

Mark A. Strong proposes the following substitute bill:

School Fees Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to school fees.

Highlighted Provisions:

This bill:

- defines terms;
- requires a local education agency (LEA) to, beginning for the 2026-2027 school year:
 - ensure that a student has at least one option at the student's school to complete all required courses and credits without paying a fee or a waiver; and
 - clearly disclose any fee related to a course or activity in the description of the course or activity in the LEA's registration materials;
- prohibits an LEA from:
 - charging a student a fee for certain non-fee courses; or
 - charging a general fee or charging or increasing a fee to a student to supplement or supplant a fee the LEA is prohibited from charging;
- allows an LEA to charge a student a fee for certain expenses, under certain circumstances, including for:
 - expenses beyond the common delivery of instruction;
 - fee courses;
 - instructional supplies;
 - extracurricular activities;
 - a discretionary project; and
 - other additional expenses;
- repeals duplicative language regarding fees for textbooks; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-7-501, as last amended by Laws of Utah 2024, Chapters 20, 497

53G-7-502, as last amended by Laws of Utah 2024, Chapter 497

53G-7-505, as last amended by Laws of Utah 2019, Chapters 223, 293

REPEALS AND REENACTS:

53G-7-503, as last amended by Laws of Utah 2024, Chapter 497

REPEALS:

53G-7-506, as renumbered and amended by Laws of Utah 2024, Chapter 497

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-7-501** is amended to read:

53G-7-501 . Definitions.

As used in this part:

~~[(1) "Co-curricular activity" means an activity, a course, or a program that:]~~

~~[(a) is an extension of a curricular activity;]~~

~~[(b) is included in an instructional plan and supervised or conducted by a teacher or education professional;]~~

~~[(c) is conducted outside of regular school hours;]~~

~~[(d) is provided, sponsored, or supported by an LEA; and]~~

~~[(e) includes a required regular school day activity, course, or program.]~~

(1)(a) "Common education expense" means an expense an LEA incurs that is related to the delivery of instruction for all courses, unrelated to a specific course, program, or activity.

(b) "Common education expense" includes the employment of educators and staff, the provision of capital facilities, and operation and maintenance costs.

(2)(a) ["Curricular activity"] "Course" means an activity, a course, or a program that an LEA:

[(a)] (i) [is intended] intends to deliver instruction;

[(b)] (ii) [is provided, sponsored, or supported by an LEA] provides, sponsors, or supports; and

~~[(c)] (iii) [is conducted only]~~ conducts primarily during school hours.

~~(b)~~ "Course" includes a course in which a student is required to enroll as a condition of participation in a separate extracurricular activity.

~~(3)~~ "Discretionary project" means a project that a student completes in lieu of or in addition to a required classroom project in accordance with Section 53G-7-503.

~~[(3)] (4)~~ "Elementary school" means a school that provides instruction to students in grades kindergarten, 1, 2, 3, 4, 5, or 6.

~~[(4)] (5)(a)~~ "Elementary school student" means a student enrolled in an elementary school.

~~(b)~~ "Elementary school student" does not include a secondary school student.

~~[(5)] (6)(a)~~ "Extracurricular activity" means an activity~~[, a course,]~~ or a program that~~[is]:~~

~~[(i) not directly related to delivering required instruction;]~~

~~[(ii) (i) is not a [curricular activity or co-curricular activity] course; and~~

~~(ii) an LEA provides, sponsors, or supports.~~

~~[(iii) provided, sponsored, or supported by an LEA.]~~

~~(b)~~ "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.

~~[(6)] (7)(a)~~ "Fee" means a charge, expense, deposit, rental, or payment:

~~(i) regardless of how an LEA terms, describes, requests, or requires the charge, expense, deposit, rental, or payment~~~~[is termed, described, requested, or required] , directly or indirectly;~~

~~(ii) in the form of money, goods, or services; and~~

~~(iii) that is a condition to a student's full participation in or admission to an activity, course, or program that~~~~[is provided, sponsored, or supported by] an LEA provides, sponsors, or supports.~~

~~(b)~~ "Fee" includes:

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

~~[(ii) (i) payments~~~~[made]~~to a third party that provides a part of a school activity, class, or program; and

~~[(iii) charges or expenditures for classroom instructional equipment or supplies;]~~

~~[(iv) charges or expenditures for school activity clothing; and]~~

~~[(v)] (ii)~~ a fine other than a fine described in Subsection ~~[(6)(c)(i)] (7)(c)(i).~~

~~(c)~~ "Fee" does not include:

(i) a student fine [~~specifically approved by an LEA~~] that an LEA approves for:

(A) failing to return school property;

(B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, [~~or~~] including defacing or damaging school property as described in Section 53G-8-212; or

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

(ii) a payment for school breakfast or lunch;

(iii) a deposit that~~[is]~~:

(A) is a pledge securing the return of school property; and

(B) [~~refunded~~] the LEA or school refunds upon the return of the school property;

(iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program; or

(v) money or another item of monetary value [~~raised by~~] that a student or the student's family raises through fundraising.

(8) "Fee course" means a course that is not a non-fee course.

[(7)] (9)(a) "Fundraising" means an activity or event [~~provided, sponsored, or supported by an LEA that~~] that:

(i) an LEA provides, sponsors, or supports; and

(ii) uses students to generate funds or raise money to:

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

[(ii)] (B) benefit a particular charity or for other charitable purposes.

(b) "Fundraising" does not include an alternative method of raising revenue without students.

[(8)] (10)(a) "Instructional equipment~~[or supplies]~~" means an activity-, course-, or program-related [~~supply or~~] tool that:

(i) a student is required to use as part of an activity, course, or program in a secondary school; and

(ii) becomes the property of the student upon exiting the activity, course, or program[; and] .

[(iii) is subject to a fee waiver.]

(b) "Instructional equipment~~[or supplies]~~" does not include:

(i) school equipment[.];

(ii) an instructional supply; or

- 131 (iii) a personal student supply for a secondary student.
- 132 (11)(a) "Instructional supply" means a non-reusable or a consumable material or supply
 133 that is necessary to use, expend, or deplete as a component or element of an activity,
 134 course, or program in a secondary school.
- 135 (b) "Instructional supply" does not include a personal student supply for a secondary
 136 student.
- 137 (12) "Non-fee course" means a course that results in course credit or a course grade within
 138 the core standards the state board establishes under Section 53E-4-202 and other
 139 statutory requirements for:
- 140 (a) English language arts;
 141 (b) health education;
 142 (c) mathematics;
 143 (d) science; and
 144 (e) social studies.
- 145 (13)(a) "Personal student supply" means, for a secondary student, an object, tool,
 146 material, or supply that:
- 147 (i) is the personal property of the student;
 148 (ii) regardless of the use of the supply in the instructional process, individuals not
 149 enrolled in the course or activity also commonly purchase and use; and
 150 (iii) has a high probability of regular use in activities other than school-sponsored
 151 activities.
- 152 (b) "Personal student supply" includes pencils, papers, notebooks, crayons, scissors, and
 153 basic clothing.
- 154 [(9)] (14)(a) "School activity clothing" means special shoes or items of clothing that:
 155 (i) [(A) ~~that~~] meet specific requirements, including requesting a specific brand,
 156 fabric, or imprint;
- 157 [(B)] (ii) [that] a school requires a student to provide and to wear for an activity-,
 158 course-, or program-related activity; and
- 159 [(C)] (iii)(A) [that] the student rents while participating in the activity; or
 160 (B) become the property of the student upon exiting the activity, course, or
 161 program[; and] .
- 162 [(ii) ~~that are required to be worn by a student for an activity-, course-, or a~~
- 163 ~~program-related activity-]~~
- 164 (b) "School activity clothing" does not include:

165 (i) a school uniform; or
166 (ii) clothing that is commonly found in students' homes.

167 [(10)] (15) "School equipment" means a machine, equipment, facility, or tool that:
168 (a) is durable;
169 (b) is reusable;
170 [(c) is consumable;]
171 [(d)] (c) ~~[is owned by a secondary school]~~ a secondary school owns; and
172 [(e)] (d) a student uses as part of an activity, course, or program in a secondary school.

173 [(11)] (16)(a) "School uniform" means special shoes or an item of clothing that:
174 (i)(A) ~~[that]~~ meet specific requirements, including a requested specific color,
175 style, fabric, or imprint; and
176 (B) ~~[that]~~ a school requires a student to provide and wear during school attendance;
177 and
178 (ii) ~~[that is worn by a student for a curricular activity]~~ are the property of the student.

179 (b) "School uniform" does not include school activity clothing.

180 [(12)] (17) "Secondary school" means a school that provides instruction to students in
181 grades 7, 8, 9, 10, 11, or 12.

182 [(13)] (18) "Secondary school student":
183 (a) means a student enrolled in a secondary school; and
184 (b) includes a student in grade 6 if the student attends a secondary school.

185 [(14)] (19)(a) "Textbook" means instructional material necessary for participation in an
186 activity, course, or program, regardless of the format of the material.

187 (b) "Textbook" includes:
188 (i) a hardcopy book or printed pages of instructional material, including a
189 consumable workbook; or
190 (ii) computer hardware, software, or digital content.

191 (c) "Textbook" does not include school equipment, instructional equipment, or
192 instructional supplies.

193 [(15)] (20) "Waiver" means a full release from:
194 (a) a requirement to pay a fee; and ~~[from]~~
195 (b) any provision in lieu of fee payment.

196 Section 2. Section 53G-7-502 is amended to read:
197 **53G-7-502 . Schools to be free.**
198 (1) Except as otherwise provided in this public education code, and in accordance with

Utah Constitution, Article X, Section 2, the public education system shall be free to an individual:

~~[(1)] (a)~~ between five and 18 years old who is a resident; and

~~[(2)] (b)~~ over 18 years old who is domiciled in the state of Utah and has not completed requirements for a high school diploma.

(2)(a) Beginning for the 2026-2027 school year, ~~§~~ → **except as provided in Subsection**

~~(2)(b),~~ ← ~~§~~ each LEA that awards credit toward

graduation shall ensure that ~~§~~ → **[a student has at the student's school,]**

each school has ← ~~§~~ at least one option

for each graduation requirement that:

(i) fulfills the graduation requirement; and

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

~~§~~ → **(b) Subsection (2)(a) does not apply to a charter school that only offers one of the following for a given graduation requirement:**

(i) an Advanced Placement course;

(ii) an International Baccalaureate course; or

(iii) a concurrent enrollment course, as described in Section 53E-10-302.

~~[(b)] (c)~~ ← ~~§~~ Nothing in this Subsection (2) requires an LEA or a school to provide,

without a fee

or fee waiver:

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

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

Section 3. Section 53G-7-503 is repealed and reenacted to read:

53G-7-503 . Fees -- Prohibitions -- Voluntary supplies -- Enforcement -- Penalties.

(1) An LEA may only charge a fee that:

(a) this part authorizes;

(b) the LEA governing board notices and authorizes in accordance with Section 53G-7-505;

(c) is for a service or good that has a direct benefit to the student paying the fee so as to not be general in nature;

(d) is directly related to the expense the LEA incurs for providing a student the relevant activity, course, or program rather than being general in nature;

(e) is equal to or less than the expense described in Subsection (1)(d); and

(f) does not supplant or subsidize a fee the LEA is prohibited from charging, including

the normal expense of delivering instruction in a course.

(2) Beginning with the 2025-2026 school year, an LEA:

(a) except as provided in Subsection (2)(b), may not charge a secondary student a fee for:

(i) an expense related to a non-fee course;

(ii) a textbook;

(iii) school equipment; or

(iv) a common education expense;

(b) subject to Subsections (1) and (2)(a), may charge a secondary student a fee for:

(i) relating to a non-fee course or a fee course, for:

(A) instructional equipment;

(B) a school field trip or activity trip or performance, including related transportation, food, lodging, and admission charges or participation fees;

(C) school activity clothing;

(D) a discretionary project as described in Subsection (3); or

(E) a competency remediation program in accordance with Section 53G-9-803;

(ii) an expense related to a course, activity, or program that is a fee course, including:

(A) instructional supplies;

(B) the life-cycle replacement costs for school equipment directly related to the fee course;

(C) a musical instrument rental;

(D) licensing fees for fine arts intellectual property; or

(E) participating in a driver education course described in Section 53G-10-503;

(iii) an expense related to the following post-secondary-related courses, including tuition, college credit, an exam, or a textbook, as described in Section 53G-7-506:

(A) an Advanced Placement course;

(B) an International Baccalaureate course; or

(C) a concurrent enrollment course, as described in Section 53E-10-302;

(iv) an extracurricular activity, including the life-cycle replacement costs for school equipment directly related to the extracurricular activity;

(v) open enrollment application processing in accordance with Section 53G-6-402;

(vi) charter school application processing in accordance with Section 53G-6-503; and

(c) may charge a secondary student or an individual a fee for an adult education course in accordance with Section 53E-10-202.

(3) For a course requiring the completion of a project for a grade or credit:

- (a) a secondary student may request to complete a discretionary project in lieu of a required course activity or project if the discretionary project demonstrates the intended core competencies of the required course activity or project;
- (b) nothing prohibits a student from completing a discretionary project in addition to a required classroom project;
- (c) an LEA may require a student at any grade level to provide materials or pay an additional fee for a discretionary project or a project in which the student engages in addition to a required classroom project; and
- (d) nothing in this section entitles a student to an approval of the student's request described in Subsection (3)(a).

(4)(a) An LEA may not require a fee for:

- (i) elementary school activities that are part of the regular school day; or
- (ii) for supplies a student uses during the regular elementary school day.

(b) An elementary school or elementary school teacher:

- (i) may compile and provide to an elementary school student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish, only on a voluntary basis, the listed supplies for student use; and
- (ii) shall ensure that the list described in Subsection (4)(b)(i) includes the following language before identifying the supplies:

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

(5)(a) Notwithstanding Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part, the state board shall impose corrective action against the LEA, including:

- (i) requiring an LEA to repay the fee the LEA improperly charged;
- (ii) withholding state funds; or
- (iii) suspending the LEA's authority to charge fees for an amount of time the state board specifies.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:

- (i) that require notice and an opportunity to be heard for an LEA affected by a state board action described in this Subsection (5); and

293 (ii) to administer this Subsection (5).

294 Section 4. Section 53G-7-505 is amended to read:

295 **53G-7-505 . Approval and notice of student fees and waivers.**

296 (1) An LEA governing board shall annually:

297 (a) adopt fee policies and a fee schedule; and

298 (b) provide the fee schedule to each student and parent.

299 (2) For the fee schedule, the LEA governing board shall:

300 (a) before approving the fee schedule, provide at least two opportunities for the public to
301 comment on the proposed fee schedule;

302 (b) encourage public participation in the development of the fee schedule; and

303 (c) approve the fee schedule in a regularly scheduled public meeting.

304 (3)(a) The fee schedule shall include the following:

305 (i) a specific amount for each fee on the fee schedule;

306 (ii) if a student is responsible for multiple fees related to one activity, class, or
307 program, a clear and easy to understand delineation of each fee and the fee total
308 for each activity, class, or program;

309 (iii) the LEA's fee waiver policy, including an easily understandable statement
310 informing a parent that a student:

311 (A) may be eligible to have one or more fees waived; and

312 (B) may appeal the LEA's decision if the LEA denies a request for a fee waiver;
313 and

314 (iv) a corresponding spending plan for each fee.

315 (b) The LEA shall:

316 (i) publish the fee schedule on each of the LEA's school's websites; and

317 (ii) ~~[include a copy of the LEA's fee schedule with]~~ beginning for the 2026-2027
318 school year, clearly identify any fee for each activity, course, or program
319 alongside the description of the activity, course, or program in the LEA's
320 registration materials.

321 Section 5. **Repealer.**

322 This bill repeals:

323 Section 53G-7-506, **State policy on providing free textbooks.**

324 Section 6. **Effective Date.**

325 This bill takes effect:

326 (1) except as provided in Subsection (2), May 7, 2025; or

- 327 (2) if approved by two-thirds of all members elected to each house:
- 328 (a) upon approval by the governor;
- 329 (b) without the governor's signature, the day following the constitutional time limit of
- 330 Utah Constitution, Article VII, Section 8; or
- 331 (c) in the case of a veto, the date of veto override.