

DESCRIPTOR TERM: Financial Management	Millard District Policy File Code: 2100 3rd Reading: 06-08-23
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SCHOOL FEES, FEE WAIVERS, AND PROVISION IN LIEU OF FEE WAIVERS

A. Purpose

In order to provide educational opportunities for students, the Board recognizes the importance of establishing a reasonable system of fees while prohibiting practices that would exclude those unable to pay from participation in school-sponsored activities.

B. Definitions

1. “Fee” means (a) something of monetary value (b) requested or required as a condition to a student’s participation (c) in an activity, class, or program which is provided, sponsored, or supported by a school. It includes money or something of monetary value raised by a student or the student’s family through fundraising.

[Utah Code § 53G-7-501\(6\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(4\) \(November 10, 2020\)](#)

- a. “Something of monetary value” means a charge, expense, deposit, rental, fine, or payment (regardless of how it is described) in the form of money, goods, or services, whether it is directly or indirectly requested or required.

[Utah Admin. Rules R277-407-2\(19\)\(a\) \(November 10, 2020\)](#)

For example, it includes:

- i. Charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
- ii. Payments to a third party providing a part of a school activity, class, or program;
- iii. Supplies (classroom or student) or materials;
- iv. A fine, unless that fine is within the scope of the definition in Non-Fee Charges, below.

[Utah Code § 53G-7-501\(6\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(19\)\(b\) \(November 10, 2020\)](#)

- b. “Requested or required as a condition of a student’s participation” means impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

- i. Fully participate in school or in a school activity, class, or program;
- ii. Successfully complete a school class for the highest grade; or
- iii. Avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:
 - 1. Peer pressure, shaming, stigmatizing, bullying, or the like; or
 - 2. Withholding or curtailing any privilege that is otherwise provided to any other student.

[Utah Admin. Rules R277-407-2\(16\) \(November 10, 2020\)](#)

- c. “Provided, sponsored or supported by a school” means an activity, class, program, fundraiser, club, camp, clinic, or other event that:
 - i. Is authorized by the District or a District school, according to Board policy; or
 - ii. Satisfies at least one of the following conditions:
 - 1. It is managed or supervised by the District, a District school, or a District employee in the capacity of their District employment;
 - 2. It uses, more than inconsequentially, District or a District school’s facilities, equipment, or other resources; or
 - 3. It is supported or subsidized, more than inconsequentially, by public funds, including school activity funds or minimum school program dollars.
 - iii. Is not a noncurricular club as defined by Policy 6055. This definition applies regardless of the time or season of the activity, class, or program (for example, summer camps or clinics are sponsored by a school if the foregoing requirements are met).

[Utah Admin. Rules R277-407-2\(13\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-4\(4\) \(November 10, 2020\)](#)

- d. “Student supplies” means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.
 - i. It includes pencils, paper, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, clothing that is commonly found in students’ homes, and similar personal or consumable items over which a student retains ownership.

- ii. It excludes any such items if, to create a uniform appearance not related to basic function, the school imposes specific requirements such as brand, color, or a special imprint.

[Utah Code § 53G-7-501\(8\)\(b\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(20\) \(November 10, 2020\)](#)

- e. “Textbook” means instructional material necessary for participation in an activity, course or program, regardless of the format of the material. It excludes instructional equipment and instructional supplies. It includes:

- i. hardcopy book or printed pages of instructional material, including a consumable workbook;
- ii. computer hardware, software, or digital content; and
- iii. the maintenance costs of school equipment.

[Utah Code § 53G-7-501\(12\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(24\) \(November 10, 2020\)](#)

[Utah Code § 53G-7-601\(5\) \(2020\)](#)

- f. “Instructional equipment” means an activity, course, or program-related tool or instrument that is required for a student to use as part of an activity, course, or program in a secondary school, typically becomes the property of the student upon exiting the activity, course, or program, and is subject to fee waiver. This excludes school equipment. This includes:

- i. Shears or styling tools;
- ii. A band instrument;
- iii. A camera;
- iv. A stethoscope; and
- v. Sports equipment, including a bat, mitt, or tennis racquet.

[Utah Code § 53G-7-601\(2\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(8\) \(November 10, 2020\)](#)

- 2. “Instructional supply” means a consumable or non-reusable supply that is necessary to a student to use as part of an activity, course, or program in a secondary school, including:

- a. Prescriptive footwear;
- b. Brushes or other art supplies, including clay, paint, or art canvas;
- c. Wood for wood shop;
- d. Legos for Lego robotics;
- e. Film; and

f. Filament used for 3D printing.

[Utah Code § 53G-7-601\(3\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(9\) \(November 10, 2020\)](#)

3. “School equipment” means a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school, including for example a saw or 3D printer.

[Utah Code § 53G-7-601\(4\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(18\) \(November 10, 2020\)](#)

4. “School day” or “regular school day” means the same as “school day” is defined in Utah Administrative Code R277-419-2.

[Utah Admin. Rules R277-407-2\(15\), \(17\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-419-2\(30\) \(December 22, 2022\)](#)

5. “Co-curricular activity” means an activity, course, or program, outside of school hours, that also includes a required regular school day program or curriculum and which is: an extension of a curricular activity, included in an instructional plan, and conducted by a teacher or education professional.

[Utah Code § 53G-7-501\(1\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(1\) \(November 10, 2020\)](#)

6. “Curricular activity” means an activity, course, or program which is intended to provide instruction, is sponsored by a District school, and is conducted only during school hours.

[Utah Code § 53G-7-501\(2\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(2\) \(November 10, 2020\)](#)

7. “Extracurricular activity” means an activity or program for students, outside of the regular school day, that is provided, sponsored or supported by the District or a District school but is neither:

- a. Directly related to delivering instruction; nor

- b. A curricular activity or a co-curricular activity.

[Utah Code § 53G-7-501\(5\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(3\) \(November 10, 2020\)](#)

C. Non-Fee Charges

Certain items of monetary value provided in connection with students and schools are not considered fees.

1. Student Fines: A student fine is not a fee if it is specifically approved by the District and is imposed for one of the following:

- a. Failing to return school property;

- b. Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or

- c. Improper use of school property (including a parking violation).

[Utah Code § 53G-8-212 \(2021\)](#)

[Utah Admin. Rules R277-407-2\(19\)\(b\)\(iv\) \(November 10, 2020\)](#)

When fines have been assessed to a student for damaging or losing school property, the school shall not exclude the student from school for nonpayment but may withhold a transcript or diploma to obtain payment of such charges pursuant to the Board policy regarding defacing or damaging school property. However, a school may not withhold student records which are required for student enrollment or placement in a subsequent school. In addition, if the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages.

[Utah Code § 53G-8-212 \(2021\)](#)

[Utah Admin. Rules R277-407-8\(11\), \(12\) \(November 10, 2020\)](#)

2. Student Records: A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records. However, no charge may be imposed for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.

[Utah Admin. Rules R277-407-6\(10\)\(b\), \(c\) \(November 10, 2020\)](#)

3. Non-Waivable Charges: A cost, payment, or expenditure that falls into one of the following categories is not a fee.
 - a. A personal discretionary charge or purchase, including:
 - i. A charge for insurance, unless the insurance is required for a student to participate in a school activity, class, or program;
 - ii. A charge for college credit relating to successful completion of a concurrent enrollment class or an advanced placement examination; or
 - iii. A charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item (unless requested or required by the school or District).
 - b. A charge which is subject to sales tax.
 - c. A charge for school lunch or breakfast.
 - d. A deposit that is a pledge securing the return of school property which is refunded upon return of the property.
 - e. A charge for a replacement for damaged or lost school equipment or supplies.

[Utah Admin. Rules R277-407-2\(12\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-3\(9\) \(November 10, 2020\)](#)

[Utah Code § 53G-7-501\(6\)\(c\), \(9\) \(2020\)](#)

4. **Additional Discretionary Projects:** In project-related courses, projects required for course completion shall be included in the course fee. However, a student may be required to provide materials or to pay for an additional discretionary project if the student chooses a project in lieu of or in addition to a required classroom project. This requirement is not considered a fee. However, the school may not require such an additional project as a condition for enrolling, completing, or receiving the highest possible grade for a course. (Such requirements would result in the project being a fee.) Schools shall avoid allowing high cost additional projects, particularly where authorization of an additional discretionary project

results in pressure on a student by teachers or peers to also complete a similar high cost project.

[Utah Admin. Rules R277-407-3\(5\) \(November 10, 2020\)](#)

5. **Donations of Supplies to an Elementary School:** An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of student supplies for use during the regular school day so that a parent may furnish, on a voluntary basis, those supplies for student use. Such a list must include and be preceded by the following language:

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

[Utah Admin. Rules R277-407-3\(1\)\(c\), \(6\) \(November 10, 2020\)](#)
[Utah Code § 53G-7-503\(2\)\(b\), \(c\) \(2021\)](#)

6. **Donations:** For a donation not to be a fee, it must not affect the participation of an individual student. Donations are generally governed by Policy 2070. Donations or contributions may be invited on forms provided to parents of students but must clearly state that donations and contributions are voluntary and are not required for participation in an activity or class.

[Utah Admin. Rules R277-407-7\(1\) \(November 10, 2020\)](#)

7. **Students and families may be notified that they may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.** Any such payments are considered donations and are not fees. In order to accept such payments, schools shall require that the payment be clearly designated as made for the purpose of covering the costs of other students.

[Utah Admin. Rules R277-407-8\(2\)\(b\) \(November 10, 2020\)](#)

D. Authorizing Fees

No fee may be charged by the District, a District school, or any District officer or employee unless the fee has been authorized by the Board as required in this policy and applicable law. This includes any and all fees as defined in this policy, including those related to curricular, co-curricular, and extracurricular activities.

[Utah Code § 53G-7-503\(1\) \(2021\)](#)

[Utah Code § 53G-7-505 \(2019\)](#)

[Utah Admin. Rules R277-407-3\(2\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-6\(1\) \(November 10, 2020\)](#)

1. **Process to Adopt Fee Policies and Schedules:** The Board shall annually adopt fee policies and a fee schedule in a public meeting held on or before April 1st. The Board shall consult with stakeholders and shall encourage public participation in the development of the fee schedule and of waiver policies. Before taking action to approve the policies and fee schedule, the Board shall provide the opportunity for public comment on the proposed fee schedule during at least two public Board meetings. In addition to the notice required for a regular Board meeting, the Board shall provide notice of these meetings using the same form of communication regularly used by the District to communicate with parents (such as email, text, flyer, or phone call).

[Utah Code § 53G-7-505\(2\) \(2019\)](#)

[Utah Admin. Rules R277-407-6\(2\) \(November 10, 2020\)](#)

2. After the annual adoption of the fee schedule, the Board may amend the fee schedule by following the process described in the preceding paragraph (other than the April 1st deadline).

[Utah Admin. Rules R277-407-6\(3\) \(November 10, 2020\)](#)

3. The Board shall annually review the District's policies on fees, waivers, fundraising, and donations.

[Utah Admin. Rules R277-407-15\(3\) \(November 10, 2020\)](#)

4. **Fee Schedules:** A fee must be included in the Board approved fee schedule in order to be charged. The fee schedule shall include the specific amount for each fee and a spending plan for each fee. The spending plan shall provide transparency to students, parents, and employees by identifying the uses of a fee. The spending plan shall identify the needs for which the fee is being charged and include a list or description of the anticipated types of expenditures (either during the current fiscal year or as carryover for use in a future year) that are funded by the fee. The fee schedule shall include the maximum fees allowed per activity and per student. If there are multiple fees related to one activity, class, or program, the fee schedule shall include an easy to understand delineation of each of the fees and the fee total for the activity, class, or program. The fee schedule shall also include the District's fee waiver

policy, including an easily understandable statement informing a parent that a student may be eligible to have one or more fees waived and may appeal a denial of a requested waiver. The Board shall determine whether each fee on its approved fee schedule is curricular, co-curricular, or extracurricular.

[Utah Code § 53G-7-503\(5\)\(a\) \(2021\)](#)

[Utah Code § 53G-7-505\(3\)\(a\) \(2019\)](#)

[Utah Admin. Rules R277-407-6\(1\)\(c\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-13\(2\)\(a\), \(3\) \(November 10, 2020\)](#)

5. Notice of Fee Policies and Schedules: The District shall provide annual written notice to a parent of each student attending school in the District of the current and applicable fee waiver policies and fee schedules. The District shall annually publish the fee waiver policies and fee schedules on each school's publicly available website and shall include a copy of these materials in registration materials (including providing them to a parent of a student who enrolls after the initial enrollment period). The written notice shall be in a form approved by the State Board of Education and shall also include:
 - a. For elementary schools:
 - i. School Fees Notice for Families of Students in an Elementary School
 - ii. Fee Waiver Application (Elementary School)
 - iii. Fee Waiver Decision and Appeal Form
 - iv. School fees poster for elementary school
 - b. For secondary schools:
 - i. School Fees Notice for Families of Students in Grades Seven Through Twelve
 - ii. Fee Waiver Application (Secondary School)
 - iii. Fee Waiver Decision and Appeals Form
 - iv. School fees poster for secondary school

[Utah Code § 53G-7-505\(3\)\(b\) \(2019\)](#)

[Utah Admin. Rules R277-407-6\(6\), \(7\), \(8\) \(November 10, 2020\)](#)

6. If the District's parent or student population in a single written language other than English exceeds 20%, then the District shall also publish the fee waiver policies and fee schedules in that other language. If a student or parent's first language is not English, and the District has not published the policies and fee schedules in that other language, then a District representative will meet personally with each student's parent or family and make available an interpreter for the parent to understand the policies and fee schedules.

[Utah Admin. Rules R277-407-6\(7\) \(November 10, 2020\)](#)

E. Standards for Fees

1. In setting fees, the Board shall establish the following maximum fee amounts:
 - a. The amount that a school may charge to a student in a year for each course, program, or activity.
 - b. The aggregate amount that a school may charge to a student in fees in a year.
2. These maximum amounts include the amount of revenue raised by a student through an individual fundraiser. The maximum amounts also include the total per student amount expected to be received through required group fundraising. (See Alternatives to Payment of Fees, below.)
[Utah Admin. Rules R277-407-6\(4\) \(November 10, 2020\)](#)
3. In order to preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, the Board's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.
[Utah Admin. Rules R277-407-6\(11\) \(November 10, 2020\)](#)
4. The Board may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount.
[Utah Admin. Rules R277-407-6\(4\)\(e\) \(November 10, 2020\)](#)
5. No fees may be charged in kindergarten through grade 6 in connection with regular school day instruction or activities (including assemblies and field trips.) Fees may be charged to students in grade 6 if those students are attending a school that includes any of the grades 7 through 12. A school that provides instruction to students in grades other than grades 6 through 12 may not charge fees to students in grade 6 unless for those students the school follows a secondary model of instruction.
[Utah Code § 53G-7-503\(2\)\(a\) \(2021\)](#)
[Utah Admin. Rules R277-407-3\(1\), \(3\) \(November 10, 2020\)](#)
6. The Board may charge a fee related to a student's enrollment in supplemental kindergarten.
[Utah Admin. Rules R277-407-4\(5\) \(November 10, 2020\)](#)
7. Fees may be charged to elementary school students for activities which do not take place during the regular school day so long as participation in the activities is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.
[Utah Code § 53G-7-503\(2\)\(a\) \(2021\)](#)

[Utah Admin. Rules R277-407-4\(1\) \(November 10, 2020\)](#)

8. Textbook fees may not be charged.

[Utah Code § 53G-7-602\(3\) \(2020\)](#)

[Utah Admin. Rules R277-407-12 \(November 10, 2020\)](#)

9. All fees, including fees for co-curricular and extracurricular activities, must be within the maximum amounts established for the activity by the Board.

[Utah Admin. Rules R277-407-4\(2\) \(November 10, 2020\)](#)

10. A fee may not be imposed or increased in order to supplant or subsidize another fee. Beginning with the 2020-2021 school year, the amount of a fee may not be increased to offset the cost of fee waivers. Beginning with the 2022-2023 school year, the fee imposed on a student for a particular activity, course, or program cannot exceed the expense incurred by the school in providing that activity, course, or program.

[Utah Code § 53G-7-503\(3\) \(2021\)](#)

[Utah Admin. Rules R277-407-8\(2\)\(a\) \(November 10, 2020\)](#)

11. In establishing fee schedules, the Board may also review and consider the following as to each school in the District:

- a. The cost to the school to provide the activity, class, or program;
- b. The student enrollment;
- c. The median income of families within the attendance area or enrolled at the school;
- d. The number and monetary amount of fee waivers (designated by individual fee) annually granted in the prior three years;
- e. The historical participation and school interest in certain activities;
- f. The prior year fee schedule;
- g. The revenue collected from each fee in the prior year;
- h. Fundraising capacity;
- i. Prior year community donors; and
- j. Other resources available (including through donations and fundraising).

[Utah Admin. Rules R277-407-6\(5\) \(November 10, 2020\)](#)

F. Alternatives to Payment of Fees

1. The Board recognizes and allows the following provisions in lieu of fee payment. (A “provision in lieu of fee payment” means an alternative to either payment of the fee or waiver of the fee.)

[Utah Admin. Rules R277-407-2\(14\) \(November 10, 2020\)](#)

- a. Fundraising: Consistent with Policy 2070, students may avail themselves of optional individual fundraising opportunities to raise money to offset the cost of the student's fees. Required individual fundraising is prohibited. Student membership in or participation on a team or group may not be denied based on non-participation in any kind of fundraiser (individual or group).

[Utah Admin. Rules R277-407-10 \(November 10, 2020\)](#)

- b. Service in Lieu of Fees: Students may choose (but may not be required) to perform service in lieu of paying a fee.

[Utah Admin. Rules R277-407-9\(1\) \(November 10, 2020\)](#)

2. If elected by a student, the service assignment shall be determined by the principal or other designee. The assignment shall be appropriate to the age, physical condition, and maturity of the student and service required shall be consistent with the federal Fair Labor Standards Act. The service must be credited at an hourly rate at least equal to the minimum wage and must be able to be performed within a reasonable period of time. Service assignments may include service within the school, including tutorial assistance to other students and assistance before or after school to teachers and other school personnel on school related matters.

[Utah Code § 53G-7-504\(2\)\(a\) \(2020\)](#)

[Utah Admin. Rules R277-407-9\(2\) \(November 10, 2020\)](#)

3. A student who performs service in lieu of paying a fee may not be treated differently than students who pay the fee, and the service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

[Utah Admin. Rules R277-407-9\(3\) \(November 10, 2020\)](#)

4. Upon request of the student, the student's service credit shall be transferred to another school within the District or to another local education agency.

[Utah Admin. Rules R277-407-9\(4\) \(November 10, 2020\)](#)

G. Waiver of Fees

1. A "waiver" means a full or partial release from the requirement of payment of a fee and from any provision in lieu of fee payment. (A "provision in lieu of fee payment" means an alternative to either payment of the fee or waiver of the fee.) All fees are subject to waiver. Non-fee charges (see above) are not subject to waiver.

[Utah Code § 53G-7-501\(13\) \(2020\)](#)

[Utah Admin. Rules R277-407-2\(14\), \(25\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-8\(1\) \(November 10, 2020\)](#)

2. “SSI” means “Supplemental Security Income for children with disabilities,” which is a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low-income families.

[Utah Admin Rules R277-407-2\(22\) \(November 10, 2020\)](#)

3. “TANF” means “Temporary Assistance for Needy Families,” which is a program (formerly known as AFDC) which provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.

[Utah Admin. Rules R277-407-2\(23\) \(November 10, 2020\)](#)

4. Eligibility for Waiver: A waiver shall be granted to a student if charging the fee would deny the student the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

[Utah Code § 53G-7-504\(1\)\(a\) \(2020\)](#)

[Utah Admin. Rules R277-407-8\(3\) \(November 10, 2020\)](#)

A student is eligible for waiver upon providing verification that:

- a. The student qualifies based on income eligibility levels established annually by the State Superintendent;
- b. The student receives SSI;
- c. The family receives TANF funding;
- d. The student is in foster care through the Utah Division of Child and Family Services; or
- e. The student is in state custody.

[Utah Admin. Rules R277-407-11\(1\), \(2\) \(November 10, 2020\)](#)

5. A student who does not qualify based on the foregoing may also be granted a waiver if the student is not reasonably capable of paying the fee based on extenuating circumstances. Such circumstances might include exceptional financial burden, loss or substantial reduction of income, or extraordinary medical expenses.

[Utah Admin. Rules R277-407-11\(4\) \(November 10, 2020\)](#)

6. In the event that circumstances change for a student or family such that fee waiver eligibility no longer exists, the school may charge a proportional share of a fee or a reduced fee reflecting the change in eligibility.

[Utah Admin. Rules R277-407-11\(5\) \(November 10, 2020\)](#)

7. Process for Waiver: The principal, or the principal’s designee, shall review and make decisions regarding fee waiver requests, verifying eligibility as

required (including obtaining the required documentation). The decision shall be made promptly and if possible before the fee becomes due. A family may not be subjected to unreasonable demands for re-qualification.

[Utah Code § 53G-7-504\(b\) \(2020\)](#)

[Utah Admin. Rules R277-407-6\(9\)\(a\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-8\(4\), \(8\)\(b\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-11\(3\)\(d\) \(November 10, 2020\)](#)

8. Parents shall be provided the opportunity to review available provisions in lieu of fee payment.

[Utah Admin. Rules R277-407-8\(10\)\(a\) \(November 10, 2020\)](#)

9. The waiver process shall be administered fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents. There shall be no visible indicators which could lead to identification of waiver applicants. The privacy requirements of FERPA apply and shall be followed. Other students may not assist in the waiver approval process. Students who receive a waiver may not be treated differently than other students. Students who receive a waiver may not be identified to other students and may not be identified to any other person (including staff members) who do not need to know of the waiver.

[Utah Admin. Rules R277-407-8\(5\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-9\(6\) \(November 10, 2020\)](#)

10. The waiver application and associated required documentation shall incorporate and conform to the regulations issued by the State Board of Education, which will specify the forms of documentation and verification which are acceptable.

[Utah Code § 53G-7-504\(4\) \(2020\)](#)

11. In lieu of income verification, the school may rely on the following alternative forms of verification:

- a. If the student's family receives TANF, an electronic copy or screen-shot of the student's family's eligibility determination or eligibility status from the Utah Department of Workforce Services which covers the period for which waiver is sought;
- b. If the student receives SSI, a benefit verification letter from the Social Security Administration;
- c. If the student is in state custody or in foster care, either or both of the following when provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department:

- i. The youth in care required intake form;
- ii. The school enrollment letter.

[Utah Admin. Rules R277-407-11\(3\) \(November 10, 2020\)](#)

12. The principal or designee may grant a full or partial waiver or deny the request. Upon determination by the principal or designee, the parent shall be provided a written decision using the standard written decision and appeal form authorized by the State Board of Education. A full or partial denial decision shall include the reasons for the denial and give notice of the procedure to appeal the decision.

[Utah Admin. Rules R277-407-6\(9\)\(b\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-9\(6\)\(e\) \(November 10, 2020\)](#)

13. Appeals of the principal's decision on the granting of fee waivers may be made to the superintendent. Appeals of the superintendent's decision may be made to the Board.

[Utah Admin. Rules R277-407-8\(10\)\(b\) \(November 10, 2020\)](#)

14. The requirement that a student pay a fee shall be suspended during any period when the student's eligibility for waiver is being determined or when an appeal of a denial of waiver is in process.

[Utah Admin. Rules R277-407-8\(10\)\(c\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-9\(6\)\(f\) \(November 10, 2020\)](#)

15. Addressing the Effect of Waivers

The District shall identify and address potential inequities due to the impact of the number of students who receive waivers with each of the District's Schools. The Board shall distribute the impact of fee waivers among the schools of the District so that no school carries a disproportionate share of the District's total fee waiver burden, including by sharing revenue among the schools to remedy that lost through waivers.

[Utah Admin. Rules R277-407-8\(2\)\(c\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-13\(2\)\(b\), \(4\) \(November 10, 2020\)](#)

H. Fee Collection

1. Students may not be involved in the collection of fees.

[Utah Admin. Rules R277-407-9\(6\)\(d\) \(November 10, 2020\)](#)

2. The school may allow a fee to be paid through an installment payment plan. However, such a plan may not be required in lieu of a fee waiver.

[Utah Admin. Rules R277-407-9\(5\) \(November 10, 2020\)](#)

3. The District may pursue reasonable methods of collecting fees. However, the District may not, as a result of unpaid fees:

- a. Exclude a student from school or from an activity, class, or program during the regular school day;
- b. Refuse to issue a course grade; or
- c. Withhold official student records, including written or electronic grade reports, diplomas, or transcripts.

[Utah Admin. Rules R277-407-6\(10\)\(a\) \(November 10, 2020\)](#)

[Utah Admin. Rules R277-407-8\(11\) \(November 10, 2020\)](#)

4. If the school has been provided with a copy of a court order allocating responsibility for school fees between a student's parents before the day on which the school first issues a bill for a school fee, the school shall, upon request from either parent, separately bill each parent for the share of the fee that the parent is to pay under the court order. Each parent is liable only for the share of the fee the parent is required to pay under the court order, and regardless of whether the court order is provided to the school before or after the bill is issued for the fee, the school may not make a negative credit report relating to a fee about a parent who has paid the share of the fee required by the court order. The school may bill a parent for that parent's share of the fee even though the other parent has obtained a full or partial fee waiver.

[Utah Code § 15-4-6.7 \(2017\)](#)

I. Staff Training

Employees of the District shall receive, on at least an annual basis, training on fee policies specific to the employee's job function. Such training shall make use of the resources and training materials provided by the State Superintendent.

[Utah Admin. Rules R277-407-15 \(November 10, 2020\)](#)

J. Reporting and Certification

1. The District's annual year-end report to the State Superintendent shall include (1) a summary of the number of students in the District given fee waivers, the number of students who worked in lieu of a fee waiver, the number of students denied fee waivers, and the total dollar value of fees waived by the District; (2) a copy of the District's fee and fee waiver policies; (3) a copy of the District's fee schedule for students; (4) the notice of fee waiver criteria which is provided by the District to parents or guardians; (5) a fee waiver compliance form for the District and each school (using the forms approved by the State Superintendent); (6) the total count of fees approved on the District's fee schedule; and (7) the total dollar amount of all fees charged to students within all the schools in the District.

[Utah Admin. Rules R277-407-14 \(November 10, 2020\)](#)

2. The District and each school shall complete and submit such compliance forms as are required by the State Board of Education.

[Utah Admin. Rules R277-407-8\(9\) \(November 10, 2020\)](#)

K. Required Notices and Action

1. The District and each school shall use the following standard forms as they are provided by the State Board of Education:
 - a. Standard parental notification letter ([“School Fees Notice for Families of Students in Grades 7-12”](#) or [“School Fees Notice for Families of Children in Grades K-6”](#));
 - b. Standard fee waiver application ([“Fee Waiver Application \(Grades K-6\)”](#) or [“Fee Waiver Application \(Grades 7-12\)”](#));
 - c. Standard written decision and appeal form ([“Fee Waiver Decision and Appeal Form”](#));
 - d. School fees service agreement ([“Service Agreement, Verification, and Appeal Form”](#));

These standard forms as drafted and adopted by the State Board of Education are hereby incorporated into these policies. (The forms are also available in Spanish, Arabic, Chinese, and Somali.) The District and each school shall adhere to the terms and conditions set forth in the standard forms.

~~“**Fee**” means any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through a school. For purposes of this policy, charges related to the National School Lunch Program are not fees.~~

~~“**Optional Project**” means a project chosen and retained by a student in lieu of a meaningful and productive project otherwise available to the student, which would require only school-supplied materials.~~

~~“**Participation**” means practicing, playing, or competing in a district-sponsored student activity.~~

~~“**Provision in Lieu of Fee Waiver**” means an alternative to fee payment and waiver of fee payment. A plan under which fees paid in installments or under some other delayed payment arrangement is not a waiver or provision in lieu of fee waiver.~~

~~“**Optional student items**” means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities. The term includes pencils, papers, notebooks, crayons, scissors, safety eye glasses, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student~~

~~retains ownership. The term, Student Supplies, does not include items such as the foregoing for which specific requirements such as brand, color, or a special imprint are set in order to create a uniform appearance not related to basic function.~~

~~“**Textbook**” means book, workbook, and materials similar in function which are required for participation in a course of instruction.~~

~~“**Waiver**” means release from the requirement of payment of a fee and from any provision in lieu of fee payment.~~

8. Procedure

- ~~1. Under the direction of the superintendent, school principals are authorized to administer this policy in their respective schools and to do so fairly, objectively, and without delay, avoiding stigma and unreasonable burdens on students or parents.~~
- ~~2. The Window for Application of Fee Waiver~~
 - ~~a. A parent/guardian must apply for a fee waiver within thirty (30) school days after the first day of school.~~
 - ~~b. A student who enters the school any time during the school year also has thirty (30) school days in which to apply for a fee waiver.~~
 - ~~c. A student whose family has a financial emergency caused by job loss, major illness, or other substantial loss of income, has thirty (30) school days from the qualifying event in which to apply for a fee waiver. In this case only those fees assessed after application has been made will be waived. Fees paid previously will not be reimbursed.~~
 - ~~d. Fee waivers cannot be granted retroactively.~~

9. Classes and Activities During the Regular School Day

- ~~1. No fee may be charged for any class or activity in kindergarten through fifth grade, including materials, textbooks, workbooks, supplies, or any class activity, assemblies, and field trips.~~
- ~~2. Textbook, lab, and other course-related fees may only be charged in grades six through twelve.~~
- ~~3. Students must be able to enroll and participate in any class, and have the opportunity to acquire all skills and knowledge required for full credit and highest grades, without paying a fee, or participating in a fund-raising activity.~~

4. ~~An elementary school teacher may compile and provide to a student's parent or guardian a suggested list of supplies for use during the regular school day so that a parent or guardian may furnish on a voluntary basis those supplies for student use.~~

~~A list provided to a student's parent or guardian must include and be preceded by the following language:~~

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

~~[Utah Admin. Rules R277-407-3 \(August 7, 2013\)](#)~~

~~[Utah Code § 53a-12-102 \(2015\)](#)~~

5. ~~Students of all grade levels may be required to provide materials for their optional projects.~~
6. ~~Donations or contributions may be invited on forms provided to parent or guardians of students, but must clearly state that donations and contributions are voluntary, and are not require in an activity or class.~~

~~[Utah Admin. Rules R277-407-5 \(August 7, 2013\)](#)~~

7. ~~Student supplies must be provided for elementary students. A student may, however, be required to replace supplies provided by the school, which are lost, wasted, or damaged by the student due to careless or irresponsible behavior.~~
8. ~~If a class is established or approved which requires payment of fees or purchase of materials, tickets to events, etc., in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the class shall be subject to the fee waiver provisions provided herein.~~
9. ~~Secondary school students are required to provide their own student supplies.~~

~~[Utah Admin. Rules R277-407-3 \(August 7, 2013\)](#)~~

~~[Utah Code § 53A-12-102 \(2015\)](#)~~

E. General Provisions

1. ~~Students of all grade levels shall be required to provide materials for their optional projects. Students may not be required to select an optional project as a condition for enrolling in or completing a course. Any course related to a project must be based on projects and experiences that are free to all students.~~

~~[Utah Admin. Rules R277-407-3 \(August 7, 2013\)](#)~~

- ~~2. A fee shall be charged in connection with any school-sponsored activity which does not take place during the regular school day, if participation is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day, and if school officials determine that a fee is necessary to cover the costs of the activity.~~
~~[Utah Admin. Rules R277-407-4 \(August 7, 2013\)](#)~~
- ~~3. Fees for extracurricular activities sponsored by the Utah High School Activities Association shall not exceed limits established thereby.~~
- ~~4. Drill Team fees will not exceed the limits allowed by the Utah High School Activities Association, or Board approved fees. Cheerleader fees shall also be consistent with that of Drill Team fees.~~
- ~~5. No fee may be charged or assessed in connection with any class or school sponsored or supported activity, including extracurricular activities, unless the fee has been set and approved by the local Board of Education in accordance with the following provisions:~~
 - ~~a. The Board shall annually adopt a fee schedule and policies during a regularly scheduled Board meeting open to the public. Notice of the meeting shall be posted visibly in all District facilities and published in a local newspaper. If school is in session one week prior to the meeting, notice shall be sent of the meeting's subject matter to parents via their children. Minutes of the meeting shall be kept and made available upon request.~~
 - ~~b. After adoption of the fee schedule and policies, copies thereof shall be made available upon request at all school and offices of the District, and shall be included with all registration materials provided to potential or continuing students. The fee schedule and policies shall be accompanied by a copy of the fee waiver policies, including the required standard forms provided to the District by the State Office of Education regarding fee waivers.~~
- ~~6. Fees for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations shall be kept to a minimum to allow equal opportunity for participation.~~
- ~~7. Donations or contributions for activities or for general use may be solicited after approval by the school Principal or the Board. The Board or its designee may accept such. All requests for donations and contributions must clearly state that donations and contributions are voluntary and that no elementary or secondary school may require a donation in order for a given student to participate in an activity.~~
- ~~8. No present or former student of the District shall be denied receipt of transcripts or a diploma for failure to pay school fees. No charge will be made to cover the cost of duplicating and mailing copies of school records to elementary or secondary schools where the student is enrolled or intends to enroll.~~

9. ~~In accordance with Section 53A-11-806 of the Utah Code, any school district whose property has been lost or willfully cut, defaced, or otherwise damaged or destroyed due to misuse or neglect may withhold the issuance of official written grade reports, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.~~
[Utah Admin. Rules R277-407-5 \(August 7, 2013\)](#)
10. ~~The cost of uniforms, costumes, clothing, and accessories, if other than typical student dress, which are required for participants in choirs, pep clubs, cheerleading, drill teams, athletic teams, bands, orchestras, and other student groups, are fees which require approval of the local Board of Education. Those fees will be used to cover basic program costs. Anything above the basic program will be funded through fund raising activities or donations.~~
11. ~~In the collection of school fees, schools must comply with statutes and State Tax Commission rules regarding the collection of state sales tax.~~
12. ~~Charges for class rings, yearbooks, letter jackets, and similar articles not required for participation in a class or activity are not fees, and are not subject to the waiver requirements of this policy.~~

F. Waiver of Fees

1. ~~A deposit or fee, which a student and his or her parent or guardian is unable to pay, may be waived in whole or in part. Procedures for waiver of fees or deposits may be posted in a central location in each school.~~
[Utah Code § 53A-12-103\(1\) \(2008\)](#)
2. ~~Textbook and workbook fees shall be waived, if the books are required for courses of instruction for each child whose parent or guardian is financially unable to purchase them, as determined in accordance with this fee waiver procedure.~~
[Utah Code § 53A-12-204\(2\) \(2002\)](#)

G. General Procedure

1. ~~Students who are in state custody or foster care, or are receiving public assistance in the form of Temporary Assistance for Needy Families ("TANF"), or receiving Supplemental Security Income as a qualified disabled child, or are eligible for free school lunch will have all fees waived. Other fee waivers may be granted in whole or in part because of extenuating circumstances such as exceptional financial burden, loss or substantial reduction of income, or extraordinary medical expenses. Requests for fee waivers are to be made to the school principal. The principal shall make a fair and objective decision without delay.~~
2. ~~The application for fee waiver shall include documentation and verification by the parent (1) of the student's eligibility for the waiver and (2) that the alternatives for satisfying fee requirements have been complied with to the~~

~~fullest extent reasonably possible under the individual circumstances of the waiver applicant and of the school. In addition, the application shall specify the acceptable forms of documentation, which shall include verification based on income tax returns or current pay stubs.~~

~~[Utah Code § 53A-12-103 \(2008\)](#)~~

~~[Utah Admin. Rules R277-407-6 \(August 7, 2013\)](#)~~

- ~~3. The waiver application and associated required documentation shall incorporate and conform to the regulations issued by the State Office of Education, which will specify the forms of documentation and verification which are acceptable.~~

~~[Utah Code § 53A-12-103 \(2008\)](#)~~

- ~~4. The principal may grant a full or partial fee waiver or deny the waiver request. If the principal grants a waiver in whole or in part, he/she shall also include one or more of the following alternatives to allow the student to satisfy the fee requirement:~~

~~a. The student provides tutorial assistance before or after school.~~

~~b. The student provides assistance before or after school to teachers or other school personnel on school related matters.~~

~~c. The student provides general community or home service.~~

~~Other alternatives may be added by each school principal, subject to approval by the Board. When an alternative to meeting the fee requirement is imposed by the principal, then the principal shall outline in detail the responsibilities of the student to meet the fee requirement alternative. Alternatives shall not apply to textbook fees, which are waived without an alternative requirement for qualifying students.~~

~~[Utah Code § 53A-12-103\(2\) \(2008\)](#)~~

- ~~5. Appeals of the Principal's decision on the granting of fee waivers may be made to the Superintendent of Schools. Appeals of Superintendent's decision may be made to the Board. At all times during the fee waiver procedure, the privacy rights of students and parents will be protected and no student will be discriminated against or denied an opportunity to participate in a class or school-sponsored or supported activity because of inability to pay or because of a request for a fee waiver.~~
- ~~6. Full or proportionally reduced waivers or provisions in lieu of fee waivers are available for any student eligible for reduced price school lunch.~~
- ~~7. Requirements for fees for a given student shall be suspended during any period during which the student's eligibility for waiver is being determined or appealed.~~
- ~~8. No waiver shall be granted for charges assessed pursuant to a student's damaging or losing school property. A school shall not exclude the student from school but may withhold transcripts or diplomas to obtain payment of such charges pursuant to the Board policy regarding defacing or injuring school property. However, a school may not withhold student records that will prevent the student from attending school or being properly placed in~~

~~school. In addition, if the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages.~~

~~[Utah Code § 53A-11-806 \(2008\)](#)~~

~~[Utah Admin. Rules R277-407-6.F\(2\) \(August 7, 2013\)](#)~~

9. ~~The Board shall provide for balancing of financial inequities among District schools so that the granting of waivers and provisions in lieu of fee waivers do not produce significant inequities through unequal impact on individual schools.~~

~~[Utah Admin. Rules R277-407-6 \(August 7, 2013\)](#)~~

H. Required Notices and Action—

~~The District and each school shall use the following standard forms as they are provided by the State Office of Education:~~

2. ~~Standard parental notification letter ("School Fees Notice for Families of Students in Grades Seven Through Twelve" or "School Fees Notice for Families of Children in Kindergarten Through Sixth Grade")~~;
3. ~~Standard fee waiver application ("Fee Waiver Application (Grades K-6)" or "Fee Waiver Application (Grades 7-12)")~~;
4. ~~Standard written decision and appeal form ("Fee Waiver Decision and Appeal Form")~~;
5. ~~District certification of compliance ("School District Certification of Compliance")~~;
6. ~~Secondary school certification of compliance ("Secondary School Certification of Compliance (For Use In Schools Serving Any Grade, 7-12)")~~;
7. ~~Elementary school certification of compliance ("Elementary School Certification of Compliance (For Use In Schools Serving Any Grade, K-6)")~~.

~~These standard forms as drafted and adopted by the State Office of Education are hereby incorporated into these policies. The District and each school shall adhere to the terms and conditions set forth in the standard forms.~~

~~As used in the standard forms, the term "waiver" shall include provisions in lieu of fee waivers.~~