

1                                   **SCHOOL FEE WAIVER AMENDMENTS**

2   2006 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: LaWanna Lou Shurtliff**

5                                   Senate Sponsor: \_\_\_\_\_

---

---

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:

- 17           ▶ as an ongoing appropriation subject to future budget constraints, \$700,000 from the  
18 Uniform School Fund for fiscal year 2006-07 to the State Board of Education.

19 **Other Special Clauses:**

20           This bill takes effect on July 1, 2006.

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.**



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) specifying the acceptable forms of documentation for the requirement under  
70 Subsection (5)(a), which shall include verification based on income tax returns or current pay  
71 stubs.

72 (6) Notwithstanding the requirements under Subsection (5), a school is not required to  
73 keep documentation on file after the verification is completed.

74 (7) (a) To compensate school districts for impacts of fee waivers, the State Board of  
75 Education may distribute funds to school districts as provided in this Subsection (7).

76 (b) Each school district shall receive up to \$40 per student in grades 9 through 12  
77 eligible for free school lunch.

78 (c) The State Board of Education may make rules specifying procedures for the  
79 application for and distribution of funds under this Subsection (7).

80 Section 2. **Appropriation.**

81 As an ongoing appropriation subject to future budget constraints, there is appropriated  
82 from the Uniform School Fund for fiscal year 2006-07, \$700,000 to the State Board of  
83 Education to distribute to school districts impacted by fee waivers as provided by Section  
84 53A-12-103.

85 Section 3. **Effective date.**

86 This bill takes effect on July 1, 2006.

---

---

**Legislative Review Note**

**as of 12-1-05 11:41 AM**

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 HB0068**

**School Fee Waiver Amendments**

18-Jan-06

8:59 AM

---

---

**State Impact**

This bill appropriates \$700,000 in ongoing Uniform School Fund revenue to the State Board of Education for distribution to school districts impacted by student fee waivers.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Uniform School Fund	\$700,000	\$700,000	\$0	\$0
<b>TOTAL</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$0</b>	<b>\$0</b>

---

---

**Individual and Business Impact**

No fiscal impact.

---

---

**Office of the Legislative Fiscal Analyst**