

**Representative LaWanna Lou Shurtliff** proposes the following substitute bill:

**SCHOOL FEE WAIVER AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaWanna Lou Shurtliff**

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

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**LONG TITLE**

**General Description:**

This bill provides compensation to school districts and charter schools for impacts of fee waivers.

**Highlighted Provisions:**

This bill:

- ▶ appropriates money to compensate school districts and charter schools for impacts of fee waivers;
- ▶ allows school districts and charter schools to receive up to \$40 per student given a fee waiver;
- ▶ beginning on July 1, 2008, makes compensation for impacts of fee waivers contingent upon compliance with certain financial reporting requirements; and
- ▶ directs the State Board of Education to make rules.

**Monies Appropriated in this Bill:**

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$1,500,000 from the Uniform School Fund for fiscal year 2006-07 to the State Board of Education.

**Other Special Clauses:**

This bill takes effect on July 1, 2006.



26 Utah Code Sections Affected:

27 AMENDS:

28 53A-12-103, as last amended by Chapter 119, Laws of Utah 2005



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

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

32 53A-12-103. Waiver of fees.

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

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

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

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

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

49 (2) (a) ~~[The board shall require each]~~ Each school ~~[in the district]~~ that charges a fee  
50 under this chapter ~~[to]~~ shall provide a variety of alternatives for satisfying the fee requirement  
51 to those who qualify for fee waivers, in addition to the outright waiver of the fee.

52 (b) The local school board or charter school governing board shall develop and provide  
53 a list of alternatives ~~[for the schools]~~, including such options as allowing the student to  
54 provide:

55 (i) tutorial assistance to other students;

56 (ii) assistance before or after school to teachers and other school personnel on school

57 related matters; and

58 (iii) general community or home service.

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

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

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

68 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
69 State Board of Education shall make rules:

70 (a) requiring a parent or guardian of a student applying for a fee waiver to provide  
71 documentation and certification to the school verifying:

72 (i) the student's eligibility to receive the waiver; and

73 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have  
74 been complied with to the fullest extent reasonably possible according to the individual  
75 circumstances of both the fee waiver applicant and the school; and

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

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

81 (7) (a) The State Board of Education shall distribute funds appropriated to compensate  
82 school districts and charter schools for impacts of fee waivers as provided in this Subsection  
83 (7).

84 (b) The State Board of Education shall distribute the funds to school districts and  
85 charter schools on the basis of the number of students given fee waivers in each school district  
86 and charter school.

87 (c) Each school district and charter school shall receive up to \$40 for each student

88 given a fee waiver, but a school district or charter school may not receive an amount per  
89 student that exceeds the school district's or charter school's average fee waiver.

90 (d) The State Board of Education shall make rules specifying procedures for the  
91 application for and distribution of funds under this Subsection (7).

92 (e) Beginning on July 1, 2008, a school district or charter school may not receive a  
93 distribution of funds under this Subsection (7) unless the school district or charter school  
94 accounts for revenues collected and expended at the school level in accordance with rules of  
95 the State Board of Education which shall:

96 (i) require that revenues collected and expended at the school level be classified in  
97 accordance with a uniform chart of accounts;

98 (ii) provide for the identification of revenues from fees and how fees are expended; and

99 (iii) require that revenues collected and expended at the school level be:

100 (A) reported to the state superintendent for inclusion in the annual report of the state  
101 superintendent provided by Section 53A-1-301; and

102 (B) included in the annual audit report required under Section 51-2a-201.

103 **Section 2. Appropriation.**

104 As an ongoing appropriation subject to future budget constraints, there is appropriated  
105 from the Uniform School Fund for fiscal year 2006-07, \$1,500,000 to the State Board of  
106 Education to compensate school districts and charter schools for impacts of fee waivers as  
107 provided by Section 53A-12-103.

108 **Section 3. Effective date.**

109 This bill takes effect on July 1, 2006.

**State Impact**

This bill appropriates \$1,500,000 in ongoing Uniform School Fund revenue to the State Board of Education for distribution to school districts and charter schools impacted by student fee waivers.

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>
Uniform School Fund	\$1,500,000	\$1,500,000	\$0	\$0
<b>TOTAL</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact

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