

SCHOOL FEES



USBE School Fees Purpose Statement

The Utah State Board of Education seeks to ensure that all school activities, programs, and courses are available to all students, regardless of financial circumstances.

This will be accomplished through the orderly establishment of a system of reasonable fees, providing adequate notice to students and families, and prohibiting practices that would exclude those unable to pay from participation in school-sponsored activities.

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INTRODUCTION

This guide is written to help LEAs, students, and parents navigate the rules and laws surrounding school fees but should not be used as a replacement for reading and understanding Utah Code Annotated 53G-7 Part 5-8 and Utah Administrative Code R277-407.

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.

Contact Information

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

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

To provide feedback, and comments, or obtain technical assistance contact the school fees team at:

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What is a fee?

Utah Administrative Code R277-407-2 (4) defines a fee as:

- (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.

Utah Code Annotated 53G-7-501 (6)(a) & (b) defines a fee as:

- (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.
- (b) "Fee" includes:
 - (i) money or something of monetary value raised by a student or the student's family through fundraising;
 - (ii) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
 - (iii) payments made to a third party that provides a part of a school activity, class, or program;
 - (iv) charges or expenditures for classroom:
 - (A) textbooks;
 - (B) supplies; or
 - (C) materials;
 - (v) charges or expenditures for school activity clothing; and
 - (vi) a fine other than a fine described in Subsection (6)(c)(i).

All fees are subject to waiver regardless of when the activity, class, or program is held, whether outside of the regular school day or regular school year or whether the activity is required or optional. What is a fee can be further clarified by the definitions of its parts. The additional definitions must be considered when determining what constitutes a fee.

Something of monetary value

- Charge, expense, deposit, rental, fine, or payment, in the form of money, goods, or services, regardless of how the payment is termed, described, requested, or required directly or indirectly.
 - charges for a field trip or activity trip including:
 - related transportation
 - food
 - lodging
 - admission charges
 - payments to a third party that provides a part of the school activity.
 - classroom supplies and materials.
 - school activity clothing.
 - special shoes or items of clothing that meet specific requirements,
 - specific brand, fabric, or imprint
 - school requires a student to provide and that is worn by a student for a co-curricular or extracurricular activity.
 - does not include clothing commonly found in students' homes or school uniforms.
- A fine, other than a fine identified in UCA §53G-7-501(6)(6)(c)(i).
- Includes money or something of monetary value raised through fundraising.

Requested or required by an LEA as a condition to a student's participation in an activity

- 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:
 - fully participate in a school activity, class, or program
 - successfully complete a school class for the highest grade
 - avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:
 - peer pressure, shaming, stigmatizing, bullying, or the like; or
 - withholding or curtailing any privilege that is otherwise provided to any other student.

Provided, sponsored, or supported by a school

- An activity, class, program, fundraiser, club, camp, clinic, or other events that satisfy at least one of the following conditions:
 - Authorized by an LEA or school, according to local education board policy.
 - Managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity.
 - Uses more than inconsequentially, the LEA or school's facilities, equipment, or other school resources.
 - Supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

What is not a fee?

The following items are designated as non-waivable charges; exceptions are noted in italics.

- Student uniforms unless the uniform is expensive or prescriptive.
- A student fine for:
 - Failing to return school property.
 - Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in UCA §53G-8-212.
 - does not include damages due to normal wear and tear.
 - Improper use of school property.
 - Parking violation.

All other fines are considered a school fee, i.e., truancy fine, cell phone fine, etc., and are subject to the school fee requirements including fee waivers.

- Charge for school breakfast or lunch.
- Deposit securing the return of school property that is refunded upon the return of school property.
- Personal discretionary charge or purchase.
 - Charge for insurance, unless required for a student to participate in the activity.
 - Charge for an additional discretionary project instead of or in addition to the required class project.
 - Charges associated with a non-curricular club.
 - Charge for college credit related to successful completion of a CE class.

- Charge for an AP examination.
- Credit card convenience fee: if parents have a payment option other than a credit card.
- Personal consumable item, unless requested or required by LEA.
 - Yearbook, school pictures.
 - Class ring, graduation announcements.
 - Letterman jacket or sweater.
- Item is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary School.
- Items designated by Utah Code, federal law, or Board rule.

Non-waivable charges are not subject to fee waivers and are not required to be included on the fee schedule; however, for full transparency, an LEA may opt to have a section on the fee schedule indicating items that are considered non-waivable charges.

LEAs must keep in mind the definition of “requested or required” includes items that are implied or explicitly mandated. LEAs should avoid direct, or indirect limitations created by peer pressure, shaming, stigmatizing, or the like.

Schools may offer spirit packs for purchase to their athletes. If the items are not “requested or required”, they would be considered a personal discretionary purchase. This practice should be used cautiously; if a teacher, coach, or school-recognized volunteer implies an item is required or students are pressured by other members of the group to purchase an item, the item is no longer considered a personal discretionary purchase.

Parent organizations and booster clubs must be informed that fees for activities or items requested or required on the behalf of the school would be considered a school fee. Subsequently, these fees would be required to be board approved, included on the fee schedule, and would be subject to fee waivers.

Fee Schedule and Spend Plan

The fee schedule must include specific components and go through a process of notice, stakeholder input, and local board approval.

LEA fee schedules must include the following elements:

1. A maximum dollar amount for each fee.
 - 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.
2. Corresponding spend plan for each fee.
 - A list of the anticipated types of expenditures. These expenditures can be for the current fiscal year or be a carryover for use in a future fiscal year.
3. A maximum total aggregate fee amount per student per school year.
 - LEAs may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount.
4. Easily understandable statement informing a parent that a student may be eligible to have fees waived.
5. Statement informing a parent may appeal the LEA's decision if the LEA denies a request for a fee waiver.

Establishing the fee amount

A fee charged to the student may not be greater than the expense incurred by the LEA in providing the activity. LEAs may not impose an additional fee or increase a fee to supplant or subsidize another fee. The revenue collected through fees including fundraising may not be used to offset the cost of fee waivers. However, an LEA may notify families that they may voluntarily pay an increased fee amount or provide a donation to cover the cost of other students. An LEA may consider the following when setting the fee maximum:

1. Cost to provide the activity, class, or program.
2. Student enrollment.
3. The median income of families within the LEA's boundaries or enrolled in the school.
4. The monetary amount of fee waivers.
5. The historical participation and interest in certain activities.
6. The prior year's fee schedule.
7. The amount of revenue collected from each fee in the prior year.
8. Anticipated fundraising activities.
9. Any other resources available, including donations.

Below are two examples of fees from a fee schedule and the corresponding spend plan. The spend plan identifies the needs of the activity by listing the anticipated types of expenditures. The spend plan may be included on the fee schedule or as a hyperlink to a separate document.

Fee Name: <i>Spend plan in green</i>	Amount
Art Class Fee: <i>Brushes, Canvas, Paint, Art Book, Watercolor</i>	\$50
Concert Band:	
Uniform - <i>(Jacket, shirt, pants, hat)</i>	\$100
Instrument Rental (3 rd Party)	\$90
Travel - <i>(Hotel, transportation, food)</i>	\$140 *
Summer Clinic - <i>(Admission, Instructor, food)</i>	\$50
Total Fee Amount	\$380
*Fundraising efforts may result in a decrease in the maximum fee.	

*Note: LEAs are also required to notify parents of required group fundraising. The notice shall include the nature and the estimated participation time required of the student or parent. This provides full transparency of the time and effort expected in addition to cash payments.

Approval Process

The LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting. The LEA is required to encourage public participation in the development of the fee schedule and waiver policy. This process allows a student or the student’s parents to be involved in the process and influence what fees will be charged.

The fee schedule must be approved on or before April 1st before the school year to which the fee schedule applies. Before approving the fee schedule, 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. The fee schedule can be approved in the second of the two required public meetings.

The LEA shall provide public notice of the meetings in accordance with UCA §52-4, Open and Public Meetings Act (OPMA). In addition to the requirements of the OPMA, the LEAs must provide notice to students and parents of the meetings using the same

method of communication they typically use to communicate with parents, i.e., email, phone, text, or flyers.

Minutes of the meeting during which the fee and waiver policies are developed or adopted shall be kept, together with copies of approved policies, in accordance with the OPMA.

An LEA may amend the fee schedule after it is adopted using the same approval process described above. The fee must be approved and included on the fee schedule before being charged to students.

Parent Notice

The fee schedule and fee waiver policies must be made publicly available on each of the LEAs schools' webpage. To allow the LEA to easily update the school fee documents and ensure consistency across the LEA, schools may provide a hyperlink to the LEAs main school fee webpage.

A copy of the fee schedule and fee waiver policy must be provided with student registration materials regardless of the registration method used by the LEA, i.e., online or hardcopy.

An annual notice must be provided to the parents or guardians of each student attending their schools, informing them of the documents listed below, and where to access the information. These documents may be posted to the LEA/schools' website or included with registration materials.

- Current fee schedule
- Fee waiver policies
- School Fees Notice for Families of Students (K-6 and/or 7-12)
- Fee Waiver Application (K-6 and/or 7-12)
- Fee Waiver Decision and Appeals Form (K-12)
- School Fee Poster (K-6 and/or 7-12)

The school fee poster should be printed and displayed in a location readily visible to parents and students.

If an LEA's student or parent population in a single written language other than English exceeds 20%, the LEA is required to publish the fee schedule and fee waiver

policies in the language of those families; otherwise, an LEA representative shall meet personally with each student's parent or family and make available an interpreter for the parent to understand the fee schedule, fee waiver application process, and school fee policies.

Translated documents are available on the USBE school fees website in the following languages: Spanish, Arabic, Chinese, and Somali. LEAs may choose to have the materials provided in other languages even if those languages do not exceed the 20% threshold.

Required Policies and Procedures

LEAs are responsible for adopting and implementing school fee policies. LEAs shall provide annual training of employees on fee-related policies specific to each employee's job function. An LEA governing board shall annually review the LEA's policies on school fees, fee waivers, fundraising, and donations.

Fee Waiver

The fee waiver policy shall contain easily understandable procedures for obtaining a fee waiver and for appealing an LEA's denial of a fee waiver. The process shall be administered fairly, objectively, and without delay, and shall avoid stigma and unreasonable burdens on students and families. If circumstances change for a student or family so that fee waiver eligibility no longer exists an LEA may charge a proportional share of a fee or reduced fee. An LEA may retroactively waive fees if eligibility can be determined to exist prior to the date of the fee waiver application.

The fee waiver process shall comply with the privacy requirements of [The Family Educational Rights and Privacy Act of 1974, 20 U.S.C.§123g \(FERPA\)](#). No visible indicators that could lead to the identification of fee waiver applicants may be used in the fee waiver process. To protect the confidentiality of the student, a school may not identify a student on fee waiver to other persons who do not need to know, including teachers. Students may not collect fees or assist in the fee waiver approval process.

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. The fee waiver process shall ensure no student is denied the opportunity to participate in a class or school-

sponsored activity because of an inability to pay a fee. A school may grant a fee waiver to a student, on a case-by-case basis, who does not qualify for a fee waiver, but because of extenuating circumstances is not capable of paying the fee.

The fee waiver policy must contain a timely appeal process. If a school denies a request for a fee waiver, the school must provide the written decision to deny a waiver using the “USBE Fee Waiver Decision and Appeal Form” along with the detailed procedures to appeal the denial. The option of an appeal must be provided whenever a fee waiver request is denied. This appeals process needs to be managed with similar confidentiality and impartiality as the waiver process.

Any requirement to pay a fee shall be suspended while the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

Fundraising

The LEA shall establish internal controls and procedures over the approval of fundraising and compliance with associated cash handling, expenditure, and the appropriate use of the LEA’s tax-exempt status number. An LEA governing board is required to annually review the LEA’s policies on fundraising.

The fundraising policy may not authorize, establish, or allow for required individual fundraising. However, it may provide optional individual fundraising opportunities; it may also allow for required group fundraisers.

There are additional regulations related to fundraising outside of UCA §53G-7 Part 5 and UAC R277-407 that LEAs must consider when choosing to fundraise. Other regulations include, but are not limited to, the following:

- R277-113 LEA Fiscal and Auditing Policies
 - R277-113-5(9)(e) additional requirements regarding fundraising.
- UCA §13-22 Commerce and Trade. Charitable Solicitations Act.
- UCA §63G-6a General Government. Utah Procurement Code.
- UCA §59 Revenue and Taxation.
 - Using fundraiser sales tax-exempt proceeds only for purchases of equipment, and materials, or to provide transportation. (UCA 59-12-102(52)(a)(ii))
- IRS regulations. <https://www.irs.gov/pub/irs-tege/eotopice96.pdf>

- The URL is a general overview of case law about the deductibility of contributions to 501(c)(3) organizations; therefore, it may apply to LEA foundations and charter schools that meet the 501(c)(3) IRS requirements.

Individual Fundraising

An LEA may provide optional individual fundraising opportunities; where all funds raised by an individual student's efforts are used to help offset the expense of the student's fees. These are referred to as "individual fundraisers." However, the LEA may not require a student to participate in individual fundraising. Revenue raised by a student through an individual fundraiser shall be included as part of the maximum fee amount per student for the activity and the maximum total aggregate fee amount per student.

Group Fundraising

An LEA may allow for required "group fundraisers" where the money raised is used to benefit the group or program. Funds shall be used to reduce the cost of the activity fee for all members. The per-student amount expected to be received through required group fundraising shall be included in the maximum fee amount for an activity, not in addition to the maximum fee amount.

All students of the group or program shall benefit equally from the money raised through a required group fundraiser regardless of whether the student participated in the fundraiser or not. If a student chooses not to participate in a required group fundraiser, that student may not be denied membership on a team or group based on the student's non-participation in a required group fundraiser. However, if a student chooses to not participate in a required group fundraiser, the LEA may limit participation in the activity for which the funds are raised.

The school is required to notify parents and students of the specific details of the required group fundraiser. The notice shall include a description of the nature of the fundraising activity, the estimated participation time required of the student or parent, and any restrictions to participation due to a student's choice to not participate in the required group fundraiser.

Voluntary Fundraising

A school may conduct voluntary fundraising that does not affect a student's grade or full participation in a school-sponsored activity, class, or program. The fundraising

activity must be advertised as an optional activity. A voluntary/optional fundraiser is not considered a fee. Fundraisers such as a food drive, Sub for Santa, or other charitable purposes would be examples of voluntary fundraising.

Donations

Donations and gifts shall be solicited and managed per the policies established by the LEA and may not place any undue burden on a student or family. An LEA governing board must annually review the LEA's policies on donations. Distribution and the management of donations must ensure that the educational opportunities for all students are equal and fair. The benefits derived from donations and gifts should be fair for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

Donations, gifts, and sponsorships shall not be directed at specific employees, individual students, vendors, or brand-name goods or services. Donated funds shall not compensate public employees, directly or indirectly.

An LEA may solicit and accept a donation or contribution following the LEA's policies, but all such requests must clearly state that donations and contributions by a student or parent are voluntary. An LEA may notify families that they may voluntarily pay an increased fee amount or donate to cover the costs of other students and families.

An LEA may not request or accept a donation in lieu of a fee unless the activity for which the donation is solicited will be fully funded by the LEA. A donation is a fee if a student or parent must donate as a condition for the student's participation in an activity, class, or program. This is true even where the requirement is implied rather than explicitly stated. An LEA may not require a parent to "volunteer" hours as a condition of enrollment or continued attendance.

An LEA may raise money to offset the cost to the LEA attributed to fee waivers granted to students through the LEA's foundation. Additionally, LEAs must make certain that donations do not create inequities between the schools in the LEA.

See R277-113-5(9)(f) LEA's Fiscal Policies for additional requirements regarding donations.

Fees in Elementary Schools

An elementary school may not require a fee for any regular school day activity, class, or program including assemblies and field trips for students in kindergarten through grade six. Students may not be required to purchase or bring items from home for any regular school day activity, class, or program.

If a student chooses an additional discretionary project instead of or in addition to the classroom project a school may require the parent to supply materials or pay for the additional materials. Materials for discretionary projects are not subject to fee waivers.

Fees may be charged to students in grade 6 that are attending a school that includes any grade 7-12 and the grade six students follows a secondary model of delivering instruction. The school must annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waivers.

Suggested School Supply List

An elementary school may provide a list of suggested student supplies that a parent may voluntarily provide. The suggested list of supplies must include the following 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.

Afterschool Programs

An elementary school may charge a fee, in connection with any school-sponsored activity, that takes place outside the regular school day or school calendar; participation in the activity must be voluntary and cannot affect a student's grade or ability to take part fully in any course taught during the regular school day. LEAs can no longer charge for supplemental kindergarten. Funding is provided in the LEA's monthly allotment for full-day kindergarten.

Fees for activities outside the regular school day or school calendar are subject to the requirements of school fee rules regardless of the time or season of the activity. All fees must be included on the board-approved fee schedule with a corresponding

spend plan, posted to the school's publicly available website, and are subject to the fee waiver provisions of R277-407-8.

Fees in Secondary Schools

An LEA, school, or school employee, such as a coach, teacher, or school-recognized volunteer may not charge a fee or request something of monetary value for a school-sponsored activity including co-curricular or extracurricular activities unless the fee has been approved by the LEA's governing board. The fee must be equal to or less than the maximum fee amount approved by the board and must be included in the fee schedule.

All fees are subject to the requirements of the school fee laws regardless of the time or season of the activity, class, or program. Including fees charged for co-curricular and extracurricular activities held outside of the regular school day, during the summer, or outside of an LEA's regular school year.

Textbooks

Textbooks must be provided to students free of charge, except for a textbook used for advanced placement or concurrent enrollment courses. A fee can be charged for these textbooks; however, those fees are waivable as described in R277-407-8.

Textbooks include a hardcopy book or printed pages of instructional material, a consumable workbook, computer hardware, software, or digital content, and the maintenance costs of school equipment. Sheet music, scripts, and subscriptions to music apps that are used to deliver instruction are also considered textbooks.

School equipment is defined as a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school. The maintenance cost of school equipment includes the cost related to storing, repairing, or keeping school equipment in good working condition. The maintenance cost of school equipment does not include life cycle replacement of school equipment such as replacing wrestling mats.

Textbooks do not include "instructional supplies" or "instructional equipment." An instructional supply is a consumable supply that is necessary for a student to use as part of a secondary school activity, course, or program. Instructional equipment is a program-related tool that is required for the student to use in a secondary school

program and typically becomes the student's property after the course or activity. A fee can be charged for instructional supplies and instructional equipment and is fee waivable. Examples of both may be found in the glossary of this document.

Credit Recovery and Remediation Courses

Remedial courses and credit recovery fees are subject to all school fee requirements. These fees shall be placed on the LEA's fee schedule and are subject to fee waivers. Instructional material aka "packets" required for a remedial course or credit recovery, is considered a textbook, and therefore shall be provided free of charge.

Course Related Project; Additional Discretionary Project

Schools may charge an approved fee for courses requiring students to complete projects as part of the learning process and to assess the skills learned. The materials necessary to complete a project enabling a student to pass the course and earn the highest possible grade ("basic minimum project") must be provided to the student as part of the course fee approved by the board.

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 must successfully build a bookshelf 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 or teacher may not require a student to pick an additional or alternative project to pass the class or get the highest possible grade. 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 place of, or in addition to a required classroom project.

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 may or may not 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, provide the materials for the bookshelf, and require the student to pay for the materials for the nightstand.

Teachers and schools need 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 the basic minimum project. 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.

Teachers should be discouraged from offering students alternative materials to “upgrade” a required project for an additional charge. Even though the upgrade is optional, there is implied pressure for the students to purchase better materials; thereby the additional charge would be included in the basic minimum project cost. However, if a student chooses a different material of their own accord, this would be considered a personal discretionary item.

Uniforms

A school uniform means an item of clothing or special shoes that meet specific requirements, including style, color, fabric, or imprint/logo that students are required to wear during a curricular activity. A school uniform does not include school activity clothing.

A school may adopt a uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day. UCA §53G-7-802(4)(b)(i) allows a secondary school to adopt a school uniform policy that requires clothing that is expensive or prescriptive. A school uniform is not considered a fee unless the secondary school requires clothing that is expensive or prescriptive. Expensive or prescriptive school uniforms are considered a fee and subject to waivers. i.e., military uniforms.

School Activity Clothing

School activity clothing means special shoes or items of clothing that meet specific requirements, including requesting a specific brand, fabric, or imprint/logo. That a student is required to wear for a co-curricular or extracurricular activity. These are considered fees and are subject to waiver. School activity clothing does not include a school uniform or clothing commonly found in students' homes.

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 practices in any type of clothing suitable for a workout, then the cost of the clothing would not be considered a fee.

Admission Fees to LEA Activities

Admission fees, or entrance fees that are charged for an LEA/school-provided, sponsored, or supported activity are subject to fee waivers. This includes fees for dances, school sporting activities, plays, band concerts, and any other event that may have an entrance fee. These activities are considered an integral part of the school experience and should be available for all students to attend, regardless of their financial circumstances.

LEAs will need to determine the best way to comply with this requirement to ensure that students on fee waivers are not overtly identified when attending these events. The following options are suggestions for the LEAs on how they might handle these situations:

Option 1: Using activity cards for students to enter events. Issuing an 'activities card' would allow students access to the events and allow for confidentiality.

Option 2: Allowing students to purchase tickets to the events from the main office before the event itself. Students on fee waivers would also be able to go and pick these up from the office before the event and would not be readily identified by having a ticket beforehand.

Collection of Unpaid School Fees

An LEA may pursue reasonable methods for collecting student fees but may not exclude a student from a school-sponsored activity during the regular school day,

refuse to issue a course grade, or withhold official student records, including grade reports, class schedules, diplomas, or transcripts.

However, even though grades or a diploma cannot be withheld, any student with unpaid fees may be excluded from graduation commencement exercises if those graduation exercises are held outside of a regular school day. In these extreme cases, the parent should receive multiple notifications of the unpaid fees and a notice of the denial of the commencement exercise. All efforts should be made to collect the fees from the student's parents and not bring undue attention or embarrassment to the student.

Non-School Sponsored Activity

The following regulations should be considered if the activity is determined as NOT "provided, sponsored, and supported by a school" or the LEA:

- R277-107 Educational Services Outside of an Educator's Regular Employment: LEA employee participation in the activity shall be separate and distinguishable from the employee's public employment.
- R277-113 LEA Fiscal and Auditing Policies: Revenues and expenditures from non-school sponsored events may not be co-mingled with public funds. An LEA shall conduct all transactions at arm's length.
- UCA §53G-7-209 & UCA §53G-7-210 Use of public-school buildings and grounds as civic centers: Use of the LEA equipment or facilities shall be managed through a written agreement, or a contract, as established by LEA policy.

LEAs are recommended to develop policies that ensure parent organizations and booster clubs operate as a separate entity from the LEA/school. All transactions are conducted at arm's length and activities are clearly advertised as non-school sponsored.

Fee Waivers

Students and families that are unable to afford a school fee may apply for a fee waiver. Fee waivers are a full release from the requirement of payment of a school fee. An LEA shall provide for adequate waivers or other provisions in lieu of fee 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.

A process for obtaining a fee waiver or pursuing alternatives must be administered 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 bear in mind that family circumstances can change throughout a school year and may need to apply for a waiver later in the year. Each school shall have at least one person at an appropriate administrative level designated to review and grant fee waivers.

The State Superintendent has set the waiver eligibility income levels to correspond with the federal free lunch program which may be found on the fee waiver application form. The fee waiver application is published annually with updated income guidelines in the following languages: English, Spanish, Chinese, Somali, and Arabic.

Waiver Eligibility

The following table lists the eligibility categories and the verification required to prove eligibility. An LEA is not required to keep documentation on file after the verification is completed. The suggested practice is to document on the fee waiver application the type of verification document reviewed, the date approved, and the initials of the school fee administrator approving the application. Verification documents should be destroyed or returned to the parent after eligibility is verified. An LEA may charge a proportional share of a fee or a reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

R277-407-2 defines a waiver as a full release from the requirement of payment of a fee and any provision in lieu of fee payment. If a parent requests to pay a portion of their school fees the school must be able to document the request in the event of a school fee review. A signed statement from the parent stating they understand they are eligible for a full release from the requirement of the payment of fees, however, they are voluntarily choosing to pay a portion of the fee.

Eligibility Category	Required Verification Documents
Student is eligible based on family/household income	Family income verification in the form of income statements, pay stubs, or tax returns.
Student receives Supplemental Security Income (SSI QUALIFIED CHILD WITH DISABILITIES)	Benefit verification documents from the Social Security Administration.
Family receives TANF/FEP/SNAP	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.
Student is in Foster Care (under Utah or local governmental supervision) Student is in State Custody	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.
Student qualifies for McKinney-Vento	Verified through the district or charters McKinney-Vento Liaison.

Waiver Confidentiality

LEAs must administer the fee waiver application process in a way that respects the privacy of students and families. Other students or volunteers may not be used to collect fees or assist in the fee waiver approval process. The process must comply with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C.§123g (FERPA).

A school may not identify a student on fee waiver to students, staff members, or other persons who do 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 the identification of fee waiver applicants or recipients. Such as separate lines for those on or applying for fee waivers or separate registration days. The LEA may not treat a student applying for or receiving a fee waiver differently from other students.

Provision in Lieu of Fee

An LEA may allow for provisions instead of directly paying the school fee. These can include providing service in lieu of a fee, an installment plan, or optional individual fundraising.

Service in Lieu of Fees

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 of any student. If the LEA offers the option of service in lieu of a fee the LEA must establish a service-in-lieu policy that ensures that the service assignment is appropriate to the age, physical condition, and maturity of the student. The service policy must be consistent with state and federal laws, and the Federal Fair Labor Standards Act, 29 U.S.C §201.

The student must also be able to perform the service within a reasonable period and the credit for the service is at least equal to the minimum wage for each hour of service. An LEA is required to transfer a student's service credit to another school within the LEA or transfer the service credit to another LEA upon the request of 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

A student who performs the service may not be treated differently than other students who pay a fee. The service may not create an unreasonable burden for a student or parent and may not be of such a nature to demean or stigmatize the student.

Installment Plans

Installment plans may be discussed at any time with persons whose children are not eligible for fee waivers. An LEA may make an installment payment plan available to pay for a fee but may not require a parent of a student on a fee waiver to participate in an installment payment plan. Discussions of installment plan arrangements with parents of fee waiver-eligible students may only be undertaken if the parent, after

being informed about waiver eligibility, voluntarily asks to pay in installments instead of accepting a waiver. The school must document that the parent understands they are eligible for a full release from the requirement of the payment of fees, however, they are voluntarily choosing to pay their students' fees.

Impact Fee Waiver Distribution

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. 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.

Statistical Data

The LEA shall follow the general accounting standards described in R277-113. LEAs shall accrue school fees, and fee waivers and use contra-revenue accounts to record fee waivers in the LEA's accounting system. School fee financial data must be included in the annual upload of the LEAs AFR/APR submissions to the Utah Public Education Financial System (UPEFS) by October 1st.

LEAs are required to utilize the approved chart of accounts established by the Board. Revenue codes specific to school fees and fee waivers are fees charged directly to students/parents, or raised through student fundraising, for the specific activity. (Revenue Codes 1741-1748).

- 1741 – General Student Fees
Fees such as registration, activity fee, or locker fees. School fees that are not directly attributable to a specific curricular, co-curricular, or extra-curricular program or activity.
- 1742 – General Student Fee Waivers
This is a contra-revenue account for general student fees. These amounts should be entered in UPEFS with the opposite sign as the General Student Fees.
- 1743 – Curricular Activity Fees
Fees related to an activity, course, or program that is intended to deliver instruction provided, sponsored, or supported by an LEA, and conducted only during school hours. Examples: instructional supplies, instructional equipment, AP test, band instrument rentals, and art class supplies.

- 1744 – Curricular Activity Fee Waivers
This is a contra revenue account for curricular activity fees. These amounts should be entered in UPEFS with the opposite sign as the Curricular Activity Fees.
- 1745 – Co-Curricular Activity Fees
Fees for a school-sponsored, provided, or supported activity, course, or program outside of school hours that also includes a required regular school day program or curriculum. Therefore, it is an extension of a curricular activity, is included in an instructional plan, and is supervised or conducted by a teacher or education professional.
- 1746 – Co-Curricular Activity Fee Waivers
This is a contra revenue account for co-curricular activity fees. These amounts should be entered in UPEFS with the opposite sign as the Co-Curricular Activity Fees.
- 1747 – Extracurricular Activity Fees
Fees for an activity or program outside of the regular school day that is provided, sponsored, or supported by an LEA and supplements or complements, but is not part of, the LEA's required program or regular curriculum. Therefore, it is not directly related to delivering instruction and is not a curricular or co-curricular activity.
- 1748 – Extracurricular Activity Fee Waivers
This is a contra revenue account for extra-curricular activity fees. These amounts should be entered in UPEFS with the opposite sign as the Extra-Curricular Activity Fees.

Other Required Data to be Collected

An LEA shall collect the following information, which may be requested as part of the school fee monitoring of the LEA's school fees practices. List of students by each school that were granted fee waivers, denied fee waiver requests, or worked in lieu of fee waivers.

Monitoring

USBE has been charged by the State Legislature to monitor LEA compliance with the school fees Code and rule. The school fee monitoring activities shall assure that the LEA's school fee policies, procedures, and practices comply with the applicable laws. The performance of monitoring activities promotes continuous improvement of school fees and removal of socio-economic barriers for a student's full participation in any LEAs classes, courses, programs, and activities.

Any one of the following events may trigger a school fee monitoring review:

Predetermined review schedules

The USBE school fees fiscal monitors will conduct regular monitoring activities. LEAs with enrollment greater than 10,000 receive a review every 5 years, and LEAs with enrollment less than 10,000 receive a review every 10 years.

Hotlines

USBE's Internal Audit hotline 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 managing school fees, the call may lead to a monitoring action.

Calls and Emails

The school fees team maintains a direct phone line and email for stakeholders to address concerns, provide comments, or receive technical assistance. Calls and emails regarding non-compliance are investigated to authenticate the allegation. Non-compliance concerns may lead to a full monitoring review or a corrective action plan addressing the specific area of non-compliance.

The assigned school fees fiscal monitor will notify the LEA administration of the review at least 30 days prior. The LEA will receive a letter via email that lists the documents and data needed and outlines the expected process for the monitoring visit. The monitoring visit will include 5% of the LEAs schools in the review process. To determine which schools to review, the reviewer shall consider schools that are potentially at a higher risk of non-compliance. Selection may be based on the calls/emails received via the school fee line, calls via the USBE hotline, or an elementary school that charges fees.

The review is an in-depth evaluation of the policies, procedures, and practices of the LEA and the schools included in the review. The review process will also include a sample of student statements to verify that fees charged are included in the approved fee schedule and to ensure that fees have been waived appropriately.

To improve efficiency and reduce the time burden for the LEA, documents listed in the notification letter will be reviewed by the fiscal monitor before interviewing staff. Staff interviews will allow the monitor to discuss any issues found while examining documents, obtain clarity where needed, and provide an opportunity for staff to ask questions.

The school fee monitor will conduct an exit interview to go over the monitoring visit to discuss LEA school fee strengths and weaknesses, give recommendations of best practices and discuss any issues.

Corrective Action

LEAs that are found to be out of compliance will be subject to a corrective action plan (CAP). The CAP will be aimed at correcting actions or policies that are out of compliance with school fees.

Corrective action plans shall clearly outline all areas of noncompliance, the specific compliance criteria (Utah Code or board rule), steps required to satisfy the corrective action plan, and a reasonable time frame for the LEA to correct identified issues. The CAPs will be consistent with R277-407-16, UCA §53G-7-503(4), and R277-114 Corrective Action.

Within 45 days of receipt of the notice of non-compliance, the LEA is required to formally respond in writing to the allegations of non-compliance and finalize the proposed recommendations to rectify the issues identified on the CAP.

Before providing the formal response, the LEA may request an informal hearing to clarify the details of the proposed CAP and discuss the anticipated completion date. The informal hearing is not required and shall be at the request of the LEA.

If the LEA fails to respond to the 1st notice within 60 days or fails to comply with the corrective action plan within the period established in the CAP, the school fees fiscal monitor will send a second written notice of non-compliance and request the LEA to

appear before the USBE finance committee to explain the LEAs reason for no response.

If the LEA receives a second notice the LEA may respond to the notice within 30 days and work with the school fees monitor to formalize the CAP; or within 15 days of receipt of the second notice the LEA may seek an appeal before the USBE finance committee.

If an LEA 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 before the finance committee, the USBE shall impose one of the following financial consequences:

Requiring an LEA to repay an improperly charged fee, commensurate with the level of non-compliance.

Withhold 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

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

Glossary

"Co-curricular activity" means an LEA or school-provided, sponsored, or supported activity, course, or program that is an extension of a curricular activity; is included in an instructional plan and supervised or conducted by a teacher or education professional; is conducted outside of regular school hours; and includes a required regular school day activity, course, or program.

"Curricular activity" means an LEA or school-provided, sponsored, or supported activity, course, or program that is intended to deliver instruction; and conducted only during school hours.

"Extracurricular activity" means an LEA or school-provided, sponsored, or supported activity, course, or program that is: not directly related to delivering instruction; not a curricular activity or co-curricular activity. "Extracurricular activity" does not include a noncurricular club.

"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 an LEA or school. Regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly.

"Fee" includes money or something of monetary value raised by a student or the student's family through fundraising; charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges; payments made to a third party that provides a part of a school activity, class, or program; charges or expenditures for school activity clothing; and a fine other than a fine as described in 53G-7-501(6)(c)(i).

"Fundraiser," "fundraising," or "fundraising activity" means an activity or event provided, sponsored, or supported by an LEA or school that uses students to generate funds to raise money to provide financial support to a school or any of the school's classes, groups, teams, or programs; or benefit a particular charity or for other charitable purposes.

"Fundraiser," "fundraising," or "fundraising activity" may include the sale of goods or services; the solicitation of monetary contributions from individuals or businesses; or other lawful means or methods that use students to generate funds. "Fundraiser," "fundraising," or "fundraising activity" does not include an alternative method of raising revenue without students.

"Group fundraiser" or "group fundraising" means a fundraising activity where the money raised is used for the benefit of the group, team, or organization.

"Individual fundraiser" or "individual fundraising" means a fundraising activity where money is raised by each individual student to pay the individual student's fees.

"Instructional equipment" means an activity, course, or program-related tool or instrument that: is required for a student to use as part of an activity, course, or program in a secondary school; typically becomes the property of the student upon exiting the activity, course, or program; and is subject to fee waiver.

"Instructional equipment" includes shears or styling tools; a band instrument; a camera; a stethoscope; and sports equipment, including a bat, mitt, or tennis racquet. "Instructional equipment" does not include school equipment.

"Instructional supply" means a consumable or non-reusable supply that is necessary for a student to use as part of an activity, course, or program in a secondary school.

"Instructional supply" includes prescriptive footwear such as cleats or tap shoes; brushes or other art supplies, including clay, paint, or art canvas; wood for the wood shop; Legos for Lego robotics; film; or filament used for 3D printing.

"LEA" or "Local Education Agency" means a school district, charter school, and Utah Schools for the Deaf and the Blind.

"Maintenance of school equipment" means a cost, payment, or expenditure related to storing, repairing, or keeping school equipment in good working condition. "Maintenance of school equipment" does not include the cost related to end-of-life replacement.

"Noncurricular club" is a student-initiated group that may be authorized and allowed the use of the school during noninstructional time in secondary schools by a school and LEA governing board per 53G-7-704. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by an LEA governing board, the school, or by an employee of the school or school district.

"Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.

"Non-waivable charge" means a cost, payment, or expenditure that: is a personal discretionary charge or purchase, including:

a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program.

a charge for college credit related to the successful completion of a concurrent enrollment class, or an advanced placement examination.

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

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.

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

a school uniform as provided in Section [53G-7-801](#);

a school meal.

a student fine specifically approved by an LEA for failing to return school property.

charge for losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior.

improper use of school property, including a parking violation.

"Provided, sponsored, or supported by a school" means an activity, class, program, fundraiser, club, camp, clinic, or other event that satisfies at least one of these conditions:

is authorized by an LEA or school, according to local education board policy.

is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity.

uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources.

is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

"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.

"Provision in lieu of fee waiver" means an alternative to fee payment or waiver of fee payment. "Provision in lieu of fee waiver" does not include a plan under which fees are paid in installments or under some other delayed payment arrangement.

“Regular school day” or “School Day” means a day where an LEA provides educational services to students subject to the requirements described in Section R277-419-5

"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: fully participate in school or a school activity, class, or program; successfully complete a school class for the highest grade; or avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by: peer pressure, shaming, stigmatizing, bullying, or the like; or withholding or curtailing any privilege that is otherwise provided to any other student.

“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>).

"School activity clothing" means special shoes or items of clothing that meet specific requirements, including requesting a specific brand, fabric, or imprint; and that a school requires a student to provide; and that is worn by a student for a co-curricular or extracurricular activity. "School activity clothing" does not include a school uniform; or clothing that is commonly found in students' homes.

"School day" has the same meaning as “Regular school day.”

"School equipment" means a durable [able to withstand wear, pressure, or damage] school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school. "School equipment" includes items such as a saw, 3D printer, tackle dummies, or sewing machine.

"School uniform" means special shoes or an item of clothing: that meets specific requirements, including a requested specific color, style, fabric, or imprint; and that a school requires a student to provide; and that is worn by a student for a curricular activity. “School uniform” does not include school activity clothing.

"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. Also, see the definition of “Fee”.

"Student supplies" means items that 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. "Student supplies" include

pencils; paper; notebooks; crayons; scissors; basic clothing for healthy lifestyle classes; and similar personal or consumable items over which a student retains ownership. "Student supplies" does not include items listed 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.

"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.

"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.

"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.

"Textbook" means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material. "Textbook" includes hardcopy books or printed pages of instructional material, including a consumable workbook; computer hardware, software, or digital content; and the maintenance costs of school equipment. "Textbook" does not include instructional equipment or instructional supplies.

"USB E" means the Utah State Board of Education.

"UCA" means the Utah Code Annotated.

"Waiver" means a full release from the requirement of payment of a fee and any provision in lieu of fee payment.