

**SCHOOL FEES MODIFICATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions related to school fees.

**Highlighted Provisions:**

This bill:

- ▶ defines "fee" and other related terms;
- ▶ with certain exceptions, prohibits a local education agency (LEA) from charging elementary school students a fee;
- ▶ with certain exceptions, prohibits an LEA from charging a secondary school student a fee for a curricular activity;
- ▶ in certain circumstances, permits an LEA to charge a secondary school student a fee for a co-curricular or an extracurricular activity;
- ▶ amends provisions related to a fee waiver;
- ▶ prohibits an LEA from charging a fee for a textbook;
- ▶ repeals provisions authorizing citizens to petition a local school board to provide free textbooks; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **53E-8-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 31 **53E-10-606**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 32 **53G-6-302**, as last amended by Laws of Utah 2018, Chapter 64 and renumbered and
- 33 amended by Laws of Utah 2018, Chapter 3
- 34 **53G-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 35 **53G-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 36 **53G-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 37 **53G-6-701**, as enacted by Laws of Utah 2018, Chapter 3
- 38 **53G-7-501**, as enacted by Laws of Utah 2018, Chapter 3
- 39 **53G-7-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 40 **53G-7-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 41 **53G-7-601**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 42 **53G-7-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 43 **53G-9-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 44 **53G-9-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 45 **53G-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3

46 REPEALS AND REENACTS:

- 47 **53G-7-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3

48 REPEALS:

- 49 **53G-7-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 50 **53G-7-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

52 Section 1. Section **53E-8-401** is amended to read:

53 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

54 (1) Except as provided in Subsections (3), (4), and (5), a person is eligible to receive  
55 services of the Utah Schools for the Deaf and the Blind if the person is:

- 56 (a) a resident of Utah;
- 57 (b) younger than 22 years of age;

- 59 (c) referred to the Utah Schools for the Deaf and the Blind by the person's school  
60 district of residence or a local early intervention program; and
- 61 (d) identified as deaf, blind, or deafblind through:
- 62 (i) the special education eligibility determination process; or  
63 (ii) the Section 504 eligibility determination process.
- 64 (2) (a) In diagnosing a person younger than age three who is deafblind, the following  
65 information may be used:
- 66 (i) ophthalmological and audiological documentation;  
67 (ii) functional vision or hearing assessments and evaluations; or  
68 (iii) informed clinical opinion conducted by a person with expertise in deafness,  
69 blindness, or deafblindness.
- 70 (b) Informed clinical opinion shall be:
- 71 (i) included in the determination of eligibility when documentation is incomplete or not  
72 conclusive; and
- 73 (ii) based on pertinent records related to the individual's current health status and  
74 medical history, an evaluation and observations of the individual's level of sensory functioning,  
75 and the needs of the family.
- 76 (3) (a) A student who qualifies for special education shall have services and placement  
77 determinations made through the IEP process.
- 78 (b) A student who qualifies for accommodations under Section 504 shall have services  
79 and placement determinations made through the Section 504 team process.
- 80 (c) A parent or legal guardian of a child who is deaf, blind, or deafblind shall make the  
81 final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind  
82 program or in a school district or charter school program subject to special education federal  
83 regulations regarding due process.
- 84 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the  
85 Blind in accordance with rules of the board.
- 86 (b) ~~The~~ Notwithstanding Section 53G-7-503, the rules shall require the payment of  
87 tuition for services provided to a nonresident.
- 88 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and  
89 the Blind under circumstances described in Section 53E-8-408.

90 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
91 this chapter, the board:

92 (a) shall make rules that determine the eligibility of students to be served by the Utah  
93 Schools for the Deaf and the Blind; and

94 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind  
95 to receive services of the Utah Schools for the Deaf and the Blind if the student is younger than  
96 22 years of age.

97 Section 2. Section 53E-10-606 is amended to read:

98 **53E-10-606. Payment for an Electronic High School course.**

99 (1) Electronic High School courses are provided to students who are Utah residents, as  
100 defined in Section 53G-6-302, free of charge.

101 (2) [~~Nonresident students~~] Notwithstanding Section 53G-7-503, a nonresident student  
102 may enroll in an Electronic High School [~~courses~~] course for a fee set by the board, provided  
103 that the course can accommodate an additional [~~students~~] student.

104 Section 3. Section 53G-6-302 is amended to read:

105 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**  
106 **for providing educational services.**

107 (1) As used in this section:

108 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.

109 (b) "Human services program" means the same as that term is defined in Section  
110 62A-2-101.

111 (2) The school district of residence of a minor child whose custodial parent or legal  
112 guardian resides within Utah is:

113 (a) the school district in which the custodial parent or legal guardian resides; or

114 (b) the school district in which the child resides:

115 (i) while in the custody or under the supervision of a Utah state agency;

116 (ii) while under the supervision of a private or public agency which is in compliance  
117 with Section 62A-4a-606 and is authorized to provide child placement services by the state;

118 (iii) while living with a responsible adult resident of the district, if a determination has  
119 been made in accordance with rules made by the State Board of Education in accordance with  
120 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

121 (A) the child's physical, mental, moral, or emotional health will best be served by  
122 considering the child to be a resident for school purposes;

123 (B) exigent circumstances exist that do not permit the case to be appropriately  
124 addressed under Section 53G-6-402; and

125 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)  
126 does not violate any other law or rule of the State Board of Education;

127 (iv) while the child is receiving services from a health care facility or human services  
128 program, if a determination has been made in accordance with rules made by the State Board of  
129 Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

130 (A) the child's physical, mental, moral, or emotional health will best be served by  
131 considering the child to be a resident for school purposes;

132 (B) exigent circumstances exist that do not permit the case to be appropriately  
133 addressed under Section 53G-6-402; and

134 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)  
135 does not violate any other law or rule of the State Board of Education; or

136 (v) if the child is married or has been determined to be an emancipated minor by a  
137 court of law or by a state administrative agency authorized to make that determination.

138 (3) A minor child whose custodial parent or legal guardian does not reside in the state  
139 is considered to be a resident of the district in which the child lives, unless that designation  
140 violates any other law or rule of the State Board of Education, if:

141 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

142 (b) the child lives with a resident of the district who is a responsible adult and whom  
143 the district agrees to designate as the child's legal guardian under Section 53G-6-303;

144 (c) if permissible under policies adopted by a local school board, it is established to the  
145 satisfaction of the local school board that:

146 (i) the child lives with a responsible adult who is a resident of the district and is the  
147 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

148 (ii) the child's presence in the district is not for the primary purpose of attending the  
149 public schools;

150 (iii) the child's physical, mental, moral, or emotional health will best be served by  
151 considering the child to be a resident for school purposes; and

152 (iv) the child is prepared to abide by the rules and policies of the school and school  
153 district in which attendance is sought; or

154 (d) it is established to the satisfaction of the local school board that:

155 (i) the child's parent or guardian moves from the state;

156 (ii) the child's parent or guardian executes a power of attorney under Section [75-5-103](#)

157 that:

158 (A) meets the requirements of Subsection (4); and

159 (B) delegates powers regarding care, custody, or property, including schooling, to a  
160 responsible adult with whom the child resides;

161 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the  
162 district;

163 (iv) the child's physical, mental, moral, or emotional health will best be served by  
164 considering the child to be a resident for school purposes;

165 (v) the child is prepared to abide by the rules and policies of the school and school  
166 district in which attendance is sought; and

167 (vi) the child's attendance in the school will not be detrimental to the school or school  
168 district.

169 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the  
170 district may require the person with whom the child lives to be designated as the child's  
171 custodian in a durable power of attorney, issued by the party who has legal custody of the child,  
172 granting the custodian full authority to take any appropriate action, including authorization for  
173 educational or medical services, in the interests of the child.

174 (b) Both the party granting and the party empowered by the power of attorney shall  
175 agree to:

176 (i) assume responsibility for any fees [~~or other charges~~], as defined in Section  
177 [53G-7-501](#), relating to the child's education in the district; and

178 (ii) if eligibility for fee waivers is claimed under Section [53G-7-504](#), provide the  
179 school district with all financial information requested by the district for purposes of  
180 determining eligibility for fee waivers.

181 (c) Notwithstanding Section [75-5-103](#), a power of attorney meeting the requirements of  
182 this section and accepted by the school district shall remain in force until the earliest of the

183 following occurs:

- 184 (i) the child reaches the age of 18, marries, or becomes emancipated;
- 185 (ii) the expiration date stated in the document; or
- 186 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
- 187 or by order of a court of competent jurisdiction.

188 (5) A power of attorney does not confer legal guardianship.

189 (6) Each school district is responsible for providing educational services for all  
190 children of school age who are residents of the district.

191 Section 4. Section **53G-6-303** is amended to read:

192 **53G-6-303. Guardianship for residency purposes by responsible adult --**

193 **Procedure to obtain -- Termination.**

194 (1) For purposes of this part, "responsible adult" means a person 21 years of age or  
195 older who is a resident of this state and is willing and able to provide reasonably adequate food,  
196 clothing, shelter, and supervision for a minor child.

197 (2) A local board of education may adopt a policy permitting it to designate a  
198 responsible adult residing in the school district as legal guardian of a child whose custodial  
199 parent or legal guardian does not reside within the state upon compliance with the following  
200 requirements:

201 (a) submission to the school district of a signed and notarized affidavit by the child's  
202 custodial parent or legal guardian stating that:

203 (i) the child's presence in the district is not for the primary purpose of attending the  
204 public schools;

205 (ii) the child's physical, mental, moral, or emotional health would best be served by a  
206 transfer of guardianship to the Utah resident;

207 (iii) the affiant is aware that designation of a guardian under this section is equivalent  
208 to a court-ordered guardianship under Section [75-5-206](#) and will suspend or terminate any  
209 existing parental or guardianship rights in the same manner as would occur under a  
210 court-ordered guardianship;

211 (iv) the affiant consents and submits to any such suspension or termination of parental  
212 or guardianship rights;

213 (v) the affiant consents and submits to the jurisdiction of the state district court in

214 which the school district is located in any action relating to the guardianship or custody of the  
215 child in question;

216 (vi) the affiant designates a named responsible adult as agent, authorized to accept  
217 service on behalf of the affiant of any process, notice, or demand required or permitted to be  
218 served in connection with any action under Subsection (2)(a)(v); and

219 (vii) it is the affiant's intent that the child become a permanent resident of the state and  
220 reside with and be under the supervision of the named responsible adult;

221 (b) submission to the school district of a signed and notarized affidavit by the  
222 responsible adult stating that:

223 (i) the affiant is a resident of the school district and desires to become the guardian of  
224 the child;

225 (ii) the affiant consents and submits to the jurisdiction of the state district court in  
226 which the school district is located in any action relating to the guardianship or custody of the  
227 child in question;

228 (iii) the affiant will accept the responsibilities of guardianship for the duration,  
229 including the responsibility to provide adequate supervision, discipline, food, shelter,  
230 educational and emotional support, and medical care for the child if designated as the child's  
231 guardian; and

232 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

233 (c) submission to the school district of a signed and notarized affidavit by the child  
234 stating that:

235 (i) the child desires to become a permanent resident of Utah and reside with and be  
236 responsible to the named responsible adult; and

237 (ii) the child will abide by all applicable rules of any public school which the child may  
238 attend after guardianship is awarded; and

239 (d) if the child's custodial parent or legal guardian cannot be found in order to execute  
240 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit  
241 to that effect to the district. The district shall also submit a copy of the statement to the  
242 Criminal Investigations and Technical Services Division of the Department of Public Safety,  
243 established in Section [53-10-103](#).

244 (3) The district may require the responsible adult, in addition to the documents set forth



245 in Subsection (2), to also submit any other documents which are relevant to the appointment of  
246 a guardian of a minor or which the district reasonably believes to be necessary in connection  
247 with a given application to substantiate any claim or assertion made in connection with the  
248 application for guardianship.

249 (4) Upon receipt of the information and documentation required under Subsections (2)  
250 and (3), and a determination by the board that the information is accurate, that the requirements  
251 of this section have been met, and that the interests of the child would best be served by  
252 granting the requested guardianship, the school board or its authorized representative may  
253 designate the applicant as guardian of the child by issuing a designation of guardianship letter  
254 to the applicant.

255 (5) (a) If a local school board has adopted a policy permitting the board to designate a  
256 guardian under this section, a denial of an application for appointment of a guardian may be  
257 appealed to the district court in which the school district is located.

258 (b) The court shall uphold the decision of the board unless it finds, by clear and  
259 convincing evidence, that the board's decision was arbitrary and capricious.

260 (c) An applicant may, rather than appealing the board's decision under Subsection  
261 (5)(b), file an original Petition for Appointment of Guardian with the district court, which  
262 action shall proceed as if no decision had been made by the school board.

263 (6) A responsible adult obtaining guardianship under this section has the same rights,  
264 authority, and responsibilities as a guardian appointed under Section [75-5-201](#).

265 (7) (a) The school district shall deliver the original documents filed with the school  
266 district, together with a copy of the designation of guardianship issued by the district, in person  
267 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which  
268 the school district is located.

269 (b) The court may not charge the school district a fee for filing guardianship papers  
270 under this section.

271 (8) (a) The authority and responsibility of a custodial parent or legal guardian  
272 submitting an affidavit under this section may be restored by the district, and the guardianship  
273 obtained under this section terminated by the district:

274 (i) upon submission to the school district in which the guardianship was obtained of a  
275 signed and notarized statement by the person who consented to guardianship under Subsection

276 (2)(a) requesting termination of the guardianship; or

277 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the  
278 termination of the guardianship.

279 (b) If the school district determines that it would not be in the best interests of the child  
280 to terminate the guardianship, the district may refer the request for termination to the state  
281 district court in which the documents were filed under Subsection (5) for further action  
282 consistent with the interests of the child.

283 (9) The school district shall retain copies of all documents required by this section  
284 until the child in question has reached the age of 18 unless directed to surrender the documents  
285 by a court of competent jurisdiction.

286 (10) (a) Intentional submission to a school district of fraudulent or misleading  
287 information under this part is punishable under Section [76-8-504](#).

288 (b) A school district which has reason to believe that a party has intentionally  
289 submitted false or misleading information under this part may, after notice and opportunity for  
290 the party to respond to the allegation:

291 (i) void any guardianship, authorization, or action which was based upon the false or  
292 misleading information; and

293 (ii) recover, from the party submitting the information, the full cost of any benefits  
294 received by the child on the basis of the false or misleading information, including tuition, fees  
295 as defined in Section [53G-7-501](#), and other unpaid school charges, together with any related  
296 costs of recovery.

297 (c) A student whose guardianship or enrollment has been terminated under this section  
298 may, upon payment of all applicable tuition and fees as defined in Section [53G-7-501](#), continue  
299 in enrollment until the end of the school year unless excluded from attendance for cause.

300 Section 5. Section **53G-6-402** is amended to read:

301 **53G-6-402. Open enrollment options -- Procedures -- Registration deposit --**

302 **Continuing enrollment.**

303 (1) Each local school board is responsible for providing educational services consistent  
304 with Utah state law and rules of the State Board of Education for each student who resides in  
305 the district and, as provided in this section through Section [53G-6-407](#) and to the extent  
306 reasonably feasible, for any student who resides in another district in the state and desires to

307 attend a school in the district.

308 (2) (a) A school is open for enrollment of nonresident students if the enrollment level  
309 is at or below the open enrollment threshold.

310 (b) If a school's enrollment falls below the open enrollment threshold, the local school  
311 board shall allow a nonresident student to enroll in the school.

312 (3) A local school board may allow enrollment of nonresident students in a school that  
313 is operating above the open enrollment threshold.

314 (4) (a) A local school board shall adopt policies describing procedures for nonresident  
315 students to follow in applying for entry into the district's schools.

316 (b) Those procedures shall provide, as a minimum, for:

317 (i) distribution to interested parties of information about the school or school district  
318 and how to apply for admission;

319 (ii) use of standard application forms prescribed by the State Board of Education;

320 (iii) (A) submission of applications from December 1 through the third Friday in  
321 February by those seeking admission during the early enrollment period for the following year;  
322 or

323 (B) submission of applications from August 1 through November 1 by those seeking  
324 admission during the early enrollment period for the following year in a school district  
325 described in Subsection [53G-6-401\(1\)\(b\)](#);

326 (iv) submission of applications by those seeking admission during the late enrollment  
327 period;

328 (v) written notification to the student's parent or legal guardian of acceptance or  
329 rejection of an application:

330 (A) within six weeks after receipt of the application by the district or by March 31,  
331 whichever is later, for applications submitted during the early enrollment period;

332 (B) within two weeks after receipt of the application by the district or by the Friday  
333 before the new school year begins, whichever is later, for applications submitted during the late  
334 enrollment period for admission in the next school year; and

335 (C) within two weeks after receipt of the application by the district, for applications  
336 submitted during the late enrollment period for admission in the current year;

337 (vi) written notification to the resident school for intradistrict transfers or the resident

338 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

339 (vii) written notification to the parents or legal guardians of each student that resides  
340 within the school district and other interested parties of the revised early enrollment period  
341 described in Subsection [53G-6-401\(1\)\(b\)](#) if:

342 (A) the school district is doing a district wide grade reconfiguration of its elementary,  
343 middle, junior, and senior high schools; and

344 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be  
345 implemented in the next school year.

346 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
347 applications and notifying parents of acceptance or rejection of an application, a local school  
348 board may delay the dates if a local school board is not able to make a reasonably accurate  
349 projection of the early enrollment school capacity or late enrollment school capacity of a school  
350 due to:

351 (A) school construction or remodeling;

352 (B) drawing or revision of school boundaries; or

353 (C) other circumstances beyond the control of the local school board.

354 (ii) The delay may extend no later than four weeks beyond the date the local school  
355 board is able to make a reasonably accurate projection of the early enrollment school capacity  
356 or late enrollment school capacity of a school.

357 (5) (a) A school district may charge a one-time [~~\$5 processing fee~~] \$25 enrollment fee,  
358 to be paid at the time of application.

359 (b) A school district shall refund the deposit if a nonresident student enrolls and attends  
360 the school for which the nonresident paid the fee.

361 (c) The enrollment fee is a fee, as defined in Section [53G-7-501](#), and a school district  
362 shall waive the enrollment fee if a nonresident student is eligible for a fee waiver in accordance  
363 with Section [53G-7-504](#).

364 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
365 subject to the same rules and standards as resident students, without renewed applications in  
366 subsequent years unless one of the following occurs:

367 (a) the student graduates;

368 (b) the student is no longer a Utah resident;

369 (c) the student is suspended or expelled from school; or

370 (d) the district determines that enrollment within the school will exceed the school's  
371 open enrollment threshold.

372 (7) (a) Determination of which nonresident students will be excluded from continued  
373 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in  
374 the school, with those most recently enrolled being excluded first and the use of a lottery  
375 system when multiple nonresident students have the same number of school days in the school.

376 (b) Nonresident students who will not be permitted to continue their enrollment shall  
377 be notified no later than March 15 of the current school year.

378 (8) The parent or guardian of a student enrolled in a school that is not the student's  
379 school of residence may withdraw the student from that school for enrollment in another public  
380 school by submitting notice of intent to enroll the student in:

381 (a) the district of residence; or

382 (b) another nonresident district.

383 (9) Unless provisions have previously been made for enrollment in another school, a  
384 nonresident district releasing a student from enrollment shall immediately notify the district of  
385 residence, which shall enroll the student in the resident district and take such additional steps  
386 as may be necessary to ensure compliance with laws governing school attendance.

387 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between  
388 schools, whether effective on the first day of the school year or after the school year has begun,  
389 by exercising an open enrollment option under this section may not transfer to a different  
390 school during the same school year by exercising an open enrollment option under this section.

391 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a  
392 student transfer made for health or safety reasons.

393 (c) A local school board may adopt a policy allowing a student to exercise an open  
394 enrollment option more than once in a school year.

395 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school  
396 that is not the student's school of residence, because school bus service is not provided between  
397 the student's neighborhood and school of residence for safety reasons:

398 (a) shall be allowed to continue to attend the school until the student finishes the  
399 highest grade level offered; and

400 (b) shall be allowed to attend the middle school, junior high school, or high school into  
401 which the school's students feed until the student graduates from high school.

402 (12) Notwithstanding any other provision of this part or Part 3, School District  
403 Residency, a student shall be allowed to enroll in any charter school or other public school in  
404 any district, including a district where the student does not reside, if the enrollment is  
405 necessary, as determined by the Division of Child and Family Services, to comply with the  
406 provisions of 42 U.S.C. Section 675.

407 Section 6. Section **53G-6-503** is amended to read:

408 **53G-6-503. Charter school students -- Admissions procedures -- Transfers.**

409 (1) As used in this section:

410 (a) "District school" means a public school under the control of a local school board  
411 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
412 Boards.

413 (b) "Nonresident school district" means a school district other than a student's school  
414 district of residence.

415 (c) "School district of residence" means a student's school district of residence as  
416 determined under Section [53G-6-302](#).

417 (d) "School of residence" means the school to which a student is assigned to attend  
418 based on the student's place of residence.

419 (2) (a) The State School Board, in consultation with the State Charter School Board,  
420 shall make rules describing procedures for students to follow in applying for entry into, or  
421 exiting, a charter school.

422 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

423 (i) posting on a charter school's Internet website, beginning no later than 60 days before  
424 the school's initial period of applications:

425 (A) procedures for applying for admission to the charter school;

426 (B) the school's opening date, if the school has not yet opened, or the school calendar;

427 and

428 (C) information on how a student may transfer from a charter school to another charter  
429 school or a district school;

430 (ii) written notification to a student's parent or legal guardian of an offer of admission;

431 (iii) written acceptance of an offer of admission by a student's parent or legal guardian;

432 (iv) written notification to a student's current charter school or school district of

433 residence upon acceptance of the student for enrollment in a charter school; and

434 (v) the admission of students at:

435 (A) any time to protect the health or safety of a student; or

436 (B) times other than those permitted under standard policies if there are other

437 conditions of special need that warrant consideration.

438 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is

439 enrolled in a charter school or who has accepted an offer of admission to a charter school from

440 duplicating enrollment for the student in another charter school or a school district without

441 following the withdrawal procedures described in Subsection (3).

442 (3) The parent of a student enrolled in a charter school may withdraw the student from

443 the charter school for enrollment in another charter school or a school district by submitting to

444 the charter school:

445 (a) on or before June 30, a notice of intent to enroll the student in the student's school

446 of residence for the following school year;

447 (b) after June 30, a letter of acceptance for enrollment in the student's school district of

448 residence for the following year;

449 (c) a letter of acceptance for enrollment in the student's school district of residence in

450 the current school year;

451 (d) a letter of acceptance for enrollment in a nonresident school district; or

452 (e) a letter of acceptance for enrollment in a charter school.

453 (4) (a) A charter school shall report to a school district, by the last business day of each

454 month the aggregate number of new students, sorted by their school of residence and grade

455 level, who have accepted enrollment in the charter school for the following school year.

456 (b) A school district shall report to a charter school, by the last business day of each

457 month, the aggregate number of students enrolled in the charter school who have accepted

458 enrollment in the school district in the following school year, sorted by grade level.

459 (5) When a vacancy occurs because a student has withdrawn from a charter school, the

460 charter school may immediately enroll a new student from its list of applicants.

461 (6) Unless provisions have previously been made for enrollment in another school, a

462 charter school releasing a student from enrollment during a school year shall immediately  
463 notify the school district of residence, which shall enroll the student in the school district of  
464 residence and take additional steps as may be necessary to ensure compliance with laws  
465 governing school attendance.

466 (7) (a) The parent of a student enrolled in a charter school may withdraw the student  
467 from the charter school for enrollment in the student's school of residence in the following  
468 school year if an application of admission is submitted to the school district of residence by  
469 June 30.

470 (b) If the parent of a student enrolled in a charter school submits an application of  
471 admission to the student's school district of residence after June 30 for the student's enrollment  
472 in the school district of residence in the following school year, or an application of admission is  
473 submitted for enrollment during the current school year, the student may enroll in a school of  
474 the school district of residence that has adequate capacity in:

- 475 (i) the student's grade level, if the student is an elementary school student; or  
476 (ii) the core classes that the student needs to take, if the student is a secondary school  
477 student.

478 (c) State Board of Education rules made under Subsection (2)(a) shall specify how  
479 adequate capacity in a grade level or core classes is determined for the purposes of Subsection  
480 (7)(b).

481 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time  
482 to protect the health and safety of the student.

483 ~~[(9) A school district or charter school may charge secondary students a one-time \$5~~  
484 ~~processing fee, to be paid at the time of application.]~~

485 Section 7. Section **53G-6-701** is amended to read:

486 **53G-6-701. Definitions.**

487 ~~[Reserved]~~ As used in this part, "fee" means the same as that term is defined in Section  
488 [53G-7-501](#).

489 Section 8. Section **53G-7-501** is amended to read:

490 **53G-7-501. Definitions.**

491 ~~[Reserved]~~ As used in this part:

492 (1) "Co-curricular activity" means an activity, a course, or a program that is:



- 493 (a) an extension of a curricular activity;  
494 (b) included in an instructional plan and supervised or conducted by a teacher or  
495 education professional;  
496 (c) conducted outside of regular school hours; and  
497 (d) provided, sponsored, or supported by an LEA.  
498 (2) "Curricular activity" means an activity, a course, or a program that is:  
499 (a) for delivering instruction;  
500 (b) conducted only during school hours; and  
501 (c) provided, sponsored, or supported by an LEA.  
502 (3) "Elementary school" means a school that provides instruction to students in grades  
503 kindergarten, 1, 2, 3, 4, 5, or 6.  
504 (4) (a) "Elementary school student" means a student enrolled in an elementary school.  
505 (b) "Elementary school student" does not include a secondary school student.  
506 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:  
507 (i) not directly related to delivering instruction;  
508 (ii) not a curricular activity or co-curricular activity; and  
509 (iii) provided, sponsored, or supported by an LEA.  
510 (b) "Extracurricular activity" does not include a noncurricular club as defined in  
511 Section [53G-7-701](#).  
512 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:  
513 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,  
514 described, requested, or required directly or indirectly;  
515 (ii) in the form of money, goods, or services; and  
516 (iii) that is a condition to a student's full participation in an activity, course, or program  
517 provided, sponsored, or supported by an LEA.  
518 (b) "Fee" includes:  
519 (i) money or something of monetary value raised by a student or the student's family  
520 through fundraising;  
521 (ii) charges or expenditures for a school field trip or activity trip, including related  
522 transportation, food, lodging, and admission charges;  
523 (iii) payments made to a third party that provides a part of a school activity, class, or

524 program;

525 (iv) charges or expenditures for classroom supplies or materials; and

526 (v) a fine other than a fine described in Subsection (6)(c)(i).

527 (c) "Fee" does not include:

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

529 (A) failing to return school property;

530 (B) losing, wasting, or damaging private or school property through intentional,

531 careless, or irresponsible behavior, or as described in Section [53G-8-212](#); or

532 (C) improper use of school property, including a parking violation; or

533 (ii) a payment for school breakfast or lunch.

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

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

536 (i) provide financial support to a school or a school's class, group, team, or program; or

537 (ii) benefit a particular charity or for other charitable purposes.

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

539 students.

540 (8) "Secondary school" means a school that provides instruction to students in grades

541 7, 8, 9, 10, 11, or 12.

542 (9) "Secondary school student" means a student enrolled in a secondary school.

543 Section 9. Section **53G-7-503** is amended to read:

544 **53G-7-503. Fees -- Prohibitions -- Volunteered supplies.**

545 [~~(1) For purposes of this part:~~]

546 [~~(a) "Board" means the State Board of Education.~~]

547 [~~(b) "Secondary school" means a school that provides instruction to students in grades~~

548 ~~7, 8, 9, 10, 11, or 12.~~]

549 [~~(c) "Secondary school student":~~]

550 [~~(i) means a student enrolled in a secondary school; and~~]

551 [~~(ii) includes a student in grade 6 if the student attends a secondary school.~~]

552 [~~(2) (a) A secondary school may impose fees on secondary school students.~~]

553 [~~(b) The board shall adopt rules regarding the imposition of fees in secondary schools~~

554 ~~in accordance with the requirements of this part.~~]

555 ~~[(3) A fee, deposit, or other charge may not be made, or any expenditure required of a~~  
556 ~~student or the student's parent or guardian, as a condition for student participation in an~~  
557 ~~activity, class, or program provided, sponsored, or supported by or through a public school or~~  
558 ~~school district, unless authorized by the local school board or charter school governing board~~  
559 ~~under rules adopted by the board.]~~

560 ~~[(4) (a) A fee, deposit, charge, or expenditure may not be required for elementary~~  
561 ~~school activities which are part of the regular school day or for supplies used during the regular~~  
562 ~~school day.]~~

563 (1) An LEA may only charge a fee:

564 (a) that is authorized under this part; and

565 (b) if the fee is authorized and noticed by the LEA governing board in accordance with  
566 Subsection (6).

567 (2) (a) Except as provided in Section 53G-6-402, an LEA may not charge an  
568 elementary school student a fee.

569 (b) An LEA may not charge a student who is in grade 6 a fee regardless of whether the  
570 student is enrolled in an elementary school or secondary school.

571 (3) Subject to Subsection (1), an LEA may charge a secondary school student a fee for:

572 (a) an extracurricular activity; or

573 (b) a co-curricular activity only if the fee is limited to an expense that is directly related  
574 to cost for the portion of the co-curricular activity that is outside of regular school hours.

575 (4) (a) An LEA may require a secondary school student to provide materials or charge  
576 a secondary school student a fee for:

577 (i) an additional discretionary project if the student chooses:

578 (A) a project in lieu of, or in addition to, a required classroom project; or

579 (B) project materials other than those materials provided for a project;

580 (ii) an Advanced Placement test;

581 (iii) a driver education course as described in Section 53G-10-504; or

582 (iv) a musical instrument used by the student in a curricular activity.

583 (b) An LEA may charge a secondary student or an individual a fee for an adult  
584 education course in accordance with Sections 53E-10-202 and 53E-10-204.

585 (5) An LEA may not charge a secondary school student a fee:

586 (a) for a curricular activity, except as provided in Subsection (4);  
 587 (b) except as provided in Section 53G-6-402, to apply to, register with, enroll in, or  
 588 attend school; or  
 589 (c) for use of a school facility or amenity that is used within the course of the delivery  
 590 of instruction or ordinary school activities, including a locker rental.  
 591 (6) (a) An LEA governing board shall authorize each fee:  
 592 (i) individually; and  
 593 (ii) with a reasonably specific dollar amount.  
 594 (b) An LEA may not charge a fee authorized under this part unless the LEA governing  
 595 board:  
 596 (i) subject to Subsection (6)(a), authorizes the fee; and  
 597 (ii) gives notice of the fee in accordance with Section 53G-7-505.  
 598 (7) (a) If an LEA imposes a fee, the fee shall be equal to or less than the expense  
 599 incurred by the LEA in providing for a student the activity, course, or program for which the  
 600 LEA imposes the fee.  
 601 (b) An LEA may not impose an additional fee or increase a fee to:  
 602 (i) supplant or subsidize an expense incurred by the LEA for:  
 603 (A) a curricular activity; or  
 604 (B) an expense incurred by that portion of a co-curricular activity that occurs during  
 605 school hours; or  
 606 (ii) supplant or subsidize another fee.  
 607 ~~[(b)]~~ (8) (a) An elementary school or elementary school teacher may compile and  
 608 provide to [a] an elementary school student's parent [or guardian] a suggested list of supplies  
 609 for use during the regular school day so that a parent [or guardian] may furnish only on a  
 610 voluntary basis those supplies for student use.  
 611 ~~[(c)]~~ (b) A list provided to [a] an elementary school student's parent [or guardian  
 612 pursuant to] in accordance with Subsection ~~[(4)(b)]~~ (8)(a) shall include and be preceded by the  
 613 following language:  
 614 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR  
 615 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,  
 616 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

617 (9) The state board shall make rules for the imposition of a fee and enforcement of this  
618 section.

619 Section 10. Section **53G-7-504** is amended to read:

620 **53G-7-504. Waiver of fees.**

621 (1) ~~[(a) A local school board]~~ An LEA governing board shall require, ~~[as part of an~~  
622 ~~authorization granted under]~~ for a fee authorized in accordance with Section **53G-7-503**, that  
623 adequate waivers or other provisions are available to ensure that no student is denied the  
624 opportunity to participate because of an inability to pay the required fee~~[-deposit, or charge].~~

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

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

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

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

637 (2) (a) The state board shall require each ~~[school in the district]~~ LEA that charges a fee  
638 under this part ~~[and Part 6, Textbook Fees,]~~ to provide a variety of alternatives for satisfying  
639 the fee requirement to ~~[those who qualify for fee waivers]~~ a student who qualifies for a fee  
640 waiver, in addition to the outright waiver of the fee.

641 (b) The state board shall develop and provide a list of waiver alternatives for ~~[the~~  
642 ~~schools]~~ LEAs, including such options as allowing ~~[the]~~ a student to provide:

643 (i) tutorial assistance to other students;

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

646 (iii) general community or home service.

647 (c) ~~[Each school]~~ An LEA governing board may add to the list of alternatives provided

648 by the state board, subject to approval by the state board.

649 (3) [~~A local school~~] An LEA governing board may establish policies providing for  
650 partial fee waivers or other alternatives for those students who, because of extenuating  
651 circumstances, are not in a financial position to pay the entire fee.

652 (4) With regard to [~~children who are~~] a student who is in the custody of the Division of  
653 Child and Family Services who [~~are~~] is also eligible under Title IV-E of the federal Social  
654 Security Act, [~~local school boards~~] an LEA governing board shall require fee waivers or  
655 alternatives in accordance with [~~Subsections (1) through (3)~~] this section.

656 (5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
657 ~~the State Board of Education~~] The state board shall make rules:

658 (a) requiring a parent [~~or guardian~~] of a student applying for a fee waiver to provide  
659 documentation and certification to the school verifying:

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

661 (ii) if applicable, that the student has complied with alternatives for satisfying the fee  
662 requirements under Subsection (2) [~~have been complied with~~] to the fullest extent reasonably  
663 possible according to the individual circumstances of [~~both the fee waiver applicant and the~~  
664 ~~school~~] the student and the LEA; and

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

668 (6) Notwithstanding the requirements under Subsection (5), [~~a school~~] an LEA is not  
669 required to keep documentation on file after the verification is completed.

670 Section 11. Section **53G-7-601** is amended to read:

671 **53G-7-601. Definitions.**

672 [~~For the purposes of Sections 53G-7-602 through 53G-7-605;~~] As used in this part,  
673 "textbooks" includes textbooks and workbooks necessary for participation in any instructional  
674 course. Textbooks [~~shall~~] do not include personal or consumable items, such as pencils,  
675 papers, pens, erasers, notebooks, other items of personal use, or products which a student may  
676 purchase at his option, such as school publications, class rings, annuals, and similar items.

677 Section 12. Section **53G-7-602** is amended to read:

678 **53G-7-602. State policy on providing free textbooks.**

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

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

682 (3) ~~[A school board]~~ An LEA may not sell textbooks or otherwise charge a fee, as  
683 defined in Section 53G-7-501, for a textbook [fees or deposits except as provided in this public  
684 education code].

685 Section 13. Section **53G-7-603** is repealed and reenacted to read:

686 **53G-7-603. LEA purchase of textbooks -- Textbooks provided to teachers.**

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

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

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

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

694 Section 14. Section **53G-9-306** is amended to read:

695 **53G-9-306. Immunization record part of student's record -- School review**  
696 **process at enrollment -- Transfer.**

697 (1) Each school:

698 (a) shall request an immunization record for each student at the time the student enrolls  
699 in the school;

700 (b) may not charge a fee, as defined in Section 53G-7-501, related to receiving or  
701 reviewing an immunization record or a vaccination exemption form; and

702 (c) shall retain an immunization record for each enrolled student as part of the student's  
703 permanent school record.

704 (2) (a) Within five business days after the day on which a student enrolls in a school,  
705 an individual designated by the school principal or administrator shall:

706 (i) determine whether the school has received an immunization record for the student;

707 (ii) review the student's immunization record to determine whether the record complies  
708 with Subsection **53G-9-302(1)**; and

709 (iii) identify any deficiencies in the student's immunization record.

710 (b) If the school has not received a student's immunization record or there are  
711 deficiencies in the immunization record, the school shall:  
712 (i) place the student on conditional enrollment, in accordance with Section 53G-9-308;  
713 and  
714 (ii) within five days after the day on which the school places the student on conditional  
715 enrollment, provide the written notice described in Subsection 53G-9-308(2).

716 (3) A school from which a student transfers shall provide the student's immunization  
717 record to the student's new school upon request of the student's legally responsible individual.

718 Section 15. Section 53G-9-803 is amended to read:

719 **53G-9-803. Remediation programs for secondary students.**

720 (1) For purposes of this section:

721 (a) "Secondary school" means a school that provides instruction to students in grades 7,  
722 8, 9, 10, 11, or 12.

723 (b) "Secondary school student":

724 (i) means a student enrolled in a secondary school; and

725 (ii) includes a student in grade 6 if the student attends a secondary school.

726 (2) A school district or charter school shall implement programs for secondary school  
727 students to attain the competency levels and graduation requirements established by the State  
728 Board of Education.

729 (3) (a) A school district or charter school shall establish remediation programs for  
730 secondary school students who do not meet competency levels in English, mathematics,  
731 science, or social studies.

732 (b) Participation in the programs is mandatory for secondary school students who fail  
733 to meet the competency levels based on classroom performance.

734 (4) Secondary school students who require remediation under this section may not be  
735 advanced to the following class in subject sequences until they meet the required competency  
736 level for the subject or complete the required remediation program, except that a school district  
737 or charter school may allow secondary school students requiring remediation who would  
738 otherwise be scheduled to enter their first year of high school to complete their remediation  
739 program during that first year.

740 (5) (a) Remediation programs provided under this section should not be unnecessarily



741 lengthy or repetitive.

742 (b) A secondary school student need not repeat an entire class if remediation can  
743 reasonably be achieved through other means.

744 ~~[(6) A school district or charter school may charge secondary school students a fee to  
745 participate in the remediation programs.]~~

746 Section 16. Section **53G-10-503** is amended to read:

747 **53G-10-503. Driver education funding -- Reimbursement of school districts for**  
748 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

749 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver  
750 education shall fund the program solely through:

751 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform  
752 School Fund as created under Section [41-1a-1205](#); and

753 (ii) student fees collected by each school.

754 (b) In determining the cost of driver education, a school district may exclude:

755 (i) the full-time equivalent cost of a teacher for a driver education class taught during  
756 regular school hours; and

757 (ii) classroom space and classroom maintenance.

758 (c) A school district may not use any additional school funds beyond those allowed  
759 under Subsection (1)(b) to subsidize driver education.

760 (2) (a) The state superintendent of public instruction shall, prior to September 2nd  
761 following the school year during which it was expended, or may at earlier intervals during that  
762 school year, reimburse each school district that applied for reimbursement in accordance with  
763 this section.

764 (b) A school district that maintains driver education classes that conform to this part  
765 and the rules prescribed by the board may apply for reimbursement for the actual cost of  
766 providing the behind-the-wheel and observation training incidental to those classes.

767 (3) Under the state board's supervision for driver education, a school district may:

768 (a) employ personnel who are not licensed by the board under Section [53E-6-201](#); or

769 (b) contract with private parties or agencies licensed under Section [53-3-504](#) for the  
770 behind-the-wheel phase of the driver education program.

771 (4) The reimbursement amount shall be paid out of the Automobile Driver Education

772 Tax Account in the Uniform School Fund and may not exceed:

773 (a) \$100 per student who has completed driver education during the school year;

774 (b) \$30 per student who has only completed the classroom portion in the school or  
775 through the electronic high school during the school year; or

776 (c) \$70 per student who has only completed the behind-the-wheel and observation  
777 portion in the school during the school year.

778 (5) If the amount of money in the account at the end of a school year is less than the  
779 total of the reimbursable costs, the state superintendent of public instruction shall allocate the  
780 money to each school district in the same proportion that its reimbursable costs bear to the total  
781 reimbursable costs of all school districts.

782 (6) If the amount of money in the account at the end of any school year is more than the  
783 total of the reimbursement costs provided under Subsection (4), the superintendent may  
784 allocate the excess funds to school districts:

785 (a) to reimburse each school district that applies for reimbursement of the cost of a fee  
786 waived under Section 53G-7-504 for driver education; and

787 (b) to aid in the procurement of equipment and facilities which reduce the cost of  
788 behind-the-wheel instruction.

789 (7) (a) A local school board shall, in accordance with Chapter 7, Part 5, Student Fees,  
790 establish the student fee for driver education for the school district.

791 (b) Student fees shall be reasonably associated with the costs of driver education that  
792 are not otherwise covered by reimbursements and allocations made under this section.

793 **Section 17. Repealer.**

794 This bill repeals:

795 Section 53G-7-604, **Free textbook system.**

796 Section 53G-7-605, **Repurchase and resale of textbooks.**

797 **Section 18. Effective date.**

798 This bill takes effect July 1, 2019.