

Representative Adam Robertson proposes the following substitute bill:

SCHOOL FEES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to elementary and secondary school fees.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prescribes the fees an LEA may charge a secondary school student for a curricular activity or portions of a co-curricular activity;
- ▶ authorizes an LEA to charge a secondary school student a fee for an extracurricular activity;
- ▶ prohibits an LEA from charging a general fee;
- ▶ amends provisions related to a fee waiver;
- ▶ repeals provisions related to fees for textbooks;
- ▶ prohibits charging a student in grade 6 a fee for a remediation program;
- ▶ repeals outdated language; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

30 **53E-8-401**, as last amended by Laws of Utah 2020, Chapter 408

31 **53E-10-305**, as last amended by Laws of Utah 2020, Chapters 220 and 365

32 **53G-6-302**, as last amended by Laws of Utah 2020, Chapter 408

33 **53G-6-303**, as last amended by Laws of Utah 2019, Chapter 293

34 **53G-6-701**, as enacted by Laws of Utah 2018, Chapter 3

35 **53G-7-501**, as last amended by Laws of Utah 2020, Chapter 51

36 **53G-7-503**, as last amended by Laws of Utah 2021, Chapter 341

37 **53G-7-504**, as last amended by Laws of Utah 2020, Chapter 408

38 **53G-9-803**, as last amended by Laws of Utah 2019, Chapter 293

39 **53G-10-503**, as last amended by Laws of Utah 2021, Chapter 247

40 RENUMBERS AND AMENDS:

41 **53G-7-506**, (Renumbered from 53G-7-602, as last amended by Laws of Utah 2020,
42 Chapter 138)

43 **53G-7-507**, (Renumbered from 53G-7-603, as repealed and reenacted by Laws of Utah
44 2019, Chapter 223)

45 **53G-7-508**, (Renumbered from 53G-7-606, as last amended by Laws of Utah 2019,
46 Chapters 223 and 293)

47 REPEALS:

48 **53G-7-601**, as last amended by Laws of Utah 2020, Chapter 138



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

51 Section 1. Section **53E-1-201** is amended to read:

52 **53E-1-201. Reports to and action required of the Education Interim Committee.**

53 (1) In accordance with applicable provisions and Section **68-3-14**, the following
54 recurring reports are due to the Education Interim Committee:

55 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
56 including the information described in Section **9-22-113** on the status of the computer science

57 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

58 (b) the prioritized list of data research described in Section 35A-14-302 and the report
59 on research described in Section 35A-14-304 by the Utah Data Research Center;

60 (c) the report described in Section 35A-15-303 by the State Board of Education on
61 preschool programs;

62 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
63 on career and technical education issues and addressing workforce needs;

64 (e) the annual report of the Utah Board of Higher Education described in Section
65 53B-1-402;

66 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
67 regarding activities related to campus safety;

68 (g) the State Superintendent's Annual Report by the state board described in Section
69 53E-1-203;

70 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
71 plan to improve student outcomes;

72 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
73 the Deaf and the Blind;

74 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
75 Actionable, and Dynamic Education director on research and other activities;

76 ~~[(k) the report described in Section 53F-4-203 by the state board and the independent
77 evaluator on an evaluation of early interactive reading software;]~~

78 ~~[(+)]~~ (k) the report described in Section 53F-4-407 by the state board on UPSTART;

79 ~~[(m)]~~ (l) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
80 related to grants for professional learning and grants for an elementary teacher preparation
81 assessment; and

82 ~~[(n)]~~ (m) the report described in Section 53F-5-405 by the State Board of Education
83 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
84 for students who are low income.

85 (2) In accordance with applicable provisions and Section 68-3-14, the following
86 occasional reports are due to the Education Interim Committee:

87 (a) the report described in Section 35A-15-303 by the School Readiness Board by

88 November 30, 2020, on benchmarks for certain preschool programs;

89 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education
90 on or before the Education Interim Committee's November 2021 meeting;

91 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
92 and implementing activity based costing;

93 (d) if required, the report described in Section 53E-4-309 by the state board explaining
94 the reasons for changing the grade level specification for the administration of specific
95 assessments;

96 (e) if required, the report described in Section 53E-5-210 by the state board of an
97 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

98 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
99 53E-10-309(7) related to the PRIME pilot program;

100 (g) the report described in Section 53E-10-702 by Utah Leading through Effective,
101 Actionable, and Dynamic Education;

102 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
103 the effects of salary bonuses on the recruitment and retention of effective teachers in high
104 poverty schools;

105 (i) upon request, the report described in Section 53F-5-207 by the state board on the
106 Intergenerational Poverty Intervention Grants Program;

107 (j) the report described in Section 53F-5-210 by the state board on the Educational
108 Improvement Opportunities Outside of the Regular School Day Grant Program;

109 (k) the report described in Section 53G-7-503 by the state board regarding fees that
110 LEAs charge during the 2020-2021 school year;

111 (l) the reports described in Section 53G-11-304 by the state board regarding proposed
112 rules and results related to educator exit surveys;

113 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
114 and Mental Health, the State Board of Education, and the Department of Health regarding
115 recommendations related to Medicaid reimbursement for school-based health services; and

116 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic
117 Planning Commission.

118 Section 2. Section 53E-8-401 is amended to read:

119 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

120 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to
121 receive services of the Utah Schools for the Deaf and the Blind if the individual is:

122 (a) a resident of Utah;

123 (b) younger than 22 years [~~of age~~] old;

124 (c) referred to the Utah Schools for the Deaf and the Blind by:

125 (i) the individual's school district of residence;

126 (ii) a local early intervention program; or

127 (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20
128 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and

129 (d) identified as deaf, blind, or deafblind through:

130 (i) the special education eligibility determination process; or

131 (ii) the Section 504 eligibility determination process.

132 (2) (a) In determining eligibility for an individual who is younger than age three and is
133 deafblind, the following information may be used:

134 (i) ophthalmological and audiological documentation;

135 (ii) functional vision or hearing assessments and evaluations; or

136 (iii) informed clinical opinion conducted by a person with expertise in deafness,
137 blindness, or deafblindness.

138 (b) Informed clinical opinion shall be:

139 (i) included in the determination of eligibility when documentation is incomplete or not
140 conclusive; and

141 (ii) based on pertinent records related to the individual's current health status and
142 medical history, an evaluation and observations of the individual's level of sensory functioning,
143 and the needs of the family.

144 (3) (a) A student who qualifies for special education shall have services and placement
145 determinations made through the IEP process.

146 (b) A student who qualifies for accommodations under Section 504 shall have services
147 and placement determinations made through the Section 504 team process.

148 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
149 Blind in accordance with the rules of the state board described in Subsection (6).

150 (b) [The] Notwithstanding Section 53G-7-503, the rules shall require the payment of
151 tuition for services provided to a nonresident.

152 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
153 the Blind under circumstances described in Section 53E-8-408.

154 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
155 state board:

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

158 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
159 to receive services of the Utah Schools for the Deaf and the Blind if the resident is younger
160 than 22 years [~~of age~~] old.

161 Section 3. Section 53E-10-305 is amended to read:

162 **53E-10-305. Tuition and fees.**

163 (1) Except as provided in this section, the Utah Board of Higher Education or an
164 institution of higher education may not charge tuition or fees for a concurrent enrollment
165 course.

166 (2) (a) The Utah Board of Higher Education may charge a one-time fee for a student to
167 participate in the concurrent enrollment program.

168 (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general
169 admission application fee requirement for a full-time or part-time student at an institution of
170 higher education.

171 (3) (a) An institution of higher education may charge a one-time admission application
172 fee for concurrent enrollment course credit offered by the institution of higher education.

173 (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission
174 application fee requirement for a full-time or part-time student at an institution of higher
175 education.

176 (4) (a) Except as provided in Subsection (4)(b), an institution of higher education may
177 charge partial tuition of no more than \$30 per credit hour for a concurrent enrollment course
178 for which a student earns college credit.

179 (b) An institution of higher education may not charge more than:

180 (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price

181 school lunch;

182 (ii) \$10 per credit hour for a concurrent enrollment course that is taught at an LEA by
183 an eligible instructor described in Subsection 53E-10-302(6)(b); or

184 (iii) \$15 per credit hour for a concurrent enrollment course that is taught through video
185 conferencing.

186 [~~(5) In accordance with Section 53G-7-603, an LEA may charge a fee for a textbook, as
187 defined in Section 53G-7-601, that is required for a concurrent enrollment course.~~]

188 Section 4. Section 53G-6-302 is amended to read:

189 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**
190 **for providing educational services.**

191 (1) As used in this section:

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

193 (b) "Human services program" means the same as that term is defined in Section
194 62A-2-101.

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

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

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

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

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

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

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

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

209 (iii) while living with a responsible adult resident of the district, if a determination has
210 been made in accordance with rules made by the state board in accordance with Title 63G,
211 Chapter 3, Utah Administrative Rulemaking Act, that:

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

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

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

218 (iv) while the child is receiving services from a health care facility or human services
219 program, if a determination has been made in accordance with rules made by the state board in
220 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

247 (ii) the child's parent executes a power of attorney under Section 75-5-103 that:

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

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

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

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

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

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

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

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

266 (i) assume responsibility for any fees [~~or other charges~~], as defined in Section
267 53G-7-501, relating to the child's education in the district; and

268 (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the
269 school district with all financial information requested by the district for purposes of
270 determining eligibility for fee waivers.

271 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of
272 this section and accepted by the school district shall remain in force until the earliest of the
273 following occurs:

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

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

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

281 Section 5. Section **53G-6-303** is amended to read:

282 **53G-6-303. Guardianship for residency purposes by responsible adult --**
283 **Procedure to obtain -- Termination.**

284 (1) For purposes of this part, "responsible adult" means a person 21 years [~~of age~~] old
285 or older who is a resident of this state and is willing and able to provide reasonably adequate
286 food, clothing, shelter, and supervision for a minor child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 (d) if the child's custodial parent cannot be found in order to execute the statement
329 required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to
330 the district. The district shall also submit a copy of the statement to the Criminal Investigations
331 and Technical Services Division of the Department of Public Safety, established in Section
332 [53-10-103](#).

333 (3) The district may require the responsible adult, in addition to the documents set forth
334 in Subsection (2), to also submit any other documents which are relevant to the appointment of
335 a guardian of a minor or which the district reasonably believes to be necessary in connection

336 with a given application to substantiate any claim or assertion made in connection with the
337 application for guardianship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

392 **53G-6-701. Definitions.**

393 ~~[Reserved]~~ As used in this part, "fee" means the same as that term is defined in Section
394 [53G-7-501](#).

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

396 **53G-7-501. Definitions.**

397 As used in this part:

- 398 (1) "Co-curricular activity" means an activity, a course, or a program that:
399 (a) is an extension of a curricular activity;
400 (b) is included in an instructional plan and supervised or conducted by a teacher or
401 education professional;
402 (c) is conducted outside of regular school hours;
403 (d) is provided, sponsored, or supported by an LEA; and
404 (e) includes a required regular school day activity, course, or program.
405 (2) "Curricular activity" means an activity, a course, or a program that is:
406 (a) intended to deliver instruction;
407 (b) provided, sponsored, or supported by an LEA; and
408 (c) conducted only during school hours.
409 (3) "Elementary school" means a school that provides instruction to students in grades
410 kindergarten, 1, 2, 3, 4, 5, or 6.
411 (4) (a) "Elementary school student" means a student enrolled in an elementary school.
412 (b) "Elementary school student" does not include a secondary school student.
413 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:
414 (i) not directly related to delivering instruction;
415 (ii) not a curricular activity or co-curricular activity; and
416 (iii) provided, sponsored, or supported by an LEA.
417 (b) "Extracurricular activity" does not include a noncurricular club as defined in
418 Section [53G-7-701](#).
419 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:
420 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,
421 described, requested, or required directly or indirectly;
422 (ii) in the form of money, goods, or services; and
423 (iii) that is a condition to a student's full participation in an activity, course, or program
424 that is provided, sponsored, or supported by an LEA.
425 (b) "Fee" includes:
426 (i) money or something of monetary value raised by a student or the student's family
427 through fundraising;
428 (ii) charges or expenditures for a school field trip or activity trip, including related

- 429 transportation, food, lodging, and admission charges;
- 430 (iii) payments made to a third party that provides a part of a school activity, class, or
431 program;
- 432 (iv) charges or expenditures for classroom:
433 [~~(A)~~ textbooks;]
434 [~~(B)~~ (A) supplies; or
435 [~~(C)~~ (B) materials;
- 436 (v) charges or expenditures for school activity clothing; and
437 (vi) a fine other than a fine described in Subsection (6)(c)(i).
- 438 (c) "Fee" does not include:
439 (i) a student fine specifically approved by an LEA for:
440 (A) failing to return school property;
441 (B) losing, wasting, or damaging private or school property through intentional,
442 careless, or irresponsible behavior, or as described in Section 53G-8-212; or
443 (C) improper use of school property, including a parking violation;
444 (ii) a payment for school breakfast or lunch;
445 (iii) a deposit that is:
446 (A) a pledge securing the return of school property; and
447 (B) refunded upon the return of the school property; or
448 (iv) a charge for insurance, unless the insurance is required for a student to participate
449 in an activity, course, or program.
- 450 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by
451 an LEA that uses students to generate funds or raise money to:
452 (i) provide financial support to a school or a school's class, group, team, or program; or
453 (ii) benefit a particular charity or for other charitable purposes.
454 (b) "Fundraising" does not include an alternative method of raising revenue without
455 students.
- 456 (8) (a) "Instructional equipment and supplies" means an activity-related, a
457 course-related, or program-related equipment, supply, tool, instrument, or other material that:
458 (i) is required for a student to use as part of an activity, course, or program in a
459 secondary school;

460 (ii) typically becomes the property of the student upon exiting the activity, course, or
461 program; and

462 (iii) is subject to a fee waiver.

463 (b) "Instructional equipment and supplies" may include:

464 (i) shears or styling tools;

465 (ii) a stethoscope;

466 (iii) sports equipment, including a bat, mitt, or tennis racquet;

467 (iv) an item that is medically prescribed, such as footwear;

468 (v) clay, paint, or an art canvas;

469 (vi) wood for wood shop;

470 (vii) Legos for Lego robotics;

471 (viii) film; or

472 (ix) filament used for 3d printing.

473 (c) "Instructional equipment and supplies" does not include school equipment.

474 ~~[(8)]~~ (9) (a) "School activity clothing" means special shoes or items of clothing:

475 (i) (A) that meet specific requirements, including requesting a specific brand, fabric, or
476 imprint; and

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

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

479 (b) "School activity clothing" does not include:

480 (i) a school uniform; or

481 (ii) clothing that is commonly found in students' homes.

482 (10) (a) "School equipment" means a durable school-owned machine, equipment,
483 facility, or tool used by a student as part of an activity, course, or program in a secondary
484 school.

485 (b) "School equipment" does not mean instructional equipment or an instructional
486 supply.

487 ~~[(9)]~~ (11) (a) "School uniform" means special shoes or an item of clothing:

488 (i) (A) that meet specific requirements, including a requested specific color, style,
489 fabric, or imprint; and

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

491 (ii) that is worn by a student for a curricular activity.
 492 (b) "School uniform" does not include school activity clothing.
 493 ~~[(10)]~~ (12) "Secondary school" means a school that provides instruction to students in
 494 grades 7, 8, 9, 10, 11, or 12.

495 ~~[(11)]~~ (13) "Secondary school student":
 496 (a) means a student enrolled in a secondary school; and
 497 (b) includes a student in grade 6 if the student attends a secondary school.

498 ~~[(12)]~~ (14) (a) "Textbook" means ~~[the same as that term is defined in Section~~
 499 ~~53G-7-601.]~~ instructional material necessary for participation in an activity, course, or
 500 program, regardless of the format of the material.

501 (b) "Textbook" includes:
 502 (i) a hardcopy book or printed pages of instructional material, including a consumable
 503 workbook; or
 504 (ii) computer hardware, software, or digital content.

505 (c) "Textbook" does not include instructional equipment or an instructional supply.

506 ~~[(13)]~~ (15) "Waiver" means a full or partial release from a requirement to pay a fee and
 507 from any provision in lieu of fee payment.

508 Section 8. Section **53G-7-503** is amended to read:

509 **53G-7-503. Fees -- Prohibitions -- Voluntary supplies -- Enforcement.**

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

511 (a) authorized; and

512 (b) noticed by the LEA governing board in accordance with Section **53G-7-505**.

513 (2) (a) An LEA may not require a fee for elementary school activities that are part of
 514 the regular school day or for supplies used during the regular school day.

515 (b) An elementary school or elementary school teacher may compile and provide to [a]
 516 an elementary school student's parent a suggested list of supplies for use during the regular
 517 school day so that a parent may furnish only on a voluntary basis those supplies for student use.

518 (c) A list provided to an elementary school student's parent in accordance with

519 Subsection (2) (b) shall include and be preceded by the following language:

520 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
 521 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,

522 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

523 (3) Beginning with the 2022-23 school year:

524 (a) for a curricular activity, an LEA may charge a secondary student a fee only for the
525 following:

526 (i) instructional equipment and supplies;

527 (ii) an Advanced Placement test;

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

529 (iv) a payment authorized in Section [53G-6-402](#), [53G-6-503](#), or [53G-9-803](#);

530 (v) a payment described in Subsection (5); or

531 (vi) a music instrument rental; and

532 (b) for that portion of a co-curricular activity that is during regular school hours, an
533 LEA may charge a secondary student a fee only for those fees listed in Subsection (3)(a).

534 (4) Beginning with the 2022-23 school year, and except as provided in Subsection (6),
535 an LEA may charge a secondary student a fee for:

536 (a) that portion of a co-curricular activity that is outside of regular school hours; and

537 (b) an extracurricular activity.

538 (5) An LEA may charge a secondary student or an individual a fee for an adult
539 education course in accordance with Section [53E-10-202](#).

540 (6) An LEA may not charge a fee:

541 (a) for school equipment; or

542 (b) that is:

543 (i) general in nature; and

544 (ii) paid for a service or good that does not have a direct benefit to the student paying
545 the fee.

546 (7) An LEA governing board shall authorize each fee individually.

547 ~~[(3)]~~ (8) (a) Beginning with or after the 2022-2023 school year, if an LEA imposes a
548 fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a
549 student the activity, course, or program for which the LEA imposes the fee.

550 (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize
551 another fee, including a fee to supplant or subsidize an expense incurred by the LEA for:

552 (i) a curricular activity; or

553 (ii) an expense incurred by that portion of a co-curricular activity that occurs during
 554 regular school hours.

555 ~~[(4)] (9)~~ (a) Beginning with or after the 2021-2022 school year, and notwithstanding
 556 Section [53E-3-401](#), if the state board finds that an LEA has violated a provision of this part [~~or~~
 557 ~~Part 6, Textbook Fees~~], the state board shall impose corrective action against the LEA, which
 558 may include:

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

560 (ii) withholding state funds; and

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

563 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 564 state board shall make rules:

565 (i) that require notice and an opportunity to be heard for an LEA affected by a state
 566 board action described in Subsection ~~[(4)](9)~~(a); and

567 (ii) to administer this Subsection ~~[(4)](9)~~.

568 ~~[(5)(a) For each fee on an LEA's fee schedule described in Section [53G-7-505](#), the~~
 569 ~~LEA shall:]~~

570 ~~[(i) by July 1, 2020, determine whether the fee is curricular, co-curricular, or~~
 571 ~~extracurricular;]~~

572 ~~[(ii) for the 2020-2021 school year, measure the total number of:]~~

573 ~~[(A) students who pay each fee; and]~~

574 ~~[(B) money received for each fee;]~~

575 ~~[(iii) for the 2020-2021 school year, measure the total:]~~

576 ~~[(A) number of students who receive a fee waiver; and]~~

577 ~~[(B) value of each waiver for each waived fee; and]~~

578 ~~[(iv) by July 1, 2021, report the separate categories of data gathered under Subsections~~
 579 ~~(5)(a)(ii) and (iii) to the state board.]~~

580 ~~[(b) The state board shall report on the data the board receives under Subsection (5)(a)~~
 581 ~~to the Education Interim Committee on or before the date of the November interim meeting in~~
 582 ~~2021.]~~

583 Section 9. Section [53G-7-504](#) is amended to read:

584 **53G-7-504. Waiver of fees -- Appeal of decision.**

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

588 (b) An LEA governing board shall:

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

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

592 (2) (a) An LEA that charges a fee under this part [~~and Part 6, Textbook Fees,~~] may
593 provide a variety of alternatives for a student or family to satisfy a fee requirement, including
594 allowing a student to provide:

595 (i) tutorial assistance to other students;

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

598 (iii) general community or home service.

599 (b) Each LEA governing board may add to the list of alternatives provided by the state
600 board, subject to approval by the state board.

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

604 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
605 state board shall make rules:

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

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

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

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

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

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

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

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

621 Section 10. Section ~~53G-7-506~~, which is renumbered from Section 53G-7-602 is
622 renumbered and amended to read:

623 ~~[53G-7-602].~~ **53G-7-506. State policy on providing free textbooks.**

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

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

627 (3) ~~[(a)] Beginning with the 2022-23 school year, an LEA[: (i) except as provided in~~
628 ~~Subsection (3)(a)(ii);]~~ ~~may not sell textbooks~~ ~~↔~~ **to students** ~~↔~~ or otherwise charge
628a ~~↔~~ **students** ~~↔~~ a fee for textbooks ~~[or the~~
629 ~~maintenance costs of school equipment; and (ii) may only charge a fee for a textbook required~~
630 ~~for an Advanced Placement or, as described in Section 53E-10-302, a concurrent enrollment~~
631 ~~course].~~

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

634 Section 11. Section ~~53G-7-507~~, which is renumbered from Section 53G-7-603 is
635 renumbered and amended to read:

636 ~~[53G-7-603].~~ **53G-7-507. Purchase of textbooks -- Textbooks provided to**
637 **teachers.**

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

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

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

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

645 Section 12. Section ~~53G-7-508~~, which is renumbered from Section 53G-7-606 is

646 renumbered and amended to read:

647 ~~[53G-7-606].~~ **53G-7-508. Disposal of textbooks.**

648 (1) An LEA may not dispose of textbooks without first notifying all other LEAs in the
649 state of the LEA's intent to dispose of the textbooks.

650 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or
651 worn out.

652 (3) The state board shall develop rules and procedures directing the disposal of
653 textbooks.

654 Section 13. Section **53G-9-803** is amended to read:

655 **53G-9-803. Remediation programs for secondary students.**

656 (1) For purposes of this section:

657 (a) "Secondary school" means a school that provides instruction to students in grades 7,
658 8, 9, 10, 11, or 12.

659 (b) "Secondary school student":

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

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

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

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

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

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

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

677 lengthy or repetitive.

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

680 (6) A school district or charter school may charge secondary school students a fee to
681 participate in the remediation programs unless the secondary school student is in grade 6.

682 Section 14. Section **53G-10-503** is amended to read:

683 **53G-10-503. Driver education funding -- Reimbursement of a local education**
684 **agency for driver education class expenses -- Limitations -- Excess funds -- Student fees.**

685 (1) (a) Except as provided in Subsection (1)(b), a local education agency that provides
686 driver education shall fund the program solely through:

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

689 (ii) student fees collected by each school.

690 (b) In determining the cost of driver education, a local education agency may exclude:

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

693 (ii) classroom space and classroom maintenance.

694 (c) A local education agency may not use any additional school funds beyond those
695 allowed under Subsection (1)(b) to subsidize driver education.

696 (2) (a) The state superintendent shall, prior to September 2nd following the school year
697 during which it was expended, or may at earlier intervals during that school year, reimburse
698 each local education agency that applied for reimbursement in accordance with this section.

699 (b) A local education agency that maintains driver education classes that conform to
700 this part and the rules prescribed by the state board may apply for reimbursement for the actual
701 cost of providing the behind-the-wheel and observation training incidental to those classes.

702 (3) Under the state board's supervision for driver education, a local education agency
703 may:

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

705 or

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

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

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

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

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

715 (5) If the amount of money in the account at the end of a school year is less than the
716 total of the reimbursable costs, the state superintendent shall allocate the money to each local
717 education agency in the same proportion that the local education agency's reimbursable costs
718 bear to the total reimbursable costs of all local education agencies.

719 (6) If the amount of money in the account at the end of any school year is more than the
720 total of the reimbursement costs provided under Subsection (4), the state superintendent may
721 allocate the excess funds to local education agencies:

722 (a) to reimburse each local education agency that applies for reimbursement of the cost
723 of a fee waived under Section 53G-7-504 for driver education; and

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

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

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

730 Section 15. **Repealer.**

731 This bill repeals:

732 Section 53G-7-601, **Definitions.**