

1                                   **APPROPRIATION FOR SCHOOL DISTRICT**  
2                                   **IMPACTED BY FEE WAIVERS**

3                                   2003 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: LaWanna Lou Shurtliff**

6   **This act modifies provisions related to the State System of Public Education by allowing**  
7   **the State Board of Education to distribute funds to certain school districts impacted by**  
8   **fee waivers. This act establishes criteria for the distribution of the funds. This act**  
9   **provides an ongoing appropriation of \$400,000 from the Uniform School Fund for fiscal**  
10   **year 2003-04 to the State Board of Education for distribution to certain school districts**  
11   **impacted by fee waivers. This act takes effect on July 1, 2003.**

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

13   AMENDS:

14                   **53A-12-103**, as last amended by Chapter 111, Laws of Utah 2000

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

16                   Section 1. Section **53A-12-103** is amended to read:

17                   **53A-12-103. Waiver of fees.**

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

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

25                   (ii) If the student or the student's parent or guardian is financially unable to pay the fee,  
26   the board shall provide for alternatives to waiving the fee, which may include installment  
27   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  
29 long-term illness, [or] death in the family, or other major emergency and where installment  
30 payments and the imposition of a service or work requirement would not be reasonable, the  
31 student may receive a 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,  
33 and 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  
36 qualify 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  
46 other alternatives for those students who, because of extenuating circumstances, are not in a  
47 financial 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  
54 students enrolled in grades nine through twelve in the school district shall be eligible for free  
55 school lunch.

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

58 (d) The State Board of Education may make rules specifying procedures for the

59 application for and distribution of funds under this Subsection (5).

60 Section 2. **Appropriation.**

61 Subject to future budget constraints, there is appropriated, as an ongoing appropriation,  
62 \$400,000 for fiscal year 2003-04 from the Uniform School Fund to the State Board of  
63 Education to distribute to school districts impacted by fee waivers as provided by Section  
64 53A-12-103.

65 Section 3. **Effective date.**

66 This act takes effect on July 1, 2003.

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**Legislative Review Note**

**as of 12-20-02 3:22 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0069**

**Appropriation for School District Impacted by Fee  
Waivers**

14-Jan-03  
2:05 PM

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**State Impact**

This bill provides for an ongoing Uniform School Fund appropriation to the State Board of Education of \$400,000 for distribution to certain school districts impacted by student fee waivers.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
Uniform School Fund	\$400,000	\$400,000	\$0	\$0
<b>TOTAL</b>	<b>\$400,000</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**