

1                                   **APPROPRIATION FOR SCHOOL DISTRICTS**

2                                   **IMPACTED BY FEE WAIVERS**

3                                   2004 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: LaWanna Lou Shurtliff**

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7   **LONG TITLE**

8   **General Description:**

9           This bill allows the State Board of Education to distribute funds to certain school  
10 districts impacted by fee waivers.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ establishes criteria for the distribution of the funds; and
- 14           ▶ prescribes the amount of funds an impacted school district may receive.

15 **Monies Appropriated in this Bill:**

16           This bill appropriates as an ongoing appropriation subject to future budget constraints,  
17 \$400,000 from the Uniform School Fund for fiscal year 2004-05 to the State Board of  
18 Education.

19 **Other Special Clauses:**

20           This bill takes effect on July 1, 2004.

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23           **53A-12-103**, as last amended by Chapter 111, Laws of Utah 2000

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

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

27           **53A-12-103. Waiver of fees.**



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

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

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

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

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

43a **h (v) IN ACCORDANCE WITH TITLE 63, CHAPTER 46b, UTAH ADMINISTRATIVE RULEMAKING**  
 43b **ACT, THE STATE BOARD OF EDUCATION SHALL MAKE RULES:**

43c **(A) REQUIRING A PARENT OR GUARDIAN OF A STUDENT APPLYING FOR A FEE WAIVER TO**  
 43d **PROVIDE DOCUMENTATION AND CERTIFICATION TO THE SCHOOL THAT VERIFY H :**

43d1 **(I) h THE STUDENT'S**

43e **ELIGIBILITY TO RECEIVE THE WAIVER; AND**

43e1 **H (II) THE ALTERNATIVES FOR SATISFYING THE FEE REQUIREMENTS UNDER SUBSECTION**  
 43e2 **(2) HAVE BEEN COMPLIED WITH TO THE FULLEST EXTENT REASONABLY POSSIBLE ACCORDING**  
 43e3 **TO THE INDIVIDUAL CIRCUMSTANCES OF BOTH THE FEE WAIVER APPLICANT AND THE SCHOOL;**  
 43e4 **AND h**

43f **(B) SPECIFYING THE ACCEPTABLE FORMS OF DOCUMENTATION FOR THE REQUIREMENT**  
 43g **UNDER SUBSECTION (1)(b)(v)(A) H ,WHICH SHALL INCLUDE A VERIFICATION BASED ON INCOME**  
 43g1 **TAX RETURNS IF THE PARENT OR GUARDIAN WAS REQUIRED TO FILE A RETURN h \_ h**

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

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

49 (i) tutorial assistance to other students;

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

52 (iii) general community or home service.

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



54 approval by the board.

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

58 (4) With regard to children who are in the custody of the Division of Child and Family

59 Services who are also eligible under Title IV-E of the federal Social Security Act, local school  
60 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

61 (5) ~~H~~ [(a)] ~~h~~ To compensate school districts for impacts of fee waivers, the State Board of  
62 Education may distribute funds to school districts as provided in this Subsection (5).

63 ~~H~~ [(b) ~~To qualify for funds distributed under this Subsection (5), at least 30% of the~~  
64 ~~students enrolled in grades 9 through 12 in the school district shall be eligible for free school~~  
65 ~~lunch.] ~~h~~~~

66 ~~H~~ [(c)] (b) ~~h~~ Each school district ~~H~~ [qualifying under Subsection (5)(b)] ~~h~~ shall receive up to  
66a \$40 per  
67 student in grades 9 through 12 eligible for free school lunch.

68 ~~H~~ [(d)] (c) ~~h~~ The State Board of Education may make rules specifying procedures for the  
69 application for and distribution of funds under this Subsection (5).

70 Section 2. **Appropriation.**

71 As an ongoing appropriation subject to future budget constraints, there is appropriated  
72 from the Uniform School Fund for fiscal year 2004-05, \$400,000 to the State Board of  
73 Education to distribute to school districts impacted by fee waivers as provided by Section  
74 53A-12-103.

75 Section 3. **Effective date.**

76 This bill takes effect on July 1, 2004.

**Legislative Review Note**  
as of 12-2-03 1:51 PM

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

**Office of Legislative Research and General Counsel**