

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) "Common education expense" means the same as that term is defined in
30 Section 53G-7-501.

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

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

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

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

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

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

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

42 (9) "Instructional equipment" means the same as that term is defined in Section
43 53G-7-501.

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

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

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

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

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

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

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

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

57 (A) ~~a concurrent enrollment class~~ from an institution of higher education; or

58 (B) [an advanced placement examination] post-secondary related courses; or
59 (iii)] except when requested or required by an LEA, a charge for a personal
60 consumable item such as a yearbook, class ring, letterman jacket or sweater, or other
61 similar item;
62 (b) is subject to sales tax as described in Utah State Tax Commission
63 Publication 35, Sales Tax Information for Public and Private Elementary and Secondary
64 Schools; or
65 (c) by Utah Code, federal law, or Board rule is designated not to be a fee,
66 including:
67 (i) a school uniform as provided in Section 53G-7-801;
68 (ii) a school lunch; or
69 (iii) a charge for a replacement for damaged or lost school equipment or
70 supplies.
71 (15)(a) "Personal student supplies" means items which are the personal property
72 of a student which, although used in the instructional process, are also commonly
73 purchased and used by persons not enrolled in the class or activity in question and
74 have a high probability of regular use in other than school-sponsored activities.
75 (b) "Personal student supplies" include:
76 (i) pencils;
77 (ii) paper;
78 (iii) notebooks;
79 (iv) crayons;
80 (v) scissors;
81 (vi) basic clothing for healthy lifestyle classes; and
82 (vii) similar personal or consumable items over which a student retains
83 ownership.
84 (c) "Personal student supplies" does not include items listed in Subsection
85 (15)(b) if the requirement from the school for the student supply includes specific

86 requirements such as brand, color, or a special imprint to create a uniform appearance
87 not related to basic function.

88 (16)(a) "Provided, sponsored, or supported by a school" means an activity,
89 class, program, club, camp, clinic, or other event that:

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

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

93 (A) the activity, class, program, club, camp, clinic, or other event is managed or
94 supervised by an LEA or school, or an LEA or school employee in the employee's
95 school employment capacity;

96 (B) the activity, class, program, club, camp, clinic, or other event uses, more
97 than inconsequentially, the LEA or school's facilities, equipment, or other school
98 resources; or

99 (C) the activity, class, program, club, camp, clinic, or other event is supported or
100 subsidized, more than inconsequentially, by public funds, including the school's activity
101 funds or minimum school program dollars.

102 (b) "Provided, sponsored, or supported by a school" does not include an activity,
103 class, or program that meets the criteria of a noncurricular club as described in Title
104 53G, Chapter 7, Part 7, Student Clubs.

105 (17)(a) "Provision in lieu of fee" means an alternative to fee payment.

106 (b) "Provision in lieu of fee" may include a plan under which fees are paid in
107 installments or under some other delayed payment arrangement or a service in lieu of
108 fee payment agreement.

109 (18) "Regular school day" has the same meaning as the term "school day"
110 described in Section R277-419-2.

111 (19) "Requested or required by an LEA as a condition to a student's
112 participation" means something of monetary value that is impliedly or explicitly
113 mandated or necessary for a student, parent, or family to provide so that a student may:

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

115 (b) successfully complete a school class for the highest grade; or
116 (c) avoid a direct or indirect limitation on full participation in a school activity,
117 class, or program, including limitations created by:
118 (i) peer pressure, shaming, stigmatizing, bullying, or the like; or
119 (ii) withholding or curtailing any privilege that is otherwise provided to any other
120 student.

121 (20) "Scholarship expense" means the same as that term is defined in Section
122 53F-6-401.

123 (21) "Scholarship student" means the same as that term is defined in Section
124 53F-6-401.

125 (22) "School activity clothing" means the same as that term is defined in Section
126 53G-7-501.

127 (23)(a) "School equipment" means the same as that term is defined in Section
128 53G-7-501.

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

130 (24)(a) "Something of monetary value" means a charge, expense, deposit,
131 rental, fine, or payment, regardless of how the payment is termed, described, requested
132 or required directly or indirectly, in the form of money, goods or services.

133 (b) "Something of monetary value" includes:
134 (i) charges or expenditures for a school field trip or activity trip, including related
135 transportation, food, lodging, and admission charges;
136 (ii) payments made to a third party that provide a part of a school activity, class,
137 or program;
138 (iii) classroom supplies or materials; and
139 (iv) a fine, except for a student fine specifically approved by an LEA for:
140 (A) failing to return school property;
141 (B) losing, wasting, or damaging private or school property through intentional,
142 careless, or irresponsible behavior; or
143 (C) improper use of school property, including a parking violation.

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

146 (25) "Supplemental Nutrition Assistance Program" or "SNAP" means a program,
147 formerly known as food stamps, which provides nutrition benefits to supplement the
148 food budget of low income families through the Utah Department of Workforce Services.

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

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

156 (28) "Textbook" means the same as that term is defined in Section 53G-7-501.

157 (29) "Waiver" means the same as that term is defined in Section 53G-7-501.

158

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

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

161 (a) materials;

162 (b) textbooks;

163 (c) supplies, except for student supplies described in Subsection (6); or

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

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

168 (i) the fee is allowed to be charged under Title 53G, Chapter 7, Student Fees;
169

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

171 (b) All fees are subject to the fee waiver requirements of Section R277.107.8

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

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

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

181 (4) If a class is established or approved, which requires payment of fees or
182 purchase of items in order for students to participate fully and to have the opportunity to
183 acquire skills and knowledge required for full credit and highest grades, the fees or
184 costs for the class shall be subject to the fee waiver requirements of Section R277-407-
185 8.

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

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

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

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

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

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

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

206 (8)(a) A school may require a secondary student to provide school activity
207 clothing.

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

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

213

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

215 (1) A school may charge a fee, subject to the requirements of Section R277-407-
216 8, related to any school-sponsored activity, that does not take place during the regular
217 school day, regardless of the age or grade level of the student, if participation in the
218 activity is voluntary and does not affect a student's grade or ability to participate fully in
219 any course taught during the regular school day.

220 (2) A fee related to a fee course may not exceed the maximum fee amounts for
221 the fee course adopted by the LEA governing board as described in Subsection R277-
222 407-6(2).

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

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

228

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

231 Fees for the following are waivable:

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

233 (a) primarily intended to serve school-age children, including a student
234 participating in an activity, class, or program through dual enrollment as described in
235 Rule R277-438 or as described in Rule R277-494; and

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

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

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

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

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

250 (4) an activity or program where full participation in the activity or program
251 includes:

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

253 (b) debate camps or competitions; or

254 (c) music camps or competitions;

255 [(5) a concurrent enrollment, CTE, IB, or AP course;] and

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

258

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

261 (1) An LEA, school, school official, or employee may not charge or assess a fee
262 or request or require something of monetary value related to an activity, class, or
263 program provided, sponsored, or supported by, and including for a fee course, unless
264 the fee:

265 (a) has been set and approved by the LEA's governing board;
266 (b) is equal to or less than the maximum fee amount established by the LEA
267 governing board as described in Subsection (4); and
268 (c) is included in an approved fee schedule.

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

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

275 (c) An LEA shall:
276 (i) provide public notice of the meetings described in Subsections (2)(a) and (b)
277 in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
278 (ii) encourage public participation in the development of fee schedules and
279 waiver policies.

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

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

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

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

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

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

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

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

299 (b) the school's student enrollment;

300 (c) the median income of families:

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

302 (ii) enrolled in the school;

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

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

306 (f) the prior year fee schedule;

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

308 (h) fundraising capacity;

309 (i) prior year community donors; and

310 (j) other resources available

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

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

314 (A) the LEA's fee waiver policies and fee schedule, including the fee maximums
315 described in Subsection (4):

(B) the LEA's fee waiver application;

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

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

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

(iii) beginning in the 2026-2027 school year, clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program in the LEA's registration materials; and

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

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

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

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

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

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

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

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

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

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

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

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

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

358 (i) fulfills the graduation requirement; and
359 (ii) does not require the payment or waiver of any fee.

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

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

368 (i) a specific activity, course, or program; or
369 (ii) the student's preferred activity, course, or program.

370

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

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

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

377 (3) The fee schedule required under this Subsection (7) shall:

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

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

382 (c) itemize all charges and fees;

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

384 (e) be updated annually.

385
386 **R277-407-8 Donations in Lieu of Fees**

588 K277-407-8. Donations in Eleg of Fees.

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

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

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

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

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

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

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

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

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

407

408 R277-407-9. Fee Waivers.

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

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

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

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

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

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

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

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

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

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

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

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

440 (a) provides parents the opportunity to review proposed alternatives to fee
441 waivers;

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

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

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

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

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

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

454 (11)(a) A school may withhold student records in accordance with Subsection
455 53G-8-212(2)(a).

456 (b) Notwithstanding Subsection (13)(a), a school may not withhold any records
457 required for student enrollment or placement in a subsequent school.

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

459

R277-407-10. Service In Lieu of Fees -- Provisions In Lieu of Fees -- Voluntary Requests for Installment Plans.

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

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

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

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

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

471 (a) another school within the LEA; or
472 (b) another LEA upon request of the student.

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

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

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

479

R277-407-11. Fee Waiver Eligibility.

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

482 (a) in accordance with Subsection 53G-7-504(4), based on the family income
483 levels established by the Superintendent as described in Subsection (2);

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

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

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

487 Services;

488 (e) the student is in state care; or
489 (f) the student qualifies for McKinney-Vento Homeless Assistance Act
490 assistance.

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

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

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

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

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

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

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

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

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

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

517

518 **R277-407-12. Fees for Textbooks.**

519 (1) An LEA may not charge a fee for a textbook as provided in Section 53G-7-
520 506, except for a textbook used for a concurrent enrollment, International
521 Baccalaureate, or Advanced Placement course as described in Subsection (2).

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

524 (b) A fee for a textbook used for a concurrent enrollment, International
525 Baccalaureate, or Advanced Placement course is fee waivable as described in Section
526 R277-407-9.

527

528 **R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee
529 Revenue Sharing Requirements.**

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

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

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

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

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

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

546

547 **R277-407-14. Fee Waiver Reporting Requirements.**

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

551 (a) a summary of:
552 (i) the number of students in the LEA given fee waivers;
553 (ii) the number of students who worked in lieu of a waiver;
554 (iii) the number of students denied fee waivers; and
555 (iv) the total dollar value of student fees waived by the LEA; and
556 (b) the total dollar amount of all fees charged to students within all schools within
557 the LEA.

558 (2) An LEA shall submit school fee revenue information in the Utah Public
559 Education Financial System as provided in Rule R277-113.

560

561 **R277-407-15. LEA Required Policies -- Superintendent and LEA Policy and
562 Training Requirements.**

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

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

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

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

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

574 and

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

576 (2) An LEA may allow a student to perform service in lieu of a fee as described

577 in Section R277-407-10 if:

578 (a) the LEA establishes a service policy that ensures that a service assignment

579 is appropriate to the:

580 (i) age of the student;

581 (ii) physical condition of the student; and

582 (iii) maturity of the student;

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

584 (i) Section 53G-7-504; and

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

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

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

588 (3) The Superintendent shall provide ongoing training, informational materials,

589 and model policies, as available, for use by LEAs.

590 (4) The Superintendent shall provide online training and resources for LEAs

591 regarding:

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

593 (b) LEA notification requirements;

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

595 (d) fee waiver eligibility requirements, including requirements to maintain student

596 and family confidentiality.

597 (5) An LEA governing board shall annually review the LEA's policies on school

598 fees and fee waivers.

599 (6) An LEA shall develop a plan for, at a minimum, annual training of LEA and

600 school employees on fee related policies enacted by the LEA specific to each

601 employee's job function.

602

603 **R277-407-16. Enforcement.**

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

605 (2) If an LEA fails to comply with the terms of this rule or request of the

606 Superintendent, the Superintendent shall send the LEA a first written notice of non-

607 compliance, which shall include a proposed corrective action plan.

608 (3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA

609 shall:

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

611 and

612 (b) work with the Superintendent on the Superintendent's proposed corrective

613 action plan to remedy the LEA's non-compliance.

614 (4)(a) Within 15 days after receipt of a proposed corrective action plan described

615 in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent

616 to respond to allegations of non-compliance or to address the appropriateness of the

617 proposed corrective action plan.

618 (b) The form of an informal hearing described in Subsection (4)(a) shall be as

619 directed by the Superintendent.

620 (5) The Superintendent shall send an LEA a second written notice of non-

621 compliance and request for the LEA to appear before a Board standing committee if:

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

623 or

624 (b) the LEA fails to comply with a corrective action plan described in Subsection

625 (3)(b) within the time period established in the LEA's corrective action plan.

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

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

628 (ii) work with the Superintendent on a corrective action plan within 30 days of

629 receiving the second written notice of non-compliance; or

630 (b) within 15 days after receipt of the second notice seek an appeal before a

631 Board standing committee.

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

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

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

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

646 (10) A financial consequence may include:

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

649 (b) withholding all or part of an LEA's monthly Minimum School Program funds
650 until the LEA comes into full compliance with the corrective action plan; and
651 (c) withholding the LEA's monthly Minimum School Program funds under section 511

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

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

655

656 R277-407-17. Distribution of Legislative Funds for School Fees.

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

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

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

670

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

672 Date of Last Change: July 8, 2025

673 Notice of Continuation: August 19, 2021

674 **Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E-**
675 **3-401(4); 53G-7-503**

676

677