

**SCHOOL FEE WAIVERS AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: David H. Steele**

AN ACT RELATING TO PUBLIC SCHOOLS; ESTABLISHING THE PRESUMPTION THAT STUDENTS WILL PAY THE FEES ASSOCIATED WITH COURSES THEY ARE REPEATING OR REMEDIATION; PROVIDING ALTERNATIVES TO WAIVING THE FEES IN CASES OF FINANCIAL HARDSHIP; PROVIDING FOR A PARTIAL OR FULL WAIVER IN CASES OF EXTREME HARDSHIP; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53A-12-103**, as last amended by Chapter 318, Laws of Utah 1996

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-12-103** is amended to read:

**53A-12-103. Waiver of fees.**

(1) (a) A local school board shall require, as part of an authorization granted under Section 53A-12-102, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship **h** OR WHERE THE STUDENT HAS SUFFERED A LONG TERM ILLNESS, OR DEATH IN THE FAMILY, OR OTHER MAJOR EMERGENCY AND **h** where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full

28 waiver of the fee required under Subsection (1)(b)(i).

29 (iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and  
30 charges made in the secondary schools.

31 (2) (a) The board shall require each school in the district that charges a fee under this  
32 chapter to provide a variety of alternatives for satisfying the fee requirement to those who qualify  
33 for fee waivers, in addition to the outright waiver of the fee.

34 (b) The board shall develop and provide a list of alternatives for the schools, including  
35 such options as allowing the student to provide:

36 (i) tutorial assistance to other students;

37 (ii) assistance before or after school to teachers and other school personnel on school  
38 related matters; and

39 (iii) general community or home service.

40 (c) Each school may add to the list of alternatives provided by the board, subject to  
41 approval by the board.

42 (3) A local school board may establish policies providing for partial fee waivers or other  
43 alternatives for those students who, because of extenuating circumstances, are not in a financial  
44 position to pay the entire fee.

45 (4) With regard to children who are in the custody of the Division of Child and Family  
46 Services who are also eligible under Title IV-E of the federal Social Security Act, local school  
47 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

48 Section 2. **Effective date.**

49 This act takes effect on July 1, 2000.

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**Legislative Review Note**

**as of 1-3-00 8:33 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**