

Representative Craig A. Frank proposes the following substitute bill:

SCHOOL FEE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: Darin G. Peterson

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:

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$10,000,000 from the Uniform School Fund.

Other Special Clauses:

This bill takes effect on July 1, 2007.

This bill coordinates with H.B. 160 by providing that certain amendments in this bill supersede the amendments in H.B. 160 and that certain amendments in H.B. 160 supersede the amendments in this bill.



26 This bill coordinates with H.B. 3 by providing that certain amendments in this bill
27 supersede the amendments in H.B. 3 and that certain amendments in H.B. 3 supersede
28 the amendments in this bill.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-12-103**, as last amended by Chapter 119, Laws of Utah 2005

32 **53A-17a-104**, as last amended by Chapters 4 and 354, Laws of Utah 2006

33 ENACTS:

34 **53A-12-101.5**, Utah Code Annotated 1953

35 **53A-12-102.5**, Utah Code Annotated 1953

36 **53A-17a-153**, Utah Code Annotated 1953

37 REPEALS AND REENACTS:

38 **53A-12-102**, as enacted by Chapter 2, Laws of Utah 1988

39 REPEALS:

40 **53A-12-201**, as enacted by Chapter 2, Laws of Utah 1988

41 **53A-12-202**, as enacted by Chapter 2, Laws of Utah 1988

42 **53A-12-203**, as enacted by Chapter 2, Laws of Utah 1988

43 **53A-12-204**, as last amended by Chapter 299, Laws of Utah 2002

44 **53A-12-205**, as enacted by Chapter 2, Laws of Utah 1988



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

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

48 **53A-12-101.5. Definitions.**

49 As used in this chapter:

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

55 (2) "Extracurricular fee" means a fee charged for student participation in
56 extracurricular activities, including participation fees or dues for clubs, performing groups,

57 sports, school-sponsored activities, social events, and summer programs.

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

62 (b) "Fee" does not include:

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

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

67 (iii) charges for textbooks, materials, or school supplies that are sold to students by a
68 public school on a voluntary or optional basis, including school publications, class rings,
69 annuals, and similar items.

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

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

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

81 (b) Textbooks do not include student supplies.

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

83 **53A-12-102. State policy on student fees, deposits, or other charges.**

84 (1) A public school may not charge:

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

86 (b) a course fee;

87 (c) a rental and use fee; or

88 (d) a textbook fee.

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

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

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

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

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

99 (ii) Notwithstanding Subsection (3)(c)(i), a student may be required to replace supplies
100 provided by the school which are lost, wasted, or damaged by the student through careless or
101 irresponsible behavior.

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

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

105 **53A-12-102.5. State policy on textbooks.**

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

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

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

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

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

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

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

120 **53A-12-103. Waiver of fees.**

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

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

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

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

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

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

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

142 (i) tutorial assistance to other students;

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

145 (iii) general community or home service.

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

148 (3) A local school board may establish policies providing for partial fee waivers or
149 other alternatives for those students who, because of extenuating circumstances, are not in a

150 financial position to pay the entire fee.

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

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

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

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

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

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

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

167 Section 5. Section **53A-17a-104** is amended to read:

168 **53A-17a-104. Amount of state's contribution toward minimum school program.**

169 (1) The total contribution of the state toward the cost of the minimum school program
170 may not exceed the sum of \$2,032,219,545 for the fiscal year beginning July 1, 2006, except as
171 otherwise provided by the Legislature through supplemental appropriations.

172 (2) There is appropriated from state and local funds for fiscal year 2006-07 for
173 distribution to school districts and charter schools, in accordance with this chapter, monies for
174 the following purposes and in the following amounts:

175 (a) basic program - kindergarten, \$57,234,560 (23,680 WPU's);

176 (b) basic program - grades 1-12, \$1,118,053,443 (462,579 WPU's);

177 (c) basic program - professional staff, \$106,128,053 (43,909 WPU's);

178 (d) basic program - administrative costs, \$3,937,293 (1,629 WPU's);

179 (e) basic program - necessarily existent small schools and units for consolidated
180 schools, \$18,487,633 (7,649 WPU's);

181 (f) special education - regular program - add-on WPU for students with disabilities,
182 \$136,350,221 (56,413 WPUs);

183 (g) preschool special education program, \$19,717,886 (8,158 WPUs);

184 (h) self-contained regular WPUs, \$32,148,517 (13,301 WPUs);

185 (i) extended year program for severely disabled, \$887,039 (367 WPUs);

186 (j) special education programs in state institutions and district impact aid, \$3,487,731
187 (1,443 WPUs);

188 (k) applied technology and technical education district programs, \$59,934,349 (24,797
189 WPUs), including \$1,045,033 for summer applied technology agriculture programs;

190 (l) applied technology district set-aside, \$2,562,020 (1,060 WPUs);

191 (m) class size reduction, \$74,378,341 (30,773 WPUs);

192 (n) Social Security and retirement programs, \$310,891,038;

193 (o) pupil transportation to and from school, \$62,601,763, of which not less than
194 \$2,173,569 shall be allocated to the Utah Schools for the Deaf and Blind to pay for
195 transportation costs of the schools' students;

196 (p) guarantee transportation levy, \$500,000;

197 (q) Local Discretionary Block Grant Program, \$21,820,748;

198 (r) Interventions for Student Success Block Grant Program, \$16,792,888;

199 (s) Quality Teaching Block Grant Program, \$62,993,704;

200 (t) highly impacted schools, \$5,123,207;

201 (u) at-risk programs, \$27,992,056;

202 (v) adult education, \$9,148,653;

203 (w) accelerated learning programs, \$12,010,853;

204 (x) electronic high school, \$1,300,000;

205 (y) School LAND Trust Program, \$15,000,000;

206 (z) state-supported voted leeway, \$196,085,303;

207 (aa) state-supported board leeway, \$54,704,476;

208 (bb) charter schools, pursuant to Section 53A-1a-513, \$21,552,450;

209 (cc) K-3 Reading Improvement Program, \$12,500,000; [~~and~~]

210 (dd) state-supported board leeway for K-3 Reading Improvement Program,
211 \$15,000,000[-]; and

212 (ee) School Fee Replacement Program, \$10,000,000.

213 Section 6. Section **53A-17a-153** is enacted to read:

214 **53A-17a-153. School Fee Replacement Program.**

215 (1) There is established the School Fee Replacement Program to compensate school
216 districts and charter schools for the fees for secondary students that are prohibited as provided
217 in Title 53A, Chapter 12, Fees and Textbooks.

218 (2) The State Board of Education shall distribute money appropriated in Section
219 53A-17a-104 for the School Fee Replacement Program to school districts and charter schools
220 that enroll secondary students in accordance with a formula adopted by the board, after
221 consultation with school districts and charter schools, that allocates the funding in a fair and
222 equitable manner.

223 (3) The State Board of Education shall make rules in accordance with Title 63, Chapter
224 46a, Utah Administrative Rulemaking Act, to administer this section.

225 Section 7. **Repealer.**

226 This bill repeals:

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

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

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

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

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

235 Section 8. **Effective date.**

236 This bill takes effect on July 1, 2007.

237 Section 9. **Coordinating H.B. 165 with H.B. 3 -- Substantively superseding**
238 **amendments.**

239 If this H.B. 165 and H.B. 3, Minimum School Program Base Budget Amendments, both
240 pass, it is the intent of the Legislature that when the Office of Legislative Research and General
241 Counsel prepares the Utah Code database for publication, the appropriation under Subsection
242 53A-17a-104(1) in H.B. 3 supersedes the appropriation in Subsection 53A-17a-104(1) in this

243 bill, except that the appropriation under Subsection 53A-17a-104(1) in H.B. 3 shall be
244 increased by \$10,000,000.

245 Section 10. **Coordinating H.B. 165 with H.B. 160 --Substantively superseding**
246 **amendments.**

247 If this H.B. 165 and H.B. 160, Minimum School Program Budget Amendments, both
248 pass, it is the intent of the Legislature that when the Office of Legislative Research and General
249 Counsel prepares the Utah Code database for publication, the appropriation under Subsection
250 53A-17a-104(1) in H.B. 160 supersedes the appropriation in Subsection 53A-17a-104(1) in this
251 bill, except that the appropriation under Subsection 53A-17a-104(1) in H.B. 160 shall be
252 increased by \$10,000,000.

H.B. 165 1st Sub. (Buff) - School Fee Amendments

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will appropriate \$10,000,000 in ongoing Uniform School Fund revenues to the Minimum School Program beginning in FY 2008.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Uniform School Fund	\$0	\$10,000,000	\$10,000,000	\$0	\$0	\$0
Total	\$0	\$10,000,000	\$10,000,000	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill may result in loss of fee revenues of an estimated \$10,000,000 from local districts which would be replaced by appropriations in this bill.