

119 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:

120 (i) not directly related to delivering instruction;

121 (ii) not a curricular activity or co-curricular activity; and

122 (iii) provided, sponsored, or supported by an LEA.

123 (b) "Extracurricular activity" does not include a noncurricular club as defined in
 124 Section 53G-7-701.

125 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:

126 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,

127 described, requested, or required directly or indirectly;

128 (ii) in the form of money, goods, or services; and

129 (iii) that is a condition to a student's full participation in an activity, course, or program
 130 that is provided, sponsored, or supported by an LEA.

131 (b) "Fee" includes:

132 (i) money or something of monetary value raised by a student or the student's family
 133 through fundraising;

134 (ii) charges or expenditures for a school field trip or activity trip, including related
 135 transportation, food, lodging, and admission charges;

136 (iii) payments made to a third party that provides a part of a school activity, class, or
 137 program;

138 (iv) charges or expenditures for classroom:

139 (A) textbooks;

140 (B) supplies; or

141 (C) materials;

142 (v) charges or expenditures for school activity clothing; and

143 (vi) a fine other than a fine described in Subsection (6)(c)(i).

144 (c) "Fee" does not include:

145 (i) a student fine specifically approved by an LEA for:

146 (A) failing to return school property;

147 (B) losing, wasting, or damaging private or school property through intentional,
 148 careless, or irresponsible behavior, or as described in Section 53G-8-212; or

149 (C) improper use of school property, including a parking violation; \$→ [or] ←\$

- 150 (ii) a payment for school breakfast or lunch ~~§~~→ [] ;
- 150a (iii) a deposit that is:
- 150b (A) a pledge securing the return of school property; and
- 150c (B) is refunded upon the return of the school property; or
- 150d (iv) a charge for insurance, unless the insurance is required for a student to participate
- 150e in an activity, class, or program. ←~~§~~

151 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by

152 an LEA that uses students to generate funds or raise money to:

- 153 (i) provide financial support to a school or a school's class, group, team, or program; or
- 154 (ii) benefit a particular charity or for other charitable purposes.

155 (b) "Fundraising" does not include an alternative method of raising revenue without

156 students.

157 (8) (a) "School activity clothing" means special shoes or items of clothing:

- 158 (i) (A) that meet specific requirements, including requesting a specific color, style,
- 159 fabric, or imprint; and

160 (B) that a school requires a student to provide; and

- 161 (ii) that is worn by a student for a co-curricular or extracurricular activity.

162 (b) "School activity clothing" does not include a school uniform.

163 (9) (a) "School uniform" means special shoes or an item of clothing:

- 164 (i) (A) that meet specific requirements, including a requested specific color, style,
- 165 fabric, or imprint; and

166 (B) that a school requires a student to provide; and

- 167 (ii) that is worn by a student for a curricular activity.

168 (b) "School uniform" does not include school activity clothing.

169 (10) "Secondary school" means a school that provides instruction to students in grades

170 7, 8, 9, 10, 11, or 12.

171 (11) "Secondary school student":

172 (a) means a student enrolled in a secondary school; and

173 (b) includes a student in grade 6 if the student attends a secondary school.

174 (12) "Textbook" means the same as that term is defined in Section [53G-7-601](#).

175 (13) "Waiver" means a full or partial release from a requirement to pay a fee and from

176 any provision in lieu of fee payment.

177 Section 5. Section **53G-7-502** is amended to read:

178 **53G-7-502. Schools to be free.**

179 ~~[(+)]~~ Except as otherwise provided in this public education code, ~~[in each school district~~

180 ~~the public schools]~~ the public education system shall be free to ~~[all children]~~ an individual:

212 or for supplies used during the regular school day.

213 (b) An elementary school or elementary school teacher may compile and provide to a
214 student's parent [~~or guardian~~] a suggested list of supplies for use during the regular school day
215 so that a parent [~~or guardian~~] may furnish on a voluntary basis those supplies for student use.

216 (c) A list provided to [~~a~~] an elementary student's parent [~~or guardian pursuant to~~] in
217 accordance with Subsection [(4)] (2)(b) shall include and be preceded by the following
218 language:

219 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
220 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,
221 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

222 (3) (a) ~~H~~→ **[If] Beginning with or after the 2021-2022 school year, if** ←~~H~~ an LEA
222a imposes a fee, the fee shall be equal to or less than the expense
223 incurred by the LEA in providing for a student the activity, course, or program for which the
224 LEA imposes the fee.

225 (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize
226 another fee.

227 (4) (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section
228 53E-3-401, if the state board finds that an LEA has violated a provision of this part or Part 6,
229 Textbook Fees, the state board shall impose corrective action against the LEA, which may
230 include:

231 (i) requiring an LEA to repay improperly charged fees;

232 (ii) withholding state funds; and

233 (iii) suspending the LEA's authority to charge fees for an amount of time specified by
234 the state board.

235 (b) The state board shall make rules:

236 (i) that require notice and an opportunity to be heard for an LEA affected by a state
237 board action described in Subsection (4)(a); and

238 (ii) to administer this Subsection (4).

239 Section 7. Section **53G-7-504** is amended to read:

240 **53G-7-504. Waiver of fees -- Appeal of decision.**

241 [(1) (a) ~~A local school board shall require, as part of an authorization granted under~~
242 ~~Section 53G-7-503, that adequate waivers or other provisions are available to ensure that no~~

336 (1) "Fee" means the same as that term is defined in Section [53G-7-501](#).

337 (2) "Textbook" means instructional material necessary for participation in an activity,
338 course, or program, regardless of the format of the material.

339 Section 10. Section [53G-7-602](#) is amended to read:

340 **53G-7-602. State policy on providing free textbooks.**

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

342 (2) A student may not be denied an education because of economic inability to
343 purchase textbooks necessary for advancement in or graduation from the public school system.

344 [~~(3) A school board may not sell textbooks or otherwise charge textbook fees or~~
345 ~~deposits except as provided in this public education code.~~]

346 (3) (a) Beginning with the ~~§~~ → [2020-21] 2022-23 ← ~~§~~ school year, an LEA:

347 (i) except as provided in Subsection (3)(a)(ii), may not sell textbooks or otherwise
348 charge a textbook fee; and

349 (ii) may only charge a fee for a textbook required for an Advanced Placement or, as
350 described in Section [53E-10-302](#), a concurrent enrollment course.

351 (b) The LEA shall waive a fee described in Subsection (3)(b)(i) in full or in part if a
352 student qualifies for a waiver in accordance with Section [53G-7-504](#).

353 Section 11. Section [53G-7-603](#) is repealed and reenacted to read:

354 **53G-7-603. Purchase of textbooks -- Textbooks provided to teachers.**

355 (1) An LEA governing board may purchase textbooks directly from the textbook
356 publisher at prices and terms approved by the state board.

357 (2) An LEA governing board shall purchase each textbook necessary for a teacher to
358 conduct his or her class.

359 (3) An LEA may pay the LEA's cost of furnishing textbooks from school operating
360 funds, the textbook fund, or from other available funds.

361 (4) A textbook remains the property of the LEA.

362 Section 12. Section [53G-7-606](#) is amended to read:

363 **53G-7-606. Disposal of textbooks.**

364 (1) [For a school year beginning with or after the 2012-13 school year, a local school
365 district] An LEA may not dispose of textbooks [used in its public schools] without first
366 notifying all other [school districts] LEAs in the state of [its] the LEA's intent to dispose of the

398 (ii) foster and promote desirable school operating conditions and a positive educational
399 environment in accordance with this part.

400 (2) ~~§~~ **(a)** ~~§~~ In accordance with Section [53G-7-803](#), a school may adopt a school uniform
400a policy
401 that requires students enrolled at that school to wear a designated school uniform during the
402 school day.

402a ~~§~~ **(b) Except as provided in Subsection (4)(b), a school uniform policy may not require**
402b **clothing that is prescriptive or expensive.** ~~§~~

403 (3) A school uniform policy shall:

404 (a) protect students' free exercise of religious beliefs;

405 (b) specify whether the uniform policy is voluntary or mandatory for students; ~~§~~ **[and]** ~~§~~

406 (c) specify whether or not the uniform policy has an opt-out provision in addition to the
407 provisions under Subsection (5) ~~§~~ **[f]** ~~§~~ ; and].

408 **[(d) include a provision for financial assistance to families who cannot afford to**
409 **purchase a required uniform, which may include:]**

410 **[(i) the school providing school uniforms to students;]**

411 **[(ii) the school making used school uniforms available to students; or]**

412 **[(iii) other programs to make school uniforms available to economically disadvantaged**
413 **students.]**

414 **[(4) ~~§~~ **[A] (a) Except as provided in Subsection (4)(b), a** ~~§~~ **school uniform policy****
414a **under this part is not considered a fee for either an**
415 **elementary or a secondary school.** ~~§~~ **[f]**

416 ~~§~~ **(4) An LEA may not charge a student or parent a fee, as defined in Section [53G-7-501](#),**

417 **for a school uniform. (b)(i) Subject to Subsection (4)(b)(ii), a secondary school may adopt a**
417a **school uniform policy that requires clothing that is expensive or prescriptive.**

417b **(b)(ii) A school uniform policy described in Subsection (4)(b)(i) is considered a fee, as**
417c **defined in Section [53G-7-501](#), and is subject to Part 5, Student Fees.** ~~§~~

418 (5) A school uniform policy shall include a provision allowing a principal at any time
419 during the school year to grant an exemption from wearing a school uniform to a student
420 because of extenuating circumstances.

421 (6) (a) If a school adopts a school uniform policy under this part, that school's
422 governing body or local school board shall adopt local appellate procedures for school actions
423 under this part, including a denial of an exemption requested under Subsection (5).

424 (b) A person may seek judicial review of an action under this part only after exhausting 

425 ☛the remedies provided under this Subsection (6).

426 Section 15. Section **63I-2-253** is amended to read:

427 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

428 (1) Section **53A-24-602** is repealed July 1, 2018.