

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 Rule R277-407 is categorized as Category 3 as described in Rule~~  
27 ~~R277-111.]~~

28

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

30            (1) "Action plan" means a plan requiring a student seeking a fee waiver for a  
31 second trip to perform school-related service or provide contributions in lieu of fees.

32            ~~[(4)]~~(2) "Common education expense" means the same as that term is defined in  
33 Section 53G-7-501.

34            ~~[(2)]~~(3) "Course" means the same as that term is defined in Section 53G-7-501.

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

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

39            ~~[(5)]~~(6) "Fee" means the same as that term is defined in Section 53G-7-501.

40            ~~[(6)]~~(7) "Fee course" means the same as that term is defined in Section 53G-7-  
41 501.

42            ~~[(7)]~~(8) "Fundraiser," "fundraising," or "fundraising activity" means the same as  
43 that term is defined in Rule R277-408.

44            ~~[(8)]~~(9) "Individual fundraiser" or "individual fundraising" means the same as  
45 that term is defined in Rule R277-408.

46            ~~[(9)]~~(10) "Instructional equipment" means the same as that term is defined in  
47 Section 53G-7-501.

48            ~~[(10)]~~(11) "Instructional supply" means the same as that term is defined in  
49 Section 53G-7-501.

50            ~~[(11)]~~(12) "LEA" includes, for purposes of this rule, the Utah Schools for the  
51 Deaf and the Blind.

52            ~~[(12)]~~(13) "Noncurricular club" has the same meaning as that term is defined in  
53 Section 53G-7-701.

54            ~~[(13)]~~(14) "Non-fee course" means the same as that term is defined in Section  
55 53G-7-501.

56            ~~[(14)]~~(15) "Non-waivable charge" means a cost, payment, or expenditure that:  
57 (a) is a personal discretionary charge or purchase, including:

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

60 (ii) a charge for college credit:

61 (A) from an institution of higher education; or

62 (B) post-secondary related courses; or

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

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

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

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

72 (ii) a school lunch; or

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

75 [(45)](16) (a) "Personal student supplies" means items which are the personal  
76 property of a student which, although used in the instructional process, are also  
77 commonly purchased and used by persons not enrolled in the class or activity in  
78 question and have a high probability of regular use in other than school-sponsored  
79 activities.

80 (b) "Personal student supplies" include:

81 (i) pencils;

82 (ii) paper;

83 (iii) notebooks;

84 (iv) crayons;

85 (v) scissors;

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

87 (vii) similar personal or consumable items over which a student retains  
88 ownership.

89 (c) "Personal student supplies" does not include items listed in Subsection (1)

90 (b) if the requirement from the school for the student supply includes specific  
91 requirements such as brand, color, or a special imprint to create a uniform  
92 appearance not related to basic function.

93 ~~[(46)]~~(17) (a) "Provided, sponsored, or supported by a school" means an  
94 activity, class, program, club, camp, clinic, or other event that:

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

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

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

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

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

107 (b) "Provided, sponsored, or supported by a school" does not include an activity,  
108 class, or program that meets the criteria of a noncurricular club as described in Title  
109 53G, Chapter 7, Part 7, Student Clubs.

110 ~~[(47)]~~(18) (a) "Provision in lieu of fee" means an alternative to fee payment.

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

114 ~~[(48)]~~(19) "Regular school day" has the same meaning as the term "school day"  
115 described in Section R277-419-2.

116            ~~[(19)]~~(20) "Requested or required by an LEA as a condition to a student's  
117 participation" means something of monetary value that is impliedly or explicitly  
118 mandated or necessary for a student, parent, or family to provide so that a student may:

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

126            ~~[(20)]~~(21) "Scholarship expense" means the same as that term is defined in  
127 Section 53F-6-401.

128            ~~[(24)]~~(22) "Scholarship student" means the same as that term is defined in  
129 Section 53F-6-401.

130            ~~[(22)]~~(23) "School activity clothing" means the same as that term is defined in  
131 Section 53G-7-501.

132            ~~[(23)]~~(24) (a) "School equipment" means the same as that term is defined in  
133 Section 53G-7-501.

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

135            ~~[(24)]~~(25) (a) "Something of monetary value" means a charge, expense,  
136 deposit, rental, fine, or payment, regardless of how the payment is termed, described,  
137 requested or required directly or indirectly, in the form of money, goods or services.

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

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

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

143            (iii) classroom supplies or materials; and

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

145 (A) failing to return school property;

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

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

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

151 ~~[(25)]~~(26) "Supplemental Nutrition Assistance Program" or "SNAP" means a  
152 program, formerly known as food stamps, which provides nutrition benefits to  
153 supplement the food budget of low income families through the Utah Department of  
154 Workforce Services.

155 ~~[(26)]~~(27) "Supplemental Security Income for children with disabilities" or "SSI"  
156 means a benefit administered through the Social Security Administration that provides  
157 payments for qualified children with disabilities in low income families.

158 ~~[(27)]~~(28) "Temporary Assistance for Needy Families" or "TANF," means a  
159 program, formerly known as AFDC, which provides monthly cash assistance and food  
160 stamps to low income families with children under age 18 through the Utah Department  
161 of Workforce Services.

162 ~~[(28)]~~(29) "Textbook" means the same as that term is defined in Section 53G-7-  
163 501.

164 (30)(a) "Trip" means a school-sponsored travel activity of two or more nights that  
165 requires a student to pay a fee for participation in the activity.

166 (30)(b) "Trip" does not include a travel activity of two or more nights related to an  
167 in-state activity sponsored by an association as that term is defined in Section 53G-7-  
168 801.

169 ~~[(29)]~~(31) "Waiver" means the same as that term is defined in Section 53G-7-  
170 501.

171

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

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

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

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

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

182 and

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

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

185 (3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection

186 (3)(b), a school may charge a fee to a student in grade six if the student attends a  
187 school that includes any of grades seven through twelve.

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

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

194 (4) If a class is established or approved, which requires payment of fees or  
195 purchase of items in order for students to participate fully and to have the opportunity to  
196 acquire skills and knowledge required for full credit and highest grades, the fees or  
197 costs for the class shall be subject to the fee waiver requirements of Section R277-407-  
198 8.

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

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

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

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

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

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

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

219 (8)(a) A school may require a secondary student to provide school activity  
220 clothing.

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

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

226

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

228 (1) A school may charge a fee, subject to the requirements of Section R277-407-  
229 8, related to any school-sponsored activity, that does not take place during the regular

230 school day, regardless of the age or grade level of the student, if participation in the  
231 activity is voluntary and does not affect a student's grade or ability to participate fully in  
232 any course taught during the regular school day.

233 (2) A fee related to a fee course may not exceed the maximum fee amounts for  
234 the fee course adopted by the LEA governing board as described in Subsection R277-  
235 407-6(2).

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

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

241  
242 **R277-407-5. Fee Waivable Activities, Classes, or Programs Provided, Sponsored,**  
243 **or Supported by a School.**

244 Fees for the following are waivable:

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

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

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

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

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

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

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

263 (4) an activity or program where full participation in the activity or program  
264 includes:

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

266 (b) debate camps or competitions; or

267 (c) music camps or competitions; and

268 (5) the cost to access software, digital content, or other instructional materials  
269 required as part of an activity, course, or program.

270

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

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

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

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

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

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

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

287 (c) An LEA shall:

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

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

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

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

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

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

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

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

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

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

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

311 (b) the school's student enrollment;

312 (c) the median income of families:

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

314 (ii) enrolled in the school;

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

- 317 (e) the historical participation and school interest in certain activities;
- 318 (f) the prior year fee schedule;
- 319 (g) the amount of revenue collected from each fee in the prior year;
- 320 (h) fundraising capacity;
- 321 (i) prior year community donors; and
- 322 (j) other resources available, including through donations and fundraising.
- 323 (6)(a) If an LEA charges a fee, the LEA shall:
- 324 (i) annually publish the following on each of the LEA's schools' publicly available
- 325 websites:
- 326 (A) the LEA's fee waiver policies and fee schedule, including the fee maximums
- 327 described in Subsection (4);
- 328 (B) the LEA's fee waiver application;
- 329 (C) the LEA's fee waiver decision and appeals form; and
- 330 (D) the LEA's school fee notice for families;
- 331 (ii) annually include a copy of the LEA's fee schedule and fee waiver policies
- 332 with the LEA's registration materials;
- 333 (iii) beginning in the 2026-2027 school year, clearly identify any fee for each
- 334 activity, course, or program alongside the description of the activity, course, or program
- 335 in the LEA's registration materials; and
- 336 (iv) provide a copy of the LEA's fee schedule and fee waiver policies to a
- 337 student's parent who enrolls a student after the initial enrollment period.
- 338 (b) If an LEA's student or parent population in a single written language other
- 339 than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee
- 340 waiver policies in the language of those families.
- 341 (c) An LEA representative shall meet personally with each student's parent or
- 342 family and make available an interpreter for the parent to understand the LEA's fee
- 343 waiver schedules and policies if:
- 344 (i) the student or parent's first language is a language other than English; and

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

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

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

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

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

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

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

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

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

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

370 (i) fulfills the graduation requirement; and

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

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

- 375 (i) an Advanced Placement course;
- 376 (ii) an International Baccalaureate course; or
- 377 (iii) a concurrent enrollment course, as described in Section 53E-10-302.

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

- 380 (i) a specific activity, course, or program; or
- 381 (ii) the student's preferred activity, course, or program.

382

383 **R277-407-7. Fee Structure for Scholarship Student Expenses.**

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

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

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

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

392 (b) ~~[be consistent with fees charged to enrolled students for the same services~~  
393 ~~or items, if applicable]~~ ensure all tuition, fees, and refund policies for scholarship  
394 students are identical to those applied to regularly enrolled students;

395 (c) itemize all charges and fees;

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

397 (e) be updated annually.

398

399 **R277-407-8. Donations in Lieu of Fees.**

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

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

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

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

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

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

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

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

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

420

421 **R277-407-9. Fee Waivers.**

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

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

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

427 (2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue  
428 collected through fees to offset the cost of fee waivers by requiring students and

429 families who do not qualify for fee waivers to pay an increased fee amount to cover the  
430 costs of students and families who qualify for fee waivers.

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

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

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

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

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

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

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

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

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

453 (a) provides parents the opportunity to review proposed alternatives to fee  
454 waivers;

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

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

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

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

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

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

467 (11)(a) A school may withhold student records in accordance with Subsection  
468 53G-8-212(2)(a).

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

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

472 (13) An LEA shall strictly limit fee waivers for trips to a maximum of two trips per  
473 student annually.

474 (14)(a) An LEA shall adopt policies to establish an overall dollar amount cap on  
475 total fee waivers.

476 (14)(b) The established cap described in Subsection (14)(a) shall apply per  
477 student, per school year.

478

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

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

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

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

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

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

490 (a) another school within the LEA; or

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

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

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

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

498 (7)(a) If a student seeks a fee waiver for a second trip in a single school year, an  
499 LEA shall require the student to complete an action plan.

500 (7)(b) The action plan described in Subsection (7)(a) shall require the student to  
501 perform school-related service or provide contributions in lieu of the fees for the second  
502 trip.

503

504 **R277-407-11. 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 TANF 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 McKenny-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 **R277-407-12. 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 R277-407-9.

551

552 **R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee**  
553 **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.

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

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 **R277-407-14. 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 **R277-407-15. 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 R277-407-10 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.

612 (3) The Superintendent shall provide ongoing training, informational materials,  
613 and model policies, as available, for use by LEAs.

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

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

617 (b) LEA notification requirements;

618 (c) LEA 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 **R277-407-16. Enforcement.**

628 (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 non-  
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 **R277-407-17. 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 April 30 before distributing the funds  
683 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: December 8, 2025**

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**

700

701