

Representative Kory M. Holdaway proposes the following substitute bill:

FEE WAIVER ELIGIBILITY VERIFICATION

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kory M. Holdaway

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code by amending fee waiver provisions.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education's rules to include a statewide form for providing fee waiver eligibility documentation and a statewide form for schools to report fee waiver information to the board;
- ▶ requires the State Board of Education to train school districts, charter schools, and school administrators about fee waiver laws; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



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

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

53A-12-103. Waiver of fees.

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

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

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

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

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

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

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

(i) tutorial assistance to other students;

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

(iii) general community or home service.

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

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

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

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

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

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

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

71 (b) specifying the acceptable forms of documentation for the requirement under
72 Subsection (5)(a), which shall include verification based on income tax returns or current pay
73 stubs[-];

74 (c) approving a statewide form for providing the documentation required in accordance
75 with the provisions of this Subsection (5); and

76 (d) approving a statewide form for schools to report fee waiver information to the State
77 School Board.

78 (6) The State Board of Education shall train school districts, charter schools, and
79 school administrators about the provisions of this section and the rules made in accordance
80 with the provisions in Subsection (5).

81 ~~[(6)]~~ (7) Notwithstanding the requirements under Subsection (5), a school is not
82 required to keep documentation on file after the verification is completed.

Fiscal Note

Fee Waiver Eligibility Verification

23-Feb-06

Bill Number: HB0201S015:40 PM

State Impact

No fiscal impact

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst