

**REIMBURSEMENTS TO SCHOOL DISTRICTS**

**FOR FEE WAIVERS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: LaWanna Shurtliff**

**This act modifies provisions related to the State System of Public Education by allowing school districts to be reimbursed for waivers of student fees. The act provides a \$40 ceiling on the amount allowed for each claimed waiver and requires the State Board of Education to submit as part of its annual budget request to the Legislature an amount sufficient to fund the program.**

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

AMENDS:

**53A-12-103**, as last amended by Chapter 111, Laws of Utah 2000

*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 or where the student has suffered a long-term

28 illness, or death in the family, or other major emergency and where installment payments and the  
29 imposition of a service or work requirement would not be reasonable, the student may receive a  
30 partial or full waiver of the fee required under Subsection (1)(b)(i).

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

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

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

38 (i) tutorial assistance to other students;

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

41 (iii) general community or home service.

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

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

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

50 (5) (a) Each school district shall be reimbursed for fees waived under this section as  
51 follows:

52 (i) the district shall make application to the State Board of Education for reimbursement  
53 in a manner and on forms established under rule of the state board made in accordance with Title  
54 63, Chapter 46a, Utah Administrative Rulemaking Act; and

55 (ii) the district may claim the actual amount waived for each fee, not to exceed \$40 for  
56 each fee waived.

57 (b) The State Board of Education shall submit as part of its annual budget request to the  
58 Legislature an amount sufficient to fund the fee waiver reimbursement program authorized under

59 this Subsection (5).

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**Legislative Review Note**  
**as of 12-8-00 10:09 AM**

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

**Office of Legislative Research and General Counsel**