

Fines

Guidance Document on School Fees

Fee vs Fine:

A fee means a charge, expense, deposit, rental or payment requested or required by an LEA, which includes fines such as:

- truancy;
- tardies;
- class changes;
- fines or penalties designed to influence a student's behavior. (53G-7-501(7)(b)(ii))

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

- Included on the board approved fee schedule.
- Have a corresponding spend plan.
- Are subject to fee waivers.
- Must be equal to or less than the expense incurred by the LEA.
- May not supplant or subsidize another fee. (R277-407-9(1)(a); R277-407-6(1)(a)&(b); 53G-7-503)

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

- Failing to return school property;
- Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in 53G-8-212 (no penalty for damages attributed to normal wear and tear);
- Improper use of school property, including a parking violation. 53G-7-501(7)(c)(i)(A)-(C)

Reminder:

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

Definitions:

UCA 53G-7-501(7)

- (a) "Fee" means a charge, expense, deposit, rental, or payment:
- (i) regardless of how the LEA terms, describes, requests, or requires the charge, expense, deposit, rental, or payment, 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 or admission to an activity, course, or program that an LEA provides, sponsors, or supports.

Definitions cont'd:

(b) "Fee" includes:

- (i) payments to a third party that provides a part of a school activity, class, or program; and
- (ii) a fine other than a fine described in Subsection (7)(c)(i).

(c) "Fee" does not include:

(i) a **student fine that an LEA approves** for:

- (A) failing to return school property;
- (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, including defacing or damaging school property as described in Section 53G-8-212; or
- (C) improper use of school property, including a parking violation;

(ii) a payment for school breakfast or lunch;

(iii) a deposit that:

- (A) is a pledge securing the return of school property; and
- (B) the LEA or school refunds upon the return of the school property;

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

(v) money or another item of monetary value that a student or the student's family raises through fundraising.