

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) Utah Constitution Article X, Section 2, 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(4), which requires the Board to adopt rules regarding
14 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 R277-407 is categorized as Category 3 as described in Rule R277-111.

27

28 **R277-407-2. Definitions.**

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

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

33 (3) "Discretionary Project" means the same as that term is defined in Section
34 53G-7-501.

35 [(3)](4) "Extracurricular activity" means the same as that term is defined in
36 Section 53G-7-501.

37 [(4)](5) "Fee" means the same as that term is defined in Section 53G-7-501.

38 (6) "Fee course" means the same as that term is defined in Section 53G-7-501.

39 [(5)](7) "Fundraiser," "fundraising," or "fundraising activity" means the same as
40 that term is defined in Rule R277-408.

41 [(6)](8) "Individual fundraiser" or "individual fundraising" means the same as that
42 term is defined in Rule R277-408.

43 [(7)](9) "Instructional equipment [or supplies]" means the same as that term is
44 defined in Section 53G-7-501.

45 (10) "Instructional supply" means the same as that term is defined in Section
46 53G-7-501.

47 [(8)](11) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
48 and the Blind.

49 [(9)](12) "Noncurricular club" has the same meaning as that term is defined in
50 Section 53G-7-701.

51 (13) "Non-fee course" means the same as that term is defined in Section 53G-7-
52 501.

53 [(10)](14) "Non-waivable charge" means a cost, payment, or expenditure that:

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

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

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

58 (A) a concurrent enrollment class; or

59 (B) an advanced placement examination; or

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

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

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

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

69 (ii) a school lunch; or

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

72 (15)(a) "Personal student supplies" means items which are the personal property
73 of a student which, although used in the instructional process, are also commonly
74 purchased and used by persons not enrolled in the class or activity in question and
75 have a high probability of regular use in other than school-sponsored activities.

76 (b) "Personal student supplies" include:

77 (i) pencils;

78 (ii) paper;

79 (iii) notebooks;

80 (iv) crayons;

81 (v) scissors;

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

83 (vii) similar personal or consumable items over which a student retains
84 ownership.

85 (c) "Personal student supplies" does not include items listed in Subsection
86 (15)(b) if the requirement from the school for the student supply includes specific
87 requirements such as brand, color, or a special imprint to create a uniform appearance
88 not related to basic function.

89

90

91 [(11)](16)(a) "Provided, sponsored, or supported by a school" means an activity,
92 class, program, club, camp, clinic, or other event that:
93 (i) is authorized by an LEA or school, according to local education board policy;
94 or
95 (ii) satisfies at least one of the following conditions:
96 (A) the activity, class, program, club, camp, clinic, or other event is managed or
97 supervised by an LEA or school, or an LEA or school employee in the employee's
98 school employment capacity;
99 (B) the activity, class, program, club, camp, clinic, or other event uses, more
100 than inconsequentially, the LEA or school's facilities, equipment, or other school
101 resources; or
102 (C) the activity, class, program, club, camp, clinic, or other event is supported or
103 subsidized, more than inconsequentially, by public funds, including the school's activity
104 funds or minimum school program dollars.
105 (b) "Provided, sponsored, or supported by a school" does not include an activity,
106 class, or program that meets the criteria of a noncurricular club as described in [Title](#)
107 [53G, Chapter 7, Part 7](#), Student Clubs.
108 [(12)](17)(a) "Provision in lieu of fee" means an alternative to fee payment.
109 (b) "Provision in lieu of fee" may include a plan under which fees are paid in
110 installments or under some other delayed payment arrangement or a service in lieu of
111 fee payment agreement.
112 [(13)](18) "Regular school day" has the same meaning as the term "school day"
113 described in Section [R277-419-2](#).
114 [(14)](19) "Requested or required by an LEA as a condition to a student's
115 participation" means something of monetary value that is impliedly or explicitly
116 mandated or necessary for a student, parent, or family to provide so that a student may:
117 (a) fully participate in school or in a school activity, class, or program;
118 (b) successfully complete a school class for the highest grade; or
119 (c) avoid a direct or indirect limitation on full participation in a school activity,
120 class, or program, including limitations created by:
121 (i) peer pressure, shaming, stigmatizing, bullying, or the like; or

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

124 (20) "Scholarship expense" means the same as that term is defined in Section
125 53F-6-401.

126 (21) "Scholarship student" means the same as that term is defined in Section
127 53F-6-401.

128 [(15)][(22)] "School activity clothing" means the same as that term is defined in
129 Section 53G-7-501.

130 [§16](23) (a) "School equipment" means the same as that term is defined in
131 Section 53G-7-501.

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

133 [§17](24) (a) "Something of monetary value" means a charge, expense, deposit,
134 rental, fine, or payment, regardless of how the payment is termed, described, requested
135 or required directly or indirectly, in the form of money, goods or services.

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

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

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

141 (iii) classroom supplies or materials; and

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

143 (A) failing to return school property;

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

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

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

149 [—— (18) (a) "student supplies" means items which are the personal property of a
150 student which, although used in the instructional process, are also commonly purchased
151 and used by persons not enrolled in the class or activity in question and have a high
152 probability of regular use in other than school-sponsored activities.

153 (b) "student supplies" include:

154 (i) pencils;

155 (ii) paper;

156 (iii) notebooks;

157 (iv) crayons;

158 (v) scissors;

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

160 (vii) similar personal or consumable items over which a student retains
161 ownership.

162 (c) "student supplies" does not include items listed in Subsection [(18)](23)(b) if
163 the requirement from the school for the student supply includes specific requirements
164 such as brand, color, or a special imprint to create a uniform appearance not related to
165 basic function.]

166 [(19)](25) "Supplemental Nutrition Assistance Program" or "SNAP" means a
167 program, formerly known as food stamps, which provides nutrition benefits to
168 supplement the food budget of low income families through the Utah Department of
169 Workforce Services.

170 [(20)](26) "Supplemental Security Income for children with disabilities" or "SSI"
171 means a benefit administered through the Social Security Administration that provides
172 payments for qualified children with disabilities in low income families.

173 [(21)](27) "Temporary Assistance for Needy Families" or "TANF," means a
174 program, formerly known as AFDC, which provides monthly cash assistance and food
175 stamps to low income families with children under age 18 through the Utah Department
176 of Workforce Services.

177 [(22)](28) "Textbook" means the same as that term is defined in Section 53G-7-
178 501.

179 [(23)](29) "Waiver" means the same as that term is defined in Section 53G-7-
180 501.

181

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

183 (1) An LEA may not charge a fee in kindergarten through grade six for:

184 (a) materials;
185 (b) textbooks;
186 (c) supplies, except for student supplies described in Subsection (6); or
187 (d) any class or regular school day activity, including assemblies and field trips.

188 (2)(a) An LEA may charge a fee related to an activity, class, or program
189 provided, sponsored, or supported by a school for a student in a secondary school that
190 takes place during the regular school day if:

191 (i) the fee is allowed to be charged under [Title 53G, Chapter 7](#), Student Fees;
192 and

193 (ii) the fee is noticed and approved as provided in this rule.

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

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

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

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

204 (4) If a class is established or approved, which requires payment of fees or
205 purchase of items in order for students to participate fully and to have the opportunity to
206 acquire skills and knowledge required for full credit and highest grades, the fees or
207 costs for the class shall be subject to the fee waiver requirements of Section R277-407-
208 8.

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

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

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

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

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

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

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

229 (8)(a) A school may require a secondary student to provide school activity
230 clothing.

231 (b) School activity clothing is considered a fee and is subject to fee waiver.

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

236

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

238 (1) A school may charge a fee, subject to the requirements of Section R277-407-
239 8, related to any school-sponsored activity, that does not take place during the regular
240 school day, regardless of the age or grade level of the student, if participation in the
241 activity is voluntary and does not affect a student's grade or ability to participate fully in
242 any course taught during the regular school day.

243 (2) A fee related to a [co-curricular or extracurricular activity]fee course may not
244 exceed the maximum fee amounts for the [co-curricular or extracurricular activity]fee
245 course adopted by the LEA governing board as described in Subsection R277-407-6(2).

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

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

251

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

254 Fees for the following are waivable:

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

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

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

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

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

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

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

273 (4) an activity or program where full participation in the activity or program

274 includes:

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

276 (b) debate camps or competitions; or

277 (c) music camps or competitions;

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

279 (6) the cost to access software, digital content, or other instructional materials

280 required as part of an activity, course, or program.

281

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

284 (1) An LEA, school, school official, or employee may not charge or assess a fee
285 or request or require something of monetary value related to an activity, class, or
286 program provided, sponsored, or supported by, and including for a [co-curricular or
287 extracurricular activity] fee course, unless the fee:

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

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

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

292 (2)(a) If an LEA charges a fee, on or before [April] [July] June 1 and in

293 consultation with stakeholders, the LEA governing board shall annually adopt a fee
294 schedule and fee policies for the LEA in a regularly scheduled public meeting.

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

298 (c) An LEA shall:

299 (i) provide public notice of the meetings described in Subsections (2)(a) and (b)

300 in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

301 (ii) encourage public participation in the development of fee schedules and

302 waiver policies.

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

307 (e) An LEA shall keep minutes of meetings during which fee and waiver policies
308 are developed or adopted, together with copies of approved policies, in accordance with
309 Section 52-4-203.

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

313 (4)(a) As part of an LEA's fee setting process, an LEA shall establish:
314 (i) a maximum fee amount per student for each activity; and
315 (ii) a maximum total aggregate fee amount per student per school year.

316 (b) An LEA may establish a reasonable number of activities, courses, or
317 programs that will be covered by the annual maximum fee amount described in
318 Subsection (4)(a).

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

321 (a) the school's cost to provide the activity, class, or program;
322 (b) the school's student enrollment;
323 (c) the median income of families:
324 (i) within the school's boundary; or
325 (ii) enrolled in the school;
326 (d) the number and monetary amount of fee waivers, designated by individual
327 fee, annually granted within the prior three years;

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

329 (f) the prior year fee schedule;

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

331 (h) fundraising capacity;

332 (i) prior year community donors; and

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

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

335 (i) annually publish the following on each of the LEA's schools' publicly available

336 websites:

337 (A) the LEA's fee waiver policies and fee schedule, including the fee maximums

338 described in Subsection (4);

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

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

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

342 (ii) annually include a copy of the LEA's fee schedule and fee waiver policies

343 with the LEA's registration materials;[~~and~~]

344 (iii) beginning in the 2026-2027 school year, clearly identify any fee for each

345 activity, course, or program alongside the description of the activity, course, or program

346 in the LEA's registration materials; and

347 [~~(iii)~~] (iv) provide a copy of the LEA's fee schedule and fee waiver policies to a

348 student's parent who enrolls a student after the initial enrollment period.

349 (b) If an LEA's student or parent population in a single written language other

350 than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee

351 waiver policies in the language of those families.

352 (c) An LEA representative shall meet personally with each student's parent or

353 family and make available an interpreter for the parent to understand the LEA's fee

354 waiver schedules and policies if:

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

356 (ii) the LEA has not published the LEA's fee schedule and fee waiver policies in

357 the parent's first language.

358 (7)(a) An LEA policy shall include easily understandable procedures for

359 obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as

360 possible before the fee becomes due.

361 (b) If an LEA denies a student or parent request for a fee waiver, the LEA shall

362 provide the student or parent:

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

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

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

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

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

378 (10) (a) Beginning with the 2026-2027 school year, each LEA that awards credit
379 toward graduation] shall ensure that each school that awards credit toward graduation
380 provides at least one option for each graduation requirement that:

381 (i) fulfills the graduation requirement; and

382 (ii) does not require the payment or waiver of any fee.

(b) Notwithstanding subsection (10)(a), a charter school that only offers one of the following for a given graduation requirement is not required to provide an option that does not require the payment or waiver of any fee:

386 (i) an Advanced Placement course;

387 (ii) an International Baccalaureate course: or

388 (iii) a concurrent enrollment course, as described in Utah Code section 53E-10-
389 302.

390 (c) Nothing in Subsection (10) requires an LEA or a school to provide, without a
391 fee or fee waiver:

392 (i) a specific activity, course, or program; or

393 (ii) the student's preferred activity, course, or program.

394

395 R277-407-7. Fee Structure for Scholarship Student Expenses.

396 (1) An LEA that offers classes, programs, or services to scholarship students
397 that include expenses beyond tuition shall establish a transparent and fair fee structure
398 for those expenses.

399 (2) An LEA may establish the fee structure required under this Subsection (1)
400 without adhering to the requirements of R277-407-1 through R277-407-6.

401 (3) The fee schedule required under this Section (7) shall:

402 (a) be based on actual costs of providing the services or items covered by the
403 scholarship;

404 (b) be consistent with fees charged to enrolled students for the same services
405 or items, if applicable;

406 (c) itemize all charges and fees;

407 (d) explain the basis for each fee; and

408 (e) be updated annually.

409

410 **R277-407-[7]8. Donations in Lieu of Fees.**

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

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

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

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

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

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

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

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

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

431

432 R277-407-[819. Fee Waivers.

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

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

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

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

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

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

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

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

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

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

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

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

464 (a) provides parents the opportunity to review proposed alternatives to fee
465 waivers;

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

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

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

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

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

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

478 (11)(a) A school may withhold student records in accordance with Subsection
479 53G-8-212(2)(a).

480 (b) Notwithstanding Subsection [(12)](13)(a), a school may not withhold any
481 records required for student enrollment or placement in a subsequent school.

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

483

484 **R277-407--[9]10. Service In Lieu of Fees -- Provisions In Lieu of Fees -- Voluntary
485 Requests for Installment Plans.**

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

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

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

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

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

495 (a) another school within the LEA; or

496 (b) another LFA upon request of the student

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

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

501 (6) An LEA may provide optional individual fundraising opportunities for students
502 to raise money to offset the cost of the student's fees as provided in Rule [R277-408](#).

504 R277-407-[10]11. Fee Waiver Eligibility.

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

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

508 (b) the student to whom the fee applies receives SSI:

509 (c) the family receives TANE or SNAP funding;

510 (d) the student is in foster care through the Division of Child and Family

511 Services:

512 (e) the student is in state care; or

513 (f) the student qualifies for McKinney-Vento Homeless Assistance Act
514 assistance.

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

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

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

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

525 (c) If a student is in state care or foster care, an LEA may rely on the youth in
526 care required intake form and school enrollment letter or both provided by a case
527 worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice
528 Department; or

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

531 (4)(a) An LEA may not subject a family to unreasonable demands for re-
532 qualification.

533 (b) A school may grant a fee waiver to a student, on a case-by-case basis, who
534 does not qualify for a fee waiver under Subsection (1), but who, because of extenuating
535 circumstances is not reasonably capable of paying the fee.

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

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

541

542 R277-407-[11]12. Fees for Textbooks.

543 (1) An LEA may not charge a fee for a textbook as provided in Section [53G-7-](#)
544 [506](#), except for a textbook used for a concurrent enrollment, International
545 Baccalaureate or Advanced Placement course as described in Subsection (2).

546 (2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment,
547 International Baccalaureate, or Advanced Placement course.

548 (b) A fee for a textbook used for a concurrent enrollment, International
549 Baccalaureate, or Advanced Placement course is fee waivable as described in Section
550 R277-407-[§]19.

551

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

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

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

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

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

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

570

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

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

575 (a) a summary of:

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

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

578 (iii) the number of students denied fee waivers; and

579 (iv) the total dollar value of student fees waived by the LEA; and
580 (b) the total dollar amount of all fees charged to students within all schools within
581 the LEA.

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

584

585 **R277-407-[14]15. LEA Required Policies -- Superintendent and LEA Policy and**
586 **Training Requirements.**

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

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

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

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

596 (d) a student may not collect fees or assist in the fee waiver approval process;
597 (e) a standard written decision and appeal form is provided to every applicant;
598 and

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

600 (2) An LEA may allow a student to perform service in lieu of a fee as described
601 in Section R277-407-[9]10 if:

602 (a) the LEA establishes a service policy that ensures that a service assignment
603 is appropriate to the:

604 (i) age of the student;
605 (ii) physical condition of the student; and
606 (iii) maturity of the student;

607 (b) the LEA's service policy is consistent with state and federal laws, including:
608 (i) Section [53G-7-504](#); and
609 (ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;

610 (c) the service can be performed within a reasonable period; and
611 (d) the service is at least equal to the minimum wage for each hour of service.

614 (4) The Superintendent shall provide online training and resources for LEAs
615 regarding:

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

617 (b) LFA notification requirements:

618 (c) LFA requirements to establish maximum fees; and

619 (d) fee waiver eligibility requirements, including requirements to maintain student
620 and family confidentiality

621 (5) An LEA governing board shall annually review the LEA's policies on school
622 fees and fee waivers

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

626

627 R277-407-[15]16. Enforcement.

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

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

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

634 (a) respond to the allegations of non-compliance described in Subsection (2);
635 and

636 (b) work with the Superintendent on the Superintendent's proposed corrective
637 action plan to remedy the LEA's non-compliance.

638 (4)(a) Within 15 days after receipt of a proposed corrective action plan described
639 in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent

640 to respond to allegations of non-compliance or to address the appropriateness of the
641 proposed corrective action plan.

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

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

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

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

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

651 (a)(i) respond to the notice of non-compliance described in Subsection (5); and
652 (ii) work with the Superintendent on a corrective action plan within 30 days of
653 receiving the second written notice of non-compliance; or

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

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

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

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

664 (9) If the LEA does not request an appeal described in Subsection (8)(b), or if
665 after the appeal the Board finds that the allegations of non-compliance are substantially
666 true, the Superintendent may continue with the suggested corrective action, formulate a
667 new form of corrective action or additional terms and conditions which must be met and
668 may proceed with the appropriate remedy which may include an order to return funds
669 improperly collected.

670 (10) A financial consequence may include:

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

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

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

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

679

680 R277-407-[16]17. Distribution of Legislative Funds for School Fees.

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

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

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

691 (a) 50% of the funds to LEAs for the fiscal year beginning on July 1, 2025;
692 (b) 30% of the funds to LEAs for the fiscal year beginning on July 1, 2026; and
693 (c) 20% of the funds to LEAs for the fiscal year beginning on July 1, 2027.

694

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

696 **Date of Last Change: August 7, 2024**

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

698 **Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-**
699 **3-401(4); 53G-7-503**