- Fee Description
- Grade(s) Applicable
- Maximum Fee Amount
- Fee Program Code (See Chart of Accounts or LEA Specific codes for curricular and extra-curricular activities)
- Delineation of Fee Amount by Object Code Classifications

Required Notice & Approval

UCA §53G-7-505, R277-407-6

An LEA's governing board must adopt a fee schedule every year and encourage public participation in development of the fee schedule. The required steps in this process include:

1. The LEA must provide a minimum of two opportunities for the public to provide input at public LEA governing board meetings before the fee schedule is adopted.
2. The fee schedule must be adopted in a regularly scheduled public meeting.
3. LEAs must inform students and parents about the meetings using whatever method they typically use to communicate with parents.
4. The fee schedule must be approved on or before the April 1st before the school year to which the fee schedule applies.

Publishing the Fee Schedule

UCA §53G-7-505, R277-407-6

The fee schedule must be published on each of the LEA's school's websites after being approved by the local board. Additionally, the LEA is required to include a copy of the fee schedule with student registration materials.

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

1. the student or parent's first language is a language other than English; and
2. the LEA hasn't published the LEA's fee schedule and fee waiver policies in the parent's first language.

Fundraising & Donations

R277-407-7, R277-407-10, R277-133

Individual Fundraising

There are two major changes related to fundraising. First, while an LEA may allow fundraising activities where all funds raised by an individual student's efforts are used to help offset the expense of the student's own fees. These are referred to as "individual fundraisers." However, the LEA may not require a student to participate in individual fundraising.

Example: The school choir may have a cookie dough fundraiser where students can raise money to help cover their individual fees, but the choir can't require any or all of the students to participate. It's an individual choice for the students.

Group Fundraising

Second, "group fundraisers" where all funds raised by students who participate are grouped together and applied to the costs of the program or activity as a whole. In other words, all students who participate in the activity benefit equally. However, if a student chooses not to participate in a group fundraiser, that student may not be prevented from membership in an activity or joining a team because of non-participation.

Donations

Students or parents may be invited to make voluntary donations for activities or programs. However, rule and law specify that a donation becomes a fee if it is required as a condition to a student's participation. This is true even where the requirement is implied rather than explicitly stated. Additionally, LEAs may not accept donations which create a significant inequity among the schools within the LEA.

Uniforms and School Activity Clothing

Uniforms

UCA §53G-7-802, R277-407-3(9)

A uniform means specific clothing required for a student to participate in curricular activities. This includes specific styles and colors of clothing that students are required to wear during regular school hours.

Uniforms may be required by a school and are not inherently considered a fee. They are only considered a fee, and therefore subject to waivers, if the required clothing is expensive or prescriptive.

Example: Military uniforms would be considered prescriptive, or possibly expensive, and would therefore be considered a fee. Likewise, uniforms that include school crests or logos are prescriptive and would be a fee. Both would be subject to waivers.

School Activity Clothing

UCA §53G-7-501(8), R277-407-3(8)

School Activity Clothing means special or specific shoes or items of clothing that a school requires a student to provide for a co-curricular or extra-curricular activity. These are considered a fee and are subject to waiver. These are different from basic clothing required for healthy lifestyle classes.

Example: If a drill team requires the team members to have the same pink shirts, black sweatpants, and white shoes for team practices, the cost of those items would be considered fees and would be subject to waivers. If, however, the team members team practices in any type of clothing suitable for a workout, then the cost of the clothing would not be considered a fee.

Textbooks

UCA §53G-7-602, R277-407-12

Beginning with the 2022-23 school year, textbooks (see definition at the beginning of this handout) must be provided to students free of charge. The only exceptions are books required for AP courses or for concurrent enrollment courses. This could be a traditional textbook, software, workbook or sheet music. Whatever the instructional material necessary for the course is, it must be provided free of charge.

Projects & Project Related Courses

R277-407-3(5)

Schools may charge an approved fee for a course, but these fees are waivable. Some courses require students to complete projects as part of the learning process and to assess the skills learned. The actual materials necessary to complete a project which will enable a student to pass the course and earn the highest possible grade (“basic minimum project”) must be provided to the student:

- a. free of charge if no course fee was approved by the LEA; or
- b. with no charge in addition to the course fee if one was approved by the LEA.

Example 1: In a woodshop class, the local board approved a \$50 fee for the class. The fee is waivable for eligible students. Each student is

required to successfully build a bookshelf in order to pass the class with the highest grade possible. A student may not be charged an additional fee for materials needed to build the bookshelf since it is the “basic minimum project.”

Alternatively, if no fee was approved by the LEA governing board, a student may not be charged any fee for materials needed to build the bookshelf and the school must provide the materials for free.

A school may offer projects in addition to or in place of the “basic minimum project.” If a student selects an additional or alternative project, materials do not need to be provided free of charge nor are the costs related to the project fee waivable. However, schools/teachers may not require a student to pick an additional or alternative project in order to pass the class or get the highest possible grade.

Example 2: In the same woodshop class, a student requests that instead of building the bookshelf, the student be allowed to build a nightstand. The teacher may approve this and require the student to pay the cost of the materials for that project.

Another student in the class would like to build the bookshelf and the nightstand. The teacher may approve this and provide the materials for the bookshelf but require the student to pay for the materials for the nightstand.

Teachers and schools need to be careful to avoid allowing high cost additional or alternative projects, especially if the project is going to increase the pressure on other students to do the same.

Example 3: In the same woodshop class, a student decides he would like to build an entire bedframe and headboard as an alternative project. The materials for this project would cost many times more than a project generally built in the class. The student is bragging about the size of his project and trying to get classmates to try to top it. The teacher should not allow this project and instead direct the student to more appropriate projects for the course.

FEE WAIVERS

General Waiver Requirements

UCA §53G-7-504, R277-407-8

As schools require fees to help pay for a myriad of services and activities, the fees also lead to questions about fairness and access.

Students and families unable to afford a school fee may apply for a fee waiver. Fee waivers are a full or partial release from the requirement of payment of a school fee and should ensure the full public education experience is available to students from all financial circumstances.

A student may qualify for a fee waiver based on living conditions, receipt of public assistance, or the family's household income. Regardless of which a student might fall under, verification of the circumstances will be required.

Due to the importance of both fees and fee waivers, an LEA must administer the fee waiver process fairly, objectively, and without delay. Likewise, the LEA must protect the student's/family's privacy and avoid imposing unreasonable burdens in the process. LEAs should not impose one deadline for students to pay their fees and a different deadline for students to apply for a fee waiver.

Waiver Eligibility

UCA §53G-7-504(3), R277-407-11

A student is eligible for fee waiver if an LEA receives verification of any of the following:

1. the student qualifies for free school lunch;
2. the student to whom the fee applies receives SSI;
3. the family receives TANF funding;
4. the student is in foster care; or
5. the student is in state custody.

Again, these categories qualify a student for fee waivers. Keep in mind that some families or students may elect not to receive free school lunch but may have a household income level which would qualify the student for free lunch. In such cases, a school must review verification of household income, verifying that the student qualifies for free school lunch. If so, the student qualifies for a fee waiver.

A school may also grant a fee waiver to a student, on a case by case basis, who does not qualify for a fee waiver, but who is not reasonably capable of paying the fee because of extenuating circumstances. Overall, the schools must provide adequate waivers or other provisions to ensure that no student is denied the opportunity to participate because of financial circumstances.

Waiver Confidentiality

R277-407-9(6), R277-407-15(e)

The process for obtaining waivers or pursuing alternatives is a sensitive issue. LEAs must administer the process in a way that respects the privacy of students and families. The process must also be compliant with FERPA requirements of confidentiality.

The LEA may not identify a student applying for fee waivers or that has obtained fee waivers to anyone who does not need to know. The process of applying for waivers and the administration of fee waivers must be confidential, and there can be no visible indicators that could lead to identification of fee waiver applicants or recipients. Other students or volunteers should not be used in the fee waiver application process.

Example: The LEA may not have separate lines for those on or applying for fee waivers or have different colored registration materials for students receiving fee waivers.

Provisions in Lieu of Fees

UCA §53G-7-504(2), R277-407-9

LEAs may have policies that allow for provisions in lieu of fees, or options for students instead of directly paying the fees. These can include service to fulfill the fee requirements, fundraising, or paying the fees in installments.

Service in Lieu of Fees

An LEA may allow, but not require, a student to perform community service in lieu of a fee. If an LEA does allow this option and the student or the student's parents choose the option, the LEA must ensure the service is appropriate to the age, physical condition, and maturity of the student. The service must be of such nature so as to not demean or stigmatize the student.

Some general categories of service are:

- 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

The service must comply with state and federal laws, including child labor laws, and be at least equal to minimum wage for each hour of service. LEAs also must ensure that any community service can be performed within a reasonable period of time and won't create an unreasonable burden for the student or family.

After a student or the student's family choose this option, the student who performs the service may not be treated differently than other students who pay a fee.

Installment Plans

Some families would prefer to pay the fees in installments rather than waive the fees. An LEA may make an installment payment plan available to a parent or student to pay for a fee. However, for fee waiver eligible students, an installment payment plan may not be instigated or suggested by the school but must be voluntarily requested by the student or parent. For students and families not eligible for fee waivers, this discussion can be instigated by the school.

Appeals Process

UCA §53G-7-504, R277-407-6(8)(a), R277-407-8(10), R277-407-9(6),

Each LEA is required to have a policy on how it will handle appeals to denials of fee waivers. As part of a policy on handling denials, if a school in the LEA denies a student or parent request for a fee waiver, the school must provide the student or parent:

1. The school's written decision to deny a waiver.
2. The procedure to appeal in accordance with LEA policy.

Note that an appeals option must be provided whenever a fee waiver request is denied. This appeals process needs to be handled with similar confidentiality and impartiality as the waiver process. Should a student or the student's parents choose to appeal a denial of waiver, the fee requirement is suspended during the appeals process.

Waiver Distribution

R277-407-8(2)(c), R277-407-13(2)(b), R277-407-13(3)

LEAs are required to share revenue lost due to fee waivers across the LEA to ensure equity in the application and impact of fee waivers. They are required to do this so that financial inequities or disproportionate impact of fee waivers does not fall on any one school within the LEA.

ANNUAL REPORTING REQUIREMENTS

Certificates of Compliance

R277-407-14

On an annual basis, the local board chair, superintendents and school principals are required to certify compliance. The Certificates of Compliance forms assert that LEAs and each school in the LEA is following the Rules and Code on school fees, or that the LEA doesn't charge fees.

Beginning with the SY2019-2020 the Certificate of Compliance form will be due **October 31st** each school year. **August 1st** of each year the Local Board Chair, District Superintendent, Charter School Director and each Principal will receive an email containing their individual URL to complete the Certificate of Compliance. 90 days will be given to complete the certificate. The District Superintendents and Charter School Director reports will also receive a request to upload the LEA's school fee documents and complete the statistical report using prior year data. These documents include the:

1. LEA Fee Schedule
2. LEA Fee Spend Plans (beginning SY2020-2021)
3. LEA Fee Policy
4. LEA Waiver Policy
5. Written Notice of fee waiver criteria provided by the LEA to a student's parent or guardian

Statistics

The statistics required by the Certificate of Compliance include the following information:

1. Total number of students (enrollment as of October 1st)
2. Total number of students given fee waivers
3. Total dollar amount of fee waivers given
4. Total number of students that provided service in lieu of fee waivers
5. Total dollar amount of fees waived for service in lieu of fee waivers
6. Total number of fee waiver requests denied
7. Total dollar amount of fees for curricular activities
 - a. Paid to schools
 - b. Paid by schools to 3rd parties
8. Total dollar amount of fees for co-curricular activities
 - a. Paid to schools
 - b. Paid by schools to 3rd parties
9. Total dollar amount of fees for extra-curricular activities
 - a. Paid to schools
 - b. Paid by schools to 3rd parties

As Feedback is received from the workgroups, changes will be made to the statistical report and will be available on the website.

MONITORING

UCA §53G-7-503(4)(a), R277-407-16(1)

USBE has been charged by the State Legislature to monitor LEA compliance with the school fees law and rule. This monitoring takes multiple forms:

1. *Certificates of Compliance and Statistical Report*

As stated above, certificates of compliance are legal assurance of compliance sent to USBE with accompanying documentation. The documentation and statistics attached to the certificates are then reviewed for compliance with State rules and Code.

2. *General Monitoring Activities and Training*

The USBE School Fees team will conduct regular monitoring activities. This will consist of the team taking a sample of LEAs and requesting specific information to determine compliance with state law and rule. These samples may be risk-based or random samples.

3. *Hotlines*

USBE's Internal Audit hotlines is a public venue for people to call and report concerns about fraud, waste, abuse, or other misconduct. Should one of these calls raise concerns about how a school or LEA is handling school fees, the call may lead to a monitoring action.

CORRECTIVE ACTION

UCA §53G-7-503(4)(a), R277-407-16, R277-114

LEAs that are found to be out of compliance, or that fail to comply with requests from USBE, will be subject to a corrective action plan (CAP) beginning with the SY2021-2022. The CAP will be aimed at correcting actions or policies that are out of compliance with State Code or rule. The CAPs will be consistent with school fees rule, R277-407, and with corrective action rule, R277-114.

Corrective actions may include more administrative solutions such as:

- A. Correcting policies that are out of line with State Code and rule
- B. Additional training to LEA staff and administration
- C. Removal of improper fees from a fee schedule

Or may include financial consequences such as:

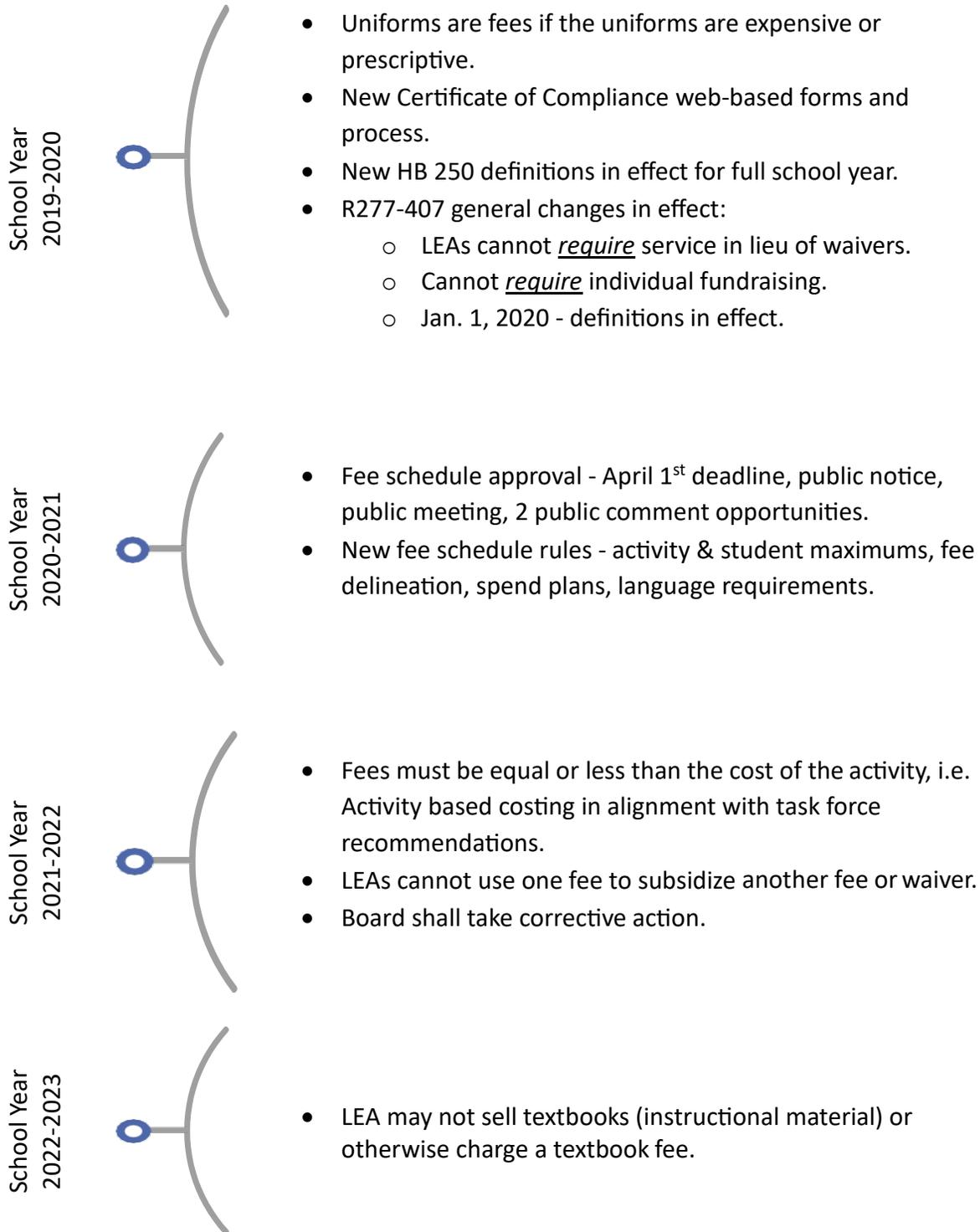
1. Requiring an LEA to repay improperly charged fees

2. Withholding state funds
3. Suspending the LEA's authority to charge fees for an amount of time specified by the State Board

If corrective action is proposed by the Superintendent, LEAs may appeal the corrective action plan to the State Board.

TIMELINE OF CHANGES

Changes from HB250 and updates to R277-407:



CONTACT INFORMATION

For more information on school fees, including FAQs, please visit our webpage at:

<https://schools.utah.gov/schoolfees>

For feedback, comments, and technical assistance, please contact us at: schoolfees@schools.utah.gov.

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