

SCHOOL FEE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits certain school fees.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ prohibits course fees, rental and use fees, certain charges for student supplies, and textbook fees;
- ▶ allows extracurricular fees under certain conditions; 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

ENACTS:

53A-12-101.5, Utah Code Annotated 1953

53A-12-102.5, Utah Code Annotated 1953

REPEALS AND REENACTS:



28 53A-12-102, as enacted by Chapter 2, Laws of Utah 1988

29 REPEALS:

30 53A-12-201, as enacted by Chapter 2, Laws of Utah 1988

31 53A-12-202, as enacted by Chapter 2, Laws of Utah 1988

32 53A-12-203, as enacted by Chapter 2, Laws of Utah 1988

33 53A-12-204, as last amended by Chapter 299, Laws of Utah 2002

34 53A-12-205, as enacted by Chapter 2, Laws of Utah 1988



35
36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section 53A-12-101.5 is enacted to read:

38 **53A-12-101.5. Definitions.**

39 As used in this chapter:

40 (1) "Course fee" means a fee charged relating to any course required for graduation or
41 given credit towards graduation whether to cover instructional costs or to defray certain
42 materials or equipment costs for courses or classes, including arts, music, science, laboratory,
43 physical education, information technology, applied technology education, vocational, home
44 economic, and industrial arts courses.

45 (2) "Extracurricular fee" means a fee charged for student participation in
46 extracurricular activities, including participation fees or dues for clubs, performing groups,
47 sports, school-sponsored activities, social events, and summer programs.

48 (3) (a) "Fee" means a charge or mandatory payment, however designated, whether in
49 the form of money or goods, required of a student or the student's parent or guardian, as a
50 condition for student participation in an activity, class, function, or program provided,
51 sponsored, or supported by or through a public school or school district.

52 (b) "Fee" does not include:

53 (i) charges relating to the National School Lunch Program;

54 (ii) a reasonable deposit collected for a secondary student to secure school property that
55 is returned at the end of the school year unless the deposit is retained to cover damage to the
56 school property caused by the student; and

57 (iii) charges for textbooks, materials, or school supplies that are sold to students by a
58 public school on a voluntary or optional basis, including school publications, class rings,

59 annuals, and similar items.

60 (4) "Rental and use fee" means a fee charged for student use of school property or
61 equipment, including school lockers, musical instruments, uniforms, library access, textbook
62 rental, or parking.

63 (5) "Student supplies" means items or materials that are the personal property of a
64 student which, although used in the instructional process, are also commonly purchased and
65 used by persons not enrolled in the class or activity in question and have a high probability of
66 regular use in other than school-sponsored activities, including pencils, papers, notebooks,
67 crayons, scissors, basic clothing for healthy lifestyle classes, and similar personal or
68 consumable items over which a student retains ownership.

69 (6) (a) "Textbooks" means textbooks and workbooks necessary for participation in any
70 instructional course.

71 (b) Textbooks do not include student supplies.

72 Section 2. Section **53A-12-102** is repealed and reenacted to read:

73 **53A-12-102. State policy on student fees, deposits, or other charges.**

74 (1) A public school may not charge:

75 (a) a fee for students in kindergarten through the sixth grade;

76 (b) a course fee;

77 (c) a rental and use fee; or

78 (d) a textbook fee.

79 (2) A public school may charge reasonable extracurricular fees as authorized by the
80 local school board under rules adopted by the State Board of Education.

81 (3) (a) Students in kindergarten through sixth grades may not be charged for school
82 supplies used in any course or regular school day activity.

83 (b) (i) Students of all grade levels may be required to provide materials for their
84 optional projects, but a student may not be required to select an optional project as a condition
85 for enrolling in or completing a course.

86 (ii) Project-related courses must be based upon projects and experiences that are free to
87 all students.

88 (c) (i) Student supplies shall be provided for elementary students.

89 (ii) Notwithstanding Subsection (3)(c)(i), a student may be required to replace supplies

90 provided by the school which are lost, wasted, or damaged by the student through careless or
91 irresponsible behavior.

92 (d) Secondary students may be required to provide their own school supplies, subject to
93 the fee waiver provisions in Section 53A-12-103.

94 Section 3. Section **53A-12-102.5** is enacted to read:

95 **53A-12-102.5. State policy on textbooks.**

96 (1) It is the public policy of this state that public education shall be free.

97 (2) The State Board of Education shall adopt rules necessary to ensure satisfactory
98 distribution and proper care of textbooks on a statewide basis.

99 (3) Each local school board shall provide, free of charge, textbooks and workbooks
100 required for courses of instruction for each child attending public schools.

101 (4) A local school board, under rules adopted by the State Board of Education, may
102 purchase textbooks for use in the public schools directly from the publisher at prices and terms
103 approved by the state board and may sell those books to pupils in grades nine through 12 at a
104 cost not to exceed the actual cost of the book plus costs of transportation and handling.

105 (5) The local school board shall also purchase all books necessary for teachers to
106 conduct their classes.

107 (6) The cost of furnishing textbooks and workbooks may be paid from school operating
108 funds or from other available funds.

109 Section 4. Section **53A-12-103** is amended to read:

110 **53A-12-103. Waiver of fees.**

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

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

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

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

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

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

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

132 (i) tutorial assistance to other students;

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

135 (iii) general community or home service.

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

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

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

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

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

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

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

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

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

157 **Section 5. Repealer.**

158 This bill repeals:

159 **Section 53A-12-201, State policy on providing textbooks.**

160 **Section 53A-12-202,"Textbooks" defined.**

161 **Section 53A-12-203, Regulation and supervision of distribution of textbooks by**
162 **board of education.**

163 **Section 53A-12-204, Purchase of textbooks by local school board -- Sales to pupils**
164 **-- Free textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of**
165 **textbooks.**

166 **Section 53A-12-205, Free textbook system.**

Legislative Review Note
as of 2-7-07 9:58 AM

Office of Legislative Research and General Counsel

H.B. 165 - School Fee Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional state appropriations.

Individual, Business and/or Local Impact

Enactment of this bill may result in loss of revenue of \$10,000,000 to \$12,000,000 from local districts.
Local districts may shift funds or raise revenues to make up for this loss.
