

SCHOOL FEES MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to school fees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ increases the allowable amount a school district may charge for an enrollment fee;
- ▶ provides refund and waiver provisions for an enrollment fee in certain circumstances;
- ▶ repeals allowances for a school district or charter school to charge secondary students a certain one-time processing fee for enrollment or a fee for remediation programs;
- ▶ prohibits a local education agency (LEA) from charging a fee:
 - unless the LEA governing board authorizes the individual fee and gives certain notice;
 - to a student in grade 6, regardless of elementary or secondary enrollment;
 - to a secondary school student, with certain exceptions, for a curricular activity and other certain items; or
 - to supplant or subsidize an expense for a curricular or certain co-curricular activities;
- ▶ requires an LEA governing board to reduce total secondary school student fees for



- 28 curricular activities by a certain percentage each year;
- 29 ▶ amends provisions regarding a fee waiver and alternatives to payment of a fee; and
- 30 ▶ makes technical and conforming changes.

31 Money Appropriated in this Bill:

32 None

33 Other Special Clauses:

34 This bill provides a special effective date.

35 Utah Code Sections Affected:

36 AMENDS:

- 37 **53E-8-401**, as last amended by Laws of Utah 2019, Chapters 186 and 314
- 38 **53G-6-302**, as last amended by Laws of Utah 2019, Chapters 293 and 316
- 39 **53G-6-303**, as last amended by Laws of Utah 2019, Chapter 293
- 40 **53G-6-402**, as last amended by Laws of Utah 2019, Chapter 293
- 41 **53G-6-503**, as last amended by Laws of Utah 2019, Chapter 293
- 42 **53G-6-701**, as enacted by Laws of Utah 2018, Chapter 3
- 43 **53G-7-501**, as last amended by Laws of Utah 2019, Chapter 223
- 44 **53G-7-503**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 45 **53G-7-504**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 46 **53G-7-505**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 47 **53G-9-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 48 **53G-9-803**, as last amended by Laws of Utah 2019, Chapter 293
- 49 **53G-10-503**, as last amended by Laws of Utah 2019, Chapters 293 and 325

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), an individual is eligible to
55 receive services of the Utah Schools for the Deaf and the Blind if the individual is:

- 56 (a) a resident of Utah;
- 57 (b) younger than 22 years of age;
- 58 (c) referred to the Utah Schools for the Deaf and the Blind by:

- 59 (i) the individual's school district of residence;
- 60 (ii) a local early intervention program; or
- 61 (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20
62 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and
- 63 (d) identified as deaf, blind, or deafblind through:
- 64 (i) the special education eligibility determination process; or
- 65 (ii) the Section 504 eligibility determination process.
- 66 (2) (a) In determining eligibility for an individual who is younger than age three and is
67 deafblind, the following information may be used:
- 68 (i) ophthalmological and audiological documentation;
- 69 (ii) functional vision or hearing assessments and evaluations; or
- 70 (iii) informed clinical opinion conducted by a person with expertise in deafness,
71 blindness, or deafblindness.
- 72 (b) Informed clinical opinion shall be:
- 73 (i) included in the determination of eligibility when documentation is incomplete or not
74 conclusive; and
- 75 (ii) based on pertinent records related to the individual's current health status and
76 medical history, an evaluation and observations of the individual's level of sensory functioning,
77 and the needs of the family.
- 78 (3) (a) A student who qualifies for special education shall have services and placement
79 determinations made through the IEP process.
- 80 (b) A student who qualifies for accommodations under Section 504 shall have services
81 and placement determinations made through the Section 504 team process.
- 82 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
83 Blind in accordance with rules of the state board.
- 84 (b) [~~The~~] Notwithstanding Section 53G-7-503, the rules shall require the payment of
85 tuition for services provided to a nonresident.
- 86 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
87 the Blind under circumstances described in Section 53E-8-408.
- 88 (6) The state board:
- 89 (a) shall make rules that determine the eligibility of students to be served by the Utah

90 Schools for the Deaf and the Blind; and

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

94 Section 2. Section 53G-6-302 is amended to read:

95 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**
96 **for providing educational services.**

97 (1) As used in this section:

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

99 (b) "Human services program" means the same as that term is defined in Section
100 62A-2-101.

101 (c) "Supervision" means a minor child is:

102 (i) receiving services from a state agency, local mental health authority, or substance
103 abuse authority with active involvement or oversight; and

104 (ii) engaged in a human services program that is properly licensed or certified and has
105 provided the school district receiving the minor child with an education plan that complies with
106 the requirements of Section 62A-2-108.1.

107 (2) The school district of residence of a minor child whose custodial parent resides
108 within Utah is:

109 (a) the school district in which the custodial parent resides; or

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

111 (i) while in the custody or under the supervision of a Utah state agency, local mental
112 health authority, or substance abuse authority;

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

115 (iii) while living with a responsible adult resident of the district, if a determination has
116 been made in accordance with rules made by the state board that:

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

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

121 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)
122 does not violate any other law or rule of the state board;

123 (iv) while the child is receiving services from a health care facility or human services
124 program, if a determination has been made in accordance with rules made by the state board
125 that:

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

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

130 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)
131 does not violate any other law or rule of the state board; or

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

134 (3) A minor child whose custodial parent does not reside in the state is considered to be
135 a resident of the district in which the child lives, unless that designation violates any other law
136 or rule of the state board, if:

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

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

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

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

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

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

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

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

151 (i) the child's parent moves from the state;

152 (ii) the child's parent executes a power of attorney under Section [75-5-103](#) that:
153 (A) meets the requirements of Subsection (4); and
154 (B) delegates powers regarding care, custody, or property, including schooling, to a
155 responsible adult with whom the child resides;
156 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the
157 district;
158 (iv) the child's physical, mental, moral, or emotional health will best be served by
159 considering the child to be a resident for school purposes;
160 (v) the child is prepared to abide by the policies of the school and school district in
161 which attendance is sought; and
162 (vi) the child's attendance in the school will not be detrimental to the school or school
163 district.
164 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the
165 district may require the person with whom the child lives to be designated as the child's
166 custodian in a durable power of attorney, issued by the party who has legal custody of the child,
167 granting the custodian full authority to take any appropriate action, including authorization for
168 educational or medical services, in the interests of the child.
169 (b) Both the party granting and the party empowered by the power of attorney shall
170 agree to:
171 (i) assume responsibility for any fees [~~or other charges~~], as defined in Section
172 [53G-7-501](#), relating to the child's education in the district; and
173 (ii) if eligibility for fee waivers is claimed under Section [53G-7-504](#), provide the
174 school district with all financial information requested by the district for purposes of
175 determining eligibility for fee waivers.
176 (c) Notwithstanding Section [75-5-103](#), a power of attorney meeting the requirements of
177 this section and accepted by the school district shall remain in force until the earliest of the
178 following occurs:
179 (i) the child reaches the age of 18, marries, or becomes emancipated;
180 (ii) the expiration date stated in the document; or
181 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
182 or by order of a court of competent jurisdiction.

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

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

186 Section 3. Section **53G-6-303** is amended to read:

187 **53G-6-303. Guardianship for residency purposes by responsible adult --**
188 **Procedure to obtain -- Termination.**

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

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

195 (a) submission to the school district of a signed and notarized affidavit by the child's
196 custodial parent stating that:

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

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

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

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

207 (v) the affiant consents and submits to the jurisdiction of the state district court in
208 which the school district is located in any action relating to the guardianship or custody of the
209 child in question;

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

213 (vii) it is the affiant's intent that the child become a permanent resident of the state and

214 reside with and be under the supervision of the named responsible adult;

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

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

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

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

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

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

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

231 (ii) the child will abide by all applicable policies of any public school which the child
232 may attend after guardianship is awarded; and

233 (d) if the child's custodial parent cannot be found in order to execute the statement
234 required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to
235 the district. The district shall also submit a copy of the statement to the Criminal Investigations
236 and Technical Services Division of the Department of Public Safety, established in Section
237 [53-10-103](#).

238 (3) The district may require the responsible adult, in addition to the documents set forth
239 in Subsection (2), to also submit any other documents which are relevant to the appointment of
240 a guardian of a minor or which the district reasonably believes to be necessary in connection
241 with a given application to substantiate any claim or assertion made in connection with the
242 application for guardianship.

243 (4) Upon receipt of the information and documentation required under Subsections (2)
244 and (3), and a determination by the local school board that the information is accurate, that the

245 requirements of this section have been met, and that the interests of the child would best be
246 served by granting the requested guardianship, the local school board or its authorized
247 representative may designate the applicant as guardian of the child by issuing a designation of
248 guardianship letter to the applicant.

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

252 (b) The court shall uphold the decision of the local school board unless it finds, by
253 clear and convincing evidence, that the local school board's decision was arbitrary and
254 capricious.

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

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

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

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

266 (8) (a) The authority and responsibility of a custodial parent submitting an affidavit
267 under this section may be restored by the district, and the guardianship obtained under this
268 section terminated by the district:

269 (i) upon submission to the school district in which the guardianship was obtained of a
270 signed and notarized statement by the person who consented to guardianship under Subsection
271 (2)(a) requesting termination of the guardianship; or

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

274 (b) If the school district determines that it would not be in the best interests of the child
275 to terminate the guardianship, the district may refer the request for termination to the state

276 district court in which the documents were filed under Subsection (5) for further action
277 consistent with the interests of the child.

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

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

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

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

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

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

295 Section 4. Section **53G-6-402** is amended to read:

296 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**
297 **enrollment.**

298 (1) Each local school board is responsible for providing educational services consistent
299 with Utah state law and rules of the state board for each student who resides in the district and,
300 as provided in this section through Section [53G-6-407](#) and to the extent reasonably feasible, for
301 any student who resides in another district in the state and desires to attend a school in the
302 district.

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

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

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

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

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

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

314 (ii) use of standard application forms prescribed by the state board;

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

318 (B) submission of applications from August 1 through November 1 by those seeking
319 admission during the early enrollment period for the following year in a school district
320 described in Subsection 53G-6-401(1)(b);

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

323 (v) written notification to the student's parent of acceptance or rejection of an
324 application:

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

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

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

332 (vi) written notification to the resident school for intradistrict transfers or the resident
333 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

334 (vii) written notification to the parents of each student that resides within the school
335 district and other interested parties of the revised early enrollment period described in
336 Subsection 53G-6-401(1)(b) if:

337 (A) the school district is doing a district wide grade reconfiguration of its elementary,

338 middle, junior, and senior high schools; and

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

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

346 (A) school construction or remodeling;

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

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

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

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

354 (b) A school district shall refund the enrollment fee described in Subsection (5)(a) if a
355 nonresident student enrolls and attends the school for which the nonresident paid the fee.

356 (c) The enrollment fee described in Subsection (5)(a) is a fee, as defined in Section
357 53G-7-501, and a school district shall waive the enrollment fee if a nonresident student is
358 eligible for a fee waiver in accordance with Section 53G-7-504.

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

362 (a) the student graduates;

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

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

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

367 (7) (a) Determination of which nonresident students will be excluded from continued
368 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in

369 the school, with those most recently enrolled being excluded first and the use of a lottery
370 system when multiple nonresident students have the same number of school days in the school.

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

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

376 (a) the district of residence; or

377 (b) another nonresident district.

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

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

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

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

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

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

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

397 (12) Notwithstanding any other provision of this part or Part 3, School District
398 Residency, a student shall be allowed to enroll in any charter school or other public school in
399 any district, including a district where the student does not reside, if the enrollment is

400 necessary, as determined by the Division of Child and Family Services, to comply with the
401 provisions of 42 U.S.C. Section 675.

402 Section 5. Section **53G-6-503** is amended to read:

403 **53G-6-503. Charter school students -- Admissions procedures -- Transfers.**

404 (1) As used in this section:

405 (a) "Nonresident school district" means a school district other than a student's school
406 district of residence.

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

409 (c) "School of residence" means the school to which a student is assigned to attend
410 based on the student's place of residence.

411 (2) (a) The state board, in consultation with the State Charter School Board, shall make
412 rules describing procedures for students to follow in applying for entry into, or exiting, a
413 charter school.

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

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

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

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

419 and

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

422 (ii) written notification to a student's parent of an offer of admission;

423 (iii) written acceptance of an offer of admission by a student's parent;

424 (iv) written notification to a student's current charter school or school district of
425 residence upon acceptance of the student for enrollment in a charter school; and

426 (v) the admission of students at:

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

428 (B) times other than those permitted under standard policies if there are other
429 conditions of special need that warrant consideration.

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

431 enrolled in a charter school or who has accepted an offer of admission to a charter school from
432 duplicating enrollment for the student in another charter school or a school district without
433 following the withdrawal procedures described in Subsection (3).

434 (3) The parent of a student enrolled in a charter school may withdraw the student from
435 the charter school for enrollment in another charter school or a school district by submitting to
436 the charter school:

437 (a) on or before June 30, a notice of intent to enroll the student in the student's school
438 of residence for the following school year;

439 (b) after June 30, a letter of acceptance for enrollment in the student's school district of
440 residence for the following year;

441 (c) a letter of acceptance for enrollment in the student's school district of residence in
442 the current school year;

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

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

445 (4) (a) A charter school shall report to a school district, by the last business day of each
446 month the aggregate number of new students, sorted by their school of residence and grade
447 level, who have accepted enrollment in the charter school for the following school year.

448 (b) A school district shall report to a charter school, by the last business day of each
449 month, the aggregate number of students enrolled in the charter school who have accepted
450 enrollment in the school district in the following school year, sorted by grade level.

451 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
452 charter school may immediately enroll a new student from its list of applicants.

453 (6) Unless provisions have previously been made for enrollment in another school, a
454 charter school releasing a student from enrollment during a school year shall immediately
455 notify the school district of residence, which shall enroll the student in the school district of
456 residence and take additional steps as may be necessary to ensure compliance with laws
457 governing school attendance.

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

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

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

470 (c) State board rules made under Subsection (2)(a) shall specify how adequate capacity
471 in a grade level or core classes is determined for the purposes of Subsection (7)(b).

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

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

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

477 **53G-6-701. Definitions.**

478 ~~[Reserved]~~ As used in this part, "fee" means the same as that term is defined in Section
479 [53G-7-501](#).

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

481 **53G-7-501. Definitions.**

482 As used in this part:

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

484 (a) is an extension of a curricular activity;

485 (b) is included in an instructional plan and supervised or conducted by a teacher or
486 education professional;

487 ~~[(a)]~~ (c) is conducted outside of regular school hours;

488 ~~[(b)]~~ (d) is provided, sponsored, or supported by an LEA; and

489 ~~[(c)]~~ (e) includes a required regular school day activity, course, or program.

490 (2) "Curricular activity" means an activity, a course, or a program that is:

491 (a) intended to deliver instruction;

492 ~~[(a)]~~ (b) provided, sponsored, or supported by an LEA; and

493 ~~[(b)]~~ (c) conducted only during school hours.

494 (3) "Elementary school" means a school that provides instruction to students in grades
495 kindergarten, 1, 2, 3, 4, 5, or 6.

496 (4) (a) "Elementary school student" means a student enrolled in an elementary school.

497 (b) "Elementary school student" does not include a secondary school student.

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

499 (i) not directly related to delivering instruction;

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

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

502 (b) "Extracurricular activity" does not include a noncurricular club as defined in
503 Section [53G-7-701](#).

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

505 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,
506 described, requested, or required directly or indirectly;

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

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

510 (b) "Fee" includes:

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

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

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

517 (iv) charges or expenditures for classroom:

518 (A) textbooks;

519 (B) supplies; or

520 (C) materials;

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

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

523 (c) "Fee" does not include:

- 524 (i) a student fine specifically approved by an LEA for:
- 525 (A) failing to return school property;
- 526 (B) losing, wasting, or damaging private or school property through intentional,
- 527 careless, or irresponsible behavior, or as described in Section [53G-8-212](#); or
- 528 (C) improper use of school property, including a parking violation;
- 529 (ii) a payment for school breakfast or lunch;
- 530 (iii) a deposit that is:
- 531 (A) a pledge securing the return of school property; and
- 532 (B) refunded upon the return of the school property; or
- 533 (iv) a charge for insurance, unless the insurance is required for a student to participate
- 534 in an activity, course, or program.
- 535 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by
- 536 an LEA that uses students to generate funds or raise money to:
- 537 (i) provide financial support to a school or a school's class, group, team, or program; or
- 538 (ii) benefit a particular charity or for other charitable purposes.
- 539 (b) "Fundraising" does not include an alternative method of raising revenue without
- 540 students.
- 541 (8) (a) "School activity clothing" means special shoes or items of clothing:
- 542 (i) (A) that meet specific requirements, including requesting a specific color, style,
- 543 fabric, or imprint; and
- 544 (B) that a school requires a student to provide; and
- 545 (ii) that is worn by a student for a co-curricular or extracurricular activity.
- 546 (b) "School activity clothing" does not include a school uniform.
- 547 (9) (a) "School uniform" means special shoes or an item of clothing:
- 548 (i) (A) that meet specific requirements, including a requested specific color, style,
- 549 fabric, or imprint; and
- 550 (B) that a school requires a student to provide; and
- 551 (ii) that is worn by a student for a curricular activity.
- 552 (b) "School uniform" does not include school activity clothing.
- 553 (10) "Secondary school" means a school that provides instruction to students in grades
- 554 7, 8, 9, 10, 11, or 12.

555 (11) "Secondary school student":

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

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

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

559 (13) "Waiver" means a full or partial release from a requirement to pay a fee and from
560 any provision in lieu of fee payment.

561 Section 8. Section [53G-7-503](#) is amended to read:

562 **53G-7-503. Fees -- Prohibitions -- Voluntary supplies -- Enforcement.**

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

564 (i) authorized under this part; and

565 (ii) authorized and noticed by the LEA governing board in accordance with Section
566 [53G-7-505](#).

567 (b) An LEA may not charge a fee authorized under this part unless the LEA governing
568 board authorizes and gives notice of the fee in accordance with Section [53G-7-505](#).

569 (2) (a) (i) ~~Am~~ Except for an enrollment fee described in Section [53G-6-402](#), an LEA
570 may not ~~require~~ charge an elementary school student a fee, including a fee for:

571 (A) elementary school activities that are part of the regular school day; or ~~for~~

572 (B) supplies used during the regular school day.

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

575 (b) (i) An elementary school or elementary school teacher may compile and provide to
576 ~~a~~ an elementary school student's parent a suggested list of supplies for use during the regular
577 school day so that a parent may furnish only on a voluntary basis those supplies for student use.

578 ~~(e)~~ (ii) A list provided to an elementary school student's parent in accordance with
579 Subsection (2)(b)(i) shall include and be preceded by the following language:

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

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

584 (a) an extracurricular activity; or

585 (b) a co-curricular activity only if the fee is limited to an expense that is directly related

586 to cost for the portion of the co-curricular activity that is outside of regular school hours.

587 (4) (a) Notwithstanding Subsection (6), an LEA may require a secondary school
588 student to provide materials or charge a secondary school student a fee for:

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

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

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

592 (ii) an Advanced Placement test;

593 (iii) a driver education course as described in Section [53G-10-504](#); or

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

595 (b) Notwithstanding Subsection (6), an LEA may charge a secondary student or an
596 individual a fee for an adult education course in accordance with Sections [53E-10-202](#) and
597 [53E-10-204](#).

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

599 (a) except as provided in Section [53G-6-402](#), to apply to, register with, enroll in, or
600 attend school; or

601 (b) for use of a school facility or amenity that is used within the course of the delivery
602 of instruction or ordinary school activities, including a locker rental.

603 (6) (a) An LEA governing board shall:

604 (i) beginning with the 2021-22 school year, reduce by 25% each year the total
605 secondary school student fees for curricular activities in an individual school; and

606 (ii) no later than April 1, 2021, adopt a plan to comply with Subsection (6)(a).

607 (b) For the 2024-25 school year and each school year thereafter, an LEA may not
608 charge fees to secondary school students for curricular activities.

609 ~~[(3)]~~ (7) (a) Beginning with or after the 2021-2022 school year, if an LEA imposes a
610 fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a
611 student the activity, course, or program for which the LEA imposes the fee.

612 (b) An LEA may not impose an additional fee or increase a fee to:

613 (i) supplant or subsidize an expense that the LEA incurs for:

614 (A) a curricular activity; or

615 (B) an expense incurred by that portion of a co-curricular activity that occurs during
616 school hours; or

617 (ii) supplant or subsidize another fee.

618 [~~(4)~~] (8) (a) Beginning with or after the 2021-2022 school year, and notwithstanding
619 Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part or
620 Part 6, Textbook Fees, the state board shall impose corrective action against the LEA, which
621 may include:

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

623 (ii) withholding state funds; and

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

626 (b) The state board shall make rules:

627 (i) that require notice and an opportunity to be heard for an LEA affected by a state
628 board action described in Subsection [~~(4)~~] (8)(a); and

629 (ii) for the imposition of a fee and to administer this Subsection [~~(4)~~] (8).

630 Section 9. Section 53G-7-504 is amended to read:

631 **53G-7-504. Waiver of fees -- Appeal of decision.**

632 (1) (a) If an LEA or a school within an LEA charges one or more fees, the LEA shall
633 grant a waiver to a student if charging the fee would deny the student the opportunity to fully
634 participate or complete a requirement because of an inability to pay the fee.

635 (b) An LEA governing board shall:

636 (i) adopt policies for granting a waiver; and

637 (ii) in accordance with Section 53G-7-505, give notice of waiver eligibility and
638 policies.

639 (2) (a) An LEA that charges a fee under this part and Part 6, Textbook Fees, [~~may~~] shall
640 provide a variety of alternatives for a student or family who qualifies for a fee waiver to satisfy
641 a fee requirement, in addition to the outright waiver of the fee.

642 (b) The state board shall develop and provide a list of waiver alternatives for LEAs,
643 including allowing a student to provide:

644 (i) tutorial assistance to other students;

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

647 (iii) general community or home service.

648 ~~[(b)]~~ (c) Each LEA governing board may add to the list of alternatives provided by the
649 state board, subject to approval by the state board.

650 (d) An LEA governing board may establish policies providing partial fee waivers or
651 other alternatives for those students who, because of extenuating circumstances, are not in a
652 financial position to pay the entire fee.

653 (3) With regard to a student who is in the custody of the Division of Child and Family
654 Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA
655 governing board shall require fee waivers or alternatives in accordance with this section.

656 (4) The state board shall make rules:

657 (a) requiring a parent of a student applying for a fee waiver to provide documentation
658 and certification to the school verifying:

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

660 (ii) if applicable, that the student has complied with alternatives for satisfying the fee
661 requirements under Subsection (2) to the fullest extent reasonably possible according to the
662 individual circumstances of the student and the LEA; and

663 (b) specifying the acceptable forms of documentation for the requirement under
664 Subsection (4)(a), which shall include verification based on income tax returns or current pay
665 stubs.

666 (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to
667 keep documentation on file after the verification is completed.

668 (6) If a school denies a student or parent request for a fee waiver, the school shall
669 provide the student or parent:

670 (a) the school's written decision to deny a waiver; and

671 (b) the procedure to appeal in accordance with LEA policy.

672 Section 10. Section **53G-7-505** is amended to read:

673 **53G-7-505. Approval and notice of student fees and waivers.**

674 (1) An LEA governing board shall annually:

675 (a) adopt fee policies and a fee schedule~~;~~ and that authorizes each fee:

676 (i) individually; and

677 (ii) with a reasonably specific dollar amount; and

678 (b) provide the fee schedule to each student and parent.

- 679 (2) For the fee schedule, the LEA governing board shall:
- 680 (a) before approving the fee schedule, provide at least two opportunities for the public
- 681 to comment on the proposed fee schedule;
- 682 (b) encourage public participation in the development of the fee schedule; and
- 683 (c) approve the fee schedule in a regularly scheduled public meeting.
- 684 (3) (a) The fee schedule shall include the following:
- 685 (i) a specific amount for each fee on the fee schedule;
- 686 (ii) if a student is responsible for multiple fees related to one activity, class, or
- 687 program, a clear and easy to understand delineation of each fee and the fee total for each
- 688 activity, class, or program;
- 689 (iii) the LEA's fee waiver policy, including an easily understandable statement
- 690 informing a parent that a student:
- 691 (A) may be eligible to have one or more fees waived; and
- 692 (B) may appeal the LEA's decision if the LEA denies a request for a fee waiver; and
- 693 (iv) a corresponding spending plan for each fee.
- 694 (b) The LEA shall:
- 695 (i) publish the fee schedule on each of the LEA's school's websites; and
- 696 (ii) include a copy of the LEA's fee schedule with the LEA's registration materials.
- 697 Section 11. Section **53G-9-306** is amended to read:
- 698 **53G-9-306. Immunization record part of student's record -- School review**
- 699 **process at enrollment -- Transfer.**
- 700 (1) Each school:
- 701 (a) shall request an immunization record for each student at the time the student enrolls
- 702 in the school;
- 703 (b) may not charge a fee, as that term is defined in Section [53G-7-501](#), related to
- 704 receiving or reviewing an immunization record or a vaccination exemption form; and
- 705 (c) shall retain an immunization record for each enrolled student as part of the student's
- 706 permanent school record.
- 707 (2) (a) Within five business days after the day on which a student enrolls in a school,
- 708 an individual designated by the school principal or administrator shall:
- 709 (i) determine whether the school has received an immunization record for the student;

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

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

713 (b) If the school has not received a student's immunization record or there are
714 deficiencies in the immunization record, the school shall:

715 (i) place the student on conditional enrollment, in accordance with Section 53G-9-308;
716 and

717 (ii) within five days after the day on which the school places the student on conditional
718 enrollment, provide the written notice described in Subsection 53G-9-308(2).

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

721 Section 12. Section 53G-9-803 is amended to read:

722 **53G-9-803. Remediation programs for secondary students.**

723 (1) For purposes of this section:

724 (a) "Secondary school" means a school that provides instruction to students in grades 7,
725 8, 9, 10, 11, or 12.

726 (b) "Secondary school student":

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

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

729 (2) A school district or charter school shall implement programs for secondary school
730 students to attain the competency levels and graduation requirements established by the state
731 board.

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

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

737 (4) Secondary school students who require remediation under this section may not be
738 advanced to the following class in subject sequences until they meet the required competency
739 level for the subject or complete the required remediation program, except that a school district
740 or charter school may allow secondary school students requiring remediation who would

741 otherwise be scheduled to enter their first year of high school to complete their remediation
742 program during that first year.

743 (5) (a) Remediation programs provided under this section should not be unnecessarily
744 lengthy or repetitive.

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

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

749 Section 13. Section **53G-10-503** is amended to read:

750 **53G-10-503. Driver education funding -- Reimbursement of school districts for
751 driver education class expenses -- Limitations -- Excess funds -- Student fees.**

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

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

756 (ii) student fees collected by each school.

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

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

760 (ii) classroom space and classroom maintenance.

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

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

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

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

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

771 or

772 (b) contract with private parties or agencies licensed under Section 53-3-504 for the
773 behind-the-wheel phase of the driver education program.

774 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
775 Tax Account in the Uniform School Fund and may not exceed:

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

777 (b) \$30 per student who has only completed the classroom portion in the school during
778 the school year; or

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

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

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

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

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

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

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

796 Section 14. **Effective date.**

797 This bill takes effect July 1, 2020.