

**APPROPRIATION FOR SCHOOL DISTRICTS  
IMPACTED BY FEE WAIVERS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: LaWanna Lou Shurtliff**

**This act modifies provisions related to the State System of Public Education by allowing the State Board of Education to distribute funds to certain school districts impacted by fee waivers. This act establishes criteria for the distribution of the funds. This act provides an ongoing appropriation of \$400,000 from the Uniform School Fund for fiscal year 2002-03 to the State Board of Education for distribution to certain school districts impacted by fee waivers. This act takes effect on July 1, 2002.**

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.



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

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

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

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

39 (i) tutorial assistance to other students;

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

42 (iii) general community or home service.

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

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

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

51 (5) (a) To compensate school districts for impacts of fee waivers, the State Board of  
52 Education may distribute funds to school districts as provided in this Subsection (5).

53 (b) To qualify for funds distributed under this Subsection (5), at least 30% of the students  
54 enrolled in grades nine through twelve in the school district shall be eligible for free school lunch.

55 (c) Each school district qualifying under Subsection (5)(b) shall receive up to \$40 per  
56 student in grades nine through twelve eligible for free school lunch.

57 (d) The State Board of Education may make rules specifying procedures for the application  
58 for and distribution of funds under this Subsection (5).

59 Section 2. **Appropriation.**

60 Subject to future budget constraints, there is appropriated, as an ongoing appropriation,  
61 \$400,000 for fiscal year 2002-03 from the Uniform School Fund to the State Board of Education  
62 to distribute to school districts impacted by fee waivers as provided by Section 53A-12-103.

63 Section 3. **Effective date.**

64 This act takes effect on July 1, 2002.

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**Legislative Review Note**  
**as of 1-22-02 2:19 PM**

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

**Office of Legislative Research and General Counsel**