

SCHOOL FEES FAQ

FREQUENTLY ASKED QUESTIONS

1. What is the definition of a fee?

Fees can be in the form of money or goods and are considered to be any charge, deposit, rental, or other mandatory payment. Payments to third parties such as admission fees or transportation expenses may also be fees.

2. To whom do fee waivers apply?

All students who meet criteria. Fee waivers *do not* apply to:

- Pre-K students
- Adult students outside of the K–12 program
- Foreign exchange students
- Nonresident students who are specifically exempt

3. Who is eligible for fee waivers?

A student is eligible for fee waiver as follows:

- Income verification is consistent with Section 53G-7-504(5).
- The student receives (SSI) Supplemental Security Income (ONLY THE STUDENT WHO RECEIVES THE SSI BENEFIT QUALIFIES FOR FEE WAIVERS).
- The family receives TANF (currently qualified for financial assistance or food stamps).
- The student is in foster care (under Utah or local government supervision).
- The student is in state custody.

4. Can students in a K–6 school be required to provide their own supplies?

No. The supplies (e.g., paper, pencils) that are needed in the regular classroom, must be provided by the schools. But, see questions #39 for parent donations to classroom supplies.

5. Are charges related to the school lunch program considered fees?

No. Under the definition in the Utah Board of Education Administrative rules, school lunch charges are not considered fees. But, milk or snacks for elementary students furnished to all students cannot be sold, nor can students be charged for the snacks.

6. Can elementary students be charged for lost or damaged supplies?

Yes. If they are lost or damaged under Section 53G-8-212(2).

7. Can elementary students be charged a computer usage fee?

No, not for programs offered during the regular school day. The school can ask for voluntary donations, but schools cannot require a computer fee for elementary programs.

8. Can teachers sell notebooks, pencils, etc., and use the money to re-buy supplies without reporting the money or sales to the school secretary?

Teachers could sell extra supplies, subject to school/district rules. If students need supplies to complete coursework that is typically furnished by the school, the supplies cannot be withheld or sold to elementary students. Fee waivers apply for students in grades 7–12.

9. Can 6th graders attending a middle school with 7th and 8th graders be charged fees?

Yes. Board-approved fees may be charged to students in 6th grade only if students are attending a school that also includes students in grade 7 or above.

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10. Can fees be charged for activities outside of the regular school day?

Fees may be charged in connection with school-sponsored activities that do not take place during the regular school day, regardless of the age or grade level of the student. Fee waivers always apply, even for these "optional" activities.

11. What about fees for a driver education program offered over the summer or after school?

After-school or summer driver education programs which are school-sponsored are fee waiver eligible. Fees paid to the Department of Motor Vehicles are NOT eligible for waiver, but any fees required as part of the course must be waived for eligible students. Fees for programs that are provided by a community education program may not be subject to waiver.

12. Is there a limit to the cost of fees that may be charged for students to participate in school-sponsored activities, clubs, or programs?

Yes. The limits are outlined in each individual district's fees policy or schedule which must be approved each year by the local board of education. Individual district fee policies may differ.

13. Why are local school boards required to provide a waiver of fees to qualifying students?

To ensure that no student is denied the opportunity to participate in programs, courses, or activities because of an inability to pay the required fee, deposit, or charge as a result of a court case in 1994.

14. Can a local school board establish policies for partial fee waivers or other alternatives for those students who cannot pay the entire fee?

Yes, but they cannot be offered to fee waiver eligible students in lieu of fee waivers.

15. Can students be denied participating in the graduation ceremony/activities if they have school fines or fees owed?

Yes, but they cannot be denied a diploma or credit for coursework completed. Also, a school should give advance notice to parents that administrative penalties may be imposed for failure to pay fees, including denial of graduation activities. These kinds of penalties should be used sparingly and reluctantly as a last resort, because courts see graduation exercises and activities as integral to the public education experience.

16. Is the rental cost of a cap and gown for graduation a fee waiver eligible expense?

Yes. The graduation exercise, including the public acknowledgment, is considered integral to the public education experience. Therefore, the cost of cap and gown should be borne by the school. Schools can negotiate with rental companies for reduced rates or waiver of rental fees for fee waiver eligible students.

17. Are fee refunds given for a student who transfers schools?

There is no entitlement to a refund. Refunds could be governed by school/district policy.

18. Can a high school adopt a pay-to-play policy for athletes?

Yes. There must be a policy in place that allows for a fee waiver, but students can be assessed fees for athletics. The limit of those fees is determined by the local board. There also may be limitations set by the Utah High School Activities Association.

19. Can a choir student be required to pay a fee to go to Disneyland to perform?

Yes, if the school sponsors the trip or is involved with planning and scheduling and/or provides resources (e.g., buses, chaperones, director, etc.). If a student is fee waiver eligible, costs essential to the trip/experience must be waived.

20. Are students in a Utah history class (eligible for free lunch) entitled to a fee waiver to attend a voluntary overnight trip to the state capitol?

Yes. Similar to question 19, if the school spon-

sors, plans the trip, assists with resources, and chaperones; fees must be waived for eligible students.

21. What if school fees are not published and specific amounts are not set?

The student or other payee may not have to pay the fees if a local board has not complied with the law in setting and publishing fees.

22. What kind of work activities are available for grade 9–12 students in lieu of fee waivers that are not demeaning and enhance self-esteem?

Janitorial work should not be the only option for students working to pay for fees. Office responsibilities, activity help, teacher aide assistance, charitable causes for the school, help with athletic clinics should be considered.

23. What if a student is granted a fee waiver with work in exchange, and he/she or the parent refuses to do the work. Or what if a student accepts the waiver and does not complete the agreed upon work?

Schools could use all legitimate methods to collect the fees—see answer #25. Schools should be very careful in denying further activities or opportunities.

24. Can a teacher attach a fee to a class on a high school level without school board approval if in mid-year it is determined that the approved fee was not adequate?

To be in compliance with the law, the local board could approve the fee and the local board or school should provide notice of the fee to students and parents, including fee waiver information.

25. Can a student be denied enrollment because of outstanding fees from a school attended previously?

No. Students cannot be denied enrollment because of outstanding fees. The previous school/district could pursue reasonable means to collect fees, e.g. small claims court, collection agency, but may **not** deny enrollment due to fees owed.

26. If a student refused to pay for materials in a shop class, what recourse does the school have?

The course should have a project(s) that is relatively inexpensive and still teaches the basic skills. If fees have been approved, the teacher must provide the most basic project and materials to acquire the intended skills. If the teacher does not receive payment for the most basic project, the school could pursue reasonable means of fee collection, see answers #23 and #25.

27. If students are injured while working to pay for fees, what is the school's liability?

Students would be protected as employees or students of the district for any activity reasonably within the scope of the student's assignment. In assigning work to students, schools/districts should consider age-appropriateness and student ability.

28. Can yearbooks be withheld at the end of the school year until all fees are paid?

Yearbook *deposits* may be diverted to pay for outstanding fees. However, if a student purchases a yearbook outright, the school would have to provide it.

If withholding a yearbook is designated as a possible consequence for non-payment of fees, the yearbook could be withheld, because the cost is greatly subsidized by the school.

29. If school lets out early for a state football game, and a bus is provided for students who want to attend the game for a fee, should the fee be waived for those who qualify for waivers?

Yes. Even arguably if the game is after school hours, especially if other transportation is not readily available to students or the distance is significant.

Fee waivers apply to any course or activity sponsored "by or through the public schools." Certainly, this type of a trip—however paid for by most participants—is subject to fee waivers. If the team decides to raise money for the trip

by fundraising, all participants can be required/expected to participate equally and share equally in whatever money is raised. If additional money is needed for fee waiver eligible students, that money must be provided.

30. A drill team has the chance to go to a national competition in California. No school funds are available, and most of the team pays out of pocket for the trip. Would a team member on fee waivers be allowed to go if the trip is voluntary and not a part of the grade?

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31. Can students be kept from participating in other extracurricular activities if they have not paid past fees?

This is not a good idea, because some extracurricular activities are so integral to the Core Curriculum (e.g., choir classes, debate programs). Every other method for collecting fees should be tried: collection agencies, small claims, or opportunities to work for the waivers. If all other methods of collection have been exhausted; administrators have documented efforts for collection of fees; and parent(s) have been given notice of consequences for non-payment; certain activities could be withheld.

32. Who is required to set a fee schedule for the school districts and how often is the fee schedule approved and by whom?

The fee schedule must be both set and approved by the local school board on an annual basis and copies of the fee schedule shall be distributed to all the parents in the district also annually.

33. Should early college class fees be waived for high school students on fee waivers?

The early college class fees need not be waived. They are post-secondary expenses.

34. If a student is required to have tools that are necessary to complete class assignments, should the cost of the tools be waived for students on fee waivers?

Yes. If the student must have them to complete his assignments and if the teacher/school does not have adequate tools to loan.

35. Can students on a waiver go bowling with their gym class and have the bowling costs waived?

Yes, if bowling is part of the school experience.

36. A teacher in a physical education class requires the following items: a plain white T-shirt, navy blue or black shorts, and gym shoes (which can be worn by the student after completion of the class), do waivers apply?

No, if the items are common clothing items that a student would most likely own.

37. Should the names and other information about those who qualify for fee waivers be kept confidential?

Yes. That information should be used and discussed only by those who have a need and a right to know, such as the personnel who process paperwork, etc. Other students should never be involved in processing fee waiver information.

38. Can a school or district ask for verification or documentation of fee waiver eligibility?

- Consistent with Section 53G-7-504(5), a school or school district shall require income verification (the last income tax return or the last three pay stubs, or both, if available, of each household member).
- In lieu of income verification, a school or school district shall require supporting documents for each special category that applies:

- A benefit verification letter from Social Security for a student receiving (SSI) Supplemental Security Income (ONLY THE STUDENT WHO RECEIVES THE SSI BENEFIT QUALIFIES FOR FEE WAIVERS).
- A letter of decision covering the current period from Workforce Services if the family receives TANF (currently qualified for financial assistance or food stamps).
- A youth in custody required intake form and/or school enrollment letter provided by the case worker from DCFS or Juvenile Justice Department for a student in state custody or foster care (under Utah or local government supervision).
- A school or school district shall destroy all supporting documents after the approval process is complete.

39. May an elementary school or elementary teacher provide a suggested list of school supplies to be requested from parents/legal guardians?

Yes. However, the information to the parents must be clear and explicit that providing supplies for the student or class is voluntary. The list, if provided, must include very specific language, as follows:

“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.”

For further information, please contact:

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