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SCHOOL FEES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ with certain exceptions, prohibits a local education agency (LEA) from charging an elementary school student a fee;
- ▶ with certain exceptions, prohibits an LEA from charging a secondary school student a fee 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;
- ▶ 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- ▶ repeals outdated language; and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:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

31 **53E-8-401**, as last amended by Laws of Utah 2020, Chapter 408

32 **53E-10-305**, as last amended by Laws of Utah 2020, Chapters 220 and 365

33 **53G-6-302**, as last amended by Laws of Utah 2020, Chapter 408

34 **53G-6-303**, as last amended by Laws of Utah 2019, Chapter 293

35 **53G-6-701**, as enacted by Laws of Utah 2018, Chapter 3

36 **53G-7-501**, as last amended by Laws of Utah 2020, Chapter 51

37 **53G-7-503**, as last amended by Laws of Utah 2021, Chapter 341

38 **53G-7-504**, as last amended by Laws of Utah 2020, Chapter 408

39 **53G-9-803**, as last amended by Laws of Utah 2019, Chapter 293

40 **53G-10-503**, as last amended by Laws of Utah 2021, Chapter 247

41 RENUMBERS AND AMENDS:

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

44 **53G-7-507**, (Renumbered from 53G-7-603, as repealed and reenacted by Laws of Utah
45 2019, Chapter 223)

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

48 REPEALS:

49 **53G-7-601**, as last amended by Laws of Utah 2020, Chapter 138



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

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

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

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

56 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
57 including the information described in Section **9-22-113** on the status of the computer science
58 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

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

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

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

65 (e) the annual report of the Utah Board of Higher Education described in Section
66 53B-1-402;

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

69 (g) the State Superintendent's Annual Report by the state board described in Section
70 53E-1-203;

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

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

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

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

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

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

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

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

88 (a) the report described in Section 35A-15-303 by the School Readiness Board by
89 November 30, 2020, on benchmarks for certain preschool programs;

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

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

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

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

99 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
100 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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

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

120 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

- 121 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to
122 receive services of the Utah Schools for the Deaf and the Blind if the individual is:
- 123 (a) a resident of Utah;
 - 124 (b) younger than 22 years [~~of age~~] old;
 - 125 (c) referred to the Utah Schools for the Deaf and the Blind by:
 - 126 (i) the individual's school district of residence;
 - 127 (ii) a local early intervention program; or
 - 128 (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20
129 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and
 - 130 (d) identified as deaf, blind, or deafblind through:
 - 131 (i) the special education eligibility determination process; or
 - 132 (ii) the Section 504 eligibility determination process.
- 133 (2) (a) In determining eligibility for an individual who is younger than age three and is
134 deafblind, the following information may be used:
- 135 (i) ophthalmological and audiological documentation;
 - 136 (ii) functional vision or hearing assessments and evaluations; or
 - 137 (iii) informed clinical opinion conducted by a person with expertise in deafness,
138 blindness, or deafblindness.
- 139 (b) Informed clinical opinion shall be:
- 140 (i) included in the determination of eligibility when documentation is incomplete or not
141 conclusive; and
 - 142 (ii) based on pertinent records related to the individual's current health status and
143 medical history, an evaluation and observations of the individual's level of sensory functioning,
144 and the needs of the family.
- 145 (3) (a) A student who qualifies for special education shall have services and placement
146 determinations made through the IEP process.
- 147 (b) A student who qualifies for accommodations under Section 504 shall have services
148 and placement determinations made through the Section 504 team process.
- 149 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
150 Blind in accordance with the rules of the state board described in Subsection (6).
- 151 (b) [~~The~~] Notwithstanding Section 53G-7-503, the rules shall require the payment of

152 tuition for services provided to a nonresident.

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

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

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

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

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

163 **53E-10-305. Tuition and fees.**

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

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

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

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

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

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

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

181 (i) \$5 per credit hour for an eligible student who qualifies for free or reduced price
182 school lunch;

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

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

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

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

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

192 (1) As used in this section:

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

194 (b) "Human services program" means the same as that term is defined in Section
195 62A-2-101.

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

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

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

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

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

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

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

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

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

213 (A) the child's physical, mental, moral, or emotional health will best be served by

214 considering the child to be a resident for school purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (iv) the child is prepared to abide by the policies of the school and school district in

245 which attendance is sought; or

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

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

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

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

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

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

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

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

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

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

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

267 (i) assume responsibility for any fees [~~or other charges~~], as defined in Section
268 53G-7-501, relating to the child's education in the district; and

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

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

275 (i) the child reaches the age of 18, marries, or becomes emancipated;

276 (ii) the expiration date stated in the document; or
277 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
278 or by order of a court of competent jurisdiction.

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

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

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

283 **53G-6-303. Guardianship for residency purposes by responsible adult --**

284 **Procedure to obtain -- Termination.**

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

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

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

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

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

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

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

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

306 (vi) the affiant designates a named responsible adult as agent, authorized to accept

307 service on behalf of the affiant of any process, notice, or demand required or permitted to be
308 served in connection with any action under Subsection (2)(a)(v); and

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

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

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

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

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

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

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

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

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

329 (d) if the child's custodial parent cannot be found in order to execute the statement
330 required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to
331 the district. The district shall also submit a copy of the statement to the Criminal Investigations
332 and Technical Services Division of the Department of Public Safety, established in Section
333 [53-10-103](#).

334 (3) The district may require the responsible adult, in addition to the documents set forth
335 in Subsection (2), to also submit any other documents which are relevant to the appointment of
336 a guardian of a minor or which the district reasonably believes to be necessary in connection
337 with a given application to substantiate any claim or assertion made in connection with the

338 application for guardianship.

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

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

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

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

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

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

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

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

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

368 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the

369 termination of the guardianship.

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

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

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

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

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

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

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

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

393 **53G-6-701. Definitions.**

394 ~~[Reserved]~~ As used in this part, "fee" means the same as that term is defined in Section
395 [53G-7-501](#).

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

397 **53G-7-501. Definitions.**

398 As used in this part:

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

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

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

433 (iv) charges or expenditures for classroom:

434 [~~(A)~~ textbooks;]

435 [~~(B)~~ (A) supplies; or

436 [~~(C)~~ (B) materials;

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

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

439 (c) "Fee" does not include:

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

441 (A) failing to return school property;

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

443 careless, or irresponsible behavior, or as described in Section 53G-8-212; or

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

445 (ii) a payment for school breakfast or lunch;

446 (iii) a deposit that is:

447 (A) a pledge securing the return of school property; and

448 (B) refunded upon the return of the school property; or

449 (iv) a charge for insurance, unless the insurance is required for a student to participate
450 in an activity, course, or program.

451 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by
452 an LEA that uses students to generate funds or raise money to:

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

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

455 (b) "Fundraising" does not include an alternative method of raising revenue without
456 students.

457 (8) (a) "Instructional equipment" means an activity-related, course-related, or
458 program-related tool or instrument that:

459 (i) is required for a student to use as part of an activity, course, or program in a
460 secondary school;

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

462 program; and

463 (iii) is subject to a fee waiver.

464 (b) "Instructional equipment" includes:

465 (i) shears or styling tools;

466 (ii) a musical instrument;

467 (iii) a camera;

468 (iv) a stethoscope;

469 (v) sports equipment, including a bat, mitt, or tennis racquet; or

470 (vi) an item that is medically prescribed, such as footwear.

471 (c) "Instructional equipment" does not include an instructional supply or school

472 equipment.

473 (9) (a) "Instructional supply" means a consumable or non-reusable supply that is
474 necessary for a student to use as part of an activity, course, or program in a secondary school.

475 (b) "Instructional supply" includes:

476 (i) brushes or other art supplies, including clay, paint, or art canvas;

477 (ii) wood for wood shop;

478 (iii) Legos for Lego robotics;

479 (iv) film; or

480 (v) filament used for 3D printing.

481 (c) "Instructional supply" does not include instructional equipment or school

482 equipment.

483 ~~[(8)]~~ (10) (a) "School activity clothing" means special shoes or items of clothing:

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

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

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

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

489 (i) a school uniform; or

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

491 (11) "School equipment" means a durable school-owned machine, equipment, facility,

492 or tool used by a student as part of an activity, course, or program in a secondary school.

- 493 ~~[(9)]~~ (12) (a) "School uniform" means special shoes or an item of clothing:
- 494 (i) (A) that meet specific requirements, including a requested specific color, style,
- 495 fabric, or imprint; and
- 496 (B) that a school requires a student to provide; and
- 497 (ii) that is worn by a student for a curricular activity.
- 498 (b) "School uniform" does not include school activity clothing.
- 499 ~~[(10)]~~ (13) "Secondary school" means a school that provides instruction to students in
- 500 grades 7, 8, 9, 10, 11, or 12.
- 501 ~~[(11)]~~ (14) "Secondary school student":
- 502 (a) means a student enrolled in a secondary school; and
- 503 (b) includes a student in grade 6 if the student attends a secondary school.
- 504 ~~[(12)]~~ (15) (a) "Textbook" means ~~[the same as that term is defined in Section~~
- 505 53G-7-601.] instructional material necessary for participation in an activity, course, or
- 506 program, regardless of the format of the material.
- 507 (b) "Textbook" includes:
- 508 (i) a hardcopy book or printed pages of instructional material, including a consumable
- 509 workbook; or
- 510 (ii) computer hardware, software, or digital content.
- 511 (c) "Textbook" does not include instructional equipment or an instructional supply.
- 512 ~~[(13)]~~ (16) "Waiver" means a full or partial release from a requirement to pay a fee and
- 513 from any provision in lieu of fee payment.
- 514 Section 8. Section **53G-7-503** is amended to read:
- 515 **53G-7-503. Fees -- Prohibitions -- Voluntary supplies -- Enforcement.**
- 516 (1) An LEA may only charge a fee if the fee is:
- 517 (a) authorized; and
- 518 (b) noticed by the LEA governing board in accordance with Section **53G-7-505**.
- 519 ~~[(2) (a) An LEA may not require a fee for elementary school activities that are part of~~
- 520 ~~the regular school day or for supplies used during the regular school day.]~~
- 521 (2) (a) Except as provided in Sections 53G-6-402 and 53G-6-503, an LEA may not
- 522 charge an elementary school student a fee.
- 523 (b) An LEA may not charge a student who is in grade 6 a fee regardless of whether the

524 student is enrolled in an elementary school or secondary school.

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

529 ~~[(c)]~~ (d) A list provided to an elementary school student's parent in accordance with
530 Subsection (2)~~[(b)]~~(c) shall include and be preceded by the following language:

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

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

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

537 (i) instructional equipment;

538 (ii) an additional discretionary project if the student chooses:

539 (A) a project in lieu of, or in addition to, a required classroom project, which may
540 include a fee for an instructional supply; or

541 (B) project materials other than those materials provided for a project, which may
542 include a fee for an instructional supply;

543 (iii) an Advanced Placement test;

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

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

546 (vi) a payment described in Subsection (6); and

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

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

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

552 (b) an extracurricular activity.

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

555 (6) An LEA may not charge a fee for school equipment.

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

557 ~~[(3)]~~ (8) (a) Beginning with or after the 2022-2023 school year, if an LEA imposes a
 558 fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a
 559 student the activity, course, or program for which the LEA imposes the fee.

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

562 (i) a curricular activity; or

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

565 ~~[(4)]~~ (9) (a) Beginning with or after the 2021-2022 school year, and notwithstanding
 566 Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part [or
 567 Part 6, Textbook Fees], the state board shall impose corrective action against the LEA, which
 568 may include:

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

570 (ii) withholding state funds; and

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

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

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

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

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

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

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

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

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

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

586 ~~[(A) number of students who receive a fee waiver; and]~~
587 ~~[(B) value of each waiver for each waived fee; and]~~
588 ~~[(iv) by July 1, 2021, report the separate categories of data gathered under Subsections~~
589 ~~(5)(a)(ii) and (iii) to the state board.]~~

590 ~~[(b) The state board shall report on the data the board receives under Subsection (5)(a)~~
591 ~~to the Education Interim Committee on or before the date of the November interim meeting in~~
592 ~~2021.]~~

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

594 **53G-7-504. Waiver of fees -- Appeal of decision.**

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

598 (b) An LEA governing board shall:

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

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

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

605 (i) tutorial assistance to other students;

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

608 (iii) general community or home service.

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

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

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

616 (a) requiring a parent of a student applying for a fee waiver to provide documentation

617 and certification to the school verifying:

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

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

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

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

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

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

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

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

633 ~~[53G-7-602].~~ **53G-7-506. State policy on providing free textbooks.**

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

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

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

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

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

646 ~~[53G-7-603].~~ **53G-7-507. Purchase of textbooks -- Textbooks provided to**
647 **teachers.**

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

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

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

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

655 Section 12. Section **53G-7-508**, which is renumbered from Section 53G-7-606 is
656 renumbered and amended to read:

657 ~~[53G-7-606]~~. **53G-7-508. Disposal of textbooks.**

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

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

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

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

665 **53G-9-803. Remediation programs for secondary students.**

666 (1) For purposes of this section:

667 (a) "Secondary school" means a school that provides instruction to students in grades 7,
668 8, 9, 10, 11, or 12.

669 (b) "Secondary school student":

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

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

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

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

678 (b) Participation in the programs is mandatory for secondary school students who fail

679 to meet the competency levels based on classroom performance.

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

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

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

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

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

693 **53G-10-503. Driver education funding -- Reimbursement of a local education**
694 **agency for driver education class expenses -- Limitations -- Excess funds -- Student fees.**

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

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

699 (ii) student fees collected by each school.

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

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

703 (ii) classroom space and classroom maintenance.

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

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

709 (b) A local education agency that maintains driver education classes that conform to

710 this part and the rules prescribed by the state board may apply for reimbursement for the actual
711 cost of providing the behind-the-wheel and observation training incidental to those classes.

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

714 (a) employ personnel who are not licensed by the state board under Section 53E-6-201;
715 or

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

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

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

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

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

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

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

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

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

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

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

740 Section 15. **Repealer.**

741 This bill repeals:
742 Section **53G-7-601**, **Definitions.**