

## UINTAH SCHOOL DISTRICT POLICY ACTION REVIEW

1st Reading	5/08/19	New	
2nd Reading	6/19/19	Revised	X
Approved	6/19/19		

### 007.0505 SCHOOL FEES POLICY

#### PHILOSOPHY STATEMENT

1.0 Utah law requires parents to enroll and ensure the attendance of their children in school, and sets criminal penalties for those who fail to do so. It seems inconsistent to establish such laws and penalties if the ability of parents and children to comply is compromised by a system of fees that may exclude some of the needy from school-sponsored programs, as defined below and hereafter referred to as “School Activities”, the result of a system of mandatory fees is that those most able to pay are enrolled and subsidized, while those least able to pay may be excluded.

The purpose of this policy is to permit the orderly establishment of a reasonable system of fees, provide adequate notice to students and families of fees and fee waiver requirements while prohibiting practices that would exclude those unable to pay from participation in School Activities.

#### 2.0 DEFINITIONS

School Activity: Any activity, class or program provided, sponsored, or supported by or through a public school or school district and which is subject to the fee waiver policy.

Secondary: “Secondary school” means a school that provides instruction to students in any of the following grades, 7, 8, 9, 10, 11, or 12; a school may charge fees to students in sixth grade if the student attends a school that includes any grades seven through twelve.

Elementary: “Elementary school Student” means a student who is not enrolled in a secondary school.

*Utah Admin. R 277-407 (February 1, 2019)*

*Utah Code § 53A-12-102 (1) (2013)*

Fee: Any charge, deposit, rental, fine 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 any activity or function sponsored by or through a school. Something of monetary value requested or required by an LEA as a condition to a student’s participation in an activity, class,

or program provided, sponsored, or supported by a school. This includes money or something of monetary value raised by a student or the student's family through fundraising. For purposes of this policy, charges related to a charge for a replacement for damaged or lost school equipment or supplies or charges to the National School Lunch Program are not fees.

**Fundraisers:** An activity or event provided, sponsored, or supported by a school that uses students to generate funds to raise money to:

- (i) provide financial support to a school or any of the school's classes, groups, teams, or programs; or
- (ii) benefit a particular charity or for other charitable purposes. may include:
  - (i) the sale of goods or services;
  - (ii) the solicitation of monetary contributions from individuals or businesses;
  - (iii) other lawful means or methods that use students to generate funds.

This does not include an alternative method of raising revenue without students. (i.e., donations, booster club funding)

Group fundraiser means a fundraising activity where the money raised is used for the mutual benefit of the group, team, or organization.

Individual fundraiser means a fundraising activity where money is raised by each individual student to pay the individual student's fees.

**Provision in Lieu:** An alternative to fee payment and waiver of fee payment. A plan under a Fee Waiver: which fees are paid in installments or under some other delayed payment arrangement is not a waiver or provision in lieu of fee waiver.

**Student Supplies:** 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, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student retains ownership. The term 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.

**Discretionary Project:** A project chosen and retained by a student in lieu of or in addition to a required project otherwise available to the student which would require only school-supplied materials.

**Textbook:** Book, workbook and materials similar in function which are required for participation in any instructional course.

Waiver: Release from the requirement of payment of a fee and from any provision in lieu of fee payment.

### 3.0 STANDARDS

#### 3.1 Classes and Activities During the Regular School Day

3.1.1 No fee may be charged for any class or activity to elementary school students for materials, textbooks, supplies or any class, activity, assembly or field trip.

3.1.1.1 An elementary school or elementary school teacher may compile and provide to a student's parent 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. R. 277-407-3 (April 4, 2019)*

*Utah Code Ann. § 53G-7-503*

Donations or contributions may be invited on forms provided to the parents or guardians of the students, but must clearly state the donations and contributions are voluntary, and are not required for participations in an activity or class.

*Utah Admin R. 277-407-7 (April 4, 2019)*

3.1.2 An LEA may not charge a fee for a textbook as provided, except for a textbook used for a concurrent enrollment or advanced placement course.

3.1.3 Lab and other course-related fees may be charged to secondary school students.

3.1.4 If a class is established or approved which requires payment of fees or purchases 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 of State Board of Education Rule R277-407-8.

3.1.4.1 Secondary school students are required to provide their own student supplies.

*Utah Admin. R. 277-407-3 (April 4, 2019)*

3.1.5 Students of all grade levels shall be required to provide materials for their discretionary projects. Students may not be required to select a discretionary 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. R. 277-407-3 (October 9, 2012)*

- 3.1.6 Student supplies must be provided for elementary students. A student or his or her parent(s), 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.

### 3.2 School Activities Outside of the Regular School Day

- 3.2.1 Fees may be charged, subject in connection with any school-sponsored activity which does not take place during the regular school day, regardless of the age or grade level of the student, 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.
- 3.2.2 Fees related to extracurricular activities sponsored by the Utah High School Activities Association must correspond with the rules established by the Association.

### 3.3 General Provisions

- 3.3.1 No fee may be charged or assessed, nor will any request of monetary value be required, 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 and distributed in an approved fee schedule or notice in accordance with this policy.
- 3.3.2 Fee schedules and policies for the entire Uintah School District shall be adopted at least once each year by the board of education in a regularly scheduled public meeting of the Board. Provisions shall be made for broad public notice and participation in the development of fee schedules and waiver policies. Minutes of board meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, are public records and shall be kept on file by the board of education and made available upon request. A reasonable fee may be charged for copies of such records.
- 3.3.3 The Uintah School District shall adopt procedures to reasonably ensure that the parent or guardian of each child who attends school within the district receives written notice of all current and applicable fee schedules and fee waiver policies, including easily understandable procedures for obtaining waivers, and for appealing a denial of waiver, as soon as possible prior to the time when fees become due. Copies of the schedules and waiver policies shall be included with all registration materials provided to potential or continuing students.
- 3.3.4 No present or former student may be denied receipt of transcripts or a diploma for failure to pay school fees. A reasonable charge may be made to cover the cost of duplicating or mailing transcripts or other school records. No charge may be made for duplicating or mailing copies of school records to an elementary or secondary school in which the student is enrolled or intends to enroll. Reasonable means may be used by the school district to collect unpaid fees.

- 3.3.5 To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, this school district'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.
- 3.3.6 Donations or contributions may be solicited and accepted in accordance with this school district's policies, but all such requests must state that donations and contributions are voluntary. A donation is a fee if a student must make a donation in order to participate in an activity.
- 3.3.7 In the collection of school fees, the school district must comply with statutes and State Tax Commission rules regarding the collection of state sales tax.
- 3.3.8 As part of an LEA's fee setting process, the LEA shall establish a per student annual maximum fee amount that the LEA's schools may charge a student for the student's participation in all courses, programs, and activities provided, sponsored, or supported by a school for the year.
  - 3.3.8.1 An LEA shall establish:
    - 3.3.8.1.1 a maximum fee amount per student for each activity;
    - 3.3.8.1.2 a maximum total aggregate fee amount per student per school year.
    - 3.3.8.1.3 The amount of revenue raised by a student through an individual fundraiser shall be included as part of the maximum fee amount per student for the activity and maximum total aggregate fee amount per student.

#### 3.4 Fee Waivers

- 3.4.1 In order to ensure that no student is denied the opportunity to participate in a class or school sponsored or supported activity because of an inability to pay a fee, the board of education shall provide for adequate waivers or other provisions in lieu of fee waivers. The waiver policy shall include procedures to ensure that:
  - 3.4.1.1 The principal, or designee, in each school is responsible to administer the policy and grant the waivers;
  - 3.4.1.2 The process for obtaining waivers or pursuing alternatives is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and parents;
  - 3.4.1.3 Students who have been granted waivers or provisions in lieu of fee waivers are not treated differently from other students or identified to persons who do not need to know;
  - 3.4.1.4 Fee waivers or other provisions in lieu of fee waivers are available to any student whose parent or legal guardian is unable to pay the fee in question;
- 3.4.2 Eligibility for fee waiver is determined by:
  - 3.4.2.1 family income
  - 3.4.2.2 The inability to pay is presumed for those who are in state custody or foster care, or receiving public assistance in the form of Aide to

Families with Dependent Children, or Supplemental Security Income, or are eligible for free school lunch; and

3.4.2.3 on a case by case determinations are made for those who do not qualify under one of the foregoing standards but who, because of extenuating circumstances such as, but not limited to, exceptional financial burdens such as loss or substantial reduction of income or extraordinary medical expenses, are not reasonably capable of paying the fee. Evidence substantiating claimant's application may be required.

3.4.3 Fees for the following are waivable: an activity, class, or program that is:

3.4.3.1.1 (a) primarily intended to serve school-age children; and  
(b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;

3.4.3.1.2 an activity, class, or program that is explicitly or implicitly required; (a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or (b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;

3.4.3.1.3 an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;

3.4.3.1.4 an activity or program where full participation in the activity or program includes: (a) travel for state or national educational experiences or competitions; (b) debate camps or competitions; or (c) music camps or competitions; and (5) a concurrent enrollment, CTE, or AP course.

3.4.3.1.5 A fee for a textbook used for a concurrent enrollment or advanced placement course is fee waivable.

3.4.3.2 Parents are given the opportunity to review proposed alternatives to fee waivers;

3.4.3.3 If an application for a fee waiver is denied, the applicant may seek reconsideration by the principal. If again, the principal denies the waiver, the applicant may appeal in writing to the Superintendent or his designee. The Superintendent or his designee shall meet with the applicant to discuss the

application. The Superintendent or his designee shall then have ten days to give a written decision to the applicant. If the applicant is not satisfied with the decision of the Superintendent, he/she may appeal in writing directly to the board.

3.4.3.4 Any requirement that a given student pay a fee is suspended during any period which the student's eligibility for waiver is being determined or during which a denial of waiver is being appealed; and

3.4.3.5 The board provides for balancing of financial inequities among District schools if the granting of waivers and alternatives to waivers produces significant inequities through unequal impact on individual schools.

3.4.4 Expenditures for uniforms, costumes, clothing, and accessories, if other than typical student dress, which are required for participants in choirs, pep clubs, drill teams, athletic teams, bands, orchestras, and other student groups, and expenditures for student travel as part of a school team, student group, or other school-approved trip, are fees requiring approval of the board of education.

3.4.5 The requirements of fee waiver and availability of other provisions in lieu of fee waiver do not apply to charges assessed pursuant to a student's damaging or losing school property. Schools may pursue reasonable methods for obtaining payment for such charges, but may not exclude students from school or withhold transcripts or diplomas to obtain payment of those charges.

3.4.6 Charges for class rings, letter jackets, yearbooks 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.

3.4.7 A charge for college credit related to the successful completion of a concurrent enrollment class or an advanced placement examination are not subject to the waiver requirements of this policy.

### 3.5 Fee Waiver Reporting Requirements

3.5.1 Each school district shall attach to its annual S-3 statistical report for inclusion in the State Superintendent of Public Instruction's annual report the following:

3.5.1.1 a summary of the number of students in the district given fee waivers, the number of students who worked in lieu of a waiver, and the total dollar value of student fees waived by the district;

3.5.1.2 a copy of the district's fee and fee waiver policies;

3.5.1.3 a copy of the district's fee schedule for students; and

3.5.1.4 the notice of fee waiver criteria provided by the student's parent or guardian.

3.5.1.5 a fee waiver compliance form approved by the Superintendent for each school and LEA.

### 3.6 Individual and Group Fundraising Requirements.

3.6.1 An LEA governing board shall establish a fundraising policy that includes a fundraising activity approval process.

- 3.6.2 An LEA's fundraising policy:
  - 3.6.2.1 may not authorize, establish, or allow for required individual fundraising;
  - 3.6.2.2 may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees
  - 3.6.2.3 may allow for group fundraisers;
  - 3.6.2.4 shall prohibit denying a student membership in or participation on a team or group or in an activity based on the student's non-participation in a fundraiser