

**Senator Howard A. Stephenson** proposes the following substitute bill:

**SCHOOL FEE WAIVER AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaWanna Lou Shurtliff**

Senate Sponsor: Howard A. Stephenson

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**LONG TITLE**

**General Description:**

This bill requires the State Board of Education to make rules relating to school fee and revenue accounting.

**Highlighted Provisions:**

This bill:

► directs the State Board of Education to make rules that beginning on July 1, 2008, govern school district and charter school accounting of fees and revenues.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-12-103**, as last amended by Chapter 119, Laws of Utah 2005

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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.**



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

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

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

36 (iii) In cases of extreme financial hardship or where the student has suffered a  
37 long-term illness, ~~[or]~~ death in the family, or other major emergency and where installment  
38 payments and the imposition of a service or work requirement would not be reasonable, the  
39 student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

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

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

45 (b) The local school board or charter school governing board shall develop and provide  
46 a list of alternatives ~~[for the schools]~~, including such options as allowing the student to  
47 provide:

48 (i) tutorial assistance to other students;

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

51 (iii) general community or home service.

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

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

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

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

63 (a) requiring a parent or guardian of a student applying for a fee waiver to provide  
64 documentation and certification to the school verifying:

65 (i) the student's eligibility to receive the waiver; and

66 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have  
67 been complied with to the fullest extent reasonably possible according to the individual  
68 circumstances of both the fee waiver applicant and the school; and

69 (b) specifying the acceptable forms of documentation for the requirement under  
70 Subsection (5)(a), which shall include verification based on income tax returns or current pay  
71 stubs.

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

74 (7) The State Board of Education shall make rules for school districts and charter  
75 schools that shall, beginning on July 1, 2008:

76 (a) require that revenues collected and expended at the school level be classified in  
77 accordance with a uniform chart of accounts;

78 (b) provide for the identification of revenues from fees and how fees are expended; and

79 (c) require that revenues collected and expended at the school level be:

80 (i) reported to the state superintendent for inclusion in the annual report of the state  
81 superintendent provided by Section 53A-1-301; and

82 (ii) included in the annual audit report required under Section 51-2a-201.