



# NEWS RELEASE

## Utah State Board of Education

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### USBE Begins Policy Process to Overhaul School Fees Practices

Board adopts task force recommendations, moves new rule forward

SALT LAKE CITY— The Utah State Board of Education on Thursday adopted all of the recommendations from the Board’s School Fees Task Force, a group of education and policy stakeholders who met in 12 four-hour sessions this year to work to address issues and update laws and rules surrounding public school fees in Utah.

Among them are recommendations the Board pursue changes to statute or rule on a variety of issues, including modifying the definition of “textbook” and provisions related to uniforms, giving the Board the authority to suspend a district or school’s right to charge fees, and the creation of a funding program to support equalization of fee waivers.

The task force, created in March 2018 and chaired by Board Chair Mark Huntsman, vigorously discussed issues related to a [1994 court injunction](#) regarding school fees in Utah, two [separate audits](#) conducted on school fees, and [R277-407](#), Utah’s administrative rule on school fees.

In October, the task force successfully recommended the Board identify dedicated full-time equivalent employees (FTEs) to work on school fees monitoring, compliance, and training as outlined in the existing R277-407. Additionally, the task force outlined a corrective action plan for the Board’s use when schools or districts are non-compliant with the school fees rule, and it was adopted in November.

The task force also presented a draft for an updated Administrative Rule R277-407 that contains recommended revisions to replace the existing rule, and the Board voted to move the draft to one of its standing committees for review and recommendations.

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**USBE School Fees Task Force  
Member Comments**

The following quotes are available for use in all media:

**Tyler Bastian, Roots Charter High School director**

***Representation: Charter high school administrator***

“I feel, as a member of the task force, that the interests of every student were represented and discussed. We had rural, charter, and Title I school representation, as well as representation of large schools and districts. The members were diverse and opinionated. I am really grateful to have been a part of the process and to see first-hand that it was fair and thought out.”

**Alexx Goeller, refugee program specialist at Utah Workforce Services**

***Representation: USBE ACEESS Advisory Committee***

“My hope for outcomes is that all students, regardless of their background, are able to equally access all opportunities at their schools. Every student should have the chance to play on a sports team, run for student government, enjoy a field trip, and fit in with their peers, regardless of their socioeconomic background. My goal on this committee was to ensure that school fees are looked at from an equitable standpoint and that fee waivers are accessible to all students in a non-discriminatory manner.”

**Carol Lear, member of Utah State Board of Education**

***Representation: USBE***

“I appreciated the thorough and thoughtful work of the School Fees Task Force. Diverse perspectives were represented: Utah PTA, a local school board member representing USBA, a district superintendent, a legislator, and charter school representatives. Members had different opinions about how all children should be served fairly in Utah public schools and programs. Honest opinions led to healthy consensus. Task Force members struck a difficult, but fair, balance among the crucial issues of local control, realistic legislative funding, State Board of Education responsibilities and the legal principles of school fees. Next, I hope there will be discussion and training, training, training for administrators, educators, parents and community leaders.”

**Rick Nielsen, superintendent of Nebo School District**

***Representation: District superintendent***

“It was an honor to represent Utah's superintendents as a member of the School Fees Task Force. Task force members were a diverse group, representing a broad range of perspectives, and were all fully committed to one objective – ensuring that fees do not limit any student's full participation in school sponsored activities. Task force members were open and forthright about current practices and the challenges faced by school and district leaders, coaches, advisers, teachers, parents, students, and their communities. They were also very thorough in vetting out all of their recommendations regarding fees, and the potential obstacles and implications of each recommendation. The countless hours of research, writing, dialogue, debate, and decision-making from task force members and USBE staff is to be commended. As a body, I believe the task force can unequivocally say that our work has been thoughtful, thorough, student-centered, and successful. Moving forward, I believe that policy makers and educators will recognize the great work of the task force and put policies and practices in place to

ensure that school fees will not be a barrier to any student's full participation in school sponsored activities.”

**Mary Nielson, president of Utah School Boards Association**

***Representation: Parent***

“As president of USBA I have a unique perspective because I am very well acquainted with all 41 school districts across the state. The topic of school fees is a very emotional and complex issue. I appreciate being on the task force and being able to voice my opinion, and the willingness of the others to listen. I value the things I learned and the opinions of the other members of the group. Public education is not funded at the level required to run programs properly. Over the years, optional school fees have been charged and boards of education have not guarded or watched those funds closely enough. The two audits that have occurred this past year have shed a very bright light on that issue. I have watched districts look into school fees and start to work on some of the problems. Every school is unique; every child's situation is different. As the state moves forward we have to allow each administration to have the authority to look at case by case. Decisions need to be made according to what is best for each child and each group. To the best of my knowledge that is what is happening. Is it a perfect system? No, it does need work. The work the task force did on defining what a school fee is will go a long way to help LEAs with the process. School fees are truly a local issue, and locally elected boards of education are accountable to the public to which they serve. Let them do their jobs, and that will go a long way toward helping the public understand this very complex issue.”

**Cynthia Phillips, executive director of the Weilenmann School of Discovery**

***Representation: State Charter School Board***

“I had worried that the task force might be a tinderbox of special interests. In fact, the group of individuals on the committee were open-minded, persuadable, intelligent, and productive – and unified in their love and concern for Utah's students. With Julianna Christie as the group's mediator and Mark Huntsman setting a tone of civility and graciousness, the task force left no stone unturned, everybody had a voice, and more often than not, the group reached consensus. The process left me considering each member of the task force a valued colleague and a friend.”

**LeAnn Wood, Utah PTA education commissioner**

***Representation: Parent***

“It was an honor to spend so much time with such a varied group of people. I feel like we had different opinions and we didn't always agree, but we were respectful and worked well together trying to find the best compromises on a very difficult topic.”

**Additional task force members included:**

**Laura Belnap**, member of the Utah State Board of Education, *representing USBE*

**Alisa Ellis**, member of the Utah State Board of Education, *representing USBE*

**Mark Huntsman**, chair of the Utah State Board of Education, *representing USBE*

**Jessica Kallin**, refugee youth coordinator, *representing Catholic Social Services*

**Karianne Lisonbee**, state representative, *representing Utah House of Representatives*

**Todd Quarnberg**, Herriman High School principal, *representing high school principal*

**Paul Stancil**, professor at BYU Law School, *representing attorney or policy expert*

## **School Fees Motions Passed by the State Board of Education**

December 6, 2018

1. The Board directed staff to request changes to statute or rule in order to give the USBE the authority to suspend an LEA's right to charge fees.
2. The Board directed staff to seek legislative changes to update the definition of "textbook" in statute; amend statute to prohibit schools from charging fees for textbooks, except for textbooks for concurrent enrollment or AP courses; and if necessary, include a provision that fees for concurrent enrollment and AP course textbooks would be waivable.
3. The Board directed staff to seek legislation to create a funding program to offset the impact of revenue lost from fee waivers.
4. The Board directed staff to seek changes to legislation to prohibit elementary schools from having prescriptive school uniforms.
5. The Board directed staff to further define provisions related to uniforms to be considered by a Board committee for possible rule or statute change.
6. The Board directed that R277-407 *School Fees* be sent to a standing committee for review and recommendations.

**UTAH STATE BOARD OF EDUCATION  
SCHOOL FEES TASK FORCE**

**EXECUTIVE SUMMARY**

November 29, 2018

On March 15, 2018, the Utah School Board of Education (Board) created the School Fees Task Force. From the first School Fees Task Force meeting on June 18, 2018, the 14-member group,<sup>1</sup> assisted by a professional facilitator, the state superintendency, and legal counsel, met for 12 four-hour sessions.

The Task Force was comprised of individuals representing the breadth and depth of Utah education, including large school districts, rural school districts, refugee settlement agencies, charter schools and boards, the state legislature, parents, and the Board itself. All voluntarily accepted the invitation to join the Task Force without compensation so they could meaningfully change the way Utah schools approve, collect, waive, and manage school fees, which amounted to at least \$71 million collected by Utah schools in 2017.<sup>2</sup>

Over five months the Task Force vigorously debated and discussed issues related to school fees, including amendments to R277-407 (school fees rule), such as:

- Clearer definition of “fee,” “non-waivable charge,” and many other key terms;
- Training LEAs and schools on the school fees rule;
- Fundraising and donations;
- Fees for optional projects and optional classes;
- Application of the school fees rule to all public schools, including charters and online schools;
- School districts internally sharing lost fee revenue (from waivers) among their secondary schools;
- Reporting and monitoring school fee rule compliance;
- Maximum fee amounts LEAs can charge;
- School fee recommendations from the Board’s internal audit and the Office of Legislative Auditor General’s audit;
- School fee approval requirements.

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<sup>1</sup> **Mark Huntsman** (Task Force chair), **Alisa Ellis** (Board member), **Carol Lear** (Board member), **Laura Belnap** (Board member), **Rick Nielsen** (superintendent), **Todd Quarnberg** (principal), **Cindy Phillips** (State Charter School Board member), **Paul Stancil** (BYU law professor and charter board member), **Tyler Bastian** (charter principal), **LeAnn Wood** (Utah PTA commissioner), **Mary Nielson** (school district board member), **Karianne Lisonbee** (state representative), **Alexx Goeller** (refugee program specialist), and **Jessica Kallin** (refugee youth services supervisor).

<sup>2</sup> See, School Fees Audit 18-02, p. 21.

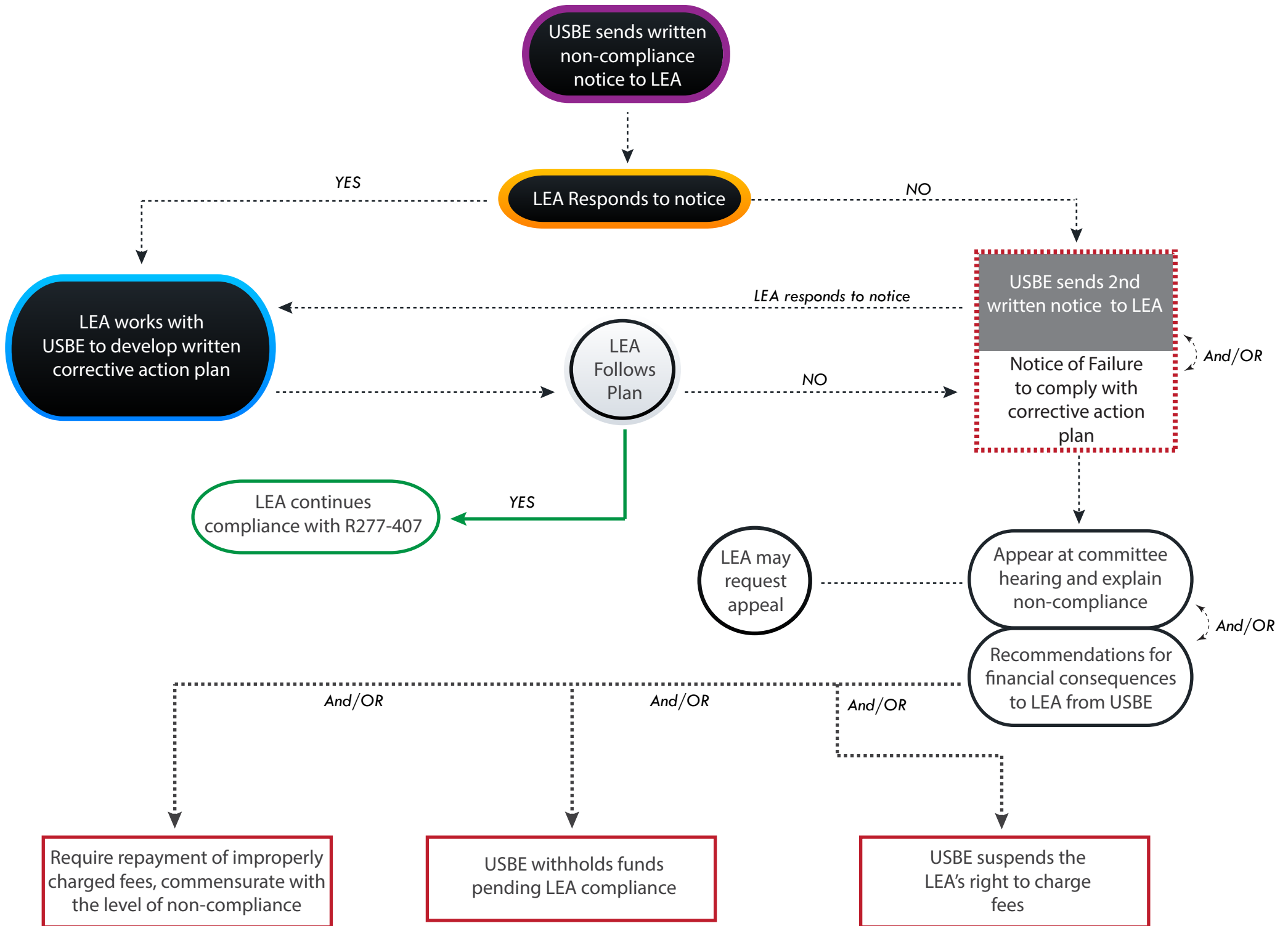
Additionally, the Task Force recommended the Board “identify dedicated FTEs to work on school fees monitoring, compliance, and training as outlined in R277-407.” In response, the Board voted unanimously to approve this recommendation on October 4.

The Task Force also outlined a corrective action plan for the Board to use when it learns of schools or school districts that are non-compliant with the school fees rule. The Board approved this recommended plan on November 1, and directed it be incorporated into the school fees rule. A flow chart depicting the recommended corrective action plan accompanies this summary.

Also accompanying this summary is the draft school fees rule, R277-407, which contains the Task Force’s recommended revisions. Finally, the Task Force also created a list of issues relating to school fees that it recommends the Board consider. This list of related issues accompanies this summary.

Attachments:

- A – Corrective action plan flow chart
- B – Draft of R277-407 containing the Task Force’s proposed changes
- C – School Fees Task Force list of related recommendations



1 **R277. Education, Administration.**

2 **R277-407. School Fees.**

3 **R277-407-1. Authority and Purpose.**

4 (1) This rule is authorized under:

5 (a) Utah Constitution Article X, Section 3, which vests general control and supervision  
6 over public education in the Board;

7 (b) Article X, Section 2 of the Utah Constitution, which provides that:

8 (i) public elementary schools shall be free; and

9 (ii) secondary schools shall be free, unless the Legislature authorizes the imposition  
10 of fees;

11 (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the  
12 Board's duties and responsibilities under the Utah Constitution and state law; ~~and~~

13 (d) Subsection 53G-7-503(2), which ~~authorizes~~ requires the Board to adopt rules  
14 regarding student fees~~[-]; and~~

15 (e) Section 53G-7-504, which authorizes waiver of fees for eligible students with  
16 appropriate documentation.

17 (2) This rule also serves to comply with the Permanent Injunction issued in Doe v. Utah  
18 State Board of Education, Civil No. 920903376 (3rd District 1994).

19 (3) The purpose of this rule is to:

20 (a) permit the orderly establishment of a system of reasonable fees;

21 (b) provide adequate notice to students and families of fees and fee waiver  
22 requirements; and

23 (c) prohibit practices that would:

24 (i) exclude those unable to pay from participation in school-sponsored activities; or

25 (ii) create a burden on a student or family detrimental to participation.

26 **R277-407-2. Definitions.**

27 (1) "Co-curricular activity" means an activity, course, or program, outside of school  
28 hours, that also includes a required regular school day program or curriculum.



29 (2) "Extracurricular activity" means an activity or program for students, outside of the  
30 regular school day, that:

31 (a) is sponsored, recognized, or sanctioned by an LEA; and

32 (b) supplements or complements, but is not part of, the LEA's required program or  
33 regular curriculum.

34 ~~[(1)](3)~~(a) "Fee" means something of monetary value requested or required by an LEA  
35 as a condition to a student's participation in an activity, class, or program provided, sponsored,  
36 or supported by a school.

37 (b) "Fee" includes money or something of monetary value raised by a student or the  
38 student's family through fundraising. ~~[any charge, deposit, rental, or other mandatory payment,~~  
39 however designated, whether in the form of money or goods:

40 ~~——(b) An admission fee, transportation charge, or similar payment to a third party is a fee~~  
41 ~~if the charge is made in connection with an activity or function sponsored by or through a~~  
42 ~~school.~~

43 ~~——(c) For purposes of this rule, a charge related to the National School Lunch Program~~  
44 ~~is not a fee.]~~

45 (4)(a) "Fundraiser," "fundraising," or "fundraising activity" means an activity or event  
46 provided, sponsored, or supported by a school that uses students to generate funds to raise  
47 money to:

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

49 or

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

51 (b) "Fundraiser," "fundraising," or "fundraising activity" may include:

52 (i) the sale of goods or services;

53 (ii) the solicitation of monetary contributions from individuals or businesses; or

54 (iii) other lawful means or methods that use students to generate funds.

55 (c) "Fundraiser," "fundraising," or "fundraising activity" does not include an alternative  
56 method of raising revenue without students.

57 (5) "Group fundraiser" or "group fundraising" means a fundraising activity where the  
58 money raised:

59 (a) is used for the mutual benefit of the group, team, or organization; and

60 (b) is not used to offset the fees of individual students.

61 (6) "Individual fundraiser" or "individual fundraising" means a fundraising activity in  
62 which money is raised by each individual student to pay the individual student's fees.

63 ~~[(2)]~~(7) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the  
64 Blind.

65 (8) "Noncurricular club" has the same meaning as that term is defined in Section 53G-  
66 7-701.

67 (9) "Non-waivable charge" means a cost, payment, or expenditure that:

68 (a) is a personal discretionary charge or purchase, including:

69 (i) a charge for insurance, unless the insurance is required for a student to participate  
70 in an activity, class, or program;

71 (ii) a charge for college credit related to the successful completion of:

72 (A) a concurrent enrollment class; or

73 (B) an advanced placement examination; or

74 (iii) except when requested or required by an LEA, a charge for a personally  
75 consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar  
76 item;

77 (b) is subject to sales tax as described in Utah State Tax Commission Publication 35,  
78 Sales Tax Information for Public and Private Elementary and Secondary Schools; or

79 (c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:

80 (i) a school uniform as provided in Section 53G-7-801;

81 (ii) a school lunch; or

82 (iii) a charge for a replacement for damaged or lost school equipment or supplies.

83 ~~[(3)]~~(6) "Optional project" means a non-mandatory project chosen and retained by a  
84 student, for which the student covers the cost or provides the materials, in lieu of, or in addition

85 to a mandatory classroom project otherwise available to the student which would require only  
86 school-supplied materials.]

87 ~~[(8)](10)(a)~~ "Provided, sponsored, or supported by a school" means an activity, class,  
88 program, fundraiser, club, camp, clinic, or other event that is authorized by LEA or school  
89 policy, and satisfies at least one of the following conditions:

90 (i) the activity, class, program, fundraiser, club, camp, clinic, or other event is managed  
91 or supervised by an LEA, school employee, administrator, or official;

92 (ii) the activity, class, program, fundraiser, club, camp, clinic, or other event uses, more  
93 than inconsequentially, the LEA or school's facilities, equipment, or other school resources;

94 or

95 (iii) the activity, class, program, fundraising event, club, camp, clinic, or other event is  
96 supported or subsidized, more than inconsequentially, by public funds, including the school's  
97 activity funds or minimum school program dollars.

98 ~~(b) "Provided, sponsored, or supported by a school" does not include an activity, class,~~  
99 ~~or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter~~  
100 ~~7, Part 7, Student Clubs.~~

101 ~~[(4)](11)(a)~~ "Provision in lieu of fee waiver" means an alternative to fee payment or  
102 waiver of fee payment.

103 ~~(b) "Provision in lieu of fee waiver" does not include a [A] plan under which fees are~~  
104 ~~paid in installments or under some other delayed payment arrangement. [is not a waiver or~~  
105 ~~provision in lieu of fee waiver.]~~

106 (12) "Regular school day" has the same meaning as the term "school day" described  
107 in Section R277-419-2.

108 (13) "Requested or required by an LEA as a condition to a student's participation"  
109 means something of monetary value that is implied or explicitly mandated or necessary for a  
110 student, parent, or family to provide so that a student is able to:

111 (a) fully participate in school or in a school activity, class, or program;

112 (b) successfully complete a school class for the highest grade; or

113 (c) avoid a direct or indirect limitation on full participation in a school activity, class, or  
114 program, including limitations created by:

115 (i) peer pressure, shaming, stigmatizing, bullying, or the like; or

116 (ii) withholding or curtailing any privilege that is otherwise provided to any other student.

117 [(4)](14)(a) "Something of monetary value" means a charge, expense, deposit, rental,  
118 fine, or payment, regardless of how the payment is termed, described, requested or required  
119 directly or indirectly, in the form of money, goods or services.

120 (b) "Something of monetary value" includes:

121 (i) charges or expenditures for a school field trip or activity trip, including related  
122 transportation, food, lodging, and admission charges;

123 (ii) payments made to a third party that provides a part of a school activity, class, or  
124 program;

125 (iii) classroom supplies or materials; and

126 (iv) a fine, except for a fine approved by an LEA for which a student is presumed  
127 responsible, including a fine for:

128 (A) failing to return school property;

129 (B) losing, wasting, or damaging private or school property through intentional,  
130 careless, or irresponsible behavior; and

131 (C) improper use of school property, including a parking violation.

132 [(5)](15)(a) "Student supplies" means items which are the personal property of a  
133 student which, although used in the instructional process, are also commonly purchased and  
134 used by persons not enrolled in the class or activity in question and have a high probability of  
135 regular use in other than school-sponsored activities.

136 (b) "Student supplies" include:

137 (i) pencils;

138 (ii) paper;

139 (iii) notebooks;

140 (iv) crayons;

141 (v) scissors;

142 (vi) basic clothing for healthy lifestyle classes; and  
143 (vii) similar personal or consumable items ~~[over which a]~~ owned by the student ~~[retains~~  
144 ownership].

145 (c) "Student supplies" does not include items listed in Subsection ~~[(5)]~~(15)(b) ~~[for~~  
146 ~~which]~~ if the requirement from the school for the student supply includes specific requirements  
147 such as brand, color, or a special imprint [are set] in order to create a uniform appearance not  
148 related to basic function.

149 ~~[(6)]~~(16) "Supplemental Security Income for children with disabilities" or "SSI" means  
150 a benefit administered through the Social Security Administration ~~[that provides payments]~~ for  
151 qualified children with disabilities in low income families.

152 ~~[(7)]~~(17) "Temporary Assistance for Needy Families" or "TANF[;]" means a program,  
153 formerly known as AFDC, ~~[which]~~ that provides monthly cash assistance and food stamps to  
154 low-income families with children under age 18 through the Utah Department of Workforce  
155 Services.

156 ~~[(8)]~~(18) "Textbook" means instructional material necessary for participation in a course  
157 or program, regardless of the format of the material. [a book, workbook, or materials similar  
158 in function, which are required for participation in a course of instruction.]

159 ~~[(10)]~~(19) "Waiver" means a full or partial release from ~~[the]~~ a requirement ~~[of]~~ to  
160 pay[ment of] a fee and from any provision in lieu of fee payment.

### 161 **R277-407-3. Classes and Activities During the Regular School Day.**

162 (1) No fee may be charged in kindergarten through grade six ~~[sixth grades]~~ for:

163 (a) materials;

164 (b) textbooks;

165 (c) supplies, except for student supplies described in Subsection (6) ~~[supplies]~~; or

166 (d) any class or regular school day activity, including assemblies and field trips.

167 ~~[(2) A school may charge textbook fees in grades seven through twelve.]~~

168 (2)(a) In accordance with the requirements of Section R277-407-4, a fee may be  
169 charged in connection with an activity, class, or program provided, sponsored, or supported

170 by a school for a student in kindergarten through grade six if the activity, class, or program  
171 provided, sponsored, or supported by a school takes place outside the regular school day.

172 (b) A fee may be charged in connection with an activity, class, or program provided,  
173 sponsored, or supported by a school for a student in a secondary school that takes place  
174 during or outside of the regular school day if the fee is approved as provided in this R277-407.

175 (c) All fees are subject to the fee waiver provisions of Section R277-407-8.

176 (3)(a) Notwithstanding~~[,]~~ Subsection (1) and except as provided in Subsection (3)(b),  
177 a school may charge a fee[s] to a student[s] in ~~[sixth]~~ grade six if the student attends a school  
178 that includes any of grades seven through twelve.

179 (b) A school that provides instruction to students in grades other than grades six  
180 through twelve may not charge fees for grade six unless the school follows a secondary model  
181 of delivering instruction to the school's grade six students.

182 ~~[(b)]~~(c) If a school charges fees in accordance with Subsection (3)(a), the school shall  
183 annually provide notice to parents that the school will collect fees from grade six ~~[sixth grades]~~  
184 students and that the fees are subject to waiver.

185 (4) If a class is established or approved, which requires payment of fees or purchase  
186 of items in order for students to participate fully and to have the opportunity to acquire all skills  
187 and knowledge required for full credit and highest grades, the fees or costs for the class shall  
188 be subject to the fee waiver provisions of Rule R277-407-~~[6]~~8.

189 (5)(a) Projects required for course completion shall be free to all students.

190 (b) A school may require a student at any grade level to provide materials or pay for  
191 an additional ~~[optional]~~ discretionary project~~[,]~~ if the student chooses a project in lieu of, or in  
192 addition to, a required classroom project.

193 (c) A school shall avoid allowing high cost additional projects, particularly if  
194 authorization of an additional discretionary project results in pressure on a student by teachers  
195 or peers to also complete a similar high cost project.~~[but a]~~

196 (d) A school may not require a student to select an additional ~~[optional]~~ project as a  
197 condition ~~[for enrolling in or completing]~~ to enrolling, completing, or receiving the highest  
198 possible grade for a course.

199 ~~[(b) A school shall base mandatory course projects on experiences that are free to all~~  
200 ~~students.~~

201 ~~—— (6)(a) A school shall provide student supplies for k-6 students.~~

202 ~~—— (b) A school may require a student to replace student supplies provided by the school,~~  
203 ~~which are lost, wasted, or damaged by the student through careless or irresponsible behavior.]~~

204 ~~[(7) (a) An elementary school or teacher may provide to parents or guardians a~~  
205 ~~suggested list of student supplies.~~

206 ~~—— (b) A suggested list provided in accordance with Subsection (a) shall contain the~~  
207 ~~express language in Subsection [53A-12-102] 53G-7-503(4)(c).]~~

208 (6) An elementary school or elementary school teacher may provide to a student or the  
209 student's parent a suggested list of supplies for use during the regular school day so that a  
210 parent may furnish, on a voluntary basis, those supplies for student use provided that, in  
211 accordance with Section 53G-7-503, the following notice is provided with the list:

212 “NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE  
213 REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A  
214 VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE  
215 SCHOOL.”

216 ~~[(8)](7)(a) Except as provided in Subsection (7)(b), a [(A)] school may require a~~  
217 ~~secondary student to provide student supplies, subject to the waiver provisions of Section~~  
218 ~~R277-407-[6]8.~~

219 (b) If a school requires a student to supply a special item because of specific  
220 requirements such as brand, style, color, or special imprint, the cost of the special item is:

221 (i) considered a fee; and

222 (ii) subject to fee waiver.

223 (8) Except as provided in Subsection (9), if a school requires special shoes or items of  
224 clothing that meet specific requirements, including requesting a specific color, style, fabric, or  
225 imprint the cost of the special shoes or items of clothing are:

226 (a) considered a fee; and

227 (b) subject to fee waiver.

228 (9) As provided in Subsection 53G-7-802(4), an LEA's school uniform policy, including  
229 a requirement for a student to wear a school uniform, is not considered a fee for either an  
230 elementary or a secondary school if the LEA's school uniform policy is consistent with the  
231 requirements of Title 53G, Chapter 7, Part 8, School Uniforms.

232 **R277-407-4. School Activities Outside of the Regular School Day.**

233 (1) A school may charge a fee, subject to the waiver provisions of Section R277-407-  
234 8[6], in connection with any school-sponsored activity, ~~that [which]~~ does not take place during  
235 the regular school day, regardless of the age or grade level of the student, if participation in  
236 the activity is voluntary and does not affect a student's grade or ability to participate fully in any  
237 course taught during the regular school day.

238 (2) A fee related to [an] a co-curricular or extracurricular activity~~[: may not exceed limits~~  
239 ~~established by the LEA governing board]~~ may not exceed the maximum fee amounts for the  
240 co-curricular or extracurricular activity adopted by the LEA governing board as described in  
241 Subsection R277-407-6(3).

242 (3) A school ~~[shall]~~ may only collect a fee [s] for an activity, class, or program provided,  
243 sponsored, or supported by a school~~[school-sponsored activities]~~ consistent with LEA policies  
244 and state law.

245 (4) An LEA that provides, sponsors, or supports an activity, class, or program outside  
246 of the regular school day or school calendar is subject to the provisions of this rule regardless  
247 of the time or season of the activity, class, or program.

248 **R277-407-5. Fee-Waivable Activities, Classes, or Programs Provided, Sponsored, or**  
249 **Supported by a School.**

250 Fees for the following are waivable:

251 (1) an activity, class, or program that is:

252 (a) primarily intended to serve school-age children; and

253 (b) taught or administered, more than inconsequentially, by a school employee as part  
254 of the employee's assignment;



- 255 (2) an activity, class, or program that is explicitly or implicitly required:  
256 (a) as a condition to receive a higher grade, or for successful completion of a school  
257 class or to receive credit, including a requirement for a student to attend a concert or museum  
258 as part of a music or art class for extra credit; or  
259 (b) as a condition to participate in a school activity, class, program, or team, including,  
260 a requirement for a student to participate in a summer camp or clinic for students who seek  
261 to participate on a school team, such as cheerleading, football, soccer, dance, or another  
262 team;  
263 (3) an activity or program that is promoted by a school employee, such as a coach,  
264 advisor, teacher, school-recognized volunteer, or similar person, during school hours where  
265 it could be reasonably understood that the school employee is acting in the employee's official  
266 capacity;  
267 (4) an activity or program where full participation in the activity or program includes:  
268 (a) travel for state or national educational experiences or competitions;  
269 (b) debate camps or competitions; or  
270 (c) music camps or competitions; and  
271 (5) a concurrent enrollment, CTE, or AP course.

272 **R277-407-[5]6. [General Provisions] LEA Requirements to Establish a Fee Schedule –**  
273 **Maximum Fee Amounts – Notice to Parents.**

- 274 (1) An LEA, school, school official, or employee may not charge or assess a fee or  
275 request or require something of monetary value in connection with [any] an activity, class, or  
276 program provided, sponsored, or supported by a school, [school-sponsored or supported  
277 activity,] including [an] for a co-curricular or extracurricular activity, unless the fee:  
278 (a) has been set and approved by the LEA's governing board;  
279 (b) is equal to or less than the maximum fee amount established by the LEA governing  
280 board as described in Subsection (3); and  
281 (c) is included in [distributed in] an approved fee schedule or notice in accordance with  
282 this rule.

283 ~~[(2)](2)(a)~~ On or before April 1 of each year and in consultation with stakeholders, [A]an  
284 LEA governing board shall annually adopt[ed] a fee schedule and fee policies for the LEA [at  
285 least once each year] in a regularly scheduled public meeting.

286 (b) Before approving the LEA's fee schedule described in this Section, an LEA shall  
287 provide an opportunity for the public to comment on the proposed fee schedule during a  
288 minimum of two public LEA governing board meetings.

289 ~~[(b)](c)~~ An LEA shall:

290 (i) provide public notice of the meetings described in Subsections (2)(a) and (b) in  
291 accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

292 (ii) [shall] encourage public participation in the development of fee schedules and  
293 waiver policies.

294 (d) In addition to the notice requirements of Subsection(2)(c), an LEA shall provide  
295 notice to parents and students of the meetings described in Subsections (2)(a) and (b) using  
296 the same form of communication regularly used by the LEA to communicate with parents,  
297 which may include notice by email, text, flyer, or phone call.

298 ~~[(c)](e)~~ An LEA shall keep minutes of meetings during which fee and waiver policies  
299 are developed or adopted, together with copies of approved policies, in accordance with  
300 Section 52-4-203.

301 (3)(a) As part of an LEA's fee setting process, the LEA shall establish a per student  
302 annual maximum fee amount that the LEA's schools may charge a student for the student's  
303 participation in all courses, programs, and activities provided, sponsored, or supported by a  
304 school for the year.

305 (b) An LEA shall establish:

306 (i) a maximum fee amount per student for each activity; and

307 (ii) a maximum total aggregate fee amount per student per school year.

308 (c) The amount of revenue raised by a student through an individual fundraiser shall  
309 be considered as part of the maximum fee amount per student for the activity and maximum  
310 total aggregate fee amount per student.

- 311 (4) As part of an LEA's fee setting process described in this Section, the LEA may  
312 review and consider at least the following per school:
- 313 (a) the school's student enrollment;
  - 314 (b) the median income of families:
    - 315 (i) within the school's boundary; or
    - 316 (ii) enrolled in the school;
  - 317 (c) the number and monetary amount of fee waivers, designated by individual fee,  
318 annually granted within the prior three years;
  - 319 (d) the historical participation and school interest in certain activities;
  - 320 (e) the prior year fee schedule;
  - 321 (f) the amount of revenue collected from each fee in the prior year;
  - 322 (g) fundraising capacity;
  - 323 (h) prior year community donors; and
  - 324 (i) other resources available, including through donations and fundraising.
- 325 ~~[(3)](5)(a)~~ An LEA shall [adopt procedures to reasonably ensure that the] annually  
326 provide written notice to a parent [or guardian] of each [child] student who attends a school  
327 within the LEA [receives written notice] of all current and applicable fee schedules and fee  
328 waiver policies.
- 329 (6)(a) An LEA shall annually:
- 330 (i) publish the LEA's fee waiver policies and fee schedule, including the fee maximums  
331 described in Subsection (3), on each of the LEA's schools' websites; and
  - 332 (ii) include a copy of the LEA's fee schedule and fee waiver policies with the LEA's  
333 registration materials.
- 334 (b) If an LEA's student and parent population in a single language other than English  
335 exceeds more than 20%, the LEA shall also publish the LEA's fee schedule and fee waiver  
336 policies in the language of those families.
- 337 (c) An LEA representative shall meet personally with each student's parent or family  
338 and make available an interpreter for the parent or family to understand the LEA's fee waiver  
339 schedules and policies if the student or family's first language:

- 340 (i) is a language other than English; and  
341 (ii) doesn't meet the benchmark described in Subsection (6)(b).  
342 (7) A notice described in Subsection (6) shall:  
343 (a) be in a form approved by the Board; and  
344 (b) include the following:  
345 (i) for a school serving elementary students:  
346 (A) school fees notice for families of children in elementary school;  
347 (B) fee waiver applications (elementary school);  
348 (C) fee waiver decision and appeals form, and  
349 (D) an elementary school poster; and  
350 (ii) for a school serving secondary students:  
351 (A) school fees notice for families of students in a secondary school;  
352 (B) fee waiver application (secondary school);  
353 (C) application for fee waivers and community service (secondary school);  
354 (D) community service obligations (secondary school);  
355 (E) community service assignments and notice of appeal rights;  
356 (F) appeal of community service assignment; and  
357 (G) a secondary school poster.  
358 ~~[(b)]~~ (8)(a) An LEA policy shall include easily understandable procedures for obtaining  
359 a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as possible before  
360 ~~[prior to the time when]~~ the fee[s] becomes due.  
361 (b) If an LEA denies a student or parent request for a fee waiver, the LEA shall provide  
362 the student or parent:  
363 (i) the LEA's written decision to deny a waiver; and  
364 (ii) the procedure for the appeal in the form approved by the Board.  
365 ~~[(4) An LEA shall include a copy of the schedules and waiver policies with registration~~  
366 ~~materials provided to potential or continuing students.]~~  
367 ~~[(5)]~~ (9)(a) A school may not deny a present or former student receipt of transcripts or  
368 a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.

369 (b) A school may impose a reasonable charge to cover the cost of duplicating, [or]  
370 mailing, or transmitting transcripts and other school records.

371 (c) A school may not charge for duplicating, [or] mailing, or transmitting copies of  
372 school records to an elementary or secondary school in which a former student is enrolled or  
373 intends to enroll.

374 ~~[(6)]~~ (10) To preserve equal opportunity for all students and to limit diversion of money  
375 and school and staff resources from the basic school program, each LEA's fee policies shall  
376 be designed to limit student expenditures for school-sponsored activities, including  
377 expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational  
378 leadership organizations, whether local, state, or national.

379 **R277-407-7. Donations in lieu of Fees.**

380 ~~[(7)]~~ (1)(a) A school may not request or accept a donation in lieu of a fee from a student  
381 or parent unless the activity, class, or program for which the donation is solicited will otherwise  
382 be fully funded by the LEA and receipt of the donation will not affect participation by an  
383 individual student.

384 (b) A donation is a fee if a student or parent is required to make the donation as a  
385 condition to the student's full participation in an activity, class, or program.

386 (c) An LEA may solicit and accept a donation or contribution in accordance with the  
387 LEA's policies, but all such requests must clearly state that donations and contributions by a  
388 student or parent are voluntary.

389 ~~[(b) A donation is a fee if a student is required to make a donation in order to~~  
390 ~~participate in an activity.]~~

391 (2) If an LEA solicits donations, the LEA:

392 (a) shall solicit and handle donations in accordance with policies established by the  
393 LEA; and

394 (b) may not place an undue burden on a student or family in relation to a donation.

395 (3) An LEA may raise money to offset the cost to the LEA attributed to fee waivers  
396 granted to students through the LEA's foundation.

397 (4) An LEA shall direct donations provided to the LEA through the LEA's foundation in  
398 accordance with the LEA's policies governing the foundation.

399 (5) A school district may not accept a donation that would create a significant inequity  
400 among the schools within the school district.

401 **R277-407-[6]8. Fee Waivers.**

402 (1)(a) All fees are subject to waiver.

403 (b) Fees charged for an activity, class, or program held outside of the regular school  
404 day, during the summer, or outside of an LEA's regular school year are subject to waiver.

405 (c) Non-waivable charges are not subject to waiver.

406 (2)(a) Except as provided in Subsection (2)(b), beginning with the 2020-21 school  
407 year, an LEA may not use revenue collected through fees to offset the cost of fee waivers by  
408 requiring students and families who do not qualify for fee waivers to pay an increased fee  
409 amount to cover the costs of students and families who qualify for fee waivers.

410 (b) An LEA may notify students and families that the students and families may  
411 voluntarily pay an increased fee amount as donation to cover the costs of other students and  
412 families.

413 (c) For an LEA with multiple schools, the LEA shall distribute the impact of fee waivers  
414 across the LEA so that no school carries a disproportionate share of the LEA's total fee  
415 waiver burden.

416 ~~[(4)](3)~~ An LEA shall provide, as part of any fee policy or schedule, for adequate  
417 waivers or other provisions in lieu of fee waivers to ensure that no student is denied the  
418 opportunity to participate in a class or school-sponsored or supported activity because of an  
419 inability to pay a fee.

420 ~~[(2)An LEA shall waive textbook fees for eligible students in accordance with~~  
421 ~~Subsection 53G-7-603(2).]~~

422 ~~[(3)](4)~~ An LEA shall designate at least one person at an appropriate administrative  
423 level in each school to review and grant fee waiver requests.

424           ~~[(4)]~~(5) An LEA shall administer the process for obtaining a fee waiver or pursuing an  
425 alternative fairly, objectively, without delay, and in a manner that avoids stigma,  
426 embarrassment, undue attention, and unreasonable burdens on students and parents.

427           ~~[(5)]~~(6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a  
428 fee waiver differently from other students.

429           ~~[(6)]~~(7)(a) A school may not identify a student on fee waiver to students, staff  
430 members, or other persons who do not need to know.

431           (b) The prohibition described in Subsection (7)(a) includes a prohibition on using signs  
432 or banners during school registration.

433           ~~[(7)]~~(8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of fee waiver  
434 is available to any student whose parent is unable to pay a fee.

435           (b) A school or LEA administrator shall verify fee waivers consistent with this rule.

436           ~~[(8)]~~(9) An LEA shall submit fee waiver compliance forms to the Superintendent for  
437 each school that affirm compliance with the permanent injunction, [consistent with] issued by  
438 the court in Doe v. Utah State Board of Education, Civil No. 920903376 (3rd District 1994)  
439 [that affirm compliance with the permanent injunction].

440           ~~[(9)]~~(10) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver  
441 requests and denials which:

442           (a) ~~[gives]~~ provides parents the opportunity to review proposed alternatives to fee  
443 waivers;

444           (b) establishes a timely appeal process, which shall include the opportunity to appeal  
445 to the LEA or its designee; and

446           (c) suspends any requirement that a given student pay a fee during any period for  
447 which the student's eligibility for waiver is under consideration or during which an appeal of  
448 denial of a fee waiver is in process.

449           ~~[(10)]~~The granting of waivers and provisions in lieu of fee waivers in an LEA may not  
450 produce significant inequities through unequal impact on individual schools.]

451           (11) An LEA may pursue reasonable methods for collecting student fees, but may not,  
452 as a result of unpaid fees:

453 (a) exclude a student from school, activity, class, or program that is provided,  
454 sponsored, or supported by a school;

455 (b) refuse to issue a course grade; or

456 (c) withhold official student records, including written or electronic grade reports,  
457 diplomas or transcripts.

458 (12)(a) A school may withhold student records in accordance with Subsection 53G-8-  
459 212(2)(a).

460 (b) Notwithstanding Subsection (12)(a), a school may not withhold any records required  
461 for student enrollment or placement in a subsequent school.

462 (13) A school is not required to waive a non-waivable charge. [fees for class rings,  
463 letter jackets, school photos, or yearbooks, which are not required for participation in a class  
464 or activity.

465 (14) Expenditures for uniforms, costumes, clothing, or accessories, other than items  
466 of typical student dress, which are required for school attendance or participation in school  
467 activities, and expenditures for student travel as part of a school team, student group, or other  
468 school-approved trip, are fees requiring approval of the LEA, and are subject to the provisions  
469 of this section.]

470 **R277-407-9. Service In Lieu of Fees -- Voluntary Requests for Installment Plans.**

471 (1) Subject to the provisions of Subsection (2), an LEA may allow a student to perform  
472 community service in lieu of a fee, but community service in lieu of a fee may not be required.

473 (2) An LEA may allow a student to perform community service in lieu of a fee if:

474 (a) the LEA establishes a community service policy that ensures that a community  
475 service assignment is appropriate to the:

476 (i) age of the student;

477 (ii) physical condition of the student; and

478 (iii) maturity of the student;

479 (b) the LEA's community service policy is consistent with state and federal laws,  
480 including:



- 481 (i) Section 53G-7-504; and  
482 (ii) the Federal Fair Labor Standards Act, 29 U.S.C. §201;  
483 (c) the community service can be performed within a reasonable period of time; and  
484 (d) the service is at least equal to the minimum wage for each hour of service.  
485 (3)(a) A student who performs community service may not be treated differently than  
486 other students who pay a fee.  
487 (b) The community service may not create an unreasonable burden for a student or  
488 parent and may not be of such a nature as to demean or stigmatize the student.  
489 (4) An LEA shall transfer a student's community service credit to:  
490 (a) another school within the school district; or  
491 (b) another school district upon request of the student.  
492 (5)(a) An LEA may make an installment payment plan available to a parent or student  
493 to pay for a fee.  
494 (b) An installment payment plan described in Subsection (5)(a) may not be instigated  
495 by the school but must be voluntarily requested by the student or parent.  
496 (6) An LEA that charges fees shall adopt rules that include at least the following:  
497 (a) a process for obtaining waivers or pursuing alternatives that is administered fairly,  
498 objectively, and without delay, and avoids stigma and unreasonable burdens on students and  
499 families;  
500 (b) a process with no visible indicators that could lead to identification of fee waiver  
501 applicants;  
502 (c) a process that complies with the privacy requirements of the Family Educational  
503 Rights and Privacy Act of 1974, 20 U.S.C. §123g (FERPA);  
504 (d) a student may not collect fees or assist in the fee waiver approval process;  
505 (e) a standard written decision and appeal form is provided to every applicant; and  
506 (f) during an appeal the requirement that the fee be paid is suspended.

507 **R277-407-10. Individual and Group Fundraising Requirements.**

508 (1) An LEA governing board shall establish a fundraising policy that includes a  
509 fundraising activity approval process.

510 (2) An LEA's fundraising policy described in Subsection (1):

511 (a) may not authorize, establish, or allow for required individual fundraising;

512 (b) may provide optional individual fundraising opportunities for students to raise money  
513 to offset the cost of the student's fees;

514 (c) may allow for group fundraisers;

515 (d) shall prohibit denying a student membership in or participation on a team or group  
516 or in an activity based on the student's non-participation in a fundraiser; and

517 (e) shall require compliance with the requirements of Rule R277-113 when using  
518 alternative methods of raising revenue that do not include students.

519 **R277-407-~~[7]~~11. Fee Waiver Eligibility.**

520 (1) A student is eligible for fee waiver if an LEA receives verification that:

521 (a) based on family income, the student qualifies for free school lunch under United  
522 States Department of Agriculture child nutrition program regulations;

523 (b) the student to whom the fee applies receives SSI;

524 (c) the family receives TANF funding;

525 (d) the student is in foster care through the Division of Child and Family Services; or

526 (e) the student is in state custody.

527 (2) In lieu of income verification, an LEA may require alternative verification under the  
528 following circumstances:

529 (a) If a student's family receives TANF, an LEA may require a letter of decision  
530 covering the period for which a fee waiver is sought from the Utah Department of Workforce  
531 Services;

532 (b) If a student receives SSI, an LEA may require a benefit verification letter from the  
533 Social Security Administration;

534 (c) If a student is in state custody or foster care, an LEA may rely on the youth in care  
535 [custody] required intake form and school enrollment letter or both provided by a case worker  
536 from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.

537 (d) An LEA may not subject a student or family to unreasonable demands for re-  
538 qualification.

539 (3) A school may grant a fee waiver to a student, on a case by case basis, who does  
540 not qualify for a fee waiver under Subsection (1), but who, because of extenuating  
541 circumstances is not reasonably capable of paying the fee.

542 (4) If circumstances change for a student or family so that fee waiver eligibility no longer  
543 exists, a proportional share of the fees may be charged.

544 **R277-407-12. Fees for Textbooks and Remediation.**

545 (1) An LEA may not charge a fee for:

546 (a) a textbook as provided in Section 53G-7-603, except for a textbook used for a  
547 concurrent enrollment or advanced placement course as described in Subsection (2); or

548 (b) a remediation course, if, as described in Subsection 53G-7-504(1)(b):

549 (i) the student or the student's parent is financially unable to pay the fee;

550 (ii) the fee for remediation would constitute an extreme financial hardship on the  
551 student or student's parent; or

552 (iii) the student has suffered a long-term illness, death in the family, or other major  
553 emergency.

554 (2)(a) Except as provided in Subsection (2)(b), an LEA may charge a fee for a textbook  
555 used for a concurrent enrollment or advanced placement course, and the fee is waivable as  
556 described in Section R277-407-8.

557 (b) An LEA shall waive a fee for a textbook used for a concurrent enrollment or  
558 advanced placement course if:

559 (i) the student or the student's parent is financially unable to pay the fee;

560 (ii) the fee would constitute an extreme financial hardship on the student or student's  
561 parent; or

562 (iii) the fee would create a hardship on the student or the student's family due to a  
563 compelling personal or family circumstance.

564 **R277-407-13. Budgeting and Spending Revenue Collected Through Fees – Fee Revenue**  
565 **Sharing Requirements.**

566 (1) An LEA shall follow the general accounting standards described in Rule R277-113  
567 for treatment of fee revenue.

568 (2) An LEA shall:

569 (a) establish a spend plan for the revenue collected from each fee charged; and

570 (b) if the LEA has two or more schools within the LEA, share revenue loss across the  
571 LEA.

572 (3)(a) Financial inequities or disproportional impact of fee waivers may not fall  
573 inequitably on any one school within a school district.

574 (b) An LEA that has multiple schools shall establish a procedure to identify and address  
575 potential inequities due to the impact of the number of students who receive fee waivers within  
576 each of the LEA's schools.

577 **R277-407-[8]14. Fee Waiver Reporting Requirements.**

578 (1) An LEA shall attach to its annual S-3 statistical report for inclusion in the [State]  
579 Superintendent's [of Public Instruction's] annual report the following:

580 (a) a summary of:

581 (i) the number of students in the LEA given fee waivers;

582 (ii) the number of students who worked in lieu of a waiver; and

583 (iii) the total dollar value of student fees waived by the LEA;

584 (b) a copy of the LEA's fee and fee waiver policies;

585 (c) a copy of the LEA's fee schedule for students; and

586 (d) the notice of fee waiver criteria provided by the LEA to a student's parent [or  
587 guardian].

588 (e) a fee waiver compliance form approved by the Superintendent for each school and

589 LEA.

590 **R277-407-15. Superintendent and LEA Policy and Training Requirements.**

591 (1) The Superintendent shall provide ongoing training, informational materials, and  
592 model policies, as available, for use by LEAs.

593 (2) The Superintendent shall provide online training and resources for LEAs regarding:

594 (a) an LEA's fee approval process;

595 (b) LEA notification requirements;

596 (c) LEA requirements to establish maximum fees;

597 (d) fundraising practices;

598 (e) fee waiver eligibility requirements, including requirements to maintain student and  
599 family confidentiality; and

600 (f) community service or fundraising alternatives for students and families who qualify  
601 for fee waivers.

602 (3) An LEA governing board shall annually review the LEA's policies on school fees,  
603 fee waivers, fundraising, and donations.

604 (4) An LEA shall develop a plan for, at a minimum, annual training of LEA and school  
605 employees on fee related policies enacted by the LEA specific to each employee's job  
606 function.

607 **R277-407-16. Enforcement.**

608 (1) The Superintendent shall monitor LEA compliance with this rule:

609 (a) through the compliance reports provided in Section R277-407-8; and

610 (b) by such other means as the Superintendent may reasonably request at any time.

611 (2) If an LEA fails to comply with the terms of this rule or request of the Superintendent,  
612 the Superintendent shall send the LEA a first written notice of non-compliance, which shall  
613 include a proposed corrective action plan.

614 (3) Within 45 days of the LEA's receipt of a notice of noncompliance, the LEA shall:

615 (a) respond to the allegations of noncompliance described in Subsection (2); and

616 (b) work with the Superintendent on the Superintendent's proposed corrective action  
617 plan to remedy the LEA's noncompliance.

618 (4)(a) Within 15 days after receipt of a proposed corrective action plan described in  
619 Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to  
620 respond to allegations of noncompliance or to address the appropriateness of the proposed  
621 corrective action plan.

622 (b) The form of an informal hearing described in Subsection (4)(a) shall be as directed  
623 by the Superintendent.

624 (5) The Superintendent shall send an LEA a second written notice of non-compliance  
625 and request for the LEA to appear before a Board standing committee if:

626 (a) the LEA fails to respond to the first notice of non-compliance within 60 days; or

627 (b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b)  
628 within the time period established in the LEA's corrective action plan.

629 (6) If an LEA that failed to respond to a first notice of non-compliance receives a  
630 second written notice of non-compliance, the LEA may:

631 (a)(i) respond to the notice of non-compliance described in Subsection (5)(a); and

632 (ii) work with the Superintendent on a corrective action plan within 30 days of receiving  
633 the second written notice of non-compliance; or

634 (b) seek an appeal as described in Subsection (8)(b).

635 (7) If an LEA that failed to respond to a first notice of non-compliance fails to comply  
636 with either of the options described in Subsection (6), the Superintendent shall impose one of  
637 the financial consequences described in Subsection (10).

638 (8)(a) Prior to imposing a financial consequence described in Subsection (10), the  
639 Superintendent shall provide an LEA 30 days' notice of any proposed action.

640 (b) The LEA may, within 15 days after receipt of such notice request an appeal.

641 (9) If the LEA does not request a hearing, or if after a hearing the Superintendent finds  
642 that the allegations of noncompliance are substantially true, the Superintendent may continue  
643 with the suggested corrective action, formulate a new form of corrective action or additional  
644 terms and conditions which must be met, and may proceed with the appropriate remedy,

645 which may include an order to return funds improperly collected.

646 (10) A financial consequence may include:

647 (a) requiring an LEA to repay improperly charged fees, commensurate with the level  
648 of non-compliance;

649 (b) withholding all or part of an LEA's monthly Minimum School Program funds until the  
650 LEA comes into full compliance with the Superintendent's corrective action plan; and

651 (c) suspending the LEA's authority to charge fees for an amount of time specified by  
652 the Superintendent in the determination.

653 (11) The Superintendent's decision described in Subsection (9) is final and no further  
654 appeals are provided.

655 **KEY: education, school fees**

656 **Date of Enactment or Last Substantive Amendment: September 21, 2017**

657 **Notice of Continuation: July 19, 2017**

658 **Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3;**

659 **Subsection 53E-3-401(4); 53G-7-503(2) and 504; Doe v. Utah State Board of Education,**

660 **Civil No. 920903376**