

School Fees Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

LONG TITLE**General Description:**

This bill amends provisions related to school fees.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits a local education agency (LEA) from charging a student a fee for an activity that is required as part of a course grade;
- allows an LEA to charge a student a fee for a discretionary project under certain circumstances;
- prohibits an LEA from:
 - charging or increasing a fee to a student to supplement a fee the LEA is prohibited from charging; or
 - removing a course from instruction solely because the LEA is prohibited from charging a fee for the course; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-7-501, as last amended by Laws of Utah 2024, Chapters 20, 497

53G-7-503, as last amended by Laws of Utah 2024, Chapter 497

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

Section 1. Section **53G-7-501** is amended to read:

53G-7-501 . Definitions.

As used in this part:

(1)(a) ~~"[Co-curricular]~~ Curricular activity" means an activity, a course, or a program that results in course credit or a course grade, either by requirement or through a discretionary project, and is:

~~[(a)]~~ (i) ~~[is an extension of a curricular activity]~~ intended to deliver instruction;

~~[(b)]~~ (ii) ~~[is]~~ included in an instructional plan and supervised or conducted by a teacher or education professional;

~~[(c)]~~ (iii) ~~[is]~~ conducted during or outside of regular school hours; and

~~[(d)]~~ (iv) ~~[is]~~ provided, sponsored, or supported by an LEA~~[-and]~~ .

~~[(e)] includes a required regular school day activity, course, or program.]~~

(b) "Curricular activity" includes a course or program that results in course credit or a course grade that is required in order to participate in a separate extracurricular activity.

~~[(2) "Curricular activity" means an activity, a course, or a program that:]~~

~~[(a) is intended to deliver instruction;]~~

~~[(b) is provided, sponsored, or supported by an LEA; and]~~

~~[(c) is conducted only during school hours.]~~

~~[(3)]~~ (2) "Discretionary project" means a project that a student completes in lieu of or in addition to a required classroom project in accordance with Subsection 53G-7-503.

(3) "Elementary school" means a school that provides instruction to students in grades kindergarten, 1, 2, 3, 4, 5, or 6.

(4)(a) "Elementary school student" means a student enrolled in an elementary school.

(b) "Elementary school student" does not include a secondary school student.

(5)(a) "Extracurricular activity" means an activity, a course, or a program that is:

(i) not directly related to delivering required instruction;

(ii) not required as part of course credit or a course grade;

~~[(ii)]~~ (iii) not a curricular activity~~[or co-curricular activity]; and~~

~~[(iii)]~~ (iv) provided, sponsored, or supported by an LEA.

(b) "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.

(6)(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 or admission to an activity,

- 66 course, or program that is provided, sponsored, or supported by an LEA.
- 67 (b) "Fee" includes:
- 68 (i) charges or expenditures for a school field trip or activity trip, including related
- 69 transportation, food, lodging, and admission charges;
- 70 (ii) payments made to a third party that provides a part of a school activity, class, or
- 71 program;
- 72 (iii) charges or expenditures for classroom instructional equipment or supplies;
- 73 (iv) charges or expenditures for school activity clothing; and
- 74 (v) a fine other than a fine described in Subsection (6)(c)(i).
- 75 (c) "Fee" does not include:
- 76 (i) a student fine specifically approved by an LEA for:
- 77 (A) failing to return school property;
- 78 (B) losing, wasting, or damaging private or school property through intentional,
- 79 careless, or irresponsible behavior, or as described in Section 53G-8-212; or
- 80 (C) improper use of school property, including a parking violation;
- 81 (ii) a payment for school breakfast or lunch;
- 82 (iii) a deposit that is:
- 83 (A) a pledge securing the return of school property; and
- 84 (B) refunded upon the return of the school property;
- 85 (iv) a charge for insurance, unless the insurance is required for a student to participate
- 86 in an activity, course, or program; or
- 87 (v) money or another item of monetary value raised by a student or the student's
- 88 family through fundraising.
- 89 (7)(a) "Fundraising" means an activity or event provided, sponsored, or supported by an
- 90 LEA that uses students to generate funds or raise money to:
- 91 (i) provide financial support to a school or a school's class, group, team, or program;
- 92 or
- 93 (ii) benefit a particular charity or for other charitable purposes.
- 94 (b) "Fundraising" does not include an alternative method of raising revenue without
- 95 students.
- 96 (8)(a) "Instructional equipment[~~or supplies~~]" means an activity-, course-, or
- 97 program-related [~~supply or~~]tool that:
- 98 (i) a student is required to use as part of an activity, course, or program in a
- 99 secondary school;

(ii) becomes the property of the student upon exiting the activity, course, or program;
and

(iii) is subject to a fee waiver.

(b) "Instructional equipment~~[-or supplies]~~" does not include:

(i) school equipment;

(ii) an instructional supply; or

(iii) a personal student supply for a secondary student.

(9)(a) "Instructional supply" means a non-reusable or a consumable material or supply that is necessary to use, expend, or deplete as a component or element of an activity, course, or program in a secondary school.

(b) "Instructional supply" does not include a personal student supply for a secondary student.

(10)(a) "Personal student supply" means, for a secondary student, an object, tool, material, or supply that:

(i) is the personal property of the student;

(ii) regardless of the use of the supply in the instructional process, individuals not enrolled in the course or activity also commonly purchase and use; and

(iii) has a high probability of regular use in activities other than school-sponsored activities.

(b) "Personal student supply" includes pencils, papers, notebooks, crayons, scissors, and basic clothing.

[(9)] (11)(a) "School activity clothing" means special shoes or items of clothing:

(i)(A) that meet specific requirements, including requesting a specific brand, fabric, or imprint;

(B) that a school requires a student to provide; and

(C) that become the property of the student upon exiting the activity, course, or program; and

(ii) that are required to be worn by a student for an activity-, course-, or a program-related activity.

(b) "School activity clothing" does not include:

(i) a school uniform; or

(ii) clothing that is commonly found in students' homes.

[(10)] (12) "School equipment" means a machine, equipment, facility, or tool that:

(a) is durable;

(b) is reusable;

~~[(e) is consumable;]~~

~~[(d)]~~ (c) is owned by a secondary school; and

~~[(e)]~~ (d) a student uses as part of an activity, course, or program in a secondary school.

~~[(11)]~~ (13)(a) "School uniform" means special shoes or an item of clothing:

(i)(A) that meet specific requirements, including a requested specific color, style, fabric, or imprint; and

(B) that a school requires a student to provide; and

(ii) that is worn by a student for a curricular activity.

(b) "School uniform" does not include school activity clothing.

~~[(12)]~~ (14) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

~~[(13)]~~ (15) "Secondary school student":

(a) means a student enrolled in a secondary school; and

(b) includes a student in grade 6 if the student attends a secondary school.

~~[(14)]~~ (16)(a) "Textbook" means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material.

(b) "Textbook" includes:

(i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or

(ii) computer hardware, software, or digital content.

(c) "Textbook" does not include instructional equipment or supplies.

~~[(15)]~~ (17) "Waiver" means a full release from a requirement to pay a fee and from any provision in lieu of fee payment.

Section 2. Section **53G-7-503** is amended to read:

53G-7-503 . Fees -- Prohibitions -- Voluntary supplies -- Enforcement -- Penalties.

(1) An LEA may only charge a fee if the fee is:

(a) authorized under this part; and

(b) noticed by the LEA governing board in accordance with Section 53G-7-505.

(2)(a) An LEA may not require a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day.

(b) An elementary school or elementary school teacher may compile and provide to an elementary school student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish, only on a voluntary basis, those

supplies for student use.

- (c) A list provided to an elementary school student's parent in accordance with Subsection (2)(b) shall include and be preceded by the following language:

"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."

- (3) Beginning with the 2025-2026 school year:

- (a) an LEA may ~~[not]~~ charge a secondary student a fee for the following in relation to a curricular activity~~[or a co-curricular activity that is required for the instruction of established core standards as described in Section 53E-4-202 or 53E-4-204, and that is not an elective, except for the following]:~~

- (i) instructional equipment~~[or supplies]~~; (ii) a fee to participate in a driver education course described in Section 53G-10-503;

- ~~[(iii) a payment for a fee for:]~~

- ~~[(A) open enrollment application processing in accordance with Section 53G-6-402;]~~

- ~~[(B) charter school application processing in accordance with Section 53G-6-503; or]~~

- ~~[(C)]~~ (iii) competency remediation programs in accordance with Section 53G-9-803;

- ~~[(iv) a fee described in Subsection (5);]~~

- ~~[(v)]~~ (iv) a music instrument rental; or

- ~~[(vi)]~~ (v) school activity clothing~~[:]~~ .

- ~~[(b) for that portion of a co-curricular activity that is during regular school hours, an LEA may only charge a secondary student for the fees described in Subsection (3)(a); and]~~

- ~~[(c) an LEA may charge a secondary student a fee for a co-curricular activity or extracurricular activity, including the life-cycle replacement costs for school equipment directly related to the co-curricular or extracurricular activity.]~~

- ~~[(4)]~~ (b) An LEA may charge a secondary student or an individual a fee for:

- ~~[(a)]~~ (i) ~~[or an individual, a fee for]~~ an adult education course in accordance with Section 53E-10-202;~~[-or]~~

- ~~[(b)]~~ (ii) ~~[a fee for]~~ tuition, college credit, an exam, or a textbook, as described in Section 53G-7-506, for:

- ~~[(i)]~~ (A) an Advanced Placement course;

- ~~[(ii)]~~ (B) an International Baccalaureate course; or

- ~~[(iii)]~~ (C) a concurrent enrollment course, as described in Section 53E-10-302~~[-]~~ ;

(iii) a discretionary project as described in Subsection (3)(c);

(iv) an extracurricular activity, including the life-cycle replacement costs for school equipment directly related to the extracurricular activity;

(v) open enrollment application processing in accordance with Section 53G-6-402; or

(vi) charter school application processing in accordance with Section 53G-6-503.

(c) For project-related courses:

(i) a student may request to complete a discretionary project in lieu of a required course activity or project if the discretionary project demonstrates the intended core competencies of the required course activity or project;

(ii) nothing prohibits a student from completing a discretionary project in addition to a required classroom project; and

(iii) an LEA may require a student at any grade level to provide materials or pay an additional fee for a discretionary project or a project in which the student engages in addition to a required classroom project.

~~[(5)]~~ (4) An LEA may not charge a fee, except as provided in [Subsection (3)(e)] Subsection (3):

(a) for school equipment;

(b) for instructional supplies; or

~~[(b)]~~ (c) that is general in nature and for a service or good that does not have a direct benefit to the student paying the fee.

~~[(6)]~~ (5) An LEA governing board shall authorize each fee individually.

~~[(7)]~~ (6)(a) If an LEA imposes a fee under this part, the fee shall be equal to or less than the expense incurred by the LEA in providing for a student the activity, course, or program for which the LEA imposes the fee.

(b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize [another fee] a fee the LEA is prohibited from charging, including a fee to supplant or subsidize an expense that the LEA incurs for[.]

~~[(i)]~~ a curricular activity[; or] .

~~[(ii)]~~ an expense for the portion of a co-curricular activity that occurs during regular school hours.]

(c) An LEA may not remove a course from instruction for the sole reason that the LEA is prohibited from charging a fee under this part.

~~[(8)]~~ (7) Notwithstanding Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part, the state board shall impose corrective action against

236 the LEA, which may include:

237 (a) requiring an LEA to repay improperly charged fees;

238 (b) withholding state funds; or

239 (c) suspending the LEA's authority to charge fees for an amount of time specified by the

240 state board.

241 ~~[(9)]~~ (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

242 state board shall make rules:

243 (a) that require notice and an opportunity to be heard for an LEA affected by a state

244 board action described in ~~[this Subsection (9)]~~ Subsection (7); and

245 (b) to administer ~~[this Subsection (9)]~~ Subsection (7).

246 Section 3. **Effective date.**

247 This bill takes effect on July 1, 2025.