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

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

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

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

(i) tutorial assistance to other students;

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

(iii) general community or home service.

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

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

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

65 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 66 State Board of Education shall make rules:

67 (a) requiring a parent or guardian of a student applying for a fee waiver to provide
 68 documentation and certification to the school verifying ~~H→~~ :

68a (i) ~~←H~~ the student's eligibility to receive the
 69 waiver; and

69a ~~H→~~ (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have
 69b been complied with to the fullest extent reasonably possible according to the individual
 69c circumstances of both the fee waiver applicant and the school: and ~~←H~~

70 (b) specifying the acceptable forms of documentation for the requirement under
 71 Subsection (5)(a), which shall include verification based on income tax returns ~~H→~~ [if the parent or
 72 guardian was required to file a return] or current pay stubs ~~←H~~ .

72a ~~S→~~ (6) Notwithstanding the requirements under Subsection (5), a school is not required to
 72b keep documentation on file after the verification is completed. ~~←S~~

Legislative Review Note
 as of 1-6-05 2:59 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0183

Verification of Eligibility for Fee Waivers

17-Jan-05

1:36 PM

State Impact

Implementation of this bill has no fiscal impact on state revenue. Local schools may see a decrease in fee waiver applications due to fee waiver eligibility verification provisions in the bill. Fewer fee waiver applications may generate more revenue for

Individual and Business Impact

No Fiscal Impact

Office of the Legislative Fiscal Analyst