

1 **FEE WAIVER ELIGIBILITY VERIFICATION**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kory M. Holdaway**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the State System of Public Education Code by amending eligibility
10 verification provisions for fee waiver applicants.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides how fee waivers shall be based upon parental income;
- 14 ▶ specifies the acceptable forms of income documentation for fee waiver applicants;
- 15 and
- 16 ▶ makes technical corrections.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **53A-12-103**, as last amended by Chapter 119, Laws of Utah 2005

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 -- Eligibility verification.**



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.

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.

53 (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) 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) requiring fee waivers to be awarded based upon the income of a student's parents in
70 the calendar year immediately preceding the school year for which a fee waiver is sought;

71 (c) providing that the fee waiver shall be based upon parental income as follows:

72 (i) if the parents are married, the income of both parents;

73 (ii) if a parent is widowed, the income of the widowed parent;

74 (iii) if a parent is widowed and has remarried, the income of the parent and stepparent;

75 (iv) if the parents are divorced, the income of the parent with whom the student resided
76 for the greatest amount of time during the past 12 months;

77 (v) if the parents are divorced and the student resided with each parent an equal amount
78 of time, the income of the parent who provided more financial support during the past 12
79 months;

80 (vi) if the divorced parent with whom the student resided for the greatest amount of
81 time or who provided the greatest financial support has remarried, the income of the parent and
82 stepparent; and

83 (vii) if the student resides with a guardian, the income of the guardian, unless the
84 guardian's income is exempt by board rule; and

85 ~~[(b)]~~ (d) specifying the acceptable forms of documentation for the [requirement]
86 requirements under this Subsection (5)[(a)], which shall include verification [based on income
87 tax returns or current pay stubs:] as follows:

88 (i) if a parent filed federal or state income tax forms, income shall be based upon
89 adjusted gross income as listed on the income tax forms;

90 (ii) if a parent was exempt from filing federal and state income tax forms, income shall
91 be based on income earned from work; and

92 (iii) a parent shall submit documentation verifying income.

93 (6) Notwithstanding the requirements under Subsection (5) ~~H~~→ [;] :

93a (a) ~~H~~ a school is not required to

94 keep documentation on file after the verification is completed ~~H~~→ [;] ; and

94a (b) a fee waiver may be awarded based upon the current income of a student's parents,

94b if due to a recent loss in income, the student's parents are not able to pay a fee. ~~H~~

Legislative Review Note
as of 1-23-06 3:58 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0201

Fee Waiver Eligibility Verification

30-Jan-06

8:14 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst