

# S-10: Administrative Procedures

## Student Fees and Fee Waivers



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### REFERENCES

[Board Policy S-10](#)

[Utah Code Ann. §53G-6-402\(5\), Open enrollment options – processing fee.](#)

[Utah Code Ann. §53G-6-604, Requirement of school record for transfer of student.](#)

[Utah Code Ann. §53G-7-501 et seq., Student Fees](#)

[Utah Code Ann. §53G-7-601 et seq., Textbook Fees](#)

[Utah Code Ann. §53G-7-701 et seq., Student Clubs](#)

[Utah Code Ann. §53G-7-801 et seq., School Uniforms](#)

[Utah Code Ann. §53G-8-212, Defacing or damaging school property – Student’s liability – Work program alternative.](#)

[Utah Administrative Code R277-113-7, LEA Fiscal and Auditing Policies, School Sponsored Activities](#)

[Utah Administrative Code R277-407, School Fees](#)

[Permanent Injunction Civil No. 920903376](#)

### FORMS

[Fee Waiver Forms \(Link to the Utah State Board of Education School Fee Forms Page\)](#)

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### DEFINITIONS

**Co-Curricular:** An activity, a course, or a program that:

- A. is an extension of a curricular activity;
- B. is included in an instruction plan and supervised or conducted by a teacher or education professional;
- C. is conducted outside of regular school hours;
- D. is provided, sponsored, or supported by the district or school; and
- E. includes a required regular school day activity, course, or program.

**Curricular:** An activity, a course, or a program that is:

- A. intended to deliver instruction;
- B. provided, sponsored, or supported by the district or school; and
- C. conducted only during school hours.

**Extracurricular Activity:** An activity, a course, or a program that is:

- A. not directly related to delivering instruction;
- B. not a curricular activity or a co-curricular activity; and
- C. provided, sponsored, or supported by the district or school.

An extracurricular activity does not include a non-curricular/student club (see I-16: Administrative Procedures, School and Student Clubs – Equal Access Act).

**Fee:** Any charge, expense, deposit, rental or other payment:

- A. regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly;
- B. in the form of money, goods, or services; and
- C. that is a condition to a student’s full participation in an activity, course, or program that is provided, sponsored, or supported by the district.

“Fee” includes:

- A. charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
- B. payments made to a third party that provides part of a school activity, class, or program;
- C. charges or expenditures for school activity clothing;
- D. charges or expenditures for classroom instructional equipment or supplies; and
- E. fines such as truancy, tardies, class changes, or fines or penalties designed to influence a student’s behavior.

“Fee” does not include:

- A. a student fine specifically approved by the board for:
  - 1. failing to return school property,

2. losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in Utah Code Ann. §53G-8-212; or
  3. improper use of school property, including a parking violation;
- B. a payment for school breakfast or lunch;
  - C. a deposit that is:
    1. a pledge securing the return of school property; and
    2. refunded upon the return of the school property;
  - D. a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program;
  - E. charges associated with a student's participation in a non-curricular club; or
  - F. money or another item of monetary value raised by a student or student's family through fundraising.

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

- A. provide financial support to a school or a school's class, group, team, or program; or
- B. benefit a particular charity or for other charitable purposes.

Fundraising does not include an alternative method of raising revenue without students.

**Instructional Equipment or Supplies:** An activity-related, course-related, or program-related tool or supply that:

- A. is required for a student to use as part of an activity, course, or program in a secondary school;
- B. becomes the property of the student upon exiting the activity, course, or program; and
- C. is subject to fee waiver.

Instructional equipment or supplies do not include school equipment.

**Maintenance of School Equipment:** A cost, payment, or expenditure related to storing, repairing, or keeping school equipment in good working condition. Maintenance of school equipment does not include the cost related to end-of-life replacement.

**Non-waivable charge:** A cost, payment, or expenditure that:

- A. is a personal discretionary charge or purchase, including:
  1. a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
  2. a charge for college credit related to the successful completion of a concurrent enrollment class, or an advanced placement examination; and
  3. a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar items except when requested or required by the district or school.
- B. is subject to sales tax;
- C. by state or federal law or regulation is designated not be to a fee, including:
  1. a school uniform; and
  2. a school meal.

**Optional Project:** A non-mandatory project chosen and retained by a student, for which the student covers the cost or provides the materials, in lieu of, or in addition to a mandatory classroom project otherwise available to the student, which would require only school-supplied materials.

**Parent:** For purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act ("FERPA") with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

**Provided, Sponsored, or Supported by a School:** An activity, class, program, fundraiser, club, camp, clinic, or other event that:

- A. is authorized by the district or school, according to board policy; or
- B. satisfies at least one of the following conditions:
  1. the activity, class, program, fundraiser, club, camp, clinic, or other event is managed or supervised by the district or school, or a district or school employee;
  2. the activity, class, program, fundraiser, club, camp, clinic, or other event uses, more than inconsequentially, the district's or school's facilities, equipment, or other school resources; or
  3. the activity, class, program, fund-raising event, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.

Provided, sponsored, or supported by a school does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Utah Code Ann. § 53G-7-701 et seq., Student Clubs.

**Provision in Lieu of Fee Waiver:** An alternative to fee payment and waiver of fee payment.

**Requested or Required by a School/District as a Condition to a Student's Participation:** Something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

- A. fully participate in school or in a school activity, class, or program;
- B. successfully complete a school class for the highest grade; or
- C. 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.

**School Activity Clothing:** Items of clothing or special shoes:

- A. that meet specific requirements, including requesting a specific brand, fabric, or imprint;
- B. that a school requires a student to provide; and
- C. that is required to be worn by a student for an activity, course, or program-related activity.

School activity clothing does not include a school uniform or clothing that is commonly found in students' homes.

**School Equipment:** A school-owned machine, equipment, facility, or tool that is durable, reusable, consumable, and is used by a student as part of an activity, course, or program in a secondary school.

**School Uniform:** An item of clothing or special shoes:

- A. that meet specific requirements, including a requested specific color, style, fabric, or imprint; and
- B. that a school requires a student to provide; and
- C. that is worn by a student for a curricular activity.

A school uniform does not include school activity clothing.

**Something of Monetary Value:** means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.

Something of monetary value includes:

- A. charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
- B. payments made to a third party that provide a part of a school activity, class, or program;
- C. classroom supplies or materials; and
- D. a fine, except for a student fine specifically approved by the district for:
  1. failing to return school property;
  2. losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or
  3. improper use of school property, including a parking violation.

**Student Supplies:** Items that 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, computer disks, 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 there are specific requirements such as brand, color, or a special imprint in order to create the uniform appearance not related to basic function.

**Textbooks:** Instructional material necessary for participation in an activity, course, or program, regardless of the format of the material. Textbooks include books, workbooks, printed instructional materials, computer hardware, software, or digital content which are required for participation in any course. Textbook does not include instructional equipment or supplies.

**Waiver:** A full release from requirement of payment of a fee and from any provision in lieu of fee payment.

## **PROCEDURES FOR IMPLEMENTATION**

### **I. Fee Setting Process**

- A. No later than November of each year, the School Community Council ("SCC") at each secondary school will review the entire listing of the fees charged at its particular school.
- B. When determining what fee amount to propose, school administration and the SCC may consider the following factors:
  - 1. the school's cost to provide the activity, class, or program;
  - 2. the school's student enrollment;
  - 3. the median income of families:
    - a. within the school's boundary; or
    - b. enrolled in the school;
  - 4. the number and monetary amount of fee waivers, designated by individual fees, annually granted within the prior three years;
  - 5. the historical participation and school interest in certain activities;
  - 6. the prior year fee schedule;
  - 7. the amount of revenue collected from each fee in the prior year;
  - 8. fundraising capacity:
    - a. prior year community donors; and
    - b. other resources available, including through donations and fundraising.
- C. The goal of limiting student expenditures for all school/district sponsored activities must be taken into account when determining the amount of each school fee.
- D. The SCC and school administration will discuss fees in the context of diverse student needs, impact on families, fee waiver implications, and outreach to the entire student body for participation in school activities.
- E. Elementary schools, while charging no fees for basic education, may charge fees in certain circumstances. (See, Section V.A. below.)
- F. Each year the School Improvement Council ("SIC") and SCC will discuss any fees or charges they may have.
- G. At each school, new fee requests or changes in current fees will be discussed a minimum of two times in SIC and SCC meetings.
- H. Recommendations will be submitted by the principal, with approval of the SIC and SCC, to the executive director of school leadership and performance ("EDSLP") by January 31 of each year. Requests should:
  - 1. indicate the amount of the current fee, if any, and of the requested fee;
  - 2. include a rationale for each new fee or fee increase; and
  - 3. be signed by the principal, SIC chair and SCC chair.
- I. Any fee charged must be equal to or less than the expense incurred by the district or school to provide for a student activity, course, or program.
  - 1. An additional fee may not be charged, or a particular fee may not be increased to supplant or subsidize another fee.

### **II. Board Approval of Fee Schedules and Board Policy**

- A. The board shall annually review Board Policy S-10, these administrative procedures, and the various fee schedules.
- B. The fee schedule and board policy shall be adopted by the board on or before April 1<sup>st</sup> of each year in a regularly scheduled public board meeting.
- C. Prior to adopting the annual fee schedule, the board shall encourage public participation in the process and shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two board public meetings.
  - 1. The board shall provide notice of the meetings:
    - a. to the public in accordance with the Utah Open and Public Meetings Act; and
    - b. to parents and students using the same form of communication regularly used by the district to communicate with parents, including notice by e-mail, text, flyer, or phone call.
- D. In any given year, the board may adopt amended fee schedules after April 1<sup>st</sup> so long as it follows the same approval process used for the original fee schedule.

### **III. Fee Schedule Requirements**

- A. The board's adopted fee schedule shall include:
  - 1. a specific amount for each fee;
  - 2. a clear and easy to understand delineation of each fee and the fee total for each activity, class, or program;

3. a per student annual maximum aggregate fee amount that a school 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;
  4. a maximum fee amount per student per each activity; and
  5. a spend plan for the revenue collected from each fee charged.
    - a. The spend plan for each fee charged should provide students, parents, and employees transparency by identifying the fee's funding uses.
    - b. The fee's corresponding spend plan shall include a list or description of anticipated types of expenditures, for the current fiscal year or as a carryover for use in a future fiscal year, funded by the fee charged.
  6. an easily understandable statement informing parents that a student may be eligible to have fees waived and may appeal the school's decision if the school denies a request for a fee waiver.
- B. The amount of revenue raised by a student through voluntary individual fundraisers or required group fundraisers shall be included as part of the maximum fee amount per student for the activity and the maximum total aggregate fee amount per student.

#### **IV. General Provisions Related to Fees**

- A. A school may not charge or assess a fee or request or require something of monetary value (including fundraising) as a condition of a student's participation in an activity, class or program, that is provided, sponsored, or supported by a school unless the fee has been set and approved by the board, and distributed in the approved fee schedule.
- B. To preserve equal opportunity for all students and to limit the diversion of money and school staff and resources from the basic school program, the district and each school shall limit student expenditures for district and school-sponsored activities, including expenditures for uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.
- C. A school shall provide notice to a parent of each student attending the school of all current fee schedules and the opportunity for fee waivers prior to the student being registered for a course, activity, or program in order to enable the parent and student to make an informed decision prior to committing to the student's enrollment or participation.
- D. Students and parents who do not qualify for fee waivers may not be required to pay an increased fee amount to make-up for or cover the costs of students and families who qualify for fee waivers.
- E. The approved fee schedule lists the maximum amount a student can be charged for a particular program or item.
  1. No fee may be charged that is not listed on the board approved fee schedule.
  2. No student may be charged a fee:
    - a. For school equipment; or
    - b. That is general in nature and for a service or good that does not have a direct benefit to the student paying the fee.
  3. School fees can be assessed at an amount less than or equal to the maximum amount allowed on the fee schedule.

#### **V. Fees for Classes and Activities During the Regular School Day**

- A. Elementary students in grades K-6:
  1. The district and/or a school may not charge a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day.
  2. No fee will be charged for materials, textbooks, instructional or school supplies, or for any class activity, including assemblies and field trips, or for any snacks, or fundraising such as "dress down days".
    - a. However, a school may charge fees to students in sixth grade if the student attends a school that also includes at least grade seven.
      - i. If a school charges fees to sixth grade students in accordance with the above provision, the school shall annually provide notice to parents that the school will collect said fees and that the fees are subject to waiver.
  3. Schools will provide student supplies. An elementary school may require a student to replace student supplies provided by the school, which are lost, wasted, or damaged due to the student's careless or irresponsible behavior.

4. An elementary school or teacher may provide to parents a list of suggested student supplies for use during the regular school day, so that parents may voluntarily furnish those supplies for their student's use.
  - a. If the school or teacher sends the parent a list of suggested supplies, the list shall 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."
- B. Students in grades 7-12:
  1. The district may not charge a secondary student a fee for a curricular activity or a co-curricular activity that is required for the instruction of established core standards (and that is not an elective) except for:
    - a. Instructional equipment or supplies
    - b. Driver education courses
    - c. Open enrollment applications
    - d. Competency remediation programs
    - e. Music instrument rentals
    - f. School activity clothing
  2. Students may be required to provide their own student supplies, subject to fee waiver provisions.
  3. Expenditures for uniforms, costumes, clothing, and accessories, other than items of typical student dress, which are required for participation 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 trips, are fees requiring board approval and are subject to fee waiver provisions.
  4. Remedial courses and credit recovery fees are subject to fee waivers.
    - a. Any instructional material provided for a student to complete the remedial course or credit recovery, is considered a textbook and shall be provided free of charge.
  5. Schools may charge a fee for instructional equipment or supplies, but such fees are subject to fee waivers.
  6. The district and/or a school may charge the cost to access the software, digital content, or other instructional materials that are required as part of an activity, course, or program. These fees are subject to fee waiver.
  7. Schools may not sell textbooks or otherwise charge a fee for:
    - a. textbooks, including any instructional material provided for a student to complete a remedial course or credit recovery.
  8. A textbook fee may only be charged for concurrent enrollment, International Baccalaureate, or Advanced Placement ("AP") courses, and these fees are subject to fee waivers.
- C. Project-Related Courses
  1. In project-related courses, projects required for course completion shall be free.
  2. A school may require a student at any grade level to provide materials or pay for an optional project if the student chooses and the course teacher approves a project in lieu of, or in addition to, a required classroom project. The cost of materials for an optional project is not considered a fee and will not be waived.
  3. A school may not require a student to select an additional or optional project as a condition for enrolling in, completing, or receiving the highest possible grade for a course.
  4. If a course provides a base-level project and a higher-cost optional/additional project, the instructor must ensure that students, including those eligible for fee waivers, are not stigmatized, identified, or embarrassed by their ability to only complete the base-level project.

## **VI. Fees for School Activities Outside the Regular School Day**

- A. A school may charge a fee in connection with any school-sponsored program or activity which does not take place during the regular school day, regardless of the age or grade level of the student, if:
  1. participation in the activity is voluntary;
  2. the fee is on the board-approved fee schedule;
  3. the amount collected from the student is equal to or less than the maximum fee amount on the approved fee schedule;
  4. the fee revenue is collected in compliance with the district's financial procedures;
  5. the fee revenue is expended in compliance with the spend plan;
  6. the fee is subject to fee waivers; and
  7. for elementary schools, the student's participation in the activity does not affect a student's grade or ability to participate fully in any course taught during the regular school day.
- B. A fee related to an extracurricular activity sponsored by the Utah High School Activities Association ("UHSA") will not exceed limits established by the board.

- C. Schools that provide, sponsor, or support an activity, class, or program outside of the regular school day or school calendar are subject to these procedures regardless of the time or season of the activity, class, or program.

**VII. Notice to Parents**

- A. Each school shall annually publish the board's approved fee schedule, including fee maximums, and the fee waiver procedures on the school's website in an easily accessible location.
- B. Copies of Board Policy S-10: Student Fees and Fee Waivers, these administrative procedures, and the approved fee schedule(s) must be included in parents' registration materials, regardless of whether they enroll early, on-time, or after the initial registration period.
  - 1. Each school shall provide printed copies of the board-approved fee schedule(s), waiver policies and procedures, and other fee waiver documents to a parent who is unable or chooses not to access them through the district or school website.
- C. Persons who lack sufficient mastery of the English language to understand the provisions of the school fee schedules, disclosures, and waiver forms must be given reasonable assistance (including provision of an interpreter or translated forms) by each school or by the district.
  - 1. These procedures, the corresponding board policy, and approved fee schedules will be made available in Spanish.
  - 2. If a student or parent's first language is a language other than English or Spanish, a school administrator shall meet personally with the parent and provide an interpreter to help the parent understand these procedures and the fee schedule(s).

**VIII. General Provisions Related to Fee Waivers**

- A. "Waiver" or "fee waiver" means a full release from the requirement to pay of a fee and a full release from any provision in lieu of a fee payment.
- B. All fees are subject to fee waiver unless specifically identified as a non-waivable charge in these procedures.
- C. A school is not required to waive a non-waivable charge.
- D. A school shall provide an opportunity for a parent to apply to have one or more fees waived (or to be provided alternatives to waivers) and shall grant requested fee waivers (or alternatives to fee waivers) to students who are eligible under these procedures.
- E. Fee waivers cannot be funded by school fees. Waivers must be funded through unrestricted State revenues or other unrestricted local revenues.
- F. Fee waivers, or other provisions in lieu of fee waivers, will be provided to ensure that no student is denied the opportunity to participate in a class or school-sponsored activity because of an inability to pay a fee.
- G. The process for applying for and receiving a fee waiver, pursuing an alternative to fee waiver, or appealing a denial of a fee waiver shall be administered in a manner that is confidential, fair, consistent, objective, and without delay. The process must be administered in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.
- H. A student receiving a fee waiver or other provision in lieu of a fee shall not be treated differently from other students or identified to students, staff members, or other persons who do not need to know of the waiver.
- I. For any school, or grade, for which fees are authorized, a copy of the appropriate fee waiver application must be provided to each prospective, new or current student's parent prior to the time when fees become due, but not the same day fees are due.

**IX. Fee Waiver Eligible Charges**

- A. Fees for the following are waivable regardless of whether they are held during the regular school day, during the regular school year, outside of the regular school day, outside of the regular school year, or during the summer:
  - 1. An activity, class, or program that is:
    - 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.
  - 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. 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.
4. Admission, entrance, or gate fees for student attendance to an event or activity provided, sponsored, or supported by the district or a school, including:
  - a. athletic competitions;
  - b. music or theater program performances; and
  - c. parent-teacher organization activities.
5. 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.
6. A concurrent enrollment, CTE, or AP course.
7. Activity clothing required to be worn by a student when participating as a club, school group, or team such as matching jackets, hoodies, t-shirts or other like clothing.
8. Official curricular, co-curricular, and extra-curricular club or team uniforms that are required for student participation.

**X. Non-waivable Charges**

- A. Non-waivable charges are costs, payments, or expenditures which are not considered to be school fees and are not subject to fee waivers.
  1. Non-waivable charges include a personal discretionary charge or purchase for:
    - a. insurance, unless the insurance is required for a student to participate in an activity, class, or program;
    - b. college credit related to the successful completion of a concurrent enrollment class or an advanced placement examination; and
    - c. a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item, except when requested or required by a school as a condition to a student's participation.
  2. Additional non-waivable charges designated by Utah Code, federal law, and/or administrative rule include:
    - a. tuition for nonresident out-of-state students and foreign students, foreign student transcript translation fees and I-20 form processing charges;
    - b. a charge for an activity, class, program, that meets the criteria of a noncurricular club as described in Utah Code Ann. §53G-7-701, Student Clubs;
    - c. a charge for a school breakfast or lunch;
    - d. a fine for improper use of school property, including a parking violation; or
    - e. a fine for replacement of damaged or lost school property in accordance with Utah Code Ann. §53G-8-212.
      - i. If the student and the student's parent are unable to pay for damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school may provide for a program of work the student may complete in lieu of the payment.
      - ii. No fine may be assessed for damages which may be reasonably attributed to normal wear and tear.
  3. A reasonable charge may be assessed to cover the cost of duplicating student record transcripts when such transcripts are to be provided to the student or mailed to colleges, universities, or places of employment; these charges are not considered fees.
    - a. A charge will not be assessed for transcripts which are required as part of a transfer to another public or private elementary or secondary school.
  4. Charges associated with the optional purchase of an item available to students from a vending machine, concession stand, or school store are not school fees.

**XI. Charges Related to School Adopted Dress Codes and Uniforms**

- A. Generally, charges associated with purchasing school uniforms are not fees nor are they fee waiver eligible. However, if a uniform is expensive or prescriptive, it becomes a fee and fee waiver eligible.
  1. A uniform is prescriptive if it can only be purchased from one source or requires specific brands of clothing or requires very specific colors and limited color options.
- B. Standardized dress codes and school uniforms adopted at individual school sites will be generic enough to avoid financial hardship on families.



- C. Any school implementing a mandatory school uniform shall work with staff, businesses, service organizations, retailers, and parents to ensure that appropriate provisions are made for low-income families. No student shall be denied attendance at school, penalized academically, or otherwise subject to disciplinary measures for failing to wear a required school uniform by reason of financial hardship.
- D. Students are expected to provide their own clothing. The cost of obtaining appropriate clothing is not a fee and will not be subject to fee waivers.
  - 1. Schools may offer parents/guardians the convenience of purchasing physical education clothing at a reasonable cost through the school. The cost of such clothing shall not be considered a fee unless the particular style, color, or brand of clothing is required.

**XII. School Administrator Responsibilities Related to Fee Waivers**

- A. The principal in each school shall designate at least one administrator to act as the "Fee Waiver Administrator" ("FWA") for the school. The FWA shall:
  - 1. be trained in and have a knowledge and understanding of school fees, the fee waiver process, and student data privacy laws; and
  - 2. work in an appropriate setting to facilitate confidential conversations and documents.
- B. The FWA shall be responsible to:
  - 1. review fee waiver applications and verification documents;
  - 2. grant or deny fee waiver requests;
  - 3. compile all logs and maintain fee waiver documents in compliance with the Family Educational Rights and Privacy Act (FERPA); and
  - 4. report fee waiver information.
- C. The FWA's contact information will be available on the school's website with other school fee information and in student registration materials.
- D. The FWA is responsible for ensuring that:
  - 1. Students who apply for or receive fee waivers are allowed to register at the same time and in the same manner as would have been the case if waivers were not involved.
  - 2. School personnel do NOT ask those eligible for fee waivers to consent to delayed or time payment plans or IOUs as alternatives to fee waivers.
  - 3. In the case of programs, classes, and activities which are subject to fees and require "tryouts":
    - a. persons involved in the selection process are not informed about the fee waiver eligibility of any student until selections have been announced;
    - b. questions and discussions relating to ability to pay are prohibited during the selection process;
    - c. ability to pay is not a factor in the selection process; and
    - d. no fees relating to the program, class, or activity in question are collected from any student until the selection process has been completed.
  - 4. A student, other than the individual student applying, may not collect fees or assist in the fee waiver approval process.
  - 5. Confidential application and notice procedures regarding school fees and school fee waivers are used to avoid stigmatizing, embarrassing, imposing an undue burden, or drawing undue attention to students or families applying for or receiving fee waivers. The procedures for confidentiality include, but are not limited to, the following:
    - a. a separate line or room is not used during registration for families or individuals seeking to obtain a school fee waiver; and
    - b. school personnel do not discuss or determine a person's eligibility for school fee waivers in the presence of other parents or children.
  - 6. No student, parent, or guardian is asked why school fees cannot be paid, or why the fees cannot be paid in installments, when information about school fee waivers is sought or an application is submitted for a school fee waiver.
  - 7. Persons not included under Section XIII.A. below, who request waivers because of exceptional financial hardships are given the opportunity to meet privately with the FWA to discuss their ability to pay and their eligibility for fee waivers.
  - 8. All information submitted in connection with fee waiver applications, the names of persons who have or have not paid fees or made donations or contributions, and the names of persons who have applied for, received, or been denied waivers, is confidential.

- a. No school employee may make any statement to any person lacking both a right and a need to know, or post any list, regarding the payment or non-payment of any fee, contribution, or donation by any student, parent, or guardian (other than appropriate recognition given to a person or organization making a major contribution or donation).
9. Neither the school nor any teacher enhances, reduces, or withholds grades or credits to enforce the payment of fees or donations.
10. Parents are informed of the process for obtaining waivers or pursuing alternatives through the use of standardized parental notices and posters.
11. Posters announcing the availability of fee waivers are placed in a visible location in the room or area where registration takes place during each registration period.
  - a. In secondary schools, a permanent poster will be placed in a visible location on a bulletin board or wall where students congregate during the school day.
  - b. In elementary schools, a permanent poster will be placed in a visible location on a bulletin board or wall where it can be easily seen by parents visiting the school.
  - c. Fee waiver information must be given to parents prior to the date fees are due.

### **XIII. Student Fee Waiver Eligibility**

- A. A student is eligible for and will be granted a fee waiver if the FWA receives a completed application and verification of one of the following from the student or parent:
  1. based on family income, the student qualifies for free school lunch under United States Department of Agriculture ("USDA") child nutrition program regulations
    - a. when determining family income for this purpose, all income received by the household is considered including salary, public assistance benefits, social security payments, pensions, unemployment compensation, and child support benefits;
  2. the student to whom the fee applies receives Supplemental Security Income ("SSI") and the parent provides benefit verification documents from the Social Security Administration;
  3. the family receives Temporary Assistance for Needy Families ("TANF") funding and the parent provides benefit verification from the Utah Department of Workforce Services for the period for which the fee waiver is sought which may be in the form of an electronic screenshot of eligibility determination status;
  4. the student is in foster care through the Division of Child and Family Services ("DCFS");
  5. the student is in state custody and the individual seeking the waiver provides the youth in care required intake form and school enrollment letter, provided by a case worker from DCFS or the Utah Juvenile Justice Department; or
  6. The student is designated as McKinney-Vento by the district liaison. Students designated as McKinney Vento shall not be required to provide any further documentation.
- B. The FWA may grant a fee waiver to a student, on a case-by-case basis, who does not qualify for a fee waiver under Section XIII.A.
- C. All documentation related to fee waiver eligibility will be reviewed by the FWA and returned to the parent, or immediately destroyed. Principals and/or assistant principals may *not* maintain documentation of eligibility.
- D. Any requirement for a student to pay a fee is suspended during the period in which the student's eligibility for waiver is being determined or appealed.

### **XIV. Notification of Eligibility**

- A. After reviewing the documentation provided by the student and the student's parent, the FWA will approve or deny the fee waiver request.
- B. The FWA shall retain the applicable but shall not retain required fee waiver verification documents or copies of the verification documents but will keep the following information as a log or record:
  1. the date it was verified; and
  2. the school year the request was submitted;
  3. whether the request was approved or denied;
  4. the date it was approved or denied;
  5. the name and position of the person who reviewed the verification documents; and
  6. the type of documentation used to verify eligibility.
- C. The FWA shall provide written notice of the decision to grant or deny a fee waiver request to the student's parent using the standardized Utah State Board of Education (USBE) waiver decision and appeal form, i.e., Fee Waiver Decision and Appeal Form.

- D. If a fee waiver request is denied, the written notice of decision shall include the reason the request was denied and a copy of the appeal process and appeal form. The decision shall indicate the name and contact information of the appropriate area director to whom an appeal shall be made.

**XV. Alternatives to Fees**

- A. A student may not be required to perform community service if the student qualifies for a fee waiver.
- B. If the school chooses to offer alternatives to fee waivers, the FWA may discuss these alternatives with the student's parent and determine if alternative(s) are appropriate for that student.
- C. Community service assignments may be appealed to the school's area director.

**XVI. Appeal Process for Denials of Fee Waiver**

- A. Within 10 school days of receiving notification of the fee waiver denial, the student or parent may appeal the decision to the school's area director.
- B. Any requirement to pay a fee is suspended during the appeal process.
- C. The area director shall contact the parent within one week of receiving the appeal and shall schedule a meeting to discuss the parent's concerns. The area director shall issue a written decision within two weeks after the meeting with the parent is held.
  - 1. If the decision to deny the fee waiver is upheld, the student or parent may appeal to the EDSLP within 10 school days of receiving notification of the denial.
  - 2. The EDSLP shall follow the same timelines as the area director.
    - a. The decision of the EDSLP will be final.

**XVII. Collection of School Fees**

- A. A school may make an installment payment plan available to a parent or student to pay for a fee, however, an installment payment plan may not be required in lieu of a fee waiver.
- B. A student may not collect or receive student fees from other students or parents.
- C. A school may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:
  - 1. exclude a student from a school, an activity, class, or program that is provided, sponsored, or supported by a school or the district during the regular school day;
  - 2. refuse to issue a course grade; or
  - 3. deny a former or current student receipt of official student records, including written or electronic class schedules, grade reports, diplomas, or transcripts.
- D. A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records.
- E. A school may not charge 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.
- F. Notwithstanding subsection G, a school may not withhold any records required for student enrollment or placement in a subsequent K-12 school.
- G. Requirements for fee waiver and availability of other provisions in lieu of fee waiver do not apply to charges assessed because of a student damaging or losing school property.
  - 1. Schools may pursue reasonable methods for obtaining payment for such charges but may not exclude students from school or withhold unofficial transcripts to obtain payment of those charges.
  - 2. If school or district property has been lost or willfully cut, defaced, or otherwise damaged by a student, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages in accordance with Utah Code Ann. §53G-8-212(2)(a).
  - 3. If a student or the student's parent is unable to pay for the damages, or it is determined by the school, in consultation with the student's parent, that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of payment.
    - a. The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.

**XVIII. Refund of Collected Fees**

- A. All funds collected in violation of these procedures must be refunded to the student or parent without delay. Situations that warrant an immediate refund include:
  - 1. any fee amount collected that exceeds the amount listed on the board-approved fee schedule;
  - 2. any fee collected while a fee waiver application or appeal is pending; and
  - 3. any fee collected that is not listed on the board-approved fee schedule.

- B. Any fee collected from a student that is not completely expended in accordance with these procedures, shall either be refunded to the student or parent, or they can be given the option of receiving a credit toward future fees.
  - 1. Documentation of the refund or credit must be made in the appropriate system and on the student's account.
- C. If during a particular school year an individual is granted a fee waiver but paid fees prior to submitting the fee waiver application, the FWA should:
  - 1. determine whether the documentation supporting the granting of the fee waiver clearly indicates that the certifying conditions existed at the time the fees were paid.
    - a. If the answer is yes and the fees were paid less than 31 days prior to submitting the fee waiver application, the FWA shall refund the paid fees.
    - b. If the answer is yes and the fees were paid 31 days or more before submitting the fee waiver application, the FWA can determine in their sole discretion whether the fees should be refunded.

**XIX. Fee Waiver Reporting Requirements and Funding Formula**

- A. Each school shall maintain records and submit annual documentation to the director of finance by September 30<sup>th</sup> of:
  - 1. the number of students granted fee waivers in the prior school year
  - 2. the total dollar amount of student fees waived by the school in the prior school year
  - 3. the number of students who worked in lieu of fee waivers in the prior school year
  - 4. the number of students denied fee waivers in the prior school year
- B. In order to address the impact of fee waivers on individual schools, at least once a year, the district will calculate the total amount of fees waived at each school and reimburse schools a percentage of that amount. The remaining amount will be covered by school budget allocations and other school discretionary funds.
  - 1. Each high school will be reimbursed 50% of the total amount of fees waived at the school.
  - 2. Each middle school will be reimbursed 25% of the total amount of fees waived at the school.

**XX. Donations and Fundraising**

- A. Schools may notify students and families that they may voluntarily pay an increased fee amount or provide a donation to assist in covering the costs of other students and families.
- B. A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the school or district and receipt of the donation will not affect participation by an individual student.
- C. A donation is a fee if a student or parent is required to make the donation as a condition of the student's participation in an activity, class, or program.
- D. Voluntary donations or contributions may be solicited and accepted in accordance with Board Policy C-6: Community Donations, Contributions, and Gifts.
  - 1. No employee may require donations from a parent or student.
  - 2. No employee may disclosure the names of students whose parents have or have not made donations, except that an administrator may choose to recognize a donation through the means permitted in Section III of C-6: Administrative Procedures, Community Donations, Contributions, and Gifts.
- E. If donations or contributions are solicited, the solicitation clearly states that donations and contributions are voluntary, that no donation is required in order for a given student to participate in an activity, and may not place an undue burden on a student or family.
- F. A school cannot authorize, establish, or allow for required individual student fundraising.
  - 1. Individual fundraising means fundraising activities where all funds raised by an individual student's efforts are used to help offset the expense of the student's own fees.
  - 2. A school may allow optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees.
- G. A school may allow for group fundraisers. Group fundraisers are fundraising activities where all funds raised by students who participate are grouped together and applied to the costs of the program or activity as a whole.
  - 1. If a student chooses not to participate in a group fundraiser, that student may not be penalized or prevented from participating in an activity or joining a team because of non-participation. (For more information on student fundraising please refer to Board Policy G-27: Fundraising Activities, and its accompanying administrative procedures.)
- H. Schools may collect parent association dues and contributions to the Salt Lake Education Foundation at the time student fees are collected with registration. Any collected amounts must be immediately transferred to the appropriate accounts.

**XXI. Training**

The superintendent shall provide for annual training of district and school employees on fee related policies and procedures that are specific to each employee's job function.

**XXII. Penalties for Violation of School Fee Policy and/or Procedures**

- A. Any administrator, teacher, advisor, or coach who knowingly violates the authorized fee schedule and financial policies as approved annually by the board will be subject to disciplinary action.
- B. If a school violates the authorized fee schedule and financial policy, the district may impose the following:
  - 1. Issue a letter of reprimand to the individual(s) and/or school.
  - 2. Restrict participation in district, group or state-level activities.
  - 3. Drop the school from membership and prohibit participation in any or all Utah High School Activities Association ("UHSAA") sponsored activities.
  - 4. The principal, teacher, coach/advisor, and/or the school may be assessed a fine not to exceed \$200.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United State Codes, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 406 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.