

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
6 supervision 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
10 imposition of fees;

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

13 (d) Subsection [53G-7-503](#)~~(2)~~(4), which 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) The purpose of this rule is to:

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

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

21 (c) prohibit practices that would:

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

23 or

24 (ii) create a burden on a student or family as to have a detrimental impact on
25 participation.

26 (3) This Rule R277-407 is categorized as Category 3 as described in Rule [R277-](#)
27 [111](#).

28

29 **R277-407-2. Definitions.**

30 (1) "Co-curricular activity" means the same as that term is defined in Section
31 [53G-7-501](#).

32 (2) "Curricular activity" means the same as that term is defined in Section [53G-](#)
33 [7-501](#).

34 (3) "Extracurricular activity" means the same as that term is defined in Section
35 [53G-7-501](#).

36 (4)~~[(a)]~~ "Fee" means the same as that term is defined in Section [53G-7-501](#).
37 ~~[something of monetary value requested or required by an LEA as a condition to a~~
38 ~~student's participation in an activity, class, or program provided, sponsored, or~~
39 ~~supported by a school.~~

40 ~~——(b) "Fee" includes money or something of monetary value raised by a student or~~
41 ~~the student's family through fundraising.]~~

42 (5) ~~[(a)]~~ "Fundraiser," "fundraising," or "fundraising activity" means the same as
43 that term is defined in Rule R277-408.~~[an activity or event provided, sponsored, or~~
44 ~~supported by a school that uses students to generate funds to raise money to:~~

45 ~~——(i) provide financial support to a school or any of the school's classes, groups,~~
46 ~~teams, or programs; or~~

47 ~~——(ii) benefit a particular charity or for other charitable purposes.~~

48 ~~——(b) "Fundraiser," "fundraising," or "fundraising activity" may include:~~

49 ~~——(i) the sale of goods or services;~~

50 ~~——(ii) the solicitation of monetary contributions from individuals or businesses; or~~

51 ~~——(iii) other lawful means or methods that use students to generate funds.~~

52 ~~——(c) "Fundraiser," "fundraising," or "fundraising activity" does not include an~~
53 ~~alternative method of raising revenue without students.]~~

54 ~~[(6) "Group fundraiser" or "group fundraising" means a fundraising activity where~~
55 ~~the money raised is used for the benefit of the group, team, or organization.]~~

56 (6) "Individual fundraiser" or "individual fundraising" means the same as that
57 term is defined in Rule R277-408.~~[a fundraising activity where money is raised by each~~
58 ~~individual student to pay the individual student's fees.]~~

59 ~~[(8)(a) "Instructional equipment" means an activity, course, or program-related~~
60 ~~tool or instrument that:~~
61 ~~—— (i) is required for a student to use as part of an activity, course, or program in a~~
62 ~~secondary school;~~
63 ~~—— (ii) typically becomes the property of the student upon exiting the activity,~~
64 ~~course, or program; and~~
65 ~~—— (iii) is subject to fee waiver.~~
66 ~~—— (b) "Instructional equipment" includes:~~
67 ~~—— (i) shears or styling tools;~~
68 ~~—— (ii) a band instrument;~~
69 ~~—— (iii) a camera;~~
70 ~~—— (iv) a stethoscope; and~~
71 ~~—— (v) sports equipment, including a bat, mitt, or tennis racket.~~
72 ~~—— (c) "Instructional equipment" does not include school equipment.~~
73 ~~(9)(a) "Instructional supply" means a consumable or non-reusable supply that is~~
74 ~~necessary for a student to use as part of an activity, course, or program in a secondary~~
75 ~~school.~~
76 ~~—— (b) "Instructional supply" includes:~~
77 ~~—— (i) prescriptive footwear;~~
78 ~~—— (ii) brushes or other art supplies, including clay, paint, or art canvas;~~
79 ~~—— (iii) wood for wood shop;~~
80 ~~—— (iv) Legos for Lego robotics;~~
81 ~~—— (v) film; and~~
82 ~~—— (vi) filament used for 3D printing.]~~
83 (7) "Instructional equipment or supplies" means the same as that term is defined
84 in Section [53G-7-501](#).
85 ~~[(10)](8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf~~
86 ~~and the Blind.~~

87 ~~[(11)(a) "Maintenance of school equipment" means a cost, payment, or~~
88 ~~expenditure related to storing, repairing or keeping school equipment in good working~~
89 ~~condition.~~

90 ~~——(b) "Maintenance of school equipment" does not include the cost related to end-~~
91 ~~of-life replacement.]~~

92 [(42)](9) "Noncurricular club" has the same meaning as that term is defined in
93 Section [53G-7-701](#).

94 [(43)](10) "Non-waivable charge" means a cost, payment, or expenditure that:

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

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

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

99 (A) a concurrent enrollment class; or

100 (B) an advanced placement examination; or

101 (iii) except when requested or required by an LEA, a charge for a personal
102 consumable item such as a yearbook, class ring, letterman jacket or sweater, or other
103 similar item;

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

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

109 (i) a school uniform as provided in Section [53G-7-801](#);

110 (ii) a school lunch; or

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

113 [(14)](11) (a) "Provided, sponsored, or supported by a school" means an activity,
114 class, program, ~~[fundraiser,]~~ club, camp, clinic, or other event that:

115 (i) is authorized by an LEA or school, according to local education board policy;

116 or

117 (ii) satisfies at least one of the following conditions:

118 (A) the activity, class, program, ~~[fundraiser,]~~ club, camp, clinic, or other event is
119 managed or supervised by an LEA or school, or an LEA or school employee in the
120 employee's school employment capacity;

121 (B) the activity, class, program, ~~[fundraiser,]~~ club, camp, clinic, or other event
122 uses, more than inconsequentially, the LEA or school's facilities, equipment, or other
123 school resources; or

124 (C) the activity, class, program, ~~[fundraising event,]~~ club, camp, clinic, or other
125 event is supported or subsidized, more than inconsequentially, by public funds,
126 including the school's activity funds or minimum school program dollars.

127 (b) "Provided, sponsored, or supported by a school" does not include an activity,
128 class, or program that meets the criteria of a noncurricular club as described in Title
129 [53G, Chapter 7, Part 7](#), Student Clubs.

130 ~~[(15)](12)~~ (a) "Provision in lieu of fee~~[-waiver]~~" means an alternative to fee
131 payment~~[-or waiver of fee payment]~~.

132 (b) "Provision in lieu of fee"~~[-waiver]-does not~~ may include a plan under which
133 fees are paid in installments or under some other delayed payment arrangement or a
134 service in lieu of fee payment agreement.

135 ~~[(16)](13)~~ "Regular school day" has the same meaning as the term "school day"
136 described in Section [R277-419-2](#).

137 ~~[(17)](14)~~ "Requested or required by an LEA as a condition to a student's
138 participation" means something of monetary value that is impliedly or explicitly
139 mandated or necessary for a student, parent, or family to provide so that a student may:

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

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

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

- 144 (i) peer pressure, shaming, stigmatizing, bullying, or the like; or
145 (ii) withholding or curtailing any privilege that is otherwise provided to any other
146 student.

147 (15) "School activity clothing" means the same as that term is defined in Section
148 53G-7-501.

149 ~~[(18) "School day" has the same meaning as defined in Section R277-419-2.]~~

150 ~~[(19)](16)(a) "School equipment" means the same as that term is defined in~~
151 Section 53G-7-501. ~~[a durable school-owned machine, equipment, or tool used by a~~
152 ~~student as part of an activity, course, or program in a secondary school.]~~

153 (b) "School equipment" includes a saw or 3D printer.

154 ~~[(20)](17)(a) "Something of monetary value" means a charge, expense, deposit,~~
155 ~~rental, fine, or payment, regardless of how the payment is termed, described, requested~~
156 ~~or required directly or indirectly, in the form of money, goods or services.~~

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

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

160 (ii) payments made to a third party that provide a part of a school activity, class,
161 or program;

162 (iii) classroom supplies or materials; and

163 (iv) a fine, except for a student fine specifically approved by an LEA for:

164 (A) failing to return school property;

165 (B) losing, wasting, or damaging private or school property through intentional,
166 careless, or irresponsible behavior; or

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

168 (c) "Something of monetary value" does not include a payment or charge for
169 damages, which may reasonably be attributed to normal wear and tear.

170 ~~[(21)](18)(a) "Student supplies" means items which are the personal property of~~
171 ~~a student which, although used in the instructional process, are also commonly~~

172 purchased and used by persons not enrolled in the class or activity in question and
173 have a high probability of regular use in other than school-sponsored activities.

174 (b) "Student supplies" include:

175 (i) pencils;

176 (ii) paper;

177 (iii) notebooks;

178 (iv) crayons;

179 (v) scissors;

180 (vi) basic clothing for healthy lifestyle classes; and

181 (vii) similar personal or consumable items over which a student retains
182 ownership.

183 (c) "Student supplies" does not include items listed in Subsection ~~[(20)](18)~~ (b) if
184 the requirement from the school for the student supply includes specific requirements
185 such as brand, color, or a special imprint to create a uniform appearance not related to
186 basic function.

187 ~~[(22)](19)~~ "Supplemental Nutrition Assistance Program" or "SNAP" means a
188 program, formerly known as food stamps, which provides nutrition benefits to
189 supplement the food budget of low income families through the Utah Department of
190 Workforce Services.

191 ~~[(23)](20)~~ "Supplemental Security Income for children with disabilities" or "SSI"
192 means a benefit administered through the Social Security Administration that provides
193 payments for qualified children with disabilities in low income families.

194 ~~[(24)](21)~~ "Temporary Assistance for Needy Families" or "TANF," means a
195 program, formerly known as AFDC, which provides monthly cash assistance and food
196 stamps to low income families with children under age 18 through the Utah Department
197 of Workforce Services.

198 ~~[(25)](22)~~(a) "Textbook" means the same as that term is defined in Section 53G-
199 7-501.~~[instructional material necessary for participation in an activity, course or~~
200 ~~program, regardless of the format of the material.~~

201 ~~_____ (b) "Textbook" includes:~~
202 ~~_____ (i) hard copy book or printed pages of instructional material, including a~~
203 ~~consumable workbook;~~
204 ~~_____ (ii) computer hardware, software, or digital content; and~~
205 ~~_____ (iii) the maintenance costs of school equipment.~~
206 ~~_____ (c) "Textbook" does not include:~~
207 ~~_____ (i)] instructional equipment; or~~
208 ~~_____ (ii) instructional supplies].~~
209 ~~[(26)](23) "Waiver" means the same as that term is defined in Section 53G-7-~~
210 ~~501. [a full release from the requirement of payment of a fee and from any provision in~~
211 ~~lieu of fee payment.]~~

212
213 **R277-407-3. Classes and Activities During the Regular School Day.**

214 (1) An LEA may not charge a fee ~~[No fee may be charged]~~ in kindergarten
215 through grade six for:

- 216 (a) materials;
217 (b) textbooks;
218 (c) supplies, except for student supplies described in Subsection (6); or
219 (d) any class or regular school day activity, including assemblies and field trips.

220 (2)(a) An LEA may charge a fee in connection with an activity, class, or program
221 provided, sponsored, or supported by a school for a student in a secondary school that
222 takes place during the regular school day if:

- 223 ~~_____ (i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees;~~
224 ~~and~~
225 ~~_____ (ii) the fee is noticed and approved as provided in this rule.~~

226 (b) All fees are subject to the fee waiver requirements of Section R277-407-8.

227 (3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection
228 (3)(b), a school may charge a fee to a student in grade six if the student attends a
229 school that includes any of grades seven through twelve.

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

233 (c) If a school charges fees in accordance with Subsection (3)(a), the school
234 shall annually provide notice to parents that the school will collect fees from grade six
235 students and that the fees are subject to waiver.

236 (4) If a class is established or approved, which requires payment of fees or
237 purchase of items in order for students to participate fully and to have the opportunity to
238 acquire all skills and knowledge required for full credit and highest grades, the fees or
239 costs for the class shall be subject to the fee waiver requirements of Section R277-407-
240 8.

241 (5)(a) In project related courses, projects required for course completion shall be
242 included in the course fee.

243 (b) A school may require a student at any grade level to provide materials or pay
244 for an additional discretionary project if the student chooses a project in lieu of, or in
245 addition to a required classroom project.

246 (c) A school shall avoid allowing high cost additional projects, particularly if
247 authorization of an additional discretionary project results in pressure on a student by
248 teachers or peers to also complete a similar high cost project.

249 (d) A school may not require a student to select an additional project as a
250 condition to enrolling, completing, or receiving the highest possible grade for a course.

251 (6) An elementary school or elementary school teacher may provide to a
252 student's parent or guardian, a suggested list of student supplies for use during the
253 regular school day so that a parent or guardian may furnish, on a voluntary basis,
254 student supplies for student use, provided that, in accordance with Section [53G-7-503](#),
255 the following notice is provided with the list:

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

259 (7) A school may require a secondary student to provide student supplies,
260 subject to the requirements of [Section 53G-7-503](#) and Section R277-407-8.

261 ~~(8)(a) A school may require a secondary student to provide school activity~~
262 ~~clothing. [Except as provided in Subsection (9), if a school requires special shoes or~~
263 ~~items of clothing that meet specific requirements, including requesting a specific brand,~~
264 ~~fabric, or imprints, the cost of the special shoes or items of clothing are:]~~

265 ~~[(a)](b) School activity clothing is considered a fee[; and~~
266 ~~——(b)] is subject to fee waiver.~~

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

271

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

273 (1) A school may charge a fee, subject to the requirements of Section R277-407-
274 8, in connection with any school-sponsored activity, that does not take place during the
275 regular school day, regardless of the age or grade level of the student, if participation in
276 the activity is voluntary and does not affect a student's grade or ability to participate fully
277 in any course taught during the regular school day.

278 (2) A fee related to a co-curricular or extracurricular activity may not exceed the
279 maximum fee amounts for the co-curricular or extracurricular activity adopted by the
280 LEA governing board as described in Subsection R277-407-6(2).

281 (3) A school may only collect a fee for an activity, class, or program provided,
282 sponsored, or supported by a school consistent with LEA policies and state law.

283 (4) An LEA that provides, sponsors, or supports an activity, class, or program
284 outside of the regular school day or school calendar is subject to the requirements of
285 this rule regardless of the time or season of the activity, class, or program.

286

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

289 Fees for the following are waivable:

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

291 (a) primarily intended to serve school-age children, including a student
292 participating in an activity, class, or program through dual enrollment as described in
293 Rule [R277-438](#) or as described in Rule [R277-494](#); and

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

296 (2) an activity, class, or program that is explicitly or implicitly required:

297 (a) as a condition to receive a higher grade, or for successful completion of a
298 school class or to receive credit, including a requirement for a student to attend a
299 concert or museum as part of a music or art class for extra credit; or

300 (b) as a condition to participate in a school activity, class, program, or team,
301 including, a requirement for a student to participate in a summer camp or clinic for
302 students who seek to participate on a school team, such as cheerleading, football,
303 soccer, dance, or another team;

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

308 (4) an activity or program where full participation in the activity or program
309 includes:

310 (a) travel for state or national educational experiences or competitions;

311 (b) debate camps or competitions; or

312 (c) music camps or competitions;

313 (5) a concurrent enrollment, CTE, IB, or AP course; and

314 (6) the cost to access software, digital content, or other instructional materials
315 required as part of an activity, course or program.

316

317 **R277-407-6. LEA Requirements to Establish a Fee Schedule -- Maximum Fee**
318 **Amounts -- Notice to Parents.**

319 (1) An LEA, school, school official, or employee may not charge or assess a fee
320 or request or require something of monetary value in connection with an activity, class,
321 or program provided, sponsored, or supported by, and including for a co-curricular or
322 extracurricular activity, unless the fee:

323 (a) has been set and approved by the LEA's governing board;

324 (b) is equal to or less than the maximum fee amount established by the LEA
325 governing board as described in Subsection (4); and

326 (c) is included in an approved fee schedule.

327 (2)(a) If an LEA charges a fee, on or before April 1 and in consultation with
328 stakeholders, the LEA governing board shall annually adopt a fee schedule and fee
329 policies for the LEA in a regularly scheduled public meeting.

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

333 (c) An LEA shall:

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

336 (ii) encourage public participation in the development of fee schedules and
337 waiver policies.

338 (d) In addition to the notice requirements of Subsection (2)(c), an LEA shall
339 provide notice to parents and students of the meetings described in Subsections (2)(a)
340 and (b) using the same form of communication regularly used by the LEA to
341 communicate with parents, including notice by email, text, flyer, or phone call.

342 (e) An LEA shall keep minutes of meetings during which fee and waiver policies
343 are developed or adopted, together with copies of approved policies, in accordance with
344 Section [52-4-203](#).

345 (3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA
346 may amend the LEA's fee schedule if the LEA follows the process described in
347 Subsection (2) before approving the amended fee schedule.

348 (4)(a) As part of an LEA's fee setting process, an LEA shall establish:

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

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

351 [~~——(b) The amount of revenue raised by a student through an individual fundraiser~~
352 ~~shall be included as part of the maximum fee amount per student for the activity and~~
353 ~~maximum total aggregate fee amount per student.~~

354 ~~——(c) An LEA shall include the total per student amount expected to be received~~
355 ~~through required group fundraising as part of the maximum fee amount for an activity~~
356 ~~described in Subsection (4)(b)(i).]~~

357 [d](b) An LEA may establish a reasonable number of activities, courses, or
358 programs that will be covered by the annual maximum fee amount described in
359 Subsection (4)(a).

360 (5) As part of an LEA's fee setting process described in this section, the LEA
361 may review and consider the following per school:

362 (a) the school's cost to provide the activity, class, or program;

363 (b) the school's student enrollment;

364 (c) the median income of families:

365 (i) within the school's boundary; or

366 (ii) enrolled in the school;

367 (d) the number and monetary amount of fee waivers, designated by individual
368 fee, annually granted within the prior three years;

369 (e) the historical participation and school interest in certain activities;

370 (f) the prior year fee schedule;

371 (g) the amount of revenue collected from each fee in the prior year;

372 (h) fundraising capacity;

373 (i) prior year community donors; and

374 (j) other resources available, including through donations and fundraising.

375 (6)(a) If an LEA charges a fee, the LEA shall:

376 (i) annually publish the following on each of the LEA's schools' publicly available
377 websites:

378 (A) the LEA's fee waiver policies and fee schedule, including the fee maximums
379 described in Subsection (4);

380 (B) the LEA's fee waiver application;

381 (C) the LEA's fee waiver decision and appeals form; and

382 (D) the LEA's school fee notice for families;

383 (ii) annually include a copy of the LEA's fee schedule and fee waiver policies
384 with the LEA's registration materials; and

385 (iii) provide a copy of the LEA's fee schedule and fee waiver policies to a
386 student's parent who enrolls a student after the initial enrollment period.

387 (b) If an LEA's student or parent population in a single written language other
388 than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee
389 waiver policies in the language of those families.

390 (c) An LEA representative shall meet personally with each student's parent or
391 family and make available an interpreter for the parent to understand the LEA's fee
392 waiver schedules and policies if:

393 (i) the student or parent's first language is a language other than English; and

394 (ii) the LEA has not published the LEA's fee schedule and fee waiver policies in
395 the parent's first language.

396 (7)(a) An LEA policy shall include easily understandable procedures for
397 obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as
398 possible before the fee becomes due.

399 (b) If an LEA denies a student or parent request for a fee waiver, the LEA shall
400 provide the student or parent:

401 (i) the LEA's decision to deny a waiver; and

402 (ii) the procedure for the appeal in the form approved by the Board.

403 (8)(a) A school may not deny a present or former student receipt of transcripts or
404 a diploma, nor may a school refuse to issue a grade for a course for failure to pay
405 school fees.

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

408 (c) A school may not charge for duplicating, mailing, or transmitting copies of
409 school records to an elementary or secondary school in which a former student is
410 enrolled or intends to enroll.

411 (9) To preserve equal opportunity for all students and to limit diversion of money
412 and school and staff resources from the basic school program, each LEA's fee policies
413 shall be designed to limit student expenditures for school-sponsored activities, including
414 expenditures for activities, uniforms, clubs, clinics, travel, and subject area and
415 vocational leadership organizations, whether local, state, or national.

416

417 **R277-407-7. Donations in Lieu of Fees.**

418 (1)(a) A school may not request or accept a donation in lieu of a fee from a
419 student or parent unless the activity, class, or program for which the donation is solicited
420 will otherwise be fully funded by the LEA and receipt of the donation will not affect
421 participation by an individual student.

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

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

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

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

430 (b) may not place any undue burden on a student or family in relation to a
431 donation.

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

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

436 (5) If an LEA accepts a donation, the LEA shall prevent potential inequities in
437 schools within the LEA when distributing the donation.

438

439 **R277-407-8. Fee Waivers.**

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

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

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

445 (2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue
446 collected through fees to offset the cost of fee waivers by requiring students and
447 families who do not qualify for fee waivers to pay an increased fee amount to cover the
448 costs of students and families who qualify for fee waivers.

449 (b) An LEA may notify students and families that the students and families may
450 voluntarily pay an increased fee amount or provide a donation to cover the costs of
451 other students and families.

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

456 (4) An LEA shall designate at least one person at an appropriate administrative
457 level in each school to review and grant fee waiver requests.

458 (5) An LEA shall administer the process for obtaining a fee waiver or pursuing an
459 alternative fairly, objectively, without delay, and in a manner that avoids stigma,
460 embarrassment, undue attention, and unreasonable burdens on students and parents.

461 (6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a
462 fee waiver differently from other students.

463 (7) A school may not identify a student on fee waiver to students, staff members,
464 or other persons who do not need to know.

465 (8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of a fee
466 ~~[waiver]~~payment is available to any student whose parent cannot pay a fee.

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

469 (9) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver
470 requests which:

471 (a) provides parents the opportunity to review proposed alternatives to fee
472 waivers;

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

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

478 (10) An LEA may pursue reasonable methods for collecting student fees, but
479 may not, as a result of unpaid fees:

480 (a) exclude a student from a school, an activity, class, or program that is
481 provided, sponsored, or supported by a school during the regular school day;

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

483 (c) withhold official student records, including written or electronic grade reports,
484 class schedules, diplomas or transcripts.

485 (11)(a) A school may withhold student records in accordance with Subsection
486 [53G-8-212\(2\)\(a\)](#).

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

489 (12) A school is not required to waive a non-waivable charge.

490

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

493 (1) Subject to the requirements of Subsection (2), an LEA may allow a student to
494 perform service in lieu of a fee, but service in lieu of a fee may not be required.

495 (2) An LEA may allow a student to perform service in lieu of a fee if the LEA
496 establishes a policy as described in Subsection R277-407-14(2).[:

497 ~~—— (a) the LEA establishes a service policy that ensures that a service assignment~~
498 ~~is appropriate to the:~~

499 ~~—— (i) age of the student;~~

500 ~~—— (ii) physical condition of the student; and~~

501 ~~—— (iii) maturity of the student;~~

502 ~~—— (b) the LEA's service policy is consistent with state and federal laws, including:~~

503 ~~—— (i) Section 53G-7-504; and~~

504 ~~—— (ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;~~

505 ~~—— (c) the service can be performed within a reasonable period; and~~

506 ~~—— (d) the service is at least equal to the minimum wage for each hour of service.]~~

507 (3)(a) A student who performs service may not be treated differently than other
508 students who pay a fee.

509 (b) The service may not create an unreasonable burden for a student or parent
510 and may not be of such a nature as to demean or stigmatize the student.

511 (4) An LEA shall transfer a student's service credit to:

512 (a) another school within the LEA; or

513 (b) another LEA upon request of the student.

514 (5)(a) An LEA may make an installment payment plan available to a parent or
515 student to pay for a fee.

516 (b) An installment payment plan described in Subsection (5)(a) may not be
517 required in lieu of a fee waiver.

518 (6) An LEA may provide optional individual fundraising opportunities for students
519 to raise money to offset the cost of the student's fees as provided in R277-408.

520 [~~—— (6) An LEA that charges fees shall adopt policies that include at least the~~
521 ~~following:~~

522 ~~—— (a) a process for obtaining waivers or pursuing alternatives that is administered~~
523 ~~fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on~~
524 ~~students and families;~~

525 ~~—— (b) a process with no visible indicators that could lead to identification of fee~~
526 ~~waiver applicants;~~

527 ~~—— (c) a process that complies with the privacy requirements of The Family~~
528 ~~Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);~~

529 ~~—— (d) a student may not collect fees or assist in the fee waiver approval process;~~

530 ~~—— (e) a standard written decision and appeal form is provided to every applicant;~~
531 ~~and~~

532 ~~—— (f) during an appeal the requirement that the fee be paid is suspended.]~~

533

534 **~~[R277-407-10. Individual and Group Fundraising Requirements.~~**

535 ~~—— (1) An LEA governing board shall establish a fundraising policy that includes a~~
536 ~~fundraising activity approval process.~~

537 ~~—— (2) An LEA's fundraising policy described in Subsection (1):~~

538 ~~—— (a) may not authorize, establish, or allow for required individual fundraising;~~

539 ~~—— (b) may provide optional individual fundraising opportunities for students to raise~~
540 ~~money to offset the cost of the student's fees;~~

541 ~~—— (c) may allow for required group fundraisers;~~

542 ~~—— (d) may not deny a student membership on a team or group, based on the~~
543 ~~student's non-participation in a fundraiser;~~

544 ~~—— (e) shall require compliance with the requirements of Rule R277-113 when using~~
545 ~~alternative methods of raising revenue that do not include students; and~~

546 ~~_____ (f) shall include a requirement that a school notify parents of required group~~
547 ~~fundraising, letting parents and students know how and when specific details, as~~
548 ~~described in Subsection (3), will be provided.~~

549 ~~_____ (3) The specific details described in Subsection (2)(f) shall include a description~~
550 ~~of the nature of the required group fundraiser and the estimated participation time~~
551 ~~required of the student or parent for the required group fundraiser.]~~

552

553 **R277-407-[11]10. Fee Waiver Eligibility.**

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

555 (a) in accordance with Subsection [53G-7-504](#)(4), based on the family income
556 levels established by the Superintendent as described in Subsection (2);

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

558 (c) the family receives TANF or SNAP funding;

559 (d) the student is in foster care through the Division of Child and Family
560 Services; [or]

561 (e) the student is in state custody[-]; or

562 _____ (f) the student qualifies for McKinney-Vento Homeless Assistance Act
563 assistance.

564 (2) The Superintendent shall annually establish income levels for fee waiver
565 eligibility and publish the income levels on the Board's website.

566 (3) In lieu of income verification, an LEA may require alternative verification
567 under the following circumstances:

568 (a) If a student's family receives TANF or SNAP, an LEA may require the
569 student's family to provide to the LEA an electronic copy or screenshot of the student's
570 family's eligibility determination or eligibility status covering the period for which a fee
571 waiver is sought from the Utah Department of Workforce Services;

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

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

578 (d) If a student qualifies for McKenny-Vento, verification is obtained through the
579 LEAs McKinney-Vento liaison.

580 [(d)](4)(a) An LEA may not subject a family to unreasonable demands for re-
581 qualification.

582 [(4)](b) A school may grant a fee waiver to a student, on a case by case basis,
583 who does not qualify for a fee waiver under Subsection (1), but who, because of
584 extenuating circumstances is not reasonably capable of paying the fee.

585 (5) An LEA may charge a proportional share of a fee or reduced fee if
586 circumstances change for a student or family so that fee waiver eligibility no longer
587 exists.

588 (6) An LEA may retroactively waive fees if eligibility can be determined to exist
589 before the date of the fee waiver application.

590

591 **R277-407-[12]11. Fees for Textbooks.**

592 (1) An LEA may not charge a fee for a textbook as provided in Section [53G-7-
593 603]53G-7-506, except for a textbook used for a concurrent enrollment, International
594 Baccalaureate, or [a]Advanced [p]Placement course as described in Subsection (2).

595 (2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment,
596 International Baccalaureate, or [a]Advanced [p]Placement course.

597 (b) A fee for a textbook used for a concurrent enrollment, International
598 Baccalaureate, or [a]Advanced [p]Placement course is fee waivable as described in
599 Section R277-407-8.

600

601 **R277-407-[13]12. Budgeting and Spending Revenue Collected Through Fees --**
602 **Fee Revenue Sharing Requirements.**

603 (1) An LEA shall follow the general accounting standards described in Rule
604 [R277-113](#) for treatment of fee revenue.

605 (2) An LEA shall establish a spend plan for the revenue collected from each fee
606 charged.

607 (3)(a) A spend plan described in Subsection (2)(a) provides students, parents,
608 and employees transparency by identifying a fee's funding uses.

609 (b) An LEA or school's spend plan shall identify the needs of the activity, course,
610 or program for the fee being charged and shall include a list or description of anticipated
611 types of expenditures, for the current fiscal year or as carryover for use in a future fiscal
612 year, funded by the fee charged.

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

616 (b) For an LEA with multiple schools, the LEA shall distribute the impact of fee
617 waivers across the LEA so that no school carries a disproportionate share of the LEA's
618 total fee waiver burden.

619

620 **R277-407-[14]13. Fee Waiver Reporting Requirements.**

621 (1) An LEA shall collect the following information, which may be requested by
622 the Superintendent as part of the Superintendent's monitoring of the LEA's school fees
623 practices:

624 ~~[(1)](a)~~ a summary of:

625 ~~[(a)](i)~~ the number of students in the LEA given fee waivers;

626 ~~[(b)](ii)~~ the number of students who worked in lieu of a waiver;

627 ~~[(c)](iii)~~ the number of students denied fee waivers; and

628 ~~[(d)](iv)~~ the total dollar value of student fees waived by the LEA; and

629 ~~[(2)](b)~~ the total dollar amount of all fees charged to students within all schools
630 within the LEA.

631 (2) An LEA shall submit school fee revenue information in the Utah Public
632 Education Financial System as provided in [R277-113](#).

633

634 **R277-407-~~145~~14. LEA Required Policies -- Superintendent and LEA Policy and**
635 **Training Requirements.**

636 (1) An LEA that charges fees shall adopt policies that include at least the
637 following:

638 (a) a process for obtaining waivers or pursuing alternatives that is administered
639 fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on
640 students and families;

641 (b) a process with no visible indicators that could lead to identification of fee
642 waiver applicants;

643 (c) a process that complies with the privacy requirements of The Family
644 Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);

645 (d) a student may not collect fees or assist in the fee waiver approval process;

646 (e) a standard written decision and appeal form is provided to every applicant;
647 and

648 (f) during an appeal the requirement that the fee be paid is suspended.

649 (2) An LEA that allows a student to perform service in lieu of a fee as described
650 in Section R277-407-9 if:

651 (a) the LEA establishes a service policy that ensures that a service assignment
652 is appropriate to the:

653 (i) age of the student;

654 (ii) physical condition of the student; and

655 (iii) maturity of the student;

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

657 (i) Section [53G-7-504](#); and

658 (ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;

659 (c) the service can be performed within a reasonable period; and

660 (d) the service is at least equal to the minimum wage for each hour of service.

661 ~~[(1)](3)~~ The Superintendent shall provide ongoing training, informational
662 materials, and model policies, as available, for use by LEAs.

663 ~~[(2)](4)~~ The Superintendent shall provide online training and resources for LEAs
664 regarding:

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

666 (b) LEA notification requirements;

667 (c) LEA requirements to establish maximum fees; and

668 ~~[(d) fundraising practices;]~~

669 ~~[(e)](d)~~ fee waiver eligibility requirements, including requirements to maintain
670 student and family confidentiality~~[- and]~~.

671 ~~[(f) community service or fundraising alternatives for students and families who~~
672 ~~qualify for fee waivers.]~~

673 ~~[(3)](5)~~ An LEA governing board shall annually review the LEA's policies on
674 school fees~~[- and]~~ and fee waivers~~[- fundraising, and donations]~~.

675 ~~[(4)](6)~~ An LEA shall develop a plan for, at a minimum, annual training of LEA
676 and school employees on fee related policies enacted by the LEA specific to each
677 employee's job function.

678

679 **R277-407-~~[16]~~15. Enforcement.**

680 (1) The Superintendent shall monitor LEA compliance with this rule.

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

684 (3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA
685 shall:

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

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

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

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

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

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

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

701 (6) If an LEA receives a second written notice of non-compliance, the LEA may:

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

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

705 (b) within 15 days after receipt of the second notice seek an appeal before a
706 Board standing committee.

707 (7) If an LEA that fails to respond to a first notice of non-compliance, and fails to
708 respond to a second notice of non-compliance, nor seeks an appeal as described in
709 Subsection (6)(b), the Superintendent shall impose one of the financial consequences
710 described in Subsection (10).

711 (8)(a) Before imposing a financial consequence described in Subsection (10),
712 the Superintendent shall provide an LEA 30 days' notice of any proposed action.

713 (b) The LEA may, within 15 days after receipt of a notice described in
714 Subsection (8)(a), request an appeal before a Board standing committee.

715 (9) If the LEA does not request an appeal described in Subsection (8)(b), or if
716 after the appeal the Board finds that the allegations of noncompliance are substantially
717 true, the Superintendent may continue with the suggested corrective action, formulate a

718 new form of corrective action or additional terms and conditions which must be met and
719 may proceed with the appropriate remedy which may include an order to return funds
720 improperly collected.

721 (10) A financial consequence may include:

722 (a) requiring an LEA to repay an improperly charged fee, commensurate with the
723 level of non-compliance;

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

726 (c) suspending the LEA's authority to charge fees for an amount of time
727 specified by the Superintendent or Board in the determination.

728 (11) The Board's decision described in Subsection (9) is final and no further
729 appeals are provided.

730

731 **R277-407-16. Distribution of Legislative Funds for School Fees.**

732 (1) When funds are appropriated by the Legislature for school fees, the
733 Superintendent shall determine LEA allocations by the April 30 prior to distributing the
734 funds as described in Subsection (2) and using prior year average daily membership.

735 (2) The Superintendent shall distribute available funds to LEAs with students
736 enrolled in grades 7-12, proportionately based on an LEA's number of students in the
737 applicable grades, weighting each student in grade 7 or 8 at .99 and each student in
738 grade 9, 10, 11 or 12 at 1.2.

739 (3) For funds appropriated by the Legislature during the 2024 Legislative
740 General Session, the Superintendent shall distribute the following to LEAs in operation
741 with enrolled students before July 1, 2025:

742 (a) 50% of the funds to LEAs for the fiscal year beginning on July 1, 2025;

743 (b) 30% of the funds to LEAs for the fiscal year beginning on July 1, 2026; and

744 (c) 20% of the funds to LEAs for the fiscal year beginning on July 1, 2027.

745

746 **KEY: education, school fees, policies, training**

747 **Date of Last Change: July 11, 2023**

748 **Notice of Continuation: August 19, 2021**

749 **Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; [53E-](#)**

750 **[3-401\(4\)](#); [53G-7-503](#)**